



## **An Examination of Overvoting in Majority-Minority Precincts, St. Lucie County, Florida, in the 2008 Presidential Election**

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### **Summary of Findings**

In the 2008 presidential election, overvoting was virtually eliminated among early and Election day voters in St. Lucie County's majority-Black<sup>1</sup> precincts, despite relatively high overvote rates in these precincts on absentee and provisional ballots.

Only one overvote was recorded on more than 5,900 ballots cast in these precincts during in-person voting for an overvote rate of 0.02 percent. Yet, in these same precincts, 39 overvotes were recorded on only 1,572 absentee and provisional ballots for an overvote rate of nearly 2.5 percent, more than 100 times the rate for in-person voting.

All ballots were processed on the same tabulator – the Premier (formerly Diebold) Accu-Vote OS optical scanner. Thus, it appears that the nearly negligible overvote rate during early voting and election day is not merely the result of a well-designed ballot, good voter education, or other factors. Instead, it appears to be directly attributable to the overvote protection afforded by the precinct tabulator. This finding comports with our previous research on overvoting in Florida's 2008 presidential election, which showed consistently low rates of overvoting statewide on both the Accu-Vote OS and the ES&S Optech – the state's two optical scanners that immediately return overvoted ballots to the voter.

### **Majority-Black Precincts**

Of St. Lucie's 80 precincts only five are majority Black. One precinct is mixed, and the remaining 73 precincts are all majority white. It appears, however, that St. Lucie has high rates of residential segregation as the majority-Black precincts have quite large percentages of Black voters:

**Table 1. Percentage of Black Voters in St. Lucie Majority Black Precincts, 2008 General Election**

<b>Prec.</b>	<b>Name</b>	<b>Registered Voters*</b>	<b>Black Voters</b>	<b>% Black Voters</b>
14	Sunland Gardens POA	1,757	1,491	85%
17	St. Paul AME Church	3,112	2,861	91%

<sup>1</sup> We use the term "Black" rather than "African American" because this is the designation used in Florida's voter registration rolls.

18	Lincoln Park Rec. Ctr.	1,731	1,965	93%
19	Trinity Lutheran	1,192	750	63%
24	Miracle Prayer Temple	2,918	2,385	82%
	Total	10,710	9,452	88%

Source: Numbers are taken from *November Precinct Demographic Analysis Report*, St. Lucie County, dated December 1, 2008. These numbers differ slightly from those given for registered voters for each precinct in the county's official statements of votes cast. The difference is, however, slight and not important for the purposes of determining percentage of Black voters in these precincts.

All together, 88 percent of the registered voters in these five precincts are identified on the voter rolls as Black. This fact makes data from these precincts useful for looking at overvote rates among St. Lucie's Black voters.

### Overvoting in Majority-Black Precincts

The following table shows the breakdown of overvotes in majority-Black precincts by mode of voting:

**Table 2. Overvoting in Majority-Black Precincts, St. Lucie County, 2008 General Election**

Precinct	Total Voters	Total OV	Total In-Person Voters	In-Person Overvotes	AB & Prov. Total Voters	AB & Prov. Overvotes
14	1331	2	1071	0	254 + 1 = 255	2 + 0 = 2
17	2083	9	1664	1	385 + 20 = 405	6 + 2 = 8
18	1196	16	942	0	229 + 8 = 237	16 + 2 = 18
19	787	6	644	0	133 + 3 = 136	6 + 0 = 6
24	2134	5	1588	0	530 + 9 = 539	5 + 0 = 5
Totals	7531	38	5909	1 (0.02%)	1,572	39 (2.48%)

Sources: Various reports found on St. Lucie website at [http://www.slcelections.com/election\\_results\\_2000's.htm#2008\\_Results](http://www.slcelections.com/election_results_2000's.htm#2008_Results)

From the above, we can see that overvoting was virtually eliminated during in-person voting. All but one of the overvotes in the majority-Black precincts were recorded when the voter was not afforded overvote protection.

### Overvoting in Majority-White Precincts

**Table 3. Overvoting in Majority White & Majority Black Precincts, St. Lucie County, 2008 Presidential election**

	In-Person Voters	In-Person Overvotes	In-Person Overvote Rate	Absentee & Prov. Voters	Absentee & Prov. Overvotes	Absentee & Prov. Overvote Rate
All precincts	90,424	40	0.044%	30,550	231	0.76%
Majority black precincts	5,909	1	0.017%	1,572	39	2.48%
Majority white precincts	84,515	39	0.046%	28,978	192	0.66%

Source: Various reports found on St. Lucie website at [http://www.slcelections.com/election\\_results\\_2000's.htm#2008\\_Results](http://www.slcelections.com/election_results_2000's.htm#2008_Results)

Note: Data for majority-white precincts contains data from one small mixed race precinct.

The above table shows that voters in majority-Black precincts were much more likely to overvote on absentees and provisionals than were voters in majority white precincts –

2.48 percent vs. 0.66 percent. The rate for the majority-Black precincts is nearly 4 times the rate for majority-White precincts.

This racial disparity, however, disappeared during in-person voting when overvote protection was provided. The overvote rate for the majority-Black precincts actually dips below that for the majority-White precincts – although the rates for both are relatively low and a substantial improvement over ballots cast without overvote protection.

### **Conclusions**

In the absence of overvote protection, voters in St. Lucie's majority-Black precincts were more likely to make the kinds of voter errors that result in overvotes than were voters in majority-White precincts. This is not a remarkable finding. A wealth of research indicates that this is commonly the case.

What is remarkable here is that the overvote protection afforded by the precinct tabulator was able to eradicate that disparity. This finding is not unique to St. Lucie. Our previous research has demonstrated amply that overvote protection on the two Florida-certified precinct tabulators that immediately returned the ballot to voters was more effective than on the tabulators that did not do so.

Effective overvote protection is essential to preventing unnecessary vote loss that disproportionately affects minority voters.