

Comment by Paul Malischke on Larry Norden's blog at <http://reformny.blogspot.com/2010/01/concerns-about-new-yorks-new-voting.html>

It's great that this important issue is being discussed. Regarding this comment in the blog:

“Automatically sending the ballot back would likely slow the process down (everytime a voter made a mistake, the machine would send back the ballot, the voter would have to review, and all the while other people would be waiting on line),”

Actually, the fastest way to handle the overvote situation is to send it back to the voter immediately. Then that voter can step aside and be counseled by a pollworker, while other voters can use the tabulator. This method has worked well in Wisconsin for over a decade with the Optech Eagle optical scan tabulator.

The way the DS200 is configured for New York, when it detects an overvote, the ballot is held by the machine. No one else can insert his or her ballot into the tabulator while the voter is deciphering the error message. If there are other people waiting behind the voter, there will be pressure for the voter to make a hurried decision without understanding the consequences. Also, the voter must make this decision before the voter has a chance to review the ballot, since it is out of view in the top of the machine! This was detailed in the superb report by Mary Garber of the Florida Fair Elections Center on page 13.

http://www.ffec.org/documents/Invalid_Vote_Report_Revised_23June2009.pdf

The Florida report was based upon 2008 data from the Florida Secretary of State's office, at <http://election.dos.state.fl.us/reports/> under the heading “Legislative Report on General Election Overvotes and Undervotes”. This is a great quality control tool and all states should issue a similar report.

The U.S Voluntary Voting System Guidelines should be changed to require optimum handling of overvotes. See my letter at <http://vote.nist.gov/ecposstatements/Fair-Elections-Wisconsin.pdf>

More information on overvotes with optical scan tabulators is at <http://www.fairelectionswi.com/Overvote/Overvote.html>

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