



Florida Fair Elections Coalition
Deland, FL
www.ffec.org

State Will Certify AutoMark—Just Not in Time for Anyone to Buy It¹

By Mary K. Garber, FFEC Research Director, Feb. 2006

In the mid-term elections this year, visually and manually disabled voters in 29 states will be able to vote privately and independently on the AutoMark, a ballot marker that works in conjunction with an optical scanner. Unfortunately, none of those disabled voters will be Floridians.

On February 1, David Drury, chief of Florida's Bureau of Voting Systems Certification, announced that he was delaying certification of the AutoMark because of a problem with multi-page ballots, but that he had every intention of certifying the AutoMark soon.

That may be, but it will hardly matter since there won't be any Florida customers to buy the machines. Every county but Volusia has already been strong-armed into buying paperless touchscreens for disabled accessibility. It is no coincidence that the delay means that the final potential customer, Volusia County, will miss its deadline for acquiring the machines and thus be coerced into buying touchscreens.

In his e-mail, Drury says that the delays throughout the process have resulted in changes to the AutoMark that have improved it. Perhaps Drury should have thought of the usefulness of delay to force improvements when he and his department expedited the certification of the Diebold touchscreen despite numerous serious problems.

While the AutoMark, which allows voters with disabilities to vote on a verifiable paper ballot, has fought a year long battle to get certified, the Diebold TSX sailed through the process in 29 days. While the AutoMark's difficulties have been based on specious interpretations of tiny details of state law, the Diebold machine has serious shortcomings, many of which were recognized by none other than David Drury himself during the abbreviated certification process. In fact, when the earlier version of the machine was certified, the bureau said that it would not issue any more certifications of Diebold touchscreens until these problems were addressed. The problems were never addressed, but the Diebold voting system was certified anyway.

One of the great ironies of this whole situation is that the state has appeared to be pushing the counties to acquire equipment that will help the disabled when it has been doing just the opposite. The statute that requires certification of equipment that meets the stricter standards went into effect July 1, 2005. So all equipment bought before that time did not have to meet

¹ This opinion piece was written in February 2006. Its content has not been modified, but corrections, clarifications, and formatting changes have been made prior to posting on the FFEC website.

these more stringent standards and, even more important, was not tested to those standards. By pushing every county to purchase equipment before July 1 and even threatening criminal penalties if they did not, the state helped voting machine vendors dump inferior systems that will now have to be upgraded, at the purchaser's expense, to meet the accessibility standards of the Help America Vote Act and Florida law.

If you think I must be exaggerating, why don't you call or e-mail Jenny Nash at the Bureau of Voting Systems Certification. She will tell you what she has told Florida Fair Elections: that the bureau did not test the TSX to the new standards because it didn't have to. It was certified three months before the new disability statute took effect.

So Volusia County is left with an untenable situation—we cannot buy the machine that is federally certified, meets the more stringent state requirements, guarantees HAVA compliance, and maintains the viability of our recountable paper ballot system. Instead, it is likely that we will buy a machine that is not federally certified, has not been tested to the stricter state standards, does not come with any guarantees of HAVA compliance, and compromises the integrity of our elections.

You might think we can still maintain verifiability since only a few disabled voters are likely to use the new machines. Think again. Our supervisor of elections has said that she plans to use only touchscreens for early voting if we get the machines. In 2004, one in six votes was cast at an early voting location. If we had similar numbers this year, all our elections—from governor to school board—would be unverifiable. And then what would be the point of having paper ballots for everyone else? Say goodbye to your optical scanners.

And that, of course, has been the state's goal all along. It is clear that Florida's Department of State does not want verifiable elections. There is no other way to explain the forced, contorted delays in the state's certification of the AutoMark.