

Chairs and members of the Committee, my name is Luther Weeks from Glastonbury, a Computer Scientist, for over a decade Executive Director of Connecticut Voters Count, Executive Director of the Connecticut Citizen Election Audit, and Convener of the (National) State Audit Working Group^{1,2}. This is my own testimony, not endorsed by any organization with which I may be associated.

Over the years I have been skeptical but open to Ranked Choice Voting (RCV). For the last several years I have frequently testified to the GAE Committee on some of my concerns with the Instant Runoff Voting (IRV)³ laws proposed for RCV and their interaction with Connecticut Law.

I am pleased to see that the committee seems to have limited its currently proposed uses to municipal single-winner races and party primaries. That eliminates many of my concerns with laws associated with State races and lack of available software for multi-winner races, along with the number of winners and ballot sizes necessary for some Town Committee races and Representative Town Meeting races with many winners and ranked choices that may, in some cases, exceed the limits of two sides of our largest ballot sheets⁴.

However the committee has yet to address publicly two issues critical to counting IRV votes. These issues need to be addressed in some way before the 1st IRV vote is cast, either in a committee recommendation in law, or by the General Assembly, or left to the Secretary of the State in procedures or better in regulation. Otherwise, any recount or recanvass, although rare, could be chaotic in counting and in court.

First, exactly how are incomplete, redundant, overvoted, and otherwise incorrect votes for races counted.

- **States define what happens for those ballots differently. Many individuals can review such ballots and come up with reasonable interpretations. However, reasonable, those interpretations can vary from individual to individual.** (For example, when a voter skips some columns or votes for the same candidate twice, or more complexly in the case of an overvote).
- **Defining how such votes are handled needs to be determined prior to each election. How officials count such ballots by hand must match any software algorithms used. The variations are critical to the results of recounts and recanvasses.**

¹ Text in **bold** are prepared remarks intended for delivery in oral testimony.

² I am a founding member of the National State (Election) Audit Working Group since 2008 and have convened and moderated the group 2014-2024. In 2020 the State Audit Working Group contributed the most extensive comments to the Election Assistance Commission (EAC) for the Volunteer Voting Systems Guidelines (VVSG) 2.0 and extensive comments in 2021 to U.S. Senators and the Senate Rules and Administration Committees to improve S.1, the *For the People Act*. I am a Certified Moderator and election day official since 2008. For several years I have also been involved in frequent discussions of Ranked Choice Voting (RCV), especially recently on the many technical nuances associated with RCV. In my testimony I have endeavored to avoid using them interchangeably.

³ Ranked Choice Voting (RCV) refers to a voting method by voters where candidate preferences are ranked. Instant Runoff Voting (IRV) refers to a counting method for RCV where candidates are successively eliminated. There are several counting methods for RCV other than IRV. It is clear that the intention of the Working Group is to imply IRV.

⁴ For secret ballot reasons a single contest needs to be limited to a single two-sided ballot sheet.

- **When defining how to count such ballots it is important that the specification match any software employed. Thus, the definition must match the software or the software match the definition.** We could use software from a tabulator vendor, open-source software or software created by or modified by Connecticut. We must be careful in using software from a tabulator or open-source vendor, that it does not change from version to version so that it does not match our law, regulation, or procedures⁵.
- Extensive testing must be done to ensure that any IRV software always performs as specified.

It is rare, but critical that there may need to be multiple Close Vote Recanvasses in a single race. Occasionally the order of elimination along the way may determine the final winner. None of those testifying to the success of IRV have, to my knowledge, experienced such a situation to date. **Let us not experience that situation unprepared.** A related issue is that it may take several weeks to accomplish one or several recanvasses – the law must allow for that.

Second, no jurisdiction, to my knowledge, has actually defined or run IRV with Fusion voting.

- **It will be a moderate challenge to define a fair and understandable Fusion RCV ballot, but quite another to define a Fusion IRV counting method and to implement the corresponding Fusion IRV counting software.**

In summary, there is a lot of detailed work, including detailed technical work to be done to robustly support Ranked Choice Voting.

Thank you

⁵ I have not been able to verify this, but I have heard that our chosen vendor, ES&S, no longer supports its previously supplied IRV software.