



Testimony in Support of H. 600 and S. 324
Secure Voting Equipment and Paper Ballots
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Joint Committee on Election Law
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Presently, Massachusetts law does not require the use of paper ballots. Although every precinct in the Commonwealth currently uses paper ballots, H. 600 and S. 324 would require all elections to be conducted using voter-verifiable paper ballots. The ability of a voter to verify his or her vote on a paper ballot is important to ensuring the reliability and integrity of our electoral system.

Throughout the country, the use of touch screen voting has led to a decreasing sense of trust in the accuracy and security of voting. These machines, like any other, are subject to malfunction, and like many computer systems also subject to potential manipulation. In 2006, malfunctions of paperless touch-screen voting in a close Congressional race in Florida led to lawsuits and the eventual decertification of these machines across the state.¹ Nineteen states plus Puerto Rico currently use paper ballots in all elections. Another ten states use a mixture of paper ballots and touch-screen voting machines that provide printouts prior to a voter submitting his or her ballot.²

But machine malfunctions and the potential for manipulation are not reserved only for touch-screen machines. Optical scanners are also potentially at risk. What makes them superior is that they can be recounted and audited to ensure that they are in fact performing as accurately as possible. In fact in dozens of races across the country optical scanners like we use in Massachusetts have malfunctioned or worse, lost hundreds of votes and even declared the wrong winner. For example:

- In Clay County, Kansas, an optical scan voting system showed that a challenger in a primary race for county commissioner seat had won. The results were challenged and a hand recount showed that the incumbent commissioner won by a landslide.³
- In Maricopa County, Arizona, the original totals in the Republican primary for state House in District 20 showed that one candidate led his closest competitor by only four votes. The small margin led election officials to conduct a recount. The optical scan recount found nearly 500 additional votes for the five candidates in the race, and the initial second place candidate won the election by 13 votes.⁴

These examples demonstrate that it is critical for the law to require paper ballots that act as a permanent and physical record of the vote.

Voters deserve election equipment they can have confidence in, with a permanent paper record that is randomly audited for accuracy *after* the vote, as well as before, to ensure that our votes are being properly counted (H. 1980, also before you today, would require a manual audit of one percent of precincts – see our separate testimony for more details).

We respectfully urge you to give these bills a favorable report.

¹ Voter Action, *Counting the Votes: State and Local Governments Act to Ban DRE Voting Systems as Insecure and Unreliable* at 7 (Feb. 5, 2008), available at [http://www.voteraction.org/files/VA_Summary_state_actions\(1\).pdf](http://www.voteraction.org/files/VA_Summary_state_actions(1).pdf)

² Verified Voting, *America's Voting System in 2010*, available at <http://www.verifiedvoting.org/> (updated October 20, 2010)

³ Common Cause, A Master List of 70+ Voting Machine Failures and Miscounts by State, available at <http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/MASTERLISTOFMACHINEFAILURES.PDF>

⁴ Id.