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## Denying the Troops a Secret Ballot

**M**embers of the military will be allowed to vote this year by faxing or e-mailing their ballots - after waiving their right to a secret ballot. Beyond this fundamentally undemocratic requirement, the Electronic Transmission Service, as it's known, has far too many problems to make it reliable, starting with the political partisanship of the contractor running it. The Defense Department is making matters worse by withholding basic information about the service, and should suspend it immediately.

The Defense Department is encouraging soldiers to use absentee ballots or fax votes directly to local officials, when possible. But it also provides an alternative: Omega Technologies, a private contractor, will accept soldiers' faxed and e-mailed ballots on a toll-free line, and then send them to the appropriate local elections office. Handling ballots is always sensitive, but especially so when, as in this program, they are not secret. An obvious concern is that votes for a particular candidate could be reported lost in transit, or altered.

Omega Technologies is not an acceptable choice to run the program. Its chief executive, Patricia Williams, has donated \$6,600 in this election cycle to the National Republican Congressional Committee, and serves on the committee's Business Advisory Council. And while everything about the conduct of elections should be open to public scrutiny, Omega is far too secretive. In an interview, Ms. Williams refused to say who would handle military votes, and whether they could engage in partisan politics. "I will not allow the public to invade the privacy of the employees of Omega," she said.

The secrecy of ballots could be breached at several points: when they are faxed or e-mailed from the field, when they go through the contractor and when they are received by local officials. The Pentagon has not explained why it is acceptable, or legal, to ask soldiers to waive their right to secret ballots. Laughlin McDonald, director of the Voting Rights Project of the American Civil Liberties Union, says he cannot recall another group of voters being asked to give up such secrecy. It is particularly inappropriate, he says, for soldiers, who are under the direct control of the Defense Department.

Nor is it clear that voting by nonsecret ballots is legal. In Missouri, one of two states that will allow votes to be e-mailed through the Pentagon this year, the Missouri Supreme Court held as early as 1895 that its State Constitution requires that voting be by secret ballot. North Dakota has also approved the use of the e-mail voting system for military personnel; about 20 states will allow them to vote by fax.

The Electronic Transmission Service operates with a lack of transparency that is unacceptable in

elections management. The Pentagon is allowing Omega to keep its staffing secret. There are no provisions for parties or candidates to inspect Omega's operations or monitor the transmittal of votes. The Pentagon says the procedures for doing so are an "internal working document," which it refuses to make public, and it does not routinely make public how many ballots pass through the system each year. The Electronic Transmission Service operated in 2000 and 2002, and in earlier elections, but Ms. Williams says Omega did not handle ballots in those years. The Pentagon is refusing to say who did.

The Defense Department has taken a "trust us" attitude. Soldiers have to trust that military higher-ups will not try to learn their political choices and hold it against them, and that local elections officials at home will not reveal those choices. The voters have to trust that no one at the contractor or the Pentagon will make errors, or intentionally alter ballots. In a democracy, matters like these should not have to be taken on faith.

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