

Note: Gary Bartlett responses are in "blue" ink. See below

----- Original Message -----

Subject: RE: request for documents, questions to SBE

Date: Thu, 30 Sep 2010 14:58:29 -0400

From: Bartlett, Gary <Gary.Bartlett@ncsbe.gov>

To: Joyce McCloy <jmc27106@earthlink.net>

CC: Wright, Don <don.wright@ncsbe.gov>, McLean, Johnnie
<Johnnie.McLean@ncsbe.gov>

*Wouldn't North Carolina's entire voting system -M100s, M650's, iVotronics, Unity + the "automated software" have to be federally tested and certified together in order to meet North Carolina's standards for voting systems and software? [Yes. Due to the age of the equipment, I would be shocked if ES&S upgraded these machines because of cost.](#)

*Isn't there a chance that the system you propose would not pass federal certification standards? [I have not proposed software; I provided to the reporter of the amount ES&S stated it would cost to develop IRV software.](#)

*Would this system you propose be certified to the old 2002 standards? If not, would our current voting machines + the "automated software" meet the higher standards? [No; must be the current federal standards, thus, upgrades would have to be made.](#)

From: Joyce McCloy [mailto:jmc27106@earthlink.net]
Sent: Wednesday, September 29, 2010 10:52 AM
To: Bartlett, Gary
Cc: Wright, Don
Subject: request for documents, questions to SBE

North Carolina State Board of Elections
Gary Bartlett, Director

Gary,

I am writing to you for documentation to support the quoted statements in this recent article in the Carolina Journal.

The reporter quotes you as saying that "automated software" is could be purchased and installed on our voting systems for less than \$5 Million.

*Please provide the letter or notice or communications that support your statement.

"It all comes down to whether the voters like it or they don't like it," Bartlett said. "If the voters like it and the candidates think it's fair, then the General Assembly needs to look at expanding it and getting us automated software for it."

Purchasing and installing the software, Bartlett added, would cost less than the \$5 million it takes to run one statewide election.

*Wouldn't North Carolina's entire voting system -M100s, M650's, iVotronics, Unity + the "automated software" have to be federally tested and certified together in order to meet North Carolina's standards for voting systems and software?

*Isn't there a chance that the system you propose would not pass federal certification standards?

*Would this system you propose be certified to the old 2002 standards? If not, would our current voting machines + the "automated software" meet the higher standards?

How the Instant Runoff for State Court of Appeals Will Work

First-in-the-nation statewide runoff will choose among 13 candidates

By [Sara Burrows](#)

September 29, 2010

RALEIGH — North Carolina will be the first U.S. state to test instant runoff voting in a statewide general election this November.

The method is being used to fill a state Court of Appeals seat that opened up too late for the state to schedule a primary. The instant runoff method would help the state avoid holding a traditional runoff election should none of the 13 candidates get more than 50 percent of the vote.

If all goes smoothly, the General Assembly might consider expanding the use of instant runoff voting to partisan races, which could be good news for third parties.

Supporters of the system say that deciding the winner in a single race is much less costly than holding a second election if no candidate receives a majority in the first tally. Letting voters choose and rank several candidates also lessens the chances that large numbers of voters would be denied the opportunity of selecting a candidate they agree with, they say.

Here's how the instant runoff election — which will be part of the regular general election process — will work:

- Voters will mark their first-, second-, and third-choice candidates on the ballot.
- First-choice votes will be counted at the polls on election night. Any candidate getting more than 50 percent will win.
- If no one gets more than 50 percent in the initial tally, a second round of counting will take place. Ballots selecting either of the top two vote getters will be placed aside; those candidates will enter the instant runoff.
- Officials will hand sort remaining ballots. Any selecting one of the two runoff candidates as the voter's second choice will be tallied.
- Remaining ballots again will be sorted by hand. Any indicating one of the runoff candidates as the third

choice will be counted.

- Ballots indicating neither of the runoff candidates as the voter's first, second, or third choices will be thrown out.
- Second- and third-place votes will be added to first-place votes. The runoff candidate with the highest total will win.

Good for third parties

Michael Munger, political science professor at Duke University and a former Libertarian gubernatorial nominee, thinks instant runoff voting is "great" for several reasons.

It gives people an alternative to voting for the lesser of two evils, he said.

"The current system forces people to vote for someone they don't like to keep the person they hate out of office," Munger said. "We're always voting our fears." Instant runoff voting, he said, gives people the chance to "vote their dreams."

When Munger ran for governor in 2008, he heard a lot of people say, "I'd sure like to vote for you, but I'm afraid [Bev] Perdue will win, or I'm afraid [Pat] McCrory will win."

With instant runoff, voters could have selected Munger as their first choice, and McCrory as their backup choice, without "throwing away" their vote.

Is it fair that an instant runoff election would allow one voter's second choice to count just as much as another voter's first choice?

"Voters should be able to vote for the party of their choice without causing their least preferred alternative to win," Munger said. "That's what's fair."

The U.S. Constitution, Munger said, "guarantees freedom of association and the right to petition for redress of grievances. Those two things are what parties do. Anything that prevents third parties from participating fully and fairly is not just unfair, it's unconstitutional."

The prevailing system of first-past-the-post prevents third parties from participating, he said.

Cost-benefit analysis

Counties will have to hire extra poll workers to sort the ballots by hand, but instant runoff voting still is "much cheaper" than traditional runoff elections, said State Board of Elections Executive Director Gary Bartlett.

"I'm guessing it would be 25 percent of what it would cost to hold a runoff election," he said.

Voter participation is another concern. Some worry the instant runoff section of the ballot will appear too complicated and that voters will just skip over it.

But Bartlett expects the "drop-off" for the Court of Appeals race will be the same. He said special voter guides have been mailed out, and poll workers will offer to explain instant runoff voting to anyone who has questions.

There's also the question of whether voters who don't select either of the two runoff candidates as their first-, second-, or third-place choice would be disenfranchised. Under a traditional runoff, voters could select from the top two finalists, so their preference would be known in the second round of voting.

But turnout for runoff primary elections has been between 2.5 percent and 8 percent over the last 20 years, Bartlett said. Turnout for this election is expected to be between 45 percent and 50 percent.

"It gives a larger percent of people a chance to participate in the runoff," he said.

Munger said traditional runoffs are distorted because they represent only a small percentage of the most extreme and partisan voters.

Will November's Court of Appeals race be the only appearance in North Carolina of instant runoff voting?

"It all comes down to whether the voters like it or they don't like it," Bartlett said. "If the voters like it and the candidates think it's fair, then the General Assembly needs to look at expanding it and getting us automated software for it."

Purchasing and installing the software, Bartlett added, would cost less than the \$5 million it takes to run one statewide election.

Sara Burrows is an associate editor of Carolina Journal.

http://www.carolinajournal.com/exclusives/display_exclusive.html?id=6900

Regards;

Joyce McCloy
NC Coalition for Verified Voting
www.ncvoter.net
336-794-1240