



**Government Administration and Elections Committee
Public Hearing
February 27, 2017**

TESTIMONY OF SECRETARY OF THE STATE DENISE W. MERRILL REGARDING:

- **Senate Bill 540, AN ACT CONCERNING ELECTION TRANSPARENCY, PUBLIC VERIFIABILITY AND SECURITY**
- **Senate Bill 896, AN ACT ASSIGNING CERTAIN ELECTION DISPUTES TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF HARTFORD**

- **Senate Bill 540, AN ACT CONCERNING ELECTION TRANSPARENCY, PUBLIC VERIFIABILITY AND SECURITY**

This bill would specify the time for and means by which notice of post-election audits and selection of districts subject to any such audit are to be provided, (2) require the production of an electronic record of votes cast to be made available for public review, and (3) increase security of materials during the temporary interruption of the canvass of the votes cast at an election.

I oppose this bill.

My main objection is that it potentially jeopardizes the sanctity of ballot secrecy. Some people do initial or sign a ballot if a mistake is made. In smaller towns, deducing identity from these details is actually possible.

Creating images of ballots that anyone can take home and study could result in people's ballots being posted online, something that we are already contending with vis-à-vis the voter file.

We are aware of no other states that post electronic images of ballots online.

It would be in contravention to the existing law, which exempts ballots from FOI, and break with long-standing post-election ballot-handling standards.

My office just launched a new electronic system in 2016 to audit a handful of polling locations. They proved to be much faster and cheaper than traditional hand counts. The machines would have to be redesigned and therefore there would be an associated cost with this bill.

This proposal would do nothing to improve the post-election audit process. If there is public uncertainty about our new audit equipment or there is a desire to “audit the audit equipment” there are less intrusive ways to ensure accurate results such as a random sampling of ballots that can be compared to computerized results while at the audit session. These types of simple solutions could be implemented at no cost and with much less intrusion to the sanctity of our voted ballots.

For these reasons, I oppose Senate Bill 540.

- **Senate Bill 896, AN ACT ASSIGNING CERTAIN ELECTION DISPUTES TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF HARTFORD**

As you know, my office, on occasion, is involved in litigation on election law disputes. The purpose of this bill is to assign all election litigation to the Hartford Judicial District.

I support this bill.

The purpose is to consolidate time-sensitive decisions as much as possible. In the heat of primary or election season, my office may be asked to respond to different cases in different jurisdictions. For example, last spring, our office was involved in litigation in Bridgeport and Hartford on the same day and time. This is a challenge for our small agency as well as for the Attorney General who represents us in these cases.

When these districts are scheduling cases it is naturally not considered that our office may be involved in other cases in other jurisdictions. There is a risk to having similar topics heard concurrently in different jurisdictions, namely that they could lead to conflicting rulings. These cases are time sensitive and involve areas of law that most would consider ‘arcane’. By having all cases heard in one court, there would be one, concise ruling.

We have discussed this proposal with the Attorney General, SEEC and the Judicial Branch, all of whom have offered positive feedback.