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**Scottish Elections Review
Forsyth House
93 George Street
Edinburgh EH2 3ES**

15 JUN 2007

June 11, 2007

Dear Mr Gould and colleagues,

E-COUNTING TECHNOLOGY, TRANSPARENCY AND TRUST IN THE POLITICAL PROCESS

First may I wish you all the best in your important task.

Second may I introduce myself. I am a graduate (BA Hons, Keele, first class – *sub nom* Keith Forrester-Paton) in Sociology and Psychology who went on to study Political Science at Birmingham University in the seventies, and has taken an active interest in social and political change since then, including the study of 'para-politics' – which in some people's eyes makes me a 'conspiracy theorist' – though rather a skeptical one, since, as a Buddhist, I also try to avoid stating things are certain when I do not really know whether they are true or not.

Since November 2000 I have become aware of the acute controversy surrounding the use of electronic technology in the US elections of 2000, 2002, 2004 and 2006, as variously reflected in:

- Internet-based resources of the Voting Integrity movement such as websites such as www.blackboxvoting.org/ or the Save Democracy e-mail list;
- Books with titles such as *Fooled Again* (Mark Crispin Miller), *How the GOP stole America's 2004 Election and is Rigging 2008* (Fittrakis & Wasserman) and *Hacked! High Tech Election Theft in America* (ed. A DeLozier and V Karp);
- Authoritative studies such as US Government Audit Office's *Report* of October 2005 and in particular the National Election Data Archive review of the academic and scientific evidence of vote theft controversies surrounding the US presidential election of 2004, which concluded (p22) that **'the state and national, as well as detailed Ohio precinct-level exit poll data provide evidence in support of outcome-altering vote miscounts'**
<http://electionarchive.org/ucvAnalysis/US/Presidential-Election-2004.pdf> .

Since what happens in the US does not just affect the world but often tends to spread to the UK, I have viewed these developments with particular concern, particularly when worthy organizations such as Fair Share, the Electoral Reform Society, and even (dare I say it) the OSCE, seem reluctant to conclude that these US 'elections' were stolen.

As a non-party person I promoted 'tactical voting' in 1997 (to achieve Scottish devolution) and 'strategic voting' (for peace and proportional representation) in 2005. I have been a member of the Electoral Reform Society for many years and was present at the Scottish Parliament when STV for Council elections was voted in.

Having finally available my desired electoral arrangement I stood for Perth and Kinross Council in the four-member Perth South ward, despite severe reservations (stated publicly during two candidate briefings organized by the Council) concerning the inability of the well-meaning local returning officers *to really know what was going on* with the vote counting mechanism they were being asked to supervise. (Please note that I do not believe that I had enough support to be elected, so I think it very unlikely that I personally was deliberately frustrated in the event that there was any dirty business at the e-crossroads.)

I twice came away from the count (at five o'clock at night and around 2 pm on May 4) feeling utterly disempowered: **The fundamental problem is that I did not really know for sure that my votes – nor anyone else's - had been counted and were accurately reflected in the published totals.** Any year previously I would have known for certain. Now I didn't, yet had to suffer the isolating frustration of being surrounded by people most of whom, though in no position to be certain either, seemed to be surrendering themselves into a 'groupthink denial' *as if they had taken a collective 'undecision' to pretend that they did know for certain that which they were not in a position to know for certain, namely*

- a) that the valid votes cast were reflected in the official announcements,
- b) or at any rate that the problems with the election were confined to the standard talking points rapidly instituted by the media – ballot design, postal vote delays, count hold-ups – when for all I knew these *might conceivably* [I am not arguing beyond this] distract and even have been *designed to distract* from a more fundamental problem, namely *the computer-aided theft of the election.*

Whatever the actual facts which, had they been known/knowable, might have been supportive of confidence in or suspicion concerning the fidelity of the election machinery and the senior personnel in DRS, I maintain that because we none of us could any longer rule out the election-theft hypothesis with any well-founded certainty, these 'known unknowns' (dubbed by the media to be 'glitches', 'fiascos', 'debacles', 'cock-ups', etc) DID for certain distract from the real and deepest tragedy of that night - *that as a society we had taken a massive step backwards away from the transparency which alone ensures well-founded trust in the political process.*

In reading your remit on two Electoral Commission press-releases I noted that although the words 'ballot design' has 'problems with' placed in front of them, there is no limiting phrase concerning 'the electronic counting system' which compels you to only review this system from a technical point of view, e.g. ignoring the cases where the system was *reported* to have worked smoothly, and only focusing on unexpected exceptions such as why seven 'count' (?) centres suffered 'malfunctions' (so we were assured). I put these terms in inverted commas because, on the hypothesis of conscious election theft, none of us would have had the knowledge to challenge the 'malfunction' description in the event that the machines were deliberately crashed to buy time for other manipulations to occur. After all precedent abroad suggests that we need always to be on the lookout in case 'counts' are deliberately frozen to allow time for corrupt actors to manipulate the result, e.g. through a backdoor party server to the laptop of the President's right hand man in either the Ukraine or was it a leading Western country, I forget me which

Aye, but there's the rub! We found ourselves no longer observers of the count in any meaningful sense, rather now reduced to mere spectators in what might or might not be 'virtual reality'. How could any of us 'keep a sharp lookout' when the most fundamental aspect of the election was happening in machines whose software systems no one really had any means of fully verifying? It is undeniable that e-counting systems in the US have been riddled with security problems and surrounded by scandals. Why should it necessarily be different here? The good people acting as the

returning officers in Perth were quite simply and clearly out of their depth. Not only did they lack the requisite time and technical expertise (as I read top computer experts such as Rachel Mercuri, almost everyone does, and who is to tell the one from the other?) to check the software, but they also lacked *sufficiently* rigorous chains of custody with respect to the asserted identity between the *many (how many?)* software components (not just the Radboud University STV-ERS programme) which had been previously tested and certified (so they and we were assured, - 'What, all of them?, and by whom?, with what levels of probity and expertise?, and using what software?')

So when the system stopped sending out progress reports/results around 2.00 in the evening, and we quaintly-styled citizen 'observers' of the count (who couldn't see anything vital) were sent home at 5.30pm, then *how were the good Perth and Kinross officials able to tell the difference between a DRS employee with a screw-driver or laptop who was fixing the problem, from any such as might have actually been fixing the result!?!?*

Even if we grant that the likelihood of the latter happening was small, because the consequences of election theft are so massive, then on the standard definition of Risk as likelihood times size/degree of bad consequence, surely this scenario (as also scenarios where falsifying and possibly self-deleting software kicks in, post pre-election 'testing', without a visible hitch) must be considered to represent a significant and unacceptable risk by all of us who wish to apply the precautionary principle and to remain in contact with our actual shared world

- where where bank accounts are occasionally suddenly emptied;
- where every other month brings news of another scandal with media phone-in competitions;
- and where, if we listen to sociologists and criminologists, **most crime**, judged in terms of money or human cost, is no longer carried out by petty thieves, drunken bullies, opportunist freelancers (or voter-impersonators) **but is perpetrated by corporate and State insiders, and is increasingly facilitated by experts using computers.**

Please Mr Gould, I beg you from the bottom of my heart to place this transparency/trust question at the centre of your review, and do not ignore it or treat it as a mere add-on once you have dealt with the more tractable minor issues. I could go on at great length about other frustrations I experienced on May 3rd, including finding an anti-independence 'Don't put your head in a noose' graphic (front page of the Sun) very visible at Craigie polling station when I voted locally (as also happened in Fife Central, I am told). Two other problems I encountered I will mention not in order to improve e-counting in the future, but because, though very far from conclusive of course, they add some small weight to my plea that the election-theft hypothesis be not ruled out as obviously absurd.

- Such was the officious rush as the count/'count' got underway that none of us could know when and at which computer any particular contest's 'rejected ballots' were going to be adjudicated – which made the dual screen monitors almost entirely otiose.
- Nor could we get much joy from the count progress bar graphics which were bizarrely compressed within about one sixth of the width of the screen, almost as if designed to communicate as little as possible, and flashed on our screens as briefly as possible, for maybe two seconds, maximum, the exact opposite of the way people can judge how much real 'bars' (piles) of paper are growing on tables.

I hesitate to get tied up in secondary (albeit important) questions – except I will offer four suggestions in passing:

- 1) That ballot papers should be sent to the polling stations and given out by them in such an order that at any particular station (and across the ensemble of stations) all Aardvark Liberation Front ploys should no longer gain any advantage. (Polling companies rotate options on their questionnaires to eliminate 'order bias' and such a step is urgently needed – and quite easy to arrange – in actual elections.)
- 2) That in all but the very smallest electoral districts, and irrespective of the voting means used, the rule should be that if an area is big enough to warrant its own polling station, then it is big enough – anonymous enough – for the results from that polling station to be revealed (*if not also counted*) locally and separately (at least so far as first preferences are concerned) and not be lost in the ward or constituency-level amalgamations. (Centralised counts claim to require high-tech for a problem – too many ballots to process - of their own making. By contrast localized counts which publicly phone in their results to the publicly monitored count centre and receive back instructions as to which piles to count next, could take place quite quickly, even with STV, and *in a citizen-involving way*.)
- 3) That we start the hand-counting when fresh the next morning. Speed is much much less important than trust-engendering certainty resulting from the transparency provided by physical ballots publicly hand-counted at a local level.
- 4) That at the end of every election it shall be the rule that every official, technician, etc concerned has to present themselves in a secret ballot type context, in which they have to answer the question anonymously – though with the option of adding details: *Do you know of any fraud which has been or may have been perpetrated in this election?* – the questionnaire box then being carried off and opened by a trusted committee of non-partisan citizens, half of whom are elected by lot.

Let me draw to a close: I understand from your CV that you were part of a OSCE team 'observing' the US presidential 'election' of 2004. Having read the subsequent March 2005 report I put it to you, Mr Gould, that whatever valuable things you could and did observe and report on (and you will recall that in Ohio the OSCE observers were kept away from the polling stations, in clear breach of international commitments), you too, like me on May third/fourth, could not really OBSERVE, SEE the actual operation of the various kinds of technology used on the day, *which have been shown by patient nation-wide statistical analyses to have had differential deviations from the Exit polls consistent for type of e-voting and/or e-counting technology!!!* And in New Mexico, not ethnicity, not gender nor age nor income *but the type of voting technology* was subsequently discovered to have been the single biggest predictor of whether electoral units would (reportedly) back Bush or Kerry!!!

Please help us to restore trust in the political process and dare to admit that you don't know and can't find out whether the Scottish elections of May 3 2007 were stolen, and neither can the citizens.

Doubtless many feel, possibly rightly, that the likelihood of electronic election theft was remote. Perhaps you feel that too. Maybe I feel that too. But I repeat, we used to be able to rule out electoral theft with certainty. That was our duty, our right and our pride. From out of mutual suspicion, we arrived at a) certainty about the process and b) *realistically based* trust in the outcome. But now with 'Trust us' technology we are being regressed to the level of children of potentially abusive parents who are asked to take on trust the pronouncements of these high-tech oracles, in elections which no one has any *soundly based* knowledge about sufficient to allow them *in good faith* to certify either the process or the outcome *with honest realism*, except to say: ***'They tell us it counts the votes and we can't disprove it.'***

So is 'Serious ballot-design problems but overall a clean bill of health *probably*' to be good enough for our brave new Scotland? Will you join the pundits in going well beyond what you can be sure about, or will you grasp this nettle and publicly report that the one thing you are certain about is that you can't be certain of the outcome, nor should Scottish voters so long as non-transparent technologies with literally unknown numbers of attack vectors have been used to steal numerous elections in the past and continue to be used in future elections?

Two final questions, Mr Gould. What methods are you using to solicit public responses and evidence? Are you going to be holding public forums around Scotland?

With best wishes,

Keith Mothersson



Unaffiliated candidate in Perth South

Author of an Indymedia-carried report on the Scottish Election (contains many references as hot links): <http://www.indymedia.org.uk/en/2007/05/370366.html?c=on#c173505>

Appendix: Letters sent to the Scottish press

A) Letter to Herald and other papers in immediate aftermath of election:

Amid the understandable concern about missing postal votes, design of the ballot papers, count delays, and copies of the Sun's noose front page happening to be lying around visible at polling stations (as happened in Central Fife and my own polling station in Perth), I am concerned that the most central problem isn't being addressed - namely the introduction into Scotland of 'faith-based voting'!

Bev Harris of Black Box Voting has shown that the high-tech election industry in the States is led by companies with close links to the ruling party, the CIA, the Pentagon, the military industrial complex, the mafia and/or fraudsters recruited out of prison.

Even those who replied to Labour attacks on SNP spending promises by saying that 'after Iraq none of us can believe a word New Labour tells us', seem implicitly to concede that such US-style electoral corruption couldn't happen here. But how can we be sure?

Although there are only a handful of 'attack vectors' in traditional elections (e.g. pre-stuffing ballot boxes if they aren't transparent and no one is there to check they are empty when sealed), the number of ways of stealing e-counting and e-voting are literally unknown.

The Pentagon and CIA, which have overthrown scores of democracies, are known to have invested billions in technological research to enable control of cybér-space, with inventions being quietly released to favoured CIA-front companies.

Just as the most successful bank heists are done quietly by insiders with computers, so the leading neo-con theoretician of how to carry our coup d'etats, Edward Luttwak, has emphasised the importance of stealth take-overs - in the context moreover of widespread tendencies to popular

denial and corporate media ridicule targeted at 'crazy people' who suspect a conspiracy may be afoot.

Basically none of us know for certain that there is or isn't dirty business at the electronic cross roads going on. (Nor can we be completely sure about all the companies running the pre-election polls - recall the recent spate of TV phone-in scandals.)

In Ohio in 2004 it now seems clear that when the computers appeared to freeze, the results continued to be fed to a Republican server by an electronic back door (and probably to Karl Rove).

Probably there was nothing fishy going on when seven Scottish counts experienced similar holdups, but can we really be as sure as we used to be able to be when we all hung around and watched the ballots being hand counted in public?

Far from being a 'modern advanced' way of doing elections, E-counting was not just expensive, it went slower and by its inherently non-transparent nature will do nothing to restore trust in the political process.

As a candidate I was assured that the software to be used had been 'independently verified'. Eventually I was told that software experts at Radboud University had verified it. When I checked them out I discovered that they 'had been invited to tender' for the contract of testing the software for applying the rules in an STV count.

All fine and dandy, I dare say, but this gives no guarantee that *additional* software may not have controlled the registering of votes as they passed through the machines, software which, as in the US, may only be triggered when the real count starts and may even be able to rub itself out subsequently.

I was also assured that the ballot images taken and stored in computers contained no voter ID. All very well, so long as those giving me these assurances are a) honest (which I do not doubt) and b) at an extremely high level of professional competence so that they would be able to detect nano-technological ID barcodes within the Area and Contest barcodes, should such stealth technology for citizen profiling have been invented. (The police declined to take some sample papers for analysis.)

On researching the E-count company I not only discover that Lord Kinnock has been taken on as a non-executive director, but I also learn that DRS has taken over a private San Diego based firm called Peladon Software, which had recently bought in some imaging software from Diebold, the company which, along with E.S. and S. is most distrusted by the large and dynamic Voting Integrity community in the US.

I will readily concede that I may be being 'paranoid' so long as readers who find themselves scorning my 'conspiracy theories' admit that they too could not be sure that they would be able to tell whether the various software companies and researchers involved are all sufficiently independent, honest *and expert* to be able to offer cast-iron guarantees in this crucial aspect of hard-fought social life, the control of elections, which has been likened to conferring a license to print political money.

The paradox of voting in the traditional way is that through resolute mutual suspicion, we have evolved a system in which all can have confidence. Instead we are being asked to have trust where none can exist.

Far from technology taking us forward, its introduction has been a huge set-back for Scottish democracy. Readers who would like to join me in a Campaign for Hand-counted Paper Ballots are invited to get in touch.

B) Extracts from Herald letter: sent May 8th

Thomas McLaughlin assures us that 'no one actually tried to steal last Thursday's ballot' (Letters, May 7) But how do any of us know? If a team of e-fraudsters had succeeded in shifting one vote in ten from Party X to Party Y would they have left a calling card out of sheer bravado? (.....)

Like Jim Sillars I want to live in a country which relies on good old Scottish scepticism, not faith-based voting. I will readily accept that I may be being too suspicious if Mr McLaughlin will accept that he may be being too naive. Neither of us really know yet all of us have a right to be certain.

The paradox of the traditional system is that trust results from accepting the starting point of resolute mutual distrust. By contrast having to accept 'expert' assurances about technology that no one is really in a position to extend, not even the experts, is a recipe for increased distrust in the political process and ever-lower turn-outs.

Far from e-technology taking us forward, its introduction has been a huge set-back for Scottish democracy, *whether or not anything untoward has been tried on this occasion.*

C) Letter to Herald, May 31st.

Mike Dailly is to be commended for his efforts to question the results of the May 3rd election, which have, alas, revealed their virtual unassailability. (Democracy is the loser from lost votes election fiasco; May 30)

For the future we need non-partisan and fool-proof arrangements for sending out postal ballots (*where genuinely needed*), properly designed ballot papers and an automatic right to full recounts in cases such as Cunninghame North.

However the crux of our problem lies much deeper than 'fiascos' and 'glitches'. It lies in a collective inability of many people to entertain even the *possibility* of real abuse.

Despite ample proof of e-fraud in elections elsewhere, and numerous scandals surrounding media competitions and polls involving internet, text and phone-in technology, the Scottish electorate has now been stealthily regressed to the level of children having to take on trust what formerly we could verify with our own eyes.

The paradox of our traditional arrangement was that by vigilant mutual suspicion the candidates and citizens could arrive at a result everyone could be sure about.

I have no problems - and could even agree - with anyone who *gives it as their opinion* that e.g. the proclaimed result in Glasgow was *probably* an accurate reflection of the votes cast. But is 'probably' to be the standard in our brave new Scotland?

I submit that those who claim that there was absolutely no socio-technical possibility that e.g. Sheridan was denied a seat by shadowy intervention are simply not in a position to be so dogmatic.

Nor can we necessarily credit the assurances extended by a long chain of 'experts' of *presumed* integrity (yet possibly naive and/or *insufficiently* expert) who certified at some earlier point what purport to be the various software components used on the night (often tested using software which is itself of unknown reliability).

If they are really honest with themselves and with us, not one returning officer could really be *certain* that, when the computers in seven count centres appeared to freeze, the officials responsible were fixing the *problem*, and not the *result*.

As a humble Council candidate I left my count in Perth feeling that it would have been cheaper to have hired in druids to have examined the entrails of dead sheep (though oxen for MSPs - respect!) - so lacking in transparency were these new electronic oracles.

It is beyond belief how some claim to think that introducing completely opaque 'Trust Us' technology will help to 'connect people with politics' and 'restore people's trust in the political process'. Turnouts will plummet.

Promised inquiries must go back to basics and stop this childish collective pretence that all is *necessarily* well, no elections have been e-stolen elsewhere, the Good People are in charge (go to sleep, children) and will assuredly be able to keep a track of the sheer proliferation of potential 'attack vectors' which e-technology elections throw up.

Taking a leaf from the dynamic Voting Integrity movement in the USA I would be glad to hear from readers who would like to join me in a Campaign for Locally Hand-counted Paper Ballots.

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