Florida 2002: Sluggish Systems, Vanishing Votes

Following the 2000 presidential election debacle in Florida, government officials promised sweeping reforms that would prevent such chaos from reoccurring. Indeed, the Florida election code was extensively revised, punchcard systems were outlawed, and over $125 million was spent on new voting equipment and training for voters and election administrators. What could possibly go wrong? Apparently enough calamity to cause Governor Jeb Bush to declare a state of emergency, extending the voting session by two hours for the September 10, 2002 primary election. Yet events earlier in the year should have provided sufficient forewarning of difficulties.

Broward County purchased new touchscreen voting machines, manufactured by Election Systems and Software (ES&S), but back in February the Associated Press reported that "more than two-thirds of the first shipment had defects and will have to be repaired." The ES&S devices in Broward and Miami-Dade were those at polling places in September that failed to open on time, in part because workers had been told the machines would take about two minutes to boot up. Instead, most took approximately 10 minutes, but those outfitted for the visually impaired took an astonishing 23 minutes. Although Broward Board of Elections Commissioner Miriam Oliphant and her poll workers were later blamed by the governor for many of the September primary woes, the fact remains that these sluggish voting systems were certified for use by the state's examiners as well as by testing agencies overseen by the National Association of State Election Directors.

In March 2002, problems with Sequoia voting systems purchased by Palm Beach County surfaced in two local city council elections. In the city of Wellington, a runoff election involved only one race with only two candidates. The final vote tally was 1,263 to 1,259, but 78 ballots were not recorded by the touchscreen machines. Elections Supervisor Theresa LePore explained that people simply chose to come to the polls and not cast a vote for anyone, but this seems unlikely, and it is more probable that the machines failed to record votes that were cast.

The other contested Palm Beach election was in Boca Raton, where former mayor Emil Danciu came in third with an 8% undervote. His suspicions regarding possible lost votes stemmed from low numbers reported in his home precinct, where he was expected to do well. During court proceedings, it was revealed that Sequoia had sold the systems under trade-secret protection, making it a third-degree felony for Supervisor LePore if any details regarding the specification or internal functioning of the devices were revealed. Circuit Court Judge John Wessel granted Danciu a walk inspection of the voting equipment, where it was discovered that the pre-election testing circumvented the ballot face and the touchscreen was used only to cast one vote for each candidate listed first in every race. Because Danciu appeared third in his race, there is no test data that can reveal whether or not the machines would properly activate and record votes cast for him. (In the Wellington election, the losing candidate appeared second, so his position was also untested.) Further disconcerting information included the fact that the voting machines are reprogrammable at the firmware level via a portal on each device, and also that at the end of the election they are frozen in a mode where one cannot perform vote casting, so a functional post-test is precluded.

Difficulties in Florida's September 2002 primary were not limited to the touchscreen systems. In Union County, the optical scanning system had been erroneously programmed to print out only Republican party results, requiring a hand-count of some 2,700 ballots. At least with the paper ballots, an independent tally was possible. Over in Miami-Dade, reported undervotes of as much as 48% in some precincts in the gubernatorial race caused Janet Reno to demand that a recount be performed. Here, however, election officials reconstructed some supposedly missing votes by extracting dubiously recorded data from within the touchscreen machines.

Florida's experience may be replicated as communities rush to adopt flawed voting products and will inadvertently squander billions of dollars in public funds. National standards for design, construction, and testing have lagged, while Voting Rights Act initiatives have stalled in Congress. Only a lengthy moratorium on new purchases of voting equipment, until these issues have truly been sorted out, can hope to restore sanity and confidence in democratic elections. **C**

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