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FOR IMMEDIATE RELEASE

Florida Fair Elections Center Announces Flawed voting systems led to lost Florida votes in 2008

DeLand, FL - June 23, 2009 - Why did Florida have high "invalid votes" in 2008? An important new report from Florida Fair Elections Center (FFEC) finds that certain optical scan voting systems contributed significantly to Florida's high invalid vote rate in the 2008 election, while other optical scan systems did not. Invalid votes, which are the combination of overvotes, undervotes and invalid write-in votes, were expected to drop with the statewide use of paper ballot optical scan voting systems. Instead, they increased.

A post-election report by Florida's Department of State erroneously attributed the increase in invalid votes to the change from touchscreen voting machines to paper ballot optical scan machines by fifteen of Florida's largest counties. This false conclusion was subsequently repeated by Secretary of State Kurt Browning in a February article in the *New York Times* about Florida's high invalid vote rate.

FFEC's report, by Research Director Kitty Garber, refutes the conclusions in the state's report and Browning's comments to *the New York Times*. Her research shows that overvotes (lost votes that occur when voters accidentally vote for two candidates in a race instead of just one) increased during Early Voting and on Election Day from **928** overvotes statewide in 2004 to **15,000** overvotes in 2008 in the presidential race -- a **1400%** increase in the overvote rate.

It was not the switch to optical scanners that caused this increase, however, as claimed in the Department of State's report and by Kurt Browning to the *New York Times*. Instead, the huge increase in overvotes was primarily caused by a flaw in just one voting system, the Florida-certified intElect DS200 supplied by Election Systems & Software (ES&S).

"There were 15,000 overvotes during Early Voting and on Election Day in Florida's 2008 general election," Ms. Garber said. "Eighty-one percent of these (12,181) were on the DS200, even though these machines were only used by 44% of the voters. The majority of these overvotes should never have occurred."

"The Department of State has little motivation to criticize voting systems that it certified," said Susan Pynchon, Executive Director of Florida Fair Elections Center. "It's much easier to blame paper ballots."

Florida does not require federal certification of voting systems but conducts its own testing and certification. In the 2008 election, over half of Florida's 8.5 million voters used new equipment, certified by Florida's Department of State, that is still awaiting federal certification.

"It's very clear that the new DS200 was the problem," Ms. Garber said, "not the overall switch to optical scanners as claimed in the state's report and by the Secretary of State."



Two other Florida-certified voting systems, the Florida-certified Sequoia Insight Plus and the older ES&S M-100, also experienced higher-than-normal overvote rates--though not as high as the DS200. By contrast, the Premier Election Solutions (formerly Diebold) and older ES&S Optech optical scanners had very low overvote rates.

Of the counties that formerly used touchscreen machines, those that switched to the newly certified Premier OSX had very low overvote rates comparable to counties that had used the older Premier/Diebold OS system for many years.

Conversely, two counties that had used optical scan for many years experienced huge increases in overvotes after switching to the DS200.

Ms. Garber's research not only determines that certain voting systems were responsible for the excessive overvotes that contributed to Florida's high invalid vote rate, she also reveals the design flaws that likely caused voter confusion and encouraged high overvotes on these particular machines. Further, the report offers recommendations to prevent high overvotes in future elections.

"Our report contains vital new information about voting system flaws that will be of great interest and assistance to Florida counties and to other states," said Susan Pynchon, Executive Director of Florida Fair Elections Center. "Once again, we have done research on voting system performance that the Department of State is statutorily required to do, but did not do. We hope that Florida will take appropriate action, based on our findings and recommendations, to prevent these lost votes in the future."

"It's instructive to remember that the 2000 presidential race was decided by 537 votes," Ms. Garber said. "Any uncounted vote is a problem, but 15,000 votes lost unnecessarily is something the state must address."

FFEC's report may be downloaded at:

http://www.floridafairelections.org/documents/FFEC_Garber_Invalid_Vote_Report-12june2009.pdf

About Florida Fair Elections Center

Florida Fair Elections Center is a 501(c)3 non-profit, non-partisan organization incorporated under the laws of Florida. FFEC is dedicated to research and education to promote fair, transparent, accurate and accessible elections. It is affiliated with Florida Fair Elections Coalition.

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