

Posted on Fri, Dec. 23, 2005

Errors lead California officials to warn voting-machine company

JULIET WILLIAMS
Associated Press

SACRAMENTO - California election officials have told one of the country's largest manufacturers of voting machines to repair its software after problems with vote counts and verification surfaced during California's November special election.

In a letter obtained by The Associated Press, Assistant Secretary of State for Elections Bradley J. Clark threatened to start the process of decertifying Election Systems and Software machines for use in California if senior officials didn't address the concerns immediately.

"The California Secretary of State is deeply concerned about problems experienced by counties utilizing ES&S voting equipment and software," Clark wrote in a letter addressed to company president Aldo Tesi nine days after the Nov. 8 election.

Software problems included incorrect counting of turnout figures, a malfunction that prevented voters from verifying that their choices were registered accurately and one machine recording the wrong vote during a test, according to the letter.

Eleven California counties used the company's voting machines during the special election. Election Systems and Software equipment also is used in 45 other states.

The problems in California are similar to ones the company has experienced elsewhere. During a 2004 primary election in Hawaii, glitches with the company's optical scanners led to a miscount of about 6,000 votes.

It is the second time this week that questions have arisen about electronic voting systems in California. The secretary of state's office also warned 17 counties that machines made by Diebold Election Systems must pass more rigorous security tests to be available for use in 2006. At issue with those machines is the computer language that secures ballot entries and instructs election officials on how to access and tally the votes.

The state's letter to Election Systems and Software said it was imperative that company representatives "take corrective action as soon as possible."

Ken Fields, a spokesman for the Omaha, Neb.-based company, said officials have since met with the secretary of state's office.

"We listened carefully to the issues that they raised, and we've been working to address each of the issues," he said.

Fields said some of the problems outlined in the letter were caused by operator error or misunderstandings about how the software was supposed to be used. None of the problems caused any incorrect votes to be recorded or in any way affected the election results, Fields said.

A spokeswoman for Secretary of State Bruce McPherson declined to elaborate further on the Election Day mishaps, the problems discussed in the letter or the company's assertion that state officials are pleased with its proposed solutions.

"We've met with them, and they have agreed to address our concerns," spokeswoman Ashley Snee Giovannettone said.

Clark's letter said that on Nov. 8 a state monitoring team "experienced an alarming error on the iVotronic system in Merced County, where a voter chose one candidate but the vote was recorded for another candidate. This error is documented on videotape and demonstrates that it was not an operator error, but was, rather, an error in the system."

The problem arose on the company's touch screen machine, which was used only in Merced County. The other counties used optical scan machines that read ballots.

Fields said company officials have reviewed the state's videotape and blamed the problem on the tester's long fingernails. He said the vote-tester touched the screen with her fingernail to register her vote, rather than her fingertips.

"The iVotronic touch screens are designed to be used by soft-touched objects," he said. "We do not recommend sharp, hard objects like a stylus, a pen or fingernails."

Merced County Clerk Stephen Jones said he believes the vote tester's fingernail may have tapped two buttons on the touchscreen, but he

is waiting for reassurance from the state that the machines are reliable.

"I don't summarily dismiss anything when it comes to our equipment. I'm looking for solid answers the same as everyone else," Jones said. "Do I think I have a problem? No, I don't think I have a problem. But if I have a problem, I want to know I have a problem and I want to do something about it."

He said the company has been responsive to the county's inquires. The county has used the same machines for five elections without problems, Jones said.

Black Box Voting, a nonprofit group that has been critical of electronic voting systems, said the problems experienced with Election Systems and Software equipment, like those with other companies, result from a lack of federal oversight.

"The biggest problem right now is that we can't check the testing labs," said Black Box Voting investigator Jim March.

He said federal certification testing is performed by just two private labs in Hunstville, Ala.

"If we can't trust the labs, how can we trust the products that come out of the labs?" he said.

According to the secretary of state's letter, other problems discovered in California Nov. 8 include:

_ The company's software incorrectly counting the total turnout figures for counties that used multiple ballot cards: "This problem was a recurrence of a problem experienced by your customers in November 2004; you have had a year to correct this known problem, and have not done so," the letter stated.

Fields said the problem resulted from incorrect coding on ballots that were more than one page. The coding caused the optical scanner to count each page as a separate voter. But he said the problem was detected and did not affect the outcome of any votes.

_ The touch-screen machine used in Merced County did not properly display the summary of votes, "making it impossible for voters to confirm their vote choices in those contests," the letter stated.

Fields said the visual on the computer screen was designed to show only how many votes the voter had cast and in which races, not summarize their vote.

"Someone assumed that screen was supposed to list all of a voter's selections, and that's not what that screen was designed to do," he said. "Other versions of the equipment are designed to do that."

ON THE NET

California Secretary of State: <http://www.ss.ca.gov>

Election Systems and Software: <http://www.essvote.com>