



## Legislative Testimony

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### **Written Testimony Supporting LCO No. 3576, An Act Concerning Absentee Voting at the 2020 State Election and Election Day Registration**

Senator Flexer, Representative Fox, Ranking Members Sampson and France, and distinguished members of the Government Administration and Elections Committee:

My name is Kelly McConney Moore, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). We submit this testimony in support of LCO No. 3576, An Act Concerning Absentee Voting at the 2020 State Election and Election Day Registration. We encourage the Committee to support this bill with the amendments proposed in this testimony.

COVID-19 presents Connecticut with many unprecedented challenges and difficult solutions. Fortunately, though, there is an easy, straightforward way to help ensure safe voting during this pandemic: absentee voting available to everyone. LCO No. 3576 goes a long way toward ensuring that no person will have to choose between their health and their right to vote in November during the COVID-19 pandemic. It could do even more, though, to apply this common-sense solution to future elections impacted by this or other pandemics.

Section 1 of the bill creates a new absentee voting excuse for the November 2020 election only for the COVID-19 pandemic. In November 2020, this solution will ensure that every person who wants to vote will not risk exposure to deadly disease by doing so. This provision, while effective, is somewhat short-sighted. COVID-19's duration is still unknown; there is no effective treatment or proven inoculation available now, and the time frame for the development of cures and vaccines is uncertain. It is entirely possible that COVID-19 could still be a pandemic during future elections. Limiting the duration of this exception to one election means that, for any future elections or referenda impacted by COVID-19, the legislature will have

to reconvene and make additional changes to the law. Moreover, voters in Connecticut will be in the same position in future pandemics: forced to choose between their health and their vote unless and until the General Assembly takes action.

To prevent these now-foreseeable and completely avoidable scenarios, a better approach would be to make the absentee voting excuse broader, allowing absentee voting by reason of illness. This would still track the language of the state Constitution. It would also avoid necessitating future legislation for a problem we can solve now. For that reason, the ACLU-CT urges this committee to retain the absentee voting excuse established in Section 1 of LCO No. 3576, but to implement it by allowing all people to vote absentee by reason of illness instead of limiting that excuse to one particular disease and one particular election.

The ACLU-CT also strongly supports the election day registration clarification included in LCO No. 3576, particularly the guidance that voters registering to vote on election day will be permitted to stay in line and cast their votes, as long as they are in line by 8:00 p.m. By providing more people with the chance to make their voices heard, election day registration upholds critical democratic values. Allowing people to register to vote on the day of an election has proven to increase voter turnout.

To be clear, we believe that current Connecticut law currently allows anyone in line to register to vote by 8:00 p.m. on Election Day to cast a ballot that day if they are otherwise eligible. However, in past years, voters have been turned away from registering, despite being in line at 8:00 p.m. In 2016, nearly 30,000 people in Connecticut registered to vote on Election Day.<sup>1</sup> Despite being in line to register by 8 p.m., many people were turned away from the polls, unable to cast their ballots.<sup>2</sup> News reports, for instance, cited at least 50 people in New Haven who were in line to

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<sup>1</sup> Tony Terzi, “Nearly 30,000 People Use Connecticut Same-Day Registration.” Fox 61 (Nov. 7, 2016), *available at* <https://www.fox61.com/article/news/local/outreach/awareness-months/thousands-use-connecticut-same-day-registration/520-cdf39a39-9075-4e8c-a26a-29c7107e794b>.

<sup>2</sup> *See id.*; *see also* Thea DiGiammerino, “Long Lines for Same-Day Registration in New Haven.” NBC CT (Nov. 6, 2018), *available at* <https://www.nbcconnecticut.com/news/politics/long-lines-for-same-day-registration-in-new-haven-may-not-move-fast-enough-for-voters/162362/>.

register to vote by 8 p.m. but were turned away,<sup>3</sup> and a similar number in Meriden.<sup>4</sup> The problems persisted into November 2018, when New Haven poll workers instituted an 8 p.m. cutoff for voting, prohibiting many people who were in line to register to vote on Election Day by 8 p.m. from voting.<sup>5</sup> As Connecticut's recent election history demonstrates, the clarification in Section 7(b) that voters in line to register on election day by 8:00 p.m. will be permitted to do so, and cast a vote if otherwise eligible, is essential before the November 2020 election and thereafter.

Finally, the ACLU-CT fully supports the provisions in LCO No. 3576 that implement the expected expansion of absentee voting in November 2020. Allowing drop box ballot return, more time for sorting absentee ballots, and more time for counting votes are all practical, reasonable accommodations for an election which will probably have greater than usual absentee turnout and, likely, lower than usual staffing and volunteers. We would urge this committee to consider other accommodations for this election that may be necessary, such as:

- allowing early review of absentee ballots to check for defects and allow for cure;
- extending the time for return of absentee ballots so that all ballots postmarked by the election day are deemed timely; and
- expanding voter registration options in light of reduced opportunities for traditional voter registration activities due to COVID-19.

In conclusion, the ACLU-CT asks the Committee to expand absentee voting during times of general illness, including in November 2020 during the COVID-19 pandemic, clarify existing election day voting laws, and enact specific policies aimed at recognizing and averting the particular challenges of this election. LCO 3576 is an important bill to pass, but it could be improved with the amendments noted in this

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<sup>3</sup> See "New Haven Election Day Dispatches." Yale Daily News (Nov. 8, 2016), *available at* <https://yaledailynews.com/blog/2016/11/08/live-update-election-day-dispatches/>.

<sup>4</sup> See Matthew Zabierek, "After Problems in 2016, Same Day Registration in Meriden Went Smoother This Election." The Record-Journal (Nov. 9, 2018), *available at* <https://www.myrecordjournal.com/News/Meriden/Meriden-News/Election-Day-voter-registration-goes-smoothly-in-Meriden-after-long-lines-in-2016.html>.

<sup>5</sup> "New Haven Officials Overrun by Residents, Students Trying to Register to Vote." CT Post (Nov. 6, 2018), *available at* <https://www.ctpost.com/politics/article/Decision-day-Polls-now-open-across-Connecticut-13366043.php>. Paul Bass, Markeshia Ricks, Allan Appel & Jake Dressler, "Ballot Pandemonium: Machines Break All over Town; Voters Wait Hours; Stefanowski Seeks Injunction." New Haven Independent (Nov. 7, 2018), *available at* [https://www.newhavenindependent.org/index.php/archives/entry/murphy\\_catches\\_westvilles\\_earliest\\_voters/](https://www.newhavenindependent.org/index.php/archives/entry/murphy_catches_westvilles_earliest_voters/).

testimony. With those changes, we strongly support LCO 3576 and ask the Committee to also support this bill, as well. No one should have to choose between protecting their health and exercising their fundamental right to vote, and this bill helps ensure that Connecticut voters will not have to.