



## **EAC Decision on Request for Interpretation 2007-06, 2005 VVSG Vol. 1 Section 4.1.1, 2.1.2c &f, 2.3.3.3o and 2.4.3c&d. (Recording and reporting undervotes)**

### ***Date:***

November 7, 2007

### ***Question:***

Clarification is requested on how undervotes should be recorded and reported in N of M contests. Requestors state that the 2005 VVSG defines an undervote but does not identify how an undervote is to be recorded and reported in the instance where an undervote is less than the maximum number allowed for an N of M contest. The ultimate question for clarification then is how shall undervotes be recorded and reported in a multi-candidate contest in which the voter chooses to cast a vote for less than the allowable number of positions to be filled for the contested office?

### ***Facts:***

Requestor correctly notes that the VVSG clearly defines an undervote, but does not identify how an undervote should be recorded and reported in N of M contests. Requestor also notes that this ambiguity may lend itself to multiple interpretations of the requirements for recording and reporting undervotes.

### ***Section(s) of Standards or Guidelines:***

Section 4.1.1 of the 2005 VVSG Vol. 1 reads:

“Voting system accuracy addresses the accuracy of data for each of the individual ballot positions that could be selected by a voter, including the positions that are not selected. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error.”

*Appendix A* defines **undervote** as: Occurs when the number of choices selected by a voter in a contest is less than the maximum number allowed for that contest or when no selection is made for a single choice contest.

Related Sections read as follows:

2.1.2c: Record each vote precisely as indicated by the voter and produce an accurate report of all votes cast.

2.1.2f: As an additional means of ensuring accuracy in DRE systems, voting devices shall record and retain redundant copies of the original ballot image. A ballot image is an electronic record of all votes cast by the voter, including undervotes.

2.3.3.3o: Ensure that the votes stored accurately represent the actual votes cast.

2.4.3c: Produce a printed report for each tabulator of the results of each contest that includes the votes cast for each selection, the count of undervotes, and the count of overvotes.

2.4.3d: Produce a consolidated printed report of the results for each contest of all votes cast (including the count of ballots from other sources supported by the system as specified by the vendor) that includes the votes cast for each selection, the count of undervotes, and the count of overvotes.

### ***Conclusion:***

The interpretation proposed by the co-requestor would state that: “Undervotes shall be reported by contest, and shall be defined as “one” if the vote limit is not reached and otherwise “zero.”

The EAC does not agree with this proposed interpretation. The VVSG and HAVA are based on the premise that a voter’s choices (or non-choices, as the case may be) need to be accounted for in full. The proposed interpretation would not accomplish this goal. It is no less important to have a complete accounting of N of M contests than races involving only one voting choice. As noted by the requestor, undervotes are absent selections governed by the “vote for...” limit. If, for example, a contest requires the voter to “vote for two” it is possible to have either one or two absent selections. For the vote cast by the voter to be precisely and accurately reported, each undervote must be considered separately.

In another example, in a “vote for 3” contest, votes would be recorded as follows:

- A vote for no candidates = 3 undervotes.
- A vote for 1 candidate = 2 undervotes.
- A vote for 2 candidates = 1 undervote.

As a testable criteria, the total vote count for a contest shall equal the sum of the selections voted, the undervote count, and the overvote count (if the voting method permits overvoting). To enable effective audit checking, the undervote count must be an independent count and not simply the difference between the total count and the sum of the voted selections and the overvotes.