

By Bev Harris, Founder of [Blackboxvoting.org](http://Blackboxvoting.org)

Next time you hear that voting machines are reliable and safe "because they have been tested and certified," think of this important article, which reveals proven corruption, payoffs and bid-rigging connected to Ciber, Inc., a firm that signed off on our voting machines. Ciber's okay was the foundation for federal acceptance of voting machines all over the USA.

A few weeks ago, I decided to examine electoral fraud from the other end. What happens if we start with known public corruption cases and work backwards to the intersection with elections?

What I found were kickbacks and bid-rigging schemes in New Orleans and Pennsylvania which both connect back to Ciber, the firm that supposedly tested and then signed off on most of the U.S. voting machines currently in use in all fifty states, on behalf of the federal government.

I learned of a now-admittedly corrupt government technology official who had placed, as one of his first priorities, setting up an Internet voting system.

And while looking into money-laundering systems, the mechanism that provides the juice for such corruption, I learned of a particularly odious situation: a New York City Democrat who bribed New York City Republicans to help him run for Mayor (as a Republican). "You pull this off, you can have the house. I'll be a tenant," he said. As part of the New York deal, the bribe facilitator was to be appointed New York City Deputy Chief of Police when the would-be-mayor got into office.

My purpose in writing this is not to disgust you with politics. My goal is to prove to you what kind of corporations and people will inevitably end up in positions of control, to illustrate that insiders must never be "trusted" when it comes to conducting elections. There can never be a place where counting votes in secret, or governmental snooping on how we voted, or hidden money behind campaigns, or hiding records on elections, can be accepted by the public, yet that is happening right now.

## **THE REAL WORLD IS NOT ON TV**

Vendors who do business with the government do participate in bid-rigging and kickback schemes, and both politicians and government employees sometimes deprive the public of honest services.

Take the situation in New Orleans, for example, involving former Mayor Ray Nagin, his chief technology officer Greg Meffert, technology vendor Mark St. Pierre, and go-between Ed Burns, who was facilitating payments through a company called Ciber Inc. These guys were doing an

overhaul on the city's technology infrastructure after Hurricane Katrina. They were providing traffic and crime cameras. They were paying themselves for work never performed. They were taking kickbacks. They were bid-rigging. They were lavishing donations, trips and perks on candidates they chose.

What hit the front page was crime cameras and infrastructure, but a small news item contained this gem: One of them, Greg Meffert, was also hoping to set up Internet voting for the city of New Orleans.

"Greg Meffert, the New Orleans CIO ... said today that one of his priorities is to provide a secure Internet voting system," write Ellen O'Brien and Charlie Russo of SearchCIO.com. They quote Meffert as saying:

"Hey, we're going to do Internet voting for real, in a real election, and you're going to vote and use kiosks..."

And they report that: "Meffert plans to model the New Orleans Internet voting system on the controversial model the Department of Defense had proposed using for overseas military." [1] (The Pentagon later scrapped that idea due to concerns about fraud.)

When you understand that whoever controls the Internet server controls the election, and that with online voting, the public loses its ability to see or authenticate any of the essential processes; when you learn that a technology official who has admitted to taking \$860,000 in bribes,[2] planned to set up his own Internet voting system for New Orleans; when you discover that around this time, the same guy setting up the Internet voting system was making ten-thousand-dollar bets on election outcomes[3], you realize that Internet voting is nothing more than a large number of people acting dumb in the dark.

But that's not all. While the New Orleans bid-rigging and kickback scheme focused on Nagin, Meffert and St. Pierre, money flowed through Ed Burns, in his position as president of state and local government contracts at Ciber, Inc.,[4] a company that in addition to acting as a conduit in the New Orleans technology money, acted as the "Independent Testing Authority" -- ITA, that handled testing for most of the voting systems in use in America today, and signed off on them, enabling election officials everywhere to tell us not to worry, the machines are safe, they have been "tested and certified."

A testing model will never suffice to replace public right to scrutinize its own election counts, but Ciber's testing turned out to be especially slipshod. How did Ciber get into position become, as the New York Times reported in 2007, "the largest tester of the nation's voting machine software"?

Ciber's authorization to test voting machines was finally pulled in 2007, but only after Black Box Voting and others proved that a Ciber subcontractor, Huntsville Alabama's Shawn Southworth, was signing off on systems he had not really checked out, and a Black Box Voting hidden-camera interview of Ciber's Southworth ended up on national TV in the HBO

documentary Hacking Democracy.[5] The US Election Assistance Commission (EAC) pulled Ciber's authorization as an "independent" test lab [6] but reinstated Ciber a couple years later. (Ciber's authorization is currently shown on the EAC Web site as lapsed.)[7]

One wonders how Southworth became Ciber's subcontractor, especially after three previous companies for whom Southworth did ITA testing bailed out. The mechanism in New Orleans may shed light on a hidden mechanism for voting machine authorization.

Ciber, the voting system ITA that signed off on Diebold voting machines, including the GEMS system with its double set of books and ability to count backwards, got caught in the middle of a contract-rigging and kickback scheme in New Orleans, on a different technology project. Here's how that worked:

A subcontractor named Mark St. Pierre worked together with New Orleans CIO Greg Meffert on a multimillion-dollar technology assignment. But it was not St. Pierre, but Ciber that invoiced New Orleans for exorbitant and sometimes impossible tasks and hours by St. Pierre's company (these charges included one person being in two places at the same time). [8] Ciber simply explained that they didn't believe they had the responsibility to oversee the work or check the hours for their subcontractor.

As reported by David Hammer of the Times Picayune: "Ed Burns, Ciber's former president for state and local government contracts, testified on Tuesday that his company's role in New Orleans was to serve as a billing mechanism for St. Pierre's Imagine Software and that the company had nobody in New Orleans overseeing the subcontractors. He said Meffert directed him to give all of the work to Imagine and "considered it an order." [9]

Ciber billed the City of New Orleans, then passed the money they got from New Orleans back to Mark St. Pierre. St. Pierre, in turn helped fill the pockets of New Orleans CIO Greg Meffert.

"The subcontracts [from Ciber to Imagine (St. Pierre's company)] appeared to be little more than a mechanism for directing payment from the city to Imagine and its related companies," the city's independent inspector general alleged.[10]

### **THE PAYOFF: A RIGGED BID**

Burns admitted that the payoff for Ciber's role as a "pass-through", or conduit, for these payments was Ciber getting the contract to update New Orleans computer systems, a \$5.5 million-a-year deal. Though Burns referred to getting that contract as "winning a bid", it was a rigged bid.

Meffert arranged for St. Pierre to meet Ed Burns in San Francisco, to create the bid's requirements, thus assuring that Ciber would win the work. "So they were literally able to have the answers before the questions were even posted," Meffert is quoted as saying. "It's not open and fair. This was done to make sure Ciber would win the contract." [9]

And it wasn't just New Orleans: St. Pierre's company, NetMethods, also got government

contracts working under Ciber in other locations in Cook County, Ill (Where Ed Burns current company is located] and the Mississippi Department of Environmental Quality in Jackson, Miss.[11]

If the "carrot" for Ciber was a New Orleans contract, we should be looking into the "carrots" for Ciber in Chicago and Mississippi as well.

St. Pierre is now serving an 18-year prison sentence on the pass-through and bid-rigging schemes. Meffert pleaded guilty and is expected to receive eight years, though his sentencing has been delayed several times. Former mayor Ray Nagin also went down, likely to the tune of 15 years.

But Ciber's Ed Burns quietly waltzed away after testifying for the prosecution. He now runs a Chicago-based company called SLG Innovation, offering more help for the government, paid for by the taxpayer. According to its Web site, [www.slginnovation.com/](http://www.slginnovation.com/) the firm provides technology services for justice and public safety, and works with state and local health and human service agencies.

## **CIBER TROUBLES IN PENNSYLVANIA**

Ciber secured more contracts paid for by the taxpayer, two of which were with the Pennsylvania Dept. of Transportation (PennDOT), which also handles the Pennsylvania motor voter program. On Sept. 4, 2008, Ciber announced a \$19 million contract with PennDOT's Pennsylvania Turnpike Commission (PTC), following an initial \$8 million deal. [12]

But last month, a corruption investigation hit Ciber and its employee, Dennis Miller, listed as a Ciber vice president, and charged with bid-rigging, theft, and conspiracy. Criminal charges have been filed against eight current and former turnpike officials, employees and contractors. One of the whistleblowers in the case says \$82 million in toll-payer funds have gone to or through Ciber. [13]

I have not got the documents on Ed Burns involvement in Pennsylvania, but one of my sources says he was there too. Was Burns involved in the Cook County deal? How about Mississippi? Why is he still out there tapping taxpayers instead of in jail?

For its part, Ciber is reportedly trying to distance itself now from both its own former president of state and local government contracts, Ed Burns, and vice president Dennis Miller.

Ciber's connection with electronic voting still exists, because voting systems Ciber signed off on are still widely used in U.S. elections.

This story should underline that trust in a secret counting process is dangerous, and that testing by any corporation or government employee can never replace public right to see the actual counting of the vote.

## **AND NOW, FOR A DIFFERENT INTERSECTION OF PUBLIC CORRUPTION CASE AND**

## **ELECTIONS: THE NEW YORK CASE**

In New York, both Democrats and Republicans have been charged with selling access to the ballot for the New York City mayoral race. Malcolm A. Smith, a New York state senator since 2000 and acting Lt. Governor under former Governor David A. Patterson, paid bribes to at least two Republican leaders in exchange for ballot access (as a Republican, even though he's a Democrat) in the New York Mayor's race.

Like St. Pierre in New Orleans, Smith used a middleman as a money conduit. Whereas St. Pierre set up a deal with Ciber, whereby Ciber would hire him as a subcontractor and pass through payments to him from the City of New Orleans, New York State Senator Smith is alleged to have cooked up an even more off-the-books deal using former New York City Councilman Charles Halloran.

Halloran facilitated meetings with New York City Republican officials for the Democratic Senator Smith, who needed the cooperation of at least three of New York's five Republican party bosses in order to run for mayor as a Republican. Halloran, according to the US Attorney's office, helped negotiate bribes to Republican bosses on behalf of Malcolm Smith. For his work as a go-between he received both bribes and a promise that Smith would appoint Halloran to the position of Deputy Chief of Police for New York City.

This repulsive police-position-deal would intersect with elections in another way: Unlike other counties in New York, which run ballot chain of custody through the county election office, New York City places its police force in the middle of the electoral chain of custody. In 2008, for example, it was the police department that relayed election results to the public, instead of an elections office.

Political corruption spreads like cancer. According to charging documents , the New York bribery scheme spilled over into Rockland County, to a village mayor and deputy mayor for Spring Valley. Assisted by some of the same people involved in the Malcolm Smith election case, they offered to snatch up some village land using eminent domain in order to sell it off to a developer. The mayor had secretly cut herself into a partnership with the developer, and the deputy mayor received a bribe.

Corruption creates a neural system of one politician beholden to another. The public always needs to retain its right to know, to examine documents, and to see what's going on. Otherwise, who's gonna tell?

As Halloran explains, "That's politics, that's politics, it's all about how much. Not about whether or will, it's about how much, and that's our politicians in New York, they're all like that, all like that," (on this occasion, fortunately for us, he said this on tape and in front of an FBI agent.) "Money is what greases the wheels - good, bad, or indifferent." [14]

## **AND THE MORAL OF THE STORY IS...**

Before we go skipping down the road trusting any politician to know what's best for us regarding

our own right to see and authenticate elections...

Before we agree to some pie-in-the-sky idea that secret vote counting processes are safe because some company tested them...

Before we accept the idea that some legislators can pass a law telling us we have to cede over our right to know...

We need to understand that when it comes to elections, trust is childlike. It's wishful thinking. It's immature.

It's not how the world works, and we owe it to our children to remember that.

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