



miami-dade election reform coalition

**QUESTION:**

**WHY MUST WE HAVE VOTING MACHINES THAT CREATE A PAPER RECORD OF EVERY VOTE CAST?**

**ANSWER:**

**TO PROMOTE RACIAL EQUALITY AND BECAUSE EVERY VOTER HAS THE RIGHT TO BE HEARD AND TO HAVE HIS VOTE COUNTED**

The right to vote necessarily includes the right to have votes recorded and counted accurately. In the 2000 election, according to the U.S. Commission on Civil Rights, "The disenfranchisement of Florida's voters fell most harshly on the shoulders of black voters." In September 2002, in the Democratic primary election, Miami-Dade County used new Direct Recording Electronic (DRE) machines for touch-screen voting. Widespread problems with the new machines and their use caused chaos in the election. The primary was a disastrous experience for voters throughout the county. The impact of these problems again fell disproportionately on African-American voters

A study of 31 problem precincts conducted by the Florida ACLU found that 18,752 voters signed the rolls to vote, but only 17,208 votes were recorded. ***This means that a total of 1,544 votes were lost in those precincts, a lost vote rate of 8.2%.*** The ACLU reported that approximately half of the lost votes were from African-Americans. These lost votes echoed the failures of the 2000 election. According to the Miami Herald, the rate of under- and over-votes in those 31 precincts had been 6.75% in November 2000. The ACLU also reported a large disparity when the rate of problems at majority black precincts was compared with the rate in majority non-black precincts.

The new machines brought a new problem: lost votes could never be recounted. In fact, it was not possible to prove whether the votes had been cast at all! The computers avoided the problems of punch-card ballots in determining the intent of the voter with under- and over-votes. But the result of the new system was that it was impossible to prove why votes had been lost. Some people may have left the polls without voting, although voters generally sign in after they have waited through lines. Some voters may have failed to press the red "VOTE" button on the machine. Pollworkers were instructed to press the "VOTE" button if a voter failed to do so, but the pollworkers may also have failed to press it. Or perhaps the machines failed to record the votes at all. Unlike the 2000 election, there was no way to establish the cause of lost votes in black communities.

If African-American voters were to again experience the loss of effective voting power that happened in Florida in 2000, there are two ways in which the impact of



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disenfranchisement might become difficult or impossible to prove. The first would occur if the state stopped collecting data on race so that evidence of racial concentration in precincts disappears, effectively hiding the racial impact of lost votes. The second way to affect the evidence of disenfranchisement occurs when the measure and intent of uncounted votes can never be taken. That is what happened in Miami-Dade in September 2002. Without a voter-verified record of every individual vote, lost votes are gone forever, and the causes of lost votes in minority communities cannot be identified with certainty and addressed effectively.

Electronic voting machines have brought new problems that demand accurate auditing and recounts. Hardware and mechanical problems, software problems, and problems experienced by voters or pollworkers in the process of casting votes may cause problems with recording votes. If a paper record is produced at the same time the vote is recorded, then it will be clear whether votes were recorded properly in the event of power failures or other problems. If voters forget to push the button to finalize their votes, they will be able to see that the paper record has not yet been completed. Audits can be thorough, checking paper records of the individual votes against the machine totals and checking machine totals against voter rolls. Machine problems will be detected more quickly because voters will be able to identify problems as they develop. A voter-verified paper record of every individual vote cast is also necessary for recounts. Unless the totals for each machine can be audited and checked against individual paper records of each vote, votes may still be lost. Finally, the ability to verify a paper record increases voter confidence that the vote will be recorded and counted correctly.

As the Florida Supreme Court has said, “The right to vote is the right to participate; it is also the right to speak, but more importantly the right to be heard.” *Boardman v. Esteva*, 323 So.2d 259 (Fla. 1975). Our experiences in Miami-Dade County have proven that votes can be lost on DREs. A voter-verified paper record of every vote is necessary to protect every voter’s right to be heard.