



GAE Committee Public Hearing July 21, 2020

TESTIMONY OF SECRETARY OF THE STATE DENISE W. MERRILL REGARDING:

- **LCO #3576, AN ACT CONCERNING ABSENTEE VOTING AT THE 2020 STATE ELECTION AND ELECTION DAY REGISTRATION**

Good morning Chairmen Fox and Flexer, Vice Chairs Haskell and Winkler, Ranking Members Sampson and France, and members of the committee. My name is Denise Merrill and I am the Secretary of the State of Connecticut.

This bill is an absolutely necessary one in order for Connecticut to be prepared for the 2020 election, one that will be unlike any election we have ever seen. This bill makes it possible for all registered voters to cast their ballots by absentee ballot due to COVID-19, allows them to return those ballots via a secure drop box in their town, allows voters who are on line for Election Day Registration at 8:00pm on Election Day to cast their ballots just like voters who are on line at a polling place, protects voters in nursing homes, and gives election officials flexibility in reporting their election results.

As necessary as this bill is, it is hopefully the first step and not the last. According to recent polling, 73% of Connecticut voters want to be able to cast their votes by absentee ballots without an excuse every year, not just in 2020, and 81% of Connecticut voters want to be able to cast their ballots prior to Election Day with Early Voting. This consensus is broad and bipartisan – Connecticut voters want to be able to vote more conveniently like the voters in 43 other states. Constitutional Amendments are necessary to create these reforms here. The legislature should act this year to pass both of these reforms with a supermajority so voters can decide in 2020.

I also note that most of the changes made by this bill are for the 2020 election only and do not account for March, May, September, November, and potentially February elections in 2021. There is reason to believe that some, if not all, of these elections will also be held under the specter of COVID-19 and we will need similar changes made early next year if they are not made this week.

Absentee Ballots

Sections 1 through 4 of the bill create an excuse by which a voter can receive an absentee ballot for COVID-19 for the 2020 elections, codifying Executive Order 7QQ in statute. This is necessary in order to allow all voters to choose to vote by absentee ballot in November and avoid the risk of COVID-19 infection in the polling place. No voter should ever be forced to choose between protecting their health and exercising their right to vote.

According to the National Conference of State Legislatures, 34 states allow their voters to cast absentee ballots without an excuse in every election, and just about every state has expanded, or is in the process of expanding, access to absentee balloting in 2020 due to COVID-19. This bill would bring us in line with the rest of the country.

Secure Drop Boxes

Section 5 codifies the portion of Executive Order 7QQ that treats any absentee ballots that are returned via the secure drop boxes in each town as mailed in absentee ballots are treated. These drop boxes, manufactured to the most stringent state standards in the country by a manufacturer that has been making secure ballot drop boxes for other states for years, were paid for by federal CARES Act funding and provided at no cost to the towns or to the state. This is a convenient, contactless way for voters to deliver their absentee ballots to town hall while minimizing their risk of COVID-19 infection.

It is shortsighted to limit their use to 2020, however. There is no good policy reason to remove the drop boxes at all. Even in a post-COVID world, the drop boxes are a safe convenience that allow voters to cast their absentee ballots without having to enter town halls. We should be making it easier for eligible voters to vote, not harder. I urge the legislature to remove the language that restricts the secure drop boxes to 2020 only.

Election Day Registration

Election Day Registration (EDR) works well and runs smoothly in the vast majority of towns, because the vast majority of towns appropriately staff their EDR locations. In 2018, a few towns did not adequately provide staff in proportion to the expected increased turnout, particularly towns with large college and university populations that are more likely to use EDR, and the result was both predictable and evident on Election Day. The lesson here is clear: if EDR is

given the necessary resources it will go smoothly and make it easier for eligible voters to register and vote, and if it is not there will be long lines and confusion.

This proposal would address long lines by requiring towns to submit their EDR plans for approval by the Secretary's office at least thirty days in advance of Election Day, allow towns to voluntarily create an additional EDR location to manage demand, and allows people who are in line for EDR at 8:00pm to vote, just as people in line at 8:00pm at a polling place are allowed to vote.

Section 6 would also require the registrars of voters in each town to submit their plans for their EDR locations to my office so that our election team can ensure that the plans adequately anticipate the expected turnout and that the staffing of the EDR location matches the potential demand for registration. This would address the problems that some EDR locations had in 2018 and ensure that all towns are prepared for what could be record-breaking turnout in 2020, avoiding the long lines that we saw in some presidential primaries across the country this spring.

Similarly, we know in advance that some towns have a specific institution or neighborhood that drives more traffic to, and demand for, EDR locations. Section 6 will allow towns to create a second EDR location to manage demand and thus prevent lines.

Finally, this section and section 7 will bring the timing for Election Day Registration (EDR) in line with the timing for voting at the polls on Election Day, by requiring that people who are in line to register and vote at a town's EDR site by 8:00pm on Election Day would be allowed to vote even after 8:00pm.

I support the concept of this section, and have in fact proposed it myself several times, but, as written, there are some logistical issues that need to be worked out. By way of background, Connecticut is the only state that has EDR that requires a cross check between towns as the voter is registering to vote by EDR. Since the inception of EDR, tens of thousands of voters have been registered on Election Day and there has only been one case, in the first year of EDR, of someone attempting to register in a second town after voting in an original town.

As written, these sections would require, in order to fulfil the existing requirement to perform the cross check between towns, all 169 towns in the state to keep their election offices open until the last town has completed their EDR activities. There is currently not a mechanism for towns to communicate their status with each other, nor is there a mechanism to force a town to stay open until all other towns have finished EDR.

In order to make this concept workable, it would require either removing the cross check requirement between towns in Title 9 Section 19j subsection (e), or it would require an order from my office directing every registrars' office in the state to remain open until all the other registrars' offices have completed their EDR responsibilities.

When it has been properly staffed and administered, EDR in Connecticut has been a smashing success. In 2018, almost 20,000 voters took advantage of the opportunity to register to vote, or change their address, on Election Day – 20,000 voters who might not have been able to vote had

EDR not existed in Connecticut. These reforms will help finetune the system and prevent long lines from denying anyone their right to vote in 2020.

Supervised Absentee Balloting

Section 8 will allow the suspension of the mandatory supervised absentee balloting in nursing homes where it would have taken place, because of the concerns that COVID-19 can easily spread through congregate residences that house the population that is most vulnerable to the disease. This step could only be taken by my office after consultation with the Commissioner of Public Health and after written notice to both registrars and the town clerk of the given town.

Election Official Reporting Requirements

Sections 9 – 12 recognizes the uniquely difficult circumstances that local election officials will conduct elections under in 2020 and gives them relief by extending some reporting deadlines by 48 hours.

Section 13 gives the town clerks more time to prepare absentee ballots for counting prior to Election Day in order to shorten the amount of time it takes for absentee ballots to be tabulated on Election Day.

This bill is necessary and I support it.