



ELECTION BULLETIN

To: All Town Clerks that have (or will have by the end of June) Accuvote Optic Scan Tabulators

From: Kathy DeWolfe

Date: April 30, 2004

Re: **Accuvote Optic Scan Vote Tabulators -- Updates**

Several clerks mentioned that it might be helpful to have periodic updates for all Accuvote users, so this will be the first of a continuing series of informational bulletins.

For the September 14, 2004 Primary Election, there will be a total of 73 towns using the Accuvote Optic Scan Tabulators. Most of the former Optec III P and Optec Eagle users converted to the Accuvote tabulators in time for the March Presidential Primary. The remaining 3 Optec towns and towns that voted in March to use tabulators will be receiving the ballot boxes and tabulators from LHS during May and June. The ballot boxes will be delivered by UPS and LHS technical staff will personally deliver the tabulating machines so that everything can be assembled and checked by LHS staff. LHS will contact each clerk to arrange an appointment for delivery of the tabulator(s).

All of the vote tabulators that were purchased by the State for your use will be covered for maintenance in 2004 and 2005 without any additional maintenance agreement. Your town should already have a maintenance agreement in place for tabulators that the town had already purchased prior to HAVA. LHS will be providing annual maintenance for the tabulators and will contact each of you directly to make arrangements for service.

OVERVOTES: Remember that on election day, federal and state laws now require that the tabulators must be configured to "reject" any ballot that contains an overvote (voter has filled in more ovals than the "Vote For Number" for that race.) The presiding officer for each polling place using tabulator(s) must decide how you want to proceed or want to instruct your election officials to proceed when the tabulator rejects a ballot because of an overvote. When the tabulator does not accept a ballot due to an overvote, the DISPLAY will indicate "Overvote," and also tell you the first race in which an overvote occurred. The election official must explain to the voter that the ballot has not been accepted by the tabulator because of an overvote and offer the voter the opportunity to have that ballot spoiled and have another ballot to vote. If the voter declines, and does not want to vote another ballot, the election official can unlock the top plastic tab and press the YES button while the voter reinserts the ballot, OR the election official can ask the voter to place the ballot in the emergency bin on the left side of the ballot box. Each presiding officer will need to decide which procedure you want to follow and instruct your election officials accordingly. If you place the overvoted ballots in the emergency bin, at the end of the polling hours, you can unlock the top plastic tab and reinsert each ballot into the tabulator while pressing the YES button before you do the END VOTE procedures. The procedures for inserting ballots with overvotes are outlined in the printed materials provided by LHS. Please make sure your election officials understand how you want them to handle the overvoted ballots.

TRAINING SESSIONS: LHS is providing 2 additional full training sessions on the Accuvote tabulators (for new users and all clerks who would like a review of the entire process) and 2 "review sessions" for clerks to ask questions, clarify instructions, and share tips for use of the tabulators. You will receive a letter directly from LHS providing the details of these sessions. I will also attend all 4 sessions to respond to questions. If you have any questions/concerns involving the use of Accuvote tabulators, I strongly suggest that you attend one of these sessions.

Questions/Concerns raised during the Presidential Primary: All in all, I think that the transition to the Accuvote tabulators went very smoothly. Congratulations to all of the town clerks and election officials involved.

Technical Assistance: LHS had 6 technical staff in Vermont for the Presidential Primary and will have technical staff in Vermont for the September Primary and the November General Election. LHS staff does not make unscheduled visits to polling places on election days. It is our intention to have the staff located at several different places throughout the state where they have cell phone reception and where they can drive quickly to any polling place that may need on-site technical assistance. As was stressed at the training sessions, many technical issues can be resolved over the telephone with LHS staff. If your problem cannot be solved over the phone, then LHS will send a technician to your polling place as quickly as possible. You will not have "visits" from LHS staff on election day unless you call for assistance and the assistance cannot be provided over the telephone.

Ballot Box/Tabulator Prong Connection: A number of towns experienced difficulty with the ballot box bin deflector because the prong connection between the tabulator and the ballot box became dislodged or unconnected. LHS technical staff will visit each town to install a "fix" for this issue.

Ballot Box Bins: Although the ballot box and tabulator are designed to have the deflector place ballots correctly in the "write-in" bin or the "fully counted" bin, there may be times when ballots land in the wrong bin for a variety of reasons. Because Vermont statutes require that election officials count all ballots where the voter's intent to cast a vote for a particular candidate is clear, election officials will need to quickly look at all ballots, not just those ballots in the emergency bin or write-in bin, to find those ballots where there are write-in candidates as well as ballots where a voter has circled a candidate's name or used some other marking to indicate intent but has not filled in the oval as instructed.

Emergency Bin: Before you insert the ENDER card into the tabulator, it is a good practice to try to insert each ballot from the emergency bin into the tabulator to reduce the number of ballots that may need to be counted by hand. Remember that if a ballot contains an overvote, you will need to unlock the top front tab and press the YES button at the same time as you insert the ballot.

Election Officials too near the tabulating machine: Each election we receive a number of complaints from voters around the state expressing concern that an election official is standing right next to the tabulating machine and "reading" the ballot as the voter inserts it into the machine. If you have one of those election officials who cannot resist being too close to the machine, we suggest that you assign that official to another election day duty or that you place an X with duct tape on the floor about 4 feet from the machine and ask the election official to stand on the X.

Combining the tabulator printout results and the hand count results for the ORV: The tabulator printout will contain some numbers that you may not be able to perfectly reconcile when you are preparing your ORV unless you meticulously track and adjust the spoiled and blank numbers as you find write-ins or other expressions of voter intent that constitute a vote. While it is reassuring to have all of your numbers reconcile perfectly, the law does not require it. The most important and overriding concern during an election counting process is to make certain that each vote (including write-ins with no oval and other expressions of clear voter intent) is counted for each candidate. We ask you to track spoiled votes (including overvotes) and blanks in each race because it is a means to try to confirm that each vote has been counted. However, if your count of blank or spoiled votes for a race is off at the end of the night it is most likely because you found some write-ins or clear markings of voter intent that added a vote or votes to a candidate, and the spoiled or blank number was not adjusted accordingly. If you review your hand count tally sheets and cannot quickly find where votes were added to a candidate and the corresponding adjustment(s) were not made to the blank or spoiled tally, please just add a note describing how you think the discrepancy occurred.