



Committee on Government Administration and Elections

March 17, 2014

Testimony in SUPPORT of SB441, AAC Electronic of Manual Check-in of Voters, the Process of Voting and Electronic Filing of Official Check Lists

Senator Musto, Representative Jutila, and members of the GAE Committee, my name is Melissa Russell, and I am the President of the Registrars of Voters Association of Connecticut (ROVAC), as well as a registrar of voters in Bethlehem, and I am here to offer testimony in support of SB441.

This bill allows for the optional use of electronic poll books during elections and primaries. There are distinct advantages to using a poll book over the current manual method used now. One of the foremost advantages is the reduction in wait time in line for the voters. Instead of paging through a paper list, the checker can simply click on the voter's address and name to check them off. A second important advantage involves the end of the night tallying of voters on the checker's list. With an electronic poll book, the total number of voters checked is already tallied and accurate. With a paper list, the tired checker must hand count, page by page, each voter that was checked off over the course of the day. Often, this count takes quite a long time, and slows down the end of night reporting process considerably.

There are other advantages to using electronic poll books that go beyond the polling place. For instance, a "who voted" tally can be automatically uploaded to a website in nearly real time, allowing candidates to get these numbers without having to hire unofficial checkers and runners to man the polling places.

Many registrars and poll workers across the state are eager to use this type of technology in their polling places, and in fact, the use of electronic poll books is becoming more widespread and popular all over the country. According to the National Conference of State Legislatures (www.ncsl.org), there are currently 21 states that allow the use of poll books in their statutes. It's time that Connecticut joins these other states, and allow our registrars to take advantage of this useful and important technology.

Of note, ROVAC has been working directly with the Secretary of the State's Office to develop language that we believe addresses both ROVAC and the Secretary of State's concerns with the legislation. We have attached a copy of this proposed JFS language for the committee's review. ROVAC supports this proposed JFS language, but would like to suggest that the implementation date for the bill to be set to January 1, 2015 instead of from passage. This implementation date will allow for the proposed changes contained within the bill to take place after this fall's General Elections.

I thank you for raising this bill, and taking the time to consider my testimony today. ROVAC looks forward to the opportunity of working with members of the committee and the SOTS's Office in developing this legislation, and I urge you to favorably support SB441.

AN ACT CONCERNING ELECTRONIC OR MANUAL CHECK-IN OF VOTERS, THE PROCESS OF VOTING AND ELECTRONIC FILING OF OFFICIAL CHECK LISTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 9-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The registrars of voters of each municipality shall print copies of the final registry list for distribution in such municipality and in all the voting districts located therein. In the event that the registry list to be used at the polls is an electronic device, after the final period for making changes to the registry list, a paper copy of the registry list must be printed for and distributed to, each polling place for use in case of emergency. The registrars shall, upon request, produce for any candidate for election the final registry list for each voting district for which such person is a candidate and shall maintain such list, either on paper or in electronic format, for a period of two years.

Section 2. Section 9-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Each registrar of voters shall be present during the taking of the vote at any regular or special state or municipal election in the registrar's of voters town or district. The assistants in their respective districts shall, when requested by either registrar of voters, be present at the taking of any such vote and discharge the duties of registrars of voters. Each registrar of voters shall appoint some suitable person to check the list manually on paper or electronically in each district, unless the registrars of voters have established two shifts for election officials under the provisions of section 9-258a, in which case each such registrar of voters shall appoint one such person for each district for each shift. Each such person, who is so appointed official checker, shall manually or electronically check the name of each elector [thereon] on the list when the elector offers the elector's vote, and no voting tabulator tender shall permit any vote to be cast upon the voting tabulator until the name has been so checked. If an official checker is checking the name of an elector electronically, the checker shall use an electronic device approved by the Secretary of the State, in accordance with the provisions of section 4 of this act.

Sec. 3. Section 9-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the official checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name

on the official registry list, as required by section 9-23r, shall present to the official checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the official checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate [such] form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the official checkers shall check the name of such elector on the official checklist, manually on paper or electronically. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checkers to check the name of such elector on the official checklist, manually on paper or electronically, or notify the elector that the form is incomplete or inaccurate.

(b) In the event that an elector is present at the polling place but is unable to gain access to the polling place due to a temporary incapacity, the elector may request that the ballot be brought to him or her. The registrars of voters or the assistant registrars of voters, as the case may be, shall take such ballot, along with a privacy sleeve to such elector. The elector shall show identification, in accordance with the provisions of this section. The elector shall forthwith mark the ballot in the presence of the election officials in such manner that the election officials shall not know how the ballot is marked. The elector shall place the ballot in the privacy sleeve. The election officials shall mark the elector's name on the official voter list, manually on paper or electronically, as having voted in person and deliver such ballot and privacy sleeve to the voting tabulator where such ballot shall be placed into the tabulator, by the election official, for counting. The moderator shall record such activity in the moderator's diary.

(c) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote, pursuant to section 9-431, an unaffiliated elector shall also announce to the separate table of the official checkers for unaffiliated electors the party in whose primary the elector chooses to vote and the official checkers shall note such party when checking such elector's name on the checklist of unaffiliated electors, manually on paper or electronically, provided such choice shall not alter the elector's unaffiliated status.

(d) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote or in which one party is holding a primary in

which unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, the official checkers shall give to each elector checked, manually on paper or electronically, a receipt provided by the [registrar] registrars of voters, in a form prescribed by the Secretary of the State, specifying either (1) the party with which [he] the elector is enrolled, if any, or (2) in the case of an unaffiliated elector, the party in whose primary [he] the elector has so chosen to vote, and whether [he] the elector is authorized to vote for only a partial ballot.

(e) If not challenged by anyone lawfully present in the polling place, the elector shall be permitted to pass to the separated area to receive the ballot. The elector shall give any receipt the elector has received to a ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. The elector shall be permitted into the voting booth, and shall then register his or her vote in secret. Having voted, the elector shall immediately exit the voting booth and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting booth longer than the time necessary to complete the ballot, and, if the elector refuses to leave such booth after completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator. Not more than one elector at a time shall be permitted to be within the enclosed space which the elector occupies while the elector completes his or her ballot, provided an elector may be accompanied within such enclosed space by one or more children who are fifteen years of age or younger and supervised by the elector, if the elector is the parent or legal guardian of such children. At least two additional electors, whose next turn it is to vote shall be permitted in the polling area for the purpose of receiving a ballot. If any elector, after entering the voting booth, asks for further instruction concerning the manner of voting, the election officials shall give such instructions or directions to the elector; but no election official instructing or assisting an elector, except as provided in section 9-264, shall look at the ballot in such a way as to see the elector's markings or in any manner seek to influence any such elector in the casting of the elector's vote.

Sec. 4. Section 9-307 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

Immediately after the polls are closed, the official checkers, appointed under the provisions of section 9-234, as amended by this act, shall make and deliver to the moderator a certificate, [in duplicate,] stating the whole number of names on the registry list or enrollment list including, if applicable, unaffiliated electors authorized under section 9-431 to vote in the primary, and the number checked as having voted in that election or primary. For the purpose of computing the whole number of names on the registry list, the lists of persons who have applied for presidential or overseas ballots prepared in accordance with section 9-158h shall be included. Thereupon, in the event that a paper registry list is used, the registrars or assistant registrars, as the case may be, acting at the respective polls, shall write and sign with ink, on the list or lists so

used and checked, a certificate of the whole number of names registered thereon eligible to vote in the election or primary and the number checked as having voted in that election or primary, and deposit it in the office of the municipal clerk of their town on or before the following day. In the event that an electronic version of the registry list is used, the electronic device shall be returned to the registrars of voters who shall cause the electronic registry list to be printed on paper. Such print shall then be signed by both registrars, who shall deposit it in the office of the municipal clerk of their town on the following day. In either event, the municipal clerk shall carefully preserve the same on file, with the marks on it without alteration, for public inspection, and shall immediately enter a certified copy of such certificate on the town records. Subject to the provisions of section 7-109, the municipal clerk may destroy any voting check list four years after the date upon which it was used. The moderator shall place [one of] the [duplicate] certificate[s] which the moderator received from the official checkers [with the voted ballots from the polling place and the moderator's return provided for in sections 9-259 and 9-310 and shall then lock the tabulator as provided in section 9-310, and the moderator shall deposit the other of such duplicate certificates] in the office of the municipal clerk on or before the following day.

Sec. 5. (NEW) (*Effective from passage*) The Secretary of the State shall conduct a review of electronic devices that could assist checkers in checking the name of electors pursuant to the general statutes or regulations, as amended by this act, in consultation and coordination with the University of Connecticut. Not later than September 1, 2015, the Secretary shall make a list of any such devices that the Secretary approves for use pursuant to the general statutes or regulations available to municipalities in a manner determined by the Secretary. The Secretary may periodically update such list to add or remove electronic devices from such list if the Secretary determines that such update is necessary.