

H.B. 5024 - Revised Testimony

**Government Administration and Elections Committee
Testimony – March 2, 2012**

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Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount. I am a retired computer scientist, software engineer, and systems director. I spent my entire career leading the building, evaluating, buying and selling software for large organizations, evaluating projects, and advanced technologies. I have served in three elections as a central count absentee ballot Moderator. I have experience evaluating projects based on sketchy information. In fact, sketchy information is a strong indicator that caution and a full evaluation would be prudent before proceeding.

I associate with the testimony of Matt Wagoner on this bill.

H.B 5024 proposes initiatives for two concepts that I fully support in theory.

I support the proposal for Online Voter Registration, although I would rather see costs and more details specified. Everyone should be aware that development and maintenance costs will accrue to the state, while savings will accrue to municipalities.

I recommend against this proposal for Election Day Registration. It lacks sufficient detail to protect the rights of EDR voters, the rights of all voters, and the integrity of elections. The structure that is proposed, by its nature portends chaos in future critical and high interest elections, such as those we have experienced in 2006, 2008, and 2010.

This bill specifies EDR in small, crowded registrars offices, already beehives of activity on election days. In a large city, in a popular election, 5,000 or more voters may descend on election day, many more than in most polling places, adding thousands of calls in and out, with a registration process much more complex and time consuming than polling place check-in.

It is not a polling place, voters fill out something short of an absentee ballot, place it in a ballot box, with no requirement for ballot clerks, ballot box attendant, no room for privacy booths, or training in how to vote.

The proposal requires counting in a manner similar to absentee ballots – requiring opening and counting several times the current volume of absentee ballots. Statewide the results of many reasonably close elections would depend on the results of over 200,000 EDR ballots with many processed after 8:00pm. Will citizens be permitted to register and vote if they are in line at 8:00pm or will they be denied, since they are not voters?

Based on a sketchy law with no requirements for regulations or procedures to be created or followed, we will have 169 EDR systems based on the interpretations of 169 municipalities.

Expect chaos, legal challenges, and complaints. These are predictable, likely results of this EDR plan. I cannot support EDR as proposed in this bill.

Thank you.

Outline of a better, centralized EDR alternative

I understand that one of the reasons for this proposal's structure is that it is deemed too difficult or too expensive to provide a full polling place environment for voters, primarily because the voter registration system is tethered to the registrars' offices. Expense would be necessary to provide access to the voter registration system for a single existing polling place in small municipalities or access in a larger room in a central location for multiple-polling place municipalities. Focusing on that expense is poor economy and archaic thinking. EDR voters deserve the facilities of a traditional polling place. All voters deserve the integrity protection of a polling place, ballots counted by machine and subject to post-election audit.

- Where towns have a single polling place, accomplish the registration in the same building, or building complex as the polling place, let voters vote like all other voters in the same polling place. There is no value in separate reporting, so all voters could use the same tabulator.
- Where towns have several polling places, conduct central registration in a single polling place with EDR registration, voting like all other voters, using a tabulator set up just like the central AB machine, able to handle all ballots from all districts. Or conduct EDR in each polling place.
- Specify more details in the law and/or require regulations and procedures be created by the Secretary of the State and that those regulations and procedures be followed by officials
- Include election day registration ballots in post-election audits.
- Like EDR as specified in this bill, the alternative would add costs to the election process. Much, if not all, of the expense of providing a polling place for EDR, would be offset by tabulator counting, rather than machine counting of ballots, while providing integrity and convenience for voters.

Volume of registrations and cost in one state, from a PEW Report:

<http://www.pewcenteronthestates.org/uploadedFiles/Election%20Reform%20Briefing%2016;%20Election-Day%20Registration%20A%20Case%20Study.pdf>

Minnesota, which has offered polling-place EDR for more than 30 years, has recorded between 10 and 20 percent of voters registering and casting ballots on Election Day. Officials noted that EDR can make ordering ballots more difficult and lines can get long in some areas...

When EDR was first authorized, the state provided funds to assist local jurisdictions with implementation. The state initially authorized \$125,000. Local jurisdictions soon discovered it was far from enough. In all, \$800,000 was required for that year. Eventually, the state left jurisdictions to fund EDR themselves as part of regular election expenses [Note: Minnesota has about double the voters in Connecticut today, but the \$800,000 was in 1973 dollars and without the requirement of checking against an online voter registration file]

EDR Issues with the specification in the current Bill

Crowded registrars offices unable to handle volume, provide privacy

- Other states have experienced EDR registration of 10% to 20% based on the interest in elections. Presumably as voters understand that they can register on election day, more will choose to do so that today would register earlier.
- Presumably more voters would use EDR in large cities where traditionally more voters move in and out, and move within the same city. A city such as Bridgeport might have 5,000 to 7,000 EDR voters in a high interest election. That represents four to six times the number of absentee ballots in November 2010 and five to seven times the number of voters in an average polling place in that election.
- Perhaps the volume will be lower with this centralized system, with a reputation for longer lines and less convenience than other states, yet a smaller volume that would still likely represent multiples of the current number of absentee votes.
- The EDR process takes several times as long as the polling place check-in process.
- In addition to placing additional calls to other towns, many additional calls would need to be accepted and responded to 'immediately' from other towns, and in those towns calls 'immediately' to polling places. Presumably this could take some time, before voters transferring between towns can be given a ballot, adding to the time and congestion.
- Since the bill does not define the registrars' offices as polling places, presumably there would be no requirement for privacy booths, ballot clerks, and voter training.
- There would be no law restricting the rights of media, citizens, and candidates from closely observing the process.
- Presumably citizens will be given the opportunity to spoil ballots and receive a new one. This can be a significant process in a crowded area, especially when it involves several ballot styles.
- Since citizens in line are not voters, would registrars be required continue the process beyond 8:00pm to serve all those in line? Would other towns be required to stay open to process incoming calls from other towns after 8:00pm and keep officials on duty at each polling place to respond 'immediately' to required calls?

Voting process that may disenfranchise EDR voters

- Like absentee voters, EDR voters would not have the benefit of a tabulator to reject ballots with an overvote. Many EDR voters will be first time voters.
- There is no requirement for staffing to assist voters in understanding how to vote. Many EDR voters will be first time voters.
- There is no requirement for IVS machines to assist voters with disabilities.
- Long lines may discourage many from registering and voting.
- There may be charges of and the reality of voters being disenfranchised by unequal processes, wait times, and voting after 8:00pm or not, in different municipalities.

Additional concerns

- The law does not specify how EDR votes are to be reported (only EDR ballots). Would they be a separate category on each district, and head moderators returns? Presumably, they must be counted and reported separately from absentee ballots, since absentee ballots are required to be reported separately from other votes.
- There is no requirement for regulations and procedures to define the process, nor that any such regulations and procedures be followed by officials.
- There is no requirement for minimum levels of the printing of EDR ballots and envelopes.
- There is no requirement for post-election audit of EDR ballots whether counted by hand or machine.

- There is no specification of requirements for recanvassing EDR ballots and envelopes.
- The law requires feedback from the Secretary of the State and State Elections Enforcement Commission. It does not include feedback from voters – hopefully there will be hearings or some other way voters can provide feedback on the process. While the law specifies EDR for elections, the feedback is specified as being based on primary elections.