

**S.B.411 – Support – Cure a Civil Rights Violation  
Government Administration and Elections Committee  
Testimony – March 15, 2018**

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Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount, a Certified Moderator, and a Computer Scientist. For two elections, I led the Election Day Registration team in Glastonbury.

I thank the Committee for proposing S.B.411, which would cure a serious civil rights violation waiting to happen. I brought this to the attention of the Committee in 2016.

Voting Rights and Civil Rights demand that all citizens and voters be treated equally and have an equal right to vote.

As I testified in 2016 on S.B. 250:

I testify to point out a potential voting rights violation waiting to happen in Election Day Registration (EDR) as it has been implemented in Connecticut. This is your opportunity to correct that.

Let me explain the risk:

After EDR was passed, the Secretary of the State (SOTS) promulgated non-enforceable procedures for EDR. Those procedures specify that unless registration is complete by 8:00pm an individual in line cannot register or vote. Unlike in a polling place, where voters in line by 8:00pm can vote. For those registrars following the SOTS procedures, those in line for EDR at 8:00pm do not have the opportunity to register and vote.

The voting rights violation would be that those in line at 8:00pm, no matter when they arrive, may not be treated equally and be discriminated against, either individually, or in different towns in Connecticut, because:

- Some towns may follow the SOTS procedures others may choose to not cut-off the line.
- The actual cut-off point is ambiguous as to the exact definition of completion of registration.
- The number of voters wishing to use EDR can be highly unpredictable, opening the opportunity for long lines at 8:00pm and many citizens denied the opportunity to register and vote.
- Registrars may choose to understaff the function to save money or to potentially be charged with discriminating against citizens who would register by EDR.
- The EDR staff could or be accused of deliberately slowing down the processing to discriminate against citizens or a class of citizens observed in the line.

It is not that the procedures are not enforceable. Enforceable or not citizens may not be treated equally.

I have discussed this issue separately with three nationally known civil rights attorneys. Each immediately confirmed the potential for a voting rights violation. The most senior advised warning officials, like the Legislature, to make changes to avoid a violation before it occurs.

In Connecticut, in 2014, in New Haven, hundreds of citizens were in line at 8:00pm and denied the opportunity to register and vote. [In 2016 the same happened in several municipalities across the state<sup>1</sup>.]

Let us avoid additional incidents. Let us avoid a voting rights allegation against Connecticut and our election officials, as I predict there will be, if the law is not changed.

The cure is to simply let anyone in line at 8:00pm have the opportunity to register and vote.

Thank you

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<sup>1</sup> <http://ctvoterscount.org/CTVCdata/16/11/RecordJournal20161129.pdf>