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SECRETARY OF THE STATE  
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**Written Testimony of Secretary of the State Susan Bysiewicz  
Government Administration & Elections Committee  
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Good Afternoon Chairman Caruso, Chairwoman Slossberg and members of the GAE Committee. For the record, my name is Susan Bysiewicz and I am the Secretary of the State. Thank you for the opportunity to submit written testimony today regarding one bill on your public hearing agenda.

**H.B. No. 5888: AN ACT CONCERNING REVISIONS TO THE OPTICAL SCAN VOTING SYSTEM.**

H.B. #5888 contains a number of provisions that I support, including the establishment of a “zone of privacy” for voters as they complete their ballots and put them into the optical scanner in their polling places and mandating that poll workers provide voters with “privacy sleeves or folders” to protect the secrecy of their ballots as they move around in the polling place. As you know, I proposed these same provisions in [S.B. No. 444: AN ACT CONCERNING CERTAIN REVISIONS AND TECHNICAL CHANGES TO THE ELECTION LAWS.](#)

I have also testified in support of the creation of an Independent Audit Board as a potential means of reducing the cost and burden to municipalities and ensuring greater efficiency and accuracy in the conduct of the audits themselves. The bill as currently drafted does not achieve those goals, but I understand that it is a work in progress, and my office would be happy to continue working with the Committee to refine the concept of an Audit Board.

Since the bill is modeled after a law passed in January in New Jersey and has not yet been used in that state, and since New Jersey uses touch-screen technology, not optical scan voting machines, it contains an entirely new scheme for the conduct of audits. Again, it is my understanding that the

Committee's intention is to create an Audit Board through this measure and not to substantively change the audit bill passed last session (P.A. 07-194). **H.B. #5888** as drafted lowers the threshold for audits from our current 10% to 2% and I cannot support that decrease. Dr. Alex Shvartsman from the University of Connecticut VoTeR Center testified before this Committee on Monday, March 3, 2008 and recommended against lowering the percentage as well. While I have proposed some fine-tuning of our current audit law in **S.B. No. 444** (e.g. removing the exemption for districts involved in recounts), I would urge the committee not to adopt a brand new audit scheme -one that has not yet been tested in another state and relates to technology not in use in Connecticut. Of course, my office stands ready to work with the Committee to make further refinements in the area of audits.

Finally, **H.B. # 5888** mandates that recounts be conducted by a full hand count of all ballots for that office. As you know, I instructed election officials to conduct full hand counts in recounts following the November 2007 election. Our existing regulations call for the review of every ballot by opposite parties. If the parties agree that the ballot is marked clearly, it can be run through a new machine with a new memory card. If the parties do not agree, the ballot is hand counted. This procedure was in place during the Courtney/Simmons recount in November 2006, the parties agreed to the result and did not raise any legal challenges. We have heard from many election officials, Mayors, First Selectmen and Legislators from across the state and their strong recommendation without exception is to leave the existing regulations in place. Although we all agree that the best way to determine voter intent is with a full hand count, I believe that the procedure described is a sound one. Again, when questioned on this issue, Dr. Shvartsman concurred that both methods could be used with reliable results.

Thank you for your time and consideration and my Office is always available to assist this Committee with any further information.