

**SUPPLEMENTAL TESTIMONY OF ALEX KNOPP
ON ABSENTEE BALLOT VOTING (LCO 3576)
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
JULY 22, 2020**

After I submitted my testimony on Monday, July 20, and testified by zoom on Tuesday, July 21, Superior Court Judge Thomas Moukawsher on Wednesday, July 22, issued his decision in the case of Fay v. Merrill, CV 20-6130532S.

Judge Moukawsher summarized the issue in the case by posing this question: “Must the sickness referred to in Article Sixth, Section 7 of the Connecticut Constitution be the sickness of the individual seeking to vote by absentee ballot or is the existence of a raging global pandemic enough?”

Judge Moukawsher answer provides a clear road map. He held that Governor Lamont’s modification of CGS Sec. 9-135 to authorize the issuance of absentee ballots “because of COVID-19 sickness” did not violate the state constitutional provision in Article Sixth, Section 7, which authorizes the issuance of absentee ballots “because of sickness.”

At the zoom hearing yesterday, I tried to focus attention on similar questions about this ambiguity of language but I did not have the benefit of Judge Moukawsher’s opinion. His decision settles the question and removes any of the doubts I held about how to draft new language to expand the use of absentee ballots for the November election.

The purpose of this supplemental testimony is to recommend that the General Assembly take into account this new decision by a Superior Court Judge (and a former legislator) and enact language to amend CGS Sec. 9-135 to reflect precisely the language from Governor Lamont’s Executive Order that Judge Moukawsher has just construed and found consistent with the State Constitution.

The draft of LCO 3576 would amend CGS Sec. 9-135 to state: “Any elector...unable to appear...for the following reason: (7) the sickness of COVID 19.”

The language construed by Judge Moukawsher and issued by Governor Lamont is slightly more explicit in making the eligibility more general: Any elector...unable to appear...for the following reason: (7) “because of the sickness of COVID 19.”

The slight difference in the two constructs may or may not be significant, but there is no reason not to take advantage of the certainty that Judge Moukawsher provides the General Assembly on the eve of the Special Session.

As Judge Moukawsher's decision today affects my opinion from yesterday, I thought it worthwhile to update my testimony.

Thank you again for your efforts to protect the right to vote during the pandemic.

Alex Knopp was elected Mayor of Norwalk, Connecticut, in 2001 for two terms after serving 8 terms in the Connecticut General Assembly, where he chaired the Government Administration & Elections Committee for 3 years. He was a Visiting Clinical Lecturer in Law at Yale Law School from 2006-2020 and is now President of the Norwalk Public Library. He can be reached at alex.knopp20@gmail.com or 203-554-7307.