Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CT Voters Count, a Certified Moderator, with four years leading central counting of Absentee Ballots.

This bill would codify that town clerks can destroy all unused absentee ballots 10 days after an election.

I have no objections to this one change, however, several additional weaknesses, ambiguities, and inconsistencies in the preservation and security of paper ballots need to be addressed. Ballots are retained and secured differently, based on their original voting and counting method and type – absentee, in person at a polling place, and Election Day Registration.

Fixing these inconsistencies is important for two reasons:

1. **Unresolved ambiguities were introduced into the law with optical scanners.** Parts of the law dealing with polling places have never been updated to recognize that there are two things to be protected after each election at each polling place: scanners and ballots. The law was left for the most part with standards applicable to lever machines, not recognizing that ballots are involved in polling places, and that both machines and ballots need protection because of the potential for audits, technological investigations, and court orders, that may be initiated after the current ‘lockdown” period of 14 days.

   Thus today, 90% of our ballots are not required to be sealed beyond 14 days after an election. Not sealed before they are subject to audit.

2. **If as expected, more and more citizens vote by absentee and Election Day Registration it is important that those ballots and associated materials be protected from changes, additions, or deletions.**

Differences between absentee ballot and polling place ballot storage:

- **Polling place ballots are sealed on election night via numbered, recorded, tamper evident seals in ballot containers.**
  Absentee ballots are stored in envelopes with unnumbered tamper evident tape, delivered by election officials to town clerks. Envelopes can easily be opened, ballots accessed, and placed into a new envelope with new unnumbered tamper evident tape, completely undetected.

- **Except for recanvasses, audits, or court orders:** Absentee ballots are to remain sealed for 180 days after an election. Polling place ballots and scanners are to remain sealed for 14 days after an election.

- **Town Clerks store absentee ballots. Registrars store polling place ballots.**
Ironically,

- Post-election audits start on day 15 after the election and the ballots audited are not required to be sealed after day 14. Credibility and integrity demand that audits be performed on provably untainted ballots. The audits also may require subsequent investigations of scanners, memory cards, and ballots going on at least several weeks after the completion of the audit counting.

- All absentee ballots are opened and counted by election officials and returned to the registrar, then to the town clerk for storage. Especially, for polling place counted absentee ballots it would make sense to store and seal them in the same containers as other polling place ballots.

Recommendations:

There is much that could be done to improve the security and the credibility of stored ballots, but at least we can start with reasonable, consistent, non-redundant handling of all ballots. Requiring that:

- All ballots be sealed in approved containers with numbered, recorded, tamper evident seals.

- All ballots be sealed for at least 90 days, except for for recanvasses, audits, or court orders.

- Two individuals of opposing interests be required to access ballots, and that such access be logged by a third party.

- All ballots be retained and stored under the supervision of the same individual(s). I would recommend the town clerks, since they could be the third party to log access, and because they have other document retention and protection responsibilities.

I have attached some best practices identified by the Brennan Center for Justice, that go further and would likely be expensive given our town-by-town election management and ballot storage. Regionalization would be an ideal vehicle for economically instituting such practices.

Thank You
Post-Election Audits: Restoring Trust In Elections, The Brennan Center For Justice
http://brennan.3cdn.net/f1867ccc368442335b_8em6bso3r.pdf

In The Machinery of Democracy, the Brennan Center examined some of the best chain-of-custody practices in jurisdictions across the country. Among the practices cited approvingly in the report were:

• Between elections, voting systems for each county are locked in a single room, in a county warehouse.

• The warehouse has perimeter alarms, secure locks, video surveillance and regular visits by security guards.

• Access to the warehouse is controlled by sign-in procedures, possibly with card keys or similar automatic logging of entry and exit for regular staff.

• Some forms of tamper-evident seals are placed on machines before and after each election. Election officials should place seals over all sensitive areas including vote data media compartments, communication ports and the seams of the voting system case.

• At the close of polls on Election Day, all audit information (i.e., event logs, voter verifiable paper records, paper ballots, machine printouts of vote totals) that is no telelectronically transmitted as part of the unofficial upload to the central election office is hand-delivered in official, sealed information packets or boxes. All seals are numbered and tamper-evident.

• The transportation of information packets is completed by two election officials representing opposing parties who have been instructed to remain in joint custody of the information packets or boxes from the moment it leaves the precinct to the moment it arrives at the county election center.

• Once the sealed information packets or boxes have reached the county election center, they are logged. Numbers on the seals are checked to ensure that they have not been replaced. Any broken or replaced seals are logged and the reason for broken or replaced seals is investigated, where necessary. Intact seals are left intact.

• After the packets or boxes have been logged, they are provided with physical security precautions at least as great as those listed for voting machines, above. They should be stored in a room with perimeter alarms, secure locks, video surveillance and regular visits by security guards and county police officers; and access to the room is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

All jurisdictions should detail their chain-of-custody practices for their voting system software, hardware, and audit records (including paper and electronic) in a document that is subject to public review and comment. Public review and comment would increase transparency and accountability for the physical security of audit materials, as members of the public would become invested in the process. The documentation of chain-of-custody requirements allows observers to determine when officials deviate from agreed procedures. Such a document should explain why these procedures are necessary; this would reduce the likelihood of local deviation from the guidelines and ensure that necessary deviations (in the case of an unforeseen incident) held to the spirit of the procedures.