

November 15, 2012

The Honorable Ken Detzner  
Florida Division of Elections  
Room 316  
R.A. Gray Building  
500 Bronough Street  
Tallahassee, FL 32399

**VIA FACSIMILE: (850) 245-6125**

Dear Mr. Secretary,

We wanted to apprise you of our latest findings after the St. Lucie County Supervisor of Elections, through her legal counsel, released to us today some of the public records we have been requesting since last week. We understand that your auditors are currently meeting with staff of the Supervisor of Elections, and we ask that you provide this information to your auditor in hopes that actions can be taken to ensure all votes from St. Lucie County are properly and accurately counted.

Our findings are summarized in some detail below, and we hope this information will assist your staff as they conduct their review of the St. Lucie County records. We trust that you and your staff will be able to resolve these questions and provide an appropriate remedy before permitting St. Lucie County to certify its vote totals to the Department of State on Sunday, November 18.

### **Early Voting**

We have found that a total of 237 voters who have been disclosed as signing in to vote at an early voting location, but whose votes appear to have been not been counted at all. These voters have no precinct assigned to them in the data upload posted on your website and provided to you by the St. Lucie County Supervisor of Elections.

After reviewing the election returns from the county's vote counting system by precinct,, we have found a total of 110 early votes cast in precincts where there are not enough early voters signed in to support that number of votes cast. For example, in precinct 28, the Division of

Elections website shows that 488 persons voted in that precinct during early vote. However, the St. Lucie County election returns show that 499 early votes were counted in that precinct. Similarly, precinct 85 shows 2,458 voters having signed in at an early voting location for early voting, while the county's vote counting system shows 2,472 votes cast early in that precinct. This reflects a difference of 14 votes.

There are also some 211 votes that appear not to have been counted at all. For example, in precinct 50, data shows some 1,476 voters having signed in, but the total votes counted (including undervotes and overvotes) is only 1,446. This results in a difference of 30 votes that appear to have not been counted at all. In precinct 71, 1,020 voters signed in to vote, but the vote counting system reports only 977 votes cast. This is a difference of 43 votes.

### **Absentee Voting**

We have found that a total of 121 voters disclosed as returning absentee ballots are not assigned to any precinct and do not appear to have had their votes counted. The early vote data accessible on your website, and provided to you by the St. Lucie County Supervisor of Elections, indicates that these voters have no precinct assigned to them.

Comparing the election returns for absentee voting by precinct to the data available from the Secretary of State's website (which had been provided to you by St. Lucie County), we have found some 269 instances where there are more votes by precinct than voters reported to have cast ballots in that precinct. For example, in precinct 50, the records reflect that 1,114 absentee ballots have been returned for that precinct. However, the precinct vote count report shows that 1,171 ballots were processed, resulting in a difference of 57 votes that do not appear to have an actual voter to support it. Similarly, precinct 85 shows that 2,886 voters returned absentee ballots, but 2,907 votes are reported to have been cast in that precinct. This reflects a difference of 21 votes.

Additionally, we have identified circumstances where there appear to have been ballots returned by actual voters that are not reflected in the absentee ballot count by precinct. The bulk of these appear to come from precinct 14, which includes a portion of the City of Fort Pierce.<sup>1</sup> In that precinct, 607 absentee ballots were reported as having been returned, but only 559 absentee ballots were counted in that precinct. This is a difference of 48 votes that appear to have been omitted. Notably, this amount exceeds the margin of victory in the City of Fort Pierce Mayor's race.

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<sup>1</sup> We note that on November 14, 2012, the County Canvassing Board conducted a recount in this race, and the difference between the certified winner after the recount and her opponent was a mere 45 votes. Furthermore, with respect to that race we have two other notes. First, the total number of votes counted in that race declined by 10 votes from the November 11 selective re-feed to the November 14 recount. Second, while ballots not containing a vote for the mayoral race were supposed to have been manually removed during the recount and not run through the machines, the Supervisor's election returns after the recount indicate that 201 absentee ballots were fed through the scanning machines, but no votes were tabulated for those 201 cards. Either the cards contained under or over votes and were not removed, or 201 votes were scanned and not tabulated.

## Conclusion

While we have not yet been provided access to the poll book information for votes cast on Election Day, our examination of the early and absentee ballot information raises significant questions relating to nearly 1,000 votes. We can provide a detailed spreadsheet containing our precinct by precinct analysis of the early votes and absentee ballots in the event your office desires additional detailed information.

We hope to continue our examination of records upon receipt of additional information from the St. Lucie County Supervisor of Elections, but we believe it is incumbent upon the Secretary of State to examine these returns and take any action necessary to ensure that the votes cast in St. Lucie were accurately counted.

Based on the information we have examined, we still believe that serious doubt exists as to the accuracy of the vote count so far reported by St. Lucie County.

Sincerely,

/s/ Jason Torchinsky

Jason Torchinsky

P. Christopher Winkelman

Counsel to Allen West for Congress

Cc: Daniel Nordby, General Counsel, Department of State  
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