

Hart InterCivic in the News – A Partial List of Documented Failures

Date	Subject	Place/Description
1990	Origin	<p>Hart InterCivic originated in 2000.</p> <p>In the late 1990s Hart saw its primary government market becoming digitized. Voting was switching from paper ballot to electronic machines. Hart decided to develop e-voting equipment and bought a small Colorado company to get a start.</p> <p>There, a team of medical products engineers had incorporated technology from patient monitoring equipment into the design of an electronic voting machine. Hart refined the machine and by 2000 had a product that it could commercialize.</p> <p>It spun off Hart InterCivic as a separate company, to complete development of its invention, the eSlate.</p> <p>... Hart InterCivic is privately held and does not release revenue numbers.</p> <p>... The company has sold nearly 26,000 eSlates. The equipment is used by jurisdictions in 12 states and has counted almost 4 million votes, company spokesman Bill Stotesbury said.</p> <p>Hart InterCivic's biggest contracts so far, totaling \$51 million, are in the third- and fifth-largest U.S. counties Harris County (Houston), Texas, and Orange County (Anaheim), Calif.¹</p> <p>Both its largest customers have experienced problems with their purchases (see below).</p>

¹ **A leap from paper to electronics.** Plain Dealer. March 14, 2004. By Alison Grant, Plain Dealer Reporter.
<http://www.cleveland.com/search/index.ssf?/base/business/1079174115257380.xml?bxbiz>

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November 2003	eSlate (DRE)	<p>Harris County, Texas. Poll workers couldn't get the machines to work.</p> <p>Hundreds of Houston area voters didn't get to cast ballots Tuesday morning because of problems with the eSlate system. The machines were down at some polling places so voters were told to come back later and try again. Despite ideal voting weather an Election Day storm cloud hung over the Greater True Light Baptist Church.</p> <p>"I came to vote this morning," said Norvie Marshall. "And all the machines was down. We waited and waited and waited."</p> <p>For two long hours they waited. Some voters who had to work had to leave. "Very, very frustrating," said Betty Mills. "I mean I've been voting here for 30 years."</p> <p>This year, of course, is different with the new eSlate style of voting. An election judge at Greater True Light says he couldn't get them to work. "We got nothing, nothing didn't come on," said Dwight Baldwin. "We couldn't get nothing to do nothing."²</p> <p>A later article claims that the poll workers were operating the machines incorrectly.</p> <p>Greater True Light Baptist Church, a northeast Houston polling site, did not open until about 9 a.m. An election worker there had difficulty setting up the equipment, and did not call for help quickly enough, Kaufman said. Between 50 and 100 voters were turned away.</p> <p>... At the Holiday Inn Hotel at 7787 Katy Freeway, election workers decided to use paper ballots when they thought the eSlate voting machines were not working properly. About 75 makeshift ballots were cast -- and signed.</p> <p>But the eSlates were not malfunctioning. Workers were entering incorrect information into the machines that assigned the wrong ballots to voters.³</p>
February 2004	eSlate	<p>Richmond, Virginia. One of the units inexplicably shut down during the election.</p> <p>City Registrar Kirk Showalter said both sets of machines worked well, with one exception. The eSlate machines at the Hermitage shut down at about 3:30 p.m. when the unit that controlled them "fried." While that unit was being replaced, about a dozen voters had to use paper ballots, she said.⁴</p>

² **Polling machine problems anger many voters.** From 11 News Staff Reports; 07:27 PM CST on Tuesday, November 4, 2003
http://www.khou.com/news/local/houstonmetro/stories/khou031104_mh_pollingprobs.1a536189.html

³ **Electronic Ballot: ESlate voting proves smooth, not flawless.** Houston Chronicle; Nov. 5, 2003; By Eric Berger.
<http://www.chron.com/cs/CDA/ssistory.mpl/metropolitan/2201121>

⁴ **Polling places report light turnout here.** Times-Dispatch. February 11, 2004. By Will Jones, Staff Writer. http://www.timesdispatch.com/servlet/Satellite?pagename=RTD%2FMGArticle%2FRTD_BasicArticle&c=MGArticle&cid=1031773613003&path=!news&s=1045855934842

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February 2004	eSlate	<p>Arapahoe County, Colorado. Hart InterCivic, like other voting machine vendors, courts its customers with gifts and entertainment.</p> <p>Tracy Baker asked Arapahoe County to give a Texas company a no-bid \$3.5 million voting-machine contract.</p> <p>... Arapahoe County commissioners twice said no to the Hart voting system, first in the summer of 2002, then again last November, after deciding to put the contract out to bid.</p> <p>... Between April 2001 and August 2002, Hart spent \$3,759.95 on Baker and his staff, company records indicate. That included a \$495 golf outing and \$30 worth of cigars for Baker's birthday.</p> <p>It could have been more. The company turned Baker down when he asked Hart to pay for staff hotel rooms on a trip to Texas in 2002.</p> <p>"You call any county clerk in this state," Baker said. "You call any county commissioner. Vendors take you to dinner."</p> <p>Lisa Doran, a public information specialist in the Secretary of State's Office, said Baker has a point. Donetta Davidson, Colorado's secretary of state, accepted dinner from vendors when she was the Arapahoe County clerk, Doran said.</p> <p>Susan Beckman, county commission chairman, disapproves of the practice.⁵</p>
March 2004	eSlate	<p>Orange County, California. Daisy-chained machines shut down when one broke down. Hundreds of voters were turned away from the polls because of problems with the touch screen voting systems, according to NBC4. They were turned away from a Huntington Beach, Calif., polling place because the electronic machines were down.</p> <p>A malfunction with one machine caused all nine machines to go down for about an hour, according to NBC4.⁶</p>

⁵ **Baker sought no-bid contract for firm;** Then he asked maker of voting machines to hire his girlfriend. Rocky Mountain News. February 5, 2004. By Jim Tankersley. http://www.rockymountainnews.com/drmn/election/article/0,1299,DRMN_36_2631034,00.html

⁶ **Voters Decide Record Bond Issue; Edwards Quits.** NBC4TV; March 2, 2004; <http://www.nbc4.tv/politics/2891656/detail.html>

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March 2004	eSlate	<p>Orange County, California. The complexity of operating elections using the new electronic voting machines leads to more human error, rather than less human error as those who propound the computerized voting claim. Once the errors are made, there are no paper ballots available to correct the problems.</p> <p>Poll workers struggling with a new electronic voting system in last week's election gave thousands of Orange County voters the wrong ballots, according to a Times analysis of election records. In 21 precincts where the problem was most acute, there were more ballots cast than registered voters.</p> <p>... At polling places where the problem was most apparent because of turnouts exceeding 100%, an estimated 1,500 voters cast the wrong ballots, according to the Times' analysis of official county election data. Tallies at an additional 55 polling places with turnouts more than double the county average of 37% suggest at least 5,500 voters had their ballots tabulated for the wrong precincts.</p> <p>... David Hart, chairman of Texas-based Hart InterCivic, which manufactured Orange County's voting system, said it would be impossible to identify which voters cast ballots in the wrong precincts because of steps the company had taken to ensure voter secrecy. For this reason, an exact account of miscast ballots is impossible.</p> <p>... Orange County election officials have traced the problem to poll workers who were responsible for giving each voter a four-digit code to enter into the voting machines. ⁷</p>
September 2004	eSlate	<p>Honolulu, Hawaii. Precincts offered both optical scan ballots and new eSlate paperless machines. eSlate malfunctions disenfranchised at least one voter. Most people chose not to use the eSlates. ⁸</p> <p>Greg Hogue said ... the machine flashed a low battery indicator after he selected his party. The machine then flashed a "cast ballot" indicator and his ballot was accepted before he was able to vote for anyone.</p> <p>"I really wanted to vote," he said. But after two hours of conversations with precinct officials and state elections officials, he was not allowed to fill out a back-up paper ballot and not allowed to re-do his electronic vote. ...</p> <p>[Office of Elections spokesman Rex] Quidilla said he was not familiar with Hogue's case. But that some problems with a new voting system were to be expected. He said early reports from precincts indicated that few people used the machines.</p>

⁷ **7,000 Orange County Voters Were Given Bad Ballots.** Los Angeles Times. March 8, 2004. By Ray F. Herndon and Stuart Pfeifer Times Staff Writers. <http://www.votersunite.org/article.asp?id=2389>

⁸ **Voter Turnout Weak in Isles.** Star Bulletin. September 19, 2004. By Craig Gima and Leila Fujimori. <http://starbulletin.com/2004/09/19/news/story2.html>

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September 2004	eSlate	<p>Honolulu, Hawaii. New eSlate electronic voting machines allowed voters to choose a Green Party ballot, even though there were no Green Party candidates. 22 voters were disenfranchised by the error.⁹</p> <p>State elections officials said the computerized voting machines provided by Hart InterCivic allowed voters to "click on" a political party, even though there weren't any candidates running from that party on their island.</p> <p>So a couple of dozen Green Party ballots were recorded, even though there were no candidates.</p> <p>"We brought that up to the vendor already. They will change that for the next election," [elections spokesman Rex] Quidilla said.</p>
October 2004	eSlate	<p>Tarrant County, Texas. Electronic voting machines confuse voters, causing many to undervote. The sequence of screens caused some voters to accidentally miss voting on the stadium referendum.¹⁰</p> <p>The biggest problem of the day was in Arlington, where poll workers fielded numerous complaints from voters who said that the new electronic voting machines were confusing, and that they had mistakenly cast their ballot without voting on the stadium referendum.</p> <p>Parten said Arlington voters who cast straight-party ballots must press the "NEXT" button on the voting machine to get to the stadium question.</p> <p>Voters can also vote on the proposal once they reach the summary page of the electronic ballot, he said.</p> <p>"If you're not paying close attention, you're going to miss your chance to vote on the stadium," said north Arlington resident Tom Been, who chose a straight-party ballot, but didn't go to the last virtual page on the computer screen.</p> <p>He had hoped to vote against it.</p> <p>"It's very annoying, the way they set it up," he said.</p>

⁹ **Primary Election Runs Into Problems.** HITV 4. The Hawaii Channel. September 24, 2004. <http://www.thehawaiichannel.com/news/3760175/detail.html>

¹⁰ **Early voters set county record.** *Star-Telegram*. October 19, 2004. By Gordon Dickson and Jack Douglas Jr., Star-Telegram Staff Writers. <http://www.dfw.com/mld/dfw/news/9957383.htm?1c>

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October, 2004.	eSlate	<p>Tarrant County, Texas. Machine malfunctions disenfranchised voters when they froze instead of accepting the access code entered by the voters.¹¹</p> <p>On Tuesday, ... a set of voting booth computers shut down.</p> <p>"It looked like a couple of older guys were still voting when the computer screens completely shut down," said Cam Sanders, an Arlington teacher. "I think they were talking about whether their votes were lost."</p> <p>In Fort Worth on Tuesday, Singer said his wife and their friend waited nearly 1-1/2 hours to vote at the Southwest Subcourthouse. But when their friend punched in the access code, he said, the machine froze.</p> <p>Singer said their friend was not given another chance to vote.</p> <p>"I'm concerned because I wonder how many others were treated that way," he said.</p>
October 2004	eSlate.	<p>Travis County, Texas. A "default" selection is a selection automatically pre-set by the software. It remains selected unless the user specifically chooses to change it. To provide a default selection on a DRE voting machine is to give a voter a ballot with a candidate already marked.</p> <p>Yet, election officials in Austin set up the eSlate DREs with Bush/Cheney as the default choice for president/vice-president. Voters who voted a straight party Democratic ticket watched their presidential votes changed to Bush on the review screen. Officials said voters caused this by pressing the "Enter" button on the second screen of the eSlate machine.</p> <p>Gail Fisher, manager of the county's Elections Division, theorizes that after selecting their straight party vote, some voters are going to the next page on the electronic ballot and pressing "enter," perhaps thinking they are pressing "cast ballot" or "next page." Since the Bush/Cheney ticket is the first thing on the page, it is highlighted when the page comes up – and thus, pressing "enter" at that moment causes the Kerry/Edwards vote to be changed to Bush/Cheney.¹²</p>

¹¹ **Voting problems are surfacing.** Star-Telegram. October 21, 2004. By Max B. Baker. <http://www.dfw.com/mld/dfw/news/9975942.htm>

¹² **County Responds to Voting Machine Problems.** Austin Chronicle. October 22, 2004. By Lee Nichols. http://www.austinchronicle.com/issues/dispatch/2004-10-22/pols_feature18.html

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Date	Subject	Place/Description
November 2004	Ballot Now	<p>Boulder County, Colorado. Bar codes on the ballots were the wrong size, causing the system not to count the ballots. EagleDirect, the printer, accepted some of the responsibility, but also said that Hart had not informed them of the close tolerances required when printing.¹³</p> <p>Eagle CEO Bill Schaefer demonstrated one test ballot that, after being scanned once, was found to have one "damaged race" where the system could not process information for an individual race. The second time through, the system found more damaged races on the same ballot and read another race as an "undervote." The third test read everything on the front page of the ballot properly but one race was rejected on the back page.</p> <p>... [Eagle president Howard] Harris said Hart did not inform Eagle about certain system tolerances until after the election. He said the system would reject races when the boxes on the paper ballot were not within plus-or-minus 20 percent of their expected position.</p> <p>He also said a Hart official told him the system could have worked using 30 percent tolerances, and Harris said he felt loosening the tolerance could have prevented occurrence of many of the damaged races.</p>

¹³ **Printer played role in Boulder voting woes.** Rocky Mountain News. November 10, 2004. By Berny Morson.

http://rockymountainnews.com/drmn/election/article/0,1299,DRMN_36_3317633,00.html

Printer says ballots bear partial blame: Maintains most of fault lies with the new voting system. Boulder Daily Camera. January 29, 2005. By Eric Bontrager.

http://www.dailycamera.com/bdc/county_news/article/0,1713,BDC_2423_3507736,00.html (<http://www.votersunite.org/article.asp?id=4740>)

EagleDirect speaks. Colorado Daily. January 31, 2005. By Richard Valenty. Reproduced at: <http://www.votersunite.org/article.asp?id=4748>

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Date	Subject	Place/Description
November 2004	Ballot Now	<p>Yakima County, Washington. When the votes for Governor were recounted manually, it was discovered that the Ballot Now system had failed to read the votes on 24 scanned ballots. A white line extending the length of the page had caused the ballots to be treated as "damaged." However, rather than set up the system so that election officials examined the damaged ballots, the administrator had turned on the "autoresolve" feature, and the Ballot Now system misread the voters' intents.¹⁴</p> <p>The county consulted with Hart InterCivic about the problem. On June 15, 2005, Travis Harrell, a manager at Hart InterCivic, reported the results of an investigation his company had been carrying out.¹⁵</p> <ol style="list-style-type: none"> 1. The scanned ballot images of the 24 ballots in question (Batch 86, Pct 3301) all contain a white vertical line spanning the entire length of the ballot. The line runs directly through the left portion of all option boxes in the 4th column of each ballot. The line was most likely caused by a small foreign object (dirt or paper debris) in the scanner that subsequently dislodged. The attached image shows the line clearly and is representative of all 24 ballots. 2. Since the white line "whited out" a portion of each option box, Ballot Now was unable to detect at least 90 percent of each "target box" and therefore classified each contest in the 4th column of each ballot as a Damaged Contest. <p>VotersUnite contacted Kodak, which makes the scanner, and was told that dirt in the scanner would cause a black line – not a white line – to extend the length of the image. Thus, the cause of the failure remains in question.</p> <p>October 2005 update: the User's Guide for the Kodak scanner points out that a white vertical line on the image can be caused by a dirty imaging guide. The manual recommends that the imaging guide – and other internal part of the scanner – be cleaned after eight hours of use.</p> <p>Apparently, neither Hart InterCivic's Travis Harrel nor the Yakima County elections staff had read the user manual for the scanner.</p>

¹⁴ **Hart InterCivic Optical-Scan Has A Weak Spot.** July 5, 2005. by John Gideon. <http://www.votersunite.org/info/yakimaproblemreport.asp>

¹⁵ Email from Mr. Harrell to Diana Soules, Yakima County Election Manager. <http://www.votersunite.org/info/Yakimaproblemreportemail.pdf>

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October 2005	Ballot Now	<p>Boulder County, Colorado. The optical scan system, designed specifically for absentee ballots, misread seven out of 429 folded test ballots. ¹⁶</p> <p>Despite assurances that Boulder County’s \$1.4 million ballot-counting system would operate smoothly in the upcoming election, the equipment will not be trusted to properly read ballots where a fold passes through a ballot item, elections officials said Friday.</p> <p>Election workers discovered the glitch Thursday while running 429 ballots through Hart InterCivic scanners during a test, elections coordinator Josh Liss said Friday.</p> <p>“Depending on how the ballot is folded, if the fold crosses an option box, it’s possible the machine could misread it,” he said.</p> <p>One Boulder County citizen pointed out the irony in the flawed design.</p> <p>Voting activist Joe Pezzillo, who fought the county’s purchase of the Hart equipment and supported scrapping it after last year’s rocky election, said he is disappointed that a system that is supposedly ideal for mail-ballot elections cannot read ballots that are folded and mailed.</p> <p>“This is what it’s good at. This is the kind of functionality we get when it’s working at its best,” he cracked. “This is the type of foible people encounter when they don’t know how to analyze a voting system for purchase.”</p>
March 2006	eScan / eSlate	<p>Tarrant County, Texas. Computer programming errors added 100,000 votes to the final tallies in both primaries, leading to multiple candidate requests for recounts. ¹⁷</p> <p>About half a dozen candidates in both parties have requested free recounts of primary election votes, – but state and local officials say the politicians will first have to plunk down deposits of as much as \$4,500 for the do-over.</p> <p>This comes despite promises last week that free recounts would be available in Tarrant County, where a computer programming error counted some votes multiple times and boosted the final tally in both primaries by as much as 100,000 votes.</p>

¹⁶ **County voting faces more woes. Equipment has trouble reading folded ballots.** Longmont FYI . October 8, 2005. By Brad Turner, The Daily Times-Call. <http://www.longmontfyi.com/Local-Story.asp?id=4040>

¹⁷ **Primary Election Outcomes challenged** Star -Telegram, March 15, 2006 by Anna M. Tinsley. <http://www.dfw.com/mld/dfw/14108253.htm>

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April 2006	Hart InterCivic	<p>Tom Green County, Texas. Problems with new machines during voting and later recounts show dozens of original votes not counted, as well as backup ballots lost during backup procedures. Poor administrative procedures and poor training on the unforgiving, complex systems are cited as reasons for the problems.¹⁸</p> <p>In particular, election workers discovered a voting machine that had been improperly used both for early voting and at a polling place. Recount workers printed off its Election Day totals, not realizing it also contained early ballots.</p> <p>Data on 10 machines were improperly backed up after the polls closed Election Day. Because recount ballots are printed from the backups, a Hart spokesman said, the procedural error caused fewer ballots to be printed.</p>
May 2006	eScan / eSlate	<p>Tarrant County, Texas. During early elections, errors in the way voting machines were set up led to flawed ballots in some precincts.¹⁹</p> <p>When polls opened Monday, Arlington voters living inside the Mansfield or Kennedale school district boundaries couldn't vote in the southwest Arlington/District 2 council race. Also, a north Arlington voter in the Hurst-Euless-Bedford school district couldn't vote in the north Arlington/District 1 council race. The races were not on the ballot.</p> <p>... About 24,000 Arlington voters live in the Mansfield and Kennedale school districts and could have been affected by the incorrect ballots, [Gayle Hamilton, Tarrant County interim elections administrator] said.</p> <p>"No one hates it worse than we do," Hamilton said. "We have to be a little more diligent in our proofing process."</p>

¹⁸ **Recount stirs voting angst** San Angelo Standard Times, April 3, 2006 by Paul A. Anthony. Archived at: <http://www.votersunite.org/article.asp?id=6589>
Original article at: http://www.sanangelostandardtimes.com/sast/news_local/article/0,1897,SAST_4956_4591406,00.html

¹⁹ **Corrected ballots available to affected voters** Star Telegram, May 3, 2006 by Neil Strassman. <http://www.dfw.com/mld/dfw/news/14489117.htm>

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May 2006	eSlate	<p>Tarrant County, Texas. Ballot programming error on the eSlate omits contests from the ballot. ²⁰</p> <p>Two City Council races were dropped from the Tarrant County ballot in areas of the city served by non-Arlington schools because of a voting machine programming oversight, county election officials said Monday.</p> <p>...Electronic voting machines at 35 sites with the incorrect ballot were scheduled to be replaced overnight with machines bearing the correct ballot, Hamilton said.</p> <p>"Many voters could have cast ballots and not even known that they did not vote in the District 2 election," said Councilwoman Sheri Capehart, who is running for re-election in District 2.</p>
October 2006	eSlate	<p>Virginia. The review screen cuts off the last part of "long names."²¹</p> <p>U.S. Senate candidate James Webb's last name has been cut off on part of the electronic ballot used by voters in Alexandria, Falls Church and Charlottesville because of a computer glitch that also affects other candidates with long names, city officials said yesterday.</p> <p>...The error shows up only on the summary page, where voters are asked to review their selections before hitting the button to cast their votes. Webb's full name appears on the page where voters choose for whom to vote.</p> <p>...Election officials in Alexandria said they have been vexed by the problem since they purchased the voting machines in 2003.</p> <p>U.S. Senate candidate James H. Webb's name appears as James H. "Jim."</p> <p>U.S. House candidate James T. Hurysz' name appears as James T. "Jim."</p> <p>Sheri Iachetta, general registrar for Charlottesville, said the city purchased 72 machines in 2002. Election officials have had trouble displaying long names ever since.</p> <p>"We do have people complain and say they don't get it," Iachetta said. "I completely understand what they're saying, but it's not something I can control. We do a pretty good proactive job getting the word out. . . . We've tried to let the voters know that their vote will count even if they can't see the entire name on the summary page."</p>

²⁰ **Ballot problems mark 1st day of early voting.** Star Telegram. May 2, 2006. By Neil Strassman, Star-Telegram Staff Writer. <http://www.dfw.com/mld/dfw/news/local/14479735.htm>

²¹ **Some Voting Machines Chop Off Candidates' Names: Computer Glitch Affects Voters in 3 Jurisdictions; Error Cannot Be Fixed by Nov. 7.** Washington Post. October 24, 2006. By Leef Smith Staff Writer http://www.washingtonpost.com/wp-dyn/content/article/2006/10/23/AR2006102301178_pf.html

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October 2006	eSlate	<p>San Mateo County, California. A news report says that trained personnel entering test votes on the eSlate made errors on 40% of the test ballots in the first day of testing; 25% of the ballots the second day; and 14% the third day. Voting integrity advocates worry that voters using the machines for the first time will have comparable error rates. ²²</p> <p>VotersUnite has learned that this is a misrepresentation of the facts. We received this information from Dennis Paull, a county poll Inspector and election observer for the Democratic Central Committee, who attended the testing (our highlighting):</p> <p style="padding-left: 40px;">The testing consisted of 8 teams of 2 testers each. Each team had a reader and a eSlate operator. The tests consisted of entering votes per a predefined script, 25 different ballots for each of 58 precincts in three languages.</p> <p style="padding-left: 40px;">The 40% error rate refers to the precincts tested, not to the ballots entered. 40% of the precincts were found to have one or more of the votes entered on one or more of the 25 ballots be in error. So the error rate per ballot was closer to 1.6%. The number of races per ballot varied but the max was 43. Thus the error rate per vote was closer to .04%.</p> <p style="padding-left: 40px;">The elections staff attributed the errors to tester errors. They repeated the entry of all ballots for the precincts that showed an error. Again, the error rate was about the same but the number of precincts was reduced. This was repeated twice more and finally all votes came out as expected.</p> <p style="padding-left: 40px;">I do not consider this test procedure to be appropriate as it is not clear whether the errors were people errors or random machine errors. So it is not at all clear whether the machines will function correctly on election day. But the testing at least showed the entry of precinct-specific election data was most likely correct.</p>

²² **Officials see significant errors in electronic voting test run.** The Examiner. October 24, 2006. by Edward Carpenter.
http://www.examiner.com/a-359447~Officials_see_significant_errors_in_electronic_voting_test_run.html
 Archive at <http://www.votersunite.org/article.asp?id=6664>