

February 15, 2019

CGA Government Administration and Elections Committee

Dear Members of the GAE Committee,

Please find attached my testimony on behalf of Common Cause Connecticut in support of four bills on your agenda for the Public Hearing on Friday, February 15, 2019. Common Cause Connecticut supports:

H.B. 5818 – AN ACT EXTENDING THE HOURS OF ELECTION DAY
REGISTRATION

and

H.B. 6045 – AN ACT CONCERNING ELECTION DAY AND PRIMARY DAY
REGISTRATION

and

S.B. 266 – AN ACT REQUIRING POLLING PLACES AT INSTITUTIONS OF
HIGHER EDUCATION

and

S.B. 479 – AN ACT DESIGNATING ELECTION DAY AS A STATE
HOLIDAY

Thank you for the opportunity to present this testimony. If you have any questions, please feel free to contact me.

Respectfully submitted by,

Sean Foley

Legislative Advocacy Clinic
Yale Law School
s.foley@yale.edu
570-335-8057

Dear Madam Chairwoman and Mr. Chairman, and Members of the Committee,

My name is Sean Foley. I am a student in the Legislative Advocacy Clinic at Yale Law School. I am here today on behalf of Common Cause Connecticut to support four pro-democracy measures on your agenda: (1) **H.B. 5818**, which would permit applicants in line for same-day registration prior to 8:00 p.m. on Election Day to register and cast a vote in the election; (2) **H.B. 6045**, which would apply the provisions of H.B. 5818 to Primary Day as well as Election Day; (3) **S.B. 266**, which would require polling places at certain institutions of higher education; and (4) **S.B. 479**, which would make Election Day a state holiday. The measures for which I express support today directly advance Common Cause's mission of building a democracy that works for every resident of Connecticut. With voting rights under assault in courts and legislatures around the country, Connecticut—the Constitution State—has both an opportunity and an obligation to expand access to the ballot and reaffirm our commitment to democratic self-governance. We should seize this moment and serve as a model for the nation.

H.B. 5818:

I would first like to express our support for H.B. 5818, which would permit applicants in line for same-day registration prior to 8:00 p.m. on Election Day to register and cast a vote in the election. Under current law, individuals who are in line to vote by 8:00 p.m. may vote after the polls close, but the Office of the Secretary of State has advised that individuals who are in line to register by 8:00 p.m. may not cast a ballot if they have not already completed their registration and gotten in line to vote by the time the polls close.¹ H.B. 5818 would fix this problem by

¹ Election Day Registration, Office of the Secretary of State, <https://portal.ct.gov/SOTS/Election-Services/Election-Day-Registration-2013/Election-Day-Registration>.

allowing those who are in line to register by 8:00 p.m. to complete their registration and immediately proceed to cast a valid ballot that night.

The difficulties voters across Connecticut endured on Election Day last November indicate that the current same-day registration system is inadequate to achieve its purpose. In New Haven, where I live, hundreds of prospective voters were at risk of being unable to register and vote before the polls closed.² As residents entered City Hall that day to complete their registration, many encountered signs that warned, “Wait time is approximately 4 hours.”³ Some stayed in line only to see the clock nearly run out at 8:00 p.m., prompting election officials to register the remaining individuals as a group through voice attestation at the last minute.⁴ Others had to leave because their obligations simply could not wait four hours or more on a busy Tuesday. Many of the impacted individuals were young people, new to Connecticut, who were hoping to vote here for the first time. My Law School colleague Brennon Mendez, who is here with me today, was among the many Yale students and other New Haven residents who experienced this bureaucratic breakdown. While Brennon and others were ultimately able to vote, those who could not wait in the hours-long line left City Hill without a voice in crucial state and federal elections. Although inadequate staffing and resources contributed to the problem and warrant additional legislation, these administrative failures should never prevent a person from voting.

H.B. 5818 would strengthen and clarify Connecticut’s same-day registration process and ensure that it fully achieves its purpose. In response to prospective voters’ chaotic experiences or outright disenfranchisement last Election Day in New Haven, Dan Barrett, the legal director of the ACLU Connecticut, issued the following statement:

² Paul Bass et al., *Ballot Pandemonium: Machines Break All Over Town; Voters Wait Hours; Stefanowski Seeks Injunction*, NEW HAVEN INDEPENDENT (Nov. 7, 2018), https://www.newhavenindependent.org/index.php/archives/entry/murphy_catches_westvilles_earliest_voters/.

³ *Id.*

⁴ *Id.*

Connecticut's Election Day registration law is also clearly intended to allow people who are in line to register to vote by 8 p.m. to cast their ballots that same day. The 8 p.m. cutoff imposed today in New Haven is artificial, does not carry the weight of the law, and is based on a non-binding advisory opinion from the Secretary of the State's office, not the letter of the law.⁵

This legislation would erase any doubt about existing law and ensure that, as long as they are in line on time, all eligible Connecticut voters may lawfully cast a ballot. Anything less than this guarantee threatens our fundamental right to vote.

H.B. 6045:

Second, I would like to express our support for H.B. 6045, which would build on H.B. 5818 to ensure that voters can register, choose a party affiliation, and vote on Primary Day, just like Election Day, as long as they are in line to register to vote by 8:00 p.m. This bill is worth supporting for the same reasons that apply to H.B. 5818—it will strengthen our democratic process by allowing all Connecticut residents who want to vote an opportunity to do so. Because primary voters choose the nominees who will appear on the ballot in the general election, and because those primary contests are often determinative of the general election winner, it is imperative that all residents have an equal opportunity to participate in selecting those nominees. H.B. 6045 will provide this critical measure of access to the full electoral process.

S.B. 266:

Third, I would like to express our support for S.B. 266, which would require polling places at all institutions of higher education in Connecticut that annually enroll more than 3,000 full-time students. This bill represents a major step forward in expanding voting access to students of all

⁵ Mary E. O'Leary, *Judge Rules Last-Minute Registrants in New Haven Can Vote*, NEW HAVEN REGISTER (Nov. 7, 2018), <https://www.nhregister.com/news/article/Judge-rules-last-minute-registrants-in-New-Haven-13368894.php>.

ages, but particularly younger individuals who often vote at much lower rates than older groups. According to the U.S. Census Bureau, only about 45% of individuals aged 18 to 29 voted in the 2016 presidential election, compared to a turnout rate above 70% for those aged 65 and older.⁶ Youth turnout is even lower in midterm and other off-year elections. Although exit polls indicated that turnout in the 18-to-29 age bracket increased in the 2018 midterms compared to 2014, voting rates among this group have historically been very low in midterm elections, only twice surpassing 20% since 1986.⁷ Given that young people will shape the future of Connecticut and the country, it is critical that we provide them with every opportunity to participate in electing their leaders. This measure would substantially further that goal.

Making voting easier for Connecticut's significant student population would be a major achievement. As of 2015, the number of students enrolled in higher education programs in Connecticut totaled nearly 160,000.⁸ Of those students, about 100,000 were under age 25, and more than 120,000 had established in-state residence. Many students move to campuses without having a car, and public transportation is often inadequate to get voters to the polls, especially for individuals who are new to their community. Placing a polling place directly on their campus would negate these burdens. Based on 2015 numbers, 10 state institutions alone—ranging from UConn's Storrs campus to Norwalk Community College—would qualify for an on-campus polling place. With polling places at these state institutions and additional polling places on the campuses of private institutions like Yale and Fairfield University, voting would become much more accessible to students.

⁶ Voting Rates by Age, U.S. Census Bureau (May 10, 2017), <https://www.census.gov/library/visualizations/2017/comm/voting-rates-age.html>.

⁷ Julie Beck and Caroline Kitchener, *Early Signs of a Youth Wave*, THE ATLANTIC (Nov. 6, 2018), <https://www.theatlantic.com/politics/archive/2018/11/youth-turnout-midterm-2018/575092/>.

⁸ Connecticut Higher Education Data and Trends 2015, State of Connecticut Office of Higher Education, <https://www.ctohe.org/News/pdfs/2016/2015SystemTrends.pdf>.

The benefits of expanding access to the ballot for students redound not only to the students themselves but also to the communities in which they reside and to Connecticut as a whole. Voting is a foundational act of civic participation that encourages deeper engagement by voters with their communities. In studying candidates' positions and considering important issues affecting their neighbors and local institutions, voters become more knowledgeable about their city and state and more invested in local and state government. To vote for the mayor of New Haven is to express belonging in New Haven; to vote for the governor of Connecticut is to express belonging in Connecticut. This association is meaningful and mutually beneficial. Fostering this connection between students and their communities would promote Connecticut's goal of retaining talented young people by welcoming students to participate in their local and state government. The legislature should seize this opportunity by passing S.B. 266.

S.B. 479:

Lastly, I want to express our support for S.B. 479, which would create a state holiday for Election Day each November. This bill would promote the importance of voting by clearly demarcating one day annually as an occasion for participating in democratic self-governance. Importantly, Governor Lamont has endorsed the idea of making Election Day a state holiday because his administration wants to encourage maximum participation by all eligible voters in Connecticut.⁹ This idea also has broad bipartisan support. According to a Pew poll about making Election Day a *national* holiday, 71% of Democrats and 59% of Republicans support the

⁹ Office of Governor Lamont, *Gov. Lamont Announces Proposals to Make Government Smarter, More Responsive to Residents, and More Engaged With the Private Sector* (Feb. 11, 2019), <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2019/02-2019/Gov-Lamont-Announces-Proposals-to-Make-Government-Smarter>.

proposal.¹⁰ It is likely that similar levels of support exist for making it a state holiday. The public broadly supports this idea because it would be good for working people and good for democracy.

Connecticut would join more than a dozen other states in recognizing Election Day as a state holiday. According to the Council of State Governments, as of 2018, thirteen states have established Election Day as a paid holiday for state workers.¹¹ Although New York is among the states with a state holiday, Connecticut would be the first state in New England to recognize Election Day as such and would set an example for the region.

Designating Election Day as a state holiday would make it easier for working people to vote. All affected workers would receive a paid holiday and additional time to cast a ballot. For many working people, this could be the difference between voting and not voting. It is extremely difficult for many workers, some of whom balance multiple jobs in addition to caretaking responsibilities, to find extra time in their day to wait in a voting line—often in cold or wet weather. This measure would alleviate some of these time constraints, thereby increasing access to the polls.

The case for recognizing Election Day as an official government holiday is clear. Kristen Clarke, president and executive director of the Lawyers Committee for Civil Rights Under Law, expressed strong support for making Election Day a national holiday, and the same reasoning applies to making it a state holiday in Connecticut. Ms. Clarke stated:

Making election day a holiday would transform the culture around voting in our country and most inevitably improve turnout and participation rates across the board. Enduring long lines, obtaining access to child care, finding the money to take public transportation to the polls are all real barriers that make it harder for people to

¹⁰ Alia E. Dastagir, *What If Election Day Were a Holiday?*, USA TODAY (Feb. 1, 2019), <https://www.usatoday.com/story/news/investigations/2019/02/01/election-day-federal-holiday-mcconnell-democracy-voter-turnout-democrats-republicans-voting-rights/2736634002/>.

¹¹ The Council of State Governments, *The Book of States 2018* (Table 8.7), <http://knowledgecenter.csg.org/kc/system/files/8.7.2018.pdf>.

exercise their voice on Election Day. By clearing away some of those hurdles, we would inevitably make it easier for people to participate.¹²

S.B. 479 would indeed transform the culture around voting in Connecticut and expand access to the ballot. Connecticut should embrace this opportunity to be a leader in New England and honor its storied history of democratic self-governance by recognizing Election Day as an official state holiday.

Together, these pro-democracy bills—H.B. 5818, H.B. 6045, S.B. 266, and S.B. 479—would significantly strengthen Connecticut’s democratic process by ensuring that all eligible residents who want to vote are able to do so. On behalf of Common Cause, I encourage you to pass these measures and solidify Connecticut as a true champion of the right to vote. Thank you for the opportunity to submit this testimony.

Respectfully,

Sean Foley

¹² Alia E. Dastagir, *What If Election Day Were a Holiday?*, USA TODAY (Feb. 1, 2019), <https://www.usatoday.com/story/news/investigations/2019/02/01/election-day-federal-holiday-mcconnell-democracy-voter-turnout-democrats-republicans-voting-rights/2736634002/>.