

## Unilect in the News – A Partial List of Events

The machines did exactly as they were directed to. It's just in this case, it was programmed to only store 3,005 ballots.

~ Jack Gerbel, president and owner of Unilect

Date	Subject	Place/Description
November 2004	Patriot DRE (paperless electronic voting machine)	<p><b>Carteret County, North Carolina.</b> A memory limitation on the DRE control unit caused 4,438 votes to be permanently lost.<sup>1</sup></p> <p>Unilect claimed the central control unit for the DREs in a polling place would store 10,500 votes, but they only store 3,005. After the first 3,005 voters, the machines accepted -- but did not store -- the ballots of 4,438 people in the 2004 Presidential election.</p> <p>Jack Gerbel, president and owner of Unilect, admitted there was no way to retrieve the missing data, but refused to blame his machines.</p> <p style="padding-left: 40px;">Although Gerbel understands how significant it is to lose votes, he is confident that the machines themselves aren't to blame because it was a human error.</p> <p style="padding-left: 40px;">"The machines did exactly as they were directed to," he said. "It's just in this case, it was programmed to only store 3,005 ballots."<sup>2</sup></p> <p>Since the agriculture commissioner's race was decided by a 2,287-vote margin, there was no way to determine the winner. The State Board of Elections ordered a new election, estimated to cost \$3 million.<sup>3</sup> After three months of legal challenges, the candidate with fewer votes conceded.<sup>4</sup></p>

<sup>1</sup> **Computer loses more than 4,000 early votes in Carteret.** Charlotte Observer. Nov. 4, 2004. Associated Press. <http://www.charlotte.com/mld/observer/news/local/10099907.htm>

<sup>2</sup> **Unilect vote device causes uproar.** Oakland Tribune. November 24, 2004. By David Morrill. Reproduced at <http://www.votersunite.org/article.asp?id=3977>

<sup>3</sup> **N.C. agriculture commissioner candidate appeals new statewide election.** North County Times. Jan. 4, 2005. By Gary D. Robertson - Associated Press. [http://www.nctimes.com/articles/2005/01/05/election2004/20\\_40\\_441\\_4\\_05.txt](http://www.nctimes.com/articles/2005/01/05/election2004/20_40_441_4_05.txt)

**Certify Troxler.** Winston-Salem Journal. Dec. 21, 2004.

[http://www.journalnow.com/servlet/Satellite?pagename=WSJ%2FMGArticle%2FWSJ\\_ColumnistArticle&c=MGArticle&cid=1031779782822&path=!opinion&s=1037645509163](http://www.journalnow.com/servlet/Satellite?pagename=WSJ%2FMGArticle%2FWSJ_ColumnistArticle&c=MGArticle&cid=1031779782822&path=!opinion&s=1037645509163)

<sup>4</sup> **Troxler to take commissioner's post after Cobb concedes.** Journalnow.com. Feb. 4, 2005. By Gary D. Robertson, AP Writer. [http://www.journalnow.com/servlet/Satellite?pagename=WSJ%2FMGArticle%2FWSJ\\_BasicArticle&c=MGArticle&cid=1031780646847&path=!localnews&s=1037645509099](http://www.journalnow.com/servlet/Satellite?pagename=WSJ%2FMGArticle%2FWSJ_BasicArticle&c=MGArticle&cid=1031780646847&path=!localnews&s=1037645509099)

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November 2004	Patriot DRE	<p><b>Burke County, North Carolina.</b> Fewer than nine in ten voters had votes for president recorded on the Unilect Patriot voting machines used on election day.<sup>5</sup></p> <p>Burke County voters cast 34,604 ballots, but only 30,762 votes for president were recorded. Less than 89 percent of the voters recorded a presidential preference. Election experts say any time 2 percent or more of ballots cast in a major race fail to record a vote, those numbers should be investigated.</p> <p>The undervote rate for paper provisional ballots was about half as high.<sup>6</sup></p> <p>Justin Moore, a doctoral candidate in computer science at Duke University who has been advising the elections committee, highlighted that among provisional ballot voters, who used a paper ballot, fewer than 5 percent left the presidential vote blank. The rate was nearly 11 percent among those using the Unilect brand electronic voting machines.</p> <p>County election officials argue that voters were confused by the fact that a straight-party vote does not include president, but ...</p> <p>Moore said confusion over the presidential race doesn't explain it all. A higher-than-average percentage of Burke voters also didn't vote for senator or governor and other statewide races. Burke's provisional ballot voters, who used paper, had a much lower rate of skipping those races than voters who used the machines.</p> <p>"For all the races," Moore said, "the undervote among provisional voters was about half of what it was on the machines."</p> <p>Since there are no paper ballots, there is no way to check the accuracy of the machine count.</p>

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<sup>5</sup> **Election study finds widespread ballot-counting problems.** Scripps Howard News Service. December 20, 2004. By Thomas Hargrove. [http://www.shns.com/shns/g\\_index2.cfm?action=detail&pk=MISCOUNT-ELECT-12-20-04](http://www.shns.com/shns/g_index2.cfm?action=detail&pk=MISCOUNT-ELECT-12-20-04)

<sup>6</sup> **Unusual percentage of Burke voters didn't pick a presidential candidate.** Charlotte Enquirer. January 15, 2005. By Mark Johnson. Reproduced at <http://www.votersunite.org/article.asp?id=4645>

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November 2004	Patriot DRE	<p><b>Georgetown County, South Carolina.</b> Phantom votes appear in the electronic totals. Initial tallies showed 64 more ballots cast than the recount showed.<sup>7</sup></p> <p>The first recount was required after it was determined that Johnson or incumbent board candidate John Spears could have won the final seat on the board, instead of Bob Jewell. Four seats were open on the eight-member board.</p> <p>... After Friday's recount, the number of total votes cast in the election changed from 25,848 to 25,784.</p> <p>"Everybody's numbers went down," Johnson said, "including the school board."</p> <p>Bailey then called for a second recount, but the S.C. Election Commission advised against it, he said.</p> <p>"The S.C. Election Commission said we had satisfied the rules," Bailey said. "They advised us not to do it. Sixty-four ballots didn't show up, but I can't explain it. I know we counted every vote."</p> <p>VotersUnite followed up with the Georgetown Election Commission's office. The recount was done by re-accumulating the results from the machine's cartridges. After comparing the poll books with the number of ballots in the recount, the commission determined that the initial count had contained too many ballots.</p>
November 2004	Patriot DRE	<p><b>Virginia.</b> Electronic voting machine malfunctions caused long lines in the 2004 general election.<sup>8</sup></p> <p>Two Unilect voting machines went down at Cardova precinct for about 30 minutes, creating long lines. Those waiting were told that people were voting too fast and machines didn't have time to reset.</p> <p>In Westmoreland, all four machines at the 2nd District precinct at Hague were down for an hour while Unilect manager Wout J. Kymmell worked on the problem. At least 75 people waited to vote in a line stretching around the building.</p>

<sup>7</sup> **Protest, complaint filed over board race and poll workers' conduct.** The Sun News. November 10, 2004. By Kelly Marshall.

<sup>8</sup> **New touch-screen voting machines present problems in Culpeper, Westmoreland.** The Free-Lance Star. Nov. 2, 2004.  
<http://fredericksburg.com/News/FLS/2004/112004/11022004/1102problemsforweb>

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November 2004	Patriot DRE	<p><b>Mercer County, Pennsylvania.</b> Touch screens malfunction after successful testing. <sup>9</sup></p> <p>Many problems plagued the Unilect Patriot touch screens in Mercer County. Mercer County's director of elections said it was a computer software glitch that caused touch-screen voting machines to malfunction in about a dozen precincts Tuesday. ...</p> <p>"I don't know what happened," said James Bennington, who had been assured Friday that all 250 of the county's touch-screen units had been checked and rechecked. The county has 100 voting precincts.</p> <p>Keith Jenkins, director of the county's computer department, agreed that it was a software malfunction and said repeated calls to UniLect Corp., the company that sold the machines to the county in 2001, failed to resolve the problem.</p> <p>Mercer County commissioners, doubling as the county election board, vowed to investigate, noting the probe was started immediately to find out what happened, why it happened and how it can be prevented from happening again. ...</p> <p>Precincts in Hermitage, Farrell, Wheatland, West Middlesex, Shenango Township and Sharon experienced the most serious machine difficulties, some from the moment the polls opened at 7 a.m. <b>Some machines never operated, some offered only black screens and some required voters to vote backwards, starting on the last page of the touch-screen system and working back to the front page.</b></p>
November 2004	Patriot DRE	<p><b>Mercer County, Pennsylvania.</b> One machine recorded 51 votes for president out of 289 ballots cast. The county's Web site reports that 51,818 people cast ballots but 47,768 ballots were recorded in the presidential race, including 61 write-ins. About 4,000 votes could not be accounted for. <sup>10</sup></p> <p>[Democratic Party Chairman Bob] Lark said he finds it difficult to believe that only 51 people out of the 289 who voted actually cast a ballot in the presidential race.</p>

<sup>9</sup> **Errors plague voting process in Ohio, Pa.** Vindicator. November 3, 2004. Vindicator staff. <http://www.vindy.com/basic/news/281829446390855.php>

**Back up! We need back up! Roanoke.com.** November 11, 2004. By Brian Gottstein. <http://www.roanoke.com/columnists/gottstein/13719.html>

<sup>10</sup> **Democrats' leader decries voting glitches.** Vindicator. November 6, 2004. By Harold Gwin. <http://www.vindy.com/basic/news/288078640794824.php>

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December 2004	Patriot DRE	<p><b>Mercer County, Pennsylvania.</b> James Bennington, Mercer County's director of voter registration and elections for six years, announced his resignation effective at the end of the year in response to allegations of mismanagement and incompetence.<sup>11</sup></p> <p>Among the complaints being investigated are electronic voting machines breaking down; a lack of paper ballots to make up for the broken machines; electronic machines not registering votes; some paper ballots missing candidates' names; and poll workers making people sign their paper ballots.</p> <p>... Dan Harkless was voter No. 24 at his precinct in Farrell. When he tried to vote, the electronic touch screen was not properly recording his choice. Harkless was moved to a second machine which functioned the same way.</p> <p>He would touch the name of the candidate he wanted, and it would highlight as if it was recording the vote, but when Harkless took his finger away, the highlight would come off, and nothing was registered.</p> <p>Eventually, it was determined that the machines had been programmed incorrectly.</p> <p>At its first formal meeting on Monday, the election review committee asked to speak to Bennington, who spent about 90 minutes answering questions. He admitted programming some of the computers incorrectly, Coulter said, and failing to adequately test the machines.</p> <p>One of the most significant voting problems found in the county, Beader said, was the recorded undervote, which is when the number of votes cast is lower than the number of people who voted. Across Mercer County, there was a 7.29 percent undervote.</p> <p>Typically an undervote of even 2 percent leads to candidate challenges, Coulter said.</p>

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<sup>11</sup> **Mercer County's election boss quits: Incompetence charges forcing re-evaluation.** Pittsburgh Post-Gazette. December 09, 2004. By Paula Reed Ward. <http://www.post-gazette.com/pg/04344/424081.stm>

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January 2005	Patriot DRE	<p><b>Beaver County, Pennsylvania.</b> The county reports that since they began using DREs 8 years ago their undervote count has increased to about 6 times what it was when they used paper ballots.<sup>12</sup></p> <p>There were 820 presidential undervotes in 1996. In 1998, they began using the Unilect Patriot. Undervotes increased to 5,313 in 2000 and 4,551 in 2004, in spite of the fact that the DRE warns voters when they have not voted for a particular contest.</p> <p>[Dorene Mandity, director of Beaver County's elections bureau,] said the undervote for other races in the last election indicates widespread voter apathy. The undervote was 8,000 for the attorney general's race and nearly 13,000 for the state Senate's 47th District race in which state Sen. Gerald LaValle, D-47, Rochester Township, ran unopposed.</p> <p>Such a high undervote rate in all contests suggests that entire ballots may have been lost.</p>
January 2005	Patriot DRE	<p><b>Pennsylvania.</b> The Department of State decided to examine the Unilect voting machines in three counties – Beaver, Greene, and Mercer – after receiving a petition questioning the systems.<sup>13</sup></p> <p>The department also became aware of questions raised about the system in Mercer County during the Nov. 2 election, when some machines malfunctioned and results showed a significantly lower vote total in the presidential election compared to total ballots cast, he said.</p> <p>Complaints were received in Mercer County during the Nov. 2 election that votes were voided when voters tried to review their choices on the machines. Greene County had no similar complaints, [Francis Pratt, county elections office director] said. "In fact, we had no malfunctions in our system whatsoever," she said.</p> <p>However, Greene County's undervote rate for president was 4.4%, that is, about 1 in 22 voters did not a vote recorded for president.</p> <p><b>All the examination will take place behind closed doors, with only one of the petitioners allowed to be present to watch.</b> <sup>14</sup></p>

<sup>12</sup> **State to re-examine voting system.** Times Online. January 31, 2005. By J.D. Prose, Times Staff.  
[http://www.timesonline.com/site/news.cfm?newsid=13856408&BRD=2305&PAG=461&dept\\_id=478569&rfi=6](http://www.timesonline.com/site/news.cfm?newsid=13856408&BRD=2305&PAG=461&dept_id=478569&rfi=6)

<sup>13</sup> **Department of State to examine voting machines.** Observer Reporter.com. January 12, 2005. By Bob Niedbala, Staff writer. <http://www.observer-reporter.com/348268662422087.bsp>

<sup>14</sup> **You're Not Invited - Pennsylvania to conduct Secret 'Re-examination' of Defective Voting System in Harrisburg.** February 5, 2005.  
<http://www.prweb.com/releases/2005/2/prweb205277.php>

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February 2005	Patriot DRE	<p><b>Harrisburg, Pennsylvania.</b> During an investigation into the malfunctions of the voting machines in the 2004 general election, the machine being used for a demonstration froze and failed.<sup>15</sup></p> <p>Until 2 p.m. yesterday, Jack Gerbel's demonstration of his UniLect touch screen voting system was going smoothly. Then, suddenly, the screen froze up, unresponsive to numerous finger-pokes from Gerbel and a bystander.</p> <p>"It's worked fine up to this point," Gerbel said, faintly flustered, fiddling with wires.</p> <p>Minutes later, the UniLect system was back online, tabulating mock votes correctly, working just the way it's supposed to.</p> <p>That brief episode, more than any other during yesterday's demonstration before state officials, illustrated how the computerized system can be mostly reliable, yet prone to occasional glitches that can temporarily confound even the people who know the system inside and out.</p> <p>Mark McPherson, an observer reported:<sup>16</sup></p> <p>During the test the system dropped the write-in candidates that had been entered into it. The system also failed multiple times during the process and had to be corrected/ fixed by Mr. Gerbel, often with little or no explanation by him as to the cause of the problem or the fix.</p> <p>Read the scathing report of Dr. Michael Shamos, the examiner.<sup>17</sup></p>
April 2005	Patriot DRE	<p><b>Pennsylvania.</b> Secretary of the Commonwealth Cortes decertified the Patriot system.<sup>18</sup> The President of UniLect appealed to the state for another re-examination.<sup>19</sup> The system failed the second examination as well, and Cortes upheld the de-certification.<sup>20</sup></p>

<sup>15</sup> **Touch screen voting flawed in Mercer County.** Post-Gazette. February 16, 2005. By Bill Toland, Post-Gazette Harrisburg Bureau. <http://www.post-gazette.com/pg/05047/458149.stm>

<sup>16</sup> **Notes from Feb. 15th Unilect re-examination in Harrisburg:** As observed by Mark McPherson, representing Mercer County Citizens for Better Government. <http://www.votersunite.org/info/HarrisburgExamination.htm>

<sup>17</sup> **UniLect Corporation PATRIOT Voting System: An Evaluation Prepared for The Secretary of the Commonwealth of Pennsylvania.** by Michael Ian Shamos, Ph.D., J.D. April 2005. [http://www.dos.state.pa.us/dos/lib/dos/20/shamos\\_report-\\_unilect200502apr05.pdf](http://www.dos.state.pa.us/dos/lib/dos/20/shamos_report-_unilect200502apr05.pdf)

<sup>18</sup> **PA Secretary of the Commonwealth Decertifies UniLect Patriot Voting System in Pennsylvania.** Press Release Source: Pennsylvania Department of State. April 7, 2005. <http://biz.yahoo.com/prnews/050407/phth059.html?.v=4>

<sup>19</sup> **Pa. gives 2nd chance to maker of banned voting machines.** Associated Press. April 15, 2005. By Peter Jackson. <http://www.phillyburbs.com/pb-dyn/news/103-04152005-476708.html>

<sup>20</sup> **Secretary of the Commonwealth Comments on Decertification of UniLect Patriot Voting System.** Press Release Source: Pennsylvania Department of State. April 29, 2005. <http://biz.yahoo.com/prnews/050429/phf043.html?.v=3>