

To: Assembly Committee on Campaigns and Elections

Date: February 26, 2013

From: Paul Malischke, malischke@yahoo.com

Subject: AB – 24, Method of Recounting Ballots

Please support this bill, which gives the Board of Canvassers the option for a manual recount or a machine recount. In many situations, a hand count for one contest will be simpler and quicker than a machine count. In addition, hand counts will improve transparency and promote confidence in the accuracy of the count.

Transparency – Under current law, recounts of optical scan ballots are conducted by repeating the tabulation by electronic tabulators. This is not transparent. The source code is not generally available for inspection, and even if it were, few could understand it. By contrast, this bill would allow transparent hand counts.

Accuracy – Tabulators can be programmed incorrectly. One example happened in Medford Wisconsin, in 2004, where 1,500 votes for federal offices were not counted. This was not discovered until four months after the election, when a private company was gathering data for its database. This situation was missed by the City Clerk, County Clerk, Board of Canvassers, and the State Election Board. After the State Elections Board was informed of it by a newspaper reporter, they investigated it thoroughly, and I have attached their report.

Some people believe hand count is the most accurate, and some believe machine count is best. But all will be satisfied if the election night machine count agrees with a hand count done as a part of a recount.

Uniformity – One for the reasons for the current statute was uniformity. However, the statute makes uniformity of recounting impossible for many jurisdictions. Many municipalities have both optical scan tabulators, and Direct Recording Electronic machines. The current statute requires that the optical scan ballots be recounted by re-inserting them into the tabulator, but DRE paper records cannot be tabulated this way. They must be counted by hand. Therefore, currently some ballots are recounted by machine and some by hand.