

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: HB-7229

AN ACT CONCERNING ACCESSIBILITY TO ABSENTEE BALLOTS FOR

Title: ELECTORS IN STATE CUSTODY.

Vote Date: 3/26/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/21/2025

File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

This legislation allows for individuals incarcerated in Connecticut Department of Corrections facilities to be able to apply for absentee voting. Individuals that are in pretrial custody, or serving for a misdemeanor, are still eligible to vote under Connecticut law. Unfortunately many are unable to get access to absentee ballot request forms because of the limitations that come with incarceration. This bill aims to remove difficult and complex barriers that make it challenging for incarcerated individuals to request, receive, and mail absentee ballots.

SUBSTITUTE LANGUAGE:

RESPONSE FROM ADMINISTRATION/AGENCY:

Stephany Thomas, Secretary of State, Office of the Secretary of the State

Secretary Thomas is in support of this bill as it would ensure incarcerated individuals that are eligible to vote can receive and send their absentee ballots in a timely manner. She cites that the current system makes it unnecessarily difficult for the 4,000 eligible incarcerated voters to receive ballots. Most of the individuals are in pre-trial detentions or serving a sentence for a misdemeanor. Most of the barriers are logistical including slow internet, slow mail delivery, and sudden relocation without notice. Currently, eligible incarcerated voters must complete a long multi step process to register and vote via absentee ballot. These steps include (1) Find the contact information for the Town Clerk without the benefit of the internet. (2) Write to the Town Clerk to request an absentee ballot application. (3) Wait for the application to be mailed to the individual by the Town Clerk. (4) Complete the application and mail it back to the Town Clerk. (5) Wait for the Town Clerk to process the application and, if deemed eligible, send the

ballot back. (6) Complete the ballot and send it to the Town Clerk. This process unfairly adds extra steps because they cannot visit their Town Clerk's office or apply online. The legislation seeks to streamline the process by changing one step so that the process to submit absentee ballots mirrors the timeline for all.

NATURE AND SOURCES OF SUPPORT:

Jennifer Dayton, Legislative Specialist, League of Women Voters of CT

Ms. Dayton supports this legislation as it would remove barriers to vote for incarcerated people. The Connecticut League of Women Voters encourages the committee to take additional steps by directing the Department of Corrections to provide absentee ballot application forms to voters in custody, log and report the number of absentee ballot applications received and mailed by eligible voters, and to request that the Department of Corrections provide voter registration forms and allow the voter to register by using a jail ID in lieu of a birth certificate. They further cite that dropping out of civic responsibilities due to incarceration has generational impacts on education and employment.

Avery Gilbert, Director, Civil Rights Advocacy Clinic

Ms. Gilbert supports the legislation and argues that the state has a Constitutional obligation to allow those detained before trial and those detained for a misdemeanor to cast a ballot under the US Supreme Court case *O'Brien v. Skinner*. However, she points out that this legislation does not completely meet the obligations laid out in the Supreme Court case. It only calls for absentee ballots to be provided to the Department of Corrections but does not guarantee that electors in custody are aware that absentee ballot request forms can be provided, that the forms are available upon request, and that those in custody are able to mail their ballots to a municipal clerk. She further argues that fear and uncertainty about conviction statues, eligibility, administrative complexities in registering while incarcerated, and the difficulties getting and receiving absentee ballots essentially denies these citizens their right to vote. She also points out Connecticut's high incarceration rate of black and minority voters and that the best way to end all the above concerns is to end felony disenfranchisement. She further points out that because voting is a cultural behavior passed through families and communities, the current practice leads to low voter turnout in the most disenfranchised communities in the state. Communities with greater voter turnout tend to experience greater access to healthcare and positive health outcomes compared to those that don't. Some states, including Maine and Vermont, already allow incarcerated people to vote. She also included proposed language in her testimony that would close some of the loopholes she pointed out.

Aaron Goode, New Haven Votes Coalition

The coalition supports this bill but writes, "...we believe that one of the primary loopholes this bill seeks to remedy – namely that anyone incarcerated in their town of registration is currently barred from voting by mail – would be best addressed by adopting a general set of rules implementing no-excuse absentee ballots."

Gus Hamilton, Campaign Manager, ACLU of Connecticut

Mr. Hamilton argues that the right to vote shall not be infringed and that "...all incarcerated people should not be deprived of their right to vote and continue to have a voice in the decisions and policies made by the government that impacts their lives." He recounts that while he was incarcerated, on multiple occasions, legislation passed in the General Assembly

that affected the length of his sentence and when he was eligible for release. He further points out that 1 in 3 people incarcerated are eligible to vote, but due to administrative complexities and procedure, those voters are unable to complete the registration process or return their ballots in time for Election Day.

James Jeter, Executive Director, Full Citizens Coalition

Mr. Jeter wrote that he is in strong support of this bill as it addresses some of the barriers faced by those in custody to vote. However, he suggests ways in which the legislation could be stronger. He suggests that the Department of Corrections should be mandated to give voters in custody direct access to absentee ballot request forms and keep a detailed log of ballot applications provided, mailed, and received, and that ballots should be mailed free of cost, thus removing the financial barrier to participation. He further suggests identification flexibility, allowing the use of a jail ID in lieu of a birth certificate when registering while incarcerated, alleviating the burden of municipal clerks, allowing them to verify their eligibility by allowing them access to the necessary records within the Department of Correction's online offender information database. He also suggests to allow for in-person voting at correctional facilities for inmates that are registered to vote.

Alex Knopp, Former GAE Committee Co-Chair, Common Cause of CT

Mr. Knopp argues that pretrial detainees are innocent until proven guilty and thus still have the right to vote. The same principle applies to those incarcerated for misdemeanors; they too have not lost their right to vote. Protecting the rights of incarcerated voters is just as important and vital as protecting the voting rights of free people. He further suggests however that this piece of legislation is amended to make sure that voters actually receive their ballots while in state custody.

Sue Larsen, Registrar of Voters

Ms. Larsen supports the bill but feels that more clarification is needed. She argues that everyone has the right to vote and has seen firsthand from her work in a Niantic women's facility that they are excited to vote. The only concern that she has is with how it will be implemented. She states that the only way to implement it securely is through supervised absentee ballots, as municipalities that have correctional facilities in their jurisdiction do not have the resources to do this. As an alternative, she suggests a task force of Registrars, Town Clerks, SOTS, DOC, and representatives of voting rights advocacy groups should establish a task force to carry out this program.

Hailey Messier, MSW Policy Practice Student, UConn

Ms. Messier argues that the lack of ballot access to those that are incarcerated but have not lost their right to vote disenfranchises eligible voters. She cites that voting is a fundamental right and those that have not lost their right to vote deserve the equal opportunity to cast their ballot. This bill would also bridge the gap between people who are most often excluded from civic life and the policies that impact their daily lives. She further argues that this bill has safeguards that will prevent misuse, and that encouraging incarcerated individuals to participate in the election process can also be seen as a step towards reintegration. When people are excluded from this civic process it perpetuates feelings of alienation and disconnection from society.

Patricia Spruance, President, CT Town Clerks Association

Ms. Spruance wrote in support of the bill. She states that despite her support, the CTCA has some concerns with Section 2 requiring the Town Clerk to keep an additional log. She offers a suggestion that the electronic election system be programed so that clerks may flag these ballots in the system. She concludes by saying that the CTCA will work with the Secretary of State on formulating a procedure.

Julia Wilcox, Senior Public Policy Advisor, CT Community Nonprofit Alliance

Ms. Wilcox writes in support of the bill, citing that voting is a basic right in our democracy and that the restoration of voting, as well as other civil rights, produces tangible benefits for communities. Some of these effects reduces disenfranchisement and increases civic engagement, thereby reducing recidivism. Reduced recidivism translates to breaking the cycle of crime and poverty. This legislation builds on past success and maintain momentum of the Second Chance Society Initiative and ensure these returning citizens are actively engaged and invested in their reentry process.

Jess Zaccagnino, Policy Counsel, ACLU

ACLU-CT supports this piece of legislation as they support extending voting rights to the greatest number of people. The modern practice of felony disenfranchisement became widespread during the Jim Crow era, with lawmakers codifying felony disenfranchisement as an attempt to target Black Americans and diminish their electoral strength. There are many eligible voters in Connecticut's prison systems who are eligible to vote but cannot because they could not complete the registration process, or they could not return their ballots in time for election day. Under Connecticut law, people held before trial or incarcerated for misdemeanors can still vote, but often do not because of the complexities involved in doing so. Supporting voting accessibility in Connecticut's prisons and jails aids re-entry and promotes public safety, thus helping people who are incarcerated reintegrate into their communities upon release. Civic participation leads to lower recidivism rates. When people are enfranchised, the whole community benefits. People are allowed to participate in decisions that involve their children and loved ones. Fellow New England states, Maine and Vermont, have consistently allowed voting from within their prisons. In both states, people register to vote in the towns they lived in before they were incarcerated. They complete and return ballots by mail. They suggest, however, that be bill be changed to ensure that electors are aware that absentee ballots forms are provided upon request and that electors in custody are able to mail completed absentee ballot applications to the municipal clerk.

Carol Rizzolo, Safe Vote CT,

Callie Heilmann, Co-Director, Bridgeport Generation Now

Trevor McChristian, Alison Sanchirico

All wrote in support of the bill citing broad reasons.

NATURE AND SOURCES OF OPPOSITION:

Linda Dalessio

Ms. Dalessio opposes this legislation on the grounds that the state is violating the Help America Vote Act by having an election management system that does not have certification records of equipment and no audit records of elections. She further elaborates in a separate piece of testimony that this is not disenfranchisement, and that people are incarcerated for a reason.

Reported by: Sam Erickson

Date: 3/31/25