

The Path to a Perfect Voting Process in the 21st Century

White Paper

Executive Summary

The technology exists today, but not the laws, to:

1. Eliminate all residual votes (i.e. under votes and over votes),
2. Make elections completely transparent,
3. Place sole responsibility on the voter to ensure that his or her vote has been recorded exactly as intended, and
4. Significantly reduce the number of contested elections.

Elimination of Residual Votes

Residual votes could be significantly reduced or completely eliminated if voters had the option of affirming their intent to under vote. Residual votes are the sum of over votes (i.e. voting for two candidates) and under votes (i.e. recording no choice for any candidate). Under votes may be intentional or unintentional. Contested elections typically focus first on residual votes to determine voter intent (e.g. the contested 2000 presidential election's review of "dimpled chads".) The voter today can lose his or her vote if there is an over vote or unintentional under vote.

Federal and/or state laws could be passed to require voting machines to prevent the recording of an over vote or unintentional under vote. Over votes, for example, have been completely eliminated from most direct recording electronic (DRE) voting machines. Unintentional under votes could likewise be reduced or eliminated if the law required the addition of a final "check box" that said, for example, "No vote – No opinion." One state, Nevada, has such an option in federal elections. That is the most likely reason why Nevada leads the other states in posting the lowest residual vote for the 2000 (0.06%) and 2004 (0.03%) presidential elections (See MIT/CalTech Study: http://www.vote.caltech.edu/media/documents/wps/vtp_wp25.pdf). Nevada's residual vote for 2000 and 2004 is 70% lower than the average of the states that do not offer the voter the option of affirming their intent to under vote.

Completely eliminating residual votes would be technologically feasible but would require legislation that mandated the voter to check at least one box for every race and vote with the direct assistance of an electronic voting device such as a DRE or precinct level optical scan device. Such a mandate could not apply, for example, to mail in ballots.

Making Elections Completely Transparent

Federal and/or state laws could be passed to make elections completely transparent. Presently, no voter in any state is allowed to prove conclusively that his or her ballot was counted incorrectly. While it is important to preserve the secrecy of the ballot, a

completely transparent election process would allow a voter to examine their ballot in the official vote tabulation and prove the tabulation to be in error by retrieving the voter's actual paper ballot for presentation to election officials. Any citizen should also be allowed to check all the ballots cast by machine, precinct or in the election jurisdiction and actually verify the accuracy of the tabulation without knowing who cast any particular ballot.

A completely transparent election process would require a "voter verified paper ballot." In addition, a limited exception to the state laws preventing voters from proving to any third party how they voted when the voter finds that the electronic vote tabulation is in error and can prove such only by showing his or her actual paper ballot.

Voters Assume Sole Responsibility for Determining Their Intent Is Accurately Tabulated

The citizen would assume sole responsibility for determining that his or her "voter verified paper ballot" was exactly as intended. There would be no election official who could be called on to discern voter intent. This would require federal/state legislation that made every voting machine generate a paper ballot that displayed how their choices were recorded and gave the voter the option to amend the ballot if it were in error. This paper ballot would be the official ballot of record in the event of a recount.

Significantly Reduce the Number of Contested Elections

The three legislative changes proposed above are designed in combination to, over time, make the election process as reliable and trusted as our states' lotteries. Every state lottery already has eliminated residual votes (e.g. not marking at least 6 numbers in a 6 number drawing), provided a paper trail (e.g. the lottery ticket) and made betters solely responsible for ensuring their intent has been accurately recorded (i.e. only the better can ensure that his or her ticket is printed accurately.) Lotteries have been conducted for years without a single contest in large part because no lottery official or outsider has ever been able to change the outcome without being detected by the betters who have their computer printed paper proof. Elections, in time, could, with the above proposed changes in federal and/or state laws, be as uncontested as state lotteries.

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