



**Government Administration and Elections Committee
Public Hearing
February 22, 2017**

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

- **House Bill 5205, AN ACT CONCERNING AN AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE**
- **House Bill 5434, AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE**
- **House Bill 5435, AN ACT CONCERNING ELECTION OF THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE**
- **House Bill 5736, AN ACT JOINING CONNECTICUT WITH OTHER STATES IN THE NATIONAL POPULAR VOTE INTERSTATE COMPACT**
- **Senate Bill 9, AN ACT ENTERING CONNECTICUT INTO THE NATIONAL POPULAR VOTE COMPACT**
- **House Bill 5079, AN ACT CONCERNING REGISTRARS OF VOTERS TRAINING ON DIFFERENT MOTOR VEHICLE OPERATOR'S LICENSES**
- **House Bill 5110, AN ACT ELIMINATING REGIONAL ELECTION MONITORS**
- **House Bill 5111, AN ACT CONCERNING ELECTION DAY REGISTRATION LOCATIONS**
- **House Bill 5528, AN ACT CONCERNING UNOPPOSED CANDIDATES FOR REGISTRAR OF VOTERS**

- House Bill 5530, **AN ACT CONCERNING ELECTION DAY REGISTRATION LOCATIONS AND ACCESS TO THE STATE-WIDE CENTRALIZED VOTER REGISTRATION SYSTEM**
- House Bill 5940, **AN ACT PROHIBITING AUTOMATIC VOTER REGISTRATION AT CERTAIN STATE AGENCIES**
- House Bill 5941, **AN ACT EXTENDING THE DEADLINE FOR VOTER REGISTRATION ON ACCOUNT OF FEDERAL DECLARATION OF DISASTER**
- House Bill 5956, **AN ACT CONCERNING VOTER REGISTRATION AT THE DEPARTMENT OF MOTOR VEHICLES**
- House Bill 6154, **AN ACT CONCERNING MUNICIPAL ELECTIONS**
- House Bill 6423, **AN ACT EXTENDING THE HOURS OF ELECTION DAY REGISTRATION**
- House Bill 6576, **AN ACT PERMITTING ADDITIONAL POLLING PLACES AT INSTITUTIONS OF HIGHER EDUCATION DURING ANTICIPATED HIGH-TURNOUT ELECTIONS**
- Senate Bill 108, **AN ACT PROPORTIONALLY AWARDING THE STATE'S ELECTORAL COLLEGE VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES**
- Senate Bill 133, **AN ACT CONCERNING THE ELECTORAL COLLEGE VOTE ATTRIBUTED TO THE STATE'S SECOND CONGRESSIONAL DISTRICT**
- S.J. 11, **RESOLUTION RECOGNIZING THE CURRENT ELECTORAL COLLEGE SYSTEM AS THE BEST WAY TO ELECT THE PRESIDENT OF THE UNITED STATES**

Good morning Chairman Fox, Chairmen Winfield and McLachlan, Vice Chairs Frantz, Slossberg and Winkler and Ranking Member Devlin and members of the committee. My name is Denise Merrill and I am the Secretary of the State of Connecticut. I would like to address a number of bills before the committee.

- House Bills 5205, 5434, 5435, 5736, Senate Bill 9, **NATIONAL POPULAR VOTE**

For the sake of brevity I will address all of the proposals on the National Popular Vote at once.

For the second time in five presidential contests, the candidate for president who won the most votes lost the election. That doesn't make sense to citizens who cast their ballots. It also does little to bolster faith in the process and encourage participation.

Today, you will hear a lot about the National Popular Vote. I will keep my remarks brief because you are less likely to hear about the other election administration issues that are on the agenda.

However, I want to state my support for the National Popular Vote because of the fundamental democratic principle of one person, one vote.

Our electoral process is complicated enough. The outcome should be simple: the person with the most votes should win. That is not what is happening now.

- **House Bill 5079, AN ACT CONCERNING REGISTRARS OF VOTERS TRAINING ON DIFFERENT MOTOR VEHICLE OPERATOR'S LICENSES**

This bill would require the Secretary of the State to train registrars of voters on the differences between motor vehicle operator's licenses that may be used for voting purposes and those that may not.

I oppose this bill.

There are several reasons, however, my opposition centers on simple practicality. We do provide information to the registrars about identification requirements. The registrars, in turn, work with the moderators. In fact, there are now information sheets at all polling places articulating exactly what identification is acceptable. We are comfortable with the current arrangement.

My office is already statutorily required to train on new laws, which we currently do. We work with other agencies and would partner with the Department of Motor Vehicles or any other agency to clarify the different types of identification that are issued, or the use of affidavits for that matter. However, I have some concerns about putting this level of specificity into statute.

If we mandate curricula for every new piece of legislation—as this bill suggests—we will soon have a lengthy and unworkable training program. Moreover, curriculum mandated by law tends to become outdated fairly quickly. Did any of us envision online voter registration in 2004? Or the kinds of advanced ballot marking devices currently available to voters with disabilities?

Let's give ourselves some flexibility.

Also, this simply does not appear to be necessary. When someone shows up to vote, and provides identification, they will only be allowed to vote if they have supplied appropriate identification, are registered to vote and their name is on the list at the polling place. Our online voter registration system does not interact with the data bank of names in the Drive Only category so they would be unable to register that way.

Lastly, we have not received complaints about attempts to use Drive Only licenses at the polls.

For all of these reasons, I oppose this bill.

- **House Bill 5110, AN ACT ELIMINATING REGIONAL ELECTION MONITORS**

This bill would eliminate the regional election monitors.

I oppose this bill.

This is one room where everyone understands how difficult it can be to administer an election. Smaller towns especially are working on tighter budgets than the bigger cities, thus have less time to prepare and to perform their roles. Many town officials are able to dedicate just hours per week to their duties. Connecticut asks a lot of its elections officials and they perform their functions admirably.

However, as costs shift downward to towns, it is only going to get more difficult for them. We expect regional election monitors to play a critical role in the months and years ahead.

Consider all of the technological advancements that our local elections officials must learn in order to provide the best possible service to the voters and the public at large. Well, one of the regional election monitors is a computer expert. That is just one example. The talent available through regional election monitors are a tremendous resource to our towns and cities. We must not lose this capacity.

- **House Bill 5111, AN ACT CONCERNING ELECTION DAY REGISTRATION LOCATIONS**

This bill would create a process for designating an Election Day Registration location in the event that registrars of voters cannot agree on a suitable site. The authority would be given to the chief elected official of a municipality to designate such a location.

This is an issue that our office occasionally encounters. If the registrars cannot agree on an Election Day Registration location there is no tie-breaker and services to the voter can suffer. This bill recognizes that there should be a way to resolve this type of situation.

My concern and reason for reserving support is that a town's chief elected official could give the process the appearance of partisanship or bias. I would suggest that whoever is given that power, not have an interest at stake. I could support this proposal depending on who makes the decision and when. My office would happily work with the committee.

- **House Bill 5528, AN ACT CONCERNING UNOPPOSED CANDIDATES FOR REGISTRAR OF VOTERS**

This bill would permit a deputy registrar of voters running unopposed for registrar to perform his or her duties during a regular election.

The issue may need some illustration. Our law suggests that candidates should not have a hand in their own elections. Elections officials who are on the ballot cannot carry out certain duties, including handling of absentee ballots or performing accuracy tests on machines. The only exception are sitting registrars or town clerks who have already been elected to serve those functions. However, our law stipulates that the election of the major party candidate for registrar is a foregone conclusion.

In the past, this has created a challenge for the office when deputies run unopposed to succeed a registrar. An example might be if a registrar were to get sick or indisposed. A town would be in a situation where the registrar cannot work and the deputy is prohibited from carrying out certain duties.

This bill makes sense in a general election, however, I would not support this for a primary.

- **House Bill 5530, AN ACT CONCERNING ELECTION DAY REGISTRATION LOCATIONS AND ACCESS TO THE STATE-WIDE CENTRALIZED VOTER REGISTRATION SYSTEM**

This bill would require Election Day Registration sites be within a municipal facility with a secure Internet connection for purposes of accessing the state-wide centralized voter registration system.

Currently, most Election Day Registration sites are within town hall. I certainly understand the spirit of this bill. My concern, however, is accessibility and customer service for the voter. Some town halls may not have adequate parking or access for voters with disabilities. I suggest we proceed with caution and research the issue town-by-town. This must be carried out in collaboration with the registrars of voters.

- **House Bill 5940, AN ACT PROHIBITING AUTOMATIC VOTER REGISTRATION AT CERTAIN STATE AGENCIES**

This bill would prohibit certain state agencies from registering voters without affirmative consent.

I oppose this bill.

Under state and federal laws, the Secretary of the State's office is the responsible party for the administration of the National Voter Registration Act. Under these statutes, there are a number of agencies that are required to assist in registering voters, including the Department of Motor Vehicles, state universities, public libraries and the state's insurance exchange, among others. We are constantly looking for ways to improve in the delivery of this service to voters.

Last year, Connecticut headed off lengthy and expensive litigation through an agreement with the federal Department of Justice on this very subject. This bill, if passed, could violate the terms of that agreement. The state's automated motor-voter system has been a success. In addition to satisfying our colleagues in Washington D.C., streamlined motor-voter has registered more than 63,000 voters since August.

Currently, the Department of Motor Vehicles does require affirmative consent and a signature. Some other states require an opt-out, which is to say that someone will be offered an opportunity to decline before they are registered.

We are studying best practices as our own automated motor-voter system evolves.

- **House Bill 5941, AN ACT EXTENDING THE DEADLINE FOR VOTER REGISTRATION ON ACCOUNT OF FEDERAL DECLARATION OF DISASTER**

I am happy to discuss the particular issues that this bill would spell out in greater detail.

Alas, we have seen multiple elections carried out under states of emergency due to major weather disruptions. Under these circumstances, the Governor has, at times, issued an executive order in consultation with us to extend deadlines.

If the committee believes that this needs to be detailed in law, my office will work with the members on the specifics around the deadlines and other issues.

- **House Bill 5956, AN ACT CONCERNING VOTER REGISTRATION AT THE DEPARTMENT OF MOTOR VEHICLES**

If I understand this bill correctly, it would seem to codify the terms of the memorandum of understanding between the DMV and my office.

I appreciate the intent of this bill, however, the language mirrors what we are already doing. Thus I do not believe it is necessary.

- **House Bill 6154, AN ACT CONCERNING MUNICIPAL ELECTIONS**

This bill would allow municipalities to hold municipal elections concurrently with state elections

This is a very interesting suggestion. It would save towns money and streamline election administration. This bill, however, is not without its challenges. The length of the ballot and order of the candidates are two that come to mind.

My office is certainly willing to discuss the proposal with the committee members in greater detail.

- **House Bill 6423, AN ACT EXTENDING THE HOURS OF ELECTION DAY REGISTRATION**

This bill would enable any prospective voter who appears in person prior to 8 p.m. at an Election Day Registration location to be registered and allowed to vote. For this to be possible, we would need to eliminate the election night crosscheck. However, should someone be moving their registration from another town, registrars would be able to notify their counterparts in the town of origin that the registration was moved within 30 days of the election.

I support this bill.

Election Day Registration has allowed more than 50,000 people to register and cast a ballot since it was introduced in 2013. That is 50,000 people who otherwise would not have been able to vote.

Yet, in November we did see people lined up at 8 p.m. and some of them were not able to participate because we could not carry out the crosscheck required by law. We must do everything we can to increase participation and make it possible for everyone who is eligible to vote.

Connecticut is one of the only states to require the crosscheck on election night. I understand why it was implemented, however, four elections later, it seems to be an added burden for registrars. This bill would give relief to towns.

The Secretary's office has not encountered widespread problems with Election Day Registration and fraud. One potentially troubling incident has been identified in the past. However, it must be noted that this case would still have been detected under the system being proposed today. If passed, this bill will increase participation without compromising the integrity of the vote.

- **House Bill 6576, AN ACT PERMITTING ADDITIONAL POLLING PLACES AT INSTITUTIONS OF HIGHER EDUCATION DURING ANTICIPATED HIGH-TURNOUT ELECTIONS**

This bill would allow any municipality to designate an additional, temporary polling location on a college campus for voting by student voters during any primary or election at which high turnout is anticipated.

This is an important issue at UConn and college campuses throughout the state. My office would gladly collaborate with members of the committee to discuss how such a proposal could be feasible under a limited set of circumstances.

- **Senate Bill 133, AN ACT CONCERNING THE ELECTORAL COLLEGE VOTE ATTRIBUTED TO THE STATE'S SECOND CONGRESSIONAL DISTRICT**
- **Senate Bill 108, AN ACT PROPORTIONALLY AWARDING THE STATE'S ELECTORAL COLLEGE VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES**
- **Senate Joint Resolution 11, RESOLUTION RECOGNIZING THE CURRENT ELECTORAL COLLEGE SYSTEM AS THE BEST WAY TO ELECT THE PRESIDENT OF THE UNITED STATES**

I'll end this testimony back where we began. I oppose both of these bills and the resolution for the same reason I support the National Popular Vote. They defy the principle of one person, one vote.