

Proposed Federal Legislation Text

- (1) All votes for Federal offices – President, Vice President, U.S. Senators, and U.S. Representatives – shall be cast on paper ballots for the November 2004 general election.
- (2) All such votes cast on November 2, 2004 shall be hand counted in public view from the original ballots at the polling places where the votes were cast, and the manual count shall constitute the official count of the votes.
- (3) Hand-counted, polling place totals for all Federal offices shall be prominently posted at the polling places before the ballots are transported to the central facility.
- (4) In any jurisdiction where votes for Federal office are cast on punch card or optical scan ballots and also counted by machine, the machine totals for Federal offices shall also be prominently posted at the location where the votes are machine-counted.
- (5) All absentee votes and early voting votes for Federal offices shall be cast on paper and hand counted in public view from the original ballots at a predetermined, publicly-announced place and time, and the totals shall be prominently posted at the central election office immediately on completion of the counting.
- (6) Precinct results shall be tallied manually or using off-the-shelf products, such as calculators or standard spreadsheets.

Implementing Hand Counted Paper Ballots for 2004 Federal Races

The EAC is warning election officials to prepare for recounts, and both parties are preparing to challenge election outcomes. These burdens born by the states after the election could be significantly reduced by spending the minimal time and money before and during the election to implement this proposal.

What votes would be counted by hand?

Only the votes for President, Vice President, U.S. Senator, and U.S. Representative would be counted by hand. This would entail counting three races in each precinct of states where a Senator is running for re-election, two races in each precinct of other states.

How would the federal paper ballots be provided in punch card and optical scan counties?

Standard ballots used for machine counting would also be used for hand counting.

How would they be provided in lever and DRE (paperless electronic voting machine) counties?

The two or three federal races would simply not be included on lever machines. The federal races would be removed from the electronic ballot definitions of DRE machines. Changes to electronic ballots can be done with little effort on short notice at the county level. In the recent 2004 Georgia primary, an error printed on absentee ballots was corrected on the electronic ballot shortly before early voting began.

The two or three federal races would be printed on paper ballots. In DRE counties, it is likely that the ballots will already be designed and residing in the computer. Since the ballots would not be scanned, the text would not have to be carefully aligned and could be printed on any paper allowed by state law. In many states, ballots could be printed on 8-1/2 x 11 white paper at any local printer for less than 10 cents per ballot.

Voters would be assigned to a lever or DRE machine and would also be given a paper ballot for federal races. The ballot might be clipped to a clipboard which has a pencil attached, so the voter could easily mark the ballot in the privacy of the standard voting booth.

Note: Combining electronic and paper ballots in the same election has been done successfully in the past. In Pompano Beach, Florida in March 2004, one issue was on a paper ballot, the rest of the races were on the electronic voting machines. According to a Travis County, Texas election judge, May Schmidt, paper and electronic ballots have also been combined in several elections she conducted. In all cases, neither voters nor poll workers found it confusing.

How would the paper ballots be hand counted?

At the polling places, poll workers would tally the two or three federal votes by hand. Templates could easily be made that would help the readers focus on the races to be counted, hiding the others from view. Estimates obtained from experienced counters for the time required to count two to three votes on 500 ballots vary from two hours to four hours.

In states that allow it, such as Idaho and Texas, the tallying process would start before the polls close and be completed by the sequestered counters shortly after the polls close. In other states, the votes would be tallied by hand during the two to four hours after the polls close.

Precinct results would be prominently posted at the polling sites. A second copy would be taken to the central tabulating facility. Publicizing the results before the ballots were transported to the central office would reduce paper ballot fraud significantly. Precinct results would be used to tabulate the results **outside** any election management system provided by vendors, in order to provide full transparency and guard against errors and vulnerabilities in those systems.

Standards detailing what constitutes a valid paper-ballot vote are available from the Secretary of State's office in states that use hand-counted paper ballots in some counties. Handbooks explaining the hand-tallying process are also available. States without such standards and procedures in place could easily obtain appropriate guidelines from sister states.

How much time would be required to prepare for this change?

Ballot printing. Federal paper ballots could be printed by the DRE and lever counties in less than two weeks. Some printers require only a week lead time, less for an important rush job.

Ballot certification. In DRE and lever counties, county officials would need to design the ballots and, in some states, get them certified. Since the ballots would be simple, this could be accomplished very quickly. DRE counties could use the computerized templates they have already prepared for the election, including rotation and language differences, to complete the ballot designs with little notice.

Poll worker training. Election officials we have consulted declare that training poll workers to hand count ballots is very easy and quick. The training could easily be included as part of the standard training, or it could be accomplished in a brief additional training session before the election.

Additional poll workers. In some counties, additional poll workers might be required. Much of the difficulty of recruiting poll workers is caused by the use of high-tech equipment. Since it requires no technical knowledge to count paper ballots, recruitment would be much simpler. Increasing numbers of citizens are expressing interest in participating in the election process, and they could be easily recruited to count paper ballots.

Voter education. Virtually no voter education would be required. Every citizen who has taken a test in school knows how to mark their choice on a piece of paper. The only education needed could be done in minutes at the precinct by the poll workers when they hand the voter the paper ballot.

Overall estimate. These changes could be implemented in two weeks, possibly less. Since early voting begins on DREs in mid-October in three states, if the law were in place by October 1 (as late as October 7 if necessary), this is feasible.

What additional costs would be incurred and who would pay?

Funds could be appropriated within the legislation. The cost would be minimal when compared to the hundreds of millions that could be spent untangling legal challenges in every state. Estimates below for additional costs are deliberately inflated.

200,000 polling places, each with an average of 4 people spending 4 hours to hand count at \$12 per hour. ¹	\$38,400,000.00
Supplemental paper ballots for 50 million voters (DRE and lever only) at 10 cents per ballot.	\$5,000,000.00
Hand book supplements. 10 pages - 1 per polling place. (2,000,000 sheets at 10 cents per sheet)	\$200,000.00
Tally sheets - 4 pages per polling place	\$80,000.00
Additional employee or consultant time for training and ballot revisions. 3200 counties, 40 hours, \$75 per hour.	\$9,600,000.00
Estimated total	\$53,280,000.00

¹ According to Doug Lewis, Executive Director of the Election Center, the United States has nearly 200,000 polling places and 800,000 voting machines. There are also 1.4 million poll workers and 20,000 full-time election officials who administer elections. http://www.wired.com/news/evote/0,2645,64781,00.html?tw=wn_tophead_1

Estimates based on 100 million voters, 30 million voting on DREs, 20 million voting on levers.