

Michigan Election Reform Alliance.org-Testimony

Statement to the House Committee on Ethics and Elections
March 18, 2008

From:

Phil Shepard, MERA Legislative Coordinator, shepard@acd.net

Jan BenDor, MERA State Coordinator, jan@bendor.org

Testimony on HB 4090 (Provide for Early Voting)

The Michigan Election Reform Alliance supports the principle of widening the window of time during which qualified voters can vote. We have earlier testified in support of No-Reason Absentee Voting for this reason. However, the provisions of HB 4090 create an unacceptable risk to the integrity of vote counting in Michigan and would require a public cost that far outweighs the benefits intended.

HB 4090 would mandate that every jurisdiction make early, in person voting available 7 days before each election. Voters would be processed in exactly the same way as on election day, including the final step of submitting the ballot to an optical scan vote tabulator. Ballot and tabulator security, election inspector staffing, poll book management, and public challenge procedures would be the same as on election day.

HB 4090 contains a key phrase: **Sec. 672 (6) Early voting ballots shall be processed in the same manner as ballots cast on election day and shall not be counted until the polls close on election day.**

Given the current vote tabulation technology mandated for use in all Michigan precincts, this provision is impossible. No optical scan tabulator can process ballots without counting them. The tabulator memory card contains a program that converts the scanned timing mark printed on a ballot, and the voter's pen mark in a bubble position, to an increment in related contests. The counter automatically computes totals for contests and ballots, and displays the total on a digital screen and on paper tape printouts.

Security for vote tabulators is already a matter of serious concern. Many vote tabulators are stored without a high level of protection between the time they are tested and when an election occurs. Tabulators can be stored in closets, local clerk's homes, even in barns. In Florida, vote tabulators are now stored in vaults with video cameras recording every aspect of the storage area.

In North Carolina, where counties run elections, and some counties use optical scan tabulators for early voting, security provisions are extremely tight. Early voting occurs in a small number of centralized consolidated precincts, at which the locks are changed before every election. Security guards are posted to make sure that vote tabulators,

ballots, precinct lists and poll books cannot be accessed from the close of one day's early voting to the opening of the next.

Adequate security for an early voting process is not anywhere described in this bill, nor is the potential cost to taxpayers, and the method for funding new mandates. In Michigan, voting precincts are not typically owned or operated by the local election administrator; thus, control over security for two weeks would be difficult to achieve and potentially very expensive.

The bill as written does not contemplate whether early ballots would be tabulated only once, by a dedicated early voting tabulator, or twice, the second being tabulated by a precinct tabulator. In small jurisdictions, there may only be one tabulator available, so the same machine is necessarily going to be used on election day. In many medium jurisdictions, there are no extra tabulators now, and all existing tabulators by law must be tested and then left sealed and unused until the opening of the polls on election day. The purchase of an extra tabulator dedicated for early voting would cost \$5,000-\$7,000 per tabulator.

The ultimate assurance of election integrity resides in the quality of sworn election workers and their training. Local election administrators now have difficulty recruiting election inspectors who possess the education and experience level to match the challenge of following our current intricate election procedures, laws, and ever-changing rules. It is hard to imagine where such personnel could be obtained, to staff an entirely new polling place for two weeks, and for up to five elections a year. The premium pay needed to attract such personnel would certainly exceed local election budgets, already strained by a recent proliferation of elections.