

**Testimony before the Oregon State Legislature
Committee on Elections, Ethics and Rules**

**Re: HB 3040 (Fusion Voting)
March 28, 2007**

**By Ben Healey
Researcher, Public Policy Institute**

Good morning, Madame Chairwoman and members of the Committee. My name is Ben Healey, and I am a researcher with the Public Policy Institute – a non-partisan public policy research and advocacy organization based in Boston, MA.

As part of PPI's partnership with Demos, I served as the chief researcher of the briefing paper on fusion voting that you have in front of you today, and I will briefly pull out some of our chief conclusions regarding technical considerations and potential costs associated with fusion.

II. Technical Considerations

How Fusion Votes are Counted

We spoke to officials in three states that currently have fusion voting in place, and each assured us that counting the votes from more than one party does not require significantly more work.

New York: The Director of Election Operations for New York State described the election-reporting process as requiring no more work on the part of the local or state election agencies in New York.

Connecticut: The Managing Attorney for the Legislation and Elections Administration Division of the Secretary of State's office, said that there has been no additional cost to the state resulting from the recent reemergence of fusion candidacies. Although fusion was never outlawed in Connecticut, it had been used infrequently until 2002. In 2006, the State began switching from mechanical lever to Accu-Vote optical scan machines, which were used in 36 municipalities. According to officials, fusion candidacies did not cause any additional cost or hardship in any municipality.

South Carolina: In South Carolina, fusion had rarely been used until last year, when five candidates ran with two party endorsements. The Public Information Director at the State Elections Commission reports that South Carolina began using ES&S iVotronic machines in every precinct in the state in 2006. Absentee voters that vote by mail used optical scan ballots. There was no additional cost or difficulty in counting votes.

Double-Votes

As we all know, people do not always read instructions. Voters occasionally try to vote more than once for the same office, and if their preferred candidate shows up multiple times, you might expect them to make that mistake with greater frequency.

Officials in the three states where fusion voting is now used report that double-voting does not happen frequently. Nevertheless, the question of how to count double-votes

when they do occur remains a concern. There are three ways these states have dealt with double-votes for the same candidate.

In New York, a ballot that has two votes for the same candidate gets recorded as a vote for the candidate but for no party.

In Connecticut, the Secretary of State this year instructed clerks to count double-votes as votes for the candidate under the smaller party, on the assumption that the voter intended to vote for the smaller party.

In South Carolina, the new machines do not permit double votes. The machine requires the voter to cast but one vote, or to not vote at all.

In all three states, the current systems ensure that the voter's choice of candidate is counted.

Furthermore, it is worth relating here the views of John Silvestro, President of LHS Associates. Mr. Silvestro's company, based in Methuen, Massachusetts, is the largest provider of automated election services in the Northeast, serving over 400 municipalities across Maine, New Hampshire, Vermont, Massachusetts and Connecticut. When asked to comment on the problem of double-votes with the optical scan machines he now provides, Mr. Silvestro offered this comment: "The way the system is designed, the way

the software is written, the individual only gets one vote. Using the technology we have, double-voting is not a problem.”

Upgrading Machines

We have heard some concerns about the perceived need to upgrade machines.

As Demos staff has in fact already testified before the Maine legislature, the legalization of fusion presents no reason for precincts that currently count votes by hand to switch to electronic machines. Also, adopting this reform would not require the machines to accept multiple votes for a candidate if they currently do not; any provision in any piece of legislation for counting double-votes would only refer to hand-counted paper ballots (or other ballot types) where such double-voting cannot be prevented.

III. Costs

Election officials are understandably concerned about any legislative changes that could increase public costs in any significant way. We investigated how a fusion voting system affects:

- the cost of printing ballots,
- the cost of arranging ballot layouts,
- printing longer ballots,
- tallying the votes, and
- the cost of programming machines that tally the votes.

Each official with whom we spoke during the course of our research said that the costs relating to fusion voting were minimal, and in some cases a one-time only expense.

Given that state officials could give us no accurate dollar figure on costs – because they appeared so very minor – we asked John Silvestro of LHS Associates if he could give us an actual dollar figure.

According to Silvestro, *each new candidate “key” associated with a fusion candidacy costs only \$7.50 per town.* However, he made sure that we understood that if an independent third party were going to run its own candidate anyway, this would not represent a new cost at all. In his opinion, which we share, fusion is essentially a cost-neutral reform.

That concludes my testimony. Given all of the reasons that fusion voting is good for democracy, and the fact that our research has uncovered no significant technical or financial barriers to implementing this reform, I strongly urge the committee to support HB 3040 and help make fusion voting a reality in Oregon once again.