

July 8, 2010

New York State Board of Elections
40 Steuben Street
Albany, NY 12207-2108

New York City Board of Elections
32 Broadway, 7th Floor
New York, NY 10004-1609

Re: Setting Machines to Automatically Reject Overvoted Ballots

Dear Commissioners:

We are election officials in a diverse set of jurisdictions that have used polling-place scanning equipment to cast ballots for several years. We understand that there has been some debate in New York over whether to set machines so that they will automatically reject overvoted ballots. We are sharing our thoughts at the request of the Brennan Center, and in the interest of promoting what we believe to be the best public policy.

Overvotes are almost always mistakes that do not reflect the real intent of the voter. For this reason, automatically returning ballots with an overvote is common practice among states and counties around the country that use optical scan machines, including our own. This is an important practice that could substantially reduce the number of overvotes cast in New York.

Configuring your scanners to automatically reject overvoted ballots can reduce your overvote rate to nearly zero, and we believe that it is the better administrative practice. It should not lead to long lines or confusion at polling places. To the contrary, by automatically rejecting overvotes, voters are immediately taken out of the voting line, provided with a new ballot, and given the opportunity to ensure that their intended choices are accurately recorded.

We are happy to discuss this issue with you further if you have any questions.

Sincerely,

Dean Logan,
Los Angeles County Registrar-Recorder

Mark Ritchie,
Minnesota Secretary of State

Kevin Kennedy, Director and General Counsel
Wisconsin Government Accountability Board

Susan Bysiewicz
Secretary of the State of Connecticut

Warren Slocum, Chief Elections Officer,
San Mateo County, California

Jerry Holland, Supervisor of Elections
Duval County (Jacksonville), Florida

Elaine Ginnold, Registrar of Voters
Marin County, California

Michael Mauro,
Iowa Secretary of State