Secretary of State
KEVIN SHELLEY
STATE OF CALIFORNIA

PARALLEL MONITORING PROGRAM

California

GENERAL ELECTION

Tuesday, November 2, 2004

SUPPLEMENTAL REPORT
FOR
MERCED COUNTY

DECEMBER 10, 2004

Parallel Monitoring Program
General Election
November 2, 2004
Supplemental Report for Merced County

Introduction

The November 2, 2004 Parallel Monitoring Program Report of Findings noted, on page 27, that there was one voting system anomaly in Merced County still under investigation by the Secretary of State's office. The anomaly occurred when the tester appeared to correctly "tap" the screen to select candidate "Bush" for President but the screen highlighted candidate "Peroutka" and the vote was recorded accordingly.

This report describes the Secretary of State's investigation of the anomaly and the conclusions from the investigation.

Process of Investigation

The videotape of the anomaly was initially reviewed by staff from the Secretary of State's office as well as independent consultants from the consulting firm of R&G Associates, LLC (R&G). The initial review revealed no obvious source for the anomaly.

A copy of the videotape was then sent to the vendor, Election Systems and Software (ES&S, manufacturer of the iVotronic voting system used in Merced County). After reviewing the videotape, the vendor noted several possible explanations for the anomaly but concluded that the equipment used during the testing would need to be examined further in order to verify the source of the error.

On December 7, 2004 the equipment was brought to the Secretary of State's office in Sacramento for further examination by Secretary of State staff and representatives from the vendor. Before the review began, the security seals put on the equipment on Election Day were checked to verify that the equipment had not been tampered with or modified subsequently.

Results of Investigation

The examination of the equipment revealed two issues that likely combined to create the anomaly.

First, there was a build-up of residue on the screen resulting from repeated use without cleaning. The result of the residue build-up was to require greater touch

pressure by the voter on the screen in order for the equipment to detect the vote properly.

Second, a further review of the videotape showed that the tester touched the far right side of the screen next to the space for "Peroutka" with the side of his thumb just before touching "Bush" with his forefinger. The threshold for this incidental contact to be detected may have been reduced by the aforementioned buildup of residue.

The slight delay between when a selection is made and its appearance caused the equipment to highlight the "Peroutka" selection after the tester touched "Bush."

To verify the investigators observations, the anomaly was replicated on the equipment being examined and on the second DRE tested as part of the Parallel Monitoring Program that had no anomalies on Election Day. Further, the anomaly was replicated on a different set of candidates.

Conclusions

The cause of the anomaly appears to be a tester error and not the result of any problem with the voting system.