

H.J.58, H.J.59 – Needed - A Further Critical Change to the CT Constitution

**Government Administration and Elections Committee
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Chairs, members of the Committee, and Connecticut voters, my name is Luther Weeks, Executive Director of CTVotersCount, a computer scientist, and a Certified Moderator since 2008. I also lead one national group and participate in another that discuss, evaluate, and regularly propose changes to state and Federal election laws.

As you are contemplating amendments to the Connecticut Constitution for elections, we need to go just a bit farther than the changes now in H.J.59. Just a few more words would make a great difference going forward. The additional changes would remove deadlines for reporting state contest results that are now baked into our Constitution. These same deadlines would remain in effect, in law, yet easier to change in short order should that become necessary.

Why are these changes critical?

There are at least four reasons why these deadlines may need to change quickly in the near future. Not removing them as soon as possible in our Constitution would cause significant problems and limitations, while waiting for another years-long amendment process to change them.

Reason #1: The U.S. Congress is contemplating H.R.1¹ which if passed in its current form, would mandate no-excuse absentee voting for Federal contests, including allowing ballots post-marked by election day to be counted, if received, within a minimum of 10 days after election day. And subject to “curing”² for a minimum of 10 ten days after that.

If H.R.1 or a similar Federal law were to pass, it would only apply and override our Constitution for Federal races, then in even-year elections Connecticut would be faced with two election deadlines, one for Federal elections, and another for state elections, likely requiring two ballot designs per district. Ballots would have to be segregated, with some counted and declared within the currently mandated 10 days and others accepted, cured, and added in 20 days later, with the possibility of two sets of recanvass deadlines etc. To do what we do now within 10 days after an election, under H.R.1 would take at least 30 days! Not something that could be completed before early December.

Reason #2: If our Constitution is amended to provide for no-excuse absentee voting, presumably there will be calls for the same things in H.R.1, i.e. accepting ballots post-marked by election day, followed by curing. That would be impossible for state offices until and unless the Connecticut Constitution were to be amended as recommended here.

Reasons #3 and #4 are Ranked Choice Voting and Risk Limiting Audits. If either were to be implemented in Connecticut, they would require days and sometimes weeks longer than the current limit of 10 days – even longer if they were combined with H.R.1:

¹ U.S. House Resolution 1 <https://www.congress.gov/bill/117th-congress/house-bill/1/text>

A bill that would mandate many changes for Federal elections nationwide by 11/2022 with some by 1/2020, including accepting absentee ballots for 10 days after election day if post-marked by election day followed by 10 subsequent days for “curing” them. It would also mandate at least 15 contiguous days of in-person early voting including on election day.

For more analysis of H.R.1, see: <https://ctvoterscount.org/whats-the-matter-with-h-r-1-part-1/>

² Curing – Processes by which voters are notified of errors in mail-in ballots in signatures, envelope protocols etc. and provided a period for correcting such errors.

Reason #3: If Connecticut were to institute Ranked Choice Voting, in some cases it could take days to a few weeks to determine initial results, followed by days or weeks of canvassing. Those time requirements would be impossible for State offices without this change to the Constitution.

Reason #4: If Connecticut were to institute Risk Limiting Audits (RLAs), by definition RLAs, must be coordinated statewide, completed before certification, may take several rounds, and can sometimes take several days for the last round, as they did in Georgia this past November. That would be impossible without these changes.

The changes I suggest are based on those already in H.J.59, plus the ones in bold and larger type below:

Section 9 of article third of the Constitution is amended to read as follows:

Sec. 9. At all elections for members of the general assembly the presiding officers in the several towns shall **[receive the votes of the electors, and]** count and declare **[them]** the votes of the electors in open meeting. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered **[within three days to the town clerk,]** and **[within ten days after such meeting,]** the other shall be delivered **[under seal]** to the secretary of the state.

Section 4 of article fourth of the Constitution is amended to read as follows:

Sec. 4. **[At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors]** The votes at the election of state officers shall be counted and declared in open meeting by the presiding officers in the several towns. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered **[within three days]** to the town clerk, and **[within ten days after such meeting,]** the other shall be delivered **[under seal]** to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller **[, within the month of November]**... that currently even without being limited by our Constitution, all contests in Connecticut are similarly limited by law. The clauses in the Constitution above only apply to State Contests.

At this time, H.J.59 cannot be changed. There are two courses going forward 1) Place the additional changes in H.J.58 or 2) Create an additional amendment with only these changes. **I recommend placing the additional changes in H.J.58,** rather than as a separate amendment which would likely confuse voters.

Please consider the urgency of making these critical changes in Connecticut's Constitution.

Thank you