

September 8, 2023

The Honorable Robert Rivas, Speaker
The Honorable Isaac Bryan, Majority Leader
The Honorable James Gallagher, Republican Leader
California State Assembly
State Capitol
Sacramento, CA 95814

Verified Voting Supports Passage of AB 969

On behalf of Verified Voting, I write to urge the California State Legislature to pass Assembly Bill 969. AB 969 prevents California counties from adopting burdensome election night hand counts for the semifinal official canvass. It also assures that counties will deploy certified voting systems that meet legal requirements and voters' needs.

Since our founding in 2004, Verified Voting has emphasized the importance of voter-verified paper ballots, manual audits, and (when necessary) hand recounts to check machine results. At the same time, we affirm that machine tabulation is the most efficient, and usually the most accurate, source of preliminary election results. For most jurisdictions in most circumstances, the best way to assure timely and trustworthy election results is to combine the strengths of machine tabulation and manual audits and recounts, not to scrap the machines. AB 969 protects California voters against misguided reactions to corrosive misinformation about voting equipment.

Manually examining paper ballots is indeed the best way to determine voter intent and to check—and, when necessary, to correct—machine counts. California's 1% manual tally recognizes the importance of manually checking the accuracy of machine counts, and Verified Voting supports improvements in California's tabulation audits to provide higher degrees of assurance. We also affirm the value of systematic, careful hand counts in recounts of close races where voter intent may be crucial, and in unusual circumstances where machine tabulation is impracticable. Moreover, hundreds of small jurisdictions around the country have successfully relied upon hand counts for election results, although their number has steadily dwindled.

However, the recent push to hand-count all votes on all ballots on election night—or however long the count may take—is not about resolving voter intent questions, checking accuracy, or meeting unusual needs. The election night hand count movement offers an expensive, flawed “solution” to an invented problem: the myth of rampant error and fraud in machine counts. California voters deserve efficiency, accuracy, and fairness in their elections, and California election administrators should be allowed to focus on delivering those qualities. Prioritizing contrived problems over real challenges is likely to weaken, not strengthen, public confidence in elections.

AB 969 acknowledges that hand counting all ballots for preliminary results may be appropriate in some small elections, and it provides a reasonable process to approve plans for such hand counts. The bill also recognizes the possibility that in unusual circumstances, a full hand count may be necessary. AB 969, which applies to the semifinal official canvass, envisages hand counts in the event of “a natural disaster or other state of emergency in which use of a certified voting system is not feasible.” We note that hand counts may occasionally be needed to determine final results in circumstances far from a state of emergency. For instance, in the November 2020 election in Antrim County, Michigan, procedural errors led to inconsistencies in the digital “ballot definitions” used by the tabulation system, and a full hand count of the presidential contest was necessary to determine the correct results. Such cases are unusual, but when they arise, any necessary hand counts should be conducted under the regulations established by the Secretary of State’s office.

AB 969 protects important strengths of California elections. California already leverages the comparative advantages of both machines and human beings—using machine tabulators to tally the votes, and people to ensure the accuracy of election equipment through post-election audits, to resolve questions of voter intent, and to recount close contests. AB 969 preserves those processes and short-circuits the regrettable efforts to mandate costly election night hand counts that drain local resources, burden election administrators, and sow doubt in election results.

Sincerely,

Mark Lindeman
Policy & Strategy Director
Verified Voting