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Testimony to the GAE Committee—Public Hearing, February 13, 2015

SB 601 AAC Overvotes For Cross Endorsed Candidates--OPPOSE

Greetings, Senator Cassano, Representative Jutila, and members of the GAE Committee. We are the two registrars of voters for the Town of Wilton—Tina Gardner (R) and Carole Young-Kleinfeld (D). We wish to submit joint testimony on why we oppose proposed SB601—AAC Overvotes for Cross Endorsed Candidates.

An Unnecessary, Time-Consuming Burden for Voters. As registrars of voters from the Town of Wilton, we are committed to protecting the rights of all eligible citizens to participate in their democracy without casting unnecessary obstacles in their paths. In our experience, those few voters who cast double votes for cross-endorsed candidates are NOT confused by this option. They are not casting a true overvote for multiple candidates for the same office. On the contrary, they are very sure and enthusiastic in their choice of one candidate, regardless of how many parties endorsed this one candidate.

Currently our voting machines are programmed to count only one vote in a race where a voter has cast a vote on both party lines for a cross-endorsed candidate. Since our voting machines cannot determine which party the voter preferred, our tabulators display these votes as an "Unknown" category (for Unknown Party) on the machine's report tape. The votes are counted only once and are included in the "TOTALS" on the tabulator-generated tape. Registrars verify that this process is working correctly through their pre-election testing of the voting machines.

To re-program our voting machines to reject these voters' ballots and require voters to re-do their entire ballots—as in a true overvote—is an unnecessary waste of a voter's time. We believe that this extra step will make some voters frustrated enough to leave the polling place without casting a ballot at all.

Loss of Votes for Candidates. Under the proposed bill, if a voter were not able to re-do a ballot with a double vote for a cross-endorsed candidate, the vote for that race would be lost, even though the voter's candidate preference was clear. It is unfair to both the voter and to the cross-endorsed candidate to reject that vote.

Disenfranchisement of Election Day Registration Voters and Absentee Voters. Voters who register to vote on Election Day are not present at the counting of their ballots. Their ballots are counted with absentee ballots at an absentee ballot counting location and may not be counted until after 8 pm on Election Night. Because these voters are not present, they would not be afforded the chance to correct their ballots, unlike voters at the polls. Those double votes for cross-endorsed candidates should not be discarded—and lost—as typical overvotes.

Better Solutions

Although, in 2011, the CGA mandated a formula (§9-242) that distributes double votes for cross-endorsed candidates proportionally among the political parties, this practice is error-prone and unwieldy for election officials to use on Election Night. This practice is even more time-consuming when more than two parties cross-endorse the same candidate.

We suggest any of the following alternatives to this proposed bill:

- Allow additional time (a few days) for election officials to report the allocation of double votes for all cross-endorsed candidates to the Secretary of the State. Candidate TOTALS (including party breakdowns) would still be reported by midnight on election night on the Head Moderator's Return. Allowing extra time would not affect the outcome of the election but would facilitate faster election results on Election Night. Election officials would be able to perform the allocation of Unknown Party votes when they're rested and less likely to make errors. This option may not require legislative action, but only modification in the guidance from the Secretary and on the Head Moderator's Return.
- Report the Unknown Party votes to the Secretary of the State on a modified Head Moderator's Return with no party attribution at all.
- Award any Unknown Party votes to the major party, as is done in New York State.
- Re-design Connecticut's ballot to resemble Vermont's ballot which displays a candidate's name only once for a particular office, but includes the names of all parties which have endorsed that candidate.

Thank you for this opportunity to comment on this bill.

Respectfully submitted,

Carole Young-Kleinfeld and Tina Gardner, Registrars
Wilton, CT