P. O. Box 512
Montpelier, Vermont 05601
March 14, 2017

House Committee on Government Operations
State House
Montpelier

Re: recounts bill

Dear Committee Member:

There are a few areas that seem confusing to me. The following comments are offered as a way to improve clarity. These comments are based on draft 3.3 of March 10, 2017.

§2602a(a)(1), p. 4. I suggest that more than two candidates be allowed to nominate recounters. Any candidate whose vote count is within the threshold value (plus or minus) of the candidate requesting a recount be allowed to nominate people for the recount committee. Let's consider a situation involving a district with two seats and a two-percent threshold. The four candidates might have 44%, 20.0%, 18.5%, and 17.5% of the vote, respectively. If the third-place finisher requests a recount, the fourth-place finisher might want to nominate people to the recount committee in the long-shot case that the recount ends up with enough of a vote shift that the fourth-place finisher ends up in second place. Such a shift might then be something like 43%, 19%, 18%, and 20%.

§2602b(a)(2), p.7. It is not clear if the county clerk is allowed to appoint additional impartial assistants to any of the three types of teams created in §2602b(b) even if the judge did not appoint all of the people nominated by the candidates. I suggest that the county clerk not be allowed to appoint non-nominees to those teams if there are nominees who have not been appointed by the judge.

§2602e p. 15. How about keeping the number of ballots in each stack at 50? When one ballot is removed from a stack of 50, another ballot from the stack with less than 50 will be moved in. That will leave a maximum of one stack with fewer than 50 ballots. In the case of all stacks having exactly 50 ballots, then removing a ballot from one stack creates a stack with less than 50, becoming the donor stack as other stacks have ballots removed.

§2602e(d)(1), p. 16. I suggest that one counting team collect all of the removed ballots and sort them into stacks of 50 in accordance with (a)(3) and (a)(4) of the section.

§2602e(d)(3)(B)(i), p. 17. Should there be a note in the container with the copies of ballots with questionable votes that indicates that the originals are stored in the vault of the county clerk?

§2602f(b), p. 18 I have an inherent distrust of putting the integrity of an entire election in the hands of one person: the person who programs the memory card. I suggest that all programming used in a recount be made available to the public.

2602h(e), p. 22. I draw a distinction between "each" and "all". I think the intent is that there be a summary sheet for each town. In that case perhaps it is better to read "The county clerk shall send the summary sheets for each town together with any master summary sheet . . . ".

Thank you for taking the time to read these comments.

Sincerely,

Thomas Weiss