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# Commentary

The Public Affairs Research Council of Louisiana

## A New Voting System

*Louisiana will change the way its residents vote, with a paper record and more oversight*

After years of failed attempts to replace its aging voting machines, Louisiana is planning a wholesale redesign of the system used to cast ballots in the first significant change to its voting equipment in decades.

The Public Affairs Research Council of Louisiana supports efforts to modernize the state's voting system. The paper record required will give voters an opportunity to verify their choices and elections officials the ability to confirm that votes were tallied accurately.

But speedbumps should be expected with such a sweeping change. Selecting the new system and educating elections workers and voters about how to use it should be done with careful thought, extensive outreach and significant training.



Source: Louisiana Secretary of State

A new system should ensure people with disabilities can cast their ballots without privacy concerns. Lawmakers should commit to full financing of any extra measures needed to ensure safety and security of the vote are paramount. And the selection process shouldn't indulge unproven claims of widespread fraud in other states.

Louisiana has generally received high marks across the political spectrum for its election procedures. A March [review from the legislative auditor](#) found the Secretary of State's Office had "procedures and practices in place to ensure election integrity."

The state's voting machines, however, have been a frequent target of criticism. The legislative auditor's report noted Louisiana's inability to audit election results until the state selects a new voting system with a paper record; the report suggested those audits should become routine.

Louisiana will run its fall congressional elections and the 2023 elections for governor, other statewide officials, lawmakers and more with its current voting machines. The earliest voters may see a new system is in the 2024 presidential election, and possibly even later than that.

## Outdated Machines Need Replacing

Louisiana uses 10,300 electronic voting machines, formally called direct recording electronic systems or DREs, for early and Election Day voting. Most of the familiar, boxy touchscreen machines are decades old, bought in 2005. Some have been in use for even longer.

When they break, the state often must scavenge other machines for replacement parts because the Election Day machines are no longer manufactured. Louisiana has been leasing 780 early voting machines from its current contractor, Dominion Voting Systems, because prior machines wore down.

Meanwhile, the state's current machines don't include a paper trail, making it impossible to double-check election results.

Though direct recording electronic systems were once the most modern technology, most states have moved away from the machines.

Security experts have warned of risks that the machines Louisiana uses could be manipulated because they lack a paper record, and they have raised concerns about vulnerabilities with the aging equipment. The Secretary of State's Office has responded that it has multiple checks and balances to protect against hacking until a new paper-based system is in place.

Louisiana's absentee by mail votes, which are done by paper ballot, are the only votes that can be recounted after an election under the existing system. But 93% of Louisiana voters cast their ballots in person, not via absentee paper ballots, state data shows.

Counties in five other states including Texas and Mississippi have similar voting machines without a paper record, but Louisiana is the only place where such equipment is used to cast ballots statewide, according to [Verified Voting](#), an organization that tracks voting equipment around the country.

Louisiana has tried unsuccessfully for years to replace the outdated machines. Two prior efforts fell apart amid controversy about the contracting and selection process.

Competing vendors raised allegations of bid rigging in favor of Dominion during the 2018 shopping effort launched by former Secretary of State Tom Schedler and taken over by his successor Kyle Ardoin. Gov. John Bel Edwards' administration voided that contract award. In 2021, Ardoin scrapped the replacement attempt amid similar criticism from companies who accused his office of drawing the search terms narrowly to keep Dominion as the state's voting system provider.

The Secretary of State's Office said both sets of complaints were unfounded, and agency leaders defended their search for a new voting system as fair and in compliance with the law.

## Common Voting Systems

**Direct Recording Electronic machines (DREs):** Voters push a button, touch a screen or use a wheel or dial to directly record the vote into a computer cartridge or card without a paper ballot. Some of the machines include an auditable paper record showing the votes cast, while others including those used in Louisiana, do not.

**Ballot Marking Devices (BMDs):** Voters make choices on an electronic screen. The device prints a paper record but doesn't tabulate the votes or directly record them into a computer system. The printouts are fed into a separate scanner for tallying or secured for later hand counting.

**Hybrid BMD/Tabulators:** Voters make choices on an electronic screen. The device prints a paper record that can be scanned and counted by the same machine.

**Paper ballots:** Voters make decisions on printed ballots that are fed into a scanner for tallying the votes or secured for later hand counting without technology.

**Optical or Digital Scanner:** These devices read and tabulate printed ballots from BMDs or paper ballots filled out by hand.

Source: National Conference of State Legislatures/Verified Voting

## How Do Other States Handle Elections?

States use an array of different voting systems, technology and methods to cast and count ballots. While Louisiana has uniform processes and equipment, some states use varying equipment and different approaches by county.

In Louisiana, the secretary of state is the top elections official and oversees the selection of voting systems. Clerks of court administer Election Day voting in their parishes, while the local registrars of voters oversee voter registration and administer early and absentee voting.

Nearly half of states have the secretary of state as their chief elections officer, while two states give that duty to their lieutenant governors, according to [the National Conference of State Legislatures](#). Eight states hand that job to a gubernatorial or legislative appointee, while 16 states have a board or commission involved in the work.

### ***U.S. Election Day Equipment in Use for 2022***

Hand-marked paper ballots, with BMDs for voters with disabilities	67.2%
Ballot marking devices for all voters	21%
DRE machines without a paper trail (including Louisiana)	5.2%
Hybrid ballot marking device with tabulator	2.6%
DRE machines with a voter-verified paper audit trail	2.2%
Hand-marked paper ballots, with DREs for voters with disabilities	1.7%

Source: Verified Voting

Louisiana's method for voting is growing obsolete nationally.

Only 5% of registered voters across all 50 states live in jurisdictions using direct recording electronic systems without a paper record as their Election Day voting method, according to Verified Voting. Another 2% use the same type of machines, but with an auditable paper trail.

Those numbers have declined significantly across the nation from a decade earlier, when one-third of states' registered voters lived in areas that used the machines.

By this year, 69% of voters lived in election jurisdictions that primarily use hand-marked paper ballots for Election Day voting, with machines or other equipment available for voters with disabilities who have difficulty with paper ballots. Most of those hand-marked paper ballots are then fed into a scanner for tabulation, according to Verified Voting's equipment survey.

The remaining voters cast their Election Day ballots in jurisdictions where everyone uses ballot marking devices in which voters make decisions on an electronic ballot and receive a printout that is either fed into a scanner or placed in a box for counting later. A small percentage of those voters cast ballots on a hybrid system that uses an electronic ballot device that can also tabulate the vote.

The federal Help America Vote Act of 2002 required states to get rid of old punch card and lever voting systems in exchange for election system financing, so those systems largely have disappeared.

## A New Shopping Process for Louisiana

After the two jettisoned attempts to replace the state's outmoded machines, lawmakers revamped Louisiana's requirements for choosing a new voting system.

The 2021 law – pushed by Sen. Sharon Hewitt, leader of the Senate elections oversight committee – added new layers of legislative review, banned the use of DRE machines and required whatever voting system is bought or leased to have an auditable paper trail. It mandated that Louisiana's next voting

system can't connect to the internet, which is already the practice in the Secretary of State's Office. Any vendor selected cannot have significant ownership or control by a foreign government.

The bill also created a 13-member Voting System Commission with lawmakers, elections officials, a cybersecurity expert, a representative of the disability community and others to make recommendations to Ardoin's office for replacing the aging machines.

After months of meetings and a two-day trade show to demonstrate available equipment, a divided commission recommended that Louisiana's next voting system should include either hand-marked paper ballots, a ballot marking device or a combination of the two.

Amid concerns about the security of having stacks of pre-printed ballots at polling sites, the commission suggested that the new system obtained by Ardoin's office involve ballots printed on demand, if the system uses hand-marked paper ballots rather than an electronic device.

Commission members also recommended the system use scanned tabulation of the ballots – not hand counting – after elections officials raised concerns about fraud, mistakes and a weeks-long process to get election results if ballots were counted individually by a person rather than a machine.

PAR believes using technology to count the ballots is the right decision to protect accuracy and to get timely election results. Out of about 10,000 election jurisdictions nationwide, only 1,336 counted ballots by hand in the 2020 election, according to a U.S. Election Assistance Commission report.

## Next Steps

Release of a bid solicitation to buy or lease a new voting system likely remains a year away.

The 2021 law reworked the process for setting the certification standards for Louisiana's next voting system, to include public comment and legislative oversight. That process is expected to take several months or more, while providing more checks and balances.

Meanwhile, Ardoin said states still haven't received the latest voting system testing and certification guidance planned from federal officials. Waiting for that information, if the state chooses to do so, could slow things further.

Once the Secretary of State's Office releases its request for proposals from vendors interested in the voting system contract and a winning bidder is chosen, companies that lost out on the contract can challenge the award through an administrative protest process and then in court. That could further delay the rollout of a new voting system.

Also, lawmakers on the Joint Legislative Committee on the Budget must approve the contract.

In the last failed replacement effort, a new voting system contract was estimated to be worth up to \$100 million. Ardoin told lawmakers he doesn't expect the price tag to be that high this time, but he's also said it's too soon to know how much new equipment and maintenance will cost. Plus, the retention of paper records that don't exist now will become a new expense for either the state or local election agencies.

The Secretary of State's Office currently has about \$25 million in state and federal financing set aside. Legislative leaders have pledged to come up with any additional money required.

Ardoin said he hopes to roll out a new voting system in the spring 2024 presidential preference primary election, using a phased-in approach. He said he'd pilot the system in certain parishes first to determine any problems and adjustments before broadening it statewide.

But he also cautioned those plans could be optimistic if disruptions occur during the bid solicitation, contracting process or training of election workers.

## Concerns for a New System

During the Voting System Commission meetings, election officials who have spent years working with the same types of voting machines raised an array of concerns about the planned switch to a different approach.

Officials worried about space for storage and the need for more workers if they have both ballot marking devices and scanners to operate, rather than one voting machine.

Clerks of court worried about the storage of paper ballots in Louisiana's humidity and heat. They noted that they don't all have the warehouse space to stockpile so much paper for lengthy stretches of time and that more than 600 polling locations aren't climate controlled.

Some election officials said they'll need to enhance security to make sure that voters only view their paper receipts or ballots, but don't walk off with them – a concern when some parishes already have shortages of poll workers. Advocates for voters with disabilities worried about whether the confidentiality of their votes will be protected in a new system.

Other concerns involved the education and training that will be required not only for the workers at the polls, but also the voters who have used the same style of machines for decades. No doubt such a widespread change will require significant outreach work.

Each of those worries need to be considered in the development of standards and planning for Louisiana's new voting system. While the modernization work is important, getting the upgrade right and making people feel comfortable as they cast their ballots also is critical to the election process.

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