



GAE Testimony: February 18, 2009

Submitted by George Cody

HB 6441 AAC CONFIDENCE IN THE CONNECTICUT ELECTION SYSTEM

Sen. Slossberg and Rep. Spallone, and members of the Committee, my name is George Cody, Registrar of Voters, New Canaan. The Registrars of Voters Association would like to identify several problems or areas of confusion in the proposed bill. We would further strongly recommend that the Committee and the Legislature defer action on this bill until more time can be taken to evaluate the operation and application of a number of changes proposed in this bill to the post election environment.

We also feel, rather than expanding and extending the post election Audits program, that this program be phased out, since the state is no longer able to pay the related costs, creating a new unfounded burdens upon our towns. As long as Audits are to be continued, much of the language in HB6441 concerning Audits as it relates to counting and procedures would be better handled through Regulations rather than statutes. This way, the SOTS could adapt them as needed as in the past.

The bill before you redefines how ballots are handled, transferred and stored after an election. It goes on to address how the results are submitted, processed and reported to the Secretary of the State, and by the SOTS on their website. The bill establishes unrealistic deadlines upon Moderators for additional reports to be submitted to the SOTS by the midnight deadline after 19 hours on the job, with additional materials to be faxed by 7:30 the next morning. The Secretary of The State would then be required to have all materials from all towns up on their website by Wednesday noon.

The bill would further require the hand counting of all ballots in a recount or recanvass situation rather than the current use of tabulators after each ballot is publicly examined. Connecticut and most of the nation abandoned hand counts over a hundred years ago except under the most extreme situations. A number of deadlines for both the Audits and Re-counts are changed. Many elements of the bill would pose serious problems for Registrars, Moderators, Town Clerks and for the Secretary of The State. The bill would appear to call for separate vaults for election material with access limited to only the Registrars and the Town Clerk. Many towns would have a difficult and costly time meeting this requirement.

The Secretary of The State in conjunction with UCONN has established a comprehensive process of pre and post-election memory card testing. This is complimented by a nationally recognized audit program, based upon a random sample of districts and ballot positions in every election since 2007. After each election, procedures were examined and improved. The Secretary of The State has issued reports expressing confidence in the election and post election audit system. We feel that the system designed by the Secretary of State should be given the opportunity to improve upon itself.

I would like to thank the Committee for their attention and would be happy to answer any questions you may have.

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HB 6441 AAC CONFIDENCE IN THE CONNECTICUT ELECTION SYSTEM HB 6640 AAC CERTAIN REVISIONS TO ELECTION RELATED STATUTES

As an addendum to my testimony on 6441 bill, I would like to submit a list of questionable sections in **6441 AAC Confidence in The Connecticut Election System**. Among a number of other problem areas that need clarification and possible revision, I would like to highlight:

- Section 1 (z) includes referendum in the definition of 'elections'. Is it the intention of the Committee to include all Municipal Referendum in the Audit and Recounts statutes?
- Section 3 9-302 Deals with the handling and storage of ballots after the election.. The bill defines "a 'vault facility that is locked in a manner that requires the presence of the Town Clerk or a deputy Town Clerk and one of the Registrars of Voters to open such vault facility and that requires two keys..." This would be difficult if not impossible and would create thje financial burden of redesigning many towns vault space.
- Section 6 (a) calls for a total hand recount in any recount or recanvass situation, rather than the current use of tabulators for the bulk of ballots after each ballot is publicly examined.. This section goes on to include a confusing reference to excluding recanvas districts in any audit (a), and then implies that the same districts would be included in section (b).
- Section 7 (a) mandates the faxing of returns, and removes the hand delivery option by the next afternoon. This section then goes on to require additional faxing by 7:30 the next morning, a totally unrealistic deadline.
- Section 9 requires the Secretary of The State to scan in all of the above material and have it available for public inspection not later than 12:00 noon the day following the election by district, which is to include central absentee counting as a separate district for audit and reporting purposes. The information contained in the above would have to be further broken out into two spreadsheets that could be downloaded by candidate or town.
- Section 8 (b) deals with audits contains a confusing chart which would determine the number of districts audited, and seems to contradict the 10% mentioned earlier in the same section. Before this scale is applied to elections, it needs to be thoroughly explained and understood by legislators. This section would also remove Town Clerks from the selection process as to which offices would be audited in a selected district. The selection would be done by the SOTS staff, who would have to familiarize themselves with each towns ballot.
- Section 11 would bar Registrars in all elections from having any access or participation with ballots or tabulators, or their transfer or testing when their name appears on the ballot. This would create an unworkable situation, one which the Secretary of The State has allowed over the years. This should not be a problem, since all work is to be done and witnessed by at least two people.

HB 6440 AAC CERTAIN REVISIONS TO ELECTION RELATED STATUTES, is a 'clean-up ' bill introduced last year which was not passed due to time. It deals with lists and forms used in elections, but also contains important sections on permanent absentee status for the permanently disabled, and adjustments to the audit process. **We support this bill but would like to point out a section we feel should be removed. Section 10 (a) removes the requirement that anyone distributing more than five absentee applications register with the Town Clerk. This requirement passed in 2006 addressed a real problem with the indiscriminate distribution of absentee ballots, and has effectively dealt with the problem.**