

# Electronic Miscounts and Malfunctions In Recent Elections Summary

## San Diego County, California. March 2, 2004

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**Article - Poll workers, voters cite tied-up hotline, poor training, confusion**

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**Article - Voters short changed at the polls**

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Modems used for transmitting totals for tallying weren't operating properly. "A Diebold computer technician began providing incorrect numbers to news organizations. The botched returns were fed to the media for more than two hours after the polls closed before the problem was corrected."

**Article - Ballot card problems delayed election returns**

## Montgomery County, Maryland. March 2, 2004

### Overview

At least one voter claimed he was not presented with a complete ballot. After casting his vote, he realized that the Senate race had not been presented to him for his vote. When he complained, the poll workers simply told him, "Once you've cast your vote, you can't vote again."

A poll worker asked if he had pressed the magnification button. She said they knew that the error occurred when the magnification button had been pressed.

**Article - Think You Voted in Md.? Think Again**

## **Broward County, Florida. March 2004**

### **Overview**

The text for responses to one of the questions on the ballot doesn't fit on the electronic machine's touch screen. Pompano Beach residents voting March 9 on whether to support the annexation of Leisureville must use paper ballots.

Voters must fill in the circle next to their choice with a pencil or black pen. Officials with the city clerk's office said all other voting at the polls will be done electronically.

### **Article- Blah-blah ballot too long for touch screen**

## **Palm Beach and Broward Counties, Florida. January 6, 2004**

### **Overview**

Broward County, Florida. In a special election for the State House District 91 seat, ES&S electronic voting machines showed a total of 134 undervotes – that is, 134 ballots in which voters did not select a candidate in the single-race election. In this single-race election, all candidates were Republicans. The winner, Ellyn Bogdanoff, received 12 more votes than the runner-up.

Florida law requires a manual recount of invalid votes when the winning margin is less than one-quarter of one percent, which it is in this case. However, it is impossible for election officials to comply with Florida law because the 134 invalid votes were cast on electronic voting machines, and there is no record of the voter's original votes. (Articles #1 and 2)

On January 16, Representative Robert Wexler (D-FL) and outspoken proponent of verifiable elections, announced that he has filed a lawsuit against Secretary of State Glenda Hood and Palm Beach County Supervisor of Elections Teresa LaPore, charging them with violating their duties to ensure that votes are counted accurately. "If the lawsuit is successful, Wexler is hoping to change Florida's election law by requiring that every touch-screen machine in the state be affixed to a printer in order to print out an individual voter-verifiable ballot." (Article #3)

### **Article #1 - Electronic vote recount stumps Broward officials**

### **Article #2 - Votes from 134 residents were not counted**

### **Article #3 - Wexler Takes Hood and LePore to Court Over Ballot Printers**

## **Fairfax County, Virginia. November 5, 2003 School Board**

### **Overview**

School Board member Rita S. Thompson (R), who lost a close race to retain her at-large seat, said yesterday that the new computers might have taken votes from her. Voters in three precincts reported that when they attempted to vote for her, the machines initially displayed an "x" next to her name but then, after a few seconds, the "x" disappeared.

In response to Thompson's complaints, county officials tested one of the machines in question yesterday and discovered that it seemed to subtract a vote for Thompson in about "one out of a hundred tries," said Margaret K. Luca, secretary of the county Board of Elections. With 77,796 recorded votes, the winning margin was 1,662 – a little over 2.1%.

Meanwhile, attorneys for local Republicans and GOP candidate Mychele B. Brickner, who lost her bid to chair the Fairfax County Board of Supervisors, went before a Circuit Court judge yesterday morning, asking him to keep 10 voting machines under lock and key and not to include their tabulations in the results. The machines, from nine precincts scattered across the county, broke down about midday Tuesday and were brought to the county government center for repairs and then returned to the polls -- a violation of election law, Republicans argued.

Fairfax County, Virginia. A January 9, 2004 report by a county GOP committee declares that the touch screen voting machines used in the November election were a "failure." The investigation was prompted by the electoral board's removal of 10 malfunctioning machines during the election - an action the Republican party claims is illegal. "The Republican report cited dozens of e-mails and letters from precinct workers and voters who described problems such as machines that repeatedly crashed, screens that balked at registering votes and delays in tallying votes." The report calls on the Virginia legislature to pass a law requiring disclosed source code, a voter-verifiable paper trail, and surprise recounts in 0.5% of all precincts.

**Article #1 - Fairfax Judge Orders Logs Of Voting Machines Inspected**

**Article #2 - Fairfax Voting Machines A 'Failure'**

**Full Text of Fairfax County Republican Committee Report ([link](#))**

## **Hinds County, Mississippi. November 4, 2003**

### **Overview**

When the polls opened, voters arrived to find the electronic voting machines were down, and there were no paper ballots. By mid-morning, some machines were still down. Voters complained about waiting in long lines and of having to complete paper ballots without adequate privacy. At 8 p.m., voters were still standing in line. (Article #1)

One report made reference to machines that overheated. (Article #2)

January 19, 2004: A Senate committee in Mississippi has just recommended sending the voters back to the polls to do the election in District 29 over again! The recommendation is causing heated debate and will be voted on by the full Senate within a few days. (Article #3).

January 21, 2004: The full Mississippi State Senate voted to confirm the recommendations of the Senate Committee, so the results of the November 3, 2003 election in District 29 are declared invalid, and a new election was held on February 10, 2004. (Article #4)

**Article #1 - Long lines, machine malfunctions mark today's voting**

**Article #2 - Ballot Problems Delay Final Returns for Hinds County**

**Article #3 - New Election Recommended in District 29**

**Article #4 - District vote set; contender may quit**

## **Wake County (Raleigh), North Carolina. November 2002**

### **Overview**

Electronic voting machines failed to count 436 ballots cast at two Wake County early voting locations. As soon as it was discovered that the machines were not registering votes cast, the Director of Elections returned to using the optical scan ballots.

VerifiedVoting.org called Cherie Poucher, the Wake County Director of Elections, to find out the type of machine used and to ask the cause of the problem. Ms. Poucher explained that she was informed by ES&S that the firmware in the machines was the problem, causing some votes not to be recorded. Ms. Poucher decided not to pursue using the iVotronic and will continue to use the optical scanner precinct count tabulators used in Wake County since 1992. A summary of the conversations and supporting documentation follow the article.

**Article - Electronic Ballots Fail To Win Over Wake Voters, Election Officials Machines Provide Improper Vote Count At Two Locations**

**VerifiedVoting.org's report on conversations with Cherie Poucher**

**Ms. Poucher's letter to the State Board of Elections**

**Ms. Poucher's reimbursement bill sent to ES&S**

## **Miami-Dade County, Florida. September 12, 2002**

### **Overview**

A spot check of machines revealed problems that called election outcomes into question. One problem: Several Miami-Dade precincts, each with hundreds of registered voters, are listed as showing one or even no votes cast Tuesday, a virtual impossibility. Broward's tabulation shows at least one precinct with hundreds of registered voters and no votes cast.

Another problem: Spot checks showed serious differences within the same precincts between vote totals produced by the main tabulation system and a backup system.

**Article #1 - Leahy: Unskilled workers to blame**

**Article #2 - Florida Voters, Poll Workers Confused by New Election Technology**

## **Bernillo County, New Mexico. November 5, 2002**

### **Overview**

Although about 48,000 people had voted early on 212 Sequoia-supplied touch-screen computers at six sites in the county, the initial figures given to the commissioners indicated that no race - not even for governor - showed a total of more than about 36,000 votes.

The touch-screen computers recorded every vote properly, Howard Cramer, vice president and Western regional manager of Sequoia Voting Systems, told the commissioners, but the Microsoft Sequel 6.5 software program used to report all of the votes had a capacity of only 64 kilobytes of data at a time. Any more than that fed to the reporting program in one chunk was simply refused by the program.

**Article - Election results certified after software blamed**

## **Muscogee County, Georgia. November 4, 2003 sales tax vote**

### **Overview**

Allegations of widespread complaints by citizens who voted "no" but saw the machines register "yes" caused county officials to take the machine out of service during the election.

**Article - NAACP disputes sales tax results; DuBose files complaint in Muscogee Superior Court**

## **Dallas County, Texas. October 22, 2002**

### **Overview**

The Democrats said they received several dozen complaints from people who said that they selected a Democratic candidate but that their vote appeared beside the name of a Republican on the screen. Some votes cast for Republicans were counted for Democrats.

Last year, the outcomes of 18 suburban Dallas County elections remained unclear days after the election because of vote-counting problems on the same machines. About 5,000 of nearly 18,000 ballots cast during the early voting period were not properly assigned to candidates.

**Article - Area Democrats say early votes miscounted; Court hearing delayed as meeting planned on touch-screen problems**

## **Harris County, Texas. November 4, 2003**

### **Overview**

Hundreds of Houston area voters didn't get to cast ballots Tuesday morning because of problems with the eSlate system. The machines were down at some polling places, such as Greater True Light Baptist Church, so voters were told to come back later and try again.

Across town there were more problems, at the Holiday Inn on the Katy Freeway the election judges were forced to improvise and had voters write their choices down on paper.

**Article - Polling machine problems anger many voters**

## **Boone County, Indiana. November 2003 Municipal Election**

### **Overview**

Electronic vote-tabulation equipment reported that 140,000 votes had been cast in a county of 50,000 residents, of which only 19,000 were eligible to vote and of those only 5,352 voted. The tabulation machine had not been initialized and it is set to give excessive numbers to call attention to the error. Lisa Garoffolo, county clerk, said it was obvious the numbers were wrong since the county is small, but she wondered if the error would have been noticed in a large county.

**Article - Voting machine glitch shows thousands of extra votes**

**Bob Kibrick's notes of his phone call & email with Brice Hornback**

## **Robeson County, North Carolina. November 2002**

### **Overview**

Ballot tabulating machines failed to work properly in 31 of 41 precincts. Local election officials said the problem was the result of a software glitch, and ballots had to be recounted.

**Article - Voter turnout surprises officials**

## **Details and Reference Articles Follow**

# Details and Reference Articles

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"We lost 10 votes, and the Diebold technician who was there had no explanation," said Pilch, who registered complaints with elections officials, his county supervisor and several others. "She kept looking at the tapes."

At least 250 polls opened late because poll workers were unable to start up the machines, so hundreds, perhaps thousands, of people were turned away – many of them disenfranchised because they were unable to return to the polls at a later time that day.

#### **Machine:**

Diebold Election Systems TSx (DRE)

### Article - Poll workers, voters cite tied-up hotline, poor training, confusion

<http://www.signonsandiego.com/news/politics/20040307-9999-1n7vote.html>

Union Tribune

#### **Poll workers, voters cite tied-up hotline, poor training, confusion**

By Jeff McDonald and Luis Monteagudo Jr.

Union-Tribune Staff Writers

March 7, 2004

While elections officials continue to size up everything that went wrong with San Diego County's first stab at electronic balloting, the problems ran much deeper than a simple technological glitch, voters and poll workers say.

After the polls closed Tuesday, signatures on voter rolls in at least one precinct did not match the number of ballots recorded by machines. In other polling places, people were wrongly given provisional ballots.

Poll inspectors across the county complained they had been poorly trained to deal with even minor problems. For long stretches on election day morning, the hotline set up to tackle emergencies was so swamped that poll workers were not able to get through.

In Carmel Valley, one voter said she was allowed to cast a second ballot after the computer spit out her activation card while she was weighing her choices. She later said the card showed that her original vote had been counted.

"This is the most bizarre solution I've ever heard of," homemaker Kim Perl said of voting twice.

The registrar's office is still calculating the number of precincts that experienced problems and for how long, but by any measure it was high. The day after the vote, officials said at least 250 of the 1,611 precincts had not opened by 7:30 a.m. They have since declined to update those numbers.

Hundreds of voters, perhaps even thousands, were turned away from their polling place because the machines were not operating as planned. Some were advised to return later, but that was impractical for many voters. Others were sent to alternate precincts, where they were handed provisional ballots.

Some vote watchers predicted the difficulties. Weeks before the election, they organized a community meeting to discuss electronic voting. Activist San Diego is sponsoring the event, which begins at 7 p.m. Tuesday at the Mission Valley library.

County Chief Executive Officer Walt Ekard expects to issue a report this week that will outline mistakes and recommend ways to avoid similar problems during the general election in November.

San Diego County investigators are not the only government officials reviewing the performance of the electronic voting system. State and federal regulators also are conducting independent reviews.

The state could move to decertify the machines, but it is more likely to order improvements in training and responses to glitches that might arise during the general election.

No matter what investigators find or recommend, many voters are still angry about the confusion. More than a few worry that their ballots may not have been properly registered.

"I've been voting 50 years, and I've never been denied the right to vote before," said William Fore, a retired clergyman from Escondido. "This is like a banana republic."

No one at the county elections office Thursday or Friday would discuss the various missteps. A county spokesman said all of the top officials were busy preparing their report on the election.

John Pilch, a retired insurance agent who worked as a polling place inspector in San Carlos, said that when polls closed at 8 p.m. Tuesday, the number of people who signed the voter log differed from the number of ballots counted by computers.

"We lost 10 votes, and the Diebold technician who was there had no explanation," said Pilch, who registered complaints with elections officials, his county supervisor and several others. "She kept looking at the tapes."

Diebold Election Systems is the Ohio-based company that manufactured the 10,000 touch-screen machines San Diego County agreed to buy last year. Supervisors spent \$31 million on the system, even after complaints from critics and computer security experts that the machines could malfunction or be tampered with.

Diebold clients in Northern California and other parts of the country also have reported problems with the technology. The company said it does the best it can to keep problems to a minimum.

"It's certainly regretful if anyone was turned away," Diebold spokesman David Bear said. "But the issue that caused a delay was something that was identified and fixed very quickly."

Even so, at one precinct in Encinitas, poll worker Jennifer Hamilton and her colleagues first encountered trouble 45 minutes before polls were scheduled to open. When they turned on the device that activates voter cards, it displayed a Windows software screen – not the screen workers had seen in training.

"All of us at that point got very nervous because none of us knew what to do," Hamilton said. "We searched through our binder to see if there were any instructions, and we found nothing."

Hamilton used her cell phone to call the county's troubleshooting hotline but kept getting a busy signal. The poll workers eventually were able to fix the machines themselves, but not until 7:30 a.m.

By that time, seven or eight voters had been turned away.

"We got no help from the registrar of voters because we couldn't get through to the troubleshooting line," Hamilton said.

Hamilton's father, James Hamilton, was one of the plaintiffs in a lawsuit last month seeking to force San Diego and other counties to build more security into the machines. The case is pending in Sacramento County Superior Court.

Hamilton said she volunteered to serve as a poll worker in part because she was skeptical of touch-screen voting systems. Volunteers got one two-hour training class and were not allowed to spend much time using the machines, she said. They were never told how to jump-start card activators if they failed to start automatically.

"It's not that we're incompetent," she said. "It's that we were never shown how to do these things."

In Chula Vista, election workers pressed for time early on Election Day mistakenly began handing out provisional ballots to those who were lined up to vote, one resident said.

"There was a lot of confusion on the part of the poll workers," said Jeremy Kaercher, a church administrator who tried to vote right at 7 a.m. when the polls should have opened. "They started to register me as a provisional voter and I said, 'No. I'm not. I won't vote that way.' "

Provisional ballots are given out when a voter's registration is in question or when records indicate the voter was already sent an absentee ballot. The county was expecting to have as many as 20,000 provisional votes in this election.

The meeting this Tuesday in Mission Valley was scheduled before many voters began complaining about electronic voting, although organizers said they anticipated what might happen.

"We've been reading stories for months from all over the country of mishaps using touch-screen computers for voting," said Brina-Rae Schuchman, who is one of the meeting's sponsors.

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### **Overview**

Malfunctioning Precinct Control Modules, required to provide electronic ballots for voters, cause at least 50 voters to be turned away from the polls, losing their opportunity to vote in the primary as well as on other issues.

#### **Machine:**

Diebold Election Systems, TSx (DRE)

### **Article - Voters short changed at the polls**

<http://www.oaklandtribune.com/Stories/0,1413,82~1865~2002277,00.html>

Oakland Tribune

## **Voters short changed at the polls**

By Ian Hoffman, Staff Writer

March 7, 2004

State's rush to use untested electronic machines results in many failures, loss of franchise

When Katherine Shao went to vote Tuesday morning in Emeryville, all she found was a row of powerless, blank touchscreen voting machines, soon joined by a single, harried poll worker. In a rush herself, Shao helped by signing herself in as a voter and booting up the machines.

The screens glowed in welcoming colors. Local elections officials had touted them as faster, more accurate and "as easy to use as an ATM." They paid for a video beckoning voters to "Touch the Future."

But no electronic votes could be cast that morning at Anna Yates Elementary School: To vote, Shao needed a digital ballot, and the code for her ballot was locked inside yet another machine. The device, a Precinct Control Module model 500, stubbornly resisted entreaties to come to life. No code, no ballot, no voting.

Shao had to leave.

She never got a say on paying an extra dollar to cross the Bay's bridges, on forcing Sacramento to deliver balanced budgets, on paying the highest sales tax in California to rescue local public-health clinics, on shouldering \$27 billion of state bond debt for the next decade or who besides George W. Bush should be leader of the free world.

"My mistrust of the workings of this ethereal, dual-boot system really makes me wonder whose votes end up counting," she said.

Same for Kathy Nikkelson and other voters in Newark. At least 50 Pleasanton voters were turned away, a lot of them Republicans, just like hundreds of Republicans who ran into the same problems in San Diego County.

Technology is nonpartisan. And so was the failure of voter-card encoders Tuesday in Newark, San Leandro, Emeryville, Oakland, Pleasanton and across San Diego County.

The culprit wasn't a hacker or bribed programmer. The blame lies with elections officials and Diebold Election Systems.

In spite of state rules and purchase contracts requiring the use of well-tested and nationally qualified voting equipment, they chose just days before the March 2 primary to use a Diebold device never tested against Federal Elections Commission standards and never approved by the National Association of State Elections Directors.

It wasn't the first time that voting systems not fully tested or approved were used in California elections. An audit last fall revealed that Diebold had uncertified software running in all 17 counties that it served at the time. State officials also gave one-time approval recently for Diebold's latest touchscreen machine, even though it had not been fully tested and showed potential vote-tabulation "anomalies."

The reason: four counties had spent \$35 million on the new machines and wanted to use them Tuesday.

But it took Tuesday's voting problems in Alameda and San Diego counties to expose the ramshackle nature of voting system testing and approval as California and other states rush to embrace electronic voting.

"The whole certification process has become plastic in order to accommodate the fundamental necessity of holding elections. You would bring the state into constitutional crisis if you didn't," said computer scientist David Jefferson, a member of a state task force on touchscreen voting.

### **Critical device**

The PCM 500 happened to be the one device that, if it failed, could cripple electronic voting. The encoder's proper function was essential to the operation of more than 17,000 voting machines in California on Tuesday, most of them supplied to Alameda and San Diego counties for \$38 million, plus annual maintenance fees.

"In the long run, it says the certification process is not worthy of the confidence that has been given to it," Jefferson said. "The certification process is broken. It's not working and was not designed for the era of software-driven elections."

Nationwide, Diebold expects about \$150 million in 2004 revenue on its e-voting machines and other election services. A tenth of that money would come from the sale of its new precinct control modules and other new services: computerized voter registration records and poll books.

At 1:45 p.m. Tuesday, technicians and poll workers had restarted electronic voting at most of 200 affected precincts in Alameda County. News reporters were clamoring for an explanation of the breakdowns. A Diebold public relations officer approached Brad Clark, the county's registrar of voters, and suggested he put off attributing the problems to her company's encoders.

Clark nodded his agreement that the full magnitude of the encoder problem wasn't absolutely clear.

"Is there any other way in which I can support you today?" Diebold's Ann Sinclair asked.

As Sinclair walked away, a reporter asked whether she was with Diebold.

"No," she said. "I'm just here to help Brad out."

She begged off further conversation, saying she had a cold.

It's not clear to e-voting skeptics what exactly Sinclair and other Diebold PR staff in California are helping -- the integrity of elections or Diebold's bottom line.

In Solano County, as activists asked county officials recently to not use Diebold TSx machines until they were qualified under federal voting-system standards, county voter registrar Laura Winslow deflected reporters to a Diebold PR subcontractor, Jo Murray. Murray lately identifies herself as spokeswoman for the Solano County Registrar of Voters. She says her services are covered under the "voter education" portion of Solano County's \$3.4 million contract with Diebold.

When Congress approved \$1.5 billion for states and counties to buy new voting systems after Florida's chad-filled debacle of 2000, lawmakers probably didn't intend the spending of "voter education" funds on corporate PR, says Kim Alexander, president of the California Voter Foundation.

E-voting critics say elections officials are too cozy with e-voting vendors. Fact is, electronic voting joins elections officials and vendors such as Diebold at the hip.

### **Reliant on Diebold**

Unlike paper and mechanical voting systems, the highly technical nature of electronic voting has made elections officials reliant on Diebold to handle everything from software and hardware troubleshooting to fixing bad vote tallies, as a Diebold technician did in Alameda County for absentee ballot totals in the October recall election.

E-voting systems are proprietary and designed as single functioning units, so elections officials have nowhere else to turn for software and hardware than the original vendor, unless they are willing to discard the multi-million-dollar contracts on which they staked their credibility.

It's one reason that California and other states are left approving voter use of hardware and vote-counting software that hasn't been fully tested or approved under federal standards.

After 12 years, the Federal Election Commission revamped its voting-system standards in 2002 partly to add new requirements for accuracy and security.

The standards and the testing are the touchstone of voter confidence. Elections officials and e-voting vendors regularly assure voters that the new equipment is accurate, secure and trustworthy because it has been federally tested and certified.

"Certification is the last line of defense," Alexander said. The tests and approvals are especially valuable when electronic voting systems offer no paper backup records to assure voters and elections officials of accurate vote recording.

"It's not enough even if it were all happening, and it's not," Alexander said.

### **Lack of certification**

Yet not a single piece of the electronic voting equipment used by 43 percent of California voters on Tuesday, nor the software that counted those votes, has been certified as meeting the 2002 federal standards.

In fact, no e-voting equipment in the nation meets the new standards. Most hardware and software is certified to 1990 standards geared more toward earlier voting technologies, such as optical scanning systems.

None of the voter-card encoders for Diebold voting systems has been certified to any standard, state or federal.

Older versions, which look like a hand calculator hollowed out to accept a voter-access card, were produced by a Diebold subcontractor and used without detectable problems in the October recall election and two others.

But the devices lacked enough memory to meet California's complicated voting rules for modified-open primaries.

They could not provide codes for eight political parties, plus unaffiliated voters who wanted a Republican, Democratic or nonpartisan ballot.

That complexity required encoders that could call up 2,838 different ballots in Alameda County alone. But then poll workers would have to handle at least two of the old encoders. The only encoders that could handle the task in a single device were Diebold's PCM 100 and PCM 500.

Diebold submitted new, more capable encoders late in 2003, too late for pre-primary testing under federal voting standards. No other e-voting vendor in California has so consistently pushed deadlines and pressed for state certification without full testing, according to elections officials.

"Diebold has a habit of dragging their feet, doing things late," said Tony Miller, legal counsel for the elections division of California's Office of the Secretary of State. "With each failure, their credibility declines in the eyes of everybody."

A single, software-testing laboratory, Huntsville, Ala.-based Ciber Inc., agreed to a quick, limited test of basic function. It ran five counties' worth of ballot codes through the devices. But it did no further testing for reliability and durability.

Eight days before Tuesday's primary, California state elections officials rush-approved a one-time use of the new encoders for the election.

Miller said there was little other choice.

### **Lack of training**

Technically, poll workers could have used a touchscreen machine in each polling place to encode voter cards. But they'd never been trained to do it, and local elections officials feared that they couldn't spare the touchscreens.

"We decided these are not practical alternatives," Miller said. "The (county) elections officials were very concerned about how they could even conduct the election without these devices, and we took that to heart."

On Tuesday, dozens of the encoders booted up into a Windows screen that no poll worker had seen in training. It took Diebold technicians to realize the machines were behaving differently because of low battery charge.

Other encoders appeared to have loose memory modules, and technicians tried talking poll workers through re-seating the modules on election day. Some encoders also appeared to have insufficient memory: technicians guided poll workers on the phone through deleting backup files inside the devices.

All told, encoder problems delayed or halted voting in as many as one in five Alameda County precincts and one in seven San Diego County precincts. In Alameda County, voting problems injected extra uncertainty into election results. With more than 10,000 absentee and provisional ballots still being counted, the results of close races could change over the next 25 days.

The secretary of state's office is investigating.

"We are taking extraordinary steps to find out what did go wrong," Miller said. "We will take steps to prevent it from reoccurring, this (encoder problem) and other issues that disenfranchise voters. This is the highest possible priority of this office."

As for Katherine Shao, she says her next vote will be on a paper absentee ballot.

## **Walker County, Georgia. March 2, 2004**

### **Overview**

Modems used for transmitting totals for tallying weren't operating properly. "A Diebold computer technician began providing incorrect numbers to news organizations. The botched returns were fed to the media for more than two hours after the polls closed before the problem was corrected."

#### **Machine:**

Diebold Election Systems DRE

### **Article - Ballot card problems delayed election returns**

[http://news.mywebpal.com/news\\_tool\\_v2.cfm?show=localnews&pnpID=730&NewsID=531127&CategoryID=3511&on=0](http://news.mywebpal.com/news_tool_v2.cfm?show=localnews&pnpID=730&NewsID=531127&CategoryID=3511&on=0)

Walker County Messenger

## **Ballot card problems delayed election returns**

By Eric Beavers

March 4, 2004

Walker County election officials worked until after midnight, following Tuesday's election, to rectify problems tallying results.

Problems became apparent with Walker's first returns about 9 p.m. when neighboring counties were wrapping up their tallies. A Diebold computer technician began providing incorrect numbers to news organizations. The botched returns were fed to the media for more than two hours after the polls closed before the problem was corrected.

"Their technicians were not loading something right," Walker County Board of Elections and Registration Chief Clerk Barbara Berry said Wednesday. "That's the reason we can't even use the modems to get our results in. We have tried and tried to get our results in by modem, and something is wrong somewhere."

The modems, housed inside the electronic voting machine, are intended to transmit results automatically and quickly to the central server in Berry's office at the Walker County Courthouse.

Diebold manufactures and supports the electronic voting machines used across Georgia.

Poll workers at the courthouse said elections ran more smoothly using paper ballots.

"I work so hard in this office, and then for some little thing to rip everything apart for me after 7 p.m. is just unbelievable," Berry said, referring to the modem failures. "It's humiliating."

Only a handful of modem transmissions have been successful since the electronic voting machines were introduced last year, Walker Elections board member Harold "Eddie" Hughes said.

"Diebold just pushes us aside," Berry said, adding she does not understand the company's actions or why results came in as they did. "We don't have good representation."

Two representatives from the company in February programmed the machines for the March 2 election, Berry said. Two different representatives arrived on election night, including a field worker to manage problems at the precincts and another person to manage the computer at the election office in LaFayette.

A representative from Georgia Secretary of State Cathy Cox's office also attended the election at Berry's office.

"It's unexplainable the reason we are not receiving our results," Berry said. "I feel like I need an explanation from someone."

"We had a three-day training for all of the poll managers and assistant managers," Berry said.

Poll managers in Fairview and Daugherty failed to return all of the voting equipment from their precincts, which had to be retrieved before votes could be tallied, Berry said.

"If we send 15 machines to a precinct, regardless of whether a voter uses that machine, it has to be zeroed out," Berry said. "It has to be opened and closed just like all the other machines."

Poll workers worried aloud about how late they will be working during the November general election, when the ballot will be filled with many more choices than Tuesday's ballots.

The voting machines have been used for six elections, three of which were for the same State House District 1 race. Problems have cropped up at every election.

## Montgomery County, Maryland. March 2, 2004

### Overview

At least one voter claimed he was not presented with a complete ballot. After casting his vote, he realized that the Senate race had not been presented to him for his vote. When he complained, the poll workers simply told him, "Once you've cast your vote, you can't vote again."

A poll worker asked if he had pressed the magnification button. She said they knew that the error occurred when the magnification button had been pressed.

#### **Machine:**

Diebold Election Systems DRE

### Article - Think You Voted in Md.? Think Again

<http://www.washingtonpost.com/wp-dyn/articles/A37007-2004Mar6.html>

Washington Post

#### **Think You Voted in Md.? Think Again**

By Jeffrey F. Liss, a lawyer who lives in Chevy Chase

March 7, 2004; Page B08

Getting elections right is Job No. 1 in a democracy. Maryland's new touch-screen system fails that test. The state is using machines that officials know will fail, and the burden is on the voter to correct those failures.

Last Tuesday I went to the polls early to vote in the Democratic primary. The good news is that, unlike in 2002 when malfunctioning machines created delays so long that many voters simply bailed out, there were no lines. The bad news is that the touch-screen voting machines don't always work.

During the voting process I scrolled through the five screens on the ballot, ticked my choices and pressed the fateful "cast my vote" box. As I walked out I saw a campaign sign for Barbara Mikulski and said to myself, "Hey, I didn't vote in the Senate race. In fact, I never saw that race on the screen." I went back in and raised this with several election judges and officials. All but one looked at me as if I were crazy and, in gentle terms, noted that I must have missed the race on the screen.

This was certainly possible, and it would have raised a different problem, namely that people have differing abilities to distinguish portions of a visual field -- a disadvantage of paperless, touch-screen voting. But that was not Tuesday's problem. I persevered long enough to persuade the technician on duty to check my machine. The technician confirmed that the machine was not presenting whole election contests.

At this point I demanded to vote again. But the senior election judge on site said, "Once you've pressed 'cast my vote,' that's it. You can't vote again." I pointed out that I had been denied the right to vote because I was never presented with the ballot for that race, and she said, "Well, you should have complained before you pressed the button." In other words, it's up to the voter to account for all the races and to make sure the machine doesn't malfunction.

I fussed enough that an official called the administrator of the Montgomery County Board of Elections. I reviewed the facts with her, and she said, "Once you've pressed 'cast my vote,' that's it. You can't vote again." (It must be a script.) I repeated my argument that I had not voted because the county had not presented me with a valid, complete ballot. The administrator put me on hold, spoke to somebody, and, lo and behold, I was told that I could fill out a "provisional" paper ballot and that the board of elections would decide within 10 days whether to count it. So, after investing an hour and a half at the polls, I came away with the satisfaction that maybe my ballot would be counted, and maybe it wouldn't.

The most amazing thing about this experience was something the administrator said to me. When I explained that a race had been dropped, she asked whether I had pressed the magnification button. I said that I had not even seen and fortunately did not need a magnification button. She said, "The reason I ask is that we know that this sometimes happens when you press the magnification button." So the election officials know that the machine will malfunction.

Now, in a larger sense, that's not exactly headline news. Computers and computer screens malfunction -- it happens to all of us at home and at work on a regular basis. But then why would we entrust our elections to patently flawed machinery with no paper backup?

To Gov. Robert L. Ehrlich Jr. and all of our county executives: Get in a room and fix this problem. The stakes are too high to fail anymore.

## **Broward County, Florida. March 2004**

### **Overview**

The text for responses to one of the questions on the ballot doesn't fit on the electronic machine's touch screen. Pompano Beach residents voting March 9 on whether to support the annexation of Leisureville must use paper ballots.

Voters must fill in the circle next to their choice with a pencil or black pen. Officials with the city clerk's office said all other voting at the polls will be done electronically.

#### **Machine:**

ES&S iVotronic (DRE)

### **Article- Blah-blah ballot too long for touch screen**

[http://www.miami.com/mld/miamiherald/news/local/states/florida/counties/broward\\_county/8043698.htm](http://www.miami.com/mld/miamiherald/news/local/states/florida/counties/broward_county/8043698.htm)

Miami Herald

#### **Blah-blah ballot too long for touch screen**

By Jesse Abrams-Morley

Feb. 26, 2004

#### **Wordy ballot answers force Pompano Beach residents to use both paper and electronic voting in the upcoming election.**

Broward County's electronic voting machines have met their match: wordiness.

Pompano Beach residents voting March 9 on whether to support the annexation of Leisureville will have to use paper ballots because the text for responses to the question doesn't fit on the electronic machine's screen.

Voters will be asked to fill in the circle next to their choice with a pencil or black pen. Officials with the city clerk's office said all other voting at the polls will be done electronically.

The machines, which cost the county \$17.2 million, were produced by Omaha-based Election Systems & Software. Meghan McCormick, an ES&S spokeswoman, explained that the machines are set up to have plenty of room for referendum questions but only a little space for responses. The responses usually consist of only "in favor" or "opposed."

In this case, voters have the choice of "For annexation of property described in ordinance No. 2004-16 of the city of Pompano Beach," or a sentence that's the same except it starts with "Against."

"This has happened almost never," McCormick said. "This is really unusual text."

She said the company offered to work with the city to redo the answers, but the city declined. ES&S then helped prepare paper ballots for the upcoming election.

Pompano Beach City Clerk Mary Chambers could not be reached for comment Wednesday.

Paper ballots for the Pompano election are available at all six early-voting locations, which opened Wednesday, said Deputy Supervisor of Elections Gisela Salas. Residents can go to any of the offices, not just the one closest to them. For more information, call the county Supervisor of Elections' office at 954-357-7050.

The electronic machines have been used in the county since 2002 and have come under scrutiny for not leaving a paper trail so that voters can verify their choices.

Some have also criticized the machines for making it difficult to determine voter intent in a recount. The January special election for state House District 91 was decided by 12 votes; more than 100 voters cast "undervotes," or votes for nobody.

In that election, a cartridge used to open and close the machines malfunctioned in one precinct, delaying the final count. The precinct was in Pompano Beach.

# Palm Beach and Broward Counties, Florida. January 6, 2004

## Overview

Broward County, Florida. In a special election for the State House District 91 seat, ES&S electronic voting machines showed a total of 134 undervotes – that is, 134 ballots in which voters did not select a candidate in the single-race election. In this single-race election, all candidates were Republicans. The winner, Ellyn Bogdanoff, received 12 more votes than the runner-up.

Florida law requires a manual recount of invalid votes when the winning margin is less than one-quarter of one percent, which it is in this case. However, it is impossible for election officials to comply with Florida law because the 134 invalid votes were cast on electronic voting machines, and there is no record of the voter's original votes. (Articles #1 and 2)

On January 16, Representative Robert Wexler (D-FL) and outspoken proponent of verifiable elections, announced that he has filed a lawsuit against Secretary of State Glenda Hood and Palm Beach County Supervisor of Elections Teresa LaPore, charging them with violating their duties to ensure that votes are counted accurately. "If the lawsuit is successful, Wexler is hoping to change Florida's election law by requiring that every touch-screen machine in the state be affixed to a printer in order to print out an individual voter-verifiable ballot." (Article #3)

### **Machine:**

Sequoia Voting Systems in Palm Beach County, ES&S in Broward.

### **Political parties involved:**

All Republicans.

## Article #1 - Electronic vote recount stumps Broward officials

<http://www.sun-sentinel.com/news/local/palmbeach/sfl-pcofficial10jan10,0,471697.story?coll=sfla-news-palm>

The link to this article has become stale. The full text of the article is below.

Sun-Sentinel:

### **Electronic vote recount stumps Broward officials**

By Jeremy Milarsky (jmilarsky@sun-sentinel.com, 954-572-2020)

and Lisa J. Huriash Staff Writers

Posted January 10 2004

An official end to this week's special election for a Florida House seat was again delayed Friday, as election officials in Broward County were uncertain about how to examine votes trapped in cyberspace rather than printed on paper.

Broward officials on Friday had planned a mostly perfunctory recount of 139 flawed ballots from Tuesday's election. Vote totals from that election showed Ellyn Bogdanoff, a political consultant from Fort Lauderdale, had won the election by a mere dozen votes.

But losing candidate Oliver Parker, mayor of Lauderdale-by-the-Sea, objected to the recount, saying there was no way to adequately check the 134 so-called "undervotes," or those in which the voter failed to select a candidate, cast at the precincts by machine on Election Day.

"You are required to physically examine the ballot, something you already admitted you cannot do," he said.

Elections Supervisor Brenda Snipes, who had expected to wrap up the recount Friday, asked for a delay so she could check with state elections officials to make sure the recount was being conducted properly.

Broward's canvassing board plans to reconvene on Monday and, ultimately, to make the election results official.

No lawsuit has been filed by any losing candidates in the seven-way race even though Bogdanoff finished narrowly ahead of Parker. Tuesday's election was for Florida House District 91, located along the coast from southeast Boca Raton to Dania Beach.

State law requires a manual recount of invalid votes in an election in which the winning margin amounts to less than one-quarter of a percent of the vote total, as it does in this case.

Originally, officials had planned to recount by hand only five absentee ballots, all in Broward. But on Friday, state Secretary Glenda Hood told local election supervisors that they had the option to print out a paper report from each voting machine in which a flawed vote had been registered.

That report, however, does not link the gaffe to a specific vote, but merely verifies that a voter during the day failed to select a candidate. It would be useless in determining if a vote should be changed.

"The purpose of a manual recount is to see if, by looking at the ballot, the canvassing board can determine voter intent," said Jenny Nash, spokeswoman for Hood. "[With a printout], there are no marks, of course, because it's cast by machine."

Carlos Reyes, Bogdanoff's attorney, said they both were disappointed by the delay. But he said he respected that Snipes, in office just 7 weeks, "is trying to be fair and cautious."

Bogdanoff said she can wait three more days for the results to be certified. State law says the election must be certified by 5 p.m. Tuesday.

Parker "wants to make sure he really lost," she said.

## Article #2 - Votes from 134 residents were not counted

<http://www.miami.com/mld/miamiherald/7655457.htm>

Posted on Wed, Jan. 07, 2004

Miami Herald

**Votes from 134 residents were not counted**

**By Erika Bolstad**

ebolstad@herald.com

Ballots cast by 134 voters in a special election Tuesday weren't counted, apparently because people failed to use touch-screen machines properly.

It's the electronic equivalent of a voter failing to punch a stylus all the way through on a paper ballot, leaving a hanging chad.

Only with electronic voting, there's no way to review the ballot and determine how a person wanted to vote. The vote is not counted, and in this case, the vote of 134 people who left polling places without hitting the "vote" button on the machines was not counted.

The Broward Supervisor of Elections office wasn't able for comment Wednesday, when candidates in the race and the county mayor brought the so-called "undervotes" to the attention of the public.

Although the number of people who didn't finish casting their ballots is a relatively small percentage, said Broward County Mayor Ilene Lieberman, it seems unlikely that anyone would come out for such a small election with no intention of voting.

Seven candidates were on the ballot in the special election for the District 91 state House Seat left vacant by Connie Mack. Ellyn Bogdanoff won the race by 12 votes, making the 134 votes even more meaningful.

"It's incomprehensible that 134 people went to the polls and didn't cast votes," said Lieberman, who served on the canvassing board that oversaw Tuesday night's count.

But the winning candidate, Ellyn Bogdanoff, said she attributes at least some of the undervote to Democrats who reached the polls and realized all the candidates were Republicans.

Oliver Parker, the Lauderdale-by-the-Sea mayor who lost the race, wouldn't comment Wednesday. A spokesman for his campaign said that Parker is weighing his options for tomorrow's recount -- mandated by state law because the race was so close.

But it does seem strange that so many people would go to the polls for a small, special election and then not vote, said Chas Brady, a spokesman for Parker. Especially in an election where only one race was on the ballot, Brady said.

"It's not as though they're on page 5 and are tied of voting," he said.

## Article #3 - Wexler Takes Hood and LePore to Court Over Ballot Printers

[http://www.house.gov/wexler/press\\_releases/Jan\\_16\\_04.htm](http://www.house.gov/wexler/press_releases/Jan_16_04.htm)

Contact: Lale Mamaux  
Phone: 202-225-3001

[Press Release](#)

### **Wexler Takes Hood and LePore to Court Over Ballot Printers**

#### **Files Lawsuit Against Local Elections Supervisor And Elections Chief For Failing To Comply With Florida Law**

**(Washington, D.C.)** Today, Congressman Robert Wexler (D-FL) filed a lawsuit in Palm Beach County against Secretary of State Glenda Hood and Palm Beach County Supervisor of Elections Theresa LePore for failing to ensure that Floridians will have their votes recorded accurately.

"The law is clear," Wexler said. "In the event of a close election, a manual recount is required. And with the voting equipment we use now, a manual recount is impossible. It is imperative that we act to correct this problem before the next contested national election."

Wexler has long called for the use of ballot printers to be attached to the touch-screen machines used in elections in Palm Beach County. In July 2003, Wexler wrote Hood to stress that without a tangible ballot individually verified by each voter, the regulations and infrastructure were out of compliance with Florida law. The problem was highlighted recently in a special election for Florida House District 91 in which Ellyn Bogdanoff won by 12 votes, far fewer than the 134 ballots recorded with no preference.

If the lawsuit is successful, Wexler is hoping to change Florida's election law by requiring that every touch-screen machine in the state be affixed to a printer in order to print out an individual voter-verifiable ballot.

## Fairfax County, Virginia. November 5, 2003 School Board

### Overview

School Board member Rita S. Thompson (R), who lost a close race to retain her at-large seat, said yesterday that the new computers might have taken votes from her. Voters in three precincts reported that when they attempted to vote for her, the machines initially displayed an "x" next to her name but then, after a few seconds, the "x" disappeared.

In response to Thompson's complaints, county officials tested one of the machines in question yesterday and discovered that it seemed to subtract a vote for Thompson in about "one out of a hundred tries," said Margaret K. Luca, secretary of the county Board of Elections. With 77,796 recorded votes, the winning margin was 1,662 - a little over 2.1%.

Meanwhile, attorneys for local Republicans and GOP candidate Mychele B. Brickner, who lost her bid to chair the Fairfax County Board of Supervisors, went before a Circuit Court judge yesterday morning, asking him to keep 10 voting machines under lock and key and not to include their tabulations in the results. The machines, from nine precincts scattered across the county, broke down about midday Tuesday and were brought to the county government center for repairs and then returned to the polls -- a violation of election law, Republicans argued.

Fairfax County, Virginia. A January 9, 2004 report by a county GOP committee declares that the touch screen voting machines used in the November election were a "failure." The investigation was prompted by the electoral board's removal of 10 malfunctioning machines during the election - an action the Republican party claims is illegal. "The Republican report cited dozens of e-mails and letters from precinct workers and voters who described problems such as machines that repeatedly crashed, screens that balked at registering votes and delays in tallying votes." The report calls on the Virginia legislature to pass a law requiring disclosed source code, a voter-verifiable paper trail, and surprise recounts in 0.5% of all precincts.

#### **Machine:**

WINVote by Advanced

[http://clients.enfocom.com/avs/products\\_winvote.html](http://clients.enfocom.com/avs/products_winvote.html)

#### **Political parties involved:**

Democrat wins. Republican party calls for investigation.

The full text of the report is here: [http://www.fairfaxco-gop.org/download/ballot\\_integrity.pdf](http://www.fairfaxco-gop.org/download/ballot_integrity.pdf)

### Article #1 - Fairfax Judge Orders Logs Of Voting Machines Inspected

<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A6291-2003Nov5&notFound=true>

Washington Post

**Fairfax Judge Orders Logs Of Voting Machines Inspected**

By David Cho

Washington Post Staff Writer

Thursday, November 6, 2003; Page B01

It took more than 21 hours from the time polls closed Tuesday night for Fairfax County, the putative high-tech capital of the region, to get final election results from its new, computerized vote machines.

Widespread problems in the system, which the county paid \$3.5 million to install, also opened the door to possible election challenges by party leaders and candidates.

School Board member Rita S. Thompson (R), who lost a close race to retain her at-large seat, said yesterday that the new computers might have taken votes from her. Voters in three precincts reported that when they attempted to vote for her, the machines initially displayed an "x" next to her name but then, after a few seconds, the "x" disappeared.

In response to Thompson's complaints, county officials tested one of the machines in question yesterday and discovered that it seemed to subtract a vote for Thompson in about "one out of a hundred tries," said Margaret K. Luca, secretary of the county Board of Elections.

"It's hard not to think that I have been robbed," said Thompson, whose 77,796 recorded votes left her 1,662 shy of reelection. She is considering her next step, and said she was wary of challenging the election results: "I'm not sure the county as a whole is up for that. I'm not sure I'm up for that."

Meanwhile, attorneys for local Republicans and GOP candidate Mychele B. Brickner, who lost her bid to chair the Fairfax County Board of Supervisors, went before a Circuit Court judge yesterday morning, asking him to keep 10 voting machines under lock and key and not to include their tabulations in the results. The machines, from nine precincts scattered across the county, broke down about midday Tuesday and were brought to the county government center for repairs and then returned to the polls -- a violation of election law, Republicans argued.

The judge said the activity logs of all 10 machines will be inspected this week, with members of both major parties present.

"It's like Florida in many ways," said the Republicans' attorney, Christopher T. Craig, referring to that state's 2000 presidential ballot-counting controversy. "This is about ballot integrity. . . . A lot of people have been telling us they couldn't vote for someone. . . . I have been hearing that there are a lot of problems" with the county's new WINvote computer technology.

As more details emerged yesterday, county officials defended the system. Luca insisted that most of the problems had less to do with computer glitches than human error.

"The new machines get an A-plus," she said. "It's the plan to collect the vote that gets the failing grade."

Fairfax purchased the 1,000 touch-screen vote machines this year from Advanced Voting Solutions of Frisco, Tex. The machines, which resemble laptop computers, were used countywide Tuesday for the first time, and the problems that resulted mirrored what occurred in Montgomery County last year when similar new technology was used. The equipment in Montgomery County was blamed for delayed results and confusion at the polls.

Fairfax officials had confidently promised that their machinery would work much better, citing a battery of tests conducted last week. They also predicted that the system would greatly speed the reporting of results.

Instead, it churned out one of the slowest vote counts in memory.

Much of the delay occurred at 7 p.m. when the polls closed. Most of the county's 223 precincts attempted to send in their computer tallies at once, overloading the system. Many poll officials ended up calling in their numbers, but some couldn't get through and instead drove their results to the county government center.

In at least 19 precincts, results were officially sealed in the mistaken assumption that they had been sent by computer modem, officials said yesterday. Sealed results cannot be opened unless all three election board members are present, which led to further delays.

In addition, software errors kept the results from two precincts from being posted until about 4:30 yesterday afternoon.

"Everyone seems to be aghast at how this could happen," Thompson said. "But this seems like something you could have had the foresight to see."

John Service, 50, of North Springfield said it took him four or five tries to register his vote for Thompson, and he wondered whether some voters were disenfranchised. "I am concerned about voters who might have been in a rush and didn't go back and check to make sure all the names [they intended to vote for] appeared on the final ballot," he said.

The glitches forced a handful of precincts to return to paper ballots. And even at polls where computer problems didn't arise, voter unfamiliarity with the technology created long lines.

Some voters gave up -- a thought that crossed Jeff Fisher's mind.

Fisher, 43, of Annandale said he almost walked out of his polling place when a woman in front of him spent 10 minutes getting through the ballot.

Others, though, wondered why so many people had problems with the machines. "I thought it was very easy to vote, and I'm not even that bright of a kid," Al Richards, 61, of Falls Church said.

## **Article #2 - Fairfax Voting Machines A 'Failure'**

<http://www.washingtonpost.com/wp-dyn/articles/A4790-2004Jan9.html>

Washington Post

### **Fairfax Voting Machines A 'Failure'**

GOP Says County Was Unprepared, Urges State Control

By David Cho, Staff Writer

January 10, 2004; Page B01

New touch-screen voting machines used in Fairfax County's local elections in November were a "failure," and county electoral officials were unprepared to deal with the equipment's problems, according to a county GOP committee report released yesterday.

In their report, Republican officials urged the county to investigate the "poor performance" of the machines, and they recommended state regulations that would require localities with the new equipment to follow stringent procedures.

"Neither the Fairfax County Electoral Board, nor the new voting machines was ready for Election Day," the report said. "The new touch screen machines were a technological and procedural failure."

Several Democratic and Republican state legislators are drafting bills aimed at avoiding further problems with the machines, in Fairfax and elsewhere. One measure would require the touch-screen devices to meet more rigorous security standards in order to be certified by the state. Another would require localities to attach printers to the machines and provide voters with paper records of their ballots.

"Our solutions not only need to work, but they need to work to give the citizenry confidence in the voting system," said state Sen. Ken Cuccinelli (R-Fairfax).

Margaret K. Luca, secretary of the county Board of Elections, disputed the GOP committee's report, calling it inaccurate.

"It was about as good as an Election Day as we've ever had," Luca said. Her staff "bent over backwards" to prepare for the election and held numerous demonstrations and seminars for the public beforehand.

"I feel so hurt that anyone would say we were not prepared; I mean, we were so well prepared," Luca said. She said that every technical problem cited in the report was fixed in the weeks after the election.

"We anticipate having a perfect election in February," she said. The Virginia Democratic presidential primary will be held Feb. 10.

Fairfax purchased nearly 1,000 touch-screen voting machines last year from Advanced Voting Solutions of Frisco, Tex., for \$3.5 million. The devices, which resemble laptop computers without keyboards, were used countywide for the first time in November.

Fairfax officials had promised that their machinery would perform well, citing a battery of tests. They also predicted that the system would greatly speed up the reporting of results. Instead, the new machines produced one of the slowest vote counts in recent history as precinct workers struggled to transmit results electronically. The problems mirrored many of those experienced by Montgomery County when it switched to touch-screen machines in 2002.

The Republican report cited dozens of e-mails and letters from precinct workers and voters who described problems such as machines that repeatedly crashed, screens that balked at registering votes and delays in tallying votes.

A furor also erupted in Fairfax when Luca ordered that 10 machines that had crashed at the polls be taken to the county government center for repairs -- a move Republicans called illegal. At the time, the county had no policy for dealing with machines that could not be repaired on site.

That controversy prompted the GOP investigation and yesterday's report.

"The laws have not kept pace with the technology, and nobody is at fault for that. It just happens," said Christopher T. Craig, a lawyer for the county GOP committee and a co-author of the study.

"There's enough questions about" the Fairfax elections, said Del. J. Chapman Petersen (D-Fairfax). "It seems from my perspective that there's definitely room for a more standardized procedure. In the precincts in my district, machines broke down, lines were long . . . but a primary issue for me is certainly security."

Petersen said he would introduce a bill requiring the state Board of Elections to better address security issues. Maintaining voter confidence in the machines should be the principal goal of any new regulations, Cuccinelli said.

"Fairfax County did not have sufficient procedures in place by any stretch of the imagination to deal with this," he said.

## Full Text of Fairfax County Republican Committee Report (link)

[http://www.fairfaxco-gop.org/download/ballot\\_integrity.pdf](http://www.fairfaxco-gop.org/download/ballot_integrity.pdf)

## Hinds County, Mississippi. November 4, 2003

### Overview

When the polls opened, voters arrived to find the electronic voting machines were down, and there were no paper ballots. By mid-morning, some machines were still down. Voters complained about waiting in long lines and of having to complete paper ballots without adequate privacy. At 8 p.m., voters were still standing in line. (Article #1)

One report made reference to machines that overheated. (Article #2)

January 19, 2004: A Senate committee in Mississippi has just recommended sending the voters back to the polls to do the election in District 29 over again! The recommendation is causing heated debate and will be voted on by the full Senate within a few days. (Article #3).

January 21, 2004: The full Mississippi State Senate voted to confirm the recommendations of the Senate Committee, so the results of the November 3, 2003 election in District 29 are declared invalid, and a new election was held on February 10, 2004. (Article #4)

#### **Machine:**

AVS WINVote Voting System (The same as the one used in Fairfax County, VA)

[http://clients.enfocom.com/avs/products\\_winvote.html](http://clients.enfocom.com/avs/products_winvote.html)

#### **Political parties involved:**

Democrat lost Senate seat in original outcome.

## Article #1 - Long lines, machine malfunctions mark today's voting

<http://www.clarionledger.com/news/0311/04/mvproblems.html>

November 4, 2003

#### **UPDATE 8:43 p.m.**

#### **Long lines, machine malfunctions mark today's voting**

By Clay Harden (charden@clarionledger.com)

Voters in the tri-county area were still standing in line Tuesday night waiting to vote well after 7 p.m.

At about 8 p.m., some 400 people were still standing in line at Terry High, the largest precinct in District 5, said Sylvia McDavid, a poll worker.

"We're moving as fast as we can," McDavid said.

"We've just had a wonderful turnout today."

Belhaven resident Elise Turner, 45, complained to the Secretary of State's office about her voting experience today.

When she arrived at her polling place at Belhaven College, the voting machines were down and there were no paper ballots.

"I was told I could leave and come back, but I waited for the ballots," Turner said. "Some people left."

When she got a ballot, Turner had to use a pen from a poll worker's purse and sit in a chair with people close enough to look at her votes on the ballot.

"This is just not acceptable," Turner said.

"You would think they would know any electronic device can fail and would have had paper ballots and a box of No. 2 pencils from Office Depot."

Such were the problems Lelia Rhodes, Hinds County Elections Commission chairwoman, faced as voters voted in large numbers in today's general election.

"We had had some problems," Rhodes said. "We have had eight technicians who are trained to correct problems and, in most cases, they are doing so."

"We are using them to empower the poll workers to move forward with the election."

Rhodes said voters must have "complete privacy."

Hinds County Election Commissioner Connie Cochran said she did not know why there would not have been pencils and paper ballots available.

"They are sent out with 100 paper ballots and a bag of pencils and pens," Cochran said.

Hinds County Circuit Clerk Barbara Dunn said, in some cases, poll workers were not ready to open polls at 7 and were overwhelmed with more voters than expected.

Rhodes confirmed the problem.

"Our poll workers are trained that they must be at the polls by 6 a.m., but in some case, this did not happen," Rhodes said. "They need to be there to have the lead time to respond to any problems."

"That is why the election commissioners get here by 5:30 a.m., so we can help the poll workers anticipate problems and react to them."

Machines were down and paper ballots were used at the Pinehaven Precinct in the lobby of Federation Towers in Clinton.

All voting machines were down at Timberlawn Elementary in Jackson at 7 a.m., forcing the use of paper ballots.

By mid-morning, two of the machines were still down and voters were given the option of using paper ballots if they could not wait on a machine.

The wait, as long as 40 minutes, was tolerated well by most voters. But at the Northpointe Precinct 46 on Northpointe Parkway, long lines caused impatience in some voters.

John Emery, who was campaigning for District Court Judge Wayne Herbert, said some voters told him they weren't going to wait in long lines.

"I said to them, 'Please don't do that,'" Emery said.

There were no problems with new touchscreen voting machines in Rankin County.

District 2 Supervisor Larry Swales saw nothing but positive in the new machines.

"I was apprehensive because this is one of the largest elections we have," Swales said. "But any problems we had were quickly solved. 'Our people are well-trained and doing a good job.'"

There were lines to the new machines because of the turnout, the length of the ballot and voters becoming acquainted with the new technology.

Madison County Circuit Clark Lee Westbrook reported only minor problems.

"There are a few people left off the voters rolls, just problems you always see," Westbrook said. "But the day is young."

## Article #2 – Ballot Problems Delay Final Returns for Hinds County

<http://www.thejacksonchannel.com/print/2617171/detail.html?use=print>  
The link to this article has become stale. The full text of the article is below.

### **Ballot Problems Delay Final Returns for Hinds County County Spent \$1.6 Million on Voting Machines**

POSTED: 12:50 p.m. CST November 6, 2003

UPDATED: 1:16 p.m. CST November 6, 2003

Jackson, Miss. -- Some election officials say problems with new touch-screen voting machines that led to delays in completing the count in Hinds County are extremely disappointing.

Vote counting continued on Thursday in the county, two days after the general election.

District Four Election Commissioner Connie Cochran said the county election commission must count 2,584 affidavit ballots, more than 1,400 ballots and about 2,000 ballots.

Cochran said Election Day problems included voting machines that overheated, a lack of paper ballots for voters to use when machines went down, and the long waits in line.

Hinds County Tax Assessor Bill Burrow Jr. said he was frustrated that the result of his re-election bid are unknown -- considering the county paid \$1.6 million for the new voting machines. Burrow is trailing Democrat Eddie Fair.

At last count in another race that was too close to call, Republic state Sen. Richard White held a 49-vote lead over Democratic challenger Dewayne Thomas.

## Article #3 – New Election Recommended in District 29

<http://www.wlbt.com/global/story.asp?s=1607284&ClientType=Printable>

Jackson 01/19/04

### **New Election Recommended in District 29**

By David Kenney

[david@wlbt.net](mailto:david@wlbt.net)

The final outcome of the Hinds County District 29 race could soon be back in the hands of voters. Monday afternoon, a Senate committee recommended sending voters back to the polls to pick a candidate to fill that seat. It's a decision that still has to be voted on by the full Senate.

"We were unable to determine the will of the voters," said Sen. Terry Burton of the election. Burton is chairman of the ad-hoc committee.

On election day, voting machines broke down at Precinct 94 and paper ballots weren't signed by election workers -- but they were still counted under a recommendation by the attorney general. Dewayne Thomas, a Democrat, was certified the winner. Thomas opposes a revote.

"I don't think they have the authority to open a new election," Thomas said. "They can only seat me or Mr. White or declare the seat void."

Thomas says only the governor has the right to declare a revote.

"There was an attorney general opinion that they tore up and threw out today that said they should be counted," Thomas said. "The legislature has no authority to do that."

"This doesn't have to do with Republican or Democrat," said Republican candidate Richard White, the incumbent. "This has to do with upholding the law of Mississippi, and that's what I'm about."

White says lawmakers are only following constitutional law.

"The constitution directs us towards the legislature for the answer," White said. "Mike Moore made the wrong opinion. That opinion was presented to Hinds County, and that's not how we do it here in Mississippi."

The recommendation for a re-vote will be voted on by the full senate, which they expect will happen in the next few days. The senate committee has set a tentative special election date in District 29 for Tuesday, February 10.

## Article #4 – District vote set; contender may quit

<http://www.clarionledger.com/news/0401/21/ma04.html>

January 21, 2004

### **District vote set; contender may quit**

Democrat says he's "been through enough" in disputed Senate race

By Julie Goodman

[jgoodman@clarionledger.com](mailto:jgoodman@clarionledger.com)

The state Senate voted Tuesday to hold a new election in Hinds County District 29, but the Democratic contender says he is financially and emotionally drained and is considering pulling out of the race.

In a 35-13 vote, lawmakers agreed to throw out the results of the Senate race between Democrat Dewayne Thomas and Republican Richard White. A new election was set for Feb. 10.

Thomas, who watched the proceedings from the floor, said he would decide by the end of the week whether he will stay in the race. If he pulls out, White could be sworn in immediately.

"We've already been through enough, and I don't know if I want to go through any more of this," Thomas said. "They should have went ahead and seated him (White). That's apparently what they wanted."

Thomas' 19-year-old son, Ryan, who had helped him campaign, was killed in an automobile accident two months before the Nov. 4 election. Also, Thomas said he's put nearly \$100,000 of his own money into the race, relying heavily on credit extended to him by his bank.

White said he's not well-off financially, either.

"Some of the things that I've done caused him to spend money and some of the things that he's done have caused me to spend money," he said.

But he said he'd gone too far and was looking forward to hitting the campaign trail again.

"I don't want to be a whiner, I'm not a sore loser, but if they had gone by state law ... I would have been the winner to start with. Give me a break here," he said.

During several hours of floor debate, Democrats railed against holding a second election, calling it a "terrible" precedent that will shake the Senate's integrity while disenfranchising voters.

The discussion primarily focused on whether a revote should be held in the whole 22-precinct district or be limited to the one precinct where most of the problems occurred.

"You don't go whipping the whole class because one child misbehaved," Sen. David Jordan, D-Greenwood, said.

A special legislative committee had recommended throwing out last year's election in which Thomas was certified the winner by 135 votes over White. White, the incumbent, appealed to the Senate after irregularities were discovered.

Sen. Hob Bryan, D-Amory, unsuccessfully offered an amendment to limit the revote to precinct 94, where 565 paper ballots were not initialed as required by law. Of those votes, 66 were for White and 487 for Thomas.

"Why on earth do we not restrict the remedy to precinct 94? I fear that what the Senate is about to do is going to set a terrible, terrible precedent," he said to his colleagues. "Are you going to feel comfortable four years from now when your opponent can ... find some flaw in your election and come down here and file a complaint with the Senate?"

But Sen. Terry Burton, R-Newton, chairman of the special panel, said uninitialed ballots were reported at eight other precincts, and the only way to fix the problems is to hold a district-wide election.

"If people running the election are doing it wrong in violation of state law, that's not your fault, it's not my fault, it's not the voters' fault," he said.

Beverly Anderson, 44, a White supporter who has been at the Capitol to watch the committee hearings, said the Senate vote was fair.

It was not fair, however, for Democrats to push to throw out votes in one precinct when there were reports of irregularities at eight other precincts, she said.

"To me, that was a little hypocritical," said Anderson, a stay-at-home mother in Byram.

Angie Pope, also of Byram, said that although she plans to vote again for Thomas, other voters may not be so eager.

"I think that they've just gotten apathetic toward it because of the way it's been handled," said Pope, 44, a cosmetics saleswoman. "They're probably going to think, 'Well, I voted one time, that should be sufficient.'"

Hinds County Election Commissioner Connie Cochran said she thought the election would cost about \$7,500.

# Wake County (Raleigh), North Carolina. November 2002

## Overview

Electronic voting machines failed to count 436 ballots cast at two Wake County early voting locations. As soon as it was discovered that the machines were not registering votes cast, the Director of Elections returned to using the optical scan ballots.

VerifiedVoting.org called Cherie Poucher, the Wake County Director of Elections, to find out the type of machine used and to ask the cause of the problem. Ms. Poucher explained that she was informed by ES&S that the firmware in the machines was the problem, causing some votes not to be recorded. Ms. Poucher decided not to pursue using the iVotronic and will continue to use the optical scanner precinct count tabulators used in Wake County since 1992. A summary of the conversations and supporting documentation follow the article.

### Machine:

ES&S iVotronic

## Article – Electronic Ballots Fail To Win Over Wake Voters, Election Officials Machines Provide Improper Vote Count At Two Locations

<http://www.wral.com/news/1753809/detail.html>

WRAL.com

### Electronic Ballots Fail To Win Over Wake Voters, Election Officials Machines Provide Improper Vote Count At Two Locations

POSTED: 8:22 a.m. EST November 1, 2002

UPDATED: 11:49 p.m. EST November 2, 2002

**RALEIGH, N.C.** -- Electronic voting machines that were supposed to solve Florida's election problems have created problems at two Wake County voting sites. Election officials said it appears some of the high-tech machines cannot count.

Wake County prides itself on using paper ballots that are easy to read and machines that count them accurately. Voters simply use a marker to connect two lines next to a candidate's name.

This year, during early voting, the county is testing touch-screen machines -- including the same kind of machines that threw Florida's primary into a tailspin.

"It's ridiculous. They wouldn't have had all the trouble they did in Florida if they had the ballot we've got now," said a Raleigh voter of the traditional ballots.

The electronic machines failed to count 294 ballots cast last week at a Cary senior citizens center and a Raleigh police substation.

One of the safeguards Wake County put in place helped election officials sort out the problem. During early voting, every ballot -- whether cast on paper or electronically -- is numbered at the top. Election officials are cross-referencing the numbers to find out which ballots were counted and which ones were not.

Officials noticed the problem Sunday night when the number of ballots cast did not match the number of ballots counted.

State election director Cherie Poucher spent all day on the phone reassuring residents. "They may go vote again at One-Stop voting locations, they can vote on Election Day. If they're out of town, we'll Fedex them a ballot," Poucher said.

The problem machines were removed, and voters at the two sites are casting ballots the old-fashioned way. Election officials said this may convince them to stick with what they know works.

Electronic machines that are being tested at other early voting sites in Wake County have not had any problems. None of those machines will be used on Election Day.

## VerifiedVoting.org's report on conversations with Cherie Poucher

Wake County was testing the iVotronic during the early voting process in two precincts. Each absentee ballot application contained a sequence number, which was entered by hand into the machine immediately before the voter voted. After each day's voting, poll workers compared the counters on the machines with the number of absentee ballot applications completed that day. When they discovered that the counters on six of the machines didn't match the number of applications, they realized the machines had failed to record some of the votes. Ms. Poucher took all the iVotronic machines out of service and used the county's optical scan ballots for the remainder of the election. The iVotronic machines were secured in the Wake County Board of Elections' office.

She contacted ES&S, who requested that the Wake County technician check the version number of the firmware in the iVotronic machines. She was later informed that Jackson County, North Carolina, had encountered the same error two days before the problem arose in Wake County. ES&S had replaced the firmware in Jackson County to correct the problem. ES&S said Wake County's malfunctioning test machines were using the same flawed firmware version and agreed to go to her sites and replace the firmware. Ms. Poucher had already decided to use the optical scan ballots for the remainder of the one-stop voting and did not further test the iVotronic machines.

The technicians were unable to extract the audit data at the Wake County Board of Elections' office; therefore the database had to be copied to removable media and returned to the ES&S offices where they were able to extract the audit data two days later. They emailed the data to Ms. Poucher. The data contained the sequence numbers of the recorded votes.

Ms. Poucher and her staff compared the sequence numbers in the audit data to the sequence numbers on the ballot applications and were able to determine the names of the people whose votes had not been recorded. They also noted that some of the sequence numbers had been either entered inaccurately or recorded inaccurately so that there were some duplicate sequence numbers in the audit data. They determined the names of the people whose votes had not been recorded. They contacted all of 436 voters by first-class mail. Staff also began making telephone calls to the affected voters to personally inform them of the situation and to explain the voter's options. The options included voting again at a one-stop site, voting on Election Day, and if necessary a ballot would be hand delivered to the voter's home or e-mailed, faxed or Fed Ex'd to the voter.

Ms. Poucher and her staff checked the final tallies and determined that the machines' failure to record the votes cast by the 78 voters who did not vote again did not affect the outcomes of any races.

HAVA will require that every precinct in the country must use at least one system equipped for individuals with disabilities. Ms. Poucher is now waiting for the report by the Election Assistance Commission's Standards Committee that will state the specifications for the required equipment. But she plans to continue using the optical scan voting equipment in all precincts.

Attached are two letters. The first was sent to Gary O. Bartlett, Executive Director of the State Board of Elections informing him of the problems and explaining the reasons why she was sending a bill to ES&S for the cost associated with contacting the affected voters and providing them an opportunity to recast their votes. She wrote, "Had ES&S been aware of the firmware in use in the test they were conducting in Wake County and acted immediately when they realized the problem in Jackson County, we would not have experienced the problem of votes not being recorded."

The second letter is a copy of the bill sent to Lezlee Emerson, Vice President of Customer Support for Election Systems and Software. Ms. Poucher said that the bill was paid.

## Ms. Poucher's letter to the State Board of Elections

### MEMORANDUM:

To: Gary O. Bartlett, Executive Director  
From: Cherie Poucher, Director  
Date: January 28, 2003  
Re: I-Votronic Equipment Failure

Attached you will find a letter to Lezlee Emerson, Vice President of Customer Support for Election Systems and Software. Due to the problems encountered during the testing of the direct record equipment, Wake County is requesting reimbursement from ES&S for expenses incurred by the Board of Elections as a result of the malfunction of the i-Votronic voting equipment.

Below is a synopsis of what transpired with the testing of the I-Votronic equipment and the discovery of a problem with the firmware.

The Wake County Board of Elections tested the i-Votronic direct record equipment at two additional one-stop voting sites for the November 5, 2002 General Election. One of the sites was in Cary and the other at the Northwest Raleigh Police Substation. At that time, we pulled the equipment from the sites since there appeared to be a problem with the vote totals.

On Monday, October 21, 2002, the one-stop supervisor in the Cary site advised me that the total votes cast on the six units did not add up to the total number of one-stop voters. We learned that the situation was the same at the Northwest Raleigh one-stop site. At that time, we immediately pulled the equipment from the sites since there appeared to be a problem with the vote totals and/or the votes being recorded.

We immediately called ES&S, who then notified Jim Johnson, the technician. Mr. Johnson called our office and requested that Wake County's technician, Sherwood Brantley, verify the firmware version that was installed in the units. It was agreed that ES&S would retrieve the audit data, to allow us to identify which voters' votes were not recorded. This step was crucial and needed to be done immediately to maintain the integrity of the election process. Unfortunately, there were many problems from that point on and data could not be retrieved until October 24.

ES&S agreed to immediately retrieve the audit data and Mr. Johnson reported to our office on October 22. We knew that this step was necessary to identify the voters whose votes were not recorded. In order to maintain the integrity of the election process, it was imperative that we notify the voters and that we offer them the opportunity to vote again. Unfortunately, ES&S was not able to immediately obtain the data. In fact, it was not until Thursday, October 24 when the audit data was finally retrieved.

From the data e-mailed to us, our office was able to determine which absentee one-stop voters' votes had not been recorded or could not be determined. The total number of unrecorded or undetermined votes for both sites was 436: 285 at Cary and 151 at Northwest. We mailed letters to all 436 affected voters informing them that their votes had not been recorded and that they should return to a one-stop site and vote or that they could vote on Election Day, November 5.

The priority of staff became contacting as many of the voters as possible by telephone. As you would expect, there were many voters who had voted and then left on vacations, business trips, etc. Also, there were voters who were physically not able to return to a voting place. Ultimately, the Wake County Board of Elections staff hand delivered ballots, Fed-X ed ballots, and faxed ballots to voters. All of this was done to maintain the integrity of the elections in Wake County.

I am proud to inform you that all but 78 voters recast their votes. But this could not have happened if we had not worked day and night calling and arranging for voters to recast their ballots.

On Thursday, October 24, Al Marcheski had informed me that ES&S knew there was a problem with the firmware we were using. I later learned that Jackson County, North Carolina had the same problem with their equipment several days prior to our problem being discovered. The firmware in their equipment was changed and their problems resolved.

Had ES&S been aware of the firmware in use in the test they were conducting in Wake County and acted immediately when they realized the problem in Jackson County, we would not have experienced the problem of votes not being recorded.

I have submitted a bill to ES&S for the cost to Wake County and am enclosing a copy of the bill at this time.

## **Ms. Poucher's reimbursement bill sent to ES&S**

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January 28, 2003

Ms. Lezlee Emerson  
Vice President, Customer Support  
Election Systems and Software  
11208 John Galt Blvd.  
Omaha, NE 68137

Re: Test of i-Votronic

Dear Ms. Emerson:

The Wake County Board of Elections tested the i-Votronic direct record equipment at two additional one-stop voting sites for the November 5, 2002 General Election.

On October 21, 2002, the one-stop supervisor in the Cary site advised me that the total votes cast on the six units did not add up to the total number of one-stop voters. We learned that the situation was the same at the Northwest Raleigh one-stop site. At that time, we pulled the equipment from the sites since there appeared to be a problem with the vote totals.

We immediately called ES&S, who then notified Jim Johnson the technician. Mr. Johnson called our office and requested that Wake County's technician, Sherwood Brantley, verify the firmware version that was installed in the units. It was agreed that ES&S would retrieve the audit data, to allow us to identify which voters' votes were not recorded. This step was crucial and needed to be done immediately to maintain the integrity of the election process. Unfortunately, there were many problems from that point on and data could not be retrieved until October 24.

On Thursday, October 24, Al Marcheski had informed me that ES&S knew there was a problem with the firmware. I later learned that Jackson County, North Carolina had the same problem with their equipment several days prior to our problem being discovered. The firmware in their equipment was changed and their problems resolved. Had

ES&S been aware of the firmware in use in Wake County and acted immediately when the problem in Jackson County was corrected, Wake County would not have experienced the problem of votes not being recorded.

It was imperative that the Wake County Board of Elections immediately notify the voters affected by the votes not being recorded and offering them the opportunity to vote again. The priority of staff at that time was to contact by phone as many of the voters as possible. Also, a letter was mailed to all affected voters listing his/her options.

The Wake County Board of Elections staff hand delivered ballots, Federal Expressed ballots, and faxed ballots to voters to maintain the integrity of the elections in Wake County.

Listed below is the cost to the Wake County Board of Elections to rectify the situation created by the failure of the firmware to record all the votes:

|  |         |
|--|---------|
| Staff time to determine list of voters affected; to obtain telephone numbers; to make calls to the affected voters; to process letters, faxes, etc. to the affected voters | \$5,590 |
| Letterhead, envelopes, postage, Fed-X charges, mileage for ballots hand delivered  | \$ 408  |
| TOTAL  | \$5,998 |

We respectfully request reimbursement for these expenses. The check should be made payable to the Wake County Board of Elections and mailed to our office at PO Box 695, Raleigh, NC 27602. We expect payment within the next 30 days.

Thank you.

Cherie R. Poucher, Director  
Wake County Board of Elections

Cc: State Board of Elections

# Miami-Dade County, Florida. September 12, 2002

## Overview

A spot check of machines revealed problems that called election outcomes into question. One problem: Several Miami-Dade precincts, each with hundreds of registered voters, are listed as showing one or even no votes cast Tuesday, a virtual impossibility. Broward's tabulation shows at least one precinct with hundreds of registered voters and no votes cast.

Another problem: Spot checks showed serious differences within the same precincts between vote totals produced by the main tabulation system and a backup system.

### **Machine:**

ES&S iVotronic touch-screen machines

<http://www.essvote.com/index.php?section=products&rightnav=products>

### **Political parties involved:**

Unknown

### **Follow-up:**

None known.

## Article #1 – Leahy: Unskilled workers to blame

<http://www.miami.com/mld/miamiherald/4063332.htm>

Miami Herald

### **Leahy: Unskilled workers to blame**

BY Alfonso Chardy, Tere Figueras And Martin Merzer

[mmerzer@herald.com](mailto:mmerzer@herald.com)

Sep. 12, 2002

Herald staff writers Joni James, Phil Long, Joan Quigley, Andrea Robinson, Karl Ross and Luisa Yanez contributed to this report.

Miami-Dade County officials lost faith Thursday in their own ballot count, saying a spot check of returns from Tuesday's botched primary revealed serious discrepancies that could require a re-examination of all 7,200 machines.

The extraordinary development called into question the outcome of several close statewide races, including the Democratic gubernatorial primary between Janet Reno and Bill McBride.

It also raised fresh questions about the new iVotronic touch-screen machines, the same brand bought by Broward County Election Supervisor Miriam Oliphant and supervisors in 10 other Florida counties.

Gwen Margolis, chairwoman of the Miami-Dade County Commission and a member of the election canvassing board, predicted that returns from every machine in the county would have to be recounted.

The machines were supposed to help repair, and restore faith in, Florida's shattered electoral system.

"I don't see any choice but to do it this way," Margolis said of a full recount in Miami-Dade. "You can't rush through this."

And when she was told of this new problem? "It took my breath away," she said. "It's outrageous."

One indication of serious trouble that materialized Thursday:

Several Miami-Dade precincts, each with hundreds of registered voters, are listed as showing one or even no votes cast Tuesday, a virtual impossibility. Broward's tabulation shows at least one precinct with hundreds of registered voters and no votes cast.

"When you get one vote in a place with 1,500 registered voters, you know there's something wrong," said David Leahy, Miami-Dade's election supervisor.

It was not known if similar concerns have been raised by Oliphant, who bought 5,200 iVotronics for Broward. She and her assistants refused to answer any substantive inquiry Thursday about the election or the tally.

By Thursday night, many questions remained but this seemed clear: The primary that began chaotically in Broward and Miami-Dade was ending the same way.

"We've gone from dead folks voting to live folks not being able to vote," said Miami-Dade Commissioner Barbara Carey-Shuler, who called for Leahy to step aside and allow an outside expert to take over.

Leahy, who didn't respond to that call, filed unofficial countywide vote totals by noon Thursday, as required by state law. But a few hours later, he said the tally might have been seriously compromised by a combination of human error and mechanical complexity.

"We found a lot of votes that had not been collected," he said.

The problem: Spot checks showed serious differences within the same precincts between vote totals produced by the main tabulation system and a backup system.

#### THE NUMBERS

Gisela Salas, one of Leahy's top aides, said experts were trying to assess the magnitude of the problem, which could be enormous.

Discrepancies were found in four precincts and suspected in at least eight others.

One of the four precincts was 254 at Pilgrim Rest Missionary Baptist Church in Liberty City. The initial count showed 89 votes cast there, but when the backup system was applied Thursday morning, 610 votes appeared.

Also, votes in precinct 148 in North Miami went from one to 497; in precinct 105 in Northeast Miami-Dade, from two to 434; in precinct 14 in Miami Beach, from four to 373.

Leahy hastened to add that no votes were believed to have been lost forever. They remain inside each machine's computerized memory, he said, but for unknown reasons were not transferred to collection devices after the election.

The main tabulation system uses a device called a "master activator," which harvests votes from the touch-screen machines on election night and transmits them to headquarters through telephone lines.

The backup system uses "a flash-card PEB," a device that reads memory chips installed on the touch screens. That process requires machines to be transported to election headquarters, a laborious and time-consuming procedure.

The process of reading those memory chips is called "re-collecting," a new term in Florida's lexicon of electoral snafus.

"This is like chads," Salas said, perhaps choosing an unfortunate comparison. "We have to do re-collection education. This is the new, improved version."

She said employees were examining printouts from all 754 Miami-Dade precincts and would double-check any provocative return. That process could last through the weekend. If more anomalies are found, more "re-collecting" will be necessary, she said.

Leahy said much of the problem might be attributed to poll worker inexperience. He said some workers might have removed the activators before all votes were harvested. That would suggest another failure of training.

It is also possible, he said, that some activators failed to work properly.

"It may be because they didn't have time, or may have been because they couldn't retrieve the data," Leahy said. "They stuck in the master [activator] and nothing happened. It wouldn't upload."

A spokesman for Election Systems & Software, the company that makes the iVotronic, said in a statement Thursday that it was conducting "a thorough analysis of all reported issues" but was certain that no votes "were lost or not counted."

Many South Floridians might question the scope of that statement. Hundreds or possibly thousands of would-be voters walked away without casting ballots Tuesday when an epidemic of start-up problems created long delays and lines.

Early indications Thursday suggested that the problem might extend into Broward.

Although the official tally showed no votes in Pembroke Pines' precinct 32X, voters cast ballots there, according to Angelo Castillo, a Republican who said he voted there Tuesday.

"I pressed the red button," Castillo said. "It said, 'Thank you for voting' and I left."

The precinct, at Fire Station 79, was one of many Broward polls that didn't open on time. County documents show 832 registered voters in the precinct.

Broward's Oliphant, whose competence was under attack from many quarters, filed a complete vote tally by the noon deadline, but amid considerable confusion.

Broward completed its tally at 11:12 p.m. Wednesday, but only after misplaced election machines -- at least one carried in the backseat of a 80-year-old poll worker's sedan -- finally found their way to headquarters.

## **MODEM TROUBLE**

Tabulation problems in Broward began when modems in at least three of 14 regional tabulation centers didn't work. Poll workers were forced to take activators to Fort Lauderdale for processing.

Broward also misplaced about 250 activators on election night, according to an e-mail from Mike Lindsey, a state elections official who observed the count.

"They were improperly received by the warehouse crew, and were put up with precinct supplies!" read the note sent to state Elections Director Ed Kast at 5:36 a.m. Wednesday.

Even at tabulation centers where modems were working, not enough people were available to handle the devices, according to county employees who were assisting Oliphant's office.

Back in Miami-Dade, Leahy distributed what he called "final unofficial" results at 3:30 a.m. Thursday, more than 30 hours after polls closed.

One of many hitches in the process: Five voting machines from Emerson Elementary had been prematurely stored in a county warehouse, their returns untabulated.

Machines from four other polling locations didn't arrive until 11:30 p.m. Wednesday, also more than 24 hours late.

In both cases, the actual machines were required because poll workers were unable to transmit vote totals from 13 precincts to election headquarters.

Earlier in the process, Leahy reported that problems with the master activators caused data to be lost from at least 25 precincts in Hialeah, North Miami, Kendall, Doral and other parts of the county.

The devices, which resemble electric typewriter cartridges, were either damaged or rendered unreadable, he said. Each device contained data from all 10 to 12 machines in each precinct.

The botched vote counts, missed deadlines and other new complications aroused more dissonant echoes of Florida's embarrassingly inept presidential election of 2000.

Judicial Watch, a national group that investigates government abuses, requested that the Miami-Dade and Broward elections officials allow inspections of all ballots, computers and training material related to Tuesday's election.

Election officials in Miami-Dade and Broward did not immediately respond to the demand, which was filed under the Florida Sunshine law.

After the 2000 election, the group won similar access in Palm Beach County, home of the infamous butterfly ballot that confused thousands of voters.

"We want to get to the bottom of this [latest] election mess, and we want to hold those responsible personally accountable in a court of law," said Larry Klayman, chairman of the group, which is based in Washington, D.C.

## Article #2 – Florida Voters, Poll Workers Confused by New Election Technology

<http://www.govtech.net/news/news.phtml?docid=2002.09.12-2425>

This link has become stale. The full text of the article is below.

### IN THE NEWS

#### **Florida Voters, Poll Workers Confused by New Election Technology**

Jim Krane - AP Technology Writer - Sep 12, 2002 -- MIAMI (AP) -- Running an election is like hitting a golf ball: It looks easy until you try it.

In Florida, elections got stuck in a sand trap, with computer voting machines that didn't work right and a staff of poll workers, mainly retirees, with little knowledge of how to run them.

For a state with election credentials already in tatters, it was excruciating.

**But experts in election technology say Florida's experience isn't all that uncommon**, and ought to improve as voters and workers become accustomed to the new machines.

"Since it was in Florida, they wanted to immediately redeem themselves," said Tom Palfrey, professor of political science and economics at the California Institute of Technology. Palfrey examined Florida's presidential election snafu in 2000 for the Caltech-MIT Voting Technology Project.

Replacing the state's punch card ballots with their infamous hanging chads was essential, Palfrey said, and the two technologies chosen -- optical scanning of paper ballots and ATM-like computer touch-screen voting -- are believed to improve casting and counting of votes, he said.

"They just weren't ready," he said. "They made the transition too fast. When they bring these machines in, nobody knows how to use them."

**Technical glitches didn't help.** The touch-screen machines, which store votes on a removable memory card, sometimes simply didn't work when they were turned on, said Massachusetts Institute of Technology political science professor Stephen Ansolabehere, another member of the Caltech-MIT Voting Technology Project.

After a day of incessant finger jabbing, some of the touch screens, which cost \$3,000 to \$6,000 apiece, lost accuracy between the image touched and the sensor behind it. Votes for a candidate might not have registered, said Ansolabehere.

Worse, since the machines give no feedback -- such as a dialogue box that asks "Are you sure you want to vote for Janet Reno?" -- voters weren't certain whether all their selections registered, Ansolabehere said.

When machines went wrong, there were too few humans trained to right them, Ansolabehere said. As had happened in elections in New Mexico in 2000, some elderly volunteer poll workers balked at the switch from paper to unfamiliar computer equipment.

"A lot of poll workers quit," Ansolabehere said. "They couldn't learn how to use these new machines. They were intimidated and frustrated by them."

An election reform bill that passed both houses of Congress but remains under committee review calls for recruiting computer-savvy college and high school students as poll workers, said Eric Fischer, a technology policy analyst with the nonpartisan Congressional Research Service.

Touch-screen machines supplied to 11 Florida counties, including Miami-Dade and Broward, by Election Systems & Software of Omaha, Neb., seemed fraught with the most problems.

Mike Limas, chief operating officer for ES&S, said the company has systems in 48 other states, but Tuesday's election was the biggest test of the less-than-a-year-old touch-screen voting machines. "This would be the largest usage in a single state that we've had with this product," he said.

Another vendor whose machines were used in four counties -- Sequoia Voting Systems -- experienced fewer problems. Company spokeswoman Kathryn Ferguson said training of poll workers and mock voting lessons seemed to help.

Still, studies show hand-counted paper ballots to be most accurate, followed by optical scanning of paper ballots -- with a 2 percent error rate -- and electronic touch screens, with a 2.5 percent error rate, Ansolabehere said.

"We're still pretty far away from a really great machine," he said. "There has to be a pretty hard push right now to make the technology really simple."

# Bernillo County, New Mexico. November 5, 2002

## Overview

Although about 48,000 people had voted early on 212 Sequoia-supplied touch-screen computers at six sites in the county, the initial figures given to the commissioners indicated that no race - not even for governor - showed a total of more than about 36,000 votes.

The touch-screen computers recorded every vote properly, Howard Cramer, vice president and Western regional manager of Sequoia Voting Systems, told the commissioners, but the Microsoft Sequel 6.5 software program used to report all of the votes had a capacity of only 64 kilobytes of data at a time. Any more than that fed to the reporting program in one chunk was simply refused by the program.

**Machine:**

Sequoia Voting Systems

**Political parties involved:**

Not known.

## Article – Election results certified after software blamed

[http://www.abqtrib.com/archives/news02/111902\\_news\\_vote.shtml](http://www.abqtrib.com/archives/news02/111902_news_vote.shtml)

Albuquerque Tribune

**Election results certified after software blamed**

By Frank Zoretich

Tribune Reporter (Albuquerque Tribune)

Computer software with a limited appetite caused the under-reporting of votes cast at early-voting sites for the Nov. 5 election in Bernalillo County.

That's how Howard Cramer, vice president and Western regional manager of Sequoia Voting Systems, a Denver company, explained a 12,000-vote gap that went undetected until 10 days after the election.

The five members of the Bernalillo County Commission, meeting as the county's canvassing board, voted unanimously Monday to certify the election results after Cramer explained the glitch and County Clerk Mary Herrera told them the new vote totals did not alter the outcome of any races.

The commissioners had met Friday to certify the election but refused after they learned Jim Noel, an attorney who'd been monitoring the election on behalf of 1st District Congressional candidate Richard Romero, an Albuquerque Democrat, had noticed the discrepancy only that morning.

Although about 48,000 people had voted early on 212 Sequoia-supplied touch-screen computers at six sites in the county, the initial figures given to the commissioners indicated that no race - not even for governor - showed a total of more than about 36,000 votes.

Where were the other 12,000 votes that could reasonably be assumed to have been cast?

The touch-screen computers recorded every vote properly, Cramer told the commissioners, but the Microsoft Sequel 6.5 software program used to report all of the votes had a capacity of only 64 kilobytes of data at a time. Any more than that fed to the reporting program in one chunk was simply refused by the program.

Given the number of voters and the size of the ballot - with 80-plus choices for voters to make, on bond issues and state Constitutional questions as well as political candidates - the program was simply overwhelmed by data, Cramer said.

The problem had occurred several weeks earlier in an election in Clark County, Nev., and was fixed there with another Microsoft software program, or "patch," that expanded the first program's capacity.

But word of the Clark County problem and its solution had not been passed on to the Sequoia technician manning the computer recording vote totals here. If it had been, Cramer said, the patch could have been used here on Election Night and the discrepancy wouldn't have occurred.

Upon learning Friday of the 12,000-vote gap, he said, Sequoia employees worked through the weekend in Denver to re-run the data - using the software patch this time - and make a new report that included the "missing" ballots.

"Nothing has changed," Cramer said. "The tally itself is still pristine. Every single ballot is still in the cartridges and (touch-screen) machines. You could still print out every single ballot." The data used for the new report, he added, was "back-up data" Sequoia routinely records during elections.

Commissioner Tom Rutherford accused Cramer of a "cover-up," and said Cramer had never intended to tell officials here about the problem.

"We go to great lengths to identify such problems anywhere in our system and to rectify them and notify all concerned parties," Cramer responded. He said Sequoia was unaware the problem had occurred in Bernalillo County until it was notified of Noel's discovery.

He apologized to the commissioners for the software problem. "We did not anticipate it would occur anywhere but in the Nevada election," he said. Sequoia's people here were not aware of the Nevada glitch, had not been alerted to watch for it, and had not been told how to fix it, he said.

"My presence here is to assure you that any such issue will not occur again," he said.

After Cramer apologized, Rutherford moved that the results be certified.

The commissioners thanked Herrera and Jaime Diaz, the county's elections manager, and all of their paid and volunteer workers for what commission chairman Tim Cummins called "a good election."

They also thanked Noel - whose candidate lost against incumbent Rep. Heather Wilson, an Albuquerque Republican - for noticing that the initial Sequoia early-voting report hadn't counted 12,000 ballots.

## **Muscogee County, Georgia. November 4, 2003 sales tax vote**

### **Overview**

Allegations of widespread complaints by citizens who voted "no" but saw the machines register "yes" caused county officials to take the machine out of service during the election.

#### **Machine:**

Voting Technologies International  
[http://www.vtintl.com/new/vot\\_center.asp](http://www.vtintl.com/new/vot_center.asp)

**Political parties involved:**

Unknown

**Follow up:**

Columbus, Georgia NAACP president Edward DuBose filed a complaint in Muscogee County Superior Court asking for a stay of the vote certification and investigation into alleged voting irregularities.

## **Article – NAACP disputes sales tax results; DuBose files complaint in Muscogee Superior Court**

<http://www.ledger-enquirer.com/mld/ledgerenquirer/news/7248691.htm?template=contentModules/printstory.jsp>  
The link is stale. The full text of the article is below.

### **NAACP disputes sales tax results**

#### **DuBose files complaint in Muscogee Superior Court**

By Mark Rice (706- 571-8543, [mrice@ledger-enquirer.com](mailto:mrice@ledger-enquirer.com))

Staff Writer

Nov. 13, 2003

Columbus NAACP president Edward DuBose filed a complaint Wednesday in Muscogee Superior Court about last week's sales tax vote.

The petition makes two requests:

- ◆ A stay of the vote's certification.
- ◆ An investigation into alleged voting irregularities.

State law requires a hearing to be scheduled within 20 days. A judge is expected to be assigned the case Monday.

The Nov. 4 referendum passed with a margin of less than 1 percent. The 1 percent sales tax would start April 1 and last for five years, or collect about \$149 million, to fund Muscogee County School District improvements.

The Muscogee County Board of Elections and Registrations certified the referendum result last Thursday with a final margin of 280 votes: 11,538 to 11,258.

Ken Barfield was the lone dissenter in the board's 3-1 decision. He objected to the handling of a computer chip that contained 477 votes and came out of one of the four advance voting machines.

But the petition DuBose filed specifies a different problem. It alleges "wide-spread" complaints that citizens who voted "no" saw their voting machines register a "yes." DuBose told the Ledger-Enquirer that assertion is based on three complaints from voters who cast ballots at the Spencer High precinct. Only one of those voters has signed an affidavit, "but we're still trying to encourage the two others to step forward," DuBose said.

Nancy Boren, executive director of the elections board, stands behind the announced totals. She said the complaint at Spencer High stems from a problem that arose with one electronic voting machine shortly after the polls opened at 7 a.m.

"The poll manager told me a voter said every time he tried to vote, it wouldn't register his vote correctly," Boren said. "So I told the poll manager to shut that machine down, cancel the voter's ballot and let him vote with another voter access card on another machine."

Boren said the faulty machine had three votes registered when it was shut down.

DuBose said the petition doesn't mention other alleged irregularities because NAACP officials and their lawyer, Ron Garnett of Augusta, didn't have time to document them before Wednesday's petition deadline.

But when the hearing is held, DuBose promised, evidence about a previously reported alleged irregularity will be presented:

Mary Myles said she and her husband saw orange cones blocking the driveway entrance to the voting precinct at Rigdon Road Elementary School about 90 minutes before the polls closed at 7 p.m.

Boren, however, said the poll manager removed the cones by 4 p.m. and isn't aware of any other complaints. She said Rigdon Road Elementary puts those cones in the driveway every school day between 2:15 and 3:15 p.m. to control traffic during student pick-up time.

## Dallas County, Texas. October 22, 2002

### Overview

The Democrats said they received several dozen complaints from people who said that they selected a Democratic candidate but that their vote appeared beside the name of a Republican on the screen. Some votes cast for Republicans were counted for Democrats.

Last year, the outcomes of 18 suburban Dallas County elections remained unclear days after the election because of vote-counting problems on the same machines. About 5,000 of nearly 18,000 ballots cast during the early voting period were not properly assigned to candidates.

#### **Machine:**

ES&S iVotronic touch-screen machines

<http://www.essvote.com/index.php?section=products&rightnav=products>

#### **Political parties involved:**

Democratic Party filed suit. Republican John Cornyn won the U.S. Senate Seat.

#### **Follow-up:**

Dallas County Democrats asked a state district court judge to shut down early voting Tuesday because some touch-screen ballot machines hadn't accurately recorded ballots.

### **Article – Area Democrats say early votes miscounted; Court hearing delayed as meeting planned on touch-screen problems**

<http://www.dallasnews.com/latestnews/stories/102202dnmetvotingproblems.380b6.html>

Last modified: 10:08 PM CDT on Tuesday, October 22, 2002

The link has become stale. The full text of the article is below.

#### **Area Democrats say early votes miscounted**

#### **Court hearing delayed as meeting planned on touch-screen problems**

10/22/2002

**By Ed Housewright and Victoria Loe Hicks / The Dallas Morning News**

Staff writers Gromer Jeffers Jr. and Todd J. Gillman contributed to this report.

E-mail [ehousewright@dallasnews.com](mailto:ehousewright@dallasnews.com) and [vloe@dallasnews.com](mailto:vloe@dallasnews.com)

Dallas County Democrats asked a state district court judge to shut down early voting Tuesday because some touch-screen ballot machines hadn't accurately recorded ballots.

But Democratic leaders opted later to delay a court hearing, agreeing to meet Wednesday with county elections officials and representatives of the Nebraska-based ballot machine manufacturer for an explanation.

The Democrats said they received several dozen complaints Monday and Tuesday from people who said that they selected a Democratic candidate but that their vote appeared beside the name of a Republican on the screen. Some votes cast for Republicans were counted for Democrats.

Problems were reported in seven or eight of the 24 early voting locations, and 18 machines were taken out of service, said Bruce Sherbet, county elections administrator. Affected races included the hotly contested U.S. Senate race between Republican John Cornyn and Democrat Ron Kirk, the former Dallas mayor.

Democratic officials said they didn't know how many votes might have been inaccurately recorded. No problems were reported in other counties.

"We don't know if we lost 10 votes, 100 votes, 1,000 or 10,000," said Susan Hays, chairwoman of the Dallas County Democratic Party.

Early voting began Monday, and more than 16,000 Dallas County voters had cast ballots, county officials said. Early voting ends Nov. 1, and Election Day is Nov. 5.

More than 400 electronic ballot machines – introduced to Dallas County in 1998 – are used at polling places. If a voter reported a problem on a machine, he or she was directed to another machine at the same location, and the vote was properly recorded, Mr. Sherbet said.

#### **In machines' defense**

He said he would be surprised if any votes were lost or assigned to an unintended candidate. It should have been obvious to voters if their vote did not register by the candidate they intended, and voters could have sought assistance from a poll worker, Mr. Sherbet said.

Similar, isolated problems have occurred in previous elections, he said. They normally occur when the machines are jostled in transport and get "misaligned," Mr. Sherbet said.

Readjusting and properly aligning the machine's mechanisms, he said, is a quick, simple process for a county elections employee who has been trained by the manufacturer.

The touch-screen machines – made by Election Systems & Software – have been used in more than 90 Dallas County elections in the past four years and have an outstanding record overall, Mr. Sherbet said.

"Any touch-screen system – from a voting machine to a Palm Pilot to an ATM – can have calibration issues," he said. "We want to address every concern."

The touch-screen system has only been used in Dallas County for early voting. On election days in Dallas County, voters use pens to fill in circles next to candidates' names on paper ballots. The ballots are read by scanning equipment.

County officials have said they would prefer to use touch screens on Election Day, too, but the cost of buying enough machines is prohibitive.

Ms. Hays said it appears that the problem was with the voting equipment, not county elections personnel.

"This is a vendor's problem," she said. "They need to prove to us that voters' votes are being cast as they want."

Last year, the outcomes of 18 suburban Dallas County elections remained unclear days after the election because of vote-counting problems. About 5,000 of nearly 18,000 ballots cast during the early voting period were not properly assigned to candidates.

Computer problems were caused when a candidate was added after early voting had started. The county faulted ESS officials for not recognizing that the addition could cause problems.

Mike Limas, chief operating officer of ESS, defended the voting system Tuesday.

"We're continuing to work with the county to see if we can validate what's being discussed and resolve it," Mr. Limas said. "This really doesn't happen very often, although obviously it's very serious to someone who feels that their vote is not being accurately counted."

Election Systems & Software is the world's largest manufacturer of voting equipment, according to the company. The company has handled more than 40,000 elections representing more than 100 million ballots, the company says. It contracts with 1,700 jurisdictions in 49 states, Canada and other countries.

Some county Republican leaders said Tuesday that Democrats were exaggerating the extent of the voting problems for political gain.

Dallas County Commissioner Jim Jackson said it would be "a travesty" to shut down early voting based on the temporary restraining order request filed late Tuesday by Democratic leaders to try to halt the election.

"This is a partisan effort to disrupt the election because they are losing," said Mr. Jackson, a longtime Republican.

Republican Party Chairman Nate Crain called the Democrats' court filing "a blatant attempt to stop people from exercising their right to vote early."

The petition for a temporary restraining order said that "widespread" problems occurred in at least 11 early voting locations. The hearing was held before state District Judge Mary Murphy.

Some voters who wanted to vote a straight Democratic Party ticket instead had votes assigned to all Republican candidates, the court filing says.

### **'Gross violation'**

The problem is a "gross violation of constitutional and statutory rights," it says.

Voter Kate Kettles told The Associated Press that she tried to vote for all Democratic candidates but that the computer highlighted Republicans all the way down the ballot. She said that an election official moved her to another machine but that it took several tries to get the correct candidates selected.

"It's the fact that I'm having to make a serious effort that is really disconcerting," Ms. Kettles said.

Mr. Kirk said he was concerned about the voting problems.

"The good news is that I know Bruce Sherbet," he said. "I know he's someone with integrity. We are pleading with voters to scroll through the ballot and make sure what the ballot reflects is the way you have voted."

# Harris County, Texas. November 4, 2003

## Overview

Hundreds of Houston area voters didn't get to cast ballots Tuesday morning because of problems with the eSlate system. The machines were down at some polling places, such as Greater True Light Baptist Church, so voters were told to come back later and try again.

Across town there were more problems, at the Holiday Inn on the Katy Freeway the election judges were forced to improvise and had voters write their choices down on paper.

### **Machine:**

Hart Intercivic eSlate touchscreen machines

<http://www.hartintercivic.com/solutions/eslate.html>

### **Political parties involved:**

Not relevant.

### **Follow-up:**

Unknown.

## Article – Polling machine problems anger many voters

[http://www.khou.com/news/local/houstonmetro/stories/khou031104\\_mh\\_pollingprobs.1a536189.html](http://www.khou.com/news/local/houstonmetro/stories/khou031104_mh_pollingprobs.1a536189.html) (video available also on the page)

### **Polling machine problems anger many voters**

07:27 PM CST on Tuesday, November 4, 2003

#### **From 11 News Staff Reports**

HARRIS COUNTY -- Hundreds of Houston area voters didn't get to cast ballots Tuesday morning because of problems with the eSlate system. The machines were down at some polling places so voters were told to come back later and try again.

Despite ideal voting weather an Election Day storm cloud hung over the Greater True Light Baptist Church.

"I came to vote this morning," said Norvie Marshall. "And all the machines was down. We waited and waited and waited."

For two long hours they waited. Some voters who had to work had to leave. "Very, very frustrating," said Betty Mills. "I mean I've been voting here for 30 years."

This year, of course, is different with the new eSlate style of voting. An election judge at Greater True Light says he couldn't get them to work. "We got nothing, nothing didn't come on," said Dwight Baldwin. "We couldn't get nothing to do nothing."

Across town there were more problems, at the Holiday Inn on the Katy Freeway the election judges were forced to improvise and had voters write their choices down on paper.

"And the machines weren't working," said Vicki Elliott. "So we voted by hand."

"We were voting on pieces of paper like this," said Carol Goforth.

In that case county officials say the election judge had set up the eSlate with the wrong ballot of the voters of that precinct. "And I think in a panic, they started having them write things on paper," said Kaufman. "Which just isn't kosher."

Election officials say the election judges at that location decided to go with the paper ballots because they were concerned voters were receiving the wrong ballot selections on the electronic ballot.

"I miss the punch cards. I miss the physical action of voting, punching the ballot and putting it in the box," complained voter Elliott. "The volunteers, I have to say, did a very good job. They gave everybody a sample ballot as you walked in and a piece of paper and a pen, and we wrote it down and put the position."

Ironically, that's the spot where mayoral candidate Bill White cast his ballot. He was able to vote with the eSlate machine.

Callers reported similar problems at about a dozen other locations, but they don't appear to be widespread.

But at the County Clerk technical help desk troubleshooters chalked it up as operator error in setting up the eSlate system. "Some of the election officials are not retaining the training like they should and we need to take a look at that," said County Clerk Beverly Kaufman. "And either they're gonna get sent back to school or we're going to make a change at personnel."

Kaufman said the paper ballots from the Holiday Inn will be counted. She said all 663 polling places were up and running by noon Tuesday.

As far as voting time lost at Greater True Light Baptist goes, Mayoral Candidate Sylvester Turner wanted to try to extend the voting hours, but it would take a court to do that.

Polls are open until 7 p.m.

A turnout of about 30 percent of the 1.5 million registered Harris County voters is expected.

## **Boone County, Indiana. November 2003 Municipal Election**

### **Overview**

Electronic vote-tabulation equipment reported that 140,000 votes had been cast in a county of 50,000 residents, of which only 19,000 were eligible to vote and of those only 5,352 voted. The tabulation machine had not been initialized and it is set to give excessive numbers to call attention to the error. Lisa Garoffolo, county clerk, said it was obvious the numbers were wrong since the county is small, but she wondered if the error would have been noticed in a large county.

#### **Machine:**

MicroVote General MV-464

<http://www.microvote.com/464.htm>

This is an older model that is activated by push buttons rather than be a touch screen. These voting machines record the votes cast into a data cartridge. At the end of the election, the data cartridge is removed and transported to the central tabulation facility, where it is inserted into a cartridge reader attached to a PC running the vendor-supplied software; that software runs under Windows 95.

**Follow-up:**

See: Bob Kibrick's notes below the article

**Article – Voting machine glitch shows thousands of extra votes**

<http://www.itworld.com/Tech/2987/031113votingglitch/>

**Voting machine glitch shows thousands of extra votes**

IDG News Service 11/13/03

**Grant Gross**, IDG News Service, Washington Bureau

The clerk of Boone County, Indiana, knew something wasn't right when electronic vote-counting equipment showed more than 140,000 votes had been cast in the Nov. 4 municipal elections there. The county has only 50,000 residents and less than half of them were eligible to vote in this election.

A piece of equipment used to project the vote tally onto a wall, part of an electronic voting package from MicroVote General Corp., was apparently not functioning correctly, but county officials were able to fix the problem and start the vote count over again, said Lisa Garoffolo, county clerk. Early vote totals were delayed about 90 minutes because of the mix-up, she said.

"We knew something was off. We just had a lot of people standing outside wanting to know what their numbers were, and they had to wait. They're not used to doing that," she said, describing the moments after the first vote tally came in, with candidates waiting to see how they had done.

In the election, for positions such as mayor and city council member in cities across Boone County, fewer than 19,000 voters were eligible to vote, and 5,352 people voted. Boone County is in central Indiana, about 25 miles northwest of Indianapolis.

The problem had nothing to do with the vote-tallying equipment itself, said Steve Shamo, a sales representative for MicroVote General. It appears that county officials forgot to reset an add-on piece of equipment that projects the vote numbers onto a wall or screen so that onlookers can see the running vote total, he said.

The machine counting the real vote numbers was never compromised, Shamo said, and the projector is set to spit out unrealistic numbers when it hasn't been reset as a way to warn voting officials that it needs attention. "If you don't re-initialize the computer on election day, it just throws up ridiculously huge numbers," Shamo said.

The county has scheduled a meeting with MicroVote General, which is based in Indianapolis, to go over the problem, Garoffolo said. "They're supposed to meet with us in a couple of weeks to make sure whatever happened doesn't happen again," she said. "I hope we'll get more definitive answers in our meeting. I don't want it to happen next spring."

Even if the projection machine hadn't spit out unrealistic numbers, Garoffolo said she would have known if votes were being counted incorrectly. "I know how many registered voters are in each precinct," she said. "I would have known right away, even if it wasn't as glaring as it was." There's little likelihood that wrong numbers would have gone unnoticed in Boone County, although "I can't say in a big county" whether that would happen, she added.

Boone County has used MicroVote General's electronic voting equipment since the spring of 1998 and not had any other problems, Garoffolo said. MicroVote General's electronic voting products, which allow voters to input their votes into an electronic voting machine instead of using a paper ballot, are used in about 200 jurisdictions in 10 states, Shamo said.

## Bob Kibrick's notes of his phone call & email with Brice Hornback

I couldn't resist checking into the Boone County incident. I just got off the phone with their director of information technology, Brice Hornback at extension 4425. (The folks I spoke with at the front desk weren't sure whether that mapped to a direct outside line of 765-482-4425 or 765-483-4425).

The MicroVote DRE voting machine they use is an older model that is activated by push buttons rather than be a touch screen. These voting machines record the votes cast into a data cartridge. At the end of the election, the data cartridge is removed and transported to the central tabulation facility, where it is inserted into a cartridge reader attached to a PC running the vendor-supplied software; that software runs under Windows 95.

On November 4, the voting machines worked correctly (or as correctly as one can determine without a VVPAT). That is, they at least recorded a reasonable number of votes given the number of voters who signed in at the precincts.

The problem which caused the erroneous votes totals of 144,000 votes being cast occurred in the tabulation software that runs on the Windows 95 machines at the central tabulation facility. That tabulation software was failing to properly initialize (i.e., zero out) the vote totals prior to starting the tabulation of the votes from the data cartridges.

Brice noted that the version of the tabulation software they are running is many years old and not well supported by the vendor. The vendor has a newer, supposedly-better version under test, but:

1. It is not yet available, and
2. It will not be compatible with the older vote counting machines that Boone County is running.

So it sounds like they are stuck with and will be limping along with ancient tabulation software that they and the vendor are holding together with bailing wire and chewing gum. I'm not sure what they will do when their last Windows 95 box breaks down and they can't find any new hardware that will run such ancient software.

This sort of technological obsolescence is clearly a problem for all DRE voting machines. A follow-up email from Mr. Hornback is below.

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Robert,

We are currently using the MicroVote model MV464 machines.

[http://www.microvote.com/html/microvote\\_dre.htm](http://www.microvote.com/html/microvote_dre.htm)

By the way, the new Infinity model is not a touch screen system. It too is a button system with a LCD display. I have seen the new machine in a demo and it does work very well.

Although we did experience a glitch with the DOS based software on the computer that uses the CI-4800 Cartridge Reader to read the votes, it was not a problem with how the votes were recorded. They were recorded properly and there was also a complete, printed, random-order record of every voter's selections. Had we not gotten the back-end system working properly, we could have done a hand count from the printed records. \*At no time were the results compromised.\* With the help of MicroVote's technical support staff, we were quickly able to resolve the problem with the software (that reads the cartridges... not stores the votes on the cartridges) and get an accurate count. We are also working with them to ensure this does not happen again on the next Election Day. Although we did experience an inconvenience on Election Day, the votes were stored and counted accurately. I would recommend the MicroVote system. I would just like to have a Windows 2000 version that was backwards compatible with the MV464 machines as soon as possible.

I hope this helps. If you have any further questions, please do not hesitate to ask.

Regards,

Brice D. Hornback, Systems Engineer  
BooneCountyITDepartment  
(765) 483-4474 help desk  
(765) 483-4425 phone  
(888) 752-5257 pager  
[bhornback@co.boone.in.us](mailto:bhornback@co.boone.in.us)

## Robeson County, North Carolina. November 2002

### Overview

Ballot tabulating machines failed to work properly in 31 of 41 precincts. Local election officials said the problem was the result of a software glitch, and ballots had to be recounted.

Machine:

Diebold Voting Systems, AccuVote tabulation machine

Follow up:

VerifiedVoting.org spoke with the office of the Robeson County Director of Elections. She said that there had been a problem in the programming of the memory cards and all the ballot had been recounted by hand.

### Article - Voter turnout surprises officials

<http://www.myrtlebeachonline.com/mld/sunnews/news/local/4056664.htm>

Sun News

**Voter turnout surprises officials**

The Associated Press

Posted on Thu, Sep. 12, 2002

Engineer James Adams of Fayetteville, N.C., prepared Wednesday for a rematch with U.S. Rep. Mike McIntyre after defeating family therapist Raymond Brown of Autryville, N.C., in Tuesday's Republican primary for the U.S. 1st District House seat.

With 81 percent of the precincts reporting, Adams had 9,503 votes, or 55 percent, compared to Brown's 45 percent, or 7,682 votes, according to unofficial results. Most of the outstanding precincts were in Democratic-heavy Robeson County, N.C., which had reported problems with voting machines.

The Democrat McIntyre defeated Adams by a 2-to-1 margin in the 2000 general election.

The N.C. district includes Brunswick and Columbus counties.

In the state Senate GOP primary, Ray Gilbert defeated Dial Gray 3,201-2,463. Brunswick County voters picked Gilbert 1,952 to 1,265 for Gray.

The vote certification is today.

The four-month delay in the primary did not dampen voter turnout as feared, with roughly 21 percent of registered voters casting ballots Tuesday.

Officials said 20 percent is the normal average in primary elections.

Unofficial returns showed that 1,047,832 of the state's 4,999,633 voters cast ballots in the Senate primaries in which Republican Elizabeth Dole and Democrat Erskine Bowles were selected as nominees.

"Even though that's nothing to be pleased with, it is a pleasant surprise because we had feared that it would be lower," State Elections Director Gary Bartlett said Wednesday. "It's still low."

The number of voters is in line with those of the past three state primaries, in which turnout ranged from 17 percent to 21 percent of registered voters.

The primary had been delayed from May 7 because of a protracted court fight over new legislative districts. The delay, along with a tropical storm that brushed through coastal counties and brought minor flooding to barrier islands, led some election officials and political watchers to predict that turnout might not surpass 10 percent.

Thad Beyle, a political science professor at the University of North Carolina at Chapel Hill, said the delay may have been offset by other factors that sparked voter interest.

In 1998, when just 17 percent of voters turned out for the primary, incumbent Republican Sen. Lauch Faircloth was unopposed. U.S. House primaries also were delayed and split from the other races because of a lawsuit involving congressional districts.

This year, primaries were kept together and the Senate race was contested on both sides of the political aisle.

"There was a competitive primary on the Democratic side in the Senate race. There was a contested primary on the Republican side that featured an attractive candidate [Dole]," Beyle said.

He added that voter interest in primaries typically drops as incumbents become entrenched. The decision by Republican Sen. Jesse Helms to retire after 30 years in office probably sparked renewed voter interest, Beyle said.

### **[Robeson County Problems]**

While some voters had to stand up to terrible weather to take part, others faced man-made problems. In Robeson County, ballot tabulating machines failed to work properly in 31 of 41 precincts.

Local election officials said the problem was the result of a software glitch, and ballots had to be recounted.

The state Board of Elections sent its counsel, Don Wright, to oversee ballot security in the county and expressed confidence that voting integrity was maintained, Bartlett said.

Still, voters and state election officials weren't happy. Several voters filed complaints with the state and questioned ballots placed in unlocked boxes.

"It appears they did not start testing their equipment until Friday, and they did not let us know there was a problem until late Monday afternoon. That has got to stop," Bartlett said.

The state will audit the results, though none of the races involving the county appeared close, Bartlett said.

The state Board of Elections will meet Tuesday to certify results and hear protests.