

QUESTIONS FROM AND ANSWERS TO COMM. DIANE ELLIS-MARSEGLIA (FEBRUARY 2019)

Janis

Thank you for the information packet on Voter systems. I read all of it.

I remain, as I have since 2007, in favor of hand marked paper ballots. If I had to make the decision today I would select Clear Ballot.

I do have 3 questions that were not really answered in the material you provided. I ask them because they are, by far, the question I am asked MOST often by folks who do NOT want paper ballots. They are: what about people who mark off 2 rather than one choice (or 4 rather than 3 in a judicial race like we will have in May). What if they skip a vote and didn't mean to. Folks worry about two factors:

1. the nightmare of Florida re-count when election officials had to decide on voter "intentions" (I have seen this myself in Bucks with absentee ballots and Provisionals and it is amazing how 2 people can see an intention so differently.)
2. LONG confusing lines issues when a voter gets t the scanner and the unmarked or incorrectly marked ballot is "caught" by the scanner

The third question is about adequacy of determining write-ins on the hand ballot or by using the supplemental BMD.

I KNOW that the scanner machines are more sophisticated than when I was in elementary school doing tests...but there will still be human errors and human misinterpretations.

Diane M Ellis-Marseglia, LCSW

Bucks County Commissioner

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Thanks, Diane, for reading the report and reaffirming your support. We've appreciated that you have supported the cause for a paper-ballot system for years, and count on your continued help to finally get one in place for Bucks!

I'm very happy to answer your questions.

Your first asks how overvotes (vote for more than allowed for a race) and undervotes (leave some blank, whether on purpose or accidently) are handled by a scanner. All scanners can be programmed to detect overvotes, and I'm quite sure most/all can be programmed for undervotes, too. People's concerns seem to be about lines forming.

About hand-marked paper ballots:

Normally, inserting a ballot at the scanner takes mere seconds, so lines are not a problem. If a voter inserts her paper ballot that has an overvote, the scanner will automatically spit the ballot back out to the voter with a notice on the screen indicating what the problem is. This part just takes a few seconds. An overvoted ballot

is automatically invalid, so she just gives that spoiled ballot to a pollworker (I'm sure precinct protocol will have one stationed near the scanner all the time) who will issue her a new ballot. She'll just go back to a privacy booth and fill out a new one. She won't be holding up the line. The spoiled ballot will be voided and kept by the JoE so all ballots are accounted for.

A scanner programmed to detect undervotes will also spit the ballot back out with a message on the screen to alert the voter. If the voter intentionally left some races undervoted or blank, she just re-inserts the ballot right away a second time and the scanner will accept it. If she wants to fill in what she missed, she can fill in right there (especially if no line) or just step away to a booth and fix how she wants, then rescan.

The ability of the scanner to do these things with hand-marked paper ballots is a feature of good election practices, since it helps voters complete their ballots as they intend, without causing lines. Having voters fill out ballots in one of the many privacy booths means they can take whatever time they need and there are basically no lines to actually cast their votes on the scanner.

Ballot-marking device (BMD) paper ballots:

Having all voters filling out their ballots on BMDs, however, has the opposite problem. Each voter takes quite awhile to vote on those and lines will form.

- There are procedures to get the machine activated for each voter, usually inserting a card or ballot.
- Then reading, understanding and navigating touchscreens (some are quite confusing, and it can be easy to miss things) takes time.
- If at the end of the process, the BMD indicates you over- or undervoted, you have to go back (scroll through screens? Hit back buttons?), try to correct, get back to final screen before you print out machine-generated ballot.
- THEN, can you actually verify that the printed ballot truly reflects what you intended (format is printed differently than your screen "ballot", can you remember all the races and are they all on the paper ballot, can you or will you read the tiny print)?
- If you do find a mistake on the printed ballot (and is it one you made or the machine made?), you have to start completely over on the machine. Find a pollworker, have him invalidate your ballot, get a new activation card or ballot, and do it all over again. Many voters either won't do this because they don't want a fuss or hold up the line even longer or give up. None of these options are good, to put it mildly.
- The worst problem is one you can't detect or fix: most BMDs print ballots that use **barcodes** that allegedly represent your ballot choices, and those are what the scanner reads! NOT the alleged human-readable print!
- If you finally get a (maybe verified?) machine-generated paper ballot in your hands, you must scan it. ES&S has a scanner in each BMD (terrible idea but that explanation can be another time), Unisyn and Dominion have narrow slips for ballots that sometimes are more difficult to get into scanner.

As you can see, most people concerned about lines at a scanner because we'll be using paper ballots are worrying about something very far down on the scale to worry about.

We're getting paper ballots in one form or another not matter what, so they need to be reassured that the hand-marked kind are really no problem. I understand why you get the questions, though, because there are many misperceptions out there. Maybe we can make a shorter handout you can give to people who ask!

After this completely long-winded answer to your first question, the next two should be shorter:

Trying to determine voter intent

Write-ins with sloppy handwriting will always be a problem to figure out—elections are for humans, who can be messy. There should be more room on a paper ballot, though, than trying to squish that write-in in a tiny Danaher machine window! Typed BMD write-ins might be easier to read but given all the huge disadvantages for their use for all voters, it's not a big enough "perk" to justify their use. We'll just have to have a PLEASE PRINT CLEARLY instruction for write-ins on the ballot? :)

As you know, many of the new scanning programs are very good for determining voter intent, even with swoosh marks, sloppy X's, not-quite-filled-in circles, etc. I've been especially impressed with Clear Ballot's technology in this regard (I'd been watching their company for 2-3 years).

As an aside, the Florida recount dealt more with mis-punched paper ballots and trying to read those holes rather than actual voter hand-marks. What a nightmare that whole thing was!

I have a few questions for you, too, but will send them a little later since this email got so long as it is. I will also email the handouts all of you have paper copies of so you're able to access the linked material if you want. Thanks again, and I hope I haven't overwhelmed you in case you have more questions (rather give too much than not enough info).

Best,

Janis