

AVOID THE STRAIGHT PARTY OPTION WHEN VOTING IN NOVEMBER!

Effects of the Straight Party Voting Option and Sequoia Voting Machines Observed
During the 2004 General Election in Santa Fe County, New Mexico
By Judith B. Alter, Ed.D.

This study of a single county in New Mexico describes the effect of the "straight-party" voting option in relation to the high "under-vote" that occurred in the 2004 presidential election in Santa Fe County. This study revealed, for one county, several of the patterns found by other researchers who have studied the election in the entire state of New Mexico. Unusual voting patterns emerged when researchers compared the presidential results to the totals of the statewide "down-ticket" candidates in the three voting opportunities: Absentee, Early Voting, and Election Day; each used different Sequoia voting systems.

After the November 2004 presidential election, the Green and Libertarian parties requested a recount in New Mexico because the state had the highest under-vote rate for president in the nation. Election officials record an under-vote when the voter does not make a choice for particular race, in this case for president. As a part of this recount, volunteers working with Black Box Voting obtained many public records documents. The study of Santa Fe County the elections material acquired from this public records request provides the basis for the observations presented here. The analysis of the "straight-party" option appears to have contributed, in a major way, to the historic "under-vote" for president. The "straight party" voting option allows a voter to mark or cast a single vote that registers for all candidates in the voter's political party.

The high under-vote rate (no vote for any candidate for an office) in Santa Fe County and the rest of New Mexico may have occurred primarily when voters chose the "straight-party" voting option on election day. Another vote reducing and possible vote-shifting scheme seems to have been present in the Sequoia scanners that counted hand-marked paper ballots cast during absentee and early voting in the straight party choices for minor third parties. Finally, a large discrepancy exists between the number of signatures on voter rosters, the total votes cast, and the presidential votes cast, especially on Election Day.

New Mexico voters had three different opportunities to vote; each was tabulated by proprietary Sequoia software: A voter could choose to vote 1) absentee (ABS), using a paper ballot tabulated by Sequoia Optech 4C-400 scanners; 2) in early (EV) at five specified locations using a paper ballot tabulated by Sequoia Optech Insight scanners; and 3) on Election Day (ED), using Sequoia Advantage push button machines (DRE-direct recording electronic devices) where machines tabulated the votes and recorded the results on internal memory tapes. In Santa Fe County on election day 86 precincts or polling sites contained a total of 214 Sequoia push button DRE machines.

In Santa Fe County, 62% of the voters registered as Democrats, 18% Republican, and 20% other or "decline to state." Of these voters, Absentee voters comprised 29% of the total Santa Fe County votes, 35% chose to participate in Early Voting, and 36% participated in Election Day voting. Of these voting choices, 0.26% of Absentee (ABS) ballots contained under-votes, 0.22% of Early Voting ballots recorded under-votes and a full 4.2% of Election Day voting recorded under-votes. This means that of the 36% of voters who voted on Election Day in Santa Fe County, 4.2% of them did not record a vote for president.

In contrast to results reported on the New Mexico Secretary of State's website, actual election night material provided the numbers of voters who chose the "straight-party" option. The "straight-party" option allows a voter of a specific party to check a single box indicating the intention to vote for all the candidates in that party for all the races. The voter would check one box and believe that all those running for any office of their party would receive their vote. The "down-ticket" races refer to all of those contests below the president, such as congressional or senate races where a partisan vote was possible.

"Straight-Party" Voting

The evidence about how the "straight-party" option worked on election day came from the compiled lists of voter complaint calls received by the many election protection services sponsored by groups such as the NAACP, PFAW, MoveOn, etc. Find these complaints compiled on the Election Incidents Reporting Service (EIRS) (<http://voteprotect.org>). The reports shed light on the problems that occurred when voters chose the "straight-party" option in New Mexico and sixteen other states with the straight party option.

EIRS records indicate that the "straight-party" option appeared not to have included a vote for president for every party except for Republicans. When a Republican voter selected the straight party option, a Bush vote appeared to register automatically, that is, the machine showed "Bush" (with rare exceptions). "Straight-party" voters from other than the Republican Party may not have discovered the absence of their presidential vote on their review screens. And others who reported finding no presidential vote on their review screens may not have realized how their choice of the "straight-party" option contributed to the absence of a presidential vote. The "straight-party" option appeared to have created a large under-vote by means of the no-vote-for-president (except Bush) phenomenon.

The second way the straight party option contributed to the under-vote occurred when voters selected candidates outside their straight party selection. Many voters may not have known that, on electronic voting machines, after selecting the straight party option, if they then voted for a candidate from another party, that non-straight party vote cancelled the voter's straight party choices throughout the rest of the ballot. For example, perhaps a Democrat voted for the Green Party County Surveyor instead of the Democratic candidate running against him. That one vote outside the Democratic

straight party would automatically cancel all the selected votes for Democrats throughout the ballot.

When choosing the straight party option, voters reported another problem. Instead of no presidential choice appearing on the voting machine screen, voters reported that the wrong candidate, often Bush, appeared. Only two EIRS reports in New Mexico (Sandoval County) came from Republicans saying that their straight party selection, at first, showed a vote for the Democratic or Green Party candidate. These voters reported that they corrected this wrong choice.

The difficulty in removing the wrong presidential choice, however, created another means of generating an under-vote. To override the automatic Bush vote or the voter's wrong choice on the Sequoia push-button electronic voting machines, voters had to push the button for Bush (or the wrong candidate) again (a toggle mechanism) to erase the vote. Voters reported that they had to push the Bush button from two to ten times to remove that incorrect choice before they could vote for their preferred candidate.

Furthermore, after removing the vote for the wrong candidate and voting for their correct one, some voters reported that when they got to the review screen at the end of the ballot, they found no vote for president had registered. Voters reported the need to scroll back up the ballot one or two more times to vote again for their presidential choice. Even when the review screen actually showed their correct vote, citizens voiced concern that their vote would not actually register. They worried about the voters who were unable to find and correct this problem of no-vote or a wrong vote for president.

The programmed mechanisms in the straight party option probably contributed to the high under-vote rate on Election Day. These programmed mechanisms for the straight party option include a vote shifting formula in the scanners used to count ballots for absentee and early voting (see below); and with the DREs on Election Day: no-vote-for-president for all but the Republican party; a difficult to change incorrect presidential vote; an inadvertent canceling of straight party votes when voting outside that party, or undetected or uncorrected Bush default. The under-vote total alone, 1117, amounts to 19% of Kerry's loss by 5988 in New Mexico. In New Mexico, the Election Day statewide presidential under-vote was 17,095.

Down-Ticket Discrepancies in Early Voting and Absentee

One might assume that the "straight-party" discrepancies only occurred on the Election Day electronic DRE voting machines. Not so! Evidence shows votes for President for persons voting "straight-party" in third parties, such as the Green Party, both in the Absentee and the Early Voting choices were not recorded. For example, the straight party choice for the Green party showed 2 votes, but no votes registered for David Cobb. There were, however, minimal under-votes recorded; this implies another candidate received the "shifted" vote. Sequoia scanners with proprietary software counted both the Absentee and the Early Voting paper ballots. Since the three

Democratic members of the State Election Board prevented the official hand recount, citizens have no way to know how much vote shifting occurred.

Roster Signatures, Total Votes Cast, Votes for President: Hidden Provisional Ballots

The website of the NM Secretary of State lists the total number of roster signatures for each voting occasion by precinct. A comparison of the total number of signatures with the total votes counted shows, for all voting occasions in Santa Fe, 1523 more roster signatures than total ballots cast. That is a large number of voters who signed the roster books, but for some reason, did not have their ballot counted. That number, 1523, is 27% higher than the tallied under-vote of 1117. The website also shows 205 phantom votes, (more votes cast than roster signatures) in the three voting occasions: 95 in absentee voting and 110 in early voting. Researchers Warren Stewart and Ellen Theisen explained that election officials subtracted phantom votes from the under-vote in their certified vote tallies instead of listing the phantom votes in a separate category on the certified totals.

The total number of more-signatures-than-votes-cast may be the uncounted provisional ballots: 2% of the total ballots cast in Santa Fe County. Rather than post the counted and uncounted provisional ballots as a separate category, Warren Stewart reports, the Secretary of State adds the total provisional ballots counted to the election night totals. Combine the 1523 uncounted ballots to the under-vote of 1117 and get 2640. This 2640 is 4% of the total Santa Fe County vote and it may represent the extent of voter disenfranchisement in this County. If the uncounted provisional ballots were primarily from newly registered Democrats whose voter registration forms remained unprocessed or destroyed, then much of the 2640 votes (under-vote + uncounted provisional ballots) amounts to 44% of Kerry's 5,988 vote loss.

Summary

When voters use the "straight-party" option during an election, they run the risk of losing their vote. The effects observed in New Mexico have also been seen in many other states that offer the "straight-party" option. Whether intentional or unintentional, the use of proprietary software prevents citizens from observing the actual vote counting; thus, citizens do not know if their votes are counted as cast. Scanners that count paper ballots use proprietary software and are just as susceptible to large inaccuracies as the touch screen machines. Citizens must vote on paper ballots but unless citizens also hand count these ballots no one can verify the accuracy of the total vote count with or without the "straight-party" option. Since fifteen states in November 2008 continue to offer the "straight-party" voting option and almost no option to hand count paper ballots yet exists, after reading this evidence, voters should avoid using the "straight-party" option.

Articles about New Mexico:

Stewart, Warren. 2005. "Did We Bounce An Election?" www.votersunite.org and <http://www.votersunite.org/info/newMexicophantomvotes.asp>

Theisen, Ellen and Warren Stewart. 2004. "Summary Report on New Mexico State Elections Data." www.USCountVotes.org

Liddle, Elizabeth, and Josh Mittedorf. 2005. "Analysis of Undervotes in New Mexico's 2004 Presidential Ballots." www.USCountVotes.org

Plotner, Robert Glenn. 2005. "A Guide to irregularities in the 2004 New Mexico General Election." www.USCountVotes.org

State of New Mexico, Office of New Mexico Secretary of State, Secretary of State, Rebecca Vigil-Giron, <http://www/sos.state.nm.us/Election/cntyindx04.html>

Thank yous: Green and Libertarian Parties, Jeremiah Akin, Warren Stewart, Ellen Theisen, Ken Aaron, Stuart Shakman, Dan Ashby, Myra Boime, Megan Matson, Scripps Howard News Service, Eva Kataja, Mitch Buszek, Wayne M. Burke, Lubosh Novak, and others in Recount New Mexico; Bernie Ellis, Kip Humphrey.

To read the entire go to: www.protectcaliforniaballots.org, www.freepress.org, www.solarbus.org