

# The Twelve Principles of Sound Election Practice

## The Democracy Technology Project

- 1. The voting process should be conveniently and exclusively available, without cost, to all eligible voters.**

This requirement emphasizes the right of all eligible voters to participate in elections, but also means that people should not be able to vote multiple times or to vote if they are not eligible.

Traditionally, Progressives have been more concerned about situations in which eligible voters are not allowed to vote, and Conservatives have been more concerned about voting by ineligible people. Even though Progressives have not been so concerned about ineligible voting, historically it has been a popular means of election fraud. Thus we should all be concerned.

On a practical level, where voting by mail is allowed, the government should pay the postage both ways, and the method should be certified mail. Long lines for working people who cannot take off work for a major part of a day are said to constitute the new Poll Tax.

- 2. The voting process should elicit the feeling of democratic participation in a simple, trustworthy procedure.**

This requirement has been the most controversial of all of the requirements and has been added and removed several times.

- 3. The voting process should generate an unambiguously marked, tangible ballot that is the single record of the voter's choices.**

Having a mark on a ballot be ambiguous is the major problem with pen-, marker-, or pencil-marked paper ballots. Ambiguity

occurs when a mark or group of marks is capable of being interpreted in more than one way. Ambiguous marks are common on ballots cast in mail-in elections because food and beverages are often consumed during ballot marking or in the vicinity of ballots during the time they are in the voter's possession. Overvotes (too many votes for a given race) may occur if voters smudge the ballot with ballpoint pen ink or use whiteout to change their choice. Folds and refolds in mailed ballots can fool the optical scanner into counting a vote where none was intended.

Voting activists have in the past advocated for optically scanned tallying of ballots. The truth is that all optical scanners are unreliable for several reasons: the most damning are the inconsistency of voters' marking techniques and the scanners' fine sensitivity threshold between accepting a mark and rejecting it. Optical scanners should be banned if we value accurate tallies of votes! Because mail-in voting uses voter-marked paper ballots that often contain ambiguous marks, mail-in ballots should be the exception and certainly not the universal method of voting!

**4. The voter's privacy and the secrecy of the voter's choices should be protected.**

At one time, the privacy of voting was considered a sacred principle. In fact, voting privacy is in the Colorado Constitution. Now, election judges sometimes allow voters to sit at tables to mark ballots if the voters have no objections. However, this practice should not be allowed even if the voter does not object, because lack of privacy may allow voter intimidation or vote selling.

It is not possible to assure voting privacy with mail-in voting. The people of Colorado spoke when they voted down Amendment 28, which would have allowed all-mail-ballot primary and general elections. Also, the Colorado Constitution calls for a private vote, which is not possible with a mail-in vote.

**5. A spoiled ballot should be canceled without compromising the privacy of the voter's choices.**

When a voter makes a mistake while marking a ballot, a replacement ballot can be acquired from the election judge. Before returning the spoiled ballot to the judge, it should have been placed in a privacy ("security") envelope by the voter so that the voter's choices are not visible to election judges and others. Alternatively, the voter's marking should be obliterated on the spoiled ballot before returning to the election judge.

The spoiled ballot should remain in the privacy envelope until it can be incorporated with other spoiled ballots, perhaps at the clerk's office, so that there is no possibility of matching the voter to that ballot.

**6. A voter should be protected from intimidation or from the temptation or opportunity to sell a vote during all parts of the voting process.**

The possibility of voter intimidation or vote selling is another reason mail-in voting should be limited to true hardship cases. It is politically unpopular to claim that intimidation and vote selling are a problem, but historically these measures have been major means of election tampering. It is simply not possible to prevent intimidation and vote selling when voters do not vote in secret or ballots are uncontrolled.

**7. The voting technology should permit the voter to indicate rejection of all of the available choices.**

There should be a NONE OF THE ABOVE, or ABSTAIN, box as a possible choice on the ballot. Besides allowing a voter to voice displeasure with the available choices, having an ABSTAIN box is a means of reducing undervotes. Historically, if a ballot contains unvoted races or questions (i.e., undervotes), that ballot is prone to being illegally marked at some later stage, perhaps during a recount in a close race. Thus undervotes can lead to a felonious change in the voter's intent and possibly to a felonious change in an election's outcome.

- 8. The voting process should be sufficiently accurate that there is overwhelming confidence that any errors are so small that the election outcome is not in doubt.**

This principle says more than is apparent on the surface. It means that for close statewide races, we need an accuracy of the voting process, except for voter procedural errors, of about 1 error in 10,000,000 or even more. Currently officials speak highly of “accurate” elections with error rates of 1, 2, or even 5 percent. Mail-in ballots are especially vulnerable to errors. DREs (electronic voting machines) with no “paper trail” cannot be checked for accuracy. Auditing that follows best-practice procedures can help election officials determine if there has been systematic inaccuracy.

Accuracy depends on well-designed ballots, unambiguous ballot marking, a dependable counting system, and excellent procedures for hand counting should that process be the primary counting method or be needed during a recount. It is generally agreed that the “sort and stack” method of hand counting with teams of two counters and one or two observers of each ballot is the most accurate. Hand counting of each race or question should be done twice.

- 9. The voting process should conform to a universal standard and should be capable of instant runoff voting and other alternative counting methods.**

Government bodies in concert with citizen experts need to develop a universal standard that is congruent with these twelve principles.

Saying the process is capable of instant runoff voting, etc., does not mean that we should move to those methods of voting. However, it allows a policy decision to be made without being forced or prohibited by the technology.

- 10. There should be a continuous, observable chain of custody of the ballots from the start of voting until all questions concerning the outcome of the election are resolved.**

This was once an accepted, universal principle. It is still in place with precinct-tallied paper ballot elections. Vote centers, central office tallying, and mail-in voting violate this important principle. We should be counting ballots in each polling place and then posting the results on the door before shipping the ballots to the central office for audits.

Needless to say, it is impossible to have a chain of custody with mail-in voting. At the very least, ballots should be sent both ways by certified mail, and the Post Office should commit to assuring the delivery both ways. In concert with Principle 1, there should be no postage charge to the voter; the government conducting the election should pay the cost.

- 11. To the extent possible, without violating any of the other requirements, the voting process should be inexpensive to implement.**

It is difficult to determine the true cost of elections. The numbers comparing mail-in voting to precinct voting are not realistic. We need accurate figures. And we need to prevent known risks by appropriate expenditures.

- 12. The voting technology should be owned by the people, without encumbrance, and all details should be available for public inspection, without constraint.**

This is probably our fondest desire—the end of corporate elections. Elections should be about the civic duties of officials and citizens, not about corporate profits and certainly not a chance for inadvertent or felonious interference in the democratic process.