

Comments on the Secretary of the State's Testimony

Government Administration and Elections Committee

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HB-6441

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We became aware of the Secretary of the State's written testimony of February 18, 2009 after our previous follow-up comments dated February 24, 2009.

The Secretary of the State's Testimony on H.B. 6441, in italics, followed by our comments:

As Secretary, I have advocated for strict chain of custody provisions for ballots and for transparency of the audit process.

Although the Secretary does not specifically state support for particular provisions, several provisions in H.B. 6441 support our common goals: A stronger chain of custody for ballots, opening random selections to the public, enforceability of audit procedures, and effective public notice requirements.

However, several measures in this bill will have a fiscal impact on the cost of the audit process as whole.

For example, this bill appears to require my office to receive, interpret and input data from 833 polling places throughout the state. This provision raises a particular concern at a time when the Governor's budget removes two positions from the division in my office responsible for administering these activities.

We reiterate that we have a broken system that has resulted in the incorrect posting of results that are important to candidates and parties, including determining their future ballot qualification. This system disenfranchises citizens by incorrectly counting their votes and could cause an incorrect result for a race or question to be certified.

Currently the Secretary of the State's office receives, interprets, inputs, and accumulates data from 169 towns, without a reasonable system for citizens, candidates, and parties to check the accuracy of the results. The proposed provisions within H.B. 6441 are in the same spirit of transparency that the Secretary supports, They are in the same spirit of open government the GAE supports for the web posting of agendas and minutes by municipalities.

Our proposal does have fiscal impact, but with a huge boost in accuracy and transparency. It would also provide a free audit by the public, candidates, and parties that the results are accumulated accurately from the original tabulator tapes and hand count results in each district. We propose outsourcing this function since it occurs in very concentrated periods, exactly those when the Secretary of the State's office is busiest. It would reduce the Secretary of the State's Office's work, because they would be relieved of the input of the data from the 169 towns.

With respect to the process of filing election results, Connecticut elections have historically been administered on a local level with the results filed in the Town Clerk's Office and available to any member of the community. This procedure has enabled any person with a unique knowledge of the municipality and the political landscape to review and question the results after an election.

H.B. 6441 does not change the local filing and local access to election records in any way. However, it does make it easier for all citizens across the state, even those in their own municipality, to view the

election records online without going to town hall. It provides convenience for those researching races and questions that cross town borders, while providing a download capability for detailed data. It facilitates a variety of research: e.g. to search for anomalies which might lead to detection of errors in results and for statistical research by the public, including candidates and parties.

By filing these results in Hartford under this proposal, the local nature of elections may be compromised and the natural safeguards and checks and balances that are provided uniquely by local officials will be lost.

This proposal does not change anything local. Nothing would be lost locally. It is intended to reduce inaccuracy in the current centralized system, by providing a check and a balance on the results that are already accumulated in Hartford by the Secretary of the State's Office, that have recently proven inaccurate.

This would move us toward the kind of centralized environment that lead to problems in places such as Ohio.

This is an instance of the common fallacy known as 'Hasty Generalization'. Just because Ohio had many allegations of election irregularities and fraud along with several convictions, it does not follow that every state with county election management has or will have similar problems. Nor does it prove that county election management in Ohio was the cause or a necessary condition for the problems in 2004.

We contend that any form of election organization, by municipal, county, or state management, by civil service or elected election officials, can be well run and produce accurate results or can be poorly designed or managed, and produce inaccurate or not credible results.

H.B 6441 is designed to address an established problem with our current system, by providing a means for identifying inaccuracies, correcting errors, and providing transparency. It is a solution that leaves our current election organization in place, while solving a problem of inaccuracy and providing transparency and open government.

We note that both California and Ohio have county election management. This year errors of 5 missing ballots were discovered in Ohio by the post-election audit ordered by the Secretary of State. In Humboldt County, CA, volunteers found an accounting error of 197 ballots. The Secretary of State in CA initiated investigations and actions generating national publicity based on those errors.

In Connecticut, the Secretary of the State's Office correctly points out that we have avoided similar automated accounting errors by using an entirely manual means of accumulation votes. We point out that advocates have found several errors in Connecticut of the same magnitude as those discovered in Humboldt County, and another Connecticut error of several thousand votes. We have thus avoided one source of inaccuracies and traded them for another source, which so far has proven even less accurate. Like CA and OH, Connecticut can learn from experience and make our election system work.

H.B. 6440

We have no disagreements with the Secretary of the State's written testimony on H.B. 6440. The concerns in our testimony addressed problems in Section 31 that were not specifically addressed in the Secretary's written testimony.