

# State of Wisconsin \ Elections Board

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**DATE:** May 10, 2005

**TO:** Kevin J. Kennedy and State Elections Board

**FROM:** D. Richard Rasmussen, Elections Specialist

**SUBJECT:** ES&S M100 Tabulation Error in the City of Medford: November 2004

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## Background

In early March 2005 a representative from local media alerted the State Elections Board staff to an abnormally high under vote rate for the office of president in the election results of the City of Medford, Taylor County. Upon contacting the City and ES&S it was determined that the M100 optical scan tabulator may have been mis-programmed omitting any votes cast by a voter selecting the 'straight party vote' option. According to ES&S this is a known bug with the M100 firmware version installed in the machine in Medford and has a workaround to compensate for the problem. However prior to this occurrence ES&S had not informed either the State Elections Board or the City of Medford about the bug and the workaround. Currently Taylor County has a contract with ES&S to program all voting equipment for each election. The M100 in Medford is the only machine of that type in use in Wisconsin.

## Resolution

Diane Lowe of the State Elections Board staff observed a re-tabulation of the ballots using the ES&S Central Count 150 and confirmed that ballots marked with the 'straight party vote' option were not counted by the M100 tabulator the night of the election. The difference resulted in almost 1,500 additional votes for federal offices (attachment 1). The addition of these previously uncounted votes did not change the results of any of the races on the ballot. A re-tabulation was also completed for the 2002 General Election but no discrepancy was found. Upon identification of the error, ES&S reimbursed Taylor County for the M100 programming of the 2004 General Election.

## Solutions

- The State Elections Board does not require counties to report the total number of ballots cast or the total number of voters as part of the Statewide canvass. This abnormality should have been identified as part of either the municipal or county canvass procedures. In addition, the City of Medford used a test deck developed by ES&S that did not test for the possibility of a voter selecting the 'straight party vote' option. Had the municipal clerk used a test deck developed independently this programming error may have been caught prior to the election.

- Neither the State Elections Board at the time of approval nor the municipality at the time of purchase were made aware of the known bug in the firmware. Although ES&S has a workaround for the problem, in this case the workaround was not implemented. Had either the municipality or the SEB been made aware of the problem appropriate procedures may have been put in place to prevent this from happening.
- In future elections the workaround will be more clearly identified to the ES&S technicians (attachment 3). In addition, ES&S has completed federal qualification for a newer version of the M100 firmware that addresses this bug. Once ES&S applies for and receives State approval the City of Medford/Taylor County will be able to purchase the upgrade and prevent this same problem from occurring.

Attachments:

1. City of Medford Tabulation Comparison (.xls)
2. ES&S Trouble Ticket from 3/8/2005
3. ES&S Optical Mark Reader Coding Job Ticket for Fall 2006 election