

# ELECTION REFORM

# Briefing

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## The Business of Elections

In the aftermath of the 2000 election, voting machines became the focus of efforts to improve the nation's elections. With the passage of the \$3.86 billion Help America Vote Act (HAVA), counties and cities across the country started to consider replacing older voting machines with newer technologies.

Nearly four years later, the results are in. Mindful of Florida's punch-card follies in 2000, many state and local officials acted, and as a result, millions of voters will cast electronic ballots in 2004, many for the first time.

The switch from antiquated and maligned systems to state-of-the-art direct-recording electronic (DRE) systems has been increasingly controversial and divisive. As many now realize, paperless

DREs eliminate the ballot "middle man" that characterizes punch cards, optical scanner ballots and old-fashioned, hand-counted paper ballots. The DREs themselves display the ballot, store the vote, and generate the tally—all within their sleek cases.

With high-tech machines now handling more parts of the election process, the attention of many political observers, activists and voters has turned to the typically-ignored voting industry — the companies that make, market and maintain voting machines nationwide.



In this eighth edition in *electionline.org*'s series of Election Reform Briefings, we take an in-depth look at the “business of elections” – the market for election goods and services that is both the cause and effect of the Help America Vote Act (HAVA) of 2002.

Election companies, once relatively anonymous in the pre-2000 days when election administration was not a front-page issue, have found themselves at the center of debate.

In this environment, voting machine companies continue to be put on the defensive, forced to justify not just their products but their way of doing business.

Many industries and workers' unions that have dealings with the federal government are politically active. For election machine manufacturers to do the same is certainly not unique.

What is unique, however, is the delicate role that voting machines play in our democracy – particularly the new machines that were specifically purchased by states and

localities to make voting easier, more accurate and more accessible. The industry, after all, is not like any other. It is concerned with the most important exercise of democracy.

The machines, much like HAVA itself, were intended to restore voter confidence that was shaken after 2000. In the last year, however, the voting machine industry as a whole has faced questions that seem to have done the opposite.


Embarrassing internal documents have found their way into the media. Campaign donations and lobbying expenditures – not unusual for businesses of any kind but new to the world of election reform – are suddenly a hot topic for these companies. Security reports by experts both inside and outside government have challenged DRE security and accuracy. Nationally, a call for voter-verified paper audit trail to serve as a backup to electronic results, is finding receptive ears in state capitals from Sacramento to Columbus. In some cases, this new scrutiny has had an impact on the companies' bottom

line, belying the old adage that “there is no such thing as bad publicity,” perhaps leading some companies to rethink their investment in the election business.

This Briefing is intended to add depth and breadth to the current focus on election companies by offering information in several areas.

It provides a comprehensive analysis of the campaign finances and lobbying expenditures of several of the largest companies. *electionline.org* aims to elevate the level of debate both by making it clear that political activity is common throughout the “business of democracy” and by placing each company's individual activity in the overall context of political activity.

This briefing also details the history of the election business from the late 19th century to the present, looks at the process by which state and local election officials procure the companies' goods and services and examines the role of “home-state advantage” in procurement.



Election companies, once relatively anonymous in the pre-2000 days when election administration was not a front-page issue, have found themselves at the center of debate.

# Executive Summary

The once-overlooked election industry has become the focus of intense scrutiny in recent years with the passage of the Help America Vote Act (HAVA) and the promise of nearly \$4 billion in funds from Washington to purchase new voting machines, software and databases.

In the past two years, as concerns over the security and reliability of direct-recording electronic (DRE) voting machines have increased, so too has the public wariness over the political activity of companies that design, manufacture and maintain them. Specifically, many press reports and Web sites suggest a link between DRE manufacturers and the Republican Party, primarily owing to the fundraising activity and statements made by the CEO of the largest election system company, Diebold Inc., that he would help “deliver Ohio’s electoral votes” to President George W. Bush.

*Electionline.org*’s research found, however, that there is no industry-wide partisan trend to political contributions among the largest election system companies. While Diebold

and its executives gave more than \$400,000 to Republican candidates and the party from 2001 to the present, other companies, including Election Systems & Software (ES&S) and Sequoia Voting Systems gave a slight edge to Democratic candidates and party organizations.

Among other findings from 2001 to early 2004:

- Ohio-based Diebold Inc. contributed \$409,170 to Republicans and \$2,500 to Democrats.
- Nebraska-based ES&S and executives gave \$21,900 to Republicans and \$24,550 to Democrats.
- Contributions from California-based Sequoia Voting Systems and executives totaled \$3,500 to Republicans and \$18,500 to Democrats.
- Texas-based Hart InterCivic and executives donated \$3,250 to Republicans and \$2,500 to Democrats.

In addition, Sequoia and ES&S contributed \$150,000 to an effort to pass Proposition 41, California’s Voting Modernization Bond Act of 2002, a bill that provided nearly \$200

million for the purchase of new voting machines to replace punch cards in the state.

While some campaign finance reformers say any political contribution from a company dealing with something as important as elections can raise questions about credibility, an organization representing manufacturers agreed that while company contributions could raise concerns, executives and other employees do not have to, “give up their constitutional rights” because of the industry in which they work. The influence those contributions have on procurement is questionable based on some case studies.

Furthermore, despite employing lobbyists in 10 states, the extent of the “home-state advantage” gained by election machine manufacturers in the procurement process in their own state is not altogether clear. It has worked to the advantage of some companies in procuring contracts for voter registration databases, but clearly not for all voting machine manufacturers seeking to sell their products in their home states.

# Political Activity and Voting Machine Manufacturers

As concerns over the security and accuracy of electronic voting systems have grown, some manufacturers of voting systems have also had to grapple with concerns over their role and influence in partisan politics.

Over the past year, there have been a variety of reports by the press, individuals and independent organizations into campaign contributions made by voting machine vendors and their executives. There have been suggestions that these donations are at best conflicts of interest and, at worst, signs that voting machine companies might attempt or already have attempted to “fix” elections in which their products are used.<sup>1</sup>

Some see a direct link between DRE manufacturers and the Republican Party. Norman J. Ornstein of the American Enterprise Institute told *The Washington Post* that for some Democrats, the election of 2000 created, “enormous unease and distrust in the democratic process. You’ve triggered not very latent suspicions and paranoia among Democrats and liberals more than in conservatives.”<sup>2</sup>

The now-infamous quote by Walden O’Dell, CEO of Ohio-based Diebold, Inc. promising to “deliver” Ohio’s electoral votes to President Bush has become ubiquitous in press coverage of the issue. Those who have charged the 2000 election was “stolen” point to O’Dell and Diebold as proof that the same will happen again in 2004, except this

time with newer technology.

In response to these reports and allegations, plus general skepticism about e-voting systems, six election system companies - Advanced Voting Systems, Diebold Election Systems, Election Systems & Software, Hart InterCivic, Sequoia Pacific Voting Systems, and Unilect – formed the Electronic Technology Council in December 2003, under the umbrella of the Information Technology Association of America (ITAA) to advance the interests of these manufacturers.

Harris Miller, president of the ITAA, stated he agrees that CEOs of voting machine companies making political contributions “could create concerns that the process will be distorted.”

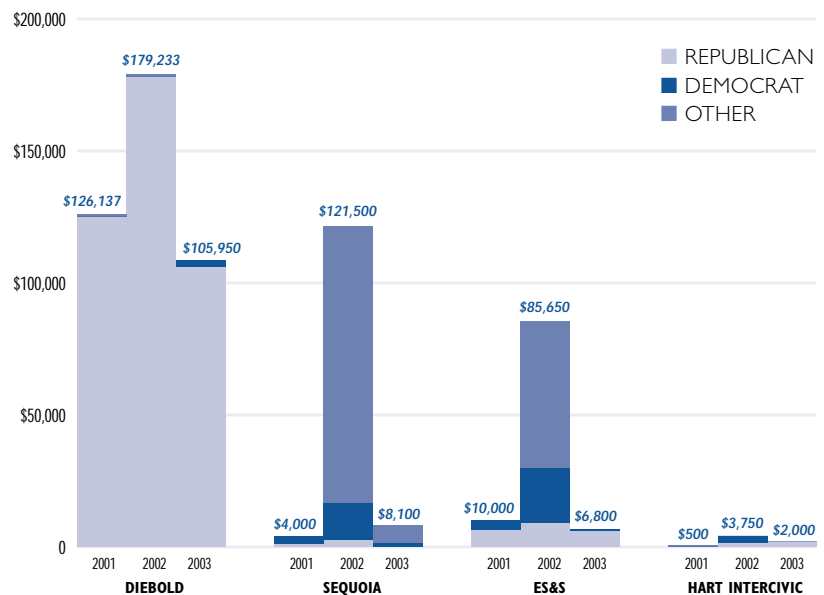
However, Miller believes when it comes to others who work for voting machine companies, it’s a different story.

“Why should individuals give up their constitutional rights to give money if they work for a voting machine company? There is nothing intrinsically wrong with individuals giving money,” Harris said.

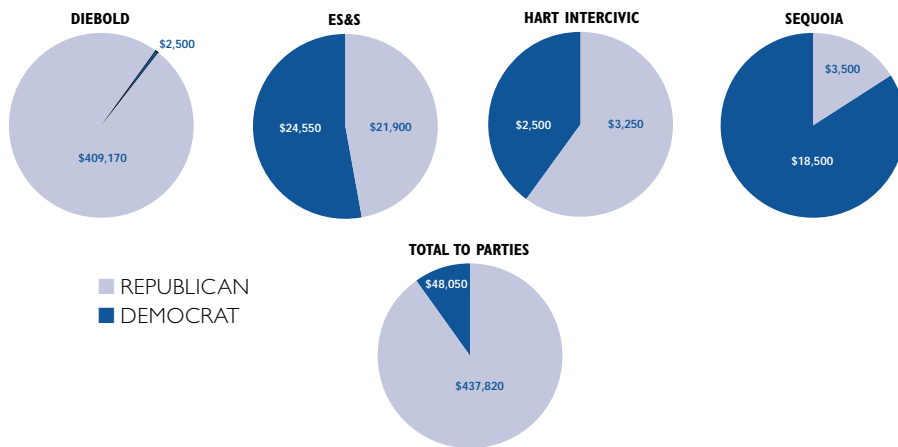
Any contribution from members of such an industry could be too much, said Meredith McGehee, a campaign finance reform advocate.

McGehee, president of the Alliance for Better Campaigns, a group that, like *electionline.org*, receives funding from The Pew Charitable Trusts, said the nature of the business performed by voting machine companies make political

**Partisan Contributions by Company, Board Members and Executives 2001 - 2003**



## Partisan Contributions Summary 2001 - 2003



activity especially troubling.

“We all know that democracy largely depends on the credibility of the process,” she said. “As you know, there were rumors that the machines were going to be all rigged because [O’Dell] was a Bush contributor. When you get to this area about the integrity of elections, it’s very important that there be no conflict of interest and no appearance of conflict of interest.”

### Partisan Giving

Previously dominated by a handful of companies, the market for electronic voting machines has expanded to 19 known vendors competing for multi-million dollar state and local contracts.<sup>3</sup>

*electionline.org*’s analysis suggests that as the manufacturers joust for market share around the country, there is no industry-wide partisan trend to political contributions. And, in fact, these contributions might not have been that significant in the burgeoning election machine market that has developed in the

past three years.

Contrary to many conspiracy theories that align voting machine companies with the Republican Party, voting machine companies are pragmatic in their political contributions.

In California, a state largely dominated by Democrats, voting machine manufacturers have given to Democratic candidates. Similarly, in Republican-controlled Ohio, the GOP has been, by and large, the primary recipient of voting machine company contributions.

Ohio-based Diebold, Inc. (which owns Diebold Election Systems) is most frequently cited as showing partisan bias in its political giving, and the numbers bear this out. Figures show that the company was the largest contributor of the voting machine vendors to the Republican Party, politicians and candidates between 2001 and early 2004.<sup>4</sup> During this period, contributions from Diebold and its executives totaled \$409,170 for Republicans and \$2,500 for Democrats.<sup>5</sup>

Yet, these large numbers mask

two key differences between Diebold and its competitors: scope of operations and transparency.

*Scope of operations.* Unlike its rivals Election Systems & Software (ES&S), Hart InterCivic and Sequoia Voting Systems, companies that concentrate solely on the manufacturing and distribution of voting machine software and systems, Diebold Inc. engages in multiple business activities with the majority of revenue stemming from the sale and maintenance of automatic teller machines worldwide.<sup>6</sup> Consequently, any analysis of Diebold’s political activity that associates every contribution with the company’s voting machine business runs the risk of misleading the reader.

*Transparency.* Moreover, unlike its rivals, Diebold is a public company and as such is much more transparent in terms of corporate leadership. This, in turn, makes it easier to identify and aggregate contributions associated with the company. Also, the company’s broader scope means that not all Diebold officers and directors who have made political donations have a hand in the operation of the election systems division – in fact, many play dual roles in the company’s activities. In addition, many of the contributions are made by directors not involved in the day-to-day operation of the company.

### Even Distribution

Diebold aside, it appears that political contributions by the other voting machine manufacturers are relatively small and fairly evenly distributed between the two major parties.

Nebraska-based ES&S and its executives made nearly equal dona-

tions to Republicans and Democrats. Republicans received \$21,900 and Democrats \$24,550.

Contributions from California-based Sequoia Voting Systems totaled \$3,500 to Republicans and \$18,500 to Democrats. Texas-based Hart InterCivic made the smallest contributions – totaling just **under** \$6,000 with \$3,250 to Republicans and \$2,500 to Democrats.

Furthermore, political contributions by voting machine manufacturers to political parties and candidates could drop precipitously in the near future. Diebold decided in June 2004 to ban top executives from making any political contributions.<sup>7</sup>

According to a company spokeswoman, ES&S has a policy against contributions by employees in the company's name.<sup>8</sup> This, however, is offset by federal and state requirements that donors disclose their employers.

While other companies have not faced the same criticism as Diebold for political involvement, the decision by the company could inspire others in the industry to stay out of elections, other than with their products.

### Case Study in Influence: California's Bond

There have been instances where political activity by voting machine vendors has had an impact on policy. The 2002 effort to secure public funding for the purchase of voting systems to replace punch cards in California attracted the attention and support of two of the “big five” voting machine companies: Sequoia and ES&S.

The Voting Modernization Bond Act of 2002, or Proposition 41, would allow the state to secure a

\$200 million bond for the purchase of new voting systems. Nearly two-thirds of voters had previously been using punch-card machines.

Sequoia and ES&S were the top two contributors in the effort to pass Proposition 41, donating \$100,000 and \$50,000 respectively. Their efforts – which funded advertisements, a Web site and other activities – helped to nudge the Act over the top in the March 2002 primary. It won with 51.6 percent of the vote on the strength of strong majorities in just a few populous counties, including Los Angeles, San Francisco and Marin.<sup>9</sup>

But the influence that voting machine companies buy with their contributions is not at all clear.

### Home-State Giving

If political contributions were exclusively to curry favor among state voting decision-makers, the question arises: why did Diebold give so much money in Ohio, where only a handful of counties are replacing voting systems this year, and none in Maryland and Georgia, two states that decided to purchase multi-million dollar statewide voting systems from the company?<sup>10</sup>

It could have to do with Diebold's other business, banking, and because of its relationship with top leaders in its home state, Ohio. Other companies, including Hart InterCivic, ES&S and Sequoia, have similarly made contributions to hometown candidates, political action committees, or both.

Sequoia, for example, contributed \$2,000 to Secretary of State Kevin Shelley's election efforts in 2002. As the state's top election official, Shelley is directly responsible for making decisions that impact

Sequoia's bottom line.

Was it money well spent? With Shelley's demand for voter-verified paper audit trails, he has often been at odds with DRE manufacturers, who insist their products are safe and reliable without paper receipts. Shelley has particularly had public differences with Riverside County registrar Mischelle Townsend, one of the industry's most vocal backers of DREs nationally, and a Sequoia customer.<sup>11</sup>

### Lobbying

Vendors have also paid for lobbying efforts at both the state and federal level.

Analysis of these reports is more problematic, given the wide range of state lobbying disclosure requirements. For example, many lobbyist reports analyzed for this study did not require lobbyists to include targeted officials or legislation, but rather stated that generally both House and Senate officials were lobbied.<sup>12</sup>

Moreover, lobbying expenses, compensation and expenditures varied from vendor to vendor with heavier activity in states considering larger contracts, such as California, New York and Ohio.

Nevertheless, even a cursory look at state lobbying reports suggests that companies are actively engaged in lobbying as part of their business efforts.

Between 2001 and 2003 Diebold, ES&S, Hart InterCivic, Sequoia and VoteHere engaged lobbyists in 21 states and several at the federal level.

ES&S employed the most lobbyists at the state level with lobbyists registered in 14 states from January 2001 to June 2003. ES&S spent a total of \$100,000 on com-

## Vendors Face Growing Scrutiny Over Contributions

Political activity by corporations is nothing new to the American political scene. While reports of campaign contributions and lobbying activity by voting equipment manufacturers represent a new development in the implementation of the Help America Vote Act (HAVA), the fact that profit-making enterprises are willing to invest to influence public policy is not surprising.

The growing scrutiny of such activity, however, is likely to trigger a variety of responses that act to put checks on political giving by election companies – requirements that could alter the relationships between voting equipment manufacturers and their clients in state and local government.

One response to public outcry about corporate political contributions is for companies simply to stop making them. This is the approach adopted by Ohio-based Diebold Inc., parent company of Texas-based Diebold Election Systems, which recently announced that all executives with oversight of the elections division would be prohibited from making, “contributions to, directly or indirectly, any political candidate,

party, election issue or cause, or participate in any political activities, except for voting.” The change also applies to all employees and executives of Diebold Election Systems.<sup>13</sup>

The policy was adopted by the company’s board of directors after the controversy generated by Walden O’Dell, Diebold’s CEO, in 2003, when he made the now-infamous pledge to “[help] deliver Ohio’s electoral votes” to President Bush in a fundraising letter.<sup>14</sup>

Another approach is for the affected governments to prohibit political contributions. Federal law prohibits political contributions by federal contractors, although this prohibition does not apply to state and local programs supported by federal funds.<sup>15</sup>

Similarly, many state and local laws prohibit contributions by companies doing business with their jurisdictions. Some jurisdictions go further to prohibit contributions by companies seeking to obtain procurement contracts. As HAVA implementation continues and procurement activity accelerates, it will be interesting to see if and how such laws are enforced in the voting

and Ohio.

Hart InterCivic had representatives in Ohio and Texas, and VoteHere engaged lobbyists in its home state of Washington.

At the federal level, VoteHere spent \$620,000 from January 2001 to December 2002. The majority of the money went toward office operations and support of legisla-

tion involving election reform,

technology context. A third approach is to limit procurement activities by companies making political contributions. One example is the U.S. Municipal Securities Rulemaking Board’s Rule G-37, which seeks to combat the practice of “pay to play” in the municipal bond industry by prohibiting certain municipal finance personnel and their employers from seeking underwriting business from any jurisdiction within two years of making a political contribution to an official with the authority to influence the choice of underwriter.<sup>16</sup>

Although there are no current laws with similar reach in the voting technology industry, such a narrow, targeted reaction to the growing political activity by voting equipment manufacturers is certainly possible as the relationship of vendors and policymakers comes into sharper focus.

Whatever the eventual response, if any, of policymakers to the political activity of election vendors, it is certain that scrutiny of such activity by advocates and the general public will be another key consideration in the ongoing implementation of HAVA nationwide.

tion involving election reform, military voting, election system and standards and online voting including the Ney-Hoyer election reform bill (H.R. 3295), the Dodd reform bill (S. 565), and the Department of Defense authorization and appropriations bills.

pensation and expenditures for federal lobbying activities.

Diebold, with lobbyists operating in 10 states, paid \$50,000 in 2003 for federal lobbying activities and Sequoia hired lobbyists in nine states and none at the federal level.

Diebold, ES&S, and Sequoia all had lobbyist representatives in Arkansas, Louisiana, New York

# The Industry

## Voting System Manufacturers Then and Now – A Brief History

Until recently, few people in the country, other than those who purchased and maintained voting machines, paid any attention to the companies that made those systems. Prior to 2000, few even considered what they voted on, much less who manufactured the lever, punch-card or optical-scan machine on which they cast their ballots.

The rush to replace maligned, older voting technologies has created a highly competitive and potentially lucrative market for companies seeking to sell upgraded voting systems to states and localities.

For consumers – states, localities and the voters who will use the newer systems to cast ballots – the market has driven innovation, resulting in easy-to-use ballot formats that can allow for multiple languages and character sets, accessible voting for voters with certain disabilities, portability, flexibility, quicker tabulations, and vastly diminished rates of uncountable ballots.

According to the Federal Election Commission, 19 companies produce, “computerized vote tabulation systems.” A handful were formed after the troubled 2000 election, started by entrepreneurs who predicted a rich market as states phased out punch cards and lever systems in favor of optical scan and direct-recording electronic (DRE) voting machines.

## The Gold Rush that Wasn’t

With federal money, state matching funds and strong local interest nationwide to avoid “another Florida,” the election system market in recent years has been transformed from a little-noticed industry dominated by a few companies into a cutthroat business complete with lawsuits, front-page news reports and public relations blitzes – including newspaper advertisements and even highway billboards.

After the 2000 election, it seemed clear that punch-card and lever voting systems would be phased out across the country. The Help America Vote Act (HAVA) of 2002 promised the states \$325 million to replace or upgrade these voting systems, and mandated the purchase of at least one voting machine per polling place that was accessible for voters with disabilities.

The once-stagnant election market seemed to resemble a gold rush, with the lure of nearly \$4 billion in federal funds for states to buy new election equipment.

The rush failed to pan out for many companies – at least in the immediate aftermath of the 2000 election. HAVA funds were delayed, held up by the late appointment of the Election Assistance Commission and budget complications. The authorized \$3.86 billion has still not been fully appropriated, nearly four years after the 2000 election.

These money shortages at the local level, combined with lingering questions about the security and reliability of paperless voting systems, contributed to growing financial troubles for voting system manufacturers – troubles that are beginning to show up on the bottom line.

Sequoia Pacific Voting Systems, the second largest DRE vendor in the country, reported sales up 75 percent in 2003, but margins fell, causing a \$3.5 million operating loss. Its parent company, London-based De La Rue, could dump the company, reported one story.<sup>17</sup>

The largest DRE vendor, Diebold Election Systems has suffered even more, with operating profits plummeting 32 percent in 2003 while revenues fell 10 percent to \$100 million.<sup>18</sup> However, the company began to show signs of a recovery in 2004 with revenues from election systems surging from \$7.7 million to \$27.1 million.<sup>19</sup>

## A History of Voting Machine Companies

The companies that sell the new machinery have faced a difficult road at times. Manufacturers have both injected themselves into the world of politics and found themselves the subject of intense criticism, conspiracy theories and government scrutiny.

Voting machines began replacing paper ballots in the first half of the 20th century, when the lever machine began to be used in a number of states. The mechanical lever system, invented in 1892, was



designed to make voting secret, simple and less susceptible to fraud. But the system later proved to be vulnerable to tampering by those with access to the vote tallies.<sup>20</sup>

By the 1930s, lever machines were ubiquitous, but not without their problems. Newer technology – punch-card machines – was adopted by many jurisdictions in the 1960s. Punch cards allowed faster tabulations and permitted an examination of each individual vote; ironically, a feature memorably displayed in South Florida in November 2000. Punch cards also marked the entry of the first significantly-sized company into the voting system market.

In 1965, IBM – a company that had made punch cards for decades before – purchased Harris Votomatic, the company that had been producing the punch-card machines for localities in Oregon, Georgia and California.<sup>21</sup> It did not, however, take long for Big Blue to exit the market four years later.

What led IBM to leave the election business is strikingly similar to the controversies modern voting machine manufacturers face. In fact, the same fear of technology, suspicion of programmers and concerns about the inability to discern voter intent dogged IBM as much 35 years ago as it does Diebold, ES&S, Sequoia and other manufacturers in 2004.

### Computer Giant Finds Great Risks, Few Rewards

The trouble with punch cards started in the Golden State in 1968. According to one former IBM salesman who sold the company’s Votomatic punch cards in California, Big Blue was being


dragged down by little chads.

A *New Yorker Magazine* article about voting systems concerns published in 1988 detailed some of IBM’s troubles. During California’s June 1968 primary, punch cards could not be brought into a tabulating center because of the nearby shooting of Sen. Robert F. Kennedy. “Reporters were worried about the delay and officials at IBM began to wonder seriously about the election business, which, comparatively speaking, was providing only a small profit.”<sup>22</sup>

Problems continued that year, the article stated, when during the November election, tabulating machines for precincts in Missoula,

“You have to remember that IBM had almost no negative publicity at the time, so the fact that there were questions about the Votomatic [punch-card] system seemed to be quite important to them,” said Roy Saltman, an independent consultant on election policy and technology. “There’s a lot of downside and risk in this industry. The risk of negative publicity is strong. If it’s only a small part of your business, why would you let yourself be involved if it’s not important for your bottom line? IBM did right – they got rid of it.”<sup>23</sup>

With IBM’s departure, the election business was predominantly left to small companies that dealt exclu-



The same fear of technology, suspicion of programmers and concerns about the inability to discern voter intent dogged IBM as much 35 years ago as it does Diebold, ES&S, Sequoia and other manufacturers in 2004.

Montana mistakenly counted ballots cast for Hubert Humphrey for Richard M. Nixon and vice-versa.

But, the article continued, the defining moment that convinced the company to leave the business was an article in a suburban Chicago newspaper suggested that IBM had entered the election business so that Thomas Watson, the company’s chairman, “would become president.”

That might have solidified a decision to leave the market that was already in the works.

sively with elections, or in some cases, printing and forms. Big Blue’s punch-card business spun off two companies, Electronic Voting Machine (E.V.M.) and Computer Election Systems (C.E.S.) The other names in elections throughout the past four decades were hardly household: Cronus and R. F. Shoup, to name a few. Meanwhile, better-known computer firm Unisys developed the optical scanner, but promptly left the election business because it was not profitable.<sup>24</sup>

Innovation continued with the

advent of direct-recording electronic (DRE) systems that recorded votes electromagnetically rather than on paper ballots.

From the large, push-button DREs that closely resembled the elderly lever machines, ATM-style machines emerged – paperless, able to display multiple character sets and impossible to over-vote. Voters could be warned of non-votes and could review their ballots before they were cast. And people with disabilities, particularly blind voters, could cast ballots secretly and independently, many for the first time in their lives.

### Family Ties, Ex-Election Officials and IBM Veterans

After years of being largely ignored, the business of selling election systems has become increasingly public, with intense media scrutiny into the integrity, security and accuracy of all types of equipment.

Not so well known are the close ties many of those selling voting systems have to companies that produced the punch cards their companies are seeking to replace, the positions some election system officials

held and, in one instance, the family bonds that tie the two largest voting machine companies. A few examples:

- Alfie Charles, a spokesman for Sequoia Voting Systems, joined the company in 2002 after working for seven years as press secretary in California Secretary of State Bill Jones’ office – the same office which spearheaded the passage of a \$200 million bond measure to replace punch cards in the state. Sequoia also hired Jones himself as a consultant in 2003 – one month after the *Mercury News* reported that he wrote letters to Santa Clara County’s Board of Supervisors assuring them the company’s DREs were reliable.<sup>25</sup> A company press release also noted Charles joined Kathryn Ferguson, the company’s vice president of governmental relations and public affairs.<sup>26</sup> Ferguson, who was hired by the company in 2001, was the former election chief in Clark County, Nevada, the state’s largest. Nevada opted for a statewide system of Sequoia touch-screen machines in 2003.

Clark County opted for the Sequoia DRE machines far ahead of the state, using them since the mid-1990s.<sup>27</sup>

- DRE maker Unilect is headed by Jack Gerbel, who started with IBM then founded CES. The company Web site notes that Gerbel “had at that time the distinction of personally selling and installing more successful election systems than any other person in the U.S.”<sup>28</sup> CES was one of two companies that had the rights to purchase IBM’s punch-card voting systems after the company got out of the business in 1969.
- Nebraska-based Election Systems and Software (ES&S) hired Sandra Mortham, a lobbyist who, in 2002 sold the company’s touch-screen voting systems to Florida counties. She served as secretary of state from 1995 to 1999 and also split time between her ES&S lobbying duties and those she performed for the Florida Association of Counties, reported *The Associated Press* in *The St. Petersburg Times* in 2002. Mortham told the paper she was not involved in the decision by the association to endorse the ES&S touch screens, which are now used in two of Florida’s most populous counties, Miami-Dade and Broward.<sup>29</sup>
- The nation’s two largest election system manufacturers, Diebold Election Systems and ES&S share more than a hefty chunk of the voting machines business. They share the Urosevich brothers. Todd Urosevich, who has spent near-

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ly 20 years in the election industry, works for one of the chief competitors of his brother's company. Bob Urosevich serves as Diebold Election System's president. Conspiracy theorists often point out the family ties that link the companies.<sup>30</sup> Both brothers worked at the same election company they founded, American Information Systems (which later became ES&S).

- Sen. Charles Hagel, R-Neb., had a financial stake in the McCarthy Group, Inc., a company that owns ES&S. Hagel was chairman of American Information Systems until 1995, just before he became a candidate. Michael R. McCarthy, chairman of the McCarthy Group, served as Hagel's campaign treasurer from 1999 until the end of 2002.<sup>31</sup>
- Washington's secretary of state until 2000, Ralph Munro, serves on the board of directors of VoteHere, a company that produces voting applications. Avi Rubin, a Johns Hopkins University computer scientist who wrote an oft-cited report on the security and integrity of Diebold's DREs served on the company's advisory board and held stock options until August 2003.<sup>32</sup>

### The Vendors Unite

In the face of attacks on their machines' reliability and security, six DRE makers united in late 2003 to form the Election Technology Council, a group under the umbrella of the Information Technology Association of America.

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A press release from the organization stated Advanced Voting Systems, Diebold Election Systems, Election Systems & Software, Hart InterCivic, Sequoia Voting Systems and Unilect formed the group, "to raise the profile of electronic voting, identify and address security concerns with electronic voting, develop a code of ethics for companies in the electronic voting sector, and make recommendations in the areas of election system standards and certification."<sup>33</sup> VoteHere is now a member as well.

In the six months since its formation, the Council has primarily

served a public relations role, releasing statements calling the controversy over paperless DREs, "more rhetoric than reality," and stating that, "few critics have tried to play to the fears of many Americans by spreading myths, misinformation and conspiracy theories."<sup>34</sup>

DRE researcher Rubin dismissed the Council as, "an attempt to put together a united public relations front. They've always shown an interest in saying whatever they can to get past public relations problems."<sup>35</sup>

# Voting System Procurement

The Help America Vote Act (HAVA) marks the most comprehensive federal involvement in state and local elections since the Voting Rights Act of 1965. More significantly, it marks the first time the U.S. government has provided funds to states to make changes in the election process.

Despite this level of federal involvement, including a \$3.86 billion authorization and mandates for all states and territories to follow, the administration of elections remains a distinctly local process. States that have been replacing or upgrading voting systems have not been directed how to do so by the federal government.

In examining how states have gone about procuring contracts with companies to deliver new voting systems, *electionline.org* identified four procurement methods:

- **State-level procurement of one voting system.** Currently six states have controlled the procurement process and purchased one voting system either for the entire state or for jurisdictions in the state that needed machine replacement – Arizona, Georgia, Maryland, Nevada, North Dakota, and South Carolina.
- **State-level procurement of multiple voting systems.** Two states, Ohio and Michigan, have taken an in-between approach, negotiating contracts with several vendors (in hopes of receiving better prices

through large purchases) and then letting counties select from this list.

- **Local level procurement of voting systems.** A number of other states, including California and Pennsylvania, have continued the traditional practice of allowing local officials to purchase voting systems for their jurisdiction.
- **Wait and see.** Finally, there are the states that are waiting for the Election Assistance Commission (EAC) and the National Institute of Technology Standards (NIST) to provide guidelines on voting systems standards before they move forward with purchasing new voting technology.

## State-level procurement of uniform voting systems

### *Ahead of the pack*

Georgia, the first state to tackle the issue of replacing maligned punch-card voting machines, did so on a statewide scale. In the 2000 presidential election, 3.6 percent of the Peach State's voters who cast ballots did not register a vote for president, a higher rate than the 2.9 percent in Florida.<sup>36</sup> Secretary of State Cathy Cox, alarmed at this statistic, convinced lawmakers to take action before the promise of any federal funds.

In Georgia's plan to implement HAVA, Cox noted that the

Secretary of State's office "not only recommended that the state adopt a single uniform voting platform, but also initiated a shift in policy – transferring a portion of election responsibilities from the counties and election superintendents to the state for funding and deployment of a new statewide election system."<sup>37</sup>

Accordingly, the state took charge of the procurement process: requesting and evaluating proposals from companies; selecting a vendor and deploying the system statewide. By November 2002, all Georgia voters were casting ballots on Diebold touch-screen voting machines.

Like Georgia, Maryland also started the process of purchasing new voting machines before the enactment of HAVA. State officials also selected Diebold to implement a statewide DRE voting system. Both states have received kudos from some for being the first to make the leap into large-scale replacement of voting machines.

This praise has been countered by critics who have voiced concerns over the security and reliability of electronic voting and the lack of a voter-verified paper audit trail (VVPAT). This growing debate over paperless voting has had an impact on the procurement process in other states.<sup>38</sup>

### *Electronic voting debate and state/county friction*

Nevada, monitoring this growing controversy over electronic voting, purchased DREs provided

by Sequoia. The state also required a paper trail by the November 2004 election. In choosing between Sequoia and Diebold, Secretary of State Dean Heller looked to the state's Gaming Control Board's Electronic Services Division. The division, citing reports critical of Diebold touch screens in Maryland, noted, "The Diebold electronic voting machine...represents a legitimate threat to the integrity of the election process." A paper trail was required so, "voters will be confident their choices are being recorded accurately."<sup>39</sup>

Not everyone in the state was pleased with the selection process. In a letter to Heller, Carson City County Clerk Alan Glover — president of the Nevada Association of County Clerks — said, "Our unified opinion also still remains strong that each county be responsible for selecting the equipment and vendor that will best meet the needs of local voters."<sup>40</sup>

Clerks were not just bothered by the process; they were also concerned about the rush to require a paper trail.

"Everyone is very nervous about it," Glover said. "The timing is not good at all. Even a new model of

vehicle that Detroit has tested for a long time always has bugs."<sup>41</sup>

Heller, citing public support for a paper trail, stated that election officials such as Glover should be more concerned about maintaining voter confidence at the polls.

In April, South Carolina's selection process hit a similar snag.

The state wants to employ a single voting system statewide. Some counties that already have electronic voting machines, however, want to retain the machines that are already in place. In Georgetown County, for example, officials say they are pleased with their current UniLect Patriot electronic voting machines, and are worried the state will not be able to reimburse them for what they spent on these machines.<sup>42</sup>

#### *New technology*

Controversy over touch screens has not only created tension between the counties and states, it has led some states to examine emerging voting technology.

Arizona negotiated a contract with Diebold for optical-scan systems to replace punch-card machines in nine counties. The contract also included an option to

use touch screens which the state could deploy by 2006. Deputy Secretary of State Kevin Tyne said Arizona will wait to proceed with touch screens, track developments in parts of the country using DREs and see what new technology develops. The state could use the Diebold touch screens, but they are also "open-armed to all sorts of solutions," Tyne said.<sup>43</sup>

One potential solution could be a voting system produced by ES&S/Automark which combines touch-screen and optical scan technology. It is billed by proponents as a device that satisfies both the desire for a paper trail and the HAVA requirement of being accessible to blind and disabled voters. Arizona will be using the machines in a pilot project this fall in targeted precincts in two or three counties, including the state's largest, Maricopa County.<sup>44</sup>

### **State-level procurement of multiple voting systems**

Two other states have taken a slightly different approach. Both Ohio and Michigan have negotiated contracts at the state level but opted for multiple vendors from which counties could choose.

Ohio officials said they hoped to achieve dual goals -- negotiating the best price while keeping the counties involved in the process. "Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure," the state HAVA plan states.<sup>45</sup>

Yet, in Ohio as in other states,

Controversy over touch screens has not only created tension between the counties and states, it has led some states to examine emerging voting technology.



the procurement process has not been smooth. After the list of possible vendors was whittled down to three, Sequoia, one of the vendors not selected, protested the process. Ohio Secretary of State Kenneth Blackwell avoided any grievance process and added the vendor to the list. In the end, though, Sequoia decided not to sign a contract with the state.


Ohio has also faced delays in releasing funds to purchase DREs in light of concerns over touch-screen security and the decision to require paper trails by 2006. The three counties that were to switch to e-voting this November were prohibited because of security concerns.<sup>46</sup>

Michigan followed a similar path and selected three vendors (Diebold, ES&S and Sequoia) to supply optical-scan voting systems. Diebold and ES&S received state certification and Sequoia received conditional certification. The state then sent packets to counties with information on the vendors. If the county opted for Sequoia, the machines would not be purchased until 2005. The counties also had the option to select no vendor and opt out until 2005.

It appears most jurisdictions in Michigan that do not already have optical scan systems – about 650 – will still be using their old systems in November. State and local officials say a longer-than-expected certification process has cut short the time necessary to convert to the new system.<sup>47</sup>

### Local-level procurement of voting systems

Maintaining a status quo in election administration, counties



California is also the first state to have a county cancel a voting machine contract with a vendor, banning the use of one type of DRE produced by Diebold.

and jurisdictions in some states are still responsible for negotiating contracts with vendors.

In California, the epicenter of DRE controversy, some counties negotiated voting machine contracts with vendors in 2001 and 2002, after the state passed a \$200 million bond issue to fund the replacement of punch cards.

Like Ohio, California has mandated a VVAPT by 2006. And one county, Santa Clara, concerned about what adding printers would cost, negotiated into its contract with Sequoia Voting Systems that if a paper trail was mandated by the Secretary of State, “within six to 12 months after the certification by the Secretary of State Sequoia must provide 5500 VVPR [Voter Verified Paper Record] devices to the County at no additional cost.”<sup>48</sup>

California is also the first state to have a county cancel a voting machine contract with a vendor, banning the use of one type of DRE produced by Diebold.

“There was a confidence issue with the way Diebold conducted business with the county and the state in the past year,” said Ira Rosenthal, Solano County registrar and chief information officer.<sup>49</sup>

Pennsylvania similarly left it to the locals. “The Commonwealth plans to leave decisions regarding the replacement or upgrading of voting systems to the prerogative of the governing authorities of the Commonwealth’s 67 counties,” the state plan noted.<sup>50</sup>

### Wait and See

Finally, there are a few states, including Idaho, Montana and Wyoming that are waiting to see how the controversy over electronic voting plays out and for the EAC and NIST to issue voting system standards, which will likely occur in 2005.

Responding to an *electionline.org* survey, Lori Klassen, elections officer from the Wyoming Secretary of State’s office said, “Wyoming will be watching NIST very closely before moving forward too far in this area.”<sup>51</sup>

Barb Huey, Iowa’s deputy secretary of state for elections and voter registration, echoed these sentiments. “We are waiting for the certification process through EAC and NIST to be established and will follow their recommendations and guidelines,” she said.<sup>52</sup>

## Home-State Advantage

Companies that manufacture voting machines and set up voter registration databases are like any other business — when they pursue contracts in their home state, they are not shy about pushing the local angle.

When Ohio announced it was accepting bids to replace the punch-card machines in use in most counties, North Canton, Ohio-based Diebold, Inc. jumped at the opportunity, as did many other companies. (Diebold Election Systems, a subsidiary of Diebold, is based in Texas).

However, Diebold made an offer other companies could not — to manufacture all voting machines for the state in-state, at the firm's Newark plant where they produce automated teller machines. Secretary of State Kenneth Blackwell, though, pointed out that Diebold's in-state status would not be a factor in the selection process.

"This is not an economic development project. This is a process that will provide the voters of Ohio with the best election systems available, at the best value for taxpayers," said Carlo LoParo, a Blackwell spokesman.<sup>53</sup>

When Diebold was one of four companies that eventually did make the list of approved vendors, the company then focused on the counties that would be selecting machines. After the Licking County Board of Elections (home of the Newark plant) said they were leaning toward Sequoia Pacific Voting Systems, Diebold quickly went into action, sending hundreds of letters to members of the Licking County Chamber of Commerce, asking business leaders to urge the county to choose Diebold.<sup>54</sup>

Despite the letter campaign, the

county selected Sequoia voting machines in early January 2004.

Mark Radke, director of marketing for Diebold said the company was, "very disappointed that Licking County elected to go with a competitor, especially considering the fact that we have a large manufacturer located in the county and a large number of Diebold employees live in the county."<sup>55</sup>

The loss did not leave lasting scars, however. Over 40 counties out of 71 eligible to select electronic voting machines selected Diebold. Sequoia ended up not signing a contract with the state, leaving Licking County to select from the remaining three vendors.

In South Carolina, the selection of Election Systems and Software (ES&S) to supply electronic voting machines for the state over hometown Palmetto Unilect caused a stir. The company protested the decision partially on the grounds of being an in-state company.

The company claimed if they were awarded the contract it would hire at least 85 people to build the machines. "The purchasing ought to be geared more toward allowing in-state distributors the right to get a percentage (price advantage) for being in-state and hiring South Carolina people," said state Sen. Jake Knotts, R-Lexington, supporting Palmetto Unilect.<sup>56</sup>

State law requires a "South Carolina vendor preference," which Unilect officials said was not included in the state's request for proposal. This claim was rebuffed, however, by the state procurement office, stating that it did not apply in this case because these were sealed competitive bids.<sup>57</sup>

Ultimately, Palmetto Unilect got another chance to bid — but not on the basis of an in-state preference. Rather, the state reopened bidding because ES&S's winning bid did not provide fixed prices for some items over the duration of the contract, as had been specified. In mid-July 2004, ES&S was again awarded the contract.

In other cases, local vendors have had the advantage of already having done business with their home state.

Indianapolis-based Quest Information Systems recently won its bid to create a statewide voter registration database for Indiana. The Secretary of State's office not only noted the company's Indiana roots in its announcement, but also mentioned the extensive work the elections division and the company had already done together, including projects such as the state's campaign finance reporting system.<sup>58</sup>

Similarly, in Oregon, the state chose a local vendor with which it had a history with to set up its statewide registration database. Salem-based Saber Consulting won a \$10.5 million contract in August 2003. The company is partnering with two other Oregon-based organizations for this project.

The company estimates the contract will create over \$800,000 in information technology jobs in the state.

"This project is about Oregon companies delivering world-class value to Oregon clients for the citizens and taxpayers of Oregon....the choice of Saber keeps \$10.5 million in Oregon for the creation and retention of Oregon jobs," the company said in a statement.<sup>59</sup>

## Lobbying Expenditures

STATE	CLIENT	LOBBYIST	DATES	COMPENSATION	EXPENSES	TOTAL		
CALIFORNIA	DIEBOLD	ROSE & KINDELL	APRIL - JUN 2002	\$10,000	\$0			
			JULY - SEPT. 2002	\$15,020	\$0			
			JULY - SEPT 2003	\$7,500	\$0			
			OCT. - DEC. 2003	\$22,560	\$0			
			JAN. - MARCH 2004	\$15,000	\$9,015.58			
	TOTAL	\$70,080	\$9,016	\$79,096				
	ES&S	CAPITAL CONNECTION	JAN. - MARCH 2004	\$15,000	\$0			
		TOTAL	\$15,000	\$0	\$15,000			
CONNECTICUT	SEQUOIA	GAFFNER, BENNETT & ASSC.	2001	\$74,200	\$0			
			2002	\$42,400	\$0			
			2003	\$46,050	\$0			
			TOTAL	\$162,650	\$0	\$162,650		
INDIANA	ES&S	ICE MILLER	JAN. - JUNE 2001	\$12,000	\$82.20			
			JULY - DEC. 2001	\$30,000	\$591.14			
		BINGAM MCHALE	JAN. - JUNE 2002	\$15,000	\$293.43			
			JULY - DEC. 2002	\$15,318	\$775.73			
			TOTAL	\$72,318	\$1,742.50	\$74,061		
NEW YORK	SEQUOIA	BULEY PUBLIC AFFAIRS	JAN. - JUNE 2003	\$45,000	\$12,895			
			JULY - DEC. 2003	\$45,000	\$2,461			
			JAN - FEB. 2004	\$15,000	\$16			
			TOTAL	\$105,000	\$15,372	\$120,372		
	O'DWYER & BERNSTIEN	JULY - DEC. 2003	\$60,000	\$25				
		TOTAL	\$60,000	\$25	\$60,025			
	ES&S	BULEY PUBLIC AFFAIRS	??? 2002	\$36,000	\$14,618			
			TOTAL	\$36,000	\$14,618	\$50,618		
	DAVIDOFF & MALITO			JULY - DEC. 2003	\$60,000	\$3,822		
				JAN. - FEB. 2004	\$20,000	\$1,679		
TOTAL				\$80,000	\$5,501	\$85,501		
DIEBOLD				GREENBERG TRAUIG	JAN. - JUNE 2003	\$75,000	\$0	
					JULY - DEC. 2003	\$75,000	\$0	
					JAN. - FEB. 2004	\$25,000	\$0	
MARCH - APRIL 2004	\$25,000	\$0						
TOTAL	\$200,000	\$0	\$200,000					

*All lobbyist compensation and expenditure reporting includes only documents filed electronically and made available online through individual state websites. Not all states require lobbyists to file reports electronically, nor do they make the information available online. Federal lobbyists' compensation and expenditure reports are not available online. Principal and lobbyists names were gathered from states that provide the information online.*



## Federal Lobbyist Expenditures

PRINCIPAL	FEDERAL LOBBYIST	DATES	COMPENSATION	EXPENSES	TOTAL
DIEBOLD	DAVID DISTEFANO	JAN. - JUNE 2003	\$30,000	\$0	
		JULY - DEC. 2003	\$20,000	\$0	
		<b>TOTAL</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$50,000</b>
ES&S	SUSAN PETNIUNAS	JAN. - JUNE 2001	\$20,000	\$0	
		JULY - DEC. 2001	\$20,000	\$0	
		JAN. - JUNE 2002	\$20,000	\$0	
		JULY - DEC. 2002	\$20,000	\$0	
		JAN. - JUNE 2003	\$20,000	\$0	
		<b>TOTAL</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$100,000</b>
VOTEHERE, INC.	JENNIFER CURLEY	JAN. - JUNE 2001	\$80,000	\$0	
		JULY - DEC. 2001	\$0	\$120,000	
		JAN. - JUNE 2002	\$0	\$220,000	
		JULY - DEC. 2002	\$0	\$140,000	
	BARRY RHOADS	JAN. - JUNE 2002	\$60,000	\$0	
		<b>TOTAL</b>	<b>\$140,000</b>	<b>\$480,000</b>	<b>\$620,000</b>

## Diebold Contributions 2001

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT	
AMES-FORSYTHE, ANNE		PAWLENTY, TIM GOV.	R - MN 20-NOV	\$125	
BOCKIUS, LOUIS V. III	BOARD OF DIRECTORS	STARK COUNTY REPUBLICAN PARTY	R - OH 12-FEB	\$1,000	
		TAFT, BOB GOV.	R - OH 21-JUN	\$2,500	
CONNOR, CHRISTOPHER	BOARD OF DIRECTORS	MONTGOMERY, BETTY - AG	R - OH 19-MAR	\$250	
				16-APR	\$250
				17-JUL	\$100
		TAFT, BOB GOV.	R - OH 14-SEP	\$1,000	
				05-NOV	\$1,000
DETTINGER, WARREN	VP	DETERS, JOSEPH - TREASURER	R - OH 13-JUN	\$100	
		TAFT, BOB GOV.	R - OH 20-NOV	\$1,000	
GESWEIN, GREGORY	SENIOR VP & CFO	TAFT, BOB GOV.	R - OH 25-JUL	\$2,500	
MAHONEY, ROBERT	CHAIRMAN EMERITUS	VOINOVICH, GEORGE SEN.	R - OH 23-MAR	\$250	
		RNC STATE ELECTIONS COMMITTEE	R - OH 11-OCT	\$2,000	
		STARK COUNTY REPUBLICAN PARTY	R - OH 24-JAN	\$1,500	
		TAFT, BOB GOV.	R - OH 28-JUN	\$2,000	
O'DELL, WALDEN	PRES. & CEO	RNC STATE ELECTIONS COMMITTEE	R - OH 30-JAN	\$3,950	
				14-FEB	\$2,015
		VOINOVICH, GEORGE SEN.	R - OH 16-AUG	\$500	
TIMKEN, WILLIAM R.	BOARD OF DIRECTORS	TAFT, BOB GOV.	R - OH 02-JUL	\$2,500	
		RNC STATE ELECTIONS COMMITTEE	R - OH 24-JAN	\$5,022	
				26-APR	\$30,000
		NRCCC - NON FEDERAL #2	R 25-APR	\$5,000	
		OH REP. PARTY CANDIDATE FUND	R - OH 06-JUN	\$16,500	
		SCHURING, KIRK REP.	R - OH 05-JUN	\$2,000	
		TAFT, BOB GOV.	R - OH 21-JUN	\$2,500	
		PETRO, JIM - AUDITOR	R - OH 28-DEC	\$2,500	
BLACKWELL, KENNETH SOS	R - OH 20-DEC	\$2,500			
SIMON, BILL - CANDIDATE FOR GOV.			R - CA 12-SEP	\$1,000	
SCHREURER, CHARLES	VP	TAFT, BOB GOV.	R - OH 18-JUN	\$500	
VANCE, WESLEY	PRES. NORTH AMERICA	VOINOVICH, GEORGE SEN.	R - OH 16-AUG	\$500	
		TAFT, BOB GOV.	R - OH 02-JUL	\$2,500	
DIEBOLD INC.		REPUBLICAN NATIONAL COMMITTEE	R 06-MAR	\$5,000	
				05-SEP	\$25,000
		ROSEMONT VOTERS LEAGUE	N/A 31-JAN	\$1,075	
				REPUBLICAN	\$125,062
				OTHER	\$1,075
		<b>TOTAL</b>		<b>\$126,137</b>	

## Diebold Contributions 2002

CONTRIBUTOR	POSITION	RECIPIENT		DATE	AMOUNT
BUCCI, DAVE	SENIOR VP	TAFT, BOB GOV.	R - OH	05-OCT	\$250
BOCKIUS, LOUIS V. III	BOARD OF DIRECTORS	STARK COUNTY REPUBLICAN PARTY	R - OH	05-FEB	\$1,000
		SCHURING, KIRK REP.	R - OH	06-MAY	\$2,500
				04-JUN	\$2,500
		TAFT, BOB GOV.	R - OH	07-JUN	\$2,500
		WYOMING REPUBLICAN PARTY	R - WY	01-MAY	\$200
CONNOR, CHRISTOPHER M.	BOARD OF DIRECTORS	VOINVICH, GEORGE SEN.	R - OH	21-AUG	\$1,000
		TAFT, BOB GOV.	R - OH	27-SEP	\$500
		HOUSEHOLDER, LARRY REP.	R - OH	10-MAY	\$1,000
		MONTGOMERY, BETTY - AUDITOR	R - OH	06-APR	\$250
				10-MAY	\$1,000
		STRATTON, EVELYN - SUPREME COURT JUSTICE	R - OH	19-JUL	\$1,000
				12-SEP	\$500
DETTINGER, WARREN	VP	TAFT, BOB GOV.	R - OH	05-OCT	\$250
FRANCIS-VOGELSANG, CHAREE	VP & SEC	SCHURING, KIRK REP.	R - OH	24-SEP	\$70
FRAZZITTA, BARTHOLOMEW	VP	TAFT, BOB GOV.	R - OH	05-OCT	\$250
GESWIN, GREG	SENIOR VP & CFO	TAFT, BOB GOV.	R - OH	05-OCT	\$2,000
INGRAM, LARRY	VP	SCHURING, KIRK REP.	R - OH	24-SEP	\$35
KRAKORA, KEVIN	VP	SCHURING, KIRK REP.	R - OH	24-SEP	\$35
LAUER, JOHN N.	BOARD OF DIRECTORS	VOINVICH, GEORGE SEN.	R - OH	21-AUG	\$1,000
		REGULA, RALPH S. REP.	R - OH	13-AUG	\$250
		REPUBLICAN SENATE CAMPAIGN COMMITTEE OF OH	R - OH	07-JUN	\$500
		TAFT, BOB GOV.	R - OH	21-MAR	\$1,000
				17-SEP	\$250
		OH HOUSE REPUBLICAN CAMPAIGN COMMITTEE	R - OH	10-JUN	\$500
		STRATTON, EVELYN - SUPREME COURT JUSTICE	R - OH	19-FEB	\$1,000
MAHONEY, ROBERT	CHAIRMAN EMERITUS	STARK COUNTY REPUBLICAN PARTY	R - OH	09-JAN	\$1,000
		OELSLAGER, SCOTT REP.	R - OH	16-SEP	\$100
		OHIO REP. PARTY STATE CANDIDATE FUND	R - OH	28-MAR	\$1,000
				17-OCT	\$1,000
		TAFT, BOB GOV.	R - OH	13-MAY	\$2,500
O'DELL, WALDEN	PRES. & CEO	TAFT, BOB GOV.	R - OH	09-MAY	\$2,500
SCHUREUR, CHARLES	VP	TAFT, BOB GOV.	R - OH	05-OCT	\$500
TIMKEN, WILLIAM R.	BOARD OF DIRECTORS	RNC REPUBLICAN NATIONAL STATE ELECTIONS CMT.	R - OH	10-OCT	\$40,000
		BLACKWELL, KENNETH SOS	R - OH	09-OCT	\$2,500
		DETERS, JOSEPH - TREASURER	R - OH	11-OCT	\$2,500
		O'CONNOR, MAUREEN - STATE SUPREME COURT	R - OH	18-OCT	\$2,200
		OH REPUBLICAN CAMPAIGN COMMITTEE	R - OH	05-DEC	\$3,000
		REPUBLICAN SENATE CAMPAIGN COMMITTEE OF OH	R - OH	19-NOV	\$3,000
		SIMON, BILL - CANDIDATE FOR GOV.	R - CA	30-JUN	\$1,000
		SCHURING, KIRK REP.	R - OH	06-MAY	\$2,500
				24-MAY	\$2,500
		STRATTON, EVELYN - SUPREME COURT JUSTICE	R - OH	10-OCT	\$2,200
		OH REPUBLICAN PARTY STATE CANDIDATE FUND	R - OH	03-MAY	\$16,500
		TAFT, BOB GOV.	R - OH	15-MAY	\$2,500
VANCE, WES	PRES. NORTH AMERICA	TAFT, BOB GOV.	R - OH	13-MAY	\$2,500
		SCHURING, KIRK REP.	R - OH	24-SEP	\$70
WALLACE, HENRY D.G.	BOARD OF DIRECTORS	MONTGOMERY, BETTY - AUDITOR	R - OH	03-MAY	\$48
DIEBOLD INC.		REPUBLICAN NATIONAL COMMITTEE	R	08-FEB	\$25,000
				01-MAY	\$15,000
				19-SEP	\$25,000
		CUPAC		17-JUN	\$100
		ROSEMONT VOTERS LEAGUE	N/A	29-JAN	\$1,075
				REPUBLICAN	\$178,158
		OTHER	\$1,075		
		TOTAL	\$179,233		

## Diebold Contributions 2003

CONTRIBUTOR	POSITION	RECIPIENT		DATE	AMOUNT
BUCCI, DAVID	SENIOR VP	VOINOVICH, GEORGE SEN.	R - OH	29-JUN	\$1,000
		BUSH, GEORGE W.	R	26-JUN	\$2,000
BOCKIUS, LOUIS V. III	BOARD OF DIRECTORS	STARK COUNTY REPUBLICAN PARTY	R - OH	10-FEB	\$1,000
				02-APR	\$1,000
		BUSH, GEORGE W.	R	24-JUN	\$2,000
CONNOR, CHRISTOPHER	BOARD OF DIRECTORS	VOINOVICH, GEORGE SEN.	R - OH	13-AUG	\$1,000
		BUSH, GEORGE W.	R	26-JUN	\$2,000
		DEWINE, MIKE SEN.	R - OH	23-JUL	\$2,000
		CARE PAC	R	29-DEC	\$500
		MONTGOMERY, BETTY - AUDITOR	R - OH	19-NOV	\$500
		DETERS, JOSEPH - TREASURER	R - OH	25-SEP	\$250
CROWTHER, JOHN M.	CIO	BUSH, GEORGE W.	R	27-AUG	\$2,000
D'AMICO, THOMAS R.	VP	BUSH, GEORGE W.	R	03-SEP	\$2,000
		VOINOVICH, GEORGE SEN.	R - OH	21-JUN	\$500
DETINGER, WARREN W.	VP	VOINOVICH, GEORGE SEN.	R - OH	25-JUN	\$500
DIMMITT, WILLIAM R.	SERVICE TECH.	NATIONAL REP. CONGRESSIONAL COMMITTEE	R	02-APR	\$200
FRAZITTA, BART	VP	BUSH, GEORGE W.	R	26-JUN	\$1,000
				29-SEP	\$1,000
GESWIN, GREGORY T.	SENIOR VP & CFO	VOINOVICH, GEORGE SEN.	R - OH	30-JUN	\$2,000
		BUSH, GEORGE W.	R	26-JUN	\$2,000
HILLOCK, JENNIFER L.		BUSH, GEORGE W.	R	27-AUG	\$2,000
HILLOCK, MICHAEL J.	INTERNATIONAL PRES.	VOINOVICH, GEORGE SEN.	R - OH	21-JUN	\$2,000
		BUSH, GEORGE W.	R	26-JUN	\$2,000
HOOVER, TIMOTHY	EMPLOYEE	SCHURING, KIRK REP.	R - OH	02-OCT	\$50
INGRAM, LARRY D.	VP	BUSH, GEORGE W.	R	15-SEP	\$1,000
				26-JUN	\$1,000
LAUER, JOHN N.	BOARD OF DIRECTORS	VOINOVICH, GEORGE SEN.	R - OH	09-AUG	\$2,000
				18-NOV	\$1,000
MAHONEY, ROBERT	CHAIRMAN EMERITUS	CARE PAC	R	30-NOV	\$250
		VOINOVICH, GEORGE SEN.	R - OH	29-JUN	\$1,000
		STARK COUNTY REPUBLICAN PARTY	R - OH	13-JAN	\$1,000
		BUSH, GEORGE W.	R	06-JUN	\$2,000
O'DELL, WALDEN	PRES. & CEO	VOINOVICH, GEORGE SEN.	R - OH	25-JUN	\$2,000
		BUSH, GEORGE W.	R	12-JUN	\$4,000
				08-AUG	\$2,000
ROSENBERG, WILLIAM	VP	BUSH, GEORGE W.	R	19-SEP	\$2,000
SCHEURER, CHARLES B.	VP	VOINOVICH, GEORGE SEN.	R - OH	21-JUN	\$500
		BUSH, GEORGE W.	R	27-AUG	\$2,000
		SCHURING, KIRK REP.	R - OH	05-JUN	\$100
		OELSLAGER, SCOTT SEN.	R - OH	28-OCT	\$100
SWIDARSKI, THOMAS	SENIOR VP	BUSH, GEORGE W.	R	09-JUL	\$2,000
TIMKEN, WILLIAM R.	BOARD OF DIRECTORS	DEWINE, MIKE SEN.	R - OH	11-MAR	\$1,000
		VOINOVICH, GEORGE SEN.	R - OH	21-JUN	\$2,000
		MCCOLLUM, BILL 2004 CAMPAIGN	R - FLA.	27-AUG	\$1,000
		NATIONAL REP. SENATORIAL CAMPAIGN	R	09-JUN	\$8,500
				20-JUN	\$8,500
		CARE PAC	R	31-DEC	\$5,000
		STARK COUNTY REPUBLICAN PARTY	R - OH	20-FEB	\$2,000
				24-OCT	\$1,500
		BUSH, GEORGE W.	R	02-JUN	\$2,000
		REPUBLICAN NATIONAL COMMITTEE	R	22-DEC	\$20,000
UROSOVICH, ROBERT	PRESIDENT	DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE	D	18-DEC	\$2,500
				REPUBLICAN	\$105,950
				DEMOCRAT	\$2,500
				TOTAL	\$108,450

## ES & S Contributions 2001

CONTRIBUTOR	POSITION	RECIPIENT		DATE	AMOUNT
ES&S		MARION COUNTY DEM. CENTRAL COMMITTEE	D - IN	31-JUL	\$450
		MADISON COUNTY DEM. CENTRAL COMMITTEE	D - IL	24-JAN	\$250
		SENATE DEM. 2002 OF CT.	D	21-JUL	\$250
CARBULLIDO, KEN	DIRECTOR	VIGIL-GIRON, REBECCA - SOS	D - NM	13-DEC	\$2,500
GROH, JOHN	DIRECTOR	NRCCC	R	13-NOV	\$300
MCCARTHY, MICHAEL	DIRECTOR	JOHANNIS, MIKE GOV.	R - NE	5-JUN	\$1,000
		BALLENGER, JEFFREY - CANDIDATE FOR CONGRESS	R - IA	14-NOV	\$250
		SANDHILLS PAC	R - NE	29-AUG	\$5,000
				REPUBLICANS	\$6,550
				DEMOCRATS	\$3,450
				TOTAL	\$10,000

## ES & S Contributions 2002

CONTRIBUTOR	POSITION	RECIPIENT		DATE	AMOUNT
ES&S		GALE, JOHN - SOS	R - NE	05-SEP	\$500
				16-SEP	\$500
		SHELLEY, KEVIN - SOS	D - CA	27-FEB	\$10,000
				28-JUN	\$10,000
		YES ON PROP 41 - VOTING MODERNIZATION	N/A	25-FEB	\$50,000
		HETTEL, JOE - LASALLE COUNTY STATE'S ATTORNEY. CANDIDATE	D - IL	12-AUG	\$550
		ABELL, MARSHA - CANDIDATE FOR HOUSE	R - IN	12-AUG	\$600
		HOUSE REP. CAMPAIGN COMMITTEE OF CT	R - CT	06-FEB	\$250
		WA STATE REP. PARTY	R - WA	17-OCT	\$500
DONESON, LOUIS	FIELD REP.	OHIO STATE REPUBLICAN PARTY	R - OH	04-NOV	\$750
MCCARTHY, MICHAEL	DIRECTOR	HAWKS, HOWARD - BOARD OF REGENTS U OF NE	N/A	09-APR	\$1,000
		THUNE, JOHN - CANDIDATE FOR SENATE	R - SD	21-AUG	\$1,000
		AMERICAN AGRISURANCE ASSOCIATION PAC	N/A	07-JAN	\$5,000
		SANDHILLS PAC	R - NE	29-APR	\$5,000
				REPUBLICAN	\$9,100
				DEMOCRAT	\$20,550
				OTHER	\$56,000
				TOTAL	\$85,650

## ES & S Contributions 2003

CONTRIBUTOR	POSITION	RECIPIENT		DATE	AMOUNT
ES&S		GREATER INDIANAPOLIS REP. FINANCE COMMITTEE	R - IN	29-AUG	\$1,250
		HETTEL, JOE - LASALLE COUNTY STATE'S ATTORNEY. CANDIDATE	D - IL	05-AUG	\$550
MCCARTHY, MICHAEL	DIRECTOR	SANDHILLS PAC	R - NE	17-OCT	\$5,000
				REPUBLICAN	\$6,250
				DEMOCRAT	\$550
				TOTAL	\$6,800

## Hart InterCivic Contributions 2001

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT
FARMER, JOHN	BOARD OF DIRECTORS	NATL. ASSC. OF SMALL BUSINESS INVESTMENT CO. PAC	9-JUL	\$500

## Hart InterCivic Contributions 2002

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT	
HART, DAVID	CHAIRMAN	BENTZIN, BEN - CANDIDATE FOR SENATE	R - TX	24-SEP	\$250
		CORYN, JOHN SEN.	R - TX	12-JUN	\$1,000
KILCREASE, LAURA	BOARD OF DIRECTORS	WATSON, KIRK - CANDIDATE FOR ATTN. GEN.	D - TX	14-MAR	\$1,000
				9-AUG	\$1,000
STOTESBERY, BILL	VP MARKETING	WATSON, KIRK - CANDIDATE FOR ATTN. GEN.	D - TX	1-OCT	\$500
				REPUBLICAN	\$1,250
				DEMOCRAT	\$2,500
				TOTAL	\$3,750

## Hart InterCivic Contributions 2003

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT	
LUMMIS, FRED	BOARD OF DIRECTORS	BUSH-CHENEY 2004	R	23-FEB	\$2,000

## Sequoia Voting Systems Contributions 2001

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT	
BECKSTRAND, MARK	VP	NEY, ROBERT REP.	R - OH	22-AUG	\$1,000
SEQUOIA		BROWN, WILLIE - CANDIDATE FOR STATE SENATE	D - CA	08-NOV	\$3,000
				REPUBLICAN	\$1,000
				DEMOCRAT	\$3,000
				TOTAL	\$4,000

## Sequoia Voting Systems Contributions 2002

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT	
SEQUOIA		CALIFORNIA DEMOCRATIC PARTY	D	11-JAN	\$2,500
		DAVIS, GRAY GOV.	D - CA	07-MAR	\$2,000
		FIREBAUGH, MARCO - ASSEMBLY MEMBER	D - CA	18-JUL	\$5,000
		SHELLEY, KEVIN SOS	D - CA	15-MAR	\$2,000
		YES ON PROP. 41 - VOTING MODERNIZATION ACT		25-JAN	\$100,000
		DEMOCRATIC STATE CENTRAL COMMITTEE OF CA	D	11-JAN	\$2,500
		SAN JOSE SILICON VALLEY CHAMBER OF COMMERCE		19-AUG	\$5,000
BECKSTRAND, MARK	VP	TAFT, BOB GOV.	R - OH	28-MAY	\$2,500
				REPUBLICAN	\$2,500
				DEMOCRAT	\$14,000
				OTHER	\$105,000
				TOTAL	\$121,500

## Sequoia Voting Systems Contributions 2003

CONTRIBUTOR	POSITION	RECIPIENT	DATE	AMOUNT	
SEQUOIA		DIAZ, MANNY - ASSEMBLY MEMBER	D - CA	31-JAN	\$1,500
		SOUTH BAY AFL-CIO LABOR COUNCIL ISSUES		03-OCT	\$5,000
		SANTA CLARA & SAN BENITO COUNTIES		31-JAN	\$1,000
		BUILDING CONSTRUCTION TRADES COUNCIL			
		SF LABOR COUNCIL & NEIGHBOR IND. EXPENDITURE	10-OCT	\$600	
				DEMOCRAT	\$1,500
				OTHER	\$6,600
				TOTAL	\$8,100

## Methodology

Information for “Election Reform Briefing #8: The Business of Elections,” came from a variety of publicly available sources. They are detailed by area of interest below:

### Vendor Campaign Contributions

\* Campaign contribution information as of May 31, 2004 was gathered from reports available on the following websites: Federal Election Commission, PoliticalMoneyLine, the Institute on Money in State Politics, the Center for Responsive Politics and individual state websites.

### Voting Machine Vendor Officers and Directors

\* The names of company board members, directors and executives between the years 2001 and 2004 were gathered through phone inquiries, emails, Lexis/Nexis, Dun & Bradstreet reports, Hoovers Online, Forbes.com company profiles, Yahoo.com Finance search engine, individual state corporation and business entity searches, Google News search and the websites of Diebold, Inc., Election Systems and Software, Hart InterCivic, Sequoia Pacific Voting Equipment and VoteHere.

### Registered State and Federal Lobbyist Expenditures and Compensation

\* All lobbyist compensation and expenditure reporting includes only documents filed electronically and made available online through individual state websites. Not all states require lobbyists to file reports electronically, nor do they make the information available online. Federal lobbyists’ compensation and expenditure reports are not available online. Principal and lobbyists names were gathered from states that provide the information online.

All interviewed sources are listed in the endnotes. Their opinions – and the opinions expressed in secondary source material – do not reflect the views of the nonpartisan, non-advocacy electionline.org or the Election Reform Information Project.

All questions concerning research and methods should be directed to Sean Greene at [sgreene@electionline.org](mailto:sgreene@electionline.org) or Elizabeth Schneider at [eschneider@electionline.org](mailto:eschneider@electionline.org).

## Endnotes

1 Diebold Inc. CEO Walden O’Dell’s Republican fundraising letter about “delivering votes” to Bush is cited repeatedly as a prime example of this conflict of interest. Others have gone further and suggested vote-fixing in the 2002 Senate election in Georgia (which has never been proven.) A good summary of these allegations can be found here: Campos, Carlos. “Critics punch at touch-screen security,” *Atlanta Journal Constitution*, February 14, 2004.

2 Keating, Dan. “Groups Rally for Voting Receipts,” *The Washington Post*, July 14, 2004.

3 <http://www.fec.gov/pages/vendorslist.htm> (Federal Election Commission list of established vendors of computerized vote tabulation systems as of February 20, 2003.)

4 Diebold did not purchase Global Election Systems which became Diebold Election Systems until January 2002. However, 2001 numbers are included because as early as June 2001 there were reports of Diebold’s pending purchase of Global Election Systems. For more information, see “Diebold to buy Global Election Systems in stock swap,” *Dallas Business Journal*, June 21, 2001.

5 Campaign contribution information as of May 31, 2004 for all data in this report was gathered from reports available on the websites maintained by the Federal Election Commission, PoliticalMoneyLine, the Institute on Money in State Politics, the Center for Responsive Politics and individual state websites that provide campaign contribution information online.

6 Berr, Jonathan. “Diebold’s Voting Machine Expansion Rattles Investors, States,” *Bloomberg News*, May 21, 2004.

7 “Diebold stops top executive from making political contributions,” *The Associated Press*, June 6, 2004.

8 Verton, Dan. “Effort afoot to address e-voting at convention,” *ComputerWorld*, July 26, 2004.

9 For more information, see the Web site for California Secretary of State Kevin Shelley. [www.ss.ca.gov/elections](http://www.ss.ca.gov/elections).

10 Because of a combination of funding delays and concerns about the security and reliability of DRE voting systems, none of Ohio’s 88 counties will switch to touch-screen voting systems in time for the 2004 election. For more information, see: McCarthy, John. “Ohio counties not rushing to replace voting machines,” *The Associated Press* as reported in *The Cleveland Plain Dealer*, July 9, 2004.

11 Secretary Shelley also blocked the use of Sequoia DRE machines (and all other DREs in the state) in 2004 pending the adoption of security measures and the inclusion of paper-ballot options for voters in the 10 counties using electronic voting machines. Riverside Registrar Mischelle Townsend dropped a lawsuit against Shelley and the state’s DRE directives in mid-July. For more information, see: Martin, Hugo and Mehta, Seema, “2 counties, state reach deal on e-voting machines,” *The Los Angeles Times*, July 14, 2004.

12 All lobbyist compensation and expenditure reporting include only documents filed electronically and made available online through individual state websites. Not all states require lobbyists to file reports electronically, nor do they make the information available online. Federal lobbyist’s compensation and expenditure reports are not available online. Principal and lobbyists names were gathered from states that provide the information online.

13 Smith, Erika. “Diebold Bans Execs’ Political Gifts,” *The Akron Beacon-Journal*, June 8, 2004.

14 Shane III, Leo. “Election machine firm blasted,” *The News-Messenger*, August 28, 2003.

15 2 United States Code § 441c, 11 C.F.R. § 115.1(d).

16 Rule G-37 Municipal Securities Rulemaking Board.

17 Rosenberg, Alec. “E-voting profits no pot of gold,” *Tri-Valley Herald*, June 14, 2004.

18 Ibid.

19 “Second Quarter Earnings Up at Diebold,” *The Associated Press*, July 21, 2004.

20 “The Primary System: History of Voting Technology,” *PBS.org Online News Hour*, December 13, 2003.

21 Jones, Douglas W. “A Brief History of Voting,” Department of Computer Sciences, University of Iowa, 2001.

22 Dugger, Ron. “Annals of Democracy: Counting Votes,” *The New Yorker*, November 7, 1988.

23 From phone interview with Roy Saltman, election technology consultant, June 4, 2004.

24 Remarks by Professor Stephen Ansolabehere, Massachusetts Institute of Technology to the National Conference of State Legislatures Election Reform Task Force, April 2001. Available here: <http://www.ncsl.org/programs/legman/elect/taskfc/MIT.htm>.

25 Ackerman, Elise. “E-voting regulators often join other side when leaving office,” *Mercury News*, June 15, 2004.

26 Sequoia Voting Systems Press Release, “Assistant Secretary of State Joins Sequoia Voting Systems, the Oakland-Based Provider of Touch Screen Voting Systems,” August 22, 2002.

27 Schweers, Jeff. “Time short to certify ballot software,” *The Las Vegas Sun*, May 28, 1996.; also see: Schweers, Jeff. “County adds 536 voting machines,” *The Las Vegas Sun*, December 17, 1997.

28 For more information, see “About Us” at <http://www.unilect.com/>.

29 “Lobbyist made money from touch screen sales,” *The Associated Press* as printed in *The St. Petersburg Times*, October 6, 2002.

30 Internet sites tracking conspiracy theories (this info came from ConspiracyPlanet.com but other sources have the same information) are quick to point out the estimate made by one anti-paperless voting advocate who noted that the Urosevich brothers’ respective employers make the machines and software that will collect about 80 percent of the votes cast in the country.

31 Bolton, Alexander. “Hagel’s ethics filings pose disclosure issue,” *The Hill*, January 29, 2003.

32 “Statement of Avi Rubin of Relationship with VoteHere Inc.,” Media Advisory, Headlines @ Hopkins, August 17, 2003.

33 ITAA Press Release: “Companies Form Election Technology Council,” December 9, 2003.

34 ITAA Statement: First Hearing of the U.S. Election Assistance Commission, May 5, 2004.

35 Mark, Roy. “E-voting group united on security concerns,” *InternetNews.com*, December 10, 2003.

- 36 “State Plan for the State of Georgia,” July 24, 2003, p. 4.
- 37 Ibid, p. 5.
- 38 Lemos, Robert and Festa, Paul. “Fight over e-voting leaves election plans as casualties,” *CNET News.com*, May 20, 2004.
- 39 Press Release, “Secretary of State Heller Announces Direct Recording Electronic Voting Machine Choice,” December 10, 2003.
- 40 “Nevada Clerks say New Voting Machines Needed Now,” The Associated Press as published in *The Reno Gazette-Journal*, Nov. 28, 2003.
- 41 Zetter, Kim. “E-Vote Printers’ High Stakes Test,” *Wired*, May 27, 2004.
- 42 Howard, Tommy. “Possible Suit Against Election Group on Hold,” *Georgetown Times*, April 9, 2004.
- 43 From telephone interview with Kevin Tyne, Arizona deputy Secretary of State, June 8, 2004.
- 44 Ibid.
- 45 “State Plan to Implement the Help America Vote Act,” June 16, 2003, p. 26.
- 46 McCarthy, John. “Electronic Voting on Hold,” *The Associated Press*, July 17, 2004.
- 47 Selweski, Chad. “Many Communities Won’t Have New Voting Machines,” *The Macomb Daily*, May 7, 2004.
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- 57 DuPlessis, Jim. “Contract Protest Rejected,” *The State*, May 14, 2004.
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- 59 Saber Consulting Press Release. “Saber Consulting to Build Voter Registration System,” August 8, 2003.

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Suite 210  
Washington, DC 20007  
tel: 202-338-9860  
fax: 202-338-1720  
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