

Registrar of Voters  
5 Haven Road  
Pomfret Center, CT 06259  
March 11, 2015

Dear Chairman and Committee Members,

I am writing to you today to voice my opposition to SB#1051 being proposed by Secretary of State Denise Merrill. Most of the elections throughout the state last November ran smoothly and successfully. The registrars of voters are committed and dedicated to seeing that the voters of Connecticut are assured their right to vote.

In her arguments, Ms. Merrill often mentioned that the registrars of voters are not "professional" and therefore should be appointed rather than elected. The Merriam Webster dictionary defines professional as "engaged in a specified activity as one's main paid occupation rather than as a pastime". She may indeed be partially correct in her description since many registrars are hired part-time. However, I would argue that Connecticut registrars perform their job with "professionalism"; which is defined as "the skill, good judgment, and polite behavior that is expected from a person who is trained to do a job well". Part-time or full-time we take our position as the main gate keepers of democracy seriously.

My main objection to SB#1051 is that it appears to be a knee-jerk reaction to the difficulties in Hartford during last November's election when the three registrars did not fulfill their duties. Their errors are not acceptable and need to be addressed. I attended Monday's hearing and sat through six hours of testimony including Secretary Merrill's. She explicitly said that this bill would not have been presented to the GAE had the Hartford elections difficulties not occurred. Throwing out a system that has served most towns very well for the last 160 years based on one incident does not seem to be a well thought out plan.

Another issue for Secretary Merrill in her drive to appoint a single registrar is having the ability to remove someone who is not performing election duties properly such as in the case of the Hartford Registrars last November. Under current law this is not possible with elected officials. The SOTS office might design a law that would allow a registrar to be removed from office. If Town Clerks can be removed there must be a way that an incompetent registrar could also be removed. Furthermore, if she is hearing about difficulties, wouldn't it be in the best interest of her office to intervene before things get out of hand? She indicated that she is not able to levy fines but she *can* inform local authorities and bring information to the State Elections Enforcement Commission (SEEC) for further investigation. It shouldn't be easy to remove an elected person from office! But when someone has failed and is in noncompliance of election law or dereliction of duties, it is important to correct the issue with an intervention which may include removing the person from office by informing the public and letting them change their vote.

The Secretary in her testimony referred to a few problems at the polls over the past few years. I do not think that it could be called a "crisis" as she described it when only a few towns have had difficulty out of 169 towns and many, many more polling places. Most election polling places

have been providing a secure voting experience. This bill is based on anecdotal information and not coming from any surveys that collected data from all towns.

I was able to read the Secretary of State Written Testimony and Supporting Information presented to the GAE committee. It appears that over the last ten years, the Secretary noted eleven problems. Of these, three were at least ten years old and one was related to the old lever machines that are no longer in use. Six problems have all been corrected and included things such as finding a Democratic registrar in Union, which has been done, and the lack of using a CVRS machine mandated for accessibility. One egregious issue happened in New Britain in November 2013 when an error was made in having the incorrect ballot at a polling place. This too was brought before the SEEC and a new election was conducted in January 2014. The many issues that were brought to light in Bridgeport back in November 2010 have produced many new regulations and an awareness of the importance of being well prepared. Hartford and West Hartford still have pending issues that are in the midst of different levels of adjudication. I do believe that registrars want to have all electors exercise their right to vote in each primary, referendum or election. It seems to me that the examples that the Secretary of State has submitted are not indicative of the hundreds of successful, error free referendums, primaries and elections throughout the state over the past ten years.

At an Election Performance Task Force meeting on September 19, 2011 the Secretary of State introduced Professor Heather Gerken from Yale School of Law and author of *The Democracy Index* who spoke about the importance of collecting data. The minutes recorded stated that "Without data, we can't figure out whether we even have a problem, let alone how to solve the problem." It is not at all clear that the changes that are being proposed are based on sufficient data to make such a profound change to our present system of two elected registrars.

Quoting from the minutes describes what I think has happened over the last few months: "Brian Sear (former State Representative) liked Prof. Gerken's bottom-up rather than top-down way of looking at it (data) because it keeps the morale higher at the local level. He asked if this would help take the anecdotal out of the equation. Prof. Gerken stated that she knows no one likes to get measured, but going forward, the biggest problem for election administrators is going to be getting painted with the brush of incompetence and partisanship because when you are you are doing your job right, no one is paying attention. The only times the focus is on election administrators is when something goes wrong. You're invisible if you're doing your job right. Good data is a shield for you because it tells the full story—it's not about one election or an anecdote or whatever the journalist is reporting." Clearly SB#1051 is a case of taking a broad brush that paints all registrars with those that have failed to perform their duties!

Having worked as a registrar of voters in the town of Pomfret for the last five years, I am surprised that I was never surveyed by the SOTS office about any of the changes they were suggesting in SB# 1051. The importance of having two people in the office with equal responsibilities assures the voters in our town of bi-partisanship. I fear that one appointed registrar would be much more susceptible to the person or persons who appointed them. It may also mean more turn over as town leadership changes with each election. I also think that one appointed registrar would not be able to perform all the jobs that are necessary preceding and during the election cycle. This person would have to hire and train more people to fulfill these duties which would mean more costs to the town. For example, setting up the tabulators requires

two people from each party to perform the tests of accuracy and making sure that the machines are secure from the time of testing and bringing them to the polling place.

There are many areas in SB# 1051 which I can agree. Most importantly there is a need for continued education and high standards for registrars. Registrars have many regulations to learn and administrative duties to perform. I look forward to the fall and spring conferences put on by the Registrars Association of Connecticut (ROVAC). The SOTS office presents information on one day of each. They are important to my understanding of the law and duties needed to run a secure election. Regulations Sec. 9-4b requires that the SOTS have an Elections Training Unit. I would hope they would use that to their full advantage! We have been asking for a certification program that would increase standards for our office for at least fifteen years. This certification program would come under Sec. 9-1929 but has not been completed by the SOTS office.

Other areas of agreement include revamping the end of night reporting system on election night by breaking out the reporting into two different time requirements, updating the moderators's return so that it can be computerized, or adding software to the tabulators that would allow a direct transmission of results. After fifteen hours working at the polls, eliminating human error would be a wonderful thing!

In closing, I want to emphasize that most registrars are not partisan in their office and in fact cooperate, work with and to each other's strengths and see their job as a key role in the election system. While human error is always a factor, registrars are willing to work with the Secretary of State's Office to correct and improve our office and the experience of our electors as they exercise their right to vote.

Respectfully submitted,

Susan Devokaitis

Pomfret Registrar of Voters

