

**GAE Public Hearing
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Testimony of Luther G. Weeks**

Testimony

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Chairs and members of the committee. My name is Luther Weeks I am the co-founder of CTVotersCount.org and the leader of the Connecticut Election Audit Observation Coalition.

I am here to speak in favor of the intentions of HR 5888. In particular:

- **Audit oversight by an Independent Audit Board**
- **Audits defined and expanded based on measures of statistical confidence**
- **So called "Hot Audits" performed quickly after elections**
- **Audit of all ballots originally counted electronically and by hand**
- **Removing many of the loopholes and exemptions in the current law**
- **100% hand count recounts**

The details of the bill can be improved.

- **I have attached examples of refinements, improvements, and clearer text**
- **The Audit Board must not be under the control of a single individual**
- **All ballots should be included in the audits, none should be exempt.**
- **All elections, races, and questions should be subject to random selection for audit.**
Including Primaries, Special Elections, Referendums and Questions. However, uncontested races and hand recounted races should be exempt – provided that recounts meet sufficient standards are subject to audit board review for machine accuracy.
- **While I support strict confidence levels for audit size and expansion criteria we should be cautious of unintended consequences** in codifying confidence levels of audits for races below the congressional district level, and for all expansion criteria. Specifics for audit expansion and for audits below the congressional level should be left for refinement by the Audit Board and perhaps put into law next year.

I continue to support issues raised in my testimony on SB 444 last week, including:

- **State funding of audit costs**
- **Centralized/regional audits**
- **Memory cards 100% pre-tested and shipped to registrars by a group independent of the memory card programming function**
- **Stronger chain-of-custody procedures that are easier to follow, verify, and enforce.**

Finally, let me address manual recounts as I know many would rather recount by machine.

We all know that people can count accurately - that manual recounts can produce results that can overcome any machine counting errors and accurately determine voters' intent.

It is the burden of those proposing machine recounts to come forward with a detailed plan. It is their burden to prove that their detailed plan is workable. It is their burden to prove that their plan would be reliably accurate.

Although I doubt it, perhaps there is a reliable and workable machine recount plan possible. I have not seen a written detailed plan proposed. What I have heard is speculation of what

might be done. Speculation and ideas that are incomplete – Speculation that is inconsistent and unworkable.

I wish we did not have to do manual audits and manual recounts, they are inconvenient. However, the promise of democracy and the necessity of election integrity are more important than wishes and inconvenience.

Thank you,

Suggested changes to consider for HR 5888

Bill Text	Comment
<p><u>In the entire bill change:</u></p> <p>[Attorney General] to Independent Audit Board</p>	<p>Or other appropriate text</p>
<p>Section 1 (a) <u>Change the following</u></p> <p>[In each voting district, t] The audit shall be conducted in at least [two] three per cent of the voting districts in which each audited election appears on the ballot.</p>	<p>The Independent Audit Board should be 1) Independent of any one individual 2) Should be appointed by multiple people, leading to representation by individuals not all of one party. 3) No members appointed or employed by the Secretary of the State.</p> <p>Detailed change corrects text makes the bill compatible with proposed Federal Legislation, Holt 5036</p>
<p>Section 1 (c) (1) (B)</p> <p><u>Change [statistical power] to statistical confidence</u></p>	<p>More technically accurate term</p>
<p>Section 1 (c) (2) <u>Add the following:</u></p> <p>The Election Auditor shall commence the audit within 48 hours after the State announces the final unofficial vote in each district in which votes are cast in the election which is the subject of the audit.</p>	<p>Similar to Holt 5036,</p>
<p>Section 1 (c) (4) (A) and (B) <u>Replace with:</u></p> <p>If a municipality establishes a separate central location for purposes of counting the absentee ballots cast in an election and does not make absentee ballots sortable by district and include those ballots in the hand count administered with respect to that district, the municipality divide absentee ballots into audit units approximately equal in size to the average district in the municipality in terms of the number of ballots cast, and shall randomly select and include at least 4 percent of those audit units in the audit carried out in accordance with this section.</p>	<p>Similar to Holt 5036, giving option of batching absentee ballots or not. There is a question if our optical scan equipment batches. Should include all machine and hand counted absentee ballots.</p>

<p>Section 1 (c) (5) (A) <u>Add</u> at a public meeting, announced publicly at least three days in advance,</p> <p><u>Replace the last sentence:</u> [The Attorney General shall allow members of the public including, but not limited to, those permitted to observe recounts, to observe the audits.] Each audit conducted under this section shall be conducted in a manner that allows public observation of the entire process, including reasonable advance notice, sufficient to confirm but not interfere with the proceedings.</p>	
<p>Section 1 (c) (8) (B) <u>Change</u> ...additional hand-to-eye counts shall be conducted if, in the initial audit conducted pursuant to this section, any discrepancy or discrepancies attributable to the electronic counting system would alter the vote share of any candidate or ballot position [by one-tenth of one per cent or more of the hand counted votes in the sample.] by an Audit Board published per cent or more of the hand counted votes in the sample relative to the margin necessary to change the election result. Under such circumstances, the audit of the election shall be expanded using the same number of voting districts and, whenever possible, audit units,...</p>	<p>Leaving the escalation criteria for the Independent Audit Board to determine. For possible future inclusion in law.</p>
<p>Section 1 (c) (10) <u>Add after 1 (c) (9)</u></p> <p>(A) Prior to the date of the regularly scheduled general election for the Independent Audit Board shall establish and publish procedures for carrying out hand counts under this subsection.</p> <p>(B) A hand count conducted in accordance with this section is a count of all of the paper ballots on which votes were cast in the election (including paper ballot printouts verifiable by the voter at the time the vote is cast), including votes cast on an early, absentee, emergency, and provisional basis, which is conducted by hand to determine the winner of the election and is conducted without using electronic equipment or software.</p> <p>(C) Any ballot which is eligible to be counted in the election but which is not included in the initial count conducted under subparagraph (B), including a provisional ballot cast by an individual who is determined to be eligible to vote in the election or an absentee ballot received after the date of the election but prior to the applicable deadline under State law for the receipt of absentee ballots, shall be subject to a hand count in accordance with this</p>	<p>Additional provisions customized from Holt 5036</p>

section and added to the tally conducted under subparagraph (B) not later than 48 hours after the ballot is determined to be eligible to be counted.

(D) The hand count shall be conducted by a team of not fewer than 2 individuals who shall be witnessed by at least one observer sitting at the same table with such individuals. All such individuals shall be election officials.

(E) Each hand count conducted under this section shall produce the following information with respect to the election:

- (1) The vote tally for each candidate.
- (2) The number of overvotes, undervotes, spoiled ballots, and blank ballots cast (or their equivalents, as defined by the State, county or equivalent location).
- (3) The number of write-in ballots and the names written in on such ballots pursuant to State law.
- (4) The total number of ballots cast.
- (5) A record of judgement calls made regarding voter intent.

(F) Each hand count conducted under this section shall be conducted in a manner that allows public observation of the entire process (including the opening of the ballot boxes or removal of machine-printed ballots from their containers, the sorting, counting, and notation of results, and the announcement of final determinations) sufficient to confirm but not interfere with the proceedings.

(G) Upon the completion of a hand count conducted under this section, the Independent Audit board shall announce the results to the public and post them on a public Internet site. As soon as practicable after the completion of an audit conducted under this section, the Independent Audit Board shall create a public report of results of the audit, and shall include in the submission a comparison of the results of the election attributable to the precinct or alternative audit unit as determined by the Independent Audit Board under the audit and the final unofficial vote count attributable to the precinct or alternative audit unit as announced by the State, county, or equivalent location and all undervotes, overvotes, blank ballots, and spoiled, voided or cancelled ballots, as well as a list of any discrepancies discovered between the initial, subsequent, and final hand counts overseen by the Independent Audit Board and such final unofficial vote count and any explanation for such discrepancies, broken down by the types of ballots which were subject to the audit.