

**FLORIDA FAIR ELECTIONS CENTER
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**GAO Report on Sarasota Lost Votes “Fatally Flawed,” According to
Researchers**

“Fatally flawed, incomplete, and factually incorrect” was how Florida Fair Elections Center (FFEC) characterized a new U. S. Government Accountability Office’s report on the uncounted votes in Sarasota’s 2006 Congressional race. The GAO report, which was presented Friday to the U.S. House of Representatives task force looking into the contested election, concluded that its most recent testing increased assurance that the voting system did not cause the loss of nearly 18,000 votes in the narrowly divided race.

“Our year-long investigation into the CD-13 race contradicts the GAO’s findings. The GAO ignored serious, documented voting system failures that indisputably contributed to the high undervotes in the CD-13 race,” said Susan Pynchon, FFEC executive director. “Our two reports, *Sarasota’s Vanished Votes* and *Lost Votes in Florida in the November 2006 Election* may be viewed on line at

www.FloridaFairElections.org.”

Pynchon said that the researchers have the maintenance and repair records to prove that the voting machines failed all across the county.

“Half of Sarasota’s precincts reported machine problems so severe that they required machines to be repaired or taken out of service, she explained. “We have 455 reports of machine problems during this election.”

Supporting those records, she noted, were personal accounts and affidavits from individuals who complained about problems getting the machines to register their votes in the CD-13 race.

“Make no mistake,” she said, “these kinds of problems always result in higher undervotes.”

The FFEC researchers criticized both the scope of the testing and the methodology. Specifically, they faulted the GAO testing for failing to inspect or test the PEBs (personal electronic ballots) used to activate the machines for each voter; selecting machines that had not been sequestered; using too small a sample for the ballot and calibration testing; and failing to investigate known machine and equipment failures to determine their impact on undervoting.

One of the most serious shortcomings of the GAO testing, they said, was the failure to use sequestered machines—that is, voting machines with high undervotes that were locked away after the

election for use in future testing to determine the cause of the problems. Yet, half of the 114 machines used for the GAO's firmware testing had not been sequestered. Three of the ten machines used in the ballot testing were not sequestered, and neither of the two machines used for calibration testing had been sequestered!

"That was the point of sequestering the machines—to put together all the machines that were suspect and make sure that everyone knew that they couldn't be altered." Pynchon asked, "Why would you choose machines that didn't have high undervotes and weren't carefully preserved for testing? Any of the components that failed during the election could have been replaced or repaired without leaving any trace on the audit logs checked by the GAO investigators."

The calibration testing was so seriously flawed that Garber called it "pointless."

"Testers may be willing to stand there and poke at a non-responsive voting machine until their selection finally shows up, but real voters are likely to become frustrated when the machine doesn't work. Real voters are at a disadvantage —they don't know what's wrong with the machine and what to do about it."

About a third of Sarasota's precincts, she said, had machines that exhibited symptoms of miscalibration or smoothing filter problems—not just the two mentioned in the GAO report. Just looking at the

event log wouldn't tell whether machines had screen problems, Garber noted.

Pynchon and Garber suggested that the GAO should have selected machines with high undervotes, daisy-chained them together as they were at the precinct, and attempted to replicate the problems experienced during the elections. Once they did so they could have conducted testing to determine the effect on undervotes of various problems.

“Unfortunately, the GAO investigators have wasted an opportunity to discover what went wrong in this election. It isn't about changing the results of the election; it's about restoring confidence that people's votes will be counted,” said Pynchon.

Florida Fair Elections Center is a nonprofit, nonpartisan research and education organization, dedicated to fair, transparent, accessible, secure, accurate, and audited elections throughout Florida and the nation. Since its founding in 2004, FFEC has worked to accomplish these goals through research and education, while its sister organization, Florida Fair Elections Coalition, has sought election integrity reform through lobbying. For more information about the two organizations, visit our website at <http://www.FloridaFairElections.org>.