

PA13-290

HB6486

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 10
3086 - 3445**

pat/gbr
HOUSE OF REPRESENTATIVES

356
May 8, 2013

Necessary for Passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not voting	9

SPEAKER SHARKEY:

The bill passes.

Will the Clerk please call Calendar Number 418.

THE CLERK:

Calendar 418 on Page 25, Favorable Report of the Joint Standing Committee on Government Administration and Elections, Substitute for House Bill 6486 AN ACT CONCERNING CHANGES OF ADDRESSES FOR ELECTIONS.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (47th):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question before the Chamber is the acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. JUTILA (47th):

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Thank you, Mr. Speaker. Yes. This bill simply allows an elector who moves within the same municipality to simply submit a new registration form rather than a separate form that they have to sign and state the old address and the new address.

So it basically eliminates one form and streamlines things for the registrars, and I would urge support for it.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill before us? Representative Hwang of the 134th.

REP. HWANG (134th):

Thank you, Mr. Speaker. A question to the proponent of the bill, please.

SPEAKER SHARKEY:

Please proceed, sir.

REP. HWANG (134th):

Thank you. Now, in regards to the change in the forwarding address, is there a prescribed methodology that we're using? Is it U.S. Postal forwarding address standard? Through you.

SPEAKER SHARKEY:

Representative Jutila.

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REP. JUTILA (47th):

Thank you, Mr. Speaker. Through you, that part of the bill does not change, so the same mechanisms that are currently used will continue to be used.

We did consider in the original bill changing to have the notice go to the new address rather than the original address, but after hearing public testimony, we decided not to make that change. Through you.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Through you, and I agree with that feedback and I want to thank the Chair for conferring with that and I urge passage of this. Thank you.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill that's before us? Do you care to remark further?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll.

The House of Representative is voting by Roll.

pat/gbr

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HOUSE OF REPRESENTATIVES

May 8, 2013

Will Members please return to the Chamber
immediately.

SPEAKER SHARKEY:

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

If all the Members have voted, the machine will
be locked. The Clerk will take a tally. The Clerk
please announce the tally.

THE CLERK:

Bill 6486.

Total Number Voting 140

Necessary for Passage 71

Those voting Yea 140

Those voting Nay 0

Those absent and not voting 10

SPEAKER SHARKEY:

The bill passes.

Will the Clerk please call Calendar Number 310.

THE CLERK:

Yes. On Page 16, Mr. Speaker, Calendar 310,
Favorable Report of the Joint Standing Committee on
Commerce, House Bill 6652 AN ACT CONCERNING MINOR AND
TECHNICAL CHANGES TO ECONOMIC DEVELOPMENT STATUTES.

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VETO
SESSION**

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THE CHAIR:

Thank you, Senator.

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

I have two other items to add to the Consent Calendar at this time.

THE CHAIR:

Please proceed.

SENATOR LOONEY:

And there may be some more to add later. One is Calendar page 7, Calendar 570, House Bill 6486.

And the second is Calendar page 16, Calendar 704, and this is an item I believe, Mr. President, that is single starred but would ask for suspension so that we might take it up for purposes of placing on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 16, Calendar 704, House Bill 6692, also, to place that item on the Consent Calendar, Mr. President.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Now, Mr. President, at this time if the Clerk would call as the next item, Calendar page 5, Calendar 479, Senate Bill 115.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Mr. Clerk.

THE CLERK:

On page 5, Calendar 479, Senate Bill Number 115, AN ACT CONCERNING RESIDENTIAL NURSING HOME FACILITIES SERVING INMATES AND MENTAL HEALTH PATIENTS, favorable report of the Committee on Human Services.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Good evening, Mr. President.

THE CHAIR:

Good evening.

SENATOR DOYLE:

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

THE CHAIR:

Thank you, Mr. President.

Mr. President, if the clerk would now call -- would now list the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar before taking up additional items.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 2 -- sorry -- House Bill 6672, and then on page 2, Calendar 423, House Bill 5907.

On page 4, Calendar 464, House Bill 5601; Calendar 465, House Bill 6630.

On page 5: 485, House Bill 6602; Calendar 503, House Bill 6635.

On page 6: Calendar 19, House Bill 5903; Calendar 522, House Bill 5598.

On page 7: Calendar 570, House Bill 6486; Calendar 571, House Bill 6492.

On page 8: Calendar 601, House Bill 6490; Calendar 606, House Bill 6674.

On page 10, Calendar 644, House Bill 6363.

On page 12, Calendar 668, House Bill 6362; and Calendar 672, House Bill 548.

On page 15: Calendar 695, House Bill 5289; Calendar 696, House Bill 6658.

On page 16: Calendar 704, House Bill 6692; 705, House Bill 6703.

On page 17: Calendar 706, House Bill 6651.

And on page 21: Calendar 431, Senate Resolution Number 15.

HB 5480

THE CHAIR:

Mr. Clerk, please announce the pendency of a roll call vote, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

Have all members have voted? If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have recorded, the machine will be closed and the clerk will announce the tally.

THE CLERK:

The second Consent Calendar

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I just wanted to review and have we adopted Senate Agendas 3 and 4?

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 4
1000 - 1350**

2013

testimony. Thank you, Mr. Chairman.

SENATOR MUSTO: Thank you.

Questions from members of the Committee?

Seeing none, thank you very much.

KENDALL WIGGIN: Thank you very much.

SENATOR MUSTO: Is Mike Killian here?

Peter Gostin. And after Mr. Gostin is Senator Boucher. Madam Clerk, if you could call Senator Boucher and tell her she can come down if she'd like. Welcome.

PETER GOSTIN: Good afternoon, Senator Musto, and Senator McLachlan, members of the GAE Committee. My name is Peter Gostin, I'm Registrar of Voters in New Britain, Vice President of ROVAC, and a member of Legislative Committee for ROVAC. I'm here testifying on two bills before you. First is H.B. 6291 which seeks to amend the Connecticut General Statutes, Section 9-135, by allowing town clerks or registrars of voters or staff to vote by absentee ballot in elections, primaries, or referenda.

The organization is opposed to this not because it would simply allow us to vote during the day or by absentee ballot, but rather because it would seem to violate the Connecticut Constitution which only allows absentee voting under very narrow and specific circumstances. So while I would welcome this in other context, I fear that this would violate the Constitution and, therefore, not be a valid bill and I would just say urge opposition to it only because of that reason. Until that law is changed, which I'm understanding will be on the ballot in

HB6486

jf/gbr GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE

11:00 A.M.

November 2014, that the voters will decide whether to repeal that or not. Until such time, any language would be -- would run contrary to it.

The second bill I'm speaking on is H.B. 6486, AN ACT CONCERNING CHANGE OF ADDRESS FOR ELECTIONS. On behalf of ROVAC, we're supporting this because this would allow registrars who utilize the National Change of Address Service by the Postal system to do an annual canvass of mailing notices to voters and would allow them to send to the new address for the purpose of correcting and update their files.

Currently the law is quite ambiguous. It doesn't really state whether to send to an old or a new address, simply to mail by forwardable mail a notice to the voter concerning whether they've changed their address or not. And amending the language to clearly state that it would allow registrars to mail these notices directly to the new address. Since this is a service they are already paying for, it would clarify the ambiguity and I do urge the Committee's adoption for that. If you have any questions, I'd be happy to answer them.

SENATOR MUSTO: Thank you.

Are there any questions?

Yes, Representative Molgano.

REP. MOLGANO: Thank you, Mr. Chairman. Good afternoon.

PETER GOSTIN: Good afternoon.

SENATOR MOLGANO: Thank you for your testimony. I just want to clarify on your opposition to the

HB 6486

jf/gbr GOVERNMENT ADMINISTRATION &
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11:00 A.M.

REP. JUTILA: Thank.

Any questions from members of the Committee?

Seeing none, thank you for your testimony.

VICTOR BUSELLI: Thank you.

REP. JUTILA: Appreciate it.

The next speaker is Matt Waggnner followed by
Bryte Johnson.

MATTHEW WAGGNER: Hello, Chairman, members of the
Committee, my name is Matt Waggnner, Registrar of
Voters from Fairfield. Thank you for the chance
to offer input on today's election bills. I'm
going to be speaking on a few, the first S.B.
901 concerning audits. I'd like to -- I share
my view that while reducing the overall number
of districts audited is reasonable, the proposal
includes several changes that are problematic
and reduce the effectiveness of audits.

Conducting the audits with tabulators will
prevent the audits from discovering programming
errors in the memory cards provided by our
vendors such as two candidates being programmed
into the wrong position. While limiting the
number of audits per town compromises the random
nature of the audit. Please consider moving
only the first paragraph of this bill if you
choose to move it out of Committee.

Concerning cross-endorsements, S.B. 779 and H.B.
6429, these proposals would cause the loss of a
significant number of votes and would do so
without providing any benefit to election
administration. I urge the Committee to reject
both of the overvoting proposals that are before
you. In Fairfield last year, we had 622 double-

SB1057
HB6486
HB6427

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11:00 A.M.

librarian's bill, I think this is actually an exciting concept. It's going to I think be supportive of promoting continuity of government in the case of a disaster, but also enable future expansions of public document availability and regionalization of government services. I'd ask you to incorporate or address through separate legislation standards for storing and using documents with electronic signatures, and where such documents may be considered authoritative in lieu of what we call wet-ink originals.

Also I included written testimony on H.B. 6486 concerning voter address changes and H.B. 6427 just technical matters that you may wish to consider as you take these bills forward. Thank you.

REP. JUTILA: Thank you. Am I correct, you whipped through a number of bills there, so I'm not sure I got everything exactly right, but on the overvoting, so your position is in conflict with the official position coming out of ROVAC, is that right?

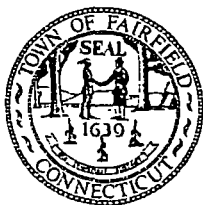
SB779
HB6429

MATTHEW WAGGNER: I'm sorry, that's correct, yes.

REP. JUTILA: It is. Okay. Were you involved in the internal debate over that or anything or did you have input it?

MATTHEW WAGGNER: You know, I testified about this in 2011. They're aware of my position, but our organization is sort of siloed. The legislative group deals with their issues, I tend to focus on the technology issues for the committee. So, you know, I wasn't involved in their process, no.

REP. JUTILA: Okay. Thanks. I just wanted to make



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Testimony of Matthew Waggner, Registrar
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Line Number 18

Page Number 19

Dear Co-Chairs Musto and Jutila, Ranking Members Hwang and McLachlan, and members of the Government Administration and Elections Committee,

Thank you for providing the opportunity to offer input on the election topics that are being raised at today's public hearing. I would like to share my thoughts on several of the bills being heard today.

SB 901 – An Act Concerning Post-Election Audits

While reducing the overall number of districts audited is reasonable, this proposal includes several problematic changes that reduce the effectiveness of the audit process. Conducting the audits with tabulators will prevent the audits from discovering programming errors in the memory cards provided by our vendors, while limiting the number of audits per town compromises the random nature of the audit. Further, this proposal eliminates all statutory guidance concerning the random selection of offices to be counted, a provision which exists to detect official tampering in individual races (ie preventing an official from choosing not to audit a race s/he has tampered with). Please consider moving only the first paragraph of this bill out of the committee.

SB 779 – An Act Concerning Overvoting Of Cross-Endorsed Candidates

HB 6429 – An Act Concerning Overvotes For Cross Endorsed Candidates

These proposals would cause the loss of a significant number of votes, and would do so without providing any benefit to election administration. I urge the committee to reject both of the "overvoting" proposals before you

Considering Fairfield's 2012 election results, 1% of the votes received by Linda McMahon, 1.7% of the votes received by Chris Murphy, and 1.5% of the votes received by Jim Himes – 622 votes in total – were "double voted" ballots which would have been rejected if this bill had been law. Absentee ballots accounted for 24 of these votes, which under this proposal would have been lost with no notice to the voter.

Instead, each voter who chose one of these candidates had their vote counted exactly once, and assigned to parties in accordance with the revision to this section in the 2011 Registrars bill. Software to perform this function was provided to us by the Secretary of the State's office.

The desire to avoid an "unknown" category for cross-endorsed candidates cannot be achieved, as we would still be required to tally and assign write-in votes (including Federal Write-In Ballots used by overseas and military voters) to parties based on the existing formula. Further, rejecting these ballots would make Connecticut stand alone in rejecting such ballots where the voter's intent is perfectly clear: of the states where the law permits cross-endorsement, none reject ballots in the case of the same candidate being chosen multiple times.

Delaware	<i>Ballots with double votes are counted in the combined total, but not added to either party's total.</i>	
New York	<i>"Double-voted" ballots are counted as a vote for the major party.</i>	<u>SB 1057</u>
Oregon	<i>Ballot does not include "party lines" – candidate names appear once, with endorsing party/parties listed underneath.</i>	<u>HB 6486</u>
		<u>HB 6427</u>

South Carolina *“Double-voted” ballots are sent to the County Canvassing Board, which is directed to count the vote, but uses their own discretion when assigning it to a party*

Vermont *Ballot does not include “party lines” – candidate names appear once, with endorsing party/parties listed underneath*

While the method provided for counting “double-votes” in CGS §9-242 might not be as convenient as we might like, I strongly believe that it’s never appropriate to discard votes merely for our own convenience. The principle that intent of the voter should govern the counting of votes – elegantly spelled out in the 1994 CT Supreme Court decision in that year’s close Congressional race – should be carefully guarded.

Munster’s argument to the contrary would require us to ignore the nature of the voting and vote counting process, the clear implications of the demonstration project materials, and this longstanding democratic principle of election law jurisprudence. [...] It would elevate the form of those instructions over the substance of the voting process itself, and would ignore the entire thrust of the instructions to the moderators regarding manual counting of any ballots rejected by the machine. Furthermore, it would subject to an impermissible level of scrutiny, and would risk disfranchising, the elderly, the infirm, the physically or visually disabled and those with marginal literacy skills, who are those most likely to have made the kinds of marks that Munster’s proposed test would disqualify

— Supreme Court of Connecticut, 231 Conn. 602
In Re Election Of The United States Representative For The Second Congressional District

SB 1057 – An Act Implementing the Recommendations of the State Librarian Concerning E-Government and The Preservation, Authentication and Management of Electronic Records

This bill will provide not just a continuity of government following a disaster, but will also provide a valuable basis for any future expansions of public document availability and regionalization of government services. While the bill does not speak to elections specifically, we are anticipating the implementation of online voter registration, and lack standards on how original documents containing electronic signature data are to be stored and used by our offices. It would be valuable to define the conditions under which electronic documents or images of original documents may be considered authoritative in lieu of “wet-ink” originals

HB 6486 – An Act Concerning Changes Of Addresses For Electors

When an out-of-town address change is returned by the National Change of Address (NCOA) service from the US Postal Service, Registrars send a notice to the voter’s current address, allowing them to correct any error to avoid being made inactive or removed from the voting list. This change would direct the letter to the new address. However, about 2% of the changes returned with NCOA are in a category known as “Daily Deletes,” reflecting a recent correction made by the Postal Service due to a person cancelling a previously-filed move, correcting a change that moved an entire family when only an individual moved, or other errors. Sending all correspondence to the new address would result in some mailed notices being returned as undeliverable for voters who continue to reside in or have returned to our towns, a fact they would not discover until appearing at the polls to find their names missing from the official list.

HB 6427 – An Act Concerning Polling Places For Primaries

While I generally do not support consolidating polling places for primaries, if you do proceed with this measure you should be aware that the date by which the consolidation must occur (60 days before the primary) is prior to the deadline for petitions to be submitted to the Registrars (34 days before the primary) in municipal and town committee elections, per CGS §9-405. Requiring the consolidation and notice to occur before our office is aware that there will in fact be a primary would present a difficult logistical challenge.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 5
1351 - 1698**

2013



Election Division
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Election Administrators

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Senator Musto, Representative Julita & Members of the GAE

RHB 6486 AAC Changes Of Addresses For Electors..

My Name is Judith Beaudreau; I am an Election Administrator / Registrar of Voters for the Town of Vernon, CT. I would like to thank the committee for raising this important bill.

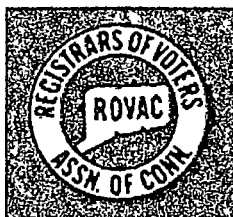
The language before you will help to clarify where a notice can be mailed. That we can also eliminate another form and use the Voter Registration Card instead for changing ones address. This helps to simplify the process on Election Day for the Assistant Registrars of Voters who in many cases are over burdened with changes and by eliminating this other form it will lessen the time in getting voters qualified to cast their ballot and making their process of voting a better experience. I have suggested that Registrars of Voter include a new application for Voter Rregistration when mailing such notices. This is a help for the Elector and makes their registration in the new municipality easier. By doing this we will eliminate those voters who fail to re-register in the new municipality. This makes our process helpful to voters who do not realize that when they move to a new municipality that they must re-register to vote.

Suggested Substitute language in **BOLD CAPITOL LETTERS IN PURPLE**

Section 1. Subsection (e) of section 9-35 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(e) In any case in which the registrars have obtained reliable information of an elector's change of address within the municipality, [they] the registrars OF VOTERS shall enter the name of such elector on the registry list at the place where the elector then resides, provided, if such reliable information is the National Change of Address System of the United States Postal Service, the registrar OF VOTERS shall change the registry list and send the elector a notice of the change by forwardable mail [and] to the elector's new address within the municipality along with a postage prepaid preaddressed return

form by which the elector may verify or correct the address information **AND A NEW APPLICATION FOR VOTER REGISTRATION TO UPDATE THEIR RECORD**. If during the canvass the registrars **OF VOTERS** determine that an elector has moved out of [town] the municipality and such elector has not confirmed in writing that the elector has moved out of the [town] municipality, the registrars **OF VOTERS** shall, not later than May first, send to the elector, by forwardable mail to the elector's new address within the other municipality, a notice required by the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, together with a postage prepaid preaddressed return card on which the elector may state the elector's current address **AND A NEW APPLICATION FOR VOTER REGISTRATION FOR REGISTERING TO VOTE IN THE NEW MUNICIPALITY**. In the year of a presidential preference primary, the registrars **OF VOTERS** shall send such notice not earlier than the date of such primary. If the registrar **OF VOTERS** does not receive the return card within thirty days after it is sent, the elector's name **SHALL BE PLACED ON THE INACTIVE REGISTRY LIST FOR FOUR YEARS. ELECTORS** ~~the name of an elector~~ who has not voted in two consecutive federal elections, shall be placed on the inactive registry list for four years, **AFTER SENDING A NOTICE AS DISCRIBED ABOVE AND NOT RECEIVING ANY RESPONSE FROM THE ELECTOR**. At the expiration of such period of time on the inactive registry list, such name shall be removed from the registry list. If such elector applies to restore the elector's name to the active registry list or votes during such period, the elector's name shall be restored to the active registry list. Such registrars **OF VOTERS** shall retain a duplicate copy or record of each such notice in their office or, if [they] the registrars OF VOTERS do not have a permanent office, in the office space provided under section 9-5a, and shall note on such duplicate copy or **ELECTRONICALLY** record the date on which such notice was mailed. In each municipality, any elector, upon change of residence within the municipality, may cause the elector's registration to be transferred to the elector's new address by presenting to the registrars **OF VOTERS** [a signed request therefor, stating the elector's present address, the date the elector moved to such address and the address at which the elector was last registered] a new application for voter registration. The registrars **OF VOTERS** shall thereupon enter the elector's name on the list at the elector's new residence; provided no transfer of registration shall be made on the registry list on election day without the consent of [both registrars] each registrar OF VOTERS.



Monday, March 11, 2013
Government Administration and Elections Committee

Submitted by Peter Gostin, Registrar of Voters, City of New Britain

Support H.B. 6486 An Act Concerning Changes Of Address For Elections

Senator Musto, Representative Jutila, and Members of the GAE Committee

My name is Peter Gostin, Registrar of Voters from New Britain and Vice-President of ROVAC.

On behalf of ROVAC I am testifying in support of HB 6486 which seeks to amend Sec 9-35(e) of the CT General Statutes by allowing registrars who utilize the U.S Post Office's National Change of Address System during the annual canvass to mail notices to a voter's new address for the purpose of correcting and updating their registry lists.

Currently Sec 9-35(e) is somewhat ambiguous as to where such mailings should be sent. Many registrars take it to mean the notices should be sent to the voter's old address, while some believe it should be sent to the new address. Since the National Change of Address System is recognized by both state and federal laws as an authorized and reliable source of information, and access to it is paid for by the registrars and their municipalities who choose this method of canvass, it makes much sense for them to use the voter's new address for the mailings.

Amending the language in 9-35(e) would clear up the current ambiguity and be a good return on investment for those municipalities who mail to the voter's old address, as they would save money on all the follow-up mailings that inevitably occur due to the many undeliverable notices that get returned from the old address.

I urge the GAE committee to support passage of HB 6486.