

Kupiec, Jared

From: Melinda Valencia [melindak74@cox.net]
Sent: Tuesday, February 12, 2008 11:08 AM
To: Kupiec, Jared
Subject: Testimony Norwich Public Hearing 2/11/08

Jared, Here is my prepared written testimony for the hearing last night in Norwich. Thanks for your courtesy to all participants. I hope that the other four hearings will be equally enlightening. Melinda Valencia

Testimony Norwich 2nd CD GAE Public Hearing 2/11/08 7pm

Chairman Caruso, Chairman Slossberg, Rep. Urban:

Thank you for holding this hearing. My name is Melinda Valencia. I live in Glastonbury. I am a retired attorney. I am a volunteer with CTVotersCount.org. CT Voters Count.org is a member of the Connecticut Citizen Election Audit Coalition along with the League of Women Voters Connecticut, CCAG (CT Citizen Action Group) and Connecticut Common Cause. The Coalition organized citizen observers to attend the state-wide audits of the optical scan voting machines in Nov. and Dec. 2007, and a great deal of information was obtained from these public observers.

As a member of the public, I observed two of the 2007 audits [11/26 and 12/4] that were intended to assess the accuracy of the new optical scan voting machines, and I am here to testify as a member of the public as to my personal observations and opinions.

In preparation for the first audit I observed on Nov. 26, I reviewed in detail the SOTS Audit Procedures. The procedure as they existed for the November audits were confusing and inconsistent. As I always tell people, I am a former tax attorney and was a math major in college, so if I can't figure them out, they are probably too confusing. Particularly troubling was the fact that the 2 formulas to be used to determine whether further hand counting was required were both wrong. Both criteria for determining what discrepancies between the hand count and the machine total required additional counting then and there were incorrectly stated in the procedures and were also inconsistent with the two Questions to be answered by the registrars on the Audit Reports they had to sign and submit to the SOTS. This is just one extreme example of the ways in which the Audit Procedures given to the registrars were inadequate.

Therefore, one thing we certainly cannot say is that the recent audits proved that the electronic voting machines worked. The audits did not prove anything as the procedures were flawed and no investigation was done to determine whether any discrepancies were due to machine error or some other cause.

The good news is that I have participated in making comments to the Secy. of the State's office on the Audit Procedures to correct and improve them in time for the presidential primary audits that begin next week. My comments were given to the Secy. of the State's office in a meeting on January 17 to discuss the Coalition's observations and recommendations, and corrections have also been given in writing as part of the Coalition's suggested changes to the procedures to be used in the audits of the February 5 primaries.

But we have not yet been advised as to whether the required corrections will be made for the presidential primary audits, which begin next Wed., Feb. 20th. [Note: Lesley Mara told Lu Weeks of CTVotersCount.org before the hearing that she would have a redraft of the procedures for review later this week.] So I urge the legislators and other government officials here to make sure that these changes are made. If they are not made, the time and expense involved in the upcoming audits will again be wasted as it will not be possible to determine whether any discrepancies were caused by counting errors or by the machine.

The election officials at both of the audits I observed were diligent. But they were contending with very confusing procedures that did not make clear that there is a difference between the procedure for a recount, with which the registrars and counters are familiar, and what is required for an audit of the optical scan machines. If the procedures are revised to have the correct standards and to be more easily understandable for the registrars and

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counters, the effort and the \$ involved in the audits will be reduced, and the procedures are much more likely to be followed, yielding counts that can be analyzed to determine the source of any discrepancies.

As the result of my experiences, I urge you to enact enforceable legislation, rather than administrative procedures

- to adopt best practices for counting and other audit procedures and
- to require investigation of discrepancies to determine their cause.

I quickly want to make two other personal comments on voter privacy.

Before the Nov. election, I attended an informational session held at the library in Glastonbury to introduce voters to the optical scan machines.

I was the first person there, so I was able to spend about 20 minutes alone with the election officials, and I tried to give them my comments on the placement of the voting booths and the voting machine and my concerns for voter privacy. As the result of my comments, they did move the privacy booth in the demonstration to be nearer to a wall. Other than that, they would not address my concerns about people walking behind the voting booth, use of the privacy folders, and having to put the ballot into the machine vote-side up in full view of the poll worker. They were not in listening mode, but rather interested in telling me that my concerns were not legitimate. I still had many of these issues when I voted in November, but am happy to report that last week for the primary most of my problems had been resolved at least at my polling place. The only issue I have remaining is that I believe voters should be explicitly advised that they may insert the ballot upside down into the machine to ensure that it cannot be seen when it is removed from the privacy folder. Of course some of these issues may still exist at other polling places in Glastonbury and elsewhere in the state.

Second, I have a comment on the Secy. of the State's proposed Voter Privacy legislation. It provides for at least three feet distance from the machine to the people waiting in line to vote. I don't think this is nearly enough. We naturally leave more room than that at the ATM, and have a lot more distance in a bank teller line, or even at the check out at CVI or the line at the movies!

Thank you for the opportunity to express my concerns tonight.

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