



CGA Government Administration and Elections Committee

February 14, 2011 Public Hearing

ELECTION LAWS

Comments Prepared by Christine S. Horrigan, Government Director

Submitted by Carole Young Kleinfeld, Vice President

Opposition to:

SB 940 AAC POST-ELECTION AUDITS

SECTIONS 54(b) and 54(c) of SB 939 AAC ELECTIONS RELATED STATUTES

Support For:

SB 384 AAC THE NUMBER OF POLLING PLACES
AND MODERATORS FOR PRIMARIES

SB 939 AAC ELECTIONS RELATED STATUTES
(EXCEPT FOR SECTIONS 54(b) and 54(c))

SB 942 AAC THE INTEGRITY OF ELECTIONS

HB 6330 AAC CERTAIN REVISIONS TO
ELECTIONS RELATED STATUTES

HB 6332 AAC PRIMARIES, PETITION AND
BALLOT PREPARATION LAWS

HB 6333 AAC CONCERNING PROVISIONAL BALLOTS
FOR STATE AND MUNICIPAL ELECTIONS

SJ 25 RESOLUTION AMENDING THE STATE CONSTITUTION
TO ALLOW FOR NO-EXCUSE ABSENTEE VOTING

HJ 88 RESOLUTION AMENDING THE STATE CONSTITUTION TO
GRANT AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION

SB 941 AA IMPLEMENTING NO-EXCUSE ABSENTEE VOTING

HB 5978 AAC PERMANENT ABSENTEE BALLOT STATUS
FOR DISABLED VOTERS

My name is Carole Young-Kleinfeld. I am Vice President of the League of Women Voters of Connecticut, a statewide organization with over 1800 members dedicated to improving the electoral process. On behalf of the League, I would like to thank you for giving us the opportunity to comment upon the bills that are before the Committee today.

SB 940 AAC POST-ELECTION AUDITS

The League believes that voting systems must be secure, accurate, recountable, accessible and transparent in order to ensure the integrity of, and voter confidence in, elections. For these reasons, the League supports post-election audits of Connecticut's optical scan voting machines and is an active member of the Connecticut Citizen Election Audit Coalition.

While the League believes in efficient and economical government, we *oppose* the current version of SB 940, which would permit municipalities to substitute a machine based audit "using an independent machine rather than a tabulator" for the current system of manual audits, for the following reasons:

- The legislation is silent regarding what type of machine or system would be acceptable for purposes of a machine-assisted audit and contains no provisions for approving and/or certifying such machine or machines.
- While there may be secure and accurate ways of using another machine to audit a voting machine, the proposed legislation does not contain any controls or safeguards, such as clear chain-of-custody requirements for all critical audit components, to reassure us that this is so.
- Implementation of our current audit procedures needs improvement. The prior Secretary of the State had convened a group of stakeholders that was working on how to make the current audit procedures more accurate and less confusing for registrars. If continued by the current Secretary of the State, this should improve the manual audit process.

As noted in the League's *Report of the Election Audits Task Force*, "manual counts, properly done with carefully designed protocols and transparency, are currently the preferred and accepted procedure for election audit counts." Our current audit law is a check on the accuracy of our voting equipment--at a time when checks-and-balances in elections are increasingly important. The League urges you to vote "NO" on SB 940 as written.

SB 939 AAC ELECTIONS RELATED STATUTES

The League believes that the political process must be open to all citizens and the *right to vote with confidence* must be guaranteed. While the League supports many of the provisions contained in SB 939, particularly those provisions which extend the use of provisional ballots to all elections (Section 29), prohibit business entities associated with candidates from transporting, preparing, repairing or maintaining voting machines (Section 35), allow the Secretary of the State or her designee access to polling places on Election Day for the purpose of reviewing compliance with state and federal law (Section 43), and require registrars of voters to provide a list of polling places to the Secretary of the State (Section 44), we *strongly oppose Sections 54(b) and 54(c) of this bill which deal with the treatment of cross-endorsed candidates*. Under these provisions, "[i]n the event that a candidate is cross endorsed and appears on the ballot in more than one line, if an elector casts more than one vote for such candidate," the tabulator must be programmed to reject the vote as an overvote, the ballot must be destroyed and the elector must be given a new ballot.

The League believes that Sections 54(b) and 54(c) create barriers to voting and should be rejected for several reasons:

- Currently, our voting tabulators accept dual votes for cross-endorsed candidates and count them as one "unknown" vote, i.e., "party unknown", for those candidates; Sections 54(b) and 54(c) would require polling place tabulators to reject such votes, election officials to destroy those ballots, and voters to re-do new ballots.

- Rather than taking the time to re-do their ballots, some voters may simply give up, requiring the election officials to destroy their ballot and disenfranchising the voter.
- These provisions create the same problem for the “fleeing voter” who leaves the polling place before realizing that his or her ballot must be destroyed. Moreover, absentee ballot voters would never have a chance to re-do their ballots, leaving the moderator with the choice of choosing one party for that vote, of reporting the vote as “unknown” which continues the status quo for absentee ballot voters, or of disregarding the dual vote altogether, thereby partially disenfranchising a voter who has clearly indicated the candidate of his or her choice in a cross-endorsed race.
- Given the uncertainty regarding absentee ballots and the possibility that some voters may choose not to re-do their ballots, candidates might be reluctant to accept cross-endorsements to the detriment of minor parties.
- Hand counting absentee ballots with dual votes for cross-endorsed candidates creates an additional burden on election officials and destroying ballots with dual votes adds unnecessary costs to an election.

The League understands that the proposal contained in Sections 54(b) and 54(c) stems from concerns over how to award “unknown” votes between parties on Election Night and how to report those “unknown” votes at the end of an election. There are at least three ways to deal with the problem of “unknown” votes for cross-endorsed candidates without burdening the voter. First, the legislature, in consultation with the Secretary of the State, may wish to consider moving to a ballot that is organized by office rather than by party-line. On these ballots, candidates list their endorsements after their names and voters vote for the candidates instead of the party. Second, better training of election officials and voter education should help alleviate the problem of “unknown” votes for cross-endorsed candidates. Third, reporting requirements could be changed so that “unknown” votes are displayed as a separate category on election returns transmitted to the Secretary of the State’s office on Election Night, allowing the Secretary of the State—not local elections officials—to allocate those votes among the appropriate political parties for that particular election and for future administrative purposes. The League urges you to consider these alternatives to Sections 54(b) and 54(c).

SB 942 AAC THE INTEGRITY OF ELECTIONS

As noted earlier, the League believes that the political process must be open to all citizens and the *right to vote with confidence* must be guaranteed. We support certifying moderators every two years as proposed in Section 1 of SB 942 as long as such certification is supported by a vigorous moderator training effort by the Secretary of the State’s office. The Secretary of the State’s office also should keep accurate files of certified moderators for municipalities to call upon in the event of shortages of qualified moderators.

The League *strongly supports the creation of emergency contingency plans for elections, primaries and referenda*, as outlined in Section 2. However, we believe that the period for notification of Secretary of the State following activation of such a plan can and should be shortened considerably by requiring verbal notification followed by a written report. While hindsight is always 20/20, a well-thought out emergency plan and timely assistance from the Secretary of the State’s office might have alleviated or prevented some of the problems encountered by the City of Bridgeport and other municipalities that ran out of ballots during the recent November election. We also note that under Section 2(b) a municipality’s emergency contingency plan for elections must be adopted by its legislative body, which in some cases means by “town meeting.” We suggest changing this requirement to “adopted by the local ordinance-making body of each municipality.”

As noted in our comments on SB 939, the League supports allowing the Secretary of the State or her designee access to polling places on Election Day for the purpose of reviewing compliance with state and federal law and requiring registrars of voters to provide a list of polling places to the Secretary of the State as set forth in Section 3.

The League supports giving the Secretary of the State the authority to disqualify and de-certify moderators as proposed in Section 4; however, we believe that the Secretary of the State should exercise this authority only after consultation with the registrars of voters. Accordingly, we suggest amending the first sentence of Section 4 to read:

“The Secretary of the State shall have the authority to disqualify and de-certify any moderator appointed by the registrars of voters if, in the opinion of the Secretary and after consultation with the registrars, such moderator has committed material misconduct, material neglect of duty or material incompetence in the discharge of his or her duties as a moderator.”

This would give the registrars an opportunity to take action while ensuring that the ultimate authority remains with the Secretary of the State.

Finally, we support requiring registrars of voters and municipal clerks to certify to the Secretary of the State the number of ballots ordered for each polling place as outlined in Section 5. We believe that the setting a flexible standard based on historical turnout with Secretary of the State review and oversight strikes an appropriate balance between economy, efficiency and voters’ rights.

The League believes that these measures taken together will help ensure voter confidence in our electoral process.

SJ 25 RESOLUTION AMENDING THE STATE CONSTITUTION TO ALLOW FOR NO-EXCUSE ABSENTEE VOTING, HJ 88 RESOLUTION AMENDING THE STATE CONSTITUTION TO GRANT AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION and SB 941 AA IMPLEMENTING NO-EXCUSE ABSENTEE VOTING

The League supports measures which assure that absentee ballot privileges are available to all electors – for any reason or no reason at all. There are two resolutions and one bill before the Committee today that would loosen the standards for obtaining an absentee ballot. The League urges your support for these measures.

HB 5978 AAC PERMANENT ABSENTEE BALLOT STATUS FOR DISABLED VOTERS

The League believes that voters who are unable to get the polls should not be disenfranchised because of difficulties applying for and receiving absentee ballots (including long lead times associated with the mails). This group includes people who are permanently disabled, infirm (shut-ins) or suffering from an illness (such as Parkinson’s disease) that makes an appearance at the polls on any given day questionable. By eliminating the interim step of applying for the ballot, permanent absentee ballot status should also reduce paperwork and costs to municipalities.

HB 5978 would provide for automatic mailing of absentee ballots to permanently disabled voters. The League urges the Committee to protect these vulnerable voters by supporting HB 5978.

OTHER BILLS

The League also supports the changes and improvements to our election laws contained in SB 384 AAC *The Number of Polling Places and Moderators for Primaries*, HB 6630 AAC *Certain Revisions to Elections Related Statutes*, HB 6332 AAC *Primaries, Petition and Ballot Preparation Laws*, and HB 6333 AAC *Provisional Ballots for State and Municipal Elections*, many of which also appear in SB 939.

Thank you for the opportunity to submit comments on these bills.