

**Testimony of Secretary of the State Susan Bysiewicz before the
Appropriations Committee- General Government A**

February 15, 2007

Good Afternoon Chairwoman Merrill, Chairwoman Harp, Sub-committee Chairs Gomes and Reynolds and members of the Appropriations Committee. For the record, my name is Susan Bysiewicz and I am the Secretary of the State. Thank you for the opportunity to testify before you today regarding the Secretary of the State's Office budget and the impact of *H.B.# 7077: AAC the State Budget for the Biennium Ending June 30, 2009, and Making Appropriations Therefor.*

The Office of the Secretary of the State is proud to be a state agency that has generated millions of dollars in revenues for the State of Connecticut for the past eight years. In serving the state as both the chief business registrar and elections official, I have increased programs and services while reducing the size of the staff and working in a fiscally responsible manner. Unlike most state offices or agencies, the Office of the Secretary of the State is a revenue-generating office. During my tenure as the Secretary of the State, my office has generated more than \$121 million in revenues for the people of Connecticut. Each year more than \$20 million in revenues is generated by the Secretary of the State's Commercial Recording Division through various fees paid by corporations and Limited Liability Companies (LLC). In the last calendar year alone, my office has processed over 600,000 transactions and has done so without a back-log. In addition, my office investigates and collects fees and penalties from foreign corporations doing business in Connecticut without authority. As of July 2006, my office has collected over \$1 million in fees and penalties and has closed 385 out of 466 case files.

Since I first took office in 1999, major changes to federal and state laws have expanded the duties of the Secretary of the State's Office. I took progressive steps forward and have made necessary adjustments to the way we conduct business in my office in order to implement these new initiatives. Proudly, my office has maintained a high level of efficiency with smaller staff. The Office of the Secretary of the State has decreased its staff since I became Secretary to a size that is nearly 20 percent smaller, yet has increased its high level of efficiency and customer service. The staff reductions have saved taxpayer dollars each year, while the \$20 million annually in revenues generated by the Office of the Secretary of the State has also saved millions in taxpayer spending. Increasing internet access for the general public is a priority so most services offered to the

public by the Office of the Secretary of the State are now available online at the office's website (www.sots.ct.gov).

Enhancing voter confidence has become a major cornerstone of my office. The Election Day debacle in Florida in 2000 disrupted the voting process for tens of thousands of voters and did significant harm to the integrity of the process. As a result, it became necessary to enact sweeping changes to restore voter confidence. I worked closely with United States Senator Christopher Dodd in the drafting of the now-landmark Help America Vote Act (HAVA), passed by Congress and signed into law in 2002. This law, the most significant voting rights legislation since the Voting Rights Act of 1965, provides a paper audit trail for total votes cast. Equally important, it guarantees citizens with disabilities the right to vote privately and independently and ensures the long term security and reliability of Connecticut's elections. The State of Connecticut was among the first in the nation to submit a plan for HAVA compliance to the federal government and have it approved. My staff and I have worked tirelessly to assure its implementation.

Since the passage of HAVA in 2002, I have been working with municipalities to make a smooth transition to new voting optical scan machine technology. In August 2006, I unveiled new voting technology for the citizens of Connecticut which brought Connecticut into compliance with the Help America Vote Act.

I have fought to acquire voting technology that ensures the rights of all Connecticut citizens to vote privately and independently, regardless of disabilities. During the November 2006 election, every polling place in the state had one voting machine that was accessible for people with disabilities. These efforts have earned praise from advocates for the disabled at both the state and national level, including the state Office of Protection and Advocacy for People with Disabilities, the American Association of Retired People, the Board of Education and Services for the Blind, and American Association of People with Disabilities.

Twenty five municipalities used optical scan machines in the November 2006 election and by all accounts, the election went very smoothly. One non-partisan organization, Electionline.org, has even said that we were "obsessive" in our preparation which led to the smooth transition. With the federal funds we received, my office has purchased new optical scan voting machines for all municipalities and our remaining 144 towns will also be using them in November 2007.

In order to further promote voter confidence in our optical scan voting machines, my office conducted a voluntary audit of the optical scan machines after the November election with the University of Connecticut which found that the optical scan voting machines used in several cities and towns on Election Day performed extremely well, and were proven to be a safe and secure form of

voting technology. Since current Connecticut Statutes do not require audits of optical scan voting machines, I have proposed legislation this year that establishes an audit procedure for new optical scan voting machines in order to ensure that votes were counted properly and to verify that no fraud occurred.

In addition, I formed a partnership with the University of Connecticut's (UConn) Department of Computer Science and Engineering to establish the UConn Voting Technology Research Center (VoTeR Center) to assist the Office of the Secretary of the State in the completion of the necessary certification and acceptance testing required to ensure that any voting system certified for use in Connecticut meets all necessary requirements and has passed rigorous security testing.

I commend the local election officials and municipal leaders that made for a smooth transition to new voting machine technology. Our successful efforts could not have happened without their cooperation. In addition, I would like to also personally thank the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns for their continued assistance.

The 2002 Help America Vote Act (HAVA) also mandated that each state have a central voter registration system in place by 2004. Connecticut was a national leader in establishing a voter registration system that protects the rights of voters and also guards against potential voter fraud. This new statewide system, known as Centralized Voter Registration (CVR), was established to protect the sanctity of every vote and to assure citizens that the precious right to vote is not compromised by fraud. I led the way in developing our CVR in 2003, in compliance with Connecticut 2003 state law and a year ahead of the HAVA deadline. Again, I must commend the local election officials and municipal leaders for their assistance in meeting this federal mandate.

The Secretary of the State of Connecticut also serves as the state's Chief Business Registrar so helping small businesses succeed is another major cornerstone of my office. Since 1999, I have worked to protect and enhance the state's small and minority business population, recognizing the fact that for the past 10 years, 96 percent of new job growth in Connecticut has been created by businesses of 50 or fewer employees. The Office of the Secretary of the State has helped to create new jobs through technical assistance, networking opportunities, and streamlined services. My office has held small business roundtables, organized procurement seminars, organized sales and marketing seminars, and has held fourteen very successful Connecticut Business Showcases. Our newest initiative, "Vet Biz Now!", was developed by the Office of the Secretary of the State and Gateway Community College in New Haven to make it easier for military veterans to start their own small businesses.

As you know, the Office of the Secretary of the State is designated by the Constitution and General Statutes of Connecticut as the official keeper of a wide

array of public records and documents and my office is also a vital source of information regarding various businesses, commercial lenders, elections, legislation and regulations. My office serves the public through four divisions: Commercial Recording, Legislation Election and Administration, Information Technology, and Management and Support Services. Attached is a more detailed explanation of those divisions for your reference.

Thank you again for the opportunity to testify before you today and I wish you luck as you proceed with your budget deliberations. I am available to answer any questions you may have.

Divisions of the Office of the Secretary of the State

Commercial Recording

Files and maintains legally required records showing the formation of and fundamental changes to corporations, limited liability companies, limited liability partnerships, limited partnerships and other businesses. The Commercial Recording Division disseminates that information to the general public and the business, banking and legal communities. In addition, all of this information can be found via the Secretary of the State's website on CONCORD (Connecticut Online Commercial Recording Database) that receives 2 million hits per month. Transactions relevant to security interests in personal property are perfected by filing statements under the Uniform Commercial Code statutes within the division. Trade, service, collective, certification and device marks are granted registration and the division investigates and collects fees and penalties from foreign corporations doing business in Connecticut without authority. In addition, this division administers the Address Confidentiality Program for victims of domestic violence and abuse.

Legislation and Elections Administration

Administers, interprets and implements all state and federal laws pertaining to elections, primaries, nominating procedures, voting machines and the acquisition and exercise of voting rights. The division also encourages and monitors the implementation of the National Voter Registration Act and conducts an ongoing statewide voter registration campaign involving individuals and organizations in both the public and private sectors in efforts to increase the number of registered voters in Connecticut. In conjunction with local Town Clerks and Registrars, the division provides training for local elected officials. The division also administers the Help America Vote Act, the purchase and delivery of new optical scan voting machines and the Statewide Centralized Voter Registration System. In addition, the division is the official keeper of all acts, orders, grants and resolutions of the General Assembly, publishes the State Register and Manual, receives and maintains legislation, regulations and other executive branch records as required by statute, administers Connecticut's notary public program and provides records management services to the office.

Information Technology

Responsible for the administration, support, development and maintenance of all computer systems and related applications within the office. It also provides support to the statewide Centralized Voter Registration System, CONCORD (Connecticut Online Commercial Recording Database), Agency website and all E-Government initiatives within the office.

Management and Support Services

Supports the office in the areas of human resources, affirmative action, fiscal administration, business, revenue depositing, purchasing, inventory, asset management, central duplicating, central mail and other support services as well as being the distribution and sales agent for the Connecticut State Register and Manual (the "Blue Book") and other publications.

Constitutional and Statutory Mandates of the Secretary of the State's Office

- Direct Primaries (CGS Title 9)
- Business Organizations (CGS Titles 34 and 34)
- Uniform Commercial Code (CGA Title 42a)
- Trademark and Service Mark Registrations (CGA Title 35)
- Other Duties (CGS Titles 1, 3,12,13b,16,20,29,31,36,45,47,47a,49,52)
- Voter Registration (CGS 9-1 to 9-67)
- Absentee Voting (CGS 9-133f to 9-159r)
- Elections General (CGS 9-164 to 9-174)
- Particular Officers (9-175 to 9-224)
- Vacancies (CGS 9-211 to 9-224)
- Conduct of Elections and Voting Machines (CGS 9-228 to 9-269)
- Election Canvass and Returns (CGS 9-307 to 9-322)
- Nominations and Political Parties (CGS 9-372 to 9-486)
- Vacancies (CGS 9-211 to 9-224)
- Legislation (CT Cons. Art. III, Sec 2 & 6; Art. IV, Sec 15 & 23; CGS Sec 2-14, 2-29, 2-30, 3-77, 3-79, 3-80a, 3-82, 3-84, 3-86)
- Regulations (CGS Sec 4-172)
- Notary Public Administration (CGS 3-91 through 3-95)
- Authentications (CGS Sec 3-99a)
- Connecticut State Register and Manual (CGS 3-90)
- Records Management (CT Cons. Art. IV, Sec 23; CGS Sec 3-77)

Federal Mandates

- The "Help America Vote Act of 2002" requires Connecticut to meet various new election reform requirements and my office is responsible for its administration.
- The Federal Voting Rights Act
- The National Voter Registration Act of 1993