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H.B. 5173 – Oppose – Would Destroy Public Verification of Elections

**Government Administration and Elections Committee
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Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount, a computer scientist, and a Certified Moderator. Since 2007, I have organized citizens to observe and independently report on eighteen statewide post-election audits.

The heart and soul of democracy is justified trust in elections. That is only possible with open, transparent, publicly verifiable elections -- Every critical aspect of the election process must be open, transparent, and publicly verifiable.

The election of 2016 highlighted the criticality of voter registration systems to elections – criticality equal to that of vote counting. Registration systems are at risk from cyber threats – and even greater risks of attack by a variety of outsiders and insiders. Outsiders include party operatives who often attack Connecticut elections through absentee ballot skullduggery, often with the aid of insiders. Insiders include election officials in polling places, in registrars’ offices, municipal clerks, their staff, and others in municipal offices, state offices, and contractors. This includes anyone who has access to or supports electronic systems at state or local offices; those who have access to the mail such as postal employees, postal contractors, and those with access to the mail in town halls across the state.

H.B. 5713 would be a death blow to the heart of public verifiability, ironically, when national attention is focused on securing our elections from attack. Exceptionally ironic, since special attention is being paid to registration lists that have been probed in at least 18 states, including Connecticut.

Secretary Merrill is working to protect our voter registration system from attack at our cyber front door; while many are claiming large scale fraudulent voting; and that voting lists are wildly inaccurate; this bill would preclude independent verification of the lists and electors recorded as voting; it would preclude officials from demonstrating to the public that our elections are on the up and up.

Because, of the General Assembly and the leadership of recent Secretaries of the State, Susan Bysiewicz and Denise Merrill, Connecticut, has paper ballots associated with each voter, in every election, primary, and referendum in Connecticut. That leadership has also provided for open, transparent, and publicly verifiable post-election audits, partially open, partially transparent recanvasses, and when necessary court review of controversies in ballot counting, accounting, and adjudication. Our audits, recanvasses, and ballot security fall short of complete, justified public trust, yet paper ballots are the basis for the level of trust that do we have.

Like paper ballots, voter registration records need to be open, transparent, and publicly verifiable. (And recorded on paper.) Connecticut currently meets those requirements. Inaccuracies have been exposed, yet the general lack of fraudulent voting can be demonstrated to anyone willing to check.

Consider these details and flaws in H.B. 5173:

I am not a lawyer. I find this bill unusually difficult to follow. From my reading it is well intended, yet has some provisions which would eliminate open, transparent, and publicly verifiable registration and voting records.

I support the suppression of birthdays and birth-months from lists as proposed. I support meaningful penalties for misusing the lists.

I have several concerns with the proposed text as I understand it:

Lines 13-15: *“(i) to a candidate for federal, state or local office, to a committee for or against a referendum or to a political party or political committee.”* Seems to preclude two critical groups from access to registration and voting records necessary for justified confidence in elections: Electors and those seeking to become candidates through the petitioning process.

Lines 2-4: "(2) of this subsection, voter registration information maintained pursuant to title 9 of the general statutes by the Secretary of the State and any registrar of voters" should be clarified to make it clear that this statute does not preclude citizen access to the paper check lists maintained by municipal clerks.

Lines 8-9: "(C) reproduction in print, audio or video broadcast or display on the Internet or any computer terminal." Could be interpreted to preclude citizens from photographing, scanning, or even making a hand-written copy of information on a check list necessary to prove to others, including courts that a particular person (actual or not) was registered and recorded as voting or not voting in an election. It would also seem to preclude candidates and citizens from verifying or refuting that a candidate for office was registered in a party, for how long, and did or did not vote in past elections. Or perhaps to show that a candidate, appointee, office holder, or city employee was or was not living in their district or municipality.

Lines 43-48: "for the safety of such voter or the voter's family, the name and address of such voter on a voter registration record shall be confidential and shall not be disclosed except that an election, primary or referendum official may view such information on the official registry list when such list is used by any such official at a polling place on the day of an election, primary or referendum." In my reading, problems include:

- This would make it very difficult on unofficial checkers who need to view check lists or copies of them.
- It would be difficult logistically to produce and for official checkers to handle at least three lists in addition to those they currently juggle, three adding lists of names and addresses of electors not shown to the public (current, supplemental, and inactive)
- It would be unworkable unless the law were changed to allow those voters to disclose their address to official checkers in some confidential way, yet so other electors in line and unofficial checkers could not hear or see the address. Currently electors are required to clearly state their name and address to be heard.
- It would preclude records from review by election officials in central count absentee ballot locations and Election Day Registration. Could Election Day Registration workers and registrars' office staff continue to review and modify online registration records, original paper registration applications, and applications for registration on election day? Or in the course of normal registration business between elections?

Lines 40-43. "Notwithstanding any provision of the general statutes, if a voter submits to the Secretary of the State a signed statement that nondisclosure of such voter's name from the official registry list is necessary for the safety of such voter or the voter's family" Would mean any elector could effectively exclude their address from release.

- How many voters would take this opportunity? Would the number be sufficient to preclude effective citizen oversight of elections? Could elected, appointed, and municipal officials suppress their addresses to defeat residency requirement review by citizens?
- Would check lists, petitions, and voter registration lists need to be masked and suppressed for all future and past elections. Would all future and past registration applications need to be marked and protected?

For trustworthy elections, citizens must be able to verify registration and voting records. Otherwise, even for flawless elections, citizens will have no reason to trust the results – that is not good for a vibrant democracy.

If this well-intended law were enacted in any form close to its current state, I confidently predict:

- Significant numbers of voters applying for this new form of "Address Suppression Light"
- Additional work and violation risks for registrars, municipal clerks, and polling place officials.
- Long lines for checkin at polling places, requiring more lines and officials.
- Increased claims of inaccurate registration lists and fraudulent voting.
- Lost trust in our elections, justified or not.
- Reduced access to the ballot for petitioning candidates and those petitioning for referendums.

Consider that every vote of this Committee and the General Assembly is open, transparent, and publicly verifiable. Today, your election to office can be publicly verified. Who would have it any other way?

Thank you