



Seiler's Lawsuit is Not Well Taken

The County, on advice from its Registrar of Voters (ROV), filed a lawsuit against Secretary of State Bowen's (SOS) decision to require a 10% manual audit for close elections tallied by electronic voting machines. Three other counties joined the lawsuit. The County claimed that the SOS does not have authority as California's chief elections officer to issue conditions confirming the accuracy of our elections. Now two court opinions have stated that the argument is not well taken.

The legislature passed laws that require the SOS to establish specifications for, and regulations governing, voting machines. She must determine that the systems are suitable for their intended purpose, and she must ensure they are safe from fraud or manipulation. After a thorough review, the scientific evidence overwhelmingly proved that the Diebold systems promoted by the ROV are in fact not safe from fraud or manipulation, or suitable for elections. Fulfilling her duty, the SOS ordered enhanced scrutiny for close elections, including a requirement that Diebold pay the costs. Remarkably, instead of rushing forward to demand conditions confirming the accuracy of elections, our county elections chief sued to stop the enhancements. Her reason: Diebold won't pay. In addition to the legal mandate, Diebold has a contractual obligation to pay for compliance with changes in regulations. Refusal is a breach of contract. She adds that the 1% audit, already in place, is as good as a 10% audit, and that the audit will take too long. The ROV is wrong on both points. Common sense tells us that the greater the sample, the higher the confidence in the result sampled. And, the audit will not take too long, if it occurs at all, because hand counting paper ballots, as opposed to the strips of paper produced by Diebold machines, can be done quickly and efficiently when done correctly.

When the lawsuit is put in perspective, only one conclusion can be drawn, the County is protecting Diebold and their source of hackable election machines. If the County sued Diebold, and many reasons exist to do so, including fraud, they would jeopardize their ability to conduct elections as they know them. Today, officials and voters are so far removed from the process of elections we have become dependent on machine vendors to participate in our democracy. Without Diebold, the County can't fulfill its mandate to hold elections. Instead of considering the option put forward repeatedly by citizens to hand count paper ballots in the precincts, the gold standard for transparency, County officials are

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In a democracy, the people count.



concerned about appearing incompetent. They would rather subject citizens to election results that can never be verified than offend their supplier of voting machines.

What citizens want, and are entitled to, are officials that are more interested in the integrity of elections, and our democracy, than in a power struggle with the SOS. The County has shown its willingness to throw millions of dollars at a corrupt voting system. We should not be surprised when they throw a few thousand more on unjustified lawsuits that do not benefit citizens.

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