

## MicroVote in the News – A Partial List of Documented Failures

There's really no way that I could prove to a voter, post tally, that their vote exactly counted the way that they voted it.

~ James M. Ries Jr., President of Microvote

Date	Subject	Place/Description
1982	Company	<p><b>MicroVote Voting Systems and Services</b> self-description.</p> <p>Since MicroVote's beginning in 1982 our voting systems have guaranteed the three primary requirements of any voting equipment - reliability, security, and ease of use by all voters, including those with physical restrictions. By maintaining focus on each of these three requirements equally, MicroVote has delivered decades of model DRE (Direct Record Electronic) elections.<sup>1</sup></p>
November 1995 and April 1996	MV-464	<p><b>Montgomery County, Pennsylvania.</b> The DREs shut-down haphazardly, causing the current voter's vote to be lost. The scroll motors emitted power surges that caused the machines to go into power-fail mode and shut down to protect the circuitry.</p> <p>Thus, when a voter pushed a button on a DRE to scroll to the next page, the scroll motor would activate, and the machine might randomly shut down in front of the voter.</p> <p>The MEMS accumulation software – which was not certified in Pennsylvania – malfunctioned, causing Microvote employees to report the wrong "unofficial results" to the press.</p> <p>Microvote's on-site manager in an internal memorandum also noted "serious problems" with the MEMS software. The software problems were not detected by pre-election testing because Microvote was making changes in the software up to the day before the election. Under the contract and Pennsylvania law, the system, including the software, should have been tested and certified prior to the election. MEMS, however, was not certified in Pennsylvania.<sup>2</sup></p> <p>Microvote sued the County for \$1.8 million, alleging that the County orally promised to buy more machines, and that the problems during the elections were the result of the County not having purchased the promised number of voting machines. The court dismissed the suit.</p> <p>The County then sued Microvote, Carson Manufacturing Co. (the distributor), and Westchester Fire Insurance Company (which posted a performance bond). Carson settled with Montgomery County shortly before trial for approximately \$587,500. The jury returned a verdict against Microvote and Westchester for in excess of \$1,048,500. Microvote and Westchester appealed. The Third Circuit affirmed the jury verdict and the judgment of the District Court on all issues.<sup>3</sup></p>

<sup>1</sup> <http://www.microvote.com/>

<sup>2</sup> **Montgomery County v. Microvote Corporation; Carson Manufacturing Company, Inc.; Westchester Fire Insurance Co., Inc.** February 26, 2003.  
<http://vls.law.villanova.edu/locator/3d/Feb2003/012998.pdf>

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
July 1998	MV-464	<p><b>Mecklenburg County, North Carolina.</b> County Elections Supervisor Bill Culp purchased the rejects from Montgomery County (see previous page) and continued having the same problems with the machines shutting down when voters scrolled through the ballots. <sup>4</sup></p> <p>In 1998 he was indicted on a federal charge of accepting kickbacks and bribes from MicroVote vendor Ed O'Day of Columbia and election-machine repairman Gene Barnes of Stuarts Draft, Virginia. <sup>5</sup></p> <p>Former Mecklenburg County Elections Supervisor Bill Culp was indicted by a federal grand jury July 7 on charges that he accepted more than \$134,000 in kickbacks and bribes from a voting machine repairman and a salesman who won millions in county contracts. <sup>6</sup></p> <p><b>Indiana.</b> In an interview in March 2004 with WISH-TV, James M. Ries Jr., President of MicroVote, responded to a question about the Mecklenburg bribery incident:</p> <p>Ed O'Day was an independent agent of MicroVote – not a direct employee but a manufacturer's representative for our product in North and South Carolina. He was convicted of bribing a public official, something we had no knowledge of, nor did we have any input. Unfortunately he's still out selling equipment to election officials, which surprised us all.</p> <p>... He [Carson] told us the voting machines from Montgomery County, Pennsylvania, are working properly in counties throughout Indiana and North Carolina.<sup>7</sup></p> <p><b>Mr. Ries is correct about Ed O'Day.</b> Ed O'Day is now the Vice President of the National Association of Government Suppliers.<sup>8</sup> The United American Election Supply Company, of which Ed O'Day is President, provided the Hospitality Suite for the 19th Georgia Election Officials Association Conference on May 16-19, 2004. <sup>9</sup></p>

<sup>3</sup> **ER&S wins in U.S. Court of Appeals, Affirming Multi-Million Dollar Settlement and Jury Verdict.** Law Offices of Elliott Reihner & Siedzikowski, P.C. July 20, 2003. <http://www.elliottreihner.com/News/July%202003/Jul2003-4.htm>

<sup>4</sup> **A Place in Politics for Salesmen and Wares.** Los Angeles Times. December 11, 2000. By Times Staff Writers. <http://www.latimes.com/news/politics/la-vote-wares.story>

<sup>5</sup> **Culp Enjoyed Carte Blanche With Office, Critics Say.** The Charlotte Observer. July 12, 1998. Mary Elizabeth Deangelis and Carol D. Leonnig, staff writers. [Purchase through Charlotte Observer archive service.]

<sup>6</sup> **Ex-Meck official indicted.** Charlotte Business Journal. July 10, 1998. <http://www.bizjournals.com/charlotte/stories/1998/07/13/weekinbiz.html>

<sup>7</sup> **Excerpts from Interviews with MicroVote Executives.** WISH-TV. An I-Team 8 Investigation. <http://www.wishtv.com/Global/story.asp?S=1647598&nav=0Ra7JXq2>

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
August, 2002	MV-464	<p><b>Putnam County, Tennessee.</b> None of the totals matched up with the correct candidates. <sup>10</sup></p> <p>As Putnam County election officials learned last night, when computers fail, the electoral process slows to the pace of 20th-century hand-held calculators. That's how counters there had to proceed when a glitch caused the computers to produce wrong totals.</p> <p>"Nothing you have is good," Administrator of Elections Nancy Boman explained to a reporter. After first reporting 20 of 44 precincts were in, Boman said officials noticed there were problems.</p> <p>"A write-in candidate received 1,000 votes, and we knew that it just didn't sound right, so we started looking closer. The computer had shifted all the numbers a line down. Nothing was right," she said.</p>

---

<sup>8</sup> <http://www.nagsonline.org/members.html>

<sup>9</sup> <http://www.cviog.uga.edu/training/geoa2004.pdf>

<sup>10</sup> **Glitch slows counting in Putnam; Mullinix leads in Fentress voting.** The Tennessean. August 2, 2002. By Leon Alligood, Staff Writer.  
<http://www.tennessean.com/elections/2002/archives/02/08/20687147.shtml>

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
November 2003	MV-464	<p><b>Boone County, Indiana.</b> 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.</p> <p>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. <sup>11</sup></p> <p>In a follow-up phone call with Brice Hornback, MicroVote's Director of Information Technology, VerifiedVoting.org learned that the problem occurred in the tabulation software, which runs on the Windows 95 machines at the central facility. The tabulation software was failing to properly initialize (zero out) the vote totals before starting to tabulate the votes from the data cartridges.</p> <p>The vendor has a newer version under test, but it will not be compatible with the older vote counting machines that Boone County is running, so Boone County is now experiencing the technological obsolescence, which is a problem for all DRE voting machines. <sup>12</sup></p>

---

<sup>11</sup> **Voting machine glitch shows thousands of extra votes.** IDG News Service. November 11, 2003. Grant Gross, IDG News Service, Washington Bureau <http://www.itworld.com/Tech/2987/031113votingglitch/>

<sup>12</sup> **Electronic Miscounts and Malfunctions In Recent Elections.** <http://www.verifiedvoting.org/resources/documents/ElectronicsInRecentElections.pdf>

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
March 2004	Electronic voting machines in general	<p><b>Indiana. MicroVote Executives talk about the inadequate testing for voting equipment.</b> In an interview with WISH-TV, Bill Carson, of Carson Manufacturing, which manufactures MicroVote voting machines, discusses testing and certification:</p> <p>Unfortunately the ITA (independent testing authority) has a limited scope in what they can test and check on the system. It is based on time and economics. For an independent test authority to absolutely, thoroughly test under all possible conditions that the device will operate properly they would have to spend, in my estimation, 10 times the amount of time and money as it took to develop it in the first place.... And the technology changes so rapidly, by the time they get done testing it, it's obsolete.</p> <p>(Picks up electrical cord.) UL says that this will not shock you and it will not catch fire. They don't tell you that it actually works. That's beyond the scope of UL testing. Absolutely nothing will you see in the FEC requirements that this (puts hand on DRE voting machine) has to work. It has to have these functions. But it doesn't have to work.</p> <p>James M. Ries Jr., President of MicroVote, comments further:</p> <p>The states basically look at the federal qualification testing as being kind of the ultimate testing ground. As a vendor working with these independent testing authorities, they do a good job of following the test plans afforded to them by the vendors. They don't really go outside of those test plans.</p> <p>... Well, because of identity or lack of identity with records, there's really no way that I could prove to a voter, post tally, that their vote exactly counted the way that they voted it. <sup>13</sup></p>
May 2004	Web software	<p><b>Grant County, Indiana.</b> The totals on the website remained at zero for all precincts.</p> <p>Grant County Clerk Carolyn Mowery said the mishap was due to a software problem with MicroVote, the company that handles the Web site that posts Grant County election results. She said she would call the company today to have the problem resolved. <sup>14</sup></p>

<sup>13</sup> **Excerpts from Interviews with MicroVote Executives.** WISH-TV. An I-Team 8 Investigation. <http://www.wishtv.com/Global/story.asp?S=1647598&nav=0Ra7JXq2>

<sup>14</sup> **Software snafu only problem encountered.** Chronicle-Tribune. May 5, 2004. By Jonathan Bethely. <http://www.chronicle-tribune.com/news/stories/20040505/localnews/355366.html>

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
June 2004	Infinity	<p><b>Jasper County, South Carolina.</b> Results of the June 8 election were certified before the county noticed that there were 1500 more ballots counted than the number of voters who signed in to vote.</p> <p>Some <b>521</b> people voted in the Ridgeland 1 precinct's County Council Pocotaligo race, according to the Election Commission's original election certification on June 10. Some <b>432</b> voted in the council's Hardeeville race at the precinct. And, <b>548</b> voted in the precinct for the council's at-large race.</p> <p>Yet, the precinct's voter sign-in sheet shows that only <b>298</b> people actually voted there.</p> <p>..."Evidently, it was a (voting) machine error," Jasper Election Commission Chairman Lawrence Bowers said.</p> <p>...Election Commission Vice Chairwoman Barbara Pinckney said Friday she doesn't know where the 1,500 phantom votes came from. "<b>But they didn't change outcomes or the percentages,</b>" she said.</p> <p>But, in fact, they did in at least one race - the County Council at-large seat between incumbent Gladys Jones and challengers Samuel Gregory and D.P. Lowther.<sup>15</sup></p> <p>Ms. Pickney's claim is further contradicted by a later article:</p> <p>Although initial election results from the primary earlier this month showed Jones in the lead with 1,661 votes to Gregory's 1,470, a recount last week had Gregory bettering the incumbent, 1,139 votes to 1,079.</p> <p>The county Democratic Party called for the recount after a series of mistakes in how the election was run including a log-in book showing a total of 521 votes cast by only 298 voters and, in the Gillisonville precinct, a race in which three candidates all received 111 votes each, was detected.<sup>16</sup></p> <p>VotersUnite! wondered how a recount was done on paperless MicroVote DREs, so we spoke with Cathy Morgan, Jasper County Election Supervisor. Ms. Morgan said that they used the tapes from the machines, since the number of ballots recorded on individual tally tapes matched the number of voters. The problem had occurred when the precinct totals were accumulated in the central tabulation computer. Vote data from a previous election had been not been deleted and those votes were included in the 2004 totals.</p>

<sup>15</sup> **Recount shows massive error in Jasper voting.** Ridgeland: 1,500 phantom votes were cast in last week's election. Carolina Morning News. July 19, 2004. By Mark Kreuzwieser. <http://www.lowcountrynow.com/stories/061904/LOCprotests.shtml>

<sup>16</sup> **Jones defends seat in Jasper squeaker.** Beaufort Gazette. June 23, 2004. By Omar Ford, staff writer. [http://www.beaufortgazette.com/local\\_news/story/3656823p-3258999c.html](http://www.beaufortgazette.com/local_news/story/3656823p-3258999c.html)

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
July, 2004	Infinity	<p><b>Pender County, North Carolina.</b> One of the county's 74 machines wouldn't tally the votes.<sup>17</sup></p> <p>All of Pender County votes electronically, and the county has 74 of these machines. But on Tuesday, one of them didn't work.</p> <p>"There was a machine that would not tally. We had the precinct workers bring in the machine for that and we had to extract those votes and count them manually," said Frances Pinion the Pender County Board of Elections Director.</p>
November 2004	MV 464	<p><b>Mecklenburg County, North Carolina.</b> Machines rejected from Montgomery County, Pennsylvania and purchased for use in Mecklenburg County continue to miscount votes.<sup>18 19</sup></p> <p>According to election-office data downloaded by the Observer, 102,109 people voted early or returned valid absentee ballots. But unofficial results show 106,064 people casting early and absentee votes for president.</p> <p>Dickerson suspected that some results may have been counted twice. "Our job will be to find which ones," he said Thursday morning.</p> <p>But he was wrong. A news release from the Mecklenburg County Board of Elections shows that some candidates' gained votes from the manual recount of the paper tape printed by the machine.<sup>20</sup></p> <p>It appears that the machines or the accumulation software simply tallied wrong – as happened in Montgomery County, Pennsylvania.</p>

<sup>17</sup> **Pender County Election Problems.** WWAYTV3.com. July 21, 2004. By Alex Lawson.

<http://www.wwaytv3.com/Global/story.asp?S=2071570>. Archive at <http://www.votersunite.org/article.asp?id=5509>

<sup>18</sup> **County retallies early-vote results:** Will recount affect Democratic commission sweep? The Charlotte Observer. November 4, 2004. By Richard Rubin and Carrie Levine, Staff Writers. <http://www.charlotte.com/mld/charlotte/news/politics/10094165.htm>

<sup>19</sup> **Early vote tally glitch may change Mecklenburg commission results.** New Observer. November 5, 2004. The Associated Press. [http://newsobserver.com/news/nc/ncwire\\_news/story/1799589p-8100001c.html](http://newsobserver.com/news/nc/ncwire_news/story/1799589p-8100001c.html)

<sup>20</sup> **Board of Elections Audits Early Voting Results; Revises Unofficial Results.** Released by the Mecklenburg Board of Elections. November 4, 2004. <http://www.votersunite.org/info/mecklenburgnewsrelease.pdf>

## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
May 2005	Infinity	<p><b>Sumner County, Tennessee.</b> Paperless Infinity voting machine locked up and failed to release votes. VotersUnite.Org heard from a citizen in Cookeville, Tennessee:</p> <p style="padding-left: 40px;">A Microvote machine malfunctioned in a city of Portland election in Sumner Co., TN. The reports claims that 110 votes were not able to be retrieved on election night. The next morning changes were made and the 110 votes were supposed recaptured. This type of problem is very typical with the Microvote Infinity unit in the state of Tennessee.</p> <p>VotersUnite! contacted Wayne Pruett, election director in Sumner County, TN. Mr. Pruett said the Microvote Infinity voting machine had locked up around 2:00 on election day and was taken out of service. He called a technician from Indianapolis to come into the office and retrieve the votes.</p> <p>Mr. Pruett said the machine was always in public view in the county office and that the press and other observers were invited to view the retrieval process. He expressed complete confidence in the results.</p>
May 2006	464 & Infinity	<p><b>Grant County, Indiana</b> Tabulation problems slowed down reporting of results.<sup>21</sup></p> <p style="padding-left: 40px;">County Clerk Carolyn Mowery said there was some kind of an overload on their computer, which caused them to restart counting and reenter the 771 absentee ballots they had received.</p> <p>Other "glitches" occurred throughout the county and were minimized by the vendor.</p> <p style="padding-left: 40px;">There were no major problems with the machines during voting, Mowery said. There were a few glitches here and there, but nothing that held up voting.</p> <p style="padding-left: 40px;">"(It was) nothing that we couldn't cure. Just normal things that happened in delivery," said Charlie Williams, a voting machine mechanic.</p>

---

<sup>21</sup> **Election Roundup: Tabulation error keeps office busy** Chronicle-Tribune, May 3, 2006 by Whitney Ross.  
<http://www.chronicle-tribune.com/apps/pbcs.dll/article?AID=/20060503/NEWS01/605030315/1002>



## MicroVote in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
July 2007	Company integrity	<p><b>Indiana, 47 counties.</b> MicroVote sold and installed uncertified equipment without functions required by Indiana state election law. <sup>22</sup></p> <p>An Indianapolis-based voting system company has been ordered to pay more than \$350,000 to Indiana in civil penalties and investigative costs for 198 violations of Indiana election law.</p> <p>&lt;snip&gt;</p> <p>According to the findings, outlined in a news release by the Indiana secretary of state's office, MicroVote marketed uncertified voting equipment between Oct. 1, 2005, and April 28, 2006, negotiating more than \$400,000 worth of new sales contracts in 10 counties.</p> <p>In addition, the company had discovered its equipment could not handle split-precinct and straight-ticket voting, functions required under Indiana law. As early as April 22, 2006, MicroVote knew one of their systems was not operational, the release states, but concealed that from the Indiana Election Commission until later that summer.</p> <p>As a result, 47 counties used voting equipment in the May 2006 primary election that did not meet Indiana's legal standards.</p>

---

<sup>22</sup> **Company fined for election violations.** IndyStar.com. July 27, 2007. By Mary Beth Schneider <http://www.votersunite.org/article.asp?id=7182>