



To: Technical Guidelines Development Committee
Date: December 7, 2009
From: Paul Malischke
Subject: Changes to VVSG regarding overvotes

Please consider making the two changes described below regarding overvotes. Data from the November 2008 election reported by the Florida Secretary of State has exposed a flaw in how some Precinct Count Optical Scan (PCOS) systems handle overvotes. A PCOS system that did not immediately return the overvoted ballot had an Election Day overvote rate that was 18 times that of a system that did.

Please make these two revisions to the 2005 VVSG and Version 1.1 revision of the 2005 VVSG:

Change #1 Section 4.1.5.1.d Ballot Handling
iii. In response to a ballot with an overvote the system shall:
•Immediately Return the ballot

Change #2 3.2.2.2 Non-Editable interfaces d. If the PCOS system has notified the voter that a potential error condition (such as an overvote, undervote, or blank ballot) exists, the system shall then allow the voter to correct the ballot or for the ballot to be submitted ~~to submit it~~ as is.

Rationale for Change #1: The Florida Fair Elections Center investigated the data from the Secretary of State. Their report concluded that by not having the overvoted ballot immediately returned, the voter was forced to make a decision without being able to check the ballot, and that there was pressure to make a decision since others could not vote while the overvoted ballot was being held by the scanner.

Rationale for Change #2: The original wording requires that the system “allow the **voter** ... to submit it as is.” However, many jurisdictions prefer that pollworker intervention is required before a voter submits a spoiled ballot. Independence is laudable for most voting functions, but independence should not extend to casting a spoiled ballot without getting an explanation from a pollworker. The revised wording allows a PCOS to have the override accessible only to a pollworker, which I believe is preferable for an overvote. For an absentee ballot with an overvote, the pollworkers may not be able to discern voter intent and may have to use the override.

Links to the reports from the Florida Secretary of State and the Florida Fair Elections Center are available at <http://www.fairelectionswi.com/Overvote/Overvote.html>

Fair Elections Wisconsin is an independent all-volunteer organization working for elections that are accurate, well administered, and transparent.
www.fairelectionswi.org P.O Box 1122, Madison 53703