More on the Florida Election Software Controversy

A government watchdog group is investigating allegations made by a Florida programmer that are whipping up a frenzy among bloggers and people who believe Republicans stole the recent election.

Programmer Clint Curtis claims that four years ago Rep. Tom Feeney (R-Florida) asked his then-employer to write software to alter votes on electronic voting machines in Florida.

He said his employer told him the code would be used "to control the vote" in West Palm Beach County, Florida. But a fellow employee disputed the programmer's claims and said the meetings he described never took place. Many questions have been raised about Curtis, the 46-year-old programmer, who said he doesn't know if anyone ever placed the prototype code on voting machines. But this hasn't stopped frustrated voters and bloggers from seizing his story. Daily Kos mentioned the allegations, and Brad Friedman of The Brad Blog has written extensively about them.

Staff members for Rep. John Conyers (D-Michigan) met with Curtis last week to discuss the election allegations. Representatives for Sen. Bill Nelson (D-Florida) inquired about other allegations from Curtis that his former company spied on NASA.

The FBI in Tallahassee, Florida, has set up a meeting with Curtis, and Citizens for Responsibility and Ethics in Washington, or CREW, said it was trying to corroborate his claims about possible election fraud and NASA spying.

The group hopes that even if the election allegations aren't proven, they will inspire legislators to pass a law requiring voting software to be open to public inspection to help deter fraud and restore public confidence in the election process. The software code used in voting machines is considered proprietary and it is protected from public examination — an issue voting activists have been trying to address.

"I think Mr. Curtis helps make that issue a little more difficult to shunt aside," said CREW Executive Director Melani Sloan. "You don't even have to believe what he says (in order to be concerned about voting machines), just that he created a program. If he can do it, anyone can."

In September 2000, Curtis was working for Yang Enterprises in Oviedo, Florida, a software design firm that contracts with NASA, ExxonMobil and the Florida Department of Transportation, among other clients. According to Curtis, Feeney met with him and Lee Yang, the company's president, to request the voting software.

At the time, Feeney was Yang's corporate attorney and a registered lobbyist for the company as well as a member of Florida's legislature. A month later, he would become speaker of Florida's House of Representatives. In 2002 he was elected to Congress.

Curtis said Feeney asked for code that could go undetected on a voting machine and be easily triggered without any devices by anyone using the machine. Curtis had never seen source code for a voting machine, but in five hours, he said he designed code in Visual Basic that would launch if someone touched specific spots on the voting screen after selecting a candidate. Once the code was activated, it would search the machine to see if the selected candidate's total was behind. If it was, the machine would award that candidate 51 percent of the total votes recorded on the machine and redistribute the remaining votes among the other candidates in the race. Curtis said he initially believed Feeney wanted the code to see if such fraud were possible and to know how to detect it. The programmer told Feeney that such code could never be undetectable in source code, and he wrote a paper describing how to look for it. But when he gave the paper and code to his employer, Yang told him he was looking at it all wrong. They weren't looking at how to find code, Curtis said she told him. They needed code that couldn't be found.

"Her words were that it was needed to control the vote in West Palm Beach, Florida," Curtis said. "Once she said, 'We need to steal an election,' that put me back. I made it clear that I could not produce code that could do that and no one else should."

Curtis says he left the company in February 2001 because he found its ethics questionable. He doesn't know if his code was ever used.

Neither Feeney's spokeswoman nor election officials in Palm Beach County returned calls for comment. But a man who identified himself as Mike Cohen, Yang's executive assistant at the time whom Curtis said was in the meeting, told Wired News the meeting never occurred. Cohen said Curtis was "100 percent" wrong and that Cohen didn't attend such a meeting. He added he knew nothing of any meeting on the topic that occurred without him.

Yang attorney Michael O'Quinn called Curtis' assertions "absurd and categorically untrue." He said Curtis is an opportunist and a disgruntled former employee furthering an agenda by telling lies. According to O'Quinn, Curtis tried the same tactic in 2002 when he leveled other charges against Yang and Feeney.

Some details of Curtis' statements don't check out. West Palm Beach city didn't use touch-screen machines in 2000, something Curtis didn't know when Wired News spoke to him. It was the pregnant chad controversy in that year's presidential election that led Palm Beach county, where West Palm Beach resides, to replace its much-maligned punch-card system with touch-screen machines made by Sequoia Voting Systems in December 2001.

But Curtis said the program could have been adapted for use in the counting software used with punch-card machines and optical scan machines, or it could have been used on the new touch-screen machines in 2002, the year Feeney was elected to Congress.

Adam Stubblefield, a graduate student in computer science at Johns Hopkins University who co-authored a now-famous report (.pdf) about Diebold's voting machine code last year, thinks the chances that Curtis' code was used in a voting machine are nil.

"(Curtis) clearly didn't have the source code to any voting machine, and his program is so

trivial that it would be much easier to rewrite it than to rework it," said Stubblefield.

Stubblefield also found fault in Curtis' statement that any malicious code would be detected in a source code review. This would be true only for unsophisticated malicious code, like Curtis' prototype.

Despite Curtis' concerns about statements Yang and Feeney supposedly made regarding election fraud, Curtis didn't tell the FBI or election officials in West Palm Beach about them, even after the 2000 election thrust Florida into the international spotlight.

He said he didn't worry about the code or Yang's statements because he believed if anyone installed malicious code on a voting machine authorities would find it when they examined the code. It wasn't until he read a news story last spring indicating that voting software is proprietary and is not open for inspection once it's certified that the earlier conversations began to concern him.

He claims he did later tell the CIA, the FBI, an investigator for Florida's Department of Transportation and a reporter for the Daytona Beach News-Journal about the voting issues when he gave them other information about Yang and Feeney. But so far this has not been corroborated. The FBI did not return calls for comment. The Department of Transportation investigator is dead. And writer Laura Zuckerman who worked closely with Curtis on several stories for the Daytona paper, told Wired News he never mentioned the voting software code.

In 2002, Zuckerman wrote about allegations Curtis made that Yang Enterprises overcharged the Department of Transportation for work it never performed. In addition, Curtis told Zuckerman that Yang employed an illegal Chinese national while working on government contracts for NASA, and that the company was possibly spying on NASA by downloading documents from the NASA computer system.

"I didn't get a hint of anything like that at the time that I was writing any of these stories," Zuckerman (who no longer works for the newspaper) said.

However, other information provided by Curtis has been somewhat corroborated. The overbilling charge was confirmed by a Department of Transportation employee, although an official state investigation found no wrongdoing. Curtis thinks pressure from Feeney and others helped squelch the investigation, charges that Zuckerman did not find implausible from her own research.

And Last March, the Chinese national that Curtis discussed, Hai Lin Nee, was arrested in a 4-year-old Immigration and Customs Enforcement sting operation for trying to mail sensitive computer chips to Beijing in 1999 in violation of export rules.

But no one at Yang has been arrested for spying on NASA or stealing documents, despite a letter Curtis sent to a NASA investigator in February 2002 suggesting the company might be doing so. Curtis believes Feeney squelched that investigation as well to protect Yang. Both CREW and staff for Sen. Nelson's office are looking into those charges.

Curtis recently signed an affidavit (.pdf) and says he's willing to take a polygraph test. In the affidavit, Curtis stated that Feeney once "bragged that he had already implemented 'exclusion lists' to reduce the 'black vote'" and discussed ways of further impeding the black vote through strategic use of police patrols on Election Day.

His willingness to go on record with his vote fraud allegations is what makes some believe him.

Jon Kaney, a prominent Florida attorney who represents the Daytona Beach News-Journal and sparred with Feeney over articles the paper wrote about the lawmaker in 2002, said the affidavit does take things up a notch.

"You don't casually go around swearing under penalties of perjury unless you think you're right," Kaney said. "The affidavit struck me as something somebody ought to be looking at." But he said his first reaction to the affidavit was: "Gag. This can't be believed."

It remains to be seen if any new investigations can uncover the truth.

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