

TOP STORY IIII

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Voting blunder puts Florida in spotlight again

By Pauline Vu, Stateline.org Staff Writer

Just when it seemed the pre-election fears of widespread voter machine malfunctions were as overblown as Y2K concerns, Florida has emerged, once again, to shake the electorate with another voting snafu.

In 2000, the state made headlines for its botched presidential election, which had pundits debating butterfly ballots and poll workers peering at hanging chads. This inspired the Help America Vote Act, which provided billions for states to replace punch-card and lever machines with electronic voting equipment.

Now, Florida has a contested race in the 13th Congressional District, where Republican Vern Buchanan is clinging to a narrow lead over Democrat Christine Jennings. Like its predecessor, this race could also spur election reform by requiring paper trails for the touch-screen voting machines that at least 34 states use. So far 22 states require the machines, which resemble ATMs, to include a paper trail, according to electionline.org, a nonpartisan research group that tracks states' voting procedures.

This election, where one-third of registered voters used high-tech voting equipment for the first time, was reported to have few problems afterward, but it did have its share of glitches. There were examples of equipment crashing all over the country, machines counting votes for the wrong candidate in Texas, an apparatus that turned a Republican into a Democrat in Alabama, and long lines forming in Ohio and Florida as poll workers struggled to turn on the machines.

"People are being much too complacent about this," said Miles Rapoport, the former Connecticut secretary of state and the president of [Demos](http://Demos.org), a New York-based nonpartisan voter advocacy group. "There were in fact many, many problems of several kinds on Election Day and it's only because they didn't affect the outcome of the control of the House or Senate that they haven't gotten the kind of attention that they might have."

The two ingredients that can contribute to a meltdown and legal showdown – "races that are close enough and results that are weird enough" – were mostly lacking nationwide, said Dan Seligson, the editor of electionline.org.

Enter Florida's Sarasota County. In the race for the seat vacated by Katherine Harris, who presided over the 2000 recount as secretary of state, Buchanan is ahead of Jennings by just 401 votes out of almost 240,000 votes cast, making it the second closest congressional race in the country.

But Sarasota County also has more than 18,000 undervotes, ballots that show no selection for a particular race. Thirteen percent of the county's voters skipped the U.S House race – a suspiciously high number considering the undervote rate for the governor and U.S. Senate race was only 1 percent.

One voting expert, Ted Selker, an associate professor at the Massachusetts Institute of Technology and the co-director of the MIT/Caltech Voting Project, has researched the link

between poor ballot design and undervotes. In an interview with *The Miami Herald*, Selker said the fact that the 13th District race and the governor's race were on the same page of the screen caused some voters to overlook the congressional race.

Meanwhile, some progressive groups like [Common Cause](#) and [People for the American Way](#) have challenged the reliability of the touch-screen system and even called for a re-vote.

The 0.2 percent vote margin sets off an automatic recount in Florida, but the Jennings camp also filed a lawsuit in state court Monday asking that all machinery and data be secured for a review by outside experts. Both Jennings and Buchanan appeared in Washington, D.C., this week for the freshmen lawmakers' orientation.

Paper trail proponents say documentation is necessary in case of machine malfunction or a recount. If votes are lost on paperless voting machines through equipment error or computer hacking, they're lost forever. In Sarasota County, officials have completed a machine recount that extended Buchanan's lead from 377 votes to 401 votes, and now will do a manual recount, which means checking the official results from each machine's tally.

The recount is sure to inspire a new round of talks about whether the machines should be required to leave a paper trail. Fifteen states that use touch-screen machines, including Florida, don't require a paper trail, although some counties in those states have chosen to create one. According to [VerifiedVoting.org](#), another voter advocacy group, in the last legislative session eight states considered bills that would require touch-screen machines to leave a paper trail.

Florida's bill died in committee, but the Sunshine State could find a more receptive Legislature next year. The incoming Speaker of the House, Marco Rubio (R), has signaled a willingness to consider the issue.

"We are for fair, open elections...and if having a copy of a paper helps us accomplish that, we should be in favor of it," he said.

In Texas, one lawmaker has already pre-filed a bill for the 2007 legislature to mandate that voting machines have a paper record.

Still, a paper trail doesn't necessarily guarantee fail-safe recounts. An [Election Science Institute report](#) found that 10 percent of the paper trail from the May primary in Ohio's Cuyahoga County was compromised due to such things as torn, crumpled, blank or faded documents.

In addition to requiring that touch-screen machines leave a paper trail, states might also turn to paper-based optical scan machines, where voters choose candidates by filling in circles much as students do on standardized tests. The ballot is then fed into a machine that counts votes, leaving behind paper ballots. Five states require paper-based systems that rely largely on these machines.

Even if the Florida Legislature fails to pass any paper record bills, this should be the last time the paperless machine problem surfaces for voters in Sarasota County. The county's ballot included a referendum calling for it to toss the \$4.7 million touch-screen machines and replace them with paper-based optical scan machines. It passed with almost 55 percent of the vote.

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Contact Pauline Vu at pvu@stateline.org.

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