

**GAE Public Hearing
February 28, 2007
Testimony of Michael Fischer
regarding SB1311**

Good morning Ms. Chair and members of the committee. My name is Michael Fischer. I am a resident and voter of Hamden and a founding member of TrueVoteCT, an advocacy group dedicated to election integrity. I appreciate the opportunity to address you this morning concerning TrueVoteCT's opposition to Senate Bill 1311.

Two years ago, I addressed this body supporting legislation for voter-verified paper records. The bill was passed by the Legislature and signed by the Governor. The Secretary of the State responded by bringing paper-based optical scan equipment to the State. I thank all involved for working together to take this important first step.

Paper ballots alone do not insure integrity. Optical scanners contain computers that can be manipulated to cause them to miscount votes. The post-election random audits required by SB 1311 are designed to detect errors in counting. Carrying out such audits is an important second step towards insuring election integrity, which TrueVoteCT strongly supports.

Unfortunately, SB 1311 has two major shortcomings that make us unable to support it in its present form.

The first is that the interpretation of and response to the audit results is left entirely up to the SOTS. She *may* choose to act if *in her opinion* a voting system failed to count votes accurately. It follows that she may just as well ignore evidence of malfunction and choose *not* to act for whatever reason, politically motivated or not.

We do not believe it is good legislation to place so much discretionary power in the hands of a single partisan elected official. The SOTS already has broad powers governing the conduct of elections and use of voting equipment. An audit should provide some independent check on those powers. This isn't just about machines -- it's about the entire voting process -- who programs the machines, who certifies them, who provides technical advice, etc. etc. It also isn't just about the current occupant of the SOTS office -- it's about who's going to be sitting there in the future as well. To have the SOTS audit the procedures that he or she controls is like putting the fox in charge of the hen house. Yes, audits are important, but the issues of how to perform the audits and what to do with the results must be dealt with at the same time.

Our second concern is with the timing. Audits should provide reassurance to all, especially to the losing candidates, that the election was fair and votes were counted correctly. To be effective for this purpose, they must be completed prior to the deadline for filing a complaint. But SB 1311 mandates that they be delayed until *after* the deadline. Moreover, if the candidate does complain, SB 1311 specifically

exempts that race from audit, so no one will ever know what the audit might have shown. This is not the way to increase trust in our voting systems.

Thank you for the opportunity to address you this morning. I would be pleased to answer any questions you may have.

Respectfully submitted,

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