



STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

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**TESTIMONY PRESENTED BEFORE THE GOVERNMENT ADMINISTRATION  
AND ELECTIONS COMMITTEE**

**March 1, 2010**

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**Senate Bill 287 – An Act Concerning Accessible Voting for Voters with Disabilities or  
Needing Assistance**

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Chairpersons Slossberg and Spallone, Ranking members Senator McLachlan and Representative Hetherington, and distinguished members of the committee, thank you for the opportunity to present testimony today.

The State Elections Enforcement Commission supports Senate Bill 287. Our mission centers on the electoral process and to provide confidence to the people of Connecticut by enforcing laws pertaining to state and local elections primaries and referenda. Senate Bill 287 is responsive to difficulties that our agency has experienced with the move to new optical scan voting machines and alternative voting systems (AVS) from the old lever voting machines.

Prior lever voting machine systems were codified in great detail in state statutes, with very specific procedures. Under the old system, the Commission had significant authority to respond to deviation from procedure and critical errors made in the administration of elections. We have resubmitted our 2009 legislative proposal that addresses statutory deficiencies, and includes the necessary changes to provide accessible voting for voters with disabilities or needing assistance. The Commission's proposal would clarify that the Commission has the ability to investigate an alleged violation of the Secretary of State's regulations, and enforce against violators consistent with the Commission's prior authority, it does not expand our authority but retains the Commission's authority over voting machines.

A glaring example of a current statutory deficiency is our inability to fashion a remedy for the election officials' failure to set-up the AVS vote-by-phone system so that it is functioning properly at the opening of the polls, thereby ensuring that the voting systems are fully accessible to voters with disabilities without undue delay. The Commission has had several complaints from voters where the Commission was without a remedy for voters when the system the voter desired to use was not set up at the time the voter arrived at the polls. The Commission presently only has a remedy if the voter is completely denied the right to vote – a result none of us want.

The present reality is that two voting systems – both the optical scan and the AVS voting system for persons with disabilities – are both in use at each polling place in Connecticut – or should be. The optical scan system is primarily codified in regulation; however, the AVS vote by phone system does not appear in statute or regulation; and, our ability to protect the public has been impacted.

Amending section 9-247, accomplishes a result responsive to recent complaints by tapping into the language of prior statutes applicable to lever machines, but applying it to any system approved for use in the election. It allows the Secretary of the State flexibility to approve new and improved technologies without requiring a statutory change to provide protection for voters for each individual system.

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The Commission encourages you to consider not only this proposal but our Commission proposal which would be responsive in keeping pace with the systems that are being used in Connecticut. Moreover, the Committee may want to consider a global revision to the election administration statutes to address the new voting system.

The Commission also supports the proposed changes to section 9-264. Candidates should not be present while electors complete their ballots, and this change would be consistent with existing absentee ballot law, which already acknowledge the potential for undue influence. However, consistent with absentee ballot law, you may want to provide an exemption for an immediate family member of a candidate.

Thank you for the consideration of the Commission's views and opportunity to present testimony; and I would be happy to answer any questions that you may have.