

**Additional Comments S.B. 1041, S.B. 1051, and a Request
Government Administration and Elections Committee
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Luther Weeks
Luther@CTVotersCount.org
334 Hollister Way West, Glastonbury, CT 06033

Chairs and members of the Committee,

I submit the following as clarifications and extensions of my testimony on two bills heard on March 9, 2015, along with a request.

A Request

We request that the Citizen Audit be considered as one of the “stakeholders” for inclusion in discussions “with everyone at the table” for technical election administration bills. We do not claim to represent every voter, even though we have their interests at heart. We do represent an important point-of-view for voters concerned with election integrity, computer scientists, and security experts in Connecticut and nationwide. These views deserve representation apart from the interests of registrars and municipalities.

S.B. 1041

We were elated when Sue Larson testified for ROVAC in support of S.B. 1041, with only two issues of concern. In the interest of getting most of the value from S.B. 1041 and saving the municipalities of Connecticut 40% of the costs of the current audit, we are willing to eliminate both items from the bill, or if the Committee agrees, suggest the following compromises:

First, ROVAC objected to the extended lockup of scanners (lines 287-289). We are OK with deleting the change, yet also propose the following text which we believe would resolve ROVAC’s concerns and is even less stringent than the current law:

being tampered with for a period of [fourteen days] either sixty days or fourteen days prior to the use of such tabulator at a subsequent election, primary or referendum, whichever is less

Second, ROVAC objected to the audit of originally hand counted votes (lines 73-77). Elimination would mean deleting all the underlined text. We would go along with that reluctantly, if necessary, to move the bill, however,

We disagree that including hand counted ballots would make the audit “too much like a recount” and more fundamentally that resemblance to a recount should have any bearing on the issue.

The public and candidates deserve to know if their votes were counted and reported accurately, no matter the original counting mechanism. We suggest the following compromise which would raise the threshold for auditing such ballots from 20 to 100, a factor five times the threshold in the current draft.

and, separately, all ballots initially counted by hand if there are one-hundred or more in the voting district. The report of such audit, produced as set forth in subdivision (2) or (3) of this subsection,

If towns use scanners and registrars order sufficient ballots they should have no concerns with this part of the bill. Presumably the risk of an audit would increase election officials’ motivation to count accurately and encourage the ordering of sufficient ballots.

Also, Not speaking for ROVAC, Registrar Fred DeCaro objected to the language in Section 9-310 (apparently, line 285). Contrary to his testimony, that text is already part of the current statute. Subsequent text in S.B. 1041 only changes the duration of the sealing in the tabulator bag.

We do not understand how following the current law or as modified in S.B. 1041 would imply any delay the reporting of results as claimed by Mr. DeCaro, since the tabulator is not currently used in the process of reporting results -- even in Mr. DeCaro's town, where they may not now conform to the current law.

We also note that the "Election on Wheels" equipment used in most towns, the "metal transport case", mentioned by Mr. DeCaro, are all locked by copies of the same universal keys and, in most towns, are not sealed or are not sealed effectively. We are generally concerned with the practice of using "Election on Wheels" as a storage place for ballots and scanners, when they are left overnight easily accessible at polling places, before and after elections, and transported by private contractors.

We have many concerns with ballot security and the chain-of-custody in Connecticut. Yet, we avoided any major changes in security in S.B. 1041, in the interest of a bill that improves audits and saves municipal expense. We have only included some rudimentary changes in security to conform the law to current practices in most municipalities, in order to provide some basic protection.

S.B. 1051

First, in her verbal testimony, Secretary Merrill, discussed faster election night reporting, mentioning and implying a possible plan for connecting scanners to networks either directly or through GEMS. We are opposed to changing the law to authorize such a risky proposal.

UConn along with computer scientists and security experts nationwide have long recommended that our scanners never communicate with other devices and that they and GEMS machines never be connected to any network, even briefly. That is because even a brief connection of one device could expose memory cards, GEMS, and/or scanners to a virus that could infect all other memory cards and scanners, risking compromising every future election. That is why Secretary Bysiewicz, under the recommendation of UConn, ordered all communications ports on the AccuVoteOS be permanently sealed: See, <http://ctvoterscount.org/voting-machine-security-enhanced-by-sots-office/> Perhaps instead, the law should be changed to make such risky exposure to networks illegal.

Second, as several individuals have pointed out, including the Secretary Merrill, our voting machines are approaching 10 years of service and will need be replaced at some point. Unlike some others, my opinion, is that we should expect to continue to use current our scanners for at least five and perhaps ten more years. To replace them earlier would risk less than optimal, overly expensive purchases, and disappointment. The state of the art in election equipment is changing in the next few years. There are efforts underway, led by elections officials including Travis County, TX, and LA County, CA, that will likely result in much better equipment for voters and for officials -- such future systems will likely be much lower cost than what we have today, both to acquire, maintain, and upgrade. Connecticut should consider starting a review and acquisition process no sooner than four years from now.

Thank You,
Luther Weeks, Executive Director, Connecticut Citizen Election Audit
860-918-2115 Luther@CTVotersCount.org