



## GET INVOLVED: Secure Public Interest Voting Machines!

FairVote - The Center for Voting and Democracy – 2005

**ACT NOW:** The Help America Vote Act (HAVA) set a January 1, 2006 deadline to have at least one machine per polling location that is accessible to people with disabilities. The law further requires states to provide for voter error notification and correction, a permanent paper record, and alternative language accessibility. HAVA provides millions of dollars to states to purchase or upgrade machines, so long as they are installed by September 2006. As a result, many **states and counties are scrambling to purchase machines** before the deadlines.



Now is the time for citizens to contact state and county election officials and urge them to only purchase machines that are ready to use all ballot types and electoral systems used in the United States (like instant runoff voting, choice voting, cumulative voting, limited voting, fusion voting, and straight-ticket voting).

Failing to address this issue before contracts with machine vendors are signed will mean that commonsense reforms such as instant runoff voting will effectively be blocked from being implemented. Given the federal government's one-time grants of money to states to upgrade equipment, few states and counties will make purchases again for years. Furthermore, upgrading newly bought equipment for these and other options later on is often cost prohibitive, thereby blocking reforms. As a result, **the time to secure public interest voting machines is now!**

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***Ensuring your community meets public interest voting machine standards will preserve its options for electoral improvements in the future, and will prevent the voting machine choices made today from blocking reform choices tomorrow.***

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**Requiring Public Interest Standards:** Instant runoff voting (IRV) and proportional voting systems are used in dozens of communities and are under discussion in many others, but a key concern about their use is often voting machine compatibility. One of the realities of our current electoral process is that privately-owned, for-profit election equipment vendors have the power to act as gatekeepers on public interest standards. As states continue upgrading voting equipment and spending their HAVA funds, voting machine certification standards and Request for Proposals (RFPs) must include a requirement for machine-readiness with all electoral systems and ballot designs used in the United States. All major vendors *can* meet this requirement -- as attested by the fact that all have bid for contracts that require compatibility -- but they likely will not meet it unless required in their contract.

**Readiness vs. Compatibility:** Note here, that the term "machine readiness" should be distinct from being merely *ranked-ballot capable or compatible*. Machines that are compatible are merely those where the vendor assures that the capability exists to upgrade or retrofit the machines to use ranked-ballots (usually at an additional exorbitant cost). Machines that are ranked-ballot ready, on the other hand, are immediately ready to use the ranked-ballot voting systems. **Advocates must seek machine readiness, not merely machine compatibility.**

**A Tale of Three Cities:** The experience of **San Francisco** demonstrates that there is a key difference in these terms; its machine vendor responded to an RFP requiring instant runoff voting **compatibility**, but after voters passed IRV, that compatibility turned out to be far different than being ready to run the system. When the city sought to actually implement IRV, the vendor then required \$1.6 million to retrofit the machines to be ranked-ballot ready. It took more than two years for the company to produce certified equipment able to run IRV, resulting in confusion and a lawsuit against the city when it missed implementing IRV on schedule for the mayor's race in 2003.

In contrast, when **Cambridge (MA)** sought **readiness** for a ranked-choice ballot in its RFP in January 1996 in order to run its proportional voting elections, the city had machines by that fall at the extra cost of only \$40,000 ready to run ranked choice elections. But in **Ferndale (MI)**, where voters overwhelmingly approved IRV by a ballot measure in 2004, their county in 2005 bought new voting equipment without requiring ranked-ballot readiness. The city found that the new machines would not accommodate their new IRV system, thus threatening to stall IRV indefinitely. Having a flexible machine that can anticipate the potential use of other voting systems, even if not yet being used, will ease the work of election administrators later and make policy more predictable. Furthermore, it preserves to make democratic reforms at a later date. **Remember, before a county or state has signed any contracts is the time when its bargaining power to make such demands is greatest.**

**The Solution:** FairVote believes that machine limitations and costs of retrofitting existing voting machines should not limit debate on the merits of instant runoff voting and proportional voting. To ensure that this does not occur, we advocate that machine certification standards and requests for proposals (RFP's) require any new machine purchases to be ready to use any and all types of ballots in use within the United States.

#### **Sample RFP/Legislative Language for Instant Runoff/Proportional Voting**

A clear way to ensure machine compatibility is to include in an RFP or legislation the following requirement: "Systems shall be ready to implement instant runoff voting and any other ballot types in use within the United States. Particularly, systems shall allow voters to mark and have their ballots registered according to the specific needs of instant runoff voting and be able to tabulate votes according to the specific logic of instant runoff voting. If systems do not meet the above requirements, then they shall be adapted to do so within one year [or two years] at no extra expense to the State of XXXX or the Counties therein."

**Broader Public Interest Concerns:** Decisions about machines being made today will affect the flexibility to meet other public interest machine standards in the future, such as:

- Voter verifiable audit trail (VVAT), to ensure results can be audited and voters can know their vote was properly counted.
- Easily loaded foreign language ballots, so that communities can, without great expense, ensure all voters can participate in the political process.
- Precinct-based error correction to allow voters to fix mistakes before leaving the polls.
- Accessibility and privacy for voters with disabilities to ensure equality at the polls.

These public interest features should be required **at the same time** as ranked ballot readiness. See [www.FairVote.org/flexibility](http://www.FairVote.org/flexibility) for more information.