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FLORIDA ELECTIONS

Software problem imperils voting recounts

Voter advocates are crying foul, and elections officials and an equipment supplier have issued reassurances about a software problem that could foil recounts of votes in close elections.

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TALLAHASSEE - Five months away from a presidential election, state officials have learned that the touchscreen voting machines now used in Miami-Dade, Broward and nine other counties have a software flaw that could make it impossible to do manual recounts in close races.

The state Division of Elections and the makers of the machines, Election Systems & Software of Omaha, Neb., believe they have found a remedy for the problem -- which involves linking the voting equipment with laptop computers to extract the information.

But the lateness of the solution, and the state's certification of voting equipment that fails to perform as federal law requires, has created an election-year tempest that is prompting high-level handwringing about the paperless system.

U.S. Rep. Robert Wexler, a Boca Raton Democrat, has asked state Attorney General Charlie Crist to investigate whether the head of the state elections division lied under oath when he denied knowing of the computer problem before reading about it in the media.

Ed Kast, the elections chief, abruptly resigned Monday, saying he wanted a change of pace. Kast was not available for comment Friday.

In a letter to Crist, Wexler cited a March 12 letter sent to Secretary of State Glenda Hood's office by the Miami-Dade Election Reform Coalition, a citizens' group formed after the problems in the 2002 elections.

The coalition spelled out the problems in the iVotronics touchscreen voting machines used in Miami-Dade, Wexler's letter said. The coalition's note was handed to Kast at a state Senate hearing on March 31. But, in a May 17 deposition for Wexler's lawsuit against the state, Kast said he learned of the computer problems only four days earlier.

The attorney general is "reviewing what role to take," said JoAnn Carrin, a spokeswoman for Crist.

Meanwhile, Hood, who has denied that Kast left under fire, sent a stinging letter to Miami-Dade Supervisor of Elections Constance Kaplan on May 13, rebuking her for not notifying state officials when Kaplan learned of the problem in June 2003.

WHY NO ALERT?

"If Miami-Dade has known about this issue since June 2003 and we had been properly informed of this, this anomaly would be resolved," said Nicole DeLara, a spokeswoman for Hood. Attempts to reach Kaplan Friday were unsuccessful.

The other counties using ES&S machines are Charlotte, Collier, Lake, Lee, Martin, Nassau, Pasco, Sarasota and Sumter.

At issue is the failure of the touchscreen voting machines to provide a consistent electronic "event log" of the voting activity when the machines are asked to reproduce what happened during the election.

In an audit performed by Orlando Suarez, division director of Miami-Dade County's technology department, after a May 2003 election in Miami Beach, the event log scrambled the serial numbers of the voting machines, making it difficult to figure out which machines were being audited.

In an October audit of the Homestead election, Suarez found that the event log failed to account for 162 votes that had been cast.

"I believe that there is/are a serious `bug' in the program(s) that generate these reports, making the reports unusable for the purpose that we were considering (audit an election, recount an election and, if necessary, use these reports to certify an election)," Suarez wrote in a memo to Kaplan on June 6, 2003.

State and county election officials acknowledge the existence of the problem but insist that it can be resolved.

"These are minor technical hiccups that happen," said DeLara, Hood's spokeswoman. ``No votes are lost, or could be lost."

But Wexler and advocates for the Miami-Dade Election Reform Coalition ask how the state can say that with such certainty if the glitch prevents elections officials from even detecting if the computer is malfunctioning.

"They clearly are trying to cover up the fact that they certified election machines that do not comply with Florida law," said Wexler.

The federal Help America Vote Act, drawn up in response to the bitterly contested presidential election of 2000, requires that every voting system be able to produce a permanent paper record with a manual audit capacity.

Lida Rodriguez-Taseff, chairwoman of the Miami-Dade coalition, asks: ``How do you know that any votes were lost if your audit is wrong?"

She believes the department attempted to make the machines' problem disappear by pushing a bill during the legislative session that would have made it illegal for local election officials to conduct a manual recount on touchscreen machines. The bill died.

"They intended to eliminate recounts because the tool to conduct recounts is completely flawed," Rodriguez-Taseff said.

OFFICIALS CONFIDENT

State officials counter that there is no need for recounts, or an audit trail, on the touchscreen system because it was designed to prevent people from voting in the same race more than once -- called an overvote -- and provide multiple alerts to voters to warn them when they are skipping a race, an undervote.

They emphasize that the "glitch" occurs when the audit is done after the election, not when the tally sheet is printed in each precinct when polls close.

"ES& S is one hundred percent firmly resolved to find a solution to this issue," said Jill Friedman, company spokeswoman. She stressed that the problem with the audits occurred only when data stored on individual voting machines was transferred to "flash cards" inserted into the machines, as opposed to moving the information to a laptop computer via cable.

"This issue does not involve the casting, capturing or counting of votes or the permanent audit," Friedman said.