

S.B.1057, S.B.1064, H.B.5005 – Early Voting H.B.6693 – Absentee Voting

**Government Administration and Elections
Testimony – February 22, 2023**

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Chairs and members of the Committee, my name is Luther Weeks from Glastonbury, a Computer Scientist, Executive Director of Connecticut Voters Count, the Connecticut Citizen Election Audit, and Convener of the National State Audit Working Group¹. I am a founding member of the State (Election) Audit Working Group since 2008 and have convened and moderated the group since 2014. In 2020 the State Audit Working Group contributed the most extensive comments to the Election Assistance Commission (EAC) for the Volunteer Voting Systems Guidelines (VVSG) 2.0 and extensive comments in 2021 to U.S. Senators and the Senate Rules and Administration Committees to improve S.1, the For the People Act. I am a Certified Moderator and election day official since 2008. This is my own testimony, not endorsed by any organization with which I may be associated.

Overall, these bills are ambiguous in requirements for early voting. They leave too much to registrars' interpretation. We may have 338 interpretations, leaving no way for voters, candidates, or the SEEC to interpret requirements. Alternatives are suggested in my written testimony. I will focus my comments today on election integrity and election administration².

Election Integrity Requirements:

Connecticut has very weak ballot security. In most municipalities only the honor system impedes single individuals from accessing voted ballots for hours undetected. That needs to change, for all voted ballots, especially for early voting and absentee voting. Ballots and voting machines must be secured so that no single person or party operative can access ballots outside of early voting hours from the start of early voting until the counting and totaling are completed on election day. We suggest at a minimum 1) That standards similar to those ordered by Secretary of the State Koehler to Fairfield last year. <https://ctnewsjunkie.com/2022/09/09/access-to-voting-tabulators-in-fairfield-required-state-intervention/> 2) That ballots cast each day be sealed in separate containers and stored centrally at the close of each day of early voting. For further discussion of the weaknesses in ballot security see the recent Citizen Audit post-election audit reports at <https://CTElectionAudit.org>

With early voting we need to make all machine-counted ballots subject to post-election audit. My written testimony has suggested text. Currently the post-election audit makes all polling-place machine-counted ballots and centrally counted absentee ballots subject to audit. Below is suggested language for including early voting ballots, while also streamlining the audit for central count absentee ballots:

*Sec. 9-320f. Manual or electronic audit of votes by registrar of voters or town clerk. Offices subject to audit. University of Connecticut analysis. Discrepancy canvass. Voting tabulator failure to record votes. Secretary of the State investigation and report. Regulations. Definitions. (a) Not earlier than the fifteenth day after any election or primary and not later than two business days before the canvass of votes by the Secretary of the State, Treasurer and Comptroller, for any federal or state election or primary, or by the town clerk for any municipal election or primary, the registrars of voters shall conduct a manual audit or, for an election or primary held on or after ~~January 1, 2016~~ **July 31, 2023**, an electronic audit authorized under section 9-320g of the votes recorded in not less than five per cent of the voting districts in the state, district or municipality, whichever is applicable. ~~For the purposes of this section, any central location used in a municipality for the counting of absentee ballots shall~~*

¹ Text in **bold** are prepared remarks intended for delivery in oral testimony.

² For more details on my general thoughts on early voting, you can read my five-part blog series starting at: <https://ctvoterscount.org/early-voting-in-connecticut-part-1-expectations/>.

~~be deemed a voting district.]~~ Such manual or electronic audit shall be noticed in advance and be open to public observation. Any election official who participates in the administration and conduct of an audit pursuant to this section shall be compensated by the municipality at the standard rate of pay established by such municipality for elections or primaries, as the case may be...

(d) The manual or electronic audit described in subsection (a) of this section shall consist of the manual or electronic tabulation of the paper ballots cast and counted **for such district** by each voting tabulator **in the polling-place, in central count absentee locations, or via early voting, including all such absentee, election day registration and early voting ballots.** ~~[subject to such audit].~~ Once complete, the vote totals established pursuant to such manual or electronic tabulation shall be compared to the results reported by the voting tabulator ~~on the day of~~ **for** the election or primary. The results of such manual or electronic tabulation shall be reported on a form prescribed by the Secretary of the State which shall include the total number of ballots counted, the total votes received by each candidate in question, the total votes received by each candidate in question on ballots that were properly completed by each voter and the total votes received by each candidate in question on ballots that were not properly completed by each voter, **for each tabulator.** Such report shall be filed with the Secretary of the State who shall immediately forward such report to The University of Connecticut for analysis. The University of Connecticut shall file a written report with the Secretary of the State regarding such analysis that describes any discrepancies identified. After receipt of such report, the Secretary of the State shall file such report with the State Elections Enforcement Commission...

It may seem that this is more work than the current law for the selected districts, however, it would result in less work overall, with only a small increase in the work for each selected district because:

1. It deletes the requirement that all central count absentee ballots be counted for central count districts no longer selected. Note: Most selected municipalities do not have central count and have been required to count absentees and election day registration ballots all along.
2. There has been a large increase in absentee ballots cast in recent years and likely many ballots will be cast by early voting in the future. However, for the most part these represent ballots moved from election day ballots to absentee ballots and early voting ballots. So, most of them would have been counted by the audit prior to 2020 as polling-place ballots. So, the number of ballots counted in the audit only will expand by 2% to 3%, plus the expansion of voting by early voting and in a few years the expected expansion of mail-in voting.
3. The actual will also include the opening and closing of two more ballot bags and picking out the specific color of ballots for the district, unless the municipality chooses not to distinguish ballots by district by color (as required by law for polling places), causing themselves additional work and risks during early voting.

To have a better audit and to relieve local officials of much work, we recommend, that all future audits be performed entirely using the UConn Audit Station with electronically-assisted manual audit [procedures suggested by the Citizen Audit](#)³, with three to five sites across the State, staffed by independent officials trained in the Audit Station and the procedures. We estimate the cost to be about \$1500 per day at each site, for 10 to 15 site days or \$15,000 to \$22,500 per audited election. Overall the cost to municipalities would be considerably less than that with the current law.

Election Administration:

These acts are ambiguous when it comes to election administration. They include some requirements for polling-places and leave others to the imagination. They say usual polling-place responsibilities can be delegated to anyone. For instance:

- **Is a certified moderator required to serve for each full day of early voting, responsible for opening, closing, and supervision? With a moderator's return,** including listing the number of individuals voting and a log of events?
- **Is an IVS required? A ballot box tender? Standard polling-place signage?**

³ <https://ctelectionaudit.org/2023/ObservationReport2022Nov.pdf>

- At what time are officials to arrive? Are they sworn in? When and who picks up materials from the registrars of voters? When and how are they returned?
- Are unique colored ballots for each district required as they are for polling-places?
- If a municipality has multiple early voting locations, should the law limit voting for a district to one of those multiple sites. Otherwise in each case, what are the mechanics to preventing double voting?
- Who exactly is allowed in the early voting site? Including during closing?
- Would challenges be allowed?
- Must the ballot box be visible to all at all times?

A better approach would be to define an early voting location as a polling-place with all the same requirements, with some exceptions, such as:

- **A minimum of two officials from two parties serving as assistant-registrars, who may perform additional functions, if so qualified, and optionally assisted by others performing the duties of moderator, checker, ballot clerk, and ballot box tender.**
- **Paper voter lists to checkoff voters who have voted.** Which can later be used in polling-places on election day. (In the future checkin might be accomplished with ePollbooks, yet paper lists would still be needed to handle ePollbook or power failures.)
- **A daily moderator's return** without the vote counts, but the counts of those voting that day or to date.

It should be clear that, like a polling-place, once a ballot is accepted, it cannot later be rejected when the ballot box is opened and counted, except in cases of double voting.

It should be the duty of the ballot clerk that the envelope is completed correctly by the voter before they are issued a ballot.

The use of the CVRS (Central Voter Registration System) should be defined. Must every voter be checked that they have not done same day voting? Note: Since the CVRS does not record who has voted early, that cannot be checked.

Early voting ballots should not be retained in one envelope but in three: Like other ballots, one for machine-counted, one-for hand-counted, and one for write-in ballots. In fact there are enough, like absentees most should be in a bag or other appropriate sealed container with two envelopes inside for hand-counted and write-in ballots.

PS: All these same concerns and remedies apply to same day registration: Ballot security, certified moderator, moderator's return, IVS, signage etc.

Turning to H.B.6693 regarding absentee voting.

The main thrust of this bill seems to be adding *curing*, that is giving voters an opportunity to correct signatures and other errors on absentee ballots. **As required by this act, curing is ambiguous and unworkable.**

In several places it ambiguously asks for extensive actions to be accomplished *immediately*. *Completed immediately* is impossible and *started immediately* will cause disruption, especially in polling-places and registrars offices.

Not enough curing time is allowed for registrars or voters. It calls for ballots that might be cured to be returned to registrars *immediately* and for registrars to make *best efforts* to contact such voters, at a time likely much after 6:00pm to vote in person or come to the registrars' office to cure their ballots.

Following the act may also subject voters to charges of fraud. Most are voters who have signed that they are sick, concerned for their health, or otherwise unavailable during election day hours. It would also violate the law that says that to vote in-person they must withdraw their absentee ballot much earlier in the day.

There are no standards for what registrars do, how soon they must do it, and no requirements logging when, how and what happened. Registrars could be subject to charges of bias in when, how, and to whom they make calls in what order. If they had time and access to absentee ballot applications they might have access to better phone numbers to contact voters. Like the early voting bill this is open to 338 interpretations by registrars, also leaving it impossible for voters and the SEEC to interpret requirements.

Other states that have curing, give voters up to ten days to cure. Then those out of town or sick may recover. Additionally emails and voice mails are likely to be read in time to actually perform a cure. The For the People Act would implement such curing times.

In any case, if you go ahead with this unworkable act, I would suggest deleting 9-140c (2) (A) as it has expired.

Thank you