

PA 11-046

SB0942

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GOVERNMENT  
ADMINISTRATION  
AND ELECTIONS  
PART 1  
1 – 308**

**2011  
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 mhr/gbr GOVERNMENT ADMINISTRATION  
 AND ELECTIONS COMMITTEE

February 14, 2011  
 10:30 A.M.

CHAIRMEN: Senator Slossberg  
 Representative Morin

MEMBERS PRESENT:

SENATORS: Meyer, McLachlan

REPRESENTATIVES: Lesser, Hwang, Abercrombie,  
 Fleischmann, Fox, Godfrey,  
 Hetherington, Luxenberg,  
 O'Brien

REP. MORIN: -- public hearing. And before we begin, I'd just -- if there's any alarms or any reason for us to leave, make sure you exit the doors. Go outside orderly, no -- no stampedes and no shoving either, Representative.

And we're going to get going right now. We're going to start with our Secretary of State. We're going to go out of order a little bit, if we could all indulge that, and we'll start with Senate Bill 938.

Secretary of State Merrill, welcome.

SECRETARY OF THE STATE DENISE MERRILL: Thank you very much, Mr. Chair, and Senator Slossberg, and greetings to the committee. This is the first time I've testified on this side of the bench, so it's -- it's interesting. And it's nice to see you all.

I am here today to testify about several important bills in front of your committee that I feel very strongly will both strengthen the integrity of our elections and move us toward the overall goal of making voting easier and more convenient.

You will have testimony from me in your

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Connecticut. We have 169 towns and 169 ways of doing things. So I do believe we need some standardization, and I believe that local officials want that standardization.

Let me start with Senate Bill 942, the -- AN ACT CONCERNING THE INTEGRITY OF OUR ELECTIONS. That contains some of the reforms I'm asking for. First of all, it would allow the Secretary of State's Office to adopt regulations to improve training of moderators used at the poll. Up-to-date training is emerging as a key issue, and I think we ought to be modernizing the way we do it. We should do more on-line. We can do more from my office to help local officials do this training.

Second -- and this is a big provision here -- it requires each municipality to adopt an emergency contingency plan on Election Day. I can't tell you how many problems in Bridgeport could have been avoided if everybody knew what to do when something went wrong. And this is a -- a modest request; a town would simply have to look at the system.

I've gotten a lot of support. Most towns think this a good idea. It's just like what do you when the lights go out; who do you call when you can't unlock the photocopy machine, those kinds of things, and making sure everybody understands it's okay to photocopy some ballots if you run out.

I don't think people were certain enough of the rule, if you will, to -- to make that happen in an orderly way. So this, I think, would go a long way to addressing those contingencies.

Third, the bill would modestly expand the authority of the Secretary of State to monitor

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Election Day procedures. For example, right now I don't have the authority to enter a polling place on Election Day, even if something very dramatically is going wrong. One state, one of the polling places with all the state's ballots burned down on the day of election. You know, so imagine if I had no authority to even go down and go in there, even after -- after it burned down to check things out and come up with some solution. So that's the kind of authority I'm looking for.

There's also an authority to require municipalities to tell us exactly up to the minute what the polling places are. Right now I don't have the authority to ask that, and more and more people are coming to our web site to get information about Election Day. So it seems rational to me that we should have that information.

The fifth section of the bill directly addresses the issue of how many ballots are ordered for elections. This has been a subject of great discussion. We really looked at this. I had a forum, got lots of good ideas, but the bottom line is we don't believe we should compel towns to order a hundred percent of the ballots every single time. It just -- there's too much waste involved. We all know there are lower voter turnouts for some particularly local elections. So we came up with what I think is the middle ground. We're proposing that every city and town certify to the Office of the Secretary of State how many ballots they're ordering within 30 days of the election and that they have considered certain factors in that ordering, including the last several analogous elections -- how many other people turned out -- and if some interesting event has occurred, like the President of the United

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States visited your town, for example. Or, you know, frequently local officials know if there's a particularly hot school board race or, you know, local factors also come into play that we would have no knowledge of. It would give us a chance to go in and question, if there's a question about how many ballots and perhaps suggest that more be ordered, or less, for that matter. So that -- that provision, we think that that's a good middle ground on that topic.

And in rare cases it would direct the cities and towns to order more ballots; I want to be clear about that. If they fail to report how many ballots -- and here's the stick part -- they would have to be ordering a hundred percent, if they don't want to certify to us how many they have.

I'm also working on ways to reduce the cost of ballots, and that will help the towns, hopefully things like statewide procurement; right now, the towns order them themselves. So I just would suggest that this is a very, very important measure. This is the most important system our government runs, and so we have to make sure that we're ensuring that are standards across the state and that every voter can have the confidence that their vote will be counted.

Let me address now HJR 88, a constitutional amendment. There are several bills on your agenda that address this idea of a constitutional amendment to allow for early voting of one sort or another. Some suggest no-excuse absentee ballots. As you know, right now if you want to use an absentee ballot, you have to sign a certification that you will be absolutely out of town or unable to be at the

And I also support Raised Bill 940. There are some interesting ideas on how to modernize our post-election audit process. I do think it needs work. I think there are, again, new technologies that we can bring to bear on this that will make it much more efficient. I know the towns see this as an additional burden and it is, but, you know, there are improvements we could make there. In general, I support the concept. I'm very supportive of the concept of scanning ballots post-election by machine. It seems like this is the direction we need to go.

So that's the prepared testimony. Thank you for bearing with me, and thank you for hearing these bills. They're very important bills and I hope we can get them done this year.

SENATOR SLOSSBERG: Thank you, Madam Secretary, and -- and welcome.

SECRETARY OF THE STATE DENISE MERRILL: Thank you.

SENATOR SLOSSBERG: It wasn't that bad, was it?

SECRETARY OF THE STATE DENISE MERRILL: No, different.

SENATOR SLOSSBERG: Different.

You know, obviously there's a lot for us to look -- to -- to go through, with regard to the bills that are in front of us.

I did just want to ask you one question with regard to your main bill, Senate Bill 942, the Integrity Reform bill. With regard to the certification sessions for moderators, do you anticipate that there will be any budget implication for either the state or the

municipalities with regard to that?

SECRETARY OF THE STATE DENISE MERRILL: Well, possibly. You know, right now there is a required training. I know that some of -- you know, we can look at some of the provisions. We're suggesting a two-year cycle instead of a four-year. That's because we have had problems removing moderators, quite frankly, and making sure they're trained. I -- I don't know if that would be additional training.

I'm -- I'm intending to provide more training from my office. For a long time, we've let that go. We had some loss of personnel over the years, but we're hoping to do some more of that again. And I'm planning to hire an additional person to do that training, so hopefully that would avoid -- it would be within my existing budget --

SENATOR SLOSSBERG: Okay, (inaudible).

SECRETARY OF THE STATE DENISE MERRILL: -- because I've pared back in other areas. No, there's no increase in my budget, if anything, a decrease.

SENATOR SLOSSBERG: You know, we just -- well, obviously we just wanted to --

SECRETARY OF THE STATE DENISE MERRILL: Yeah.

SENATOR SLOSSBERG: -- understand if this is something that, you know, you can do within --

SECRETARY OF THE STATE DENISE MERRILL: Yeah.

SENATOR SLOSSBERG: -- available appropriations versus --

SECRETARY OF THE STATE DENISE MERRILL: Speaking as

--

SENATOR SLOSSBERG: -- having (inaudible).

SECRETARY OF THE STATE DENISE MERRILL: -- an old  
Approps. Chair, absolutely.

SENATOR SLOSSBERG: Well, I figured that. So it's  
a, you know, I didn't think it was an unfair  
question to ask you.

SECRETARY OF THE STATE DENISE MERRILL: No.

SENATOR SLOSSBERG: Okay. I don't have any other  
questions at this time. We look forward to  
working with you to -- to move forward these  
bills.

SECRETARY OF THE STATE DENISE MERRILL: I  
(inaudible).

REP. MORIN: Good morning, again, Madam.

SECRETARY OF THE STATE DENISE MERRILL: (Inaudible.)

REP. MORIN: It's good to see you. Just one -- one  
thing. I've read through obviously a lot --  
everything you brought forth. Any comparison  
stuff from other states? I -- you mentioned  
Oregon, I think --

SECRETARY OF THE STATE DENISE MERRILL: Right.

REP. MORIN: -- in your testimony. But it seems --  
our processes right now seem to be very  
cumbersome, and we're not -- I think what  
you're doing is going to solve or -- what  
hopefully we do together will solve a lot of  
it. But what are other states doing?

SECRETARY OF THE STATE DENISE MERRILL: There's a variety of things, and a lot of them -- the bottom line is it depends what your goal is. And my particular goal is increased voter participation. Our voter participation rates are not that great, and part of it is because we do have a pretty cumbersome system for people.

So, for example, some other states, like Florida, after of course the 2000 election, put in place early voting. So you can vote for up to, I think, two weeks in Florida at certain polling places.

But they -- a lot of states have dramatically reduced the number of polling places; that's a big thing. And I know that's a hotly contested issue at the local level, but it does cut the cost of elections. Some states have -- their elections cost half what ours do, and that's partially because they're going to, you know, they're recognizing the fact most people drive to the polls. I mean, it's not as local a system as it used to be, perhaps not in cities but elsewhere. So they've reduced the number of polling places. They've kept them open for up to two weeks, and people can go in. And it reduces the problem with, you know, who is this person. The registration is a much smoother process, and it does reduce the number of people coming in on Election Day, which right now is sort of our problem that we have this crush of people coming in. So you don't have to hire as many Election Day people.

Now it's also you're -- you're operating two systems, so in some cases I think it becomes more expensive. Colorado has three different systems they run. They have early voting, so they keep the polls open -- certain polls open

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-- one per district, I think, for ten days. They also have free mail-in voting, you know, anybody -- and they actually mail a ballot to everyone who voted in the last election, which is interesting. And so it's a lot more is done by mail. Many states have up to 50 percent of their ballots are now done by mail; that's the increasing trend.

And then Oregon, I mentioned already, doesn't have Election Day at all anymore, it's all mail-in. So my -- my impression is voter participation goes up. The voters like it because it's more convenient for them. You lose that Election-Day culture thing -- which I'm not sure I'd be willing to give up; I think it's still a wonderful thing -- and, you know, but a lot more centralized, a lot more technology being used.

REP. MORIN: Thank you.

Any other questions?

Senator.

SENATOR McLACHLAN: Thank you, Mr. Chair.

Thank you, Madam Secretary. I'm sorry I missed your press conference this morning.

I'm supportive of the concept of what you're trying to do with the integrity of elections. I do, of course, have fiscal concerns, and I guess we -- we need to be attentive to a fiscal note that might be attached to this bill. But I think your idea is good.

I'm curious if you are thinking that this is isolated problems in Connecticut, because I can only speak for my district of Danbury, Bethel,

New Fairfield, and Sherman. We didn't -- we don't have those problems in those four towns. I -- I often tell my registrars in those towns, both Democrat and Republican registrars who seem to get along really well, that it's like a fine-tuned machine in those towns. We -- we have not experienced the challenges that we've read about in the last election. So my concern is that if it's an isolated issue, are we reaching too far. And I'd just like to have your thoughts on that, if you could.

SECRETARY OF THE STATE DENISE MERRILL: Yes. It is definitely not an isolated issue. Actually, since I've even been in the job, you know, a lot of it's anecdotal, because people -- there is a sort of a partnership that exists between Secretary of the State's Office and local registrars. So when something, some questions come up, they feel pretty confident that they can call our office and get an answer without a lot of publicity to it, shall we say. You know, so I would suspect that every place, something goes wrong at some point. You know, the -- something goes wrong with the building or the moderator doesn't show up. I mean, you know, there are all kinds of anecdotes about what goes on.

So it's -- it's really to address a broader spectrum of that, and times are changing. You know, the system will not remain the way it is just because things are changing and people are changing; the way they live is changing. So training is an issue, but there's -- we have, you know, almost 300 registrars, and so there's a constant turnover in many places. And more and more -- and some people who have just done it a certain way and they're just not going to change, and so some of that has to be

addressed.

But I think the problem area of -- of things like running out of ballots, I think it happens actually quite a lot. It's just that some towns have a plan in place and they know -- one town told me that what they do, actually, is keep a few that they certify with the town seal in a vault in case it happens. And -- and a lot of them know that -- most of them, by ten o'clock in the morning, if it's looking like you're running short, you order more. You know, so some of it is just a process question, but it happens quite frequently, actually. And I think these modest requests for information mostly are going to help rather than hurt.

A VOICE: (Inaudible.)

SENATOR MCLACHLAN: I'm sorry.

A VOICE: (Inaudible) use your mic.

SENATOR MCLACHLAN: My next question is related to the constitutional question as it relates to absentee voting, and -- and I think your -- your comment was something to the effect that that requirement essentially doesn't belong in the Constitution because it's not policy and it would be better suited in statute.

HJR 88

I wonder if -- what is your opinion of the history of why it was put in the Constitution, first; and then second, frankly, my perception, that's a little different than yours in that if it is in the Constitution, it's clearly stating that the election process should be somewhat restricted the way it is now, and hence the reason why it was put in the Constitution.

SECRETARY OF THE STATE DENISE MERRILL: Well, I can

SENATOR MCLACHLAN: Thank you, Madam Secretary.

REP. MORIN: Any other questions?

Representative Godfrey.

REP. GODFREY: Thank you. Good morning.

SECRETARY OF THE STATE DENISE MERRILL: Good morning. How nice to see you.

REP. GODFREY: I -- I -- neither have I researched the 1965 constitutional convention; it will be interesting. But I do -- but I'm old enough to remember what the atmosphere about voting was at the time.

I first registered to vote in 1969. You had to be 21. You had to pass a literacy test. The whole of -- of law was designed to keep the number of voters down. We now live in a more enlightened time, and we've moved toward the point where we're trying to encourage more and more people to vote. And we've certainly seen nationally a lot of attempts to suppress voters and suppress voting. And I think the State of Connecticut is a little bit behind the times in opening up the process. I'm so glad that you're here advocating that we make it much more convenient, much easier to -- to fit the processes of government and voting for the government into the same atmosphere that people use when they go shopping, when they go to work, when they go to school.

We more and more expect things and expect institutions to be convenient. We -- we want things open on Sunday. The last remaining piece of that, we're having the argument over this year, for example. We want things to be open late. We want things to be open when we

decide we want to do something. And most of the early voting that I've seen occurring in other states -- and I talk to a lot of people nationally, as you know -- is the political party base is voting early. These are the people who aren't particularly swayed by, you know, the junk mail that we -- we push out. They're Democrats who are voting for Democrats and Republicans who are voting for Republicans, et cetera, et cetera.

So, yes, we're going to -- those of us who run for office are going to have to alter the way we campaign, but that's up to us. We -- we don't -- we shouldn't be altering the voter's behavior to conform to the way we want to campaign; it should be the other way around. So yet another -- another argument.

And -- and also being from Danbury, yes, we -- we do have registrars and the town clerk who communicate with each other, who have done the planning, and I think it actually supports your position that you just have to have a contingency plan in place.

And -- and about that, a question, whether -- whether the thinking about that has gone this far. The primary in 2001, just happened to be on September 11th, and the confusion was huge, not in the least because that was also New York State's primary day. And someone in New York had the authority to postpone it. I don't think anyone has that authority here. I don't know if anybody should or not, but it's an -- it's a question.

And -- and, of course, both our primary schedule and our general election schedule, for example, those days are in hurricane season. What happens if a Hurricane Gloria is hitting

here on an Election Day? I -- I think as we move forward, I would hope that your office and -- and the Legislature looks at not only requiring towns to have contingency plans but should start helping them to think about the unthinkable. Yeah, what happens if the school your voting machine is in burns down is -- is a -- a little -- a little more local than what happens if a hurricane hits that day. Do we, you know, not -- not vote because people can't, because -- because, you know, the Governor has declared an emergency and has closed everything down? So I'm hoping this -- this all winds up being discussed in the mix. And I'd like to hear your thoughts.

SECRETARY OF THE STATE DENISE MERRILL: Yes, exactly. I mean, I think we should handle this as if it were a disaster plan. I mean, it's a very similar concept.

And I should mention that there won't be any cost to anyone, because our office will develop the model and the towns can just adopt the model and put in the names of people who should be called in the event of this or that. But that's exactly right. There is no model of kind of like disaster planning for elections, and there should be. And so I -- I think it's a -- it's a pretty modest request of towns to just do some thinking about it ahead of time. And it doesn't have to be an elaborate plan but just something that thinks ahead about some of these things, and someone has the authority to look at that plan and say, oh, we adopted this plan and this is what should happen in this eventuality. I just think it helps everybody's thinking.

By the way, just to go back to this whole idea of the constitutional amendment to open voting,

HJ88

I can give you a couple of examples of -- of instances where you may want to allow for additional people to be voting not at the polling place. And one came up just last year, which we did pass, although arguably it's probably unconstitutional according to our Constitution; that's the Military Votes Act. We are now allowing people overseas to get absentee ballots on the premise that they absolutely will not be available. But we are adding a provision that it's technically not available under our Constitution.

Another one that's come up just recently are caretakers of disabled people. Disabled people are able to get absentee ballots but their caretakers are not, because they are able to get to the polls if they need to vote. But if they cannot leave that person, there's no -- there's no -- that is not considered an excuse under our Constitution. So those are just some examples of things that are starting to come up that really, I think, require us to make this a little less rigid on the constitutional side.

REP. MORIN: Anyone else?

Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman.

And thank you, Madam Secretary, for your testimony.

Listening to and -- and reading your testimony, I am struck by what looks like we -- a system where we have 169 different local elections each year, even for elections and federal elections, and for President of the United States, we have each town with basically no oversight and no guidance and no help from your

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office. And so I'm very struck by the measured, moderate approaches that don't eliminate our historic tradition of local elections that I think are very helpful, training moderators, providing in extreme cases the ability for representatives of your office to go into polling places.

I was wondering if you could comment a little bit on the history of -- of your office and what you see the role is in -- in terms of providing help and assistance to local registrars and clerks in terms of the facilitating of elections.

SECRETARY OF THE STATE DENISE MERRILL: Well, I mean, we are charged with giving guidance to local towns. And -- and in some instances there are authorities to level penalties, for example, which have really never been used because, you know, it's -- it's difficult to level personal penalties against registrars of voters who are doing their best, you know, not getting paid much money, come in one day a week. You know, so it's difficult when you have so many, separate, little systems.

I represented -- when I was State Representative, I represented the Town of Chaplin, 2500 people, probably about 800 registered voters. You know, it's difficult for them to get appropriate training and appropriate guidance, you know, on their own. So that's been the history of this office, but I think over the years it's clear that there are different standards in different towns and different things are being implemented differently. And many times it's because people have been in these jobs a long time and they've done things a certain way forever and they don't want to change, even though times

are changing.

And most state have a much more centralized system than we do, but that's nothing new in Connecticut, is it? We don't do regional much of anything. In this area, we can. I mean, for example, recounts of votes. If you get chosen for an audit in your town, it's pretty onerous on some of these small towns to be going through these audits where you have new technology that can make those audits very simple at a -- maybe a regional or even a state level. There are machines that can take these ballots; they don't have to be hand counted anymore, which is where all the errors come up. And I don't know if Luther Weeks is going to be testifying here, but I'm sure he can tell you all about it. That's where we get into the problems. So if we can do -- over time, we should probably regionalize some of these processes that the state can help with and make more efficient; I think we should.

And, also, some of these things, it just makes voting easier for people. We want as many people to be voting as possible, and if you sort of keep that as the goal, you know, then you see that we can do a lot of things better. And my office, I believe, should be the agency that tries to help standardize, not comes in with a heavy hand and says we are going to do it this way. But in -- in some instances we've got to have people having faith in the process that all voters are being treated similarly in every town. And that's the bottom line.

REP. LESSER: I'd like to -- like to commend you for balancing our tradition of local control with the urgent need we found in this last election to update and modernize our voting procedures. So thank you, very much.

SECRETARY OF THE STATE DENISE MERRILL: Thank you.

REP. MORIN: Anyone else?

Madam Secretary, thank you, very much, for coming --

SECRETARY OF THE STATE DENISE MERRILL: Thank you.

REP. MORIN: -- before us. Look forward --

SECRETARY OF THE STATE DENISE MERRILL: Thank you, so much.

REP. MORIN: -- to working --

SECRETARY OF THE STATE DENISE MERRILL: It's been a pleasure.

REP. MORIN: -- with you on these.

Moving along, we'll go back to the initial order that we were going to go with, and we will be hearing these bills, bill-by-bill, the hearing, bill-by-bill. And just recognize that we will be holding you to a three-minute time limit on your testimony.

Starting on Senate Bill 384, Matthew Wagner, followed by Karen Cortes.

MATTHEW WAGGNER: (Inaudible.)

REP. MORIN: Is your mic on, Matthew?

MATTHEW WAGGNER: I don't know.

REP. MORIN: Push the red button.

MATTHEW WAGGNER: All right.

KACHINA WALSH-WEAVER: Thank you. I didn't expect to be up so quickly.

Good morning, members of the general -- Government Administration and Elections Committee. For the record, I'm Kachina Walsh-Weaver with the Connecticut Conference of Municipality -- Municipalities -- sorry.

I'm here on several bills before you today, the first one being Raised Bill 942, the Secretary of the State's bill. We are in support of the majority of the provisions of this bill. We think that the -- the issues brought forward by this bill would certainly help to enhance and protect the election system.

SB384  
SB941

We -- in our written testimony, we have urged a couple of things to be amended on this. The contingency plan, we would ask that the state legislative body be -- or sorry -- the local legislative body be the one to actually adopt this and certify this plan and submit it to the Secretary of State. And in the instance where the legislative body is a town meeting, that the board of selectmen be the ones to do so and that the Secretary of State officially accept the plan on record.

As for the number of ballots, we think that the proposal she has put forward is a great way to be on record about how the ballots are -- the ballot numbers are achieved. Again, we are urging a slight amendment here. We've asked the Secretary of State if she could provide a form that local officials could fill out and submit up to the state and, again, ask her to officially accept that fact so that the registrars and the local election officials have something on record that she has received

it.

As for the training that she has proposed in her bill, I know that there has been a push by a number of election officials across the state to have more training, more statewide training for registrars, and CCM and would like to work with the Secretary of State's Office and the registrars to implement something along those lines to be assured that everyone is trained in the most up-to-date manner and is knowledgeable of all the current election laws.

And, finally, with regards to the removing of moderators, we think that this should be done only at the request of the local registrars.

Very quickly on Raised Bill 384, CCM supports this bill allowing registrars of voters to designate fewer polling places for primaries and in the situation where more than one primary is taking place, to designate a single moderator to serve both primaries. As already reported, there are large expenses associated with running the -- the polling places, and any sort of mechanism for greater efficiencies and reduction in costs in these economic times would certainly be appreciated.

And, lastly, CCM opposes the Raised Bill 941 and the constitutional resolution 25 regarding no-excuse absentee ballots. It's our understanding, based on extensive conversations with local election officials and town clerks, that the no-excuse absentee ballot system is extremely time consuming, is costly, and the absentee ballot situation opens up the door for fraud.

Thank you.

no-excuse absentee balloting.

It was also mentioned about disenfranchising voters because they forget to put their signature on the envelope or they overvote. And if they were voting in person, both of those situations would be remedied.

REP. MORIN: Thank you for your testimony.

Any questions from committee members?

REP. LESSER: I was wondering if you would -- if you have an opinion on House Resolution 88.

MARY RYDINGSWARD: And brief me exactly. Is that the dispute between whether it should be in the Legislature's hands and completely out of the Constitution?

REP. LESSER: Forgive me. My Chairman has informed me that we're going to be -- we're going bill-by-bill, so we'll -- we'll be able to talk about that later.

Thank you.

MARY RYDINGSWARD: Okay.

REP. MORIN: And Representative Schofield is not around, I don't believe.

Kachina Walsh-Weaver has spoken, I think, on this.

We'll move on to Senate Bill 942, AN ACT CONCERNING THE INTEGRITY OF ELECTIONS.

And Carole Young-Kleinfeld.

CAROLE YOUNG-KLEINFELD: Good morning, again.

The League of Women Voters supports this bill but has some comments to make about it. In Section 1, we support certifying moderators every two years, as proposed, as long as such certification is supported by a vigorous moderator-training effort by the Secretary of the State's Office. The Secretary of the State's Office also should keep accurate files of certified moderators for municipalities to call upon in the event of shortages of qualified moderators.

The league strongly supports the creation of emergency contingency plans for elections, primaries, and referenda, as outlined in Section 2. However, we believe that the period for notifying the Secretary of the State following activation of such a plan should be shortened considerably by requiring verbal notification followed by a written report.

We also note that under Section 2(b), a municipality's emergency contingency plan for elections must be adopted by a legislative body, which in some cases means by its town meeting. We suggest changing this requirement to read "adopted by the local ordinance-making body of each municipality."

As noted in our written comments on S.B. 939, the league supports allowing the Secretary of the State or her designee access to polling places on Election Day for the purpose of reviewing compliance with state and federal law and requiring registrars of voters to provide a list of polling places to the Secretary of the State, as set forth in Section 3.

The league also supports giving the Secretary

of the State the authority to disqualify and decertify moderators as proposed in Section 4. However, we believe that the Secretary of the State should exercise this authority after consultation with the local registrars of voters. Accordingly, we suggest rewording the first sentence of Section 4 to read, "The Secretary of State shall have the authority to disqualify and decertify any moderator appointed by the registrars of voters if, in the opinion of the Secretary and after consultation with the registrars, such moderator has committed material misconduct, neglect of duty or material incompetence." This would give the registrars an opportunity to take action while ensuring that the ultimate authority remains with the Secretary of the State.

Finally, in Section 5, we support requiring registrars of voters and municipal clerks to certify to the Secretary of the State the number of ballots ordered for each polling place. We believe that setting a flexible standard, based on historical turnout with Secretary of the State review and oversight, strikes an appropriate balance between economy, efficiency, and voters' rights.

The league believes that these measures taken altogether will help ensure voter confidence in our electoral process.

REP. MORIN: Thank you, very much.

Are there any questions from the committee members?

Terrific. Thank you.

CAROLE YOUNG-KLEINFELD: Thank you.

REP. MORIN: Judy Beaudreau, followed by Luther Weeks.

JUDITH A. BEAUDREAU: Good afternoon, again.

I'm Judy Beaudreau. I'm here to talk about Senate Bill 942. I want to thank you for -- the Secretary of State raising this. And these are some very important issues that we need to have changed.

HR 88

Line 14, changing the four to the two-year span for moderator training, I think this is wonderful; it's a great idea. I truly agree that even though a moderator is certified that they have -- if they have not used their skills, they need to be refreshed before they go in. But if you think that this is going to change what happened in polling places this last election, it is not. It is not the moderator, generally, who is at fault with some of these problems. I'm sure you saw videos on TV. Those were not the moderators, those were the staff in the polling place.

We have a problem with training the staff in the polling place. It needs to be uniform. It needs to be the same training to everybody. Sometimes candidates give names to the registrars. In some municipalities, they actually have to hire them or they don't get reelected or reappointed, whatever the case may be.

Just because somebody can put a stamp on an envelope or a label on an envelope does not mean they can work in elections. Not everybody can be a poll worker, and we need to be able to hire the people who are qualified to do this job.

In Line 22, I would like to have the town clerks removed from the municipal -- municipal clerk removed from this. I think we need to -- again, I want to say we need to separate the offices. In the last election, it was who did not order the ballots; was it the clerk; was it the registrar; was it the mayor? We need to clearly define whose job it is.

Let's see, where am I? It's hard when I don't read it. Line 33, I've put some language down below that maybe it shouldn't be the legislative body. You know, we've talked about some of these legislative bodies are town meetings. I know, for instance, if it was my legislative body approving this, they would spend at least six hours arguing on whether it was a Democratic thing or a Republican thing. And I really think the importance of this should not be with the legislative body, that the registrars should be able to handle this, submit it to the clerk and to the Secretary of State, and that it should not have to be a problem, whatsoever.

Let's see. Line 66, giving the names of the moderators is -- is to be done on the 31st day before an election. As a trainer of moderators, I am still certifying moderators up until 20 days before the election. So that 31st day is not going to work.

I'm shut off. Can I finish? Oh, okay.

I also have a problem with the Secretary of State removing a moderator. If it is decertified, meaning from her office because of all these problems, that's fine. But on Election Day, if she gets access to the polling place, I really think that because the

moderator is local, hired by the municipality, is an employee of the municipality, that that should be left up to the registrars. So if she wants to -- or he -- so whoever the Secretary of State is -- wants to communicate this to the registrars and then have the registrars remove them from the polling place, that's perfectly fine. But I think we would fall into some problems with the municipalities, because they are employees of the municipality.

Let's see, (inaudible), most of it I have put into language for you. I do want to say, by the way, we are in support of 88, H.J. 88, because anything to get that process out of the Constitution would be great. We don't have to go anywheres with it, but we need to get it out because it takes so long to get it out.

I also would like to someday talk to everybody about a plan to regionalize elections. I think the time of having 169 municipalities has got to change.

Thank you.

REP. MORIN: Thank you.

Any questions from committee members?

Terrific. Thank you, Judy.

Luther Weeks, followed by Bill Jenkins.

LUTHER WEEKS: I have to say, Judy and I argue about a lot of things. I can't think of a thing that she just said that I would disagree with. I would associate me with -- myself with everything she said.

We support this bill which corrects an issue with post-election audit integrity, and to reduce the probability and impact of running out of printed ballots. When we were talking about the contingency plan being implemented, I do think we need to have quicker notification to the Secretary of State. I'd suggest 90 minutes, and in no circumstances later than when the election results are initially reported to the Secretary of State.

I do agree with Judy that it's unworkable to disqualify registrars, and I had, for most of my testimony, at least a deadline for the Secretary of State to disqualify those so that the local officials would have some time to react to that.

Probably my biggest suggestion is Number 4. It requires registrars to certify to the Secretary of State a list of polling places prior to each election. We support that goal since it would restore the integrity of the post-election audits, which have not been integrity -- in integrity because we do not select the districts for audit from a valid list of polling places in an election.

But there's a voter list, on-line voter list, that the Secretary, previous Secretary of State put up, which allows voters to get into it and verify their registration and tells them where to vote. Apparently that list doesn't have an accurate list of polling places. That list, I believe, comes from the on-line registration system, which I believe the registrars update with the polling places of where people vote. So my suggestion is a 21st Century solution, that we have the registrars certify that they've updated that system with the correct polling places. We wouldn't have data entry

redundancy. We wouldn't have paperwork going to the Secretary of the State's Office for them to type in. That's a solution that would work much better.

Finally, I have provided links to our two most-recent audit reports which document the inaccuracy of the current list of polling places for the audit, also the Bridgeport Recount report which has recommendations that go beyond how many ballots are ordered.

There's a -- a lot of other things that would help mitigate these problems. As I said before, I think the recanvases should be a much longer period of time so you -- the Secretary of State could order a discrepancy recanvas if we had the same thing happen in Bridgeport. Then after that discrepancy recanvas, if it found a problem, we could have a statewide recanvas; there's no time for that now.

Thank you.

REP. MORIN: Thank you, Luther.

Are there any questions from committee members?

Thank you, very much.

Bill Jenkins, followed by Cheri Quickmire, if she's here.

WILLIAM L. JENKINS: Hello, again; Bill Jenkins, the Registrar of Voters in Chaplin. I'm also a member of the ROVAC Legislative Committee, as well, and I was at their meeting last Thursday where we discussed a lot of bills and, most specifically, this one.

There was a little bit of disagreement among

some of the registrars in attendance about certain parts of the bill, whether ROVAC should support or not support them. I personally feel that the town clerks should be included in the formation of that plan, and I also strongly believe that that plan should be approved by the legislative body of the town, because many aspects of that plan that we and the town clerks would come up with may involve things that the town has to do and things that the town may be responsible for, whether it be their Public Works Department. It's something that should be run, I believe, through the town meeting or their town council or whatever the legislative body is.

And -- and as you -- as we've sort of heard earlier today, there's a little bit of controversy with some of the aspects of this bill. There might be some slight burdens on the municipalities and -- and the registrars more so than in the past; however, I think that, you know, based on what happened in 2010, in the -- in the state election and the post-state election, I think there's -- all aspects of this bill that are -- are steps in the right direction, and I pretty much support everything in here.

Any questions?

REP. MORIN: Thank you, Bill.

Are there any questions?

WILLIAM L. JENKINS: Okay.

REP. MORIN: I appreciate your testimony.

WILLIAM L. JENKINS: Thank you, very much.

this. Our society is changing dramatically. People move. People work all sorts of hours, and this is very, very important.

So thank you, very much.

REP. MORIN: Thank you, Cheri, for testifying.

Questions (inaudible)?

Thank you, very much.

Mayor Finch, welcome.

MAYOR WILLIAM FINCH: Mayor Morin, nice to see you. Thank you.

My name is Bill Finch. I represent the City of Bridgeport, and I'd like to testify in support of the -- the package of bills that the Secretary of State put in, but especially 942 on the integrity of the elections.

I guess what you could say is, you know, a lot of people in local government may come here and tell you that they -- they don't want to have less authority; I do. I do and I think all towns should have less authority, and the Secretary of State should have more authority.

I don't think that this bill goes far enough, but I wholeheartedly support it, and let me tell you why. I -- I had to greet voters as they were leaving the voting booths in Bridgeport, and because of a piece of paper, their rights were trampled on. And people thought that they were not going to be able to vote because of a piece of paper. It did harken me back to being here and being in support of the touch-screen voting which would not have required a recount or paper but that

HJR88  
HB5978

-- those times have passed us.

There are a lot of problems when you have paper and when you have to recount eight or nine or ten thousand pieces of them. But I think we have a new Secretary of the State. I think we have somebody who is incredibly efficient and -- and knowledgeable in these areas, and we've got to give her the tools to be able to do her job because she is the chief election official of the state. And if we want to have the integrity of this -- to me, the ether that holds a democracy together is that sacred right to self-determination of the people. And if they don't think that this -- this system is registering their vote and registering every vote, then that's a big problem.

I'd like to say something kind about Judge Berger, and I'd like to say that every time I talk about what happened in Bridgeport, Judge Berger did exactly what our Supreme Court could not do. In 2000, our Supreme Court said we're going to stop the counting of ballots, ballots that men and women in our Armed Forces that risk their lives to protect the sanctity of the collection of that ballot. And our Supreme Court let us down and said we're going to stop the counting of ballots. Frankly, I didn't care at that point who won the election, but I'm still mad that they stopped the counting.

Judge Berger did just the opposite, and he should get an award from Common Cause or ACLU or somebody, because he said we're going to extend the ballot. Now, we didn't really need it, as it turned out, as much as we thought, because there were only 67 people who voted. But that took away a lot of the doubt that people were not going to have a right to vote. And the worst thing and feeling I had is when

people walked out. And because of human error in the ordering of pieces of paper, they were -- they were terrorized; you could see it in their eyes.

I came here to vote. I had a strong opinion. And how often do we as politicians work so hard to get the vote out? And then to see people leave because of a want of a piece of paper, it was very, very frustrating. Somebody has to be held accountable. I believe that's the Secretary of State, so that her authority or his authority, whoever the -- whatever the case may be, has to certify that the right number of ballots are -- are ordered.

People really need to have their faith restored in the process. I believe in an emergency contingency plan, and we can help you develop one. We've been through that.

I believe that the training needs to be upgraded, and I think that you need to be able to disqualify moderators who do not go through the training. The laws change. You know how often the laws change, and every four years or so is all they have to go. They need to go every year. I know that's a difficulty but so is losing your right to vote.

The authority of the Secretary of State to monitor the election process, I believe is very important. And -- and, again, removing a moderator is, I think, a very important right that they should have. And this new Secretary of State gives us that fresh start.

The -- the other point I'd like to make is that we need consistent standards, and I think the only one who can do that across town lines -- you know, you can -- I don't go to vote in more

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mhr/gbr GOVERNMENT ADMINISTRATION  
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than one town at a time and not -- none of us do, but I do hear anecdotal stories about the conditions that people meet in the different towns. And I'd like to have it be consistent across the board so that people really do feel a competence in the system.

And in another bill that I -- I think that you're talking about is actually changing the Constitution for early voting. I wholeheartedly support that. I think that we could -- we could learn a lot from companies like Pitney-Bowes that handle this for other states. And I would encourage the committee to reach out to that great Connecticut company and say what can you do to help us, because I do know they have software that allows us to -- to use the mail more effectively, when and if the Constitution is changed so that we can have early voting.

HJR 98

And I -- I want to also just voice my support for 5978. Those who have disabilities really should have the ability, I think, to permanently be declared eligible for an absentee ballot rather than have that have to be done on occasion. So those are the things I'd -- I'd like to have your support for.

And I -- I really don't think you need to worry about local control so much. I think you have to worry about the sanctity of that ballot and that process that keeps our democracy strong.

Thank you.

REP. MORIN: Thank you, very much, Mayor.

Any questions?

Senator McLachlan.

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SENATOR McLACHLAN: Thank you, Mr. Chair.

Welcome, Mayor.

MAYOR WILLIAM FINCH: (Inaudible.)

SENATOR McLACHLAN: And how are you? Nice to see you here.

MAYOR WILLIAM FINCH: How's the Senate treating you?

SENATOR McLACHLAN: That's wonderful.

MAYOR WILLIAM FINCH: It is, isn't it?

SENATOR McLACHLAN: Absolutely wonderful, a great experience.

MAYOR WILLIAM FINCH: Some days I wish I was there.

SENATOR McLACHLAN: From your perspective now as a big-city CEO, do you feel that the proposal for a local emergency management plan, so to speak, as it relates to Election Day, should have oversight of the chief elected official and the legislative body of the community?

MAYOR WILLIAM FINCH: I think that can't hurt, but I think, you know, emergency really -- you don't have the time. I mean, the plan, yes, the plan should have some oversight.

But I think that one of the things that this bill really calls to question is strengthening the hand of a central authority that can be held accountable. We didn't have that. This is what we had on Election Day, and the voters didn't really have anybody to hold accountable.

And, you know, I think that a Secretary-of-

State position should be the place where the buck stops, where we can -- we can all say, listen, you know, we may not have won or lost. We're all politicians; you know you got two outcomes when you get in a race. It's not going to be a tie and you either win or lose.

The only thing that I am adamant about is make sure the process is fair and open and honest but that every vote is counted. Every vote is counted. And, you know, for a lack of a piece of paper, some people went away. And I hope they came back because we had had a courageous judge who opened that -- that right up for two hours. Sixty-seven people used it, so I -- my guess is that proved that people were able to come back before eight o'clock or they used those extra two hours. Because the -- the ballot shortages were -- were early enough in the day so that we were able to -- to repair.

But I -- I think that you have to worry less about local control and more about uniformity across town lines. I don't look to my town for my right to vote; I look to the federal government to protect my right to vote. And every disenfranchised group always has looked to the federal government, so local control to me is irrelevant when it comes to somebody being held accountable for the sanctity of that vote.

SENATOR McLACHLAN: Thank you, Mayor.

So, for clarification, you don't see the need for the chief elected official and -- and/or the legislative body to affirm the plan between the registrars and the Secretary of State's Office?

MAYOR WILLIAM FINCH: You know, I don't think

there's a problem with that, and I guess I didn't answer your question clearly because I was thinking back to that day when all hell broke loose. And, you know, the plan is a guide because things happen in an emergency. We've all been in our emergency operation centers during tornadoes, for example, and you know all hell breaks loose. That was what it was like. My cell phone went crazy in about the period of about 20 minutes, with 10 or 12 polling precincts calling, looking for the plan. So it's probably good for everybody to sign off on the plan ahead of time, especially so that they all buy into it, right, and feel good about it. But when there is an emergency, what I think -- what I'm trying to say here is that when all things break down, you need to have a central authority who can tell people what to do to make sure we don't lose our right to vote. And I don't have a problem with losing some of that authority so long as -- as you point out, you know, we're involved in the creation of an emergency plan.

But most of these things are not political and they're not difficult. They had to do with the physical reproduction of paper and transporting them to where the voters were, for example and how to make sure that police officers were involved with transporting those so that they were done without a loss of a chain of custody, and people signed off.

So I think the planning is -- is good to include a lot of people, but my point is that the Secretary of State's hand needs to be strengthened and -- and made stronger. And if that means a little loss of control for me when there's an emergency, I don't mind that.

SENATOR McLACHLAN: Thank you, Mayor.

MAYOR WILLIAM FINCH: Thank you.

REP. MORIN: Representative Lesser, then  
Representative Fleischmann.

REP. LESSER: Thank you, Mr. Chairman.

And thank you, Mayor, for your testimony; I --  
I think you really hit the nail on the head.

On Election Day we found out that the people in  
charge of voting weren't -- well, weren't the  
Secretary of State --

MAYOR WILLIAM FINCH: Yeah.

REP. LESSER: -- you, the mayor of the city, the --  
even the registrar of voters, but oftentimes it  
was actually the moderator on the ground. And  
so I think what we're hoping to do here is to  
professionalize and update the process. And  
I'm very appreciative of the fact that you see  
the larger point of trying -- beyond the  
principle of local control ensuring the -- the  
integrity and the openness of our electoral  
process. And so I'm hopeful that this  
legislation that you're supporting will help --  
will help bring us into the 21st Century and  
make sure that this never happens again.

So thank you, so much.

MAYOR WILLIAM FINCH: I appreciate it.

And if I could just add to something that you  
made me think of, the -- the census temporarily  
hires people who become very proficient in what  
they do, and, in fact, I've tried to hire a  
couple of those people because they're so well  
trained. But our difficulty is so much more

than that, because instead of hiring somebody for a year, you have to hire them for a day. And you have to make sure that they're really taking ownership of this position, they're taking it seriously, and they're trained. That is really almost an impossible task for a local government, for any government to -- to do, to suspend someone's life for a day and become an expert in election law. It takes a special person to do it, and I think it's with the strains and stresses on local government, we're going to be, as the time moves on, less and less able to ensure what I think is really the sanctity of this process which makes sure the people feel they got a fair share and the right person with the most number of votes won. We'll all buy into that as Americans, right, but we won't if we don't think it smells right.

REP. LESSER: Thank you, very much.

MAYOR WILLIAM FINCH: Thanks.

REP. FLEISCHMANN: Thank you, Mr. Chairman.

REP. MORIN: (Inaudible.)

REP. FLEISCHMANN: Mr. Mayor, welcome back.

MAYOR WILLIAM FINCH: Representative --

REP. FLEISCHMANN: I, too, would like --

MAYOR WILLIAM FINCH: -- you look well. It's good to see you in the pink of health.

REP. FLEISCHMANN: Well, as Ted Kennedy used to say, Good to be seen.

MAYOR WILLIAM FINCH: Yeah.

REP. FLEISCHMANN: Thank you for -- for coming here and for your testimony.

You know, oftentimes people start to get parochial about issues and will say, well, I don't like the idea of someone else coming in. And I agree wholeheartedly with your sentiment, that here we're talking about fundamental rights that are too important for parochialism to intrude. And -- and I just think the spirit of your remarks as well as the -- the substance is -- is right on, and I appreciate it.

One point I want to make you aware of, a tie is a potential outcome. We have a member in the General Assembly who had a tie in her primary, and it was decided by a coin toss. And I believe after that happened, we may have revisited that statute to come up with a fairer way to resolve ties in elections. But -- and -- and hopefully we won't have too many chances to even test the situation.

MAYOR WILLIAM FINCH: I wish that had been my problem.

REP. FLEISCHMANN: I'm glad for the State of Connecticut we had a clearer outcome.

Thank you for your testimony.

MAYOR WILLIAM FINCH: Thank you.

And let me offer, Representative, and Chairman, we have had a committee working hard on this with some people whose names you probably remember. Nicholas Panuzio, Republican Mayor of Bridgeport, has chaired it; Ed Farrow, Police Commissioner; Richard Bieder, from Koskoff, Koskoff, and Bieder, are on this committee; Rosa Correa. I'm thinking --

missing my other commissioners that I'd -- I -- temporary people that I put into this. They have thoroughly investigated what went on.

And I'm going to be -- I know it's a little bit past some of your deadlines, but it may inform some of your decisions as you consider how to vote on bills. And I'm going to forward their -- they're not ready to give their report for another week, but I'm going to pass that along to you. I think they've really come up with -- this opened up an opportunity, as we see it in Bridgeport, to really look at the process of running the voting places. And we think we've come up with other ideas that may help you as you struggle with this into the future.

REP. MORIN: Thank you, Mayor.

And it's not just Bridgeport. There were other communities that had problems. And we look forward -- we welcome your input from your committee.

MAYOR WILLIAM FINCH: When I called up my registrar and said, When are the ballots due? She said, There's nine other cities or towns that are -- are waiting for ballots ahead of us. So evidently a few people miscalculated, and we ended up getting all of their wonderful publicity.

REP. MORIN: Yes, you did. So -- but we do look forward to working with you.

MAYOR WILLIAM FINCH: Thank you, Mr. Chairman.

REP. MORIN: Thanks for stopping by.

MAYOR WILLIAM FINCH: Thanks.

REP. MORIN: Okay. We will now move on to S.J. 25, the RESOLUTION AMENDING THE STATE CONSTITUTION TO ALLOW FOR NO-EXCUSE ABSENTEE BALLOTING.

I see Essie Labrot on the --

A VOICE: (Inaudible.)

REP. MORIN: Labrot -- I apologize. One of the dangers of this job is trying to make sure you don't ruin people's names. Essie is not here.

How about Mary Rydingsward? Okay, Mary is here, and she's --

MARY RYDINGSWARD: Representative Morin, and committee members, I will reiterate some of my testimony from early today. When I originally thought about no-excuse absentee ballots, it sounds like quite a convenience and a way to increase voter turnout. But the research available, that has been done quite extensively, demonstrates that it does not increase voter turnout. And, in fact, the downside to it is that it greatly increases fraud.

And I know that from the 2000 and 2004 Presidential elections in Ohio, there's a lot of documented fraud via absentee ballots. It has been written up for some people who might think that it's just exaggerated or doesn't exist. It's not just an increased opportunity, it actually has occurred many times. And that puts at risk our entire election process.

So how do we make it more convenient for people to vote, and how does that affect the candidates who are trying to get out the vote as well as the media who wants to share

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GOVERNMENT  
ADMINISTRATION  
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PART 2  
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**2011**

## Introduction

Government Administration and Elections Committee  
 Testimony – February 14, 2010

Luther Weeks  
 Luther@CTVotersCount.org  
 334 Hollister Way West, Glastonbury, CT 06033

Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount.

As Executive Director of the Connecticut Citizen Election Audit Coalition I have organized observations of seven (7) post-election audits, personally observed thirty-five (35) audit counting sessions around the State, observed several recanvasses, and most recently organized the Bridgeport Recount. Today, I am speaking for CTVotersCount.

I live in Glastonbury. I am a retired computer scientist and software engineer active in voting integrity in Connecticut and nationally since 2004. I am also a certified election moderator.

I have testimony and supporting information for several bills on today's agenda:

<u>S.B. No. 384</u> – Support (no testimony)	
<u>S.B. No. 938</u> – Support, with suggested improvements .....	2
<u>S.B. No. 939</u> – Oppose portions, with suggested improvements.....	4
<u>S.B. No. 940</u> – Oppose, with suggested alternatives.....	8
<u>S.B. No. 941</u> , S.J. No. 25, No. 88 – Oppose .....	13
<u>S.B. No. 942</u> – Support, with suggested improvements .....	16
<u>H.B. No. 6330</u> – Support, with suggested improvements .....	18
<u>H.B. No. 6331</u> – Support, with suggested improvements .....	20
<u>H.B. No. 6332</u> – Support .....	21

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**Testimony of  
 Cheri Quickmire  
 Executive Director  
 Common Cause in Connecticut  
 Before the Government Administration and Elections Committee  
 Monday, February 14, 2011**

Good morning Chairman Slossberg, Chairman Morin and members of the committee. My name is Cheri Quickmire. I am the Executive Director of Common Cause in Connecticut. Common Cause in Connecticut is a nonpartisan, nonprofit citizen organization that works to improve the way Connecticut's government operates. Common Cause has more than 400,000 members around the country and 36 state chapters. We have approximately 7200 members and activists in Connecticut.

I am here to testify in support of the following bills:

SB 938 An Act Concerning Technical and Minor Changes to Elections-Related Statutes  
RB 6331 An Act Concerning Technical Amendments to Certain Election-Related Statutes Regarding Tabulators  
SB 942 An Act Concerning the Integrity of Elections  
 House Joint Resolution 88 Resolution Amending the State Constitution to Grant Authority to the General Assembly Regarding Election Administration  
SB 941 An Act Implementing No-excuse Absentee Voting Senate Joint Resolution 25 Amending the State Constitution to Allow for No Excuse Absentee Voting  
SB 945 An Act Concerning Electronic Filing of Campaign Reports with the State Elections Enforcement Commission.

HJR 88  
SJR 25

And in opposition to HB 6335 An Act Concerning Revisions to Campaign Finance Laws.

SB 938 An Act Concerning Technical and Minor Changes to Elections-Related Statutes and  
RB 6331 An Act Concerning Technical Amendments to Certain Election-Related Statutes Regarding Tabulators

These bills make technical and minor corrections to the elections statutes – primarily updating the statutes to reflect the current use of voting tabulator machines.

SB 942 An Act Concerning the Integrity of Elections: P. 6 L. 17  
 This is an important start to addressing the crisis of confidence in Connecticut elections that was generated in the last election by the debacle in the gubernatorial election in

Bridgeport. We are encouraged that the Secretary of the State is taking the initiative to ensure that this situation is not repeated. We have the expertise and the resources in Connecticut to address the problems identified and to correct them before the 2012 election.

**We support the enhanced role of the Secretary of the State in elections.**

- We welcome the proposal that the Secretary of the State conduct trainings for election moderators and to ensure that they are appropriately trained and certified – uniformly around the state both for primaries and general elections. The moderator is in charge of the polling place and performs or directs all operations during the voting day. This is a critical function and one which requires serious attention and consistent oversight.
- We support the proposal that the registrar and municipal clerk create an emergency contingency plan for elections in municipalities. Potential natural disaster and mechanical errors should be considered and appropriate plans established. Having them monitored by the Secretary of the State's office is an apt plan and will help ensure that plans are consistent across municipalities.
- Certifying in writing – by the registrars and clerks – to the SOTS that a municipality has the appropriate number of ballots would help prevent a situation of insufficient ballots as occurred in four municipalities in the 2010 elections. Making sure that this occurs not later than thirty-one days prior to an election or twenty-one days prior to a primary and the specification that turnout for each polling place in the municipality for the past four elections of similar nature to the election to be held are appropriate procedures. In a situation where an insufficient number of ballots are ordered, it will be detected in time to remedy the situation without the need for photo-copying of ballots.

**House Joint Resolution 88: Resolution Amending the State Constitution to Grant Authority to the General Assembly Regarding Election Administration**

**SB 941 An Act Implementing No-excuse Absentee Voting**

**Senate Joint Resolution 25 Amending the State Constitution to Allow for No Excuse Absentee Voting**

These three bills address the important issue of allowing eligible voters to cast their votes regardless of whether or not they are able to appear at the polls. This is an important measure to ensure that all eligible voters vote. **House Joint Resolution 88** takes the essential step of amending the State Constitution to allow this change to take place.



STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

*TESTIMONY PRESENTED BEFORE THE GOVERNMENT ADMINISTRATION  
AND ELECTIONS COMMITTEE*

*February 14, 2011*

*Statement of Albert P. Lenge, Executive Director and General Counsel  
State Elections Enforcement Commission*

The State Elections Enforcement Commission provides the following information concerning elections bills that are on the Committee's agenda today.

**Senate Bill 938 AAC Technical and Minor Changes to Elections-Related Statutes**

- The SEEC supports a global revision to the election administration statutes to address the use of optical scan machines. This will remove the vestiges of the lever voting machines left throughout the election statutes and provide clarity and consistency.

**Senate Bill 939 AAC Election Related Statutes**

- The SEEC favors Sec. 52 which amends section 9-247 and provides a remedy to ensure that the AVS vote-by-phone system is functioning properly at the opening of the polls, thereby ensuring that the voting systems are fully accessible to voters with disabilities without undue delay.

**Senate Bill 941 AA Implementing No-Excuse Absentee Voting**

**Senate Joint Resolution No. 25 Resolution Amending the State Constitution to Allow for No-Excuse Absentee Voting**

- The SEEC opposes Senate Bill 941 and SJR 25 which as drafted provides for no excuse absentee voting, as opposed to early voting. As to the substance of the early voting proposals, the Commission will work with the committee to accomplish the goal of providing more convenience and accessibility for voters while maintaining the security of polling place protections. However, due to a significant history of enforcement actions in the absentee ballot area, which lack the traditional controls of a polling place, the Commission opposes No-Excuse Absentee Voting.

HB5978  
HB6335

**Senate Bill 942 AAC the Integrity of Elections**

- Our mission centers on the electoral process and to provide confidence to the people of Connecticut in enforcing laws pertaining to state and local elections, primaries and referenda. Senate Bill 942 is responsive to difficulties that occurred during the 2010 elections and we applaud the intent of this proposal. It is important to note that depending on where these changes will be codified in statute, language should be added to section 9-7b to provide authority to the SEEC to address violations.
- In Section 3 of Senate Bill 942, the Commission proposes an amendment to permit the Secretary of the State's field teams to monitor polling places, but believes that the Secretary of the State should not be permitted in a polling place when he or she is a candidate on the ballot.

Delete section 3 of Senate Bill 942 and substitute the following:

Sec. 3. (NEW) Section 9-236 shall be amended by adding subsection (d) as follows (*Effective from passage*):

The Secretary of the State, or the secretary's designee, shall be allowed access to each polling place within the state during any municipal, state or federal election or primary for the purpose of providing guidance and instruction concerning the requirements with state and federal law, except that when the Secretary of the State is a candidate in said election or primary, she shall not personally access a polling place, except for the purposes of casting her own ballot, and her designees in such election or primary shall be limited to civil service classified employees.

**House Bill 5978 AAC Permanent Absentee Ballot Status for Disabled Voters**

- The SEEC supports this concept.

**House Bill 6335 AAC Revisions to Campaign Finance Laws**

- Although House Bill 6335 is not a Commission proposal the language it contains resulted from a tremendous amount of work by both the Commission and the caucuses during the last few sessions. Some portions this bill came directly from the Commission based on its experience in administering the program, while other portions came directly from the caucuses reflecting the experiences of candidates and treasurers.
- This bill seeks to achieve a number of "fixes" to the Citizens' Election Program and the Commission supports changes that will strengthen the landmark Program, however we would like to continue to work with the Committee to embody technical changes that will ensure that the language in the final bill will be consistent with the changes that were enacted by Public Act 10-1, July Special Session.
- The Commission opposes the section that eliminates candidate committee reporting of organization expenditures articulated in **§ 9-608 (c) (6) because it defeats transparency.**

We look forward to working with the Committee concerning technical changes and revisions. Thank you for your consideration of the Commission's views on these bills.

P.1  
L. 2

**GAE Committee**  
**Public Hearing February 14, 2011**  
**Testimony**

- Good morning to our committee chairs Representative Morin and Senator Slossberg, Ranking Members and members of the Committee. My name is Denise Merrill, and I am the Secretary of the State of Connecticut.
- Thank you for inviting me to testify about several important bills in front of your committee that I feel very strongly will both strengthen the integrity of our elections and also move us towards the overall goal of making voting easier and more convenient.
- The statute defining the Office of the Secretary of the State defines my position as that of "Chief Elections Officer" of the state and lists among my duties that I shall "ensure open and fair elections in the state" (CHECK EXACT LANGUAGE HERE) . I take that charge very seriously, and am here today because I believe that some changes must be made in order for me to effectively carry out that charge.
 

SB942  
HR88  
HB6330  
SB938  
HB5978
- Today I propose some immediate actions to help local officials provide our citizens with the highest possible confidence that their vote will always be counted and counted properly.
- I know you are all aware of the problems we had in Bridgeport during the November elections, so I won't skirt it. They ran out of ballots.

- Indeed, several other towns ran out of ballots during that election. We know only from anecdote how many and how they handled it. Towns are not required to inform us about details of elections.
- I am not here to place blame. Registrars and Town Clerks are the front line in delivering the most important function of government, and they do heroic work for long hours under sometimes difficult circumstances. Our office does its best to offer guidance and assistance with little authority to compel compliance. Money for this and other governmental action, is always in short supply.
- But the faith of the people in our voting process is imperative. And the real tragedy of that day was the fact that hundreds, maybe thousands of voters waited in line for hours and then were turned away from the polls. THAT CAN NEVER HAPPEN AGAIN.
- Before I get specific I just want to add that I just came back from four days in Washington DC meeting with my colleagues, other Secretaries of State throughout the country.
- It is a very exciting time and technology is improving the way we register to vote, cast ballots, and count votes. I included just one example attached to my testimony from what another state is doing to address similar issues, using new technology to streamline their voting system.
- Let me start with SB 942, and Act Concerning the Integrity of our Elections.

#### **ELECTION INTEGRITY BILL:**

- There are five sections to this bill.

- First, it would allow the Secretary of the State's Office to adopt regulations to improve and enhance training of moderators used at the polls. Up to date training is a key component to competent elections.
- Second, it requires each municipality to adopt an emergency contingency plan for election day. Such plan should consider issues related to poll workers, ballot shortages, machine malfunctions, power outages and natural disasters. My office would develop a model plan for towns to implement. While every contingency can't be addressed, or even imagined, I believe that a plan will provide certainty for local officials in managing unexpected events.
- Third, it would expand modestly the authority of the Secretary of the state to monitor election day procedures: allowing representatives from the Secretary of the State's Office to enter polling locations to ensure compliance with our election statutes; requiring municipalities to report lists of polling locations and moderators to the Secretary of the State's Office before each election; and giving the Secretary of the State the authority to remove a moderator in extreme situations (gross malfeasance, for example) on election day.
- The Fifth Section of this bill directly addresses the issue of how many ballots are ordered for our elections. This is entirely a local decision and we are not proposing to change that.
- However, we are proposing that every city and town certify to the office of the Secretary of the State how many ballots they are ordering, and that they have considered factors such as analogous previous analogous elections, the impact of a tight race or high profile appearances, etc.

- It would also allow the Secretary of the State, in rare cases, to direct towns and cities to order more ballots printed if the determination is made that they did not order enough for an upcoming election.
- If municipalities fail to report how many ballots they order to the Secretary of the State's office, they would be required to order enough ballots to cover 100% of their registered voters.
- The bottom line here is that as the Chief Elections office in the State of Connecticut, the Secretary of the State's office needs more information about how towns and cities are preparing for elections, we all need consistent standards and reporting.
- I am also working on different ways we can reduce the cost of - printing ballots – such as the Secretary of the State's office procuring the ballots on the statewide level.
- Cost is a real issue for towns, and nothing to be taken lightly.
- But we must always remember that this is the foundation of our democracy, our entire way of life in this country. As public officials, we can deliver no more important message than that of complete faith in the highest standards of our election process. Moving on to other legislation, we are also proposing a constitutional amendment to open up the process of early voting in Connecticut.

### HJR 88

Would Amend the State Constitution to remove the current barriers in the Connecticut Constitution that allow voting by absentee ballot for only specified reasons.



CGA Government Administration and Elections Committee

February 14, 2011 Public Hearing

**ELECTION LAWS**

Comments Prepared by Christine S. Horrigan, Government Director

Submitted by Carole Young Kleinfeld, Vice President

**Opposition to:**

SB 940 AAC POST-ELECTION AUDITS

SECTIONS 54(b) and 54(c) of SB 939 AAC ELECTIONS RELATED STATUTES

**Support For:**

SB 384 AAC THE NUMBER OF POLLING PLACES  
AND MODERATORS FOR PRIMARIES

SB 939 AAC ELECTIONS RELATED STATUTES  
(EXCEPT FOR SECTIONS 54(b) and 54(c))

SB 942 AAC THE INTEGRITY OF ELECTIONS

HB 6330 AAC CERTAIN REVISIONS TO  
ELECTIONS RELATED STATUTES

HB 6332 AAC PRIMARIES, PETITION AND  
BALLOT PREPARATION LAWS

HB 6333 AAC CONCERNING PROVISIONAL BALLOTS  
FOR STATE AND MUNICIPAL ELECTIONS

SJ 25 RESOLUTION AMENDING THE STATE CONSTITUTION  
TO ALLOW FOR NO-EXCUSE ABSENTEE VOTING

HJ 88 RESOLUTION AMENDING THE STATE CONSTITUTION TO  
GRANT AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION

SB 941 AA IMPLEMENTING NO-EXCUSE ABSENTEE VOTING

HB 5978 AAC PERMANENT ABSENTEE BALLOT STATUS  
FOR DISABLED VOTERS

- Rather than taking the time to re-do their ballots, some voters may simply give up, requiring the election officials to destroy their ballot and disenfranchising the voter.
- These provisions create the same problem for the “fleeing voter” who leaves the polling place before realizing that his or her ballot must be destroyed. Moreover, absentee ballot voters would never have a chance to re-do their ballots, leaving the moderator with the choice of choosing one party for that vote, of reporting the vote as “unknown” which continues the status quo for absentee ballot voters, or of disregarding the dual vote altogether, thereby partially disenfranchising a voter who has clearly indicated the candidate of his or her choice in a cross-endorsed race.
- Given the uncertainty regarding absentee ballots and the possibility that some voters may choose not to re-do their ballots, candidates might be reluctant to accept cross-endorsements to the detriment of minor parties.
- Hand counting absentee ballots with dual votes for cross-endorsed candidates creates an additional burden on election officials and destroying ballots with dual votes adds unnecessary costs to an election.

The League understands that the proposal contained in Sections 54(b) and 54(c) stems from concerns over how to award “unknown” votes between parties on Election Night and how to report those “unknown” votes at the end of an election. There are at least three ways to deal with the problem of “unknown” votes for cross-endorsed candidates without burdening the voter. First, the legislature, in consultation with the Secretary of the State, may wish to consider moving to a ballot that is organized by office rather than by party-line. On these ballots, candidates list their endorsements after their names and voters vote for the candidates instead of the party. Second, better training of election officials and voter education should help alleviate the problem of “unknown” votes for cross-endorsed candidates. Third, reporting requirements could be changed so that “unknown” votes are displayed as a separate category on election returns transmitted to the Secretary of the State’s office on Election Night, allowing the Secretary of the State—not local elections officials—to allocate those votes among the appropriate political parties for that particular election and for future administrative purposes. The League urges you to consider these alternatives to Sections 54(b) and 54(c).

#### SB 942 AAC THE INTEGRITY OF ELECTIONS P. 5, L. 19

As noted earlier, the League believes that the political process must be open to all citizens and the *right to vote with confidence* must be guaranteed. We support certifying moderators every two years as proposed in Section 1 of SB 942 as long as such certification is supported by a vigorous moderator training effort by the Secretary of the State’s office. The Secretary of the State’s office also should keep accurate files of certified moderators for municipalities to call upon in the event of shortages of qualified moderators.

The League *strongly supports the creation of emergency contingency plans for elections, primaries and referenda*, as outlined in Section 2. However, we believe that the period for notification of Secretary of the State following activation of such a plan can and should be shortened considerably by requiring verbal notification followed by a written report. While hindsight is always 20/20, a well-thought out emergency plan and timely assistance from the Secretary of the State’s office might have alleviated or prevented some of the problems encountered by the City of Bridgeport and other municipalities that ran out of ballots during the recent November election. We also note that under Section 2(b) a municipality’s emergency contingency plan for elections must be adopted by its legislative body, which in some cases means by “town meeting.” We suggest changing this requirement to “adopted by the local ordinance-making body of each municipality.”

As noted in our comments on SB 939, the League supports allowing the Secretary of the State or her designee access to polling places on Election Day for the purpose of reviewing compliance with state and federal law and requiring registrars of voters to provide a list of polling places to the Secretary of the State as set forth in Section 3.



## TESTIMONY

of the

### CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

### GOVERNMENT ADMINISTRATION & ELECTIONS COMMITTEE

February 14, 2011

CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

**Raised Bill 942 "*AAC the Integrity of Elections.*"**

Among other things, this bill seeks to make several changes regarding elections including:

- 1) Requiring municipalities to create an emergency contingency plan for all polling places (Section 2).
  - CCM urges this section to be amended to clearly indicate that such emergency plan must be adopted by the legislative body of the municipality, and in the instance where the legislative body is a town meeting the Board of Selectmen, and officially accepted by the Secretary of the State.
- 2) Requiring municipalities to certify to the Secretary of the State the number of ballots ordered for a particular election cycle and that certain factors were considered (Section 5).
  - CCM urges this section be amended to require the Secretary of the State to create a form for local election officials to complete, asking all of the pertinent questions that would go into making the decision for how many ballots should be ordered. This would ensure consistency among municipalities in how the decision is achieved. In addition, the Secretary of the State should be required to "accept" or "reject" the certification.
- 3) Providing the Secretary of the State the authority to develop regulations for the training of moderators (Section 1).

- The Registrars of Voters have long been seeking consistency in training across the state for their positions and other election officials. CCM urges the Committee to convene a working group of the appropriate state and local officials to determine how best to implement such training to ensure it accomplishes its goal while not unnecessarily increasing costs or manpower time.
- 4) Allowing the Secretary of the State to remove moderators under certain circumstances (Section 4).
- CCM urges this section to be amended to clarify that such removal only be initiated at the request of the local registrar.

Elections are the cornerstone to our democratic process. While seeking to improve the system and protect the public trust, it is important to carefully balance the state and local authorities and ensure that any changes made achieve the desired goal without just adding more layers of bureaucracy.

CCM urges the committee to amend this bill as suggested and favorably report it.

## ## ##

If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of CCM via email [kweaver@ccm-ct.org](mailto:kweaver@ccm-ct.org) or via phone (203) 498-3026.

P, 5  
L, 21

## GOVERNMENT ADMINISTRATION AND ELECTIONS

Testimony in support of SB 942, AAC THE INTEGRITY OF ELECTIONS

Senators Slossberg and Meyer, Representatives Morin and Lesser, and members of the committee, I am Judith Beaudreau, Registrar of Voters for the Town of Vernon, and member of the Registrar of Voters Association of Connecticut, Past President and Legislative Committee of ROVAC. I am submitting testimony today in support of SB 942, AAC THE INTEGRITY OF ELECTIONS

I want to thank you for raising this bill. I believe that this is brought forward by SOTS.

Most of these ideas the Registrars of Voters will agree with but we would like to address some concerns and would like very much to work with the committee and SOTS to bring about a couple of changes that might make work for a smoother implementation.

Line 14 changing the 4 to 2 year span of the Moderator Training – this is wonderful. As a trainer of Moderators I truly agree that even though a moderator is certified, if they have not used their skills than they certainly need a refresher. I do want to say that this is not going to solve the problems in the polling places. Moderators are the boss. It is the poll workers that need training also. We have manuals created by the certification commission but they are not always used to train the poll workers. And in this area training is greatly needed. I believe that if Registrars could train poll workers that they hire it would help. But sometimes Registrars of voters are given names of poll workers that they are supposed to use. These individuals are not always the best of the crop. Not everyone can be a poll worker!

Line 22 (new) would like to have the municipal clerk removed from the emergency plan. They really have nothing to do with the Elections other than the absentee issuing. It most definitely is the responsibility of the REGISTRARS OF VOTERS. And jointly they should do their plan and be responsible for such.

## Sub Language

22 Sec. 2. (NEW) (*Effective from passage*) (a) The registrars of voters [and  
23 ~~municipal clerk~~] of each municipality shall jointly create an emergency  
24 contingency plan for elections, primaries and referenda to be held  
25 within such municipality. Such plan shall include, but not be limited  
26 to, (1) solutions for ballot shortages, and (2) strategies to implement in  
27 the event of (A) a shortage or absence of poll workers, (B) a loss of  
28 power, (C) a fire or the sounding of an alarm within a polling place,  
29 (D) voting machine malfunctions, (E) weather or other natural  
30 disasters, (F) the need to remove a poll worker or moderator and to

31 replace such worker or moderator, and (G) disorder in and around the  
32 polling place.

Line 33 (b) (new) I am requesting that the Registrars of voters not have to submit to the legislative body of such municipality. Some of these towns have a town meeting. A lot of councils are so political that it makes it hard to get things approved. After all it is the Registrars of Voters plan and should totally be the point persons for creating and filing.

#### Sub Language

33 (b) Such plan shall be submitted ~~[to the legislative body of such~~  
34 ~~municipality for approval]~~ on or before October 1, 2012. ~~[Upon~~  
35 ~~approval,]~~ such plan shall remain on file with the municipal clerk until  
36 such plan is amended jointly by the registrars of voters. ~~[and municipal~~  
37 ~~clerk and approved by the legislative body of the municipality.]~~ Any  
38 municipality that fails to create and adopt an emergency contingency  
39 plan on or before October 1, 2012, shall be deemed to have adopted the  
40 model plan provided for in regulations adopted pursuant to this  
41 section.

Line 53 Sec 3 (new) we totally agree with and had also added that to our bill drafting.

Line 66 (b) giving the names of the Moderators is not able to be done on the 31<sup>st</sup> day before an election. As a trainer of Moderators I am still certifying moderators up until the 20<sup>th</sup> day before election.

Lines 71 – 75 © We would like to know where this occurs? Is this prior to Election day when the SOTS gets the list? Or is this on Election Day in the polling place?

If this is in the polling place than ROVAC can not support this. Registrars of Voters hire – train – employ and the municipality pays the moderator. They are actual employees of the municipality and we do not feel that SOTS has jurisdiction over town or municipal employees. If the SOTS wanted to report any discrepancies to the Registrars of voters than having the remove the moderator on Election Day this would be a better workable way of handling the situation.

Lines 71 – 75 would like to remove the word disqualify and replace with decertify.

71 (c) The Secretary of the State shall have the authority to ~~[disqualify]~~ DECERTIFY  
72 any moderator appointed by the registrars of voters if, in the opinion  
73 of the Secretary, such moderator has committed material misconduct,  
74 material neglect of duty or material incompetence in the discharge of  
75 his or her duties as a moderator.

Lines 76 to 87 This needs to be fixed so that Registrars are reporting their own ballots in the polling place and the Municipal clerk is reporting on their absentee ballots or better yet turn over the ordering of all ballots to the REGISTRARS OF VOTERS IN CONSULATION WITH THE MUNICIPAL CLERK AND THE REGISTRAR OF VOTERS IS TO REPORT TO SOTS.

There is always a lot of finger pointing and It makes better business when one office is responsible rather than two.

Lines 88 – 92 again leave it to the REGISTRARS OF VOTERS solely and attach a fine rather than having them order one per person.

Lines 93 change it to the REGISTRARS OF VOTERS solely

Lines 100 change municipal clerk to REGISTRARS OF VOTERS

I hope what I have testified today will be considered. Jointly I am sure that with these changes that together we all will have a good law that not only CYA's the Voters but those who also do the planning and that with a fine attached it is enforceable.

**S.B. No. 942 – Support, with suggested Improvements**

P. 5 L. 23

Government Administration and Elections Committee  
 Testimony – February 14, 2010

Luther Weeks  
 Luther@CTVotersCount.org  
 334 Hollister Way West, Glastonbury, CT 06033

We support this bill which would correct an issue with post-election audit integrity and to reduce the probability and impact of running out of printed ballots.

We have some suggestions for improvement.

Sec 2. (NEW) mandates contingency plans for ballot shortages. Line 44 requires registrars to notify the Secretary of the State of activations of such plans 30 days after the fact.

We suggest that is way too late for any assistance or oversight. We propose 90 minutes maximum, unless there is a complete telecommunications breakdown in the municipality.

Proposed substitute text (our recommendations in bold)

44 of such activation to the Secretary of the State not later than [thirty days]  
 45 **ninety minutes** after such activation, **barring an emergency that prevents such communication and in any circumstance, prior to or concurrent with the time when initial election results are reported to the Secretary of the State.**

Sec 4. (NEW) Requires registrars to supply names of moderators to the Secretary of the State and provides the Secretary with the authority to disqualify such registrars.

While registrars have a deadline for supplying the names of moderators, there seems to be no deadline imposed on the Secretary for disqualifying them. Sufficient notice should be required so that registrars have time to secure replacement moderators.

Sec 4. (NEW) Also requires registrars to certify to the Secretary of the State a list of polling places prior to each election. The Secretary of the State needs to have an accurate list of polling places to be in compliance with the law and to restore the integrity of the post-election audit random drawing.

We support this goal, but propose a more efficient 21<sup>st</sup> century solution.

We recommend instead that registrars be required to certify that the Statewide Centralized Voter Registration System is up to date with the correct list of polling places, rather than submit a list of polling places. In 2010 the Secretary of the State's Office used the registration system information to provide voters with online access to verify their registration and determine the location of their polling place – it would seem to be more efficient to have

- registrars be required to keep the online list accurate,
- provide voters with certified accurate information.

Our recommendation would

- avoid redundant transcription by the registrars,
- reduce the paperwork and redundant data entry required for the random drawing, while increasing automation at the Secretary of the State's Office,
- and provide voters with accurate polling place information, available online.

However, if we have misunderstood and the online list is already accurate, then there is no need for this law. The online list could be extracted, as is, to restore the integrity of the audits.

We provide references to the most recent Coalition post-election audit reports demonstrating the lack of integrity in the two most recent post-election audit drawings.

<http://www.ctelectionaudit.org/nov-2011-election-audit-observation-report/>

<http://www.ctelectionaudit.org/aug-10-election-observation-report-incremental-improvement-new-integrity-issue/>

And a reference to the Coalition Bridgeport Recount Report which includes a list of recommended changes which go beyond those included in this bill:

<http://www.ctelectionaudit.org/bridgeport-recount-report/>



Testimony  
Bart Russell, Executive Director  
Connecticut Council of Small Towns  
Before the Government Administration and Elections Committee  
February 14, 2011

**RE: SB-942, AN ACT CONCERNING THE INTEGRITY OF THE ELECTION PROCESS**

The Connecticut Council of Small Towns (COST) understands the need to support efforts to promote the integrity of our election process. Recognizing how vital the election process is to our democratic system of government, Connecticut's small towns have an excellent track record of compliance with the state's election laws.

We are also very concerned about imposing any additional mandates on Connecticut's small towns and cities during these difficult economic times and recommend the following revisions to **SB-942** to help reduce costs associated with compliance.

Recognizing the importance of ensuring a smooth and secure election process, we understand the need to require a written emergency contingency plan. However, *the legislation should be amended to provide that in towns where the legislative body is the town meeting, the emergency plan should be approved by the board of selectmen.* This will reduce costs for our small towns and ensure that the plans are approved in a timely manner. Some towns have also suggested that the plan simply be filed with the town clerk's office rather than formally approved and we believe this option should be explored.

In addition, we are concerned that the model emergency contingency plan required to be prepared by the Secretary of State's Office to guide towns in preparing their plans will not be available until shortly before or after towns are required to submit their plan to the state. As drafted, the model plan would have to be developed in accordance with the Uniform Administrative Procedures Act, which is a lengthy process. *We therefore recommend that the bill be amended to require towns to prepare the plan within one year following the adoption of the model plan.*

Regarding the process for certifying the number of ballots each town orders, we certainly understand why this provision has been proposed. We do feel it is important to note, however, that the vast majority of towns have always ordered a sufficient number of ballots and the registrars, town clerks and moderators already do a wonderful job of ensuring the integrity of the election process. We look forward to working with the Secretary of State's Office to ensure that this provision is administered in the least burdensome way possible.

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P. 6  
L. 5**William L. Jenkins**

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February 14, 2011

**SB 942 AN ACT CONCERNING THE INTEGRITY OF ELECTIONS**

Good morning Representative Morin, Senator Slossberg and members of the Government Administration and Elections Committee, my name is Bill Jenkins. I have been the Republican Registrar of Voters in Chaplin since 2006.

I support all of the ideas and concepts of this bill. While some parts of this bill may place a bit more of a burden on municipalities and registrars than in the past, in my opinion if all facets of this bill ultimately become law, it will go a long way to comforting those who feel uneasy about the current process and the problems that arose during the 2010 state election.

**H – 1105**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 14  
4474 – 4836**

Have all members voted? Please check the board to make sure your vote is properly cast.

If all members have voted, the machine will be locked.

Will the Clerk please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6157.

Total Number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

DEPUTY SPEAKER ALTOBELLO:

Bill passes.

Will the Clerk please call Calendar 514.

THE CLERK:

On page 29, Calendar 514, Substitute for Senate Bill Number 942, AN ACT CONCERNING THE INTEGRITY OF ELECTIONS. Favorable report of the Committee on Appropriations.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin of the 28th, you have the floor, sir.

REP. MORIN (28th):

Good afternoon, Mr. Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

Question for the Chamber is acceptance of the joint committee's favorable report and passage of the bill.

Please proceed, sir.

REP. MORIN (28th):

Thank you very much, Mr. Speaker.

Frankly, this Bill came to us from the Secretary of the State after a few election issues that occurred in the last -- last statewide election. I want to applaud her for her efforts and the members of the GA Committee that have worked hard to get us to this point.

What this Bill does is it establishes a procedure to address issues that could arise at polling places during a primary election; namely, it requires a registrars of voters to develop a municipal emergency plan. Addressing, for example, if ballots -- if there's ballot shortages and such that certify that the secretary of state knows of

the number of ballots that have been ordered for each polling place.

Registrars must also certify to the Secretary of the State that the polling place locations and they need to provide moderator contact information.

Again, I think what this Bill really does is, one of the things that's most important to, I believe, all of us in this Chamber and all of us in the State of Connecticut that feel so important about the opportunity to cast our ballot, to elect our representatives, to elect the people that serve us, people want to know that their ballot is being heard; that they have the opportunity; and that they're -- the process is done with integrity and for that I urge passage.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Further on the bill? Further on the bill?

If not -- Representative Hwang of the 134th, you have the floor, sir.

REP. HWANG (134th):

Thank you, Mr. Speaker.

Through you. May I ask some questions to the proponent of this Bill?

DEPUTY SPEAKER ALTOBELLO:

You surely may, please proceed, sir.

REP. HWANG (134th):

Thank you.

In regards to the duration of time for moderator's certification, can you elaborate the possible change in that area?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Thank you.

Through you, Mr. Speaker.

Yes, to the fine Representative, right now the moderators are certified for a period of four years that will be diminished to a two-year term, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Hwang.

REP. HWANG (134th):

Through you, Mr. Speaker.

Obviously, this Bill is -- is looking to address some of the issues that were raised in the last election and particularly the -- the concern of -- of the voting process in Bridgeport. I think one of the things that the Secretary tried to bring out

was the fact that developing a relationship with the registrar of voters through the Secretary of State.

Can you share with me if there were a emergency certification program put in place in this Bill to address potential problems that may occur in the future?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin --

REP. HWANG (134th):

-- through you.

REP. MORIN (28th):

Through you, Mr. Speaker, thank you.

Yes, sir. You know, I -- I -- and I heard the word of Bridgeport being mentioned and I want this to be clear to all. This is not strictly a Bridgeport situation. There were other municipalities that in this last election that also had districts that ran out of ballots. And what we want to do and what our hope is -- is that we can help the municipalities to get to that point of not having this happening again.

I believe if I heard the question correctly, it- it -- it's authorizing the registrars and -- and working in junction with their town officials to

come up with that emergency plan that will take into account, as suggested.

If -- if, say, in a presidential election that the president might come to -- to that municipality to -- to campaign and get the voters maybe a little more excited than normal. So if there are circumstances that may normally bring the voter count up.

Bringing this plan together -- and it's not only that it could be the plan should require if there's a power shortage. Very numerous things that could occur so the plan has to be made, put in place, it has to be agreed upon and then submitted to the Secretary of the State. And if it is not submitted to the Secretary of the State or if there is no plan agreed upon, at that point and time then the 100 percent of the ballots issued would be ordered.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Hwang.

REP. HWANG (134th):

Through you, Mr. Speaker, I want to thank the proponent of this Bill for the explanation but,

indeed, this is a Bill to address the integrity of election and not specifically targeting any specific town. And more importantly the sanctity of election is -- is critical.

Share with me the current process right now that if there was a conflict arising at polling places, is the Secretary of State right now, under law, allowed to -- to visit the polling location?

Through you, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker.

Through you, at this time, Representative, no that is not allowed and -- and one of the things we took into -- into account when we were discussing this legislation was there -- there could have been perceived conflict of interest if the Secretary of State were, in fact, on the ballot at that time. So the way this legislation is proposed the Secretary of State is -- is certainly able to go into the polling places, or her designee, whenever she is not on the ballot or he. And if that were the case where they were on the ballot, a designee would be

allowed to do so. That's a very good question,  
thank you.

DEPUTY SPEAKER ALTOBELLO:

Representative Hwang.

REP. HWANG (134th):

Thank you.

Through you, Mr. Speaker, at present are there  
any requests or requirement for a registrar of  
voters to submit written reports and updates to the  
Secretary of State prior to election, sir?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Hwang.

REP. HWANG (134th):

And would this law -- through you, Mr. Speaker,  
would this law provide for provisions to request  
that or require that?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, I believe, as I understand it, yes, they would have to send 31 days before election or 21 days before a primary to certify the number of ballots and send those reports up to the Secretary of State's office.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hwang.

REP. HWANG (134th):

Through you, Mr. Speaker, regarding ballots and can you share and elaborate a little bit more the process. I think you mentioned earlier that if there were certain requirements not met that there was going to be a 100 percent ballot request. Obviously, if that's a consideration that's an issue of -- of mandating costs. Can you further elaborate a little bit more as to the process of -- of gauging or evaluating whether and when the 100 percent ballot requests would be in place.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Thank you.

Through you, Mr. Speaker, so I guess, I would elude that to the -- to the contingency plan, the emergency plan that the secretary has -- has offered. And to -- to get us to the point where you would have to get order 100 percent of the ballots, you would have to -- let me think of the right way to put that. You would have to go through a complete process where the registrars put together that contingency plan where there was the addressing of -- of -- a plan, an emergency plan. If you had a shortage or absence of poll workers, there was a loss of power, maybe there was a fire or some kind of other emergency in the polling place, either voting machines malfunctions, whether natural disasters, whether you had to remove a poll worker or replace them or if there was some kind of disorder.

And so what the emergency certification plan actually does is it --it gives the -- I believe the Secretary of State's some comfort that the municipalities have really thought out a process and a plan to address all of these issues. The ballots being one part of them, but once that's get to a point that -- that everyone agrees to it; that the

municipalities -- because we want to make sure if we're going to mandate 100 percent of the ballots, we want the municipalities to be sure that they're playing a part in this. That they actually have ownership of the plan and once it's submitted and approved, we're good.

If -- if we -- if it gets to a point where the plan is not agreed upon then in fact, the Secretary could order that 100 percent of the ballots would have to be ordered and that would be on the municipality.

DEPUTY SPEAKER ALTOBELLO:

Representative Hwang.

REP. HWANG (134th):

Through you, I want to thank the chairman of the committee.

For me, it's important to recognize that in this Chamber we vote on a lot of things. And -- and we make decisions and make laws, but, to me, most fundamental of all of that is our elections. Our ability to elect our representative leaders and the integrity and the unfettered commitment to ensuring that every vote is counted is something that is critical to our democratic process.

And I want to compliment Chairman Morin. I want to compliment the Secretary of State and I want to compliment all the members of the GAE Committee for their work in this matter. I would urge our -- our Chamber to support this cause because it is a step forward to ensure that all elections are secure and integral to our democratic process.

Thank you, sir.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative.

Representative Labriola of the 131st, you have the floor, sir.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker

A few questions, through you, to the chairman of the GAE Committee.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

With regard to Section 3, it's my understanding from your responses earlier that the Secretary of State would be allowed to enter into a polling place for a municipal state or federal elections unless

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the Secretary of State was on the ballot that year;  
is that correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

And it's my understanding that in those elections where the Secretary of State was on the ballot that only the Secretary's designee could enter the polling place. So my question would be, how would the registrar know that that particular designee was, in fact, the Secretary of State's designee and what would happen if there was a dispute in that -- in that area?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Thank you.

Through you, Mr. Speaker, well, first of all, I

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believe everyone of our -- well, not ours but the secretary of state's employees would have the proper identification, and I'm sure if there was any disputes they could call the Secretary of State's office and get a confirmation of that person's ability to be there.

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

With regard to Section 5 in this Bill, it indicates that the both, municipal clerk and the registrar of voters, would certify the number of ballots that were ordered in the particular election or primary and that they would list what are called "relevant factors" used to determine the number of ballots ordered; is that correct?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, yes, it is.

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

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REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

As you -- as you may recall during the committee meeting process in the public hearing, I expressed a concern that it seemed to me that what we didn't want to do is require every municipality to order 100 percent ballots. In other words, a ballot for every single registered voter that that would be a waste of money so under this section is there a provision then where ballots would be ordered for every single voter? How often would that happen?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, the -- the time that that would occur, sir, is if -- if the plans was not -- the emergency certification plan was not approved and submitted in a timely manner then -- then, in fact, 100 percent of the ballots would be ordered.

And just let me expound on that a little bit. There were many different proposals brought to the

GAE Committee concerning this. Some people would have preferred that we just said you have to have 100 percent of the ballots. And we were sympathetic to the municipalities as far as the potential cost for that and, frankly, not every municipality is the same so we didn't want to take a cookie cutter approach.

And, again, I applauded the Secretary of State for coming forth with this plan really -- really this plan is going to keep the responsibility right in the hands of the municipalities. Where we're offering them guidance and -- and assistance, but we want them to take ownership and have the ability to -- to lay out their plans.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

So then as long as the certification is made that particular municipality would not have to order 100 percent ballots, in other words, a ballot for every registered voter. However, if they did not follow that plan, who would be ordering ballots for

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every single voter?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

I believe it would be the registrars that that would be mandated.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

And how would that work? How would the Secretary of State make sure that happened?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Well, since I believe they have -- they would have to submit that waiver and all these things between 45 days for an election, 30 -- 30 days for a primary. I believe the Secretary of State would then, I'm sure in writing issue an edict letting them know that since no plan had been received that

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they would, in fact, be responsible for providing the 100 percent of the ballots.

Through you, Mr. Speaker

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

And through you, would there be some mechanism by which the municipality could be warned that they haven't filed the necessary paperwork so that they wouldn't have to order a ballot for every voter?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, a very good question. Listen this is going to take -- this is going to require a lot of training, a lot of discussions. Part of this Bill does -- does deal with the training for our election officials. So, yes, I am -- I am rest -- very positive that if there were, in fact, proper requirements weren't met and the Secretary of State did not receive this emergency certification plan that there would be contact to

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the municipalities. I am very certain that the Secretary of State absolutely would want to work with those municipalities to -- to ensure that if they did want to submit a plan that they got it in.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Labriola.

REP. LABRIOLA (131st):

Thank you, Mr. Speaker.

I thank the gentleman for his answers.

I was concerned about whether this assembly would be making knee jerk, overreaction by requiring every single municipality to order ballots for every single voter. That that was unnecessary because, after all, seldom is there an election where every single voter actually casts a vote and so that would -- that would constitute a waste of resources. So given the procedure that's set out in Section 5 of this Bill, I would support this, and I urge my colleagues to do the same.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Labriola.

Further on the bill?

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Representative Ayala of the 128th, you have the floor, sir.

REP. AYALA (128th):

Thank you, Mr. Speaker.

I want to commend the chairman of GAE in bringing this Bill out. And working closely with the Bridgeport delegation in assuring that the language that was included in there was language to ensure that some of the issues that we face along with other municipalities in the State of Connecticut will never happen again.

I know that his work, the work of the Secretary of State, as well, in assuring that there was communication with our delegation. That was very important and the reason why I support this Bill today is exactly because of the provision that talks about ensuring that registrar of voters have a plan.

It's important that they have a plan. If a plan was in place, none of what happened in our city would have happened. And we want to make sure that going forward that it never happens again. And having that provision in there in the event that even into taking into consideration whatever visits or whatever might have happened or may happen, even

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if we did run out of the ballots the fact that the plan is there lets everyone know what exactly to do. There is no confusion, no gray matter what so ever. Folks would just have to look and see, okay, what was set up, what is it that we are going to do and snap right into it. And most importantly, no one would lose their vote and that's the important thing.

So I want to commend all the folks who worked really hard on this, the GAE Committee, the chairman, the Secretary of State and I urge adoption.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Ayala.

Representative Miner, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

If I might, a few questions to the proponent of the bill, please?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

On line 83, there's some language there that talks about the Secretary of State disqualifying a moderator. If the gentleman could tell me under what would the process be right now. Can the town actually take that action?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, the town -- the town can take that action right now, but, oftentimes, there are situations where the registrars are of differing parties and there might not be an agreement. And I think this -- this would certainly tighten -- tighten that up and help on a situation where there may be some -- some issues between them or there can't be an agreement between the two.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

As I -- as I read that section of the bill, it doesn't -- it doesn't even speak to whether or not it would be by agreement or not by agreements. And

so, theoretically, if the moderators -- if the registrars made the Secretary of State aware of a situation that they felt didn't rise to the threshold of disqualification, could the Secretary of State disqualify the person anyway?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, I guess and -- and I'm glad you kept bringing this up, Representative. The reason that they could disqualify any moderator would be after consultation with both registrars would determine that the moderators committed material misconduct, material neglect of duty or material incompetence in the discharge of duties. And so there -- there has to be a reason. I don't believe the Secretary of State's going to go in and start sticking his or her nose into this business unless there's a real serious reason for it.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And so in material misconduct and material neglect, the gentleman could help me understand what those might be. What would those be?

Through you, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, I -- I would suppose that it might be if they're -- if maybe they're acting in -- in a manner a partisan manner, maybe a political manner that they shouldn't be, not adhering to the rules and regulations that are in place by statute, things like that, improper -- improper behavior, maybe under the influence of some type of things. It has to be a serious nature.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

And lastly, on the same section, is the disqualification a permanent disqualification?

Through you, Mr. Speaker, or would it be a disqualification for that election process?

Well, why don't I repeat that because I think it was two questions.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner, please proceed.

REP. MINER (66th):

Mr. Speaker, through you, the disqualification process, assuming someone raised an issue, the Secretary of State at 6:00 disqualified a moderator. Is that just for that election cycle or would it be a permanent disqualification?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker, I -- I -- I'm not 100 percent sure. What I am sure of it definitely would be for that one. And -- and, obviously, the -- the secretary would, in fact, have to share their -- their findings and -- and disclosing -- disclose the reasons with the registrars of voters at the time, but I'm sorry, Representative, I -- I -- I'm not sure if it is a permanent finding.

Through you, Madam Speaker.

(Deputy Speaker Kirkley-Bey in the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Good evening, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good evening, sir --

REP. MINER (66th):

Thank you.

And I'm aware that they are some communities that in which the moderator is actually elected, and I don't know if that's elected for purposes of moderating elections but I do know for purposes of a town meeting. Is it intended that this statute would affect town meetings and those moderators that are elected are only those appointed by the registrars?

Through you, if I might?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker, I do not believe -- excuse me. I do not believe it has anything to do

with the elected moderators for town meetings. It's strictly for the moderators for statewide and elections and such, local elections not the town meeting, more of the regular elections.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morn -- Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And then if I could just go to Section 2 for a minute. There's a -- there's some passages -- there are some passages that talk about some development of a contingency plan and then I think it's down in Section B, there's some language that talks about how the Secretary of State will adopt regulations and then in Section D, how the town may adopt those regulations once the Secretary of State goes through her or his process of getting them adopted through the regulatory process.

It seems to me that all of this is voluntary, meaning that the town starts the process, sends the information to the Secretary of State and then through that regulatory process, the Secretary of State might make recommendations that the town would

adopt.

Am I missing anything in that or is this really kind of a voluntary situation?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker.

And I believe they actually have to do this plan. They have to create the plan. If they're going to -- if they want to have full control over how many ballots that they bring forth, which you know lies to the whole calling of -- of this Bill, frankly, they will have to create the plan, sir. And then once it's approved by the Secretary of State then they will, in fact, be free to -- to continue their business and oversee their elections.

This is really an opportunity for the Secretary of State's office to take a little ownership of something that, frankly, that I believe the Secretary of State's office if you asked people throughout the state, they would think is already in place. People would already think that the Secretary of State has the right to go into polling

places and ensure that our elections are run in --  
in a manner that we all expect them. So,  
long-winded way of saying, Representative, yes, the  
plan has to be submitted and approved by Secretary.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And I thank the gentleman for his explanation.

So with the exception of the fact that we want  
them to create a plan, once the plan has been  
created at the local level and submitted to the  
Secretary of State, in all likelihood, the Secretary  
of State will allow that plan to go forward within  
the municipality.

What circumstances might there be if the  
gentleman would know where the Secretary of State  
may say, no, this isn't good enough?

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker.

I -- I suppose -- are you asking sir, if maybe why they would reject a plan? I just -- there was a little bit of background noise, I just want to make sure I heard you correctly.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

Exactly. When -- when the bill was before the Appropriations Committee, my recollection is we had some conversation about who establishes the threshold number for ballots, who establishes the threshold number for quantities of other things. And we had a rather lively debate about -- you know, over time most municipalities seem to have gotten a pretty good handle on that. Why would the state want to interject itself unless it was going pay for these ballots. They all cost money.

And so am I correct in assuming -- well, theoretically, if there was a plan that a town could put forward to the Secretary of State and there was backup information that should that there had never been an election where you used more than 50 percent

of some product. In all likelihood, that would be adopted by the Secretary of State?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative -- excuse me, Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker, Representative, yes. I believe that's -- that to be correct. And -- and, you know, the -- again, there's a whole slew of issues. Right now, currently, it's not mandatory for the municipalities to even report that they had a ballot shortage. So while we know of a few municipalities that have had this situation arise, I'm sure there are many more. And -- and the reason that we wanted to get involved and I believe the Secretary brought this forth was, again, to ensure that every voter has that opportunity to casts their ballot and --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner --

REP. MORIN (28th):

Thank you.

REP. MINER (66th):

Thank you, Madam Speaker.

And I -- and I thank the gentleman for his answer.

That was really the only concern that I heard during the Appropriations Committee was ownership and who would be developing the plan and where those costs would be assigned and whether or not the state, through an agency or -- or through Secretary of State's office, might put upon any town a threshold that would be much higher than they felt they needed. And it sounds to me like that's been contemplated in this Bill and that they'll be some opportunity for a municipality to develop the plan locally, make their pitch to Secretary of State and then it appears to me that they'll be some dialogue possible. So it won't be a one size fits all.

And I thank the gentlelady, and I thank the gentleman for his answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Candelora, you have the floor, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

If I may, a couple questions of the proponent?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin, prepare yourself.

Representative Candelora, please proceed.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Just focusing on lines 83 through 90, which is dealing with the possibility of a moderator getting disqualified. One of the things that sort of jumped out at me is -- is in the course of -- in the language here, the Secretary of State would confer with the registrar of voters in making a determination, but there's no requirement that the Secretary of State actually speak to any of the moderators that may be in question or subject to a disqualification. And I was wondering why the bill doesn't include that requirement?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Thank you.

Through you, Madam Speaker.

Well, I guess the registrar is the overseer of

the elections and, frankly, supervises the moderator's at this point. If there is a complaint against a specific moderator, the Secretary of State's office would have the ability to speak, I'm sure, to the moderator but also to both registrars voters. To ensure that -- that there actually was a problem; that it was legitimate; and I don't think it says that they can't talk to the moderator.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora --

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And -- and I guess if an individual -- I guess the way this law's written and I see under B, we're requiring that the registrar of voters submit the names of the moderators to the Secretary of State. And at that point in time, I'm assuming, that's sort of when the Secretary of State would have an opportunity to determine whether or not those moderators are -- are fit to be moderators.

And I'm just wondering, again, there's no requirement that the -- that the clerks provide backup information of their performance that these

moderators may have done in the past. And I'm not sure if currently if there is a complaint from a moderator previously, where those complaints would lie in order for the Secretary of State to even have that information.

So is there a formal process right now that the Secretary of State would be able to obtain complaints so they'd have a basis to rule on the qualifications of a moderator?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker.

Is -- is there a process in place right at this very minute? I don't believe that there is. And I think what -- by bringing this certification, as I alluded earlier in my discussion, taking the certification from a four-year to a two-year process for moderators -- moderators is ensuring that they have to have adequate training, more support to do the job in a better way.

We all know that there -- in our polling places, there are moderators that have been there

since before I was born and have been doing the job and been doing a terrific job. And, you know, but there's new people coming in and -- and we want them to have the opportunity to -- to be well trained, to perform the services. And if there's -- if there's issues right now, it's handled locally. They're dealing with it; sometimes they're not dealing with it. This is allowing us -- the Secretary of State to deal specifically with those issues and try to address them.

And I'm sure it's not maybe specifically spelled out, but I -- I -- rest assured that the Secretary of State's office will have a -- a process in place for moderators that have had specific problems during a -- each specific election.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And I guess just to follow up. Currently, right now the -- whether or not to have a moderator and whether to disqualify a moderator, currently is exclusively within the purview of the registrar of

voters, locally?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker.

That's correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And in Section A of this of Section 4, as I'm reading this, so mechanically what's going to happen is 31 days prior to an election, the Secretary of State would get the names and within that window would make a determination of whether or not a moderator would be disqualified? I'm assuming it would be rare that a moderator may be disqualified because the Secretary of State would be required to find material misconduct, material neglect of duty, or material incompetence, so it's -- it's a high standard.

I'm wondering, though, if, for instance, a week before the election the Secretary of State may make

that finding that that exists, disqualify a moderator. How would the town go about replacing that moderator? And -- and I ask you because I know at times it's very difficult to try to find somebody that has gone through the licensing or -- or the certification process and was there any discussion about that? About how we would be able to replace the moderators that we don't affect the upcoming election?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker.

I guess this is many pronged, but as far as I -- it's extremely rare to see that there might be a moderator replaced right before an election. The -- the -- this currently practices that the registrars pick the moderators and they have the opportunity right now to replace them if they deem that they're not doing the job but, ultimately, there has to be -- there has to be, Representative, real reason for anything of this to occur. This is not going -- this is not going to be -- and I've been assured

sitting through the many meetings with GAE Committee and the Secretary of State, you know, we -- we really do not want to be meddling in what the towns are doing. We just want to ensure if there are problems that the towns have the support of the Secretary of State to -- to ensure that the process is done with integrity. And I guess it's -- it would be handled in the same manner as if a moderator suddenly got sick or some other terrible thing happened to them so.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And then, finally, with Section 4. This report is submitted prior to each primary and prior to each election. So it is contemplated that the Secretary of State would review the moderators before each primary or each election on an ongoing basis. So it's not a review that might occur, you know, once a year or -- or every four years. These moderators would be reviewed prior to each primary and election?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker, yes, sir.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And then in Section 3, I see that we're adding the ability of the Secretary of State to go into a polling place. And is it contemplated that not only would the Secretary of State be able to review what's going on, you know, possibly in a given election. Does it also give the Secretary an opportunity to gather information for the purposes of later on when she or he is required to certify an election?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Morin.

REP. MORIN (28th):

I -- I -- I'm not sure, I suppose, through you, Madam Speaker.

I know the -- the reason for it is to just to ensure that -- that the moderators and the election folks are complying with state and federal laws. I mean, that's really what the intent of this section is, is to ensure that that the polling places complying with state and federal laws.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I -- I -- I don't have any further questions.  
I appreciate the answers.

Overall, I agree with the intent of the bill. I guess, I'm a little bit concerned with Section 4 and how it is currently drafted with the process of reviewing moderators. I understand, I think, given the standard of having to find material neglect, certainly creates a higher standard so these moderators probably would not be disqualified by the Secretary of State prior to an election, but I think that -- that maybe going forward this is an area that's going to -- going to need to be, sort of, refined and looked at because there's certainly is a

requirement here that the Secretary of State speak to the clerks prior to making a determination of a disqualification. But I think it would behoove us to make sure that the Secretary be required to actually speak with the moderators prior to making a determination because these are paid positions. Some of these individuals take their jobs very seriously, and I just wouldn't want to see us down the road potentially getting in a situation where we're depriving somebody of an opportunity to be involved in the election process without requiring their input.

And I think practically, I think the office would confer with them but I think it would -- it would probably make sense for us to put into law that requirement.

I also think that it's a little bit confusing right now of how the Secretary of State would get any information about any misconduct because I'm not sure there currently is a formal process by which complaints are submitted against moderators. So I'm a little bit concerned that what we might have here, you know, are potentially anonymous letters being submitted to the Secretary of State or, you know,

one clerk -- excuse me -- one registrar submitting information to complain about a moderator, and it could just take a little bit of a political bend.

So I think that if we do want to shift this type of control over to the state, we certainly should make sure that the appropriate guidelines are there, the appropriate opportunities because we're taking it for granted a little bit that they are going to have access to that information. You know, we have a 169 towns, many elections going on, at times, on the same day in November but throughout the year. And our local bodies are the most, I think, apt to make sure that the polls are running smoothly and making sure that they have appropriate moderators selected. And so those are the ones that were really on the ground and getting the information. And I don't necessarily believe that the Secretary of State would really be in tune to be able to make determinations of a moderators qualifications, especially, that this statute doesn't set up any procedures at all for that to occur.

So going forward, I think, that is an area that we might want to take a look at.

Thank you, Mr. Speaker.

(Deputy Speaker Altobello in the chair.)

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative.

Representative Alberts of the 55th, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I do have several questions to the proponent of the bill, if I may?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In Connecticut, we, of course, have 169 municipalities but there are also voting areas, which are part of a community, a borough, for example. I'm thinking of the borough of Danielson, which is part of Killingly; the borough of Jewett City, which is part of Griswold. Would this Bill, if passed be applicable to those folks?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker.

Through you, I believe it's applicable to all polling places for the statewide elections and local elections.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And looking at Section 1, I just want to make sure I understand this, as -- as presented here, the procedure for certification sessions. This process is already now in place, is it not?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I don't believe so, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So every Section here is new in terms of the training that would be conducted for moderators and alternate moderators.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, to be clear, hopefully being clear, moderators do have to be trained now but these sections -- these sections, it is new legislation. That the Secretary of State's office actually wants to get involved with the moderators so they are more uniformity and that they can get better training and -- and, hopefully, help us to alleviate problems that have occurred in the past and potential problems in the future.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So just to clarify, there is training that's

presently provided but this would expand upon that and establish a certification process? Is that not correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In the event that moderators somehow fail the certification process, I -- hopefully that wouldn't happen, but is there a possibility that the State may be forced to assign moderators to a particular community?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Not as we're drafted today. I don't see that

happening.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Through you, Mr. Speaker.

I'm just curious as to why -- what would happen if there wasn't a moderator that was -- that had passed a certification exam. What would be the -- what would be the process?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you -- ready for me, Mr. Speaker?

Through you.

Right now, the municipalities train their moderators or registrars who are running the elections have these, you know, in place. And I think it's a common occurrence to some degree that, you know, they have to replace moderators or get somebody in for an emergency. So I don't necessarily see that as too much of an issue or that this is going to change at all.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So it's a possibility but not a probability that's something unforeseen could happen?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I suppose that is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In lines 45 to 46, the phrasing is introduced about the adoption of a model plan by the Secretary, the Secretary of State, I couldn't find anywhere else in the legislation. Is there a sense of the time frame for this model plan to be created or does this legislation require it?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Thank you.

I believe that it -- if you give me one second -- that the model plan -- excuse me -- not later than six months after the adoption, the model plan, that the Secretary of State will have the registrar of voters submit the plan. So they have to, you know, we have to give them time to submit the plan, but it's certainly has to be done prior to upcoming elections.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So I understand the community has to submit their plan, but I think what's contemplated in that language is the model plan that the Secretary is going to devise. And I'm sure the Secretary will do something, you know, promptly if maybe it's already been completed but I just wanted to get a, kind of, sense of how long the process might take for this to

unfold so the towns were well prepared to create their own plan.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I am fully -- I am sure that they are working on -- on this type of plan right now, but, again, it is our intent, I believe it's the Secretary's intent to -- to allow the municipalities to -- to continue to run the elections like they do in a fine manner and -- and just provide that assistance if, in fact, there are -- there are problems.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And then going further in Section 3 to line 63, access to each polling place, it's proposed that we would provide access to the Secretary of the State or the secretary's designee. What do we mean by "access to each polling place?" I'm thinking that that could take on the number of different

interpretations. It is simply the presence to enter in to the polling place to observe how things are proceeding, is it the opportunity to see how the, you know, the votes are being tabulated? How would that proceed?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

It's -- simply allows the Secretary or his or her designee to enter the place of -- of polling and, you know, observe how things are going and if there are, obviously, by observing, if there are issues possibly try to keep them from becoming larger issues. But, frankly, just gives them access to be able to walk in and after one of the previous questions, properly identify themselves and observe what's going on and -- and --

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So there's no intent to be able to access

secured machine, which might be storing ballots?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

You are correct, sir.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Going a little further in Section 5, we talk about the certification of -- and other relevant factors that may be unique to each polling place in their municipality. I believe what we're looking at is, you know, we're getting to the heart of how many ballots we may be ordering. Could the gentleman give me an example of some of those relevant factors that what we're looking at here? Something that might be unique. I'm trying to figure out what it might be in town-to-town basis?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Just to be clear that I understand. You would like to know what -- what might cause the municipality to have to purchase 100 percent of the ballots?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Absolutely. What would be those things that -- that the proponent might envision might be so unique that that might be relevant to the ballot count?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Thank you.

And as I -- as I mentioned previously, if there was a high profile candidate or person that came to energize the voters, for one. You know, if -- if looking at historical natures of -- if and we'll

talk about in my town of Wethersfield. If there's historically high number -- high turnout of 87 percent and all of a sudden the registrar put forth a plan that said they only needed to order 52 percent of the ballots. I think you have to go on a historical nature and also an external events that might excite the electorate to get out and vote.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So things like, perhaps, high turnout, high registration of absentee ballots, things like that may be some of those relevant factors, anything that the town may believe, or the community, may believe may either create a high turnout or a low turnout? Is that not correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Exactly. If there's a really contentious local

issue coming up for a referendum or, you know, that's a type of thing exactly as you question, Representative, that I think is purely in place and -- and would offer this to occur.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I do thank the gentleman for his answers.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Sawyer of the 55th.

No hurry, madam, you have until June 8th, midnight.

You have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

I apologize for not being quite at my seat at the time that you called.

In looking at the particular Bill that was before us, Section 4 -- as my computer shut off, my apologies -- 4B, a question, through you to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. SAWYER (55th):

In Section 4B, Representative Morin, the registrar of voters of each municipality prior to each municipal state or federal election shall provide written report to the Secretary of State sending forth the names, addresses of each moderator.

Looking in the section prior to that or just above in the section, it says that the registrar of voters, in line 71, is not later than 31 days prior. In Section B, there is no time frame given as to -- in line 78 to 82, there is no time given for when the written report to the Secretary of State for the names and addresses of each moderator is expected.

Could you please tell me if there was any discussion for a date, a time frame, that this was expected to be sent over to the Secretary of State?

Through you, Madam Speaker.

(Deputy Speaker Orange in the Chair.)

DEPUTY SPEAKER ORANGE:

Representative Morin.

REP. MORIN (28th):

This is the third speaker, you guys are confusing me.

Through you, Madam Speaker.

To the fine Representative, you know, in the first part of this section, you're correct, it does say "not later than 31 days prior." I would guess that in Section B, it does say "prior." I imagine we'll have to tighten that up but I would guess it would be within the same time frame.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

I thank the gentleman.

My question was -- was there any discussion about that because it is not in the legislation.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Morin.

REP. MORIN (28th):

Thank you.

And I -- and I guess the discussion that took

place is, again, being sensitive to the -- to the registrars and moderators that are conducting the elections. Oftentimes moderators are -- are changed at the last minute due to unforeseen circumstances. So the willingness to give a little bit of latitude to the municipalities on that is -- is -- is the intent. I mean, if -- if it's found to be, certainly, like many other things that we deal with in this Chamber if -- if further notification that there might be a problem with this, I'm sure we can address it at another time.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

I thank the Chairman for his answers because I do think that, perhaps, we have a little piece missing there as to the time frame when this would be expected so that it could be reviewed.

The second thing I would like the Chairman to please consider at a future point, in that same section would be having not only the names and addresses of each moderator but, perhaps, assistant moderators. Moderators that would be called upon if

the current moderator could not make it, if there was a sudden illness. So, I guess, we would be talking about including not only the moderators but their backups also.

And then the last piece I would like to see is a possibility included in some future point, if it -- obviously, it's not included in this -- is where someone would go to find out that information. Who is the moderator? Who was the moderator? So in the case where there might be a question a week later or could be a question the day before who the moderator is going to be? Where would someone find that? Where would it be posted? So those are my thoughts on that particular Section 4B.

Thank you, Madam.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further?

Representative Aman, you have the floor, sir.

REP. AMAN (14th):

Good evening, Madam Chair.

Yes, like many of us, we're looking at this and as a former municipal official, realize how someone has to actually look at the regulations, work with

them and do it.

Our own moderators and registrars, I think, have always done an outstanding job of following the intent of fair elections. I don't know if they've always obeyed the letter of the law but I can safely say that they have always obeyed the overall intent of fair and equal elections for everyone.

I do have several questions however, regarding this Bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Morin.

REP. MORIN (28th):

Through you.

I'm ready, willing and able.

REP. AMAN (14th):

I would have expected nothing less --

The bill -- first as kind of a general question, the bill continually talks about moderators and registrars and town clerks, but there's other people involved with an election. You got the checkers, the mechanics, the people that count the absentee ballots, et cetera. Is there anything in the legislation that we are talking

about this evening that deals with those other people that supply very important functions to the election process?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Morin.

REP. MORIN (28th):

Through you, Madam Speaker.

No -- no, we're strictly dealing with the registrars and the moderators that are dealing with the election issues of that day

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

That would have probably have added several more hours of questions if they were included within there.

Also going down to lines, approximately, number 13, it talks about moderators or alternate moderators in any election or primary. Many of our towns vote on a town budget at an election and, of course, all of us do referendum questions. And, again, does anything in this Bill deal with town

budget type elections, referendum questions, or other times that the people in a town or municipality go to a vote?

Through you, Mr. Speaker.

(Deputy Speaker Altobello in the Chair.)

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

No.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Therefore, I would also presume that when some of the smaller district elections and things are done if they're not dealing directly with a candidate for an elective office, this does not deal with it?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Excuse me. Through you, Mr. Speaker.

I wasn't 100 percent clear of the question.  
Would you please be kind enough to repeat it?

REP. AMAN (14th):

I think I can rephrase it a little differently.

Unless the -- the election that we're talking about deals with a candidate for a political office, the bill that we're looking at today does not cover anything other than an election for someone for political office?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

I mean, it -- I suppose it does, through you, Mr. Speaker but, obviously, the municipal elections and such can be carved out and spoken to through the -- through the request of the Secretary of State's office.

Again, I'm trying -- trying to hear the question and make sure I -- I give you as fair an answer as I can.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Okay.

Going down to line 19, it says the Secretary of State may adopt regulations. I am sure that the Secretary of State's, since it's her bill that was presented and she testified at length, definitely has got intentions to get these regulations written, written soon as one of the prior speakers said may already have them drafted and ready to go. I also know that through the course of the last few weeks, we have talked several times here on the floor and discussed bills that were being generated because when we said someone may do a set of regulations or may adopt procedure and they didn't, we did not use the word "shall," that we then had to change other rules. And I'm just, through you, Mr. Speaker. If there is any provision of what happens if regulations are not adopted as they are thought to be done in this Bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Thank you.

Through you, Mr. Speaker.

Yes, and -- and the Secretary may come up with this plan and -- and will come up with this plan. Again, to the main gist of this legislation was to ensure that people have the access, the ability to casts their ballots, and I think, for the most part, that occurs at every election cycle but since there are times when it doesn't, for whatever reason, it will allow the Secretary to work with the municipalities to assist them.

So will the plan be developed, yes. Is it developed? No, I can't speak to that but I'm sure they're thinking about it upon passage of this Bill.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Yes.

I just want to verify that I did hear correctly to the answer to a previous question regarding the adoption of the model plan. And that there is no date in the bill that this model plan is required to be finished by the Secretary of State. I just want to make sure that my understanding is correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

It says -- and let's be clear -- not later than -- no later than six months after the Secretary adopts regulations, the municipalities must submit their plan. So the -- they -- the Secretary does have to submit these plans to the municipalities for their legislative bodies approval. Everybody has to work together and get this done.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Okay.

That is my reading of it and my interpretation if I was a town official was that until the model plan is put forward by the Secretary of State, the clock doesn't start running and I really don't have to take any action until that model plan is submitted.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, I agree with that.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Again, we get the same question when the Secretary of the State shall adopt regulations, they talk about in 56, 57. Again, it's my feeling from the prior answers that we've received that it's fully expected that these will be done shortly but there is no due date that they're absolutely required. And if my interpretation of that is correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

The way I understand it that the Secretary has to adopt this model plan within six months upon passage.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

They're -- they're talking in the Section 4, line 70 through 77, talking about the location of each polling place for used in election or primary. And I agree with the general concept that the Secretary of State should be aware of where people are voting. I also know that things happen and polling places get moved for a variety of reasons, sometimes very shortly before the election.

And my question really is if that occurs, I realize that voters have to be notified through a variety of means by their own registrars but what is the -- is there any restriction on doing that and then notifying the Secretary of State that we changed the voting location of the polling place?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

You know, Representative Aman, and I both come from a municipal background and have dealt with numerous curve balls that get thrown in -- in times

of whether emergency or whatever so I -- I -- I understand and respect the questions. I -- I -- I don't believe so.

Again, I think this is a great idea because while most people should be able to call their -- their local town hall and get that answer as to where my polling place is. And those of us that are involved in elections know how many times have you been at a polling place, whether to vote or standing out there posting when somebody says, where am I supposed to vote? I usually vote here, but they're telling me somewhere else.

So with this right now people call the Secretary of State's office and there's no way for them to even have an idea. I think this is a terrific idea as another clearinghouse for people to be able to get up-to-date information, and I would look forward this part especially.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Yes, the -- that same section talks about the location of each polling place and when it says "the

location," I guess what I'm questioning is and, again, it's just for the purpose of knowing what the registrars have to do. Do they just list, for instance, in our case the Phillips Art Smith School or the high school or do they have to, when they submit it, say, it's in the cafeteria of the high school? Do they have to be specific or do they have to just give a street address, school location or something else on a general basis?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Well -- well put. They have to give the -- I'm sure the name of the building would be helpful, the school, and the street address. They don't have to get specific as to the gymnasium or -- or such.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

And -- and, again, I -- when it says talking about prior to the election, I'm interpreting that

to the registrars or the -- yes, in this case, the registrars have to make a good faith effort and to get it as close or as soon as possible but there is no clear definition of the word "prior" to the election as long as it is received before the election starts?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

You are correct, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

The area that it talks about the regarding turnout and that the prior election history before election has been given. If a town changes its polling places or adds a new polling place or subtracts a polling place, how is that change in polling places reflected? I think the bill is very clear that if you haven't changed polling places in four or five elections, you're reporting on those particular locations, but if you have changed

polling places during the prior elections, how -- how do you report that? Is it an aggregate number of ballots? Ballots per polling place or, again, how is that supposed to be interpreted by the registrars?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

At this point, I would say it's through the discretion of the registrars just like any other polling place. Obviously, if -- if it -- normally when a polling place is switched it's just due to whether there might be a problem, a physical problem with the existing polling place and you have to move it. For example, a school building is getting renovated and you can't have the place, the polling place there.

So, in essence, the -- the polling place might be changed to another building within that district and -- and I suppose that could be one of the mitigating factors in -- in what the registrars would consider maybe a decline of a few percent or

something but, again, through the registrars. We really are -- are interested in empowering the registrars to allow them to do their job and just giving them a little extra support to do that.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Yes.

And probably my last question about it is in lines 110, 111, the registrar of voters and municipal clerk may apply for a waiver of requirements. And I would presume that was put in because something during the public hearing was brought in a discussion was made of times that waivers would need to be granted or be given. And I'm just wondering, for my own sake, what these different waivers that were brought up what type of -- if the proponent has any examples of waivers that they expect may be asked for?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

You know, I guess if -- if again, historical nature, if you know something that occurred that we thought, the Secretary thought might have caused a problem but they can show some good cause, just cause that, in fact, that is not an issue. You know, and the Secretary has five days after receipt of such waiver a request to answer them. So there's an opportunity for them to provide their -- their circumstances and get the -- the answers to the Secretary for her to review or for him to review and -- and get back. I don't have any real specifics so I think a town committee primary, something like that, I suppose.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

I -- I -- I thank the proponent for -- for his answers. I do believe that the bill is a good Bill that it does take care of numerous problems. I'm very glad to hear the answers that were not exact. That did not say your registrar had to do this, had to do that, that it does give the registrars, the

local registrars flexibility. That the Secretary of State is -- appears to be someone who is to help the registrars rather than regulate and hurt them.

Again, as I started, I am very proud of our registrars of both parties and they care and the interest they take in our elections. And I believe this will further other communities and maybe even ours in making sure that elections in the future are fair and some of the problems that have come up do not rise again.

So I thank the proponent.

And thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Aman.

Representative Hetherington of the 125th, you have the floor, sir.

REP. HETHERINGTON (124th):

Thank you, Mr. Speaker. It's always a pleasure to see you on the bridge.

DEPUTY SPEAKER ALTOBELLO:

Indeed, thank you, sir.

REP. HETHERINGTON (125th):

I have just a few very quick questions to the proponent if I may.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. HETHERINGTON (125th):

Thank you.

Through you, Mr. Speaker.

The model plan that the Secretary of the State will promulgate is given to the -- to the towns, as I read this. Is there any requirement that the towns file the registrar voter or the registrar of voters or the moderators file the plan with the Secretary of the State after they complete it? I see it goes to the legislative bodies and remains on file, but I don't see that -- that it ever goes to the Secretary of State, who, in fact, promulgated the model? Is that -- is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

One second. I believe -- I believe if the good gentleman is asking if the town has to -- I believe the municipality does, of course, has to submit the plan to the Secretary of State for their review.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

I'm speaking only of the plan -- the emergency plan. Does that -- maybe I'm missing something here. Does that get filed with the Secretary of State for review?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

And if it -- if it's approved, it -- it remains on file. Is there any requirement that it ever be revised or reviewed or brought up to date?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

No.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

In regard to the moderators, there are these eight sessions a year, which I would take to be equivalent of training sessions for moderators; is that -- Is that right?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Is -- is there any current training sessions

for moderators?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, yes, there are.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, okay. I think that's -- that's a great idea.

One problem I've heard with respect to the registrars is that there is no requirement that the towns provide expenses for them to attend these sessions. And would I be right in assuming that is true of the moderators, as well? There's no -- the -- the State does not provide any travel or other expenses for them to attend them -- the sessions; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, you are correct, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Right, thank you.

That's -- that concludes my questions.

I thank the proponent, and I also compliment Chairman Morin and our Ranking Member Representative Hwang and the other leadership -- those in leadership position on the Government Administration Elections Committee.

This, as we know, is a well-recognized problem of the ballots and the emergency situation, and I -- I congratulate Chairman Morin for -- for dealing with this in an effective way.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hetherington.

Representative Klarides of the 114th, you have the floor, madam.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, a few questions to the proponent?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. KLARIDES (114th):

Thank you.

I'm taking a look at Section 4 and -- and going down a little bit to Section C. It talks about the Secretary of the State have -- having the authority to disqualify any moderator appointed by the registrars.

Just briefly, Mr. Speaker, if the proponent can just give me a little bit of insight as to what the origin of this was and -- and what we're trying to fix.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

As I previously discussed, the only reason that the Secretary would certainly disqualify any moderator is they'd have to consult with both

registrars and just to determine whether the -- the moderator had then committed to some kind of misconduct. It's not just something that they can come with. There has to be -- I'm sure a complaint would have to be filed and then -- and then the -- with consultation of both registrars this would occur.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And -- and just for a little bit of background and I apologize if -- if I'm repeating anything but just to educate myself on it. Both registrars, obviously, one's Republican and one's Democrat and that -- the moderator -- who appoints the moderators to start?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

From my recollection, the registrars alternate

on that.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

So the registrars of voters alternate on appointing the moderators. So if -- if in this scenario, the Secretary of State comes in and in line 85, consults with both registrar of voters, what does that entail? What -- what kind of consultation, how do we define "consultation"? Is that face to face or is that on the phone or is -- I mean, do we have any definition of that?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I -- I suppose it could be either, as you stated, but I would seriously if it got to that point where there was some kind of material misconduct or gross misconduct of a moderator, I would expect that the Secretary of State or his or her designee would then take a site visit and -- and

meet with the registrars on site. For something that serious I would -- I believe the intent would be for a personal discussion.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

But in -- in line 85, it actually says, "consultation" and it doesn't specifically identify that so technically speaking that consultation could be done by email or text or any form of communication?

Through you, is that true?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I suppose that the gentlewoman is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

So after that consultation, the moderator if --

if -- I'm a little bit unclear as to -- we have a consultation with two registrar of voters; however, that -- whatever mode they choose to use and then, based on the information they're given, the Secretary of State determines that this moderator has committed material misconduct, material neglect of duty or material incompetence.

If one of the registrar of voters has appointed that moderator -- as we talked about, they alternate doing this apparently -- I would presume that one of the registrar of voters wouldn't be too thrilled about the discharge so, or they may be, but, you know, feasibly one of them might not be too happy about it. So the Secretary of State's gaining this information from these two registrar of voters and so it's left to the Secretary of State's complete discretion to determine if this moderator should be discharged?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Again, with -- with consultation with both

registrars so you are correct, madam.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And -- and in determining -- after this consultation goes on, in making this determination, do we have a definition of what material is in regard to this kind of misconduct?

Through you, or is it subjective?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I do -- I am not going to pretend to be Mr. Webster so I can't and I'll try to be serious to you, Representative for the question. I understand where you're coming from. I just don't have that answer for you right now.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I certainly thank the proponent for his

honesty.

My concern is material, obviously implies that it's -- it's serious and I understand that but unfortunately that terminology is very subjective. So what may be material to the Chairman may not be material to me and vice versa. So at that moment when the Secretary of State has this complete discretion as to whether this moderator should be discharged, who determines if her definition or her way of thinking of something being material is actually material?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

This -- this legislation if passed and signed into law will give the Secretary that opportunity to go through that. And, again, the Secretary of State's office -- the intent and I think you understand this, is not to go in and start running rough shot over our general elections and our local registrars and moderators who perform a terrific service. This is strictly for the times when the

problems -- it's kind of like being in right field at Fenway, Representative, that sun gets you, but it's -- it's -- this I think is going to be one of those things that is a rarity and not a commonality.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I do take issue with the reference to Fenway Park.

Mr. Speaker, as I -- as I said I appreciate the proponent's honesty in regard to this and I appreciate the intent. And I would assume that whether the present Secretary of State, who I certainly have the utmost respect for or for any future secretary of state. When in to make this determination, I think we can all assume that he or she would make a good faith effort in determining the facts as he or she believe them to be.

My concern is that we have pretty vague terminology in this section. I understand the intent of this Bill stemmed from a situation that occurred during this last election, and I certainly

support that part of the bill.

I guess my concern is we have a secretary of state that would come in, talk to two registrars of voters, one who actually appointed the moderator at that point, they have -- he or she is consulting with those registrars in any way possible. I mean legitimately, it could be through Twitter consultation, since we're not defining how they're consulting with them. Then he or she is making that decision solely based on what they think at that moment. Based on a term that we're not defining and then in line 88, if, in fact, the secretary does disqualify the moderator, we say the secretary shall share his or her findings upon which a disqualification was based with the registrar of voters.

Once again, through you Mr. Speaker. How does that sharing occur?

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

That sharing would be if -- in my belief in our discussions during the committee meetings that was

brought forth as a written report would be furnished. There would be some kind of written confirmation of why this occurred and it would be sent over to the registrars.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Now, I guess my question is that is the interpretation of the proponent, which I thank him for, but all we see here is it says "share." Now, what does that mean? I mean is that through osmosis, do we share that thought? Does that report somehow go on Facebook and we share it? And I don't mean to be obnoxious about this. I don't but I -- I have a problem with the terminology. And we've seen going forward and looking back when we write legislation with vague terms what we end up doing is opening ourselves up to a bigger problem than we had when we started.

So, Mr. Speaker, although I appreciate the intent of the bill and I do agree with the following -- following section. I have a big problem with --

with this section and I -- I don't know how we make legislation with terminology that that the proponent is clearly defining but, unfortunately, that's his definition and any one of us, which we like to call in the law, the reasonable man standard, may have a different definition of that going forward. So if one secretary of state walks in one day on one election, and then she makes a determination and then the next election is a different secretary of state who can make a different determination. And that's what happens when we use subjective terminology when we write legislation.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative.

Representative Rowe of the 123rd, you have the floor, sir.

REP. ROWE (123rd):

Thank you. Good -- late afternoon, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Indeed.

REP. ROWE (123rd):

I don't have many comments on this but I -- I

-- and I won't talk much about Section 4 because I  
-- I share Representative Klarides. And I think  
maybe Representative Candelora but I'm not sure.  
And others spoke of it and it really is a section  
that -- that tries to go in the right direction, I  
think, but just is -- is really void of the kind of  
standards that we ought to be passing here and it's  
so subjective. It's troubling.

The bill's a good bill all in all but it's --  
it's got a lot of -- all of difficulties, a lot of  
problems that -- that I don't think needed to be  
there but if I could just frame a couple quick  
questions on pertaining to Section 5 of the bill to  
the -- to the proponent?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ROWE (123rd):

Thank you.

Am I correct -- is my understanding correct  
that in Section 5, deals with the number of ballots,  
which are going to be ordered for a given election?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

And it's a process -- is it an entirely new process than what we've been dealing with. And I guess, maybe I'll make it a little bit of a compound question. And if so, is part of the newness of it that both the registrars and the, I think, the municipal clerk, all need to be on the same page?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I'm not so sure that's it's a new process but, frankly, this I would guess that it is a new way of handling things for us. Making sure that the State does get involved if -- if there are -- have been problems, we want to ensure that these -- these serious issues that everybody has an opportunity to vote.

So right, as we sit today, these problems occur, they have occurred, they will probably continue to occur if we take no action. Could it happen even with this action that there's a potential problem, of course, nothing is 100 percent fool proof. However, having said that, again, by putting this process in place it's -- it's enabling our registrars to work with their local officials, elected officials, to come up with a plan to really, hopefully, minimize these events from occurring.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And I don't think anyone would disagree with that goal given where -- where we've been.

Just to -- just to understand properly, though, the specifics. Am I correct that now if -- if a municipality does nothing -- under this proposal, if it passes as is, would a -- if a municipality does nothing, if a registrars and the clerks and whatnot don't submit anything to the Secretary of State, they will be required to order the same -- any -- a

number of ballots equal to the number of voters in that district or municipality?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

You are correct, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

And if for whatever -- and this sets up, I think, a process by which a municipality can set forth reasons why they ought not be bound to incur the expense that would go along with printing or ordering as many ballots as voters; is that correct? In other words, there's a process that exists to opt out of that?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, I -- I -- I suppose if they just decided

not to

submit a plan they -- and they were mandated by the Secretary, there is a waiver opportunity that they have to provide, 45 days before an election, 30 before a primary. And -- and as I stated previously, the Secretary of State would have five days to get back to them with an answer. So there is an opportunity for a waiver, but there would have to be a very good reason.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

So the waiver, this is important, I think, but the waiver -- there is this opportunity for a waiver for -- as a practical matter, we don't have a 100 percent, you know, turn out. Unfortunately, we don't have close to that, but there is an opportunity for municipalities to be given a waiver by the Secretary of State so that they can order a number of ballots that is appropriate and not spend money unnecessarily?

Through you, Mr. Speaker.

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DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

To the good representative, if -- if they submit the plan, if -- if they work with their locally elected officials and submit a plan and the Secretary certifies it, they're good to go with whatever that number that they're presenting. If they fail to provide the plan for review and -- and so the Secretary says, hey, you have to do 100 percent, then, in fact, they can apply for a waiver. And I guess in that waiver, they probably would have to come up with a pretty darn good reason why they didn't make that certification plan available. And would say why they would only require X amount of the ballots and the Secretary of State would then answer that.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And in this -- this might be it but in this

process is it always required that the registrars and the municipal clerk, I suppose, are in agreement. In other words, if one of them doesn't agree, are they unable to make a submission to the Secretary? In other words, do all the municipal, the relevant municipal officials under the proposal need to be on the same page and in agreement that this is what they want to do?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you.

And again, I hope I'm understanding correctly. If I don't answer it correctly, you'll -- I'm sure you'll re-ask it. The -- the way I see it is the plan has to be submitted. Obviously, the registrars are going to be intimately involved with their elected counterparts, with their town leaders to come up with this plan and then submit it. I don't think it's something strictly between the registrars and clerks. I believe it's with the -- the elected leadership of the municipality.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Okay.

Maybe I think it did answer it but maybe a follow-up. We all know how challenging municipal politics can be. If -- if the municipality can't get on the same page and can't come up with a submission, you got seven people in a room and you got seven different ideas and they're digging their heels in, of what consequence is that? Or -- or may be better asked, what would happen in that event?

Through you, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Geez, I've never heard of such a thing happening, but, obviously, they would have to adopt the model plan and -- and that's how the legislation is written.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Okay. The point is that's the -- I guess I wanted to make sure that that's the default if it's -- if there can't be an agreement, the default is -- is the model plan. Correct? You can just shake your head.

Okay. No, I guess that was correctly stated.

I appreciate the time and the responses to the questions. I -- I guess I wish certain aspects of the bill were -- were more tightly written. It's vital that we take action. I suppose this is -- this is how we're going to take action, and I think there's a lot of good that will come of this.

So I thank you for your time, it's nice talking to you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Rowe.

We go to Representative Miller.

One of the troika of Millers we now have with us in the House. This would be of the 122nd. You have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker

Can I say that this is a wrap-up? No, I better

not. I'll get in trouble with the boss.

DEPUTY SPEAKER ALTOBELLO:

You can -- you can float that over by osmosis and see what happens here.

REP. MILLER (122nd):

Under the bill, there's a area where the registrar and the -- I'm sorry -- must have an emergency program in -- in place in case of the seven areas that they -- that may happen. And a lot of these areas if they have a disturbance at the polling place, I know we call the police but that's no big deal. If we have a polling person who's not doing their job, we can handle that without any trouble. But what happens when you have a power failure? In other words, a lightning strike at the -- at the polling place, the school and the power is gone? How long or what kind of a leeway would we have for the voters that were there to vote? Would they have to come back in an hour or two hours or if the power cannot be put on, maybe they don't have a generator, would they be told to go home and they don't get a chance to vote?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

That's an excellent question. It is one of the criteria that's mentioned in the emergency certification plan. And that's something that the registrars and the local officials, obviously, have to -- to think of and that's why I -- I think exactly that question is exactly why we're in this position because so many times these types of things aren't thought out, and we would think that they are, but they're not. And this is -- this is forcing, I think -- and that's a strong word but I think it's a good word -- forcing municipalities to think of these types of situations. There's not always going to be 100 percent cure for it but what it does do, it's -- it's getting the municipalities to think about what could happen, prepare them -- prepare a plan. And -- and you know what? There -- there maybe -- as they come up because we want them to come up with a plan that works for them. If -- if a polling place has closed down for three hours or -- or we don't know how long, there -- there will be a contingency plan in place where the -- where

the electorate will have their opportunity and have a clear knowledge of what they should be doing to casts their ballots.

So I appreciate that question.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker.

Obviously, if there's another polling place close by, maybe they can move the machines and bring the people over to the -- to an alternative voting area but in the case there isn't and the power is gone for the day or the evening. Will they lose their opportunity to vote?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

And again, I believe the contingency plan is put in place to ensure that that doesn't happen. And -- and the municipalities and our registrars who are -- and I don't know if I mentioned it but I've

heard it from a couple of our previous speakers who do an overall terrific job, very few problems. And I want to make sure that they understand that we -- we're supporting them but we're giving them the opportunity to come up with a plan to say exactly what they'll do in this scenario.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

And the last question I have is a -- a shortage of poll workers. I know quite often that happens and the registrars have to scurry around and pick up people from all over town and it does take time. Sometimes it might take three or four hours before they get the help that's required. They can do -- so long as there isn't a big crowd at the polling place, they can do with the number that they have at the time. Maybe they don't have the official amount they should have but in three or four hours they do get them and that settles that problem.

One thing I've always thought of is some of the high school kids that are available because the schools are closed. And I don't know why the

registrars don't contact the principals at the school and see if there's any youngsters who might be willing to work the polls. It's not a lot of money but, you know, it might give them a new experience and they may enjoy it. So if that's -- I hope that's something that they may consider.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I think it's a terrific idea or maybe I'm just spoiled in Wethersfield. I have to give a plug to our registrars. I -- I guess I would just say that's something that's a common occurrence. It's -- it's not -- it's every election cycle and every polling place it's not uncommon to find young people that have been brought into work in different modes, and I would encourage other municipalities to do it.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

I want to thank the Chairman for his answers.

And I thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you very much, Representative Miller.

Further on the bill? Further on this bill?

If not staff and guests please retire to the well house, members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call, members to the Chamber. The House is taking a roll vote members to the Chamber please.

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted? Please check the board to make sure your vote is properly cast.

If all members have voted, the machine will be locked.

Will the Clerk please take a tally.

And would the Clerk please announce the tally.

THE CLERK:

Senate Bill 942 in concurrence with the Senate.

Total Number voting 143

Necessary for passage 72

Those voting Yea 117

Those voting Nay 26

Those absent and not voting 8

DEPUTY SPEAKER ALTOBELLO:

Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar 268.

THE CLERK:

On page 13, Calendar 268, Substitute for House  
Bill Number 5526, AN ACT REQUIRING A PERMIT FOR  
CERTAIN COMMERCIAL PROJECTS THAT INVOLVE QUARRYING.  
Favorable report by the Committee on the  
Environment.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan of the 139th District, you  
have the floor, sir.

REP. RYAN (139th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance to the joint  
committee's favorable report and passage of the  
bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance  
and passage. Please proceed, sir.

REP. RYAN (139th):

Thank you, Mr. Speaker.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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objection. Senator -- Seeing no real objection, the  
bill will be placed on the Consent Calendar.

Mr. Clerk.

MR. CLERK:

Madame President, turning to page 40, Calendar  
343, substitute for Senate Bill 942, AN ACT  
CONCERNING THE INTEGRITY OF ELECTIONS. The Clerk is  
in possession of amendments.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, thank you, Madame President. I move the  
joint committees Favorable Report and passage of the  
bill.

THE CHAIR:

Acting on approval of the bill, will you remark?

SENATOR SLOSSBERG:

Yes, thank you, Madame President. This bill  
requires the Secretary of State to adopt regulations  
to implement an emergency contingency plan regarding  
problems that may occur during elections. The bill  
requires all towns to come up with emergency plans and  
to certify with the Secretary of State the number of  
ballots they'll be ordering for an election. It also

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enhances training for registrars.

THE CHAIR:

Thank you, Senator Slossberg. There's a question on adoption, will you remark further? Will you remark further? Senator Bou -- no Senator. This is on amendment "A", no sorry. This is -- okay. Senator Slossberg.

SENATOR SLOSSBERG:

Madame President, I would just ask that this item have a roll call vote, please.

THE CHAIR:

Okay. For clarification, this is on the bill. No amendments have been called. Senator Boucher.

SENATOR BOUCHER:

Thank you, Madame President. Madame President, on the bill through you, a question to the proponent of the bill. In discussing this particular amendment, was the discussion had on the practice of some municipalities of using the reverse 911 call for and during the election process when they had an issue of an extension of the voting period, through you, Madame President.

THE CHAIR:

Senator Slossberg.

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SENATOR SLOSSBERG:

Madame President, I apologize, if the good Senator could just repeat her question?

SENATOR BOUCHER:

Yes. Thank you, Madame President. Given that this bill concerns the integrity of the election process and creating a municipal plan, if I understand that correctly, was there any directive in this bill to the municipalities to discuss the proper or improper use of the reverse 911 emergency system to deal with an election problem, through you, Madame President?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madame President. No, I believe so.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madame President. Through you, this seems like a glaring omission and the questions is through you, why was this not discussed and some directive maybe given with regards to this issue, through you, Madame Chair?

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THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Madame President. I have no answer for that question. This was discussed in -- the bill in front of us was developed after numerous activities from the Secretary of State's office as a result of issues with regard to the integrity of elections.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madame President. Madame President, just before the vote is taken on this bill I think some consideration should be given to the fact that this was a very serious issue that happened in the City of Bridgeport when a number of problems occurred, the first of which was not having enough ballots for the individuals that showed up to vote and then later the extension of the time to vote from the normal prescribed which could have led to an orderly process where individuals could have been noted that showed up during normal regular voting periods that were not provided a ballot and their names taken and then provided a ballot afterwards so that only those that

showed up at the normal time.

In addition to that, I did receive some information from a constituent, well actually, they were not a constituent of mine but worked in one of the cities that I do represent, that discussed the fact they lived in Bridgeport and did receive that reverse 911 call at 9:00 in the evening to remind them to come and vote and it seemed rather odd that we would be using a system that was designed for life threatening or emergency situation, whether this rose to that same occasion it would seem this would be a very -- at the top of the list for discussion by any group that was entertaining any changes or modifications or review of the integrity of elections.

It certainly cast a shadow throughout the state and it's something that I felt that should be addressed. Certainly this session would be most appropriate. Thank you, very much, Madame President. I appreciate it.

THE CHAIR:

Thank you, Senator Boucher. Senator McLachlan.

SENATOR McLACHLAN:

Through you, Madame President. I rise to support the bill. I have the pleasure though to represent

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four towns in western Connecticut, Danbury, Bethel, New Fairfield, and Sherman. I do want to say though that the registrars of voters in the towns in which I represent, are already doing what this bill suggests.

They already plan for emergencies, they already look very carefully at the projection of turn out on Election Day based upon previous experience and so some registrars who are very focused on their job as I'm sure all of them are, probably look at this and say why are you telling us to do what we're already doing. It is a good idea to have it in writing I suppose, but I just wanted to be on record to say that my experience has been that our registrars in my district excel at their job and are doing what we're asking them to do in this legislation. Thank you, Madame President.

THE CHAIR:

Thank you, Senator. Senator Gomes.

SENATOR GOMES:

Thank you, Madame President. I have particular reasons to rise to speak about this bill. I think that after perusing all aspects of the bill even though I was dissatisfied with some of it to begin with, I think this is a method to clarify and also

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have future elections run as they're supposed to be run.

Having said that, I remember that Election Day and I remember some of the things that happened that day. One of them happened at a precinct that I was at and way I had to hold at least 40 people there and tell them wait for the substitute ballots to come so that you could vote because of the simple reason that we don't want you do have a disenfranchisement of your vote. Some of these things that happened in areas such as where we represent, they tend to fall on the people who are least cognizant of what can happen to their vote.

And, I also rise for another reason here. To clarify something. Every since this has happened all I have ever heard when people talk about the correction of what happened that day, I've heard no other city mentioned but Bridgeport and I am tired of Bridgeport being a negative whipping boy for what happened that day without other people mentioning.

Actually, it happened in West Haven, New Haven, Hartford, Branford and Bridgeport. And, if you want to go back a little further to 2009 it happened in

Wilton and Ridgefield. So, if people want to clarify what has happened and what the procedure should be for voting and a legitimate procedure, get all the facts straight and mention all that were involved. I'm just tired of hearing every time I -- I heard it yesterday and I just heard just a little while ago, Bridgeport, Bridgeport. Well, everybody was involved -- some of everybody was involved in the situation and if I sound a little teed off, I am. Thank you.

THE CHAIR:

Thank you, Senator Gomes. Will you remark?

Senator McKinney.

SENATOR MCKINNEY:

Through you, Madame President. I love seeing the passion from Senator Gomes. You know I'm usually shy and quiet when I get up to speak so I could learn a few things. But, he's right in that this isn't about the City of Bridgeport, this is about making sure that every citizen in the State of Connecticut who's over 18 has the opportunity to cast their ballot and too many in his city were unable to do that and while some have talked about some of the changes in this bill as perhaps giving power to the Secretary of State away from registrars who are already doing this who haven't

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made mistakes, I look at it as our chief elections officer willing to accept responsibility to make sure that our elections are run right.

And, what ticked me off and I'll be calm though, was that on that day in the aftermath, our prior Secretary of State accepted absolutely no responsibility. I was doing an event for Veterans, giving them awards and not doing the job that the Secretary of State is supposed to do. So, I have had a number of very good conversations with Secretary Merrill.

I think that she understands the role she has to play to make sure that if our towns and cities need help, she's there to get them help and even more importantly she's there to make sure that prior to the election, and I forget whether it's 30 or 45 days out, that these mistakes won't happen in the first place.

So, I think this is a good measure. I thank the Chairwoman of the GAE Committee and the Ranking Member, Senator McLachlan for his work on this and let's hope that whether it's any one of the 169 towns that everyone who goes to a polling place will not be turned away and will be able to cast their ballot.  
Thank you.

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THE CHAIR:

Thank you, Senator. Will you remark? Will you remark? If not, I would ask the Clerk to call for a roll call vote and I will open the machines.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber? An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber?

THE CHAIR:

Have all members voted? Have all members voted? The machine will be locked and Mr. Clerk will you call the tally?

Mr. Clerk.

THE CLERK:

Total Number voting	34
Necessary for adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

The bill has passed.

Mr. Clerk -- oh, sorry. Senator Looney.