

S.B. 4, S.B. 5 – Prepared Remarks

**Government Administration and Elections Committee
Testimony – March 25, 2013**

**Luther Weeks
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334 Hollister Way West, Glastonbury, CT 06033**

Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount.

I support S.B. 5. It would enhance and expand disclosure of political advertising sources. More transparency of this nature is good for democracy.

In my written testimony, I have provided two examples where I believe that disclosure has helped in matters associated with the Connecticut General Assembly. Voters and officials need maximum disclosure.

I leave it to others with more expertise in this aspect of the law to address the details.

S.B. 4 would provide for early voting in town halls by a process with some aspects of polling place voting and others more like absentee voting. In concept, this seems an acceptable compromise. It avoids the fraud, coercion, and loss-in-the-mails risks of no-excuse absentee voting, yet retaining only some of the disenfranchising aspects of absentee voting.

However, this bill, like last year's Election Day Registration bill:

- Omits many traditional security and voter service provisions currently provided by law for election day voting and absentee vote processing. It has several ballot security, reporting, and voter check-in gaps.
- It lacks the coordination with other processes and time tested procedures that serve voters and contribute to our current level of election integrity. It couples omissions with ambiguity.
- It unnecessarily increases the portion of the vote subject to some of the existing integrity gaps in absentee voting.

It is a considerable, and in some aspects an unnecessary unfunded mandate.

- The necessary increase in costs would range from multiplying election day costs for small towns by about 500% down to about 20% for New Haven.
- One provision imposes an all but impossible requirement on the Secretary of the State, registrars, and town budgets. If taken seriously, as all laws should be by officials, it would magnify election day and early voting costs many times over.
- Another costly provision overrides the law passed in 2011 allowing towns to print less than one ballot per registered voter when that is prudent.
- It mandates paid officials to stand watch by optical scanners, which other provisions clearly mandate cannot be used.
- Other provisions would make ballot counting an unnecessarily difficult burden on officials.

Please defer action on early voting for a time when Connecticut is prepared to pay for it. And when there is time to develop and hear testimony on a detailed bill with guarantees of protection and voter service.

Thank You



S.B. 4 – Concept Reasonable – Missing Integrity and Service Requirements
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Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount, a Certified Moderator, with four years leading central counting of absentee ballots, looking forward to following the law and serving voters, leading election day registration in my town this November.

This bill would provide for early voting in town halls by a process with some aspects of polling place voting and others more like absentee voting. In concept, this seems an acceptable compromise. It avoids the fraud, coercion, and loss-in-the-mails risks of no-excuse absentee voting, yet retaining only some of the disenfranchising aspects of absentee voting.

However, this bill, like last year's Election Day Registration bill:

- Omits many traditional security and voter service provisions currently provided by law for election day voting and absentee vote processing. It has several ballot security, reporting, and voter check-in gaps.
- Lacks the coordination with other processes and time tested procedures that serve voters and contribute to our current level of election integrity. It couples omissions with ambiguity.
- It unnecessarily increases the portion of the vote subject to some of the existing integrity gaps in absentee voting.

Some details on missing items and inadequacies:

- It specifies the inadequate ballot security and chain-of-custody provisions associated with absentee ballots. See my testimony earlier this year on S.B. 1058
- It does not seem to recognize that ballots and other materials need to be secured between the individual days of early voting. Such access could be used to alter the vote via fraud. Such access could be used to estimate election results in advance of the polls closing.
- There is no specification of the ballot box, which it refers to as a "secured ballot receptacle".
- It does not seem to require that the early voting location be a "Polling Place" with all the staffing, protections, and voter service of a polling place e.g. no limits on polling place public observation, no Assistant Registrars protecting opposing interests, no trainers, no ballot clerks, no privacy booths, no ballot box attendant, and no check-in list requirements.
- There is no specification of how check-in lists, if any, are coordinated with current polling place voting and absentee voting lists. Or the retention of such check-in lists and their certification.
- It does not contemplate or apparently allow for multiple Moderators or checkers on different days. Allowing such would seem to require daily Moderators Returns and Check-In lists so that they can be signed by different individuals etc.
- It continues the trend begun with EDR to have less and less ballots subject to the post-election audit.

Additional concerns:

- This is a significant unfunded mandate, falling disproportionately on small towns, especially in the current budget environment. Done with reasonable staffing and controls it would close to double the election day costs for a mid-size town like Glastonbury. In a small single polling place town, it could multiply election day costs by a factor of five to seven. In contrast, for New Haven it might represent an increase of 20% over election day costs.

- Lines 72-78 specify an all but impossible requirement for the Secretary of the State and registrars to guarantee a less than fifteen minute wait. The Secretary of the State has insufficient authority to mandate specific requirements on registrars. Neither registrars nor the Secretary can control how many voters descend on a polling place simultaneously – arriving on a bus, after a factory shift change, Metro North train, or after university classes etc. The only entirely fail-safe mechanism would be to divide the maximum number of voters in the district by then number of voters that can be serviced by a single check-in line, and provide at least that number of check-in lines to service the maximum number of voters who could arrive in a single 15 minute period. Consider a district about of 4000 registered voters, in my town, and assume 30 seconds per voter check-in. That would be about 133 check-in lines, multiplying election day costs by a factor of about 16 for polling places and even more expense for early voting, since one location would service all voters in a municipality.
- Lines 24-27 specify that electors be “provided with the same ballot that he or she would be voting on election day”. Since other text requires, appropriately, that head moderators report separately on early voting results, for polling place absentee voting towns, the early voting ballots must therefor be counted by hand or on a different scanner – because scanning with the same scanner would result in their intermixture in counts with polling place election day voted ballots.
- Lines 27-29: Contradicts to the law for ballot printing passed in 2011, this bill requires one ballot for each eligible voter be printed, a significant expense.
- Lines 55-58 require an official to watch a voting tabulator during all hours of early voting, while other provisions seem to preclude a tabulator from being used for early voting until after polls close on election day. This seems a really unnecessary expense.
- Lines 69-71 prevent counting of any votes until after the polling places close on election day. This will be an extra burden on central absentee and polling place moderators and officials, risking errors and delayed results. If regular absentee ballots can be counted starting at 10:00am on election day, why not early voting ballots?

Recommendations:

- Defer action on early voting for a time when Connecticut is prepared to pay for it. And there is time to develop and accept testimony on a detailed bill with guarantees of protection and voter service.
- Develop an early voting bill with more details, providing at least the same level of security as polling place election day ballots and the sealed retention period of absentee votes. Specify that early voting locations are polling places.
- Provide for optical scanner voting, similar to polling place voting, using a single scanner and ballot box, securely stored between each early voting day. The minor additional costs would be offset by avoiding the expensive absentee counting process. Voters would be less disenfranchised, and election results available sooner.
- Detail t daily Moderators Report requirements, contemplating multiple Moderators.
- Detail the check-in process, the daily check-in reports necessary contemplating multiple checker teams, and the coordination of check-in lists with absentee and polling place voting.

Thank you

S.B. 5 – Favor

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Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount and a member of my local party Town Committee.

This bill would strengthen campaign and political expenditure disclosure provisions. Disclosure provides helpful information to the public in judging communications based on the source of the communication.

Most individuals take less heed or are more wary when they read an opinion piece written by an identified source, or clearly identified as paid advertising in a newspaper. It should be no different with a political ad or publication.

It is insufficient to know that something is a paid advertisement. It is insufficient to know the chosen name of a front group, which may leave an impression completely divorced from the actual source. More helpful is knowing the actual source of the money, the individuals financially backing the message, and having that information available to the reader or viewer directly as part of the message.

Two recent positive examples, in my town, involving this Legislature, that demonstrate the benefits of disclosure:

- **A candidate for the Connecticut Senate in my district was targeted, late in the campaign season, by a wealthy individual far away in the state. The candidate was likely targeted only because of a slim margin of victory in the previous election and the ideology of that single wealthy individual. But, the public was well informed of the source in advance by the media. Whether strictly required in this case or not, it would seem that the media attention provided the warning that should be made available by disclosure. As they say, “consider the source”, in advance of the message.**
- **A candidate for the Connecticut House in my district received most campaign contributions from outside the district, and primarily from individuals engaged in a single profession. Everyone can look that up and inform the voters. Voters and other legislators can judge votes, actions, and accolades based on that information.**

Like freedom-of-information and ethics disclosures, this bill brings more of the transparency that can contribute to good government that works for everyone. Like freedom-of-information and ethics disclosures, the provisions of this bill may not be welcome, especially by those wishing to hide their involvement and biases.

Thank You

