

Testimony of Marta Daniels to the GAE Committee, March 13, 2019

Testimony Supporting:

S.B. 1050, AN ACT CONCERNING RANKED-CHOICE VOTING FOR ELECTIONS

H.J. 161, A RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING AND NO-EXCUSE ABSENTEE VOTING.

H.B. 5418, AN ACT RESTORING ELECTORAL PRIVILEGES TO FELONY CONVICTS WHO ARE ON PAROLE.

Testimony Opposing:

H.B. 5612: AN ACT WITHDRAWING CONNECTICUT FROM THE NATIONAL POPULAR VOTE INTERSTATE COMPACT (and in Support of Keeping the National Popular Vote Interstate Compact passed May 18, 2018 by the state of Connecticut)

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Co-chairs, Sen. Mae Flexer and Rep. Daniel Fox; Ranking Members Sampson and France; and distinguished members of the GAE Committee:

My name is Marta Daniels, from Chester, CT. I have worked to improve voting rights and our electoral process in Connecticut for many years beginning in 2008 and each year for ten years thereafter in support of the NPVIC, and for an Amendment to the Constitution on behalf of Early Voting, in its first iteration several years ago.

I am testifying in support of three bills today before the GAE: **S.B. 1050** on Ranked Choice Voting; **H.J. 161** on Early Voting and No-Excuse Absentee Voting; and on **H.B. 5418** to restore Electoral Privileges to Felons on Parole. I am also opposing one bill, **H.B. 5612**, to withdraw Connecticut from the National Popular Vote Interstate Compact.

1. First, I enthusiastically support S.B. 1050, *An Act Concerning Ranked Choice Voting.*

In a nutshell, Ranked Choice Voting (RCV) is an election reform that lets voters express their true preferences without fear of unintended consequences while producing more civil, inclusive, participatory and representative outcomes than the current “first-past-the-post” plurality system.

With RCV, our preferences are counted until one candidate wins a majority of votes. In the most common form of RCV, if no candidate gains a majority of the voters' first preferences, there is an "instant runoff." The candidate with the fewest votes is eliminated, and the second choice of that candidate's voters are transferred to the remaining candidates. This continues until one candidate receives more than 50 percent of the votes cast.

- Ranked choice voting eliminates the problem of "spoiler" candidates. Voters aren't forced to choose between "throwing their vote away" by choosing a candidate who can't win (and taking the risk of someone less than their second choice winning) or by voting for a candidate whom they don't truly favor.
- Ranked choice voting ensures the winning candidate has the broadest voter support and more fully represents the interests of the electorate because s/he must have majority support to win.
- Ranked choice voting eliminates the problem of "vote splitting," when front runners split votes, resulting in a less preferred candidate winning. This is especially true in primaries with many candidates competing, none of whom command majority support.
- Ranked choice voting curbs negative, divisive campaigning: when candidates need second or third choice votes to win, they have an incentive to appeal to as many voters as possible. That reduces attacks on other candidates whose supporters will be less inclined to choose the attacking candidate as their 2nd or 3rd choice.
- By reducing negative campaigning, ranked choice voting encourages a focus on issues and expanding competition based on a free market of ideas.
- RCV will attract young voters, a significant part of the current non-voting population. See this [excellent recent opinion piece](#) by a millennial for reasons.

Study after study has shown that voters in elections with Ranked Choice Voting have enthusiastically supported its use, claimed it improved their belief in the system and created a better sense of fairness and best representation. Minnesota, Maine, New Mexico and California are all recent RCV states whose voters have registered satisfaction with the process. Eagleton Poll's Tolbert-Donovan surveys found that more than 90% of voters reported that using their RCV ballot election was simple. An Edison Research exit poll of Minneapolis voters in 2013 found that 85% of voters found RCV somewhat or very simple to use, a result that held up across differences in age, income, and education.

Implementation of a Study. There are legitimate questions about how Ranked Choice Voting would be implemented in Connecticut, what would be required, and how it would improve election results. *For those reasons, a study of implementing ranked choice voting is the right step to take at this time.*

The composition of the task force is important. It should include representatives of grassroots advocates for ranked choice voting and election reform. They know a lot and have the unique perspective of ordinary voters. It should also include experts on RCV and election law, especially as it pertains to Connecticut. It might even call upon knowledgeable officials from states who already use RCV, perhaps our closest neighbor, Maine.

The task force should have a deadline for recommendations by end of 2019 in order to allow time for implementation legislation to be raised in the 2020 session.

2. I support H.J. 161, a Resolution Proposing an Amendment to the State Constitution to Allow for Early Voting & No-Excuse Absentee Voting.

- Easy for parents, single parents, and caretakers of young children or elderly parents, who may miss voting because their child or elderly parent gets sick.
- Easy for workers and students, who may lose wages, are unable to get time off from work to vote, or who commute long distances in- or out of state, and must leave home before the polls open, and cannot return in time to vote.
- Easy for senior citizens, the elderly or those who are ill, who may not feel well enough to go to the polls on one specific day, but given a choice of days, will allow them to cast their vote when they feel well or when the weather is good.
- Easy for election officials, to resolve problems more readily, without the pressure of a one day Election Day, avoiding the anxiety, complications and embarrassment of some of the recent disasters experienced in all of the last several elections in Connecticut in larger urban areas with large populations.

A full and well-documented research piece, [Early Voting, What Works](#) was recently published by the distinguished Brennan Center for Justice at the NYU School of Law, a nonpartisan policy institute that seeks to improve our system of Democracy. The opening summary of the article is this:

The lifeblood of a democracy is a voting system that is free, fair, and accessible to all eligible citizens. But much of today's election system was developed more than a century ago. It needs to be updated to sustain a healthy democracy. A remnant of this antiquated system is the notion that all ballots (except for absentee) must be cast on a single day. As Americans' lives become more complex — for many each day is a struggle to balance the needs of work and family — confining voting to a single 8- or 12-hour period is simply not reflective of how most voters live. Additionally, having polls open for such a short time can lead to numerous problems, including long lines, as poll workers — who perform the job infrequently at best — struggle to cope with hordes of voters.

There are already 33 states in the nation (most red states) who have well-operating Early Voting in place and No-Excuse Absentee Ballots. Connecticut is long overdue to join. The Brennan report documents why and shares views by voters in participating states:

“We love early voting, we’re big early voting supporters here.” — Michelle Parker, assistant director of elections, Travis County, Texas (pop. 1,095,584)*

“I don’t know that we can do elections without early voting anymore. . . . I really can’t even begin to think of the disadvantages. From an administrative side, it’s just amazing how much more effective it is.” — Karen Brinson, director of elections of Transylvania County, North Carolina (pop. 32,849)

3. I also support H.B. 5418, An Act Restoring Electoral Privileges to Felony Convicts Who Are on Parole.

This Act, which would effect 4,000 Connecticut felons on parole, extends the 2001 Act which restored the vote to 40,000 state felons on probation. It is part of the Restorative Justice movement that seeks to re-enforce re-entry into society by providing the normal rights of full citizenship. The removal and punitive laws preventing felons from regaining their full citizenship rights, even after they had repaid their debt to society, is a direct throwback to the Jim Crow laws that had been in place for at least a century, not only in the South, but here in Connecticut as well. For a full understanding of this, see the Brennan Center for Justice Research, [“Criminal Disenfranchisement Laws Across the United States.”](#)

Those [who speak favorably about restoring rights](#) to those who were complying with accountability measures while on parole are in the right here. Currently, Connecticut disenfranchises inmates and those on parole, though not those on probation or post-sentence. Maintaining the disenfranchisement among felons on parole is discriminatory and undemocratic and [makes the state among the most restrictive state in New England.](#)

4. I Strongly Oppose H.B. 5612, An Act Withdrawing Connecticut from the National Popular Vote Interstate Compact

In a strange take on the democratic process, this bill would require Connecticut to back out of the NPV Interstate Compact, an agreement among states to give their Electoral College votes to the winner of the national popular vote. Last year a majority of legislators in both chambers of the Connecticut General Assembly heeded the will of the people and voted to join the compact. As polled by *Make Every Vote Count*, a substantial majority of Connecticut voters across party lines (78 percent) agree that the candidate who wins the most votes nationwide should become president.

Worse, this bill is filled with factual errors, wrong assumptions, misrepresentations and outright untruths. For a point by point refutation of H.B. 5612, the Act to Withdraw, please refer to the excellent Feb. 7, 2019 Op Ed piece in the New London Day, [“Out of Touch with Voters in Opposing Popular Vote Compact.”](#)

The National Popular Vote Interstate Compact would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. The combined 270 electoral votes of participating states are required before it can go into effect. Currently there are 172 votes towards that goal among a dozen participating states. More are expected shortly.

As the nation has learned over the last several years, the Electoral College, the sacrosanct, enshrined institution at the heart of H.B. 5612, has not stood the test of time. It has not served our democracy well at all. A very good case can be made for it being the most undemocratic institution in our democracy. No one can read about its history, or ignore its current role in our electoral foul ups without recognizing that we need a change. (The Constitution of the United States, Article 1, Section 1 gives each state the right to use its electoral votes in any manner they choose.) A Feb. 28, 2019 article by Jamelle Bouie in the *New York Times*, [“The Electoral College is the Greatest Threat to our Democracy”](#) is included here, showing that we should not pine over an intelligent change in how we use our Electoral College votes, a change that would move us closer to a democratic outcome.

BACKGROUND on Electoral College

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. It would make every vote for President equal throughout the United States. It would guarantee that every voter in every state matters in every presidential election.

The shortcomings of the current system of electing the President stem from "winner-take-all" laws that have been enacted at the state level. These laws award 100% of a state's electoral votes to the candidate receiving the most popular votes in each state.

Because of these state winner-take-all laws, five of our 45 Presidents (including two of the last three) have come into office without having won the most popular votes nationwide.

Another problem occurs in *every* presidential election, namely that presidential candidates have no reason to campaign in, or pay attention to, voters in states where they are safely ahead or hopelessly behind.

In 2016, almost all (94%) general-election campaign events were in the 12 closely divided "battleground" states where Trump's support was in the narrow range of 43%-51%. Two-thirds of the campaign events (273 of 399) were in just 6 states (OH, FL, VA, NC, PA, MI). Almost all small and medium-sized states and almost all western, southern, and northeastern states were totally ignored.

In 2012, 100% of the general-election campaign events and virtually all expenditures were concentrated in the 12 closely divided "battleground" states where Romney's support was 45%-

51%. Two-thirds of the events (176 of 253) were concentrated in just 4 states (OH, FL, VA, IA).

Finally, under winner-take-all, because CT is a reliably blue state, and votes for Democrats for President, the votes of Republicans have been ignored for the last 30 years. They don't count at all. THE NPV Interstate Compact, once in force, would make every vote count in every election in every state of the Union.

A national popular vote for President is an achievable political goal that can be in place in time for the 2020 election. The bill has already been enacted into law in 12 states possessing 172 electoral votes. It will take effect when enacted by additional states having 98 electoral votes combined. The bill has previously passed one chamber in 11 additional states with 89 electoral votes and has been approved by unanimous bipartisan committee votes in two states with an additional 26 electoral votes. A total of 3,265 state legislators among all 50 states have endorsed it.

It is time for a change towards better and more Democracy, not less. Therefore, the GAE Committee should reject H.B. 5612.

Respectfully Submitted to the Government Administration and Elections Committee by:

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