

November 7, 2008

Secretary Susan Bysiewicz  
Secretary of the State  
Office of the Secretary of the State  
30 Trinity Street  
Hartford, Connecticut 06115

DELIVERED VIA FAX: 860-509-6209

Dear Secretary Bysiewicz,

I am writing to ask that you delay certifying the election results in elections where a candidate was cross-endorsed and votes for the cross-endorsed candidate made a difference in the outcome. Based on the facts set forth below, I have reason to believe that in close races where there was a cross-endorsed candidate, the results may not be accurate.

#### Working Families Votes Double Counted

My primary concern has to do with how easy it is to incorrectly double count votes for cross-endorsed candidates. In the town of East Granby, for example, the Democrat candidate was cross-endorsed by the Working Families party. As you know, in cases where a candidate for an office is cross-endorsed by another party, there are two boxes on the moderator's return for that candidate – one for the candidate as the candidate for a major party and one for the candidate as a candidate for the cross-endorsing party.

The instructions on the moderator's return state in relevant part: "1. Enter total votes in the boxes directly below each candidate's name." Initially in East Granby, the moderator entered the total votes received by the Democrat candidate in the box under the Democrat candidate's name. The Working Party votes were included in this total, but the Working Party votes were also entered in the box under the Working Party candidate's name. Since the candidate was cross-endorsed, this error had the effect of double counting the Working Party votes.

Fortunately, this error was caught in time for the moderator to amend his return. My concern is that the confusing and misleading instructions on the return make it likely that this error could occur in every race where there is a cross-endorsed candidate. If the error is not caught and corrected, the accuracy of the votes could very well be questioned.

Your office must do whatever it takes to prevent this double counting from occurring.

#### "Unknown" Votes Arbitrarily Assigned

My second concern has to do with how the "unknown" votes are assigned to a party (as opposed to a candidate). "Unknown" votes are votes that the tabulator assigns to a cross-

endorsed candidate when the voter voted both for the candidate as a Democrat and, as in this case, for the candidate as a Working Families candidate. There is no direction or guidance regarding how these votes are assigned, so the moderator has the discretion to assign them to either the Democrat candidate, or the Working Families candidate. I understand that in most – if not all – cases, these votes are being assigned to the Working Families candidate. This of course has the effect of inflating the vote for the Working Families party and may mean the difference between the party being included or not included on future ballots.

While this practice has no effect on the outcome of these races, it has profound implications for future ballots. It is a practice that is simply unacceptable.

While I hope these problems are limited to only the town of East Granby, I fear they may not be. The fact that these errors occurred at the very least raises the question of how we can do a better job in the future. I'm sure you agree that the legitimacy of our voting process should be our primary concern. Addressing these issues would go a long way to raising a comfort level with a process that's been called into question.

Sincerely,

Christopher C. Healy  
Chairman, Connecticut Republican Party