

**Testimony of Secretary of the State Susan Bysiewicz
Government Administration & Elections Committee
February 28, 2007**

Good Afternoon Chairman Caruso, Chairwoman Slossberg and members of the Government Administration & Elections Committee. For the record, my name is Susan Bysiewicz and I am the Secretary of the State. Thank you for the opportunity to testify before you today regarding several bills on your public hearing agenda.

S.B.# 1311: AN ACT CONCERNING THE INTEGRITY AND SECURITY OF THE VOTING PROCESS

As currently drafted, this proposal would require Connecticut to conduct random audits of 20% of all polling districts in future statewide elections. If adopted, Connecticut would be the only state in New England and one of only 13 across the nation to require audits. The 20-percent requirement in Connecticut would lead the nation. The concept of auditing voting machines has a great deal of support from the public.

Under the proposed bill, the voting districts would be chosen at random - in a public drawing - by the Secretary of the State and all audits would consist of hand counts, conducted in public by local Registrars of Voters. If the manual hand counts cannot be reconciled with the machine count, the Secretary of the State could order additional investigation or order a full recount of the office or a partial recount of the remaining district.

Having the right technology in place is just one part of the equation if we are to maintain integrity in the voting process. This new legislation would ensure that regular and thorough audits are conducted and that voters can have the highest confidence that their vote is being counted.

Currently, the U.S. Congress is considering the Voter Confidence and Increased Accessibility Act of 2007 (Introduced by Congressman Rush Holt) – which includes an audit provision. If adopted, audits would be required for all federal offices on the ballot. Audits would include all ballots (machine counted, absentee

ballots, overseas ballots and provisional ballots) and the number of audits would be based on a formula: (1) If margin of victory is less than 1%, then 10% of total precincts will be audited. (2) If margin of victory is 1-2%, then 5% of total precincts will be audited. (3) If margin of victory is greater than 2%, then 3% of total precincts will be audited. Dr. Alex Shvartsman of the University of Connecticut's (UCONN) Department of Computer Science and Engineering at the UCONN Voting Technology Research Center (VoTeR Center) strongly disagrees with this Congressional proposal because voting irregularities and fraud can even exist in a race where there is a high margin of victory. According to Dr. Shvartsman, the number of precincts is more important than the number of percentages.

The Holt Bill also applies to optical scan machines and requires that any machine used have a voter verified paper record, which in the case of an optical scanner is the actual ballot. Connecticut has already adopted such provisions and by the end of April will have optical scan machines with paper records in place in all 169 towns and cities.

This proposal establishes an audit procedure for new optical scan voting machines in order to ensure that votes are counted properly and to verify that no fraud occurred. Current Connecticut Statutes do not require audits of optical scan voting machines. In order to ensure that voters have confidence in our electoral process, it is vital that they know that voting machines count votes accurately. Connecticut leads the way in the establishment of audit procedures for optical scan voting machines and receives strong support from a wide range of organizations such as the University of Connecticut, the League of Women Voters of Connecticut, True Vote Connecticut and our local election officials. My office conducted a voluntary audit of the optical scan machines after the November election with the University of Connecticut. The audit determined that the optical scan voting machines used in several cities and towns on Election Day performed extremely well, and were proven to be a safe and secure form of voting technology.

Since I introduced S.B.# 1311, I have received positive suggestions from various organizations including the League of Women Voters of Connecticut, Registrars of Voters Association, Town Clerks Association, Connecticut Conference of Municipalities, Council of Small Towns, Common Cause, TrueVote CT, Democracy Works, and others. In addition, State Representative Andrew Fleischmann and many other legislators have provided me with valuable suggestions to strengthen the bill's language.

I have re-drafted S.B. #1311 and am respectfully requesting that this Committee substitute the language before you with the attached language. The attached language would change the original bill to:

- 1) apply to ALL elections, municipal, state and federal elections,

- 2) apply to all races, not just a select few,
- 3) apply to both elections and primaries,
- 4) remove discretion in my office by requiring action in the event discrepancies are uncovered in an audit, and
- 5) extend the timeframe of filing an election contest complaint by a candidate.

Given that an audit process is new to the State of Connecticut, I will also be holding a working group with these partners to develop improved language and the most accurate and efficient audit process possible. In addition, the purpose of this working group will be to ensure that we address all concerns raised before you today by these organizations.

H.B.# 7145: AN ACT CONCERNING THE OFFICE OF THE SECRETARY OF THE STATE

In order to promote public trust and confidence in new voting technology and to ensure that new voting technology is secure and accurate, I formed a partnership with the University of Connecticut's (UConn) Department of Computer Science and Engineering to establish the UConn Voting Technology Research Center (VoTeR Center). The Center will assist the Office of the Secretary of the State in the completion of the necessary certification and acceptance testing required to ensure that any voting system certified for use in Connecticut meets all necessary requirements and has passed rigorous security testing.

I respectfully request that the Committee substitute the attached language "An Act Concerning Certification of Voting Equipment" into H.B. # 7145. It would essentially formalize my office's partnership with the University of Connecticut's Voting Technology Research (VoTeR) Center, which has helped evaluate, test, and audit the new voting technology.

H.B.# 6251: AN ACT AUTHORIZING ELECTION DAY REGISTRATION

America's democracy is rooted in the participation of its citizens, each of whom is given the responsibility of exercising the precious right of casting a vote in state, local, and federal elections. Of all the rights granted to American citizens in the United States Constitution, none are as fundamental as the right to vote freely in the election of our leaders. Soldiers have died protecting this freedom for more than 225 years, and many struggled for decades to ensure that women and minorities also possess the inalienable right to vote. Still, voter participation is never guaranteed, and the effort must continuously be made to remind citizens of this country of the importance of entering a voting booth each year.

With that in mind, I have made it a priority to support programs and propose initiatives that seek to increase participation and voter turnout each Election Day. I have been an advocate of Election Day registration for over a decade and I commend the GAE Committee and many voter advocates for raising this very important topic. I also commend the Registrars of Voters Association of Connecticut (ROVAC) for their willingness to work together to develop a workable Election Day Registration process.

This proposal would allow for a two-tier Election Day Registration system that would allow voters to 1) go to the registrars of voter office to register in person or 2) go to the polls to vote. It also removes the ability of an in-state resident to vote by presidential ballot and allows only those who have recently moved out of Connecticut and were unable to register in their new state on time to vote for President. This is consistent with federal law requirements. In addition, our statewide voter registration system will assist registrars of voters in confirming that potential voters are not registered elsewhere. H.B. 6251 is well drafted because it balances voter rights with a strong identification process.

S.B.# 1310: AN ACT CONCERNING TECHNICAL AND PROCEDURAL CHANGES TO CERTAIN ELECTION LAWS

This technical bill, which I proposed, would:

Allow my office to obtain registration and enrollment statistics from the centralized voter registration system as opposed to requiring registrars of voters to submit them to the Secretary of the State's Office.

Allow registrars of voters to recruit and use poll workers outside of their town. (This is helpful in towns where there is a strong imbalance in party registration and they cannot find enough poll workers to full staff the polls).

Allow registrars of voters to appoint additional poll workers on Election Day if the need arises. (Currently they are not allowed to do this).

Allow the Secretary of the State's Office to fine a town clerk who fails to file their nominating petitions on time with the Secretary of the State's Office. (This is a problem especially in presidential years, when the town clerks file the petitions late with our office; it delays our approval and placement of that name on the election ballot).

Require all registrars of voters to update voter history on the voter registration system after each election.

Require minor parties to file their certificates of endorsement with the Secretary of the State's Office instead of town clerks and also requires them to file those certificates earlier.

Require petitioning candidates to file their endorsement paperwork earlier with the Secretary of the State's Office.

Require individuals who are running by nominating petition to file the petitions one week before the primary as opposed to the day after the primary. This issue was brought to my attention after our recent primary for U.S. Senate in August 2006. When the General Assembly moved the date of the primary from September to August during the 2003 Legislative Session, this date was never changed to conform to the new law.

Change the allowable window a party was to fill a vacancy on the ballot from 10 days before the election to 24 days before the election. This is necessary because of the printing of paper ballots for the optical scan machines and also for a better administration of absentee ballot.

Allow the Secretary of the State's Office to bind all engrossed bills in more than one volume instead of only one volume. This will be more cost effective and will improve storage of these items.

Clarify the notice requirement for town clerks in state elections years. In the past, because of the direct primary law, some notices had to be filed even before the event had taken place. This section corrects that inconsistency.

I respectfully request that this Committee delete Section 10 of this bill, also known as the "coin-flip bill" which has now been addressed in Representative Elissa Wright's bill H.B. #6006.

S.B.# 1313: AN ACT CONCERNING POLITICAL "ROBO" CALLS

I am very supportive of this proposal. In response to several constituents who have contacted me, I, along with many other state legislators, proposed legislation that would ban political candidates and their campaigns from generating so-called "robo-calls" in the state. Other states have passed legislation similar to S.B. #1313 that would give voters the option to accept or decline a "robo-call" through a live operator who obtains the voter's consent before the message is delivered.

I would also like to support the following bills:

S.J.# 5: RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO REMOVE RESTRICTIONS ON THE CATEGORIES OF CITIZENS WHO MAY VOTE BY ABSENTEE BALLOT

This proposal would remove barriers to voting by absentee ballot and would therefore increase participation.

H.B.# 5034: AN ACT CONCERNING VACANCIES IN THE OFFICE OF UNITED STATES SENATOR FOR THE STATE OF CONNECTICUT

This bill would make the filling of a vacancy for U.S. Senate consistent with Representative in Congress.

S.B.# 540: AN ACT DEFINING "BONA FIDE RESIDENT" FOR VOTER REGISTRATION PURPOSES

This proposal would clarify the definition of residency.

S.B.# 542: AN ACT CONCERNING THE POSTING OF PUBLIC MEETING NOTICES ON PUBLIC AGENCY WEB SITES

As the official record keeper of a wide array of public records and documents, I strongly believe that the public has a right to know about activities involving state government. This proposal would expand public disclosure and access and I support this concept. I am working with Senator Andrew McDonald to establish the most efficient, least costly and accessible mechanism for the public to access public meeting notices.

S.B.# 926: AN ACT PROVIDING FUNDS FOR A CITIZENSHIP TRAINING PROGRAM

My office has worked to provide training for those who wish to participate in registering voters, including working with non-profit organizations. I support this concept and am working with Senator Edith Prague on making this training process the most beneficial to citizens. My office has made registering voters and getting more people involved in the democratic process one of its hallmarks for the past eight years. We work tirelessly to promote citizenship and welcome new American citizens. These efforts include registering voters at naturalization ceremonies statewide and taking part each year in swearing in new American citizens.

H.B.# 5300: AN ACT CONCERNING LATE MAIL-IN VOTER REGISTRATION APPLICATIONS

This proposal requires registrars of voters to notify voters that they missed the voter registration deadline and I strongly support it.

H.B.# 5991: AN ACT CONCERNING THE NOMINATING PROCESS FOR MINOR PARTY CANDIDATES

This proposed bill requires minor parties to file party rules with the Secretary of the State's Office earlier than they do now, from 60 days to 6 months. It also

requires that they put notice in the newspaper of meetings to endorse candidates.

H.B.# 6006: AN ACT PROVIDING FOR AN ADJOURNED PRIMARY IN THE EVENT OF A TIE

This proposal would establish a process to hold a run off election, rather than a coin-flip, in the event of a tie. I commend Rep. Elissa Wright for bringing this bill forward and am pleased to work with her.

H.B.# 6245: AN ACT CLARIFYING THE VOTE OF PERSONS UTILIZING ABSENTEE BALLOTS AND VOTING FOR CROSS-ENDORSED CANDIDATES

This proposal would add fairness to the process of courting votes for cross-endorsed candidates. I support Rep. Thomas Drew for bringing this bill forward and am happy to support it.

H.J.# 11: RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW SEVENTEEN-YEAR-OLD PERSONS WHO WILL BE EIGHTEEN YEARS OF AGE AT THE NEXT REGULAR ELECTION TO VOTE IN PRIMARIES RELATED TO SUCH ELECTION

I have made it a priority to promote civic awareness and encourage greater participation of Connecticut's young people in the democratic process. This proposal to amend the State Constitution would allow 17 year-olds who will be 18 at the next regular election to vote in primaries for such regular elections. Although Connecticut fares better than other states when it comes to youth participation in the political process, this change to our State Constitution would promote greater participation among our youth.

Every school year since 1999, I have paid weekly visits to high schools, middle schools, and elementary schools to encourage youth civic participation, including handing out voter registration cards to 17 and 18-year-old high school students. More than 250 elementary, middle, and high schools have been visited or have come to the State Capitol to visit with me, with many more scheduled for the 2007 school year as well.

H.J.# 12: RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROVIDE FOR ELECTION OF THE PRESIDENT BY POPULAR VOTE RATHER THAN BY ELECTORAL COLLEGE, TO PRESERVE CERTAIN PENSION AND RETIREMENT BENEFITS AND TO EXPAND THE SUBSIDIZED GUARDIANSHIP PROGRAM TO ALL STATES

I am supportive of the concept of electing the President by popular vote rather than through the Electoral College. It would encourage greater participation in the process. Since Connecticut has very few electoral votes, it would bring Connecticut in line with other states.

H.B.# 7258: AN ACT CONCERNING VOTERS WITH A DISABILITY

I am currently working with the State's Office of Protection and Advocacy for Persons with Disabilities and the Registrars of Voters Association in order to make this proposal efficient and workable.

H.B.# 5977: AN ACT CONCERNING THE PLACEMENT OF POLITICAL PARTIES ON THE BALLOT

This proposal would encourage political parties to increase their voter registration efforts in order to obtain a top placement on the ballot.

I oppose the following bills in their current form:

My office has become a partner with the state's town clerks and registrars of voters and I appreciate all of the work that they do to make our elections a success. This ongoing partnership seeks to work with the town clerks and registrars to help educate and train those who volunteer each year to serve as poll workers every time an election is held. However, I have some reservations about two proposed bills brought forward by the Registrars of Voters Association in their current form. I am happy to work with them on improving the language to make it more voter-friendly. Specifically, I have reservations about:

H.B.# 7259: AN ACT ESTABLISHING NEW PROCEDURES TO IMPLEMENT THE MARKSENSE SYSTEM

While I applaud the registrars of voters for their efforts to improve our election laws regarding optical scan voting machines, I have several concerns about this particular bill. Among other things, it would make unnecessary changes to Connecticut's paper ballot procedures and attempts to incorporate those changes into optical scan voting.

H.B.# 7257: AN ACT CONCERNING THE CENTRALIZED VOTER REGISTRATION SYSTEM

In accordance with the 2002 Help America Vote Act (HAVA), Connecticut was a national leader in establishing a voter registration system that protects the rights of voters and also guards against potential voter fraud. This new statewide system, known as Centralized Voter Registration (CVR), was required by the

federal HAVA law in response to serious Election Day voting problems in Florida in 2000. It was established to protect the sanctity of every vote and to assure citizens that the precious right to vote is not compromised by fraud. I led the way in developing CVR in 2003, in compliance with Connecticut state law and a year ahead of the HAVA deadline. Connecticut became one of the first states in the nation to develop the centralized registration system that protects the rights and privacy of each Connecticut voter. The timely development of the Centralized Voter Registration system has made Connecticut a national leader.

H.B.# 7257 would eliminate many of the reports that the registrars of voters are currently required to publicly post such as voter lists.

Thank you again for the opportunity to testify before you today and I look forward to working with this Committee on these very important topics. I am available to answer any questions you may have.