



**GAE Committee  
Public Hearing  
March 13, 2019**

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

- S.B. No. 641, AN ACT CONCERNING REVIEW OF ELECTION LAWS
- S.B. No. 1036, AN ACT CONCERNING REGIONALISM FOR ELECTIONS
- S.B. No. 1047, AN ACT CONCERNING BALLOT ACCESS FOR PETITIONING CANDIDATES
- S.B. No. 1049, AN ACT CONCERNING MODERN ELECTIONS
- S.B. No. 1050, AN ACT CONCERNING RANKED-CHOICE VOTING FOR ELECTIONS
- S.J. No. 28, RESOLUTION ALLOWING INDIVIDUALS WHO HAVE ATTAINED THE AGE OF SIXTEEN TO APPLY FOR ADMISSION AS ELECTORS AND TO BE SO ADMITTED UPON ATTAINING THE AGE OF EIGHTEEN
- H.B. No. 6059, AN ACT CONCERNING ORGANIZATIONAL CHANGES TO ELECTION DAY REGISTRATION
- H.B. No. 6471, AN ACT CONCERNING PRIMARIES FOR MUNICIPAL ELECTIONS HELD IN NOVEMBER
- H.B. No. 7321, AN ACT CONCERNING ELECTIONS AND SECURITY
- H.B. No. 7322, AN ACT CONCERNING BALLOT DESIGN

- **H.B. No. 7324, AN ACT CONCERNING NECESSARY ADJUSTMENTS FOR CIRCULATORS OF NOMINATING AND PRIMARY PETITIONS**
- **H.J. No. 161, RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING AND NO-EXCUSE ABSENTEE VOTING**

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.

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

H.J. 161 would bring Connecticut in line with the majority of states by giving more flexibility to voters as to when they could cast a ballot. 39 states currently allow their voters to vote in person prior to Election Day. More than one-third of voters – more than 46 million people nationwide – voted early in 2016, and this trend continued in 2018. Almost 40 million people nationwide voted in advance of the 2018 midterm election, a significant jump from 2014. Early voting is a common sense, voter-centric reform that has wide support across the country among members of all demographic groups and political parties.

Over the past eight years, thanks to election modernizations that we worked on together, Connecticut voters have come out to vote in increasingly large numbers, culminating in a record number of people registering and voting on Election Day 2016 and a midterm record number of people registering and voting on Election Day 2018. Although high turnout and voter participation is exactly the outcome we want in a healthy democracy, the downside was that the 2018 election had reports of long lines at polling places and Election Day Registration centers, putting intense pressure on our hardworking elections officials. Voting delayed is voting denied; this simply is not acceptable.

Giving voters the opportunity to vote early in Connecticut would eliminate the pressures we still experience on Election Day. Many of the lines and delays we experienced in 2018 would have been eased by giving voters the flexibility to cast their ballots in advance, evidenced by the growth in early voting nationwide from about 10 percent of voters in the 1990s to more than one-third today. Since 2016 numerous people called and e-mailed our office both leading up to every Election Day and after asking a simple question: “Why not us?”

Unfortunately, as you on this Committee know, it is not as simple a question as it sounds.

Like a few states in New England, and basically nowhere else in the country, the Connecticut Constitution requires that voters appear in person on Election Day. That is why I am here today supporting a constitutional amendment rather than simple legislation. In order for this amendment to go to the voters for their approval on Election Day in 2020, it would have to pass both chambers with 75% of the vote this year.

One question I will address up front is the potential cost associated with early voting. The answer is there may be an additional cost, although there is likely a corresponding decrease in the cost of Election Day itself, particularly if current trends of increased voter registration and participation continue. We can also manage cost by limiting the number of early voting locations to highly accessible sites that are open anyway, like libraries or town halls, and see some balance overall, as other states have done.

Early voting will help people exercise their most fundamental right; in my view that is money well spent.

This proposal would create a minimum number of three days of voting prior to Election Day, with the details to be determined by the legislature. It would also remove the cumbersome restrictions on who is eligible to vote by absentee ballot from the constitution, but would leave them in statute.

I support this resolution, with the following change. My original proposal affirmatively required the legislature to create a minimum of three days of Early Voting, rather than allowing but not requiring it. The intent of my proposal was to make this mandatory and not voluntary. I propose that substitute language be created to reflect this, and to change the section 7 (b) to reflect that by reading, "There shall be a minimum of three days of voting in person prior to election day in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state." Likewise, I propose changing the question in the resolution to reflect that change and to conform to the original proposal by reading, "Shall the Constitution of the State be amended to provide a minimum of three days of early voting and to allow all voters to vote by absentee ballot?"

- **S.J. No. 28, RESOLUTION ALLOWING INDIVIDUALS WHO HAVE ATTAINED THE AGE OF SIXTEEN TO APPLY FOR ADMISSION AS ELECTORS AND TO BE SO ADMITTED UPON ATTAINING THE AGE OF EIGHTEEN**

S.J. 28 is another proposal that requires a constitutional amendment and will make our election systems more accessible to every eligible voter in Connecticut. Multiple and varied studies show that the earlier a voter first participates in the electoral process, the more likely they are to be a life-long voter. By engaging young potential voters in the civic life of their communities early, they are more likely to continue to engage for life.

This resolution would amend the constitution to allow sixteen year olds to preregister to vote, so that they will be able to vote when they are 18 without registering again. This proposal is designed to work with the automatic voter registration that is already taking place at the DMV by registering eligible voters when many people first interact with the DMV – their sixteenth birthday. This change will make it more likely that young potential voters will register and vote.

I support this resolution, with the following change. The language in the question has become needlessly lawyerly and inaccessible to the average voter, and I propose changing it to make it shorter and easier to read without altering the substance of the amendment by reading, “Shall the Constitution of the State be amended to allow for sixteen year old citizens to preregister to vote, effective on their eighteenth birthday?”

- **H.B. No. 6059, AN ACT CONCERNING ORGANIZATIONAL CHANGES TO ELECTION DAY REGISTRATION**

Long lines at the Election Day Registration locations for a few Connecticut towns were widely reported after the 2018 election, and H.B. 6059 is a proposal that, like my proposal in S.B. 1049 and along with Early Voting, would address the root cause of the lines.

Election Day Registration worked well and ran smoothly in the vast majority of towns, because the vast majority of towns appropriately staffed their EDR locations to handle the increased turnout for a midterm that our office warned all of the towns about prior to Election Day. A few towns that did not adequately provide staff in proportion to the expected increased turnout, particularly in towns with large college and university populations that are more likely to use EDR, and the result was immediately clear 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 isn't there will be long lines and confusion.

This bill would require the registrars of voters to submit their EDR locations and staffing plans to the Secretary of the State's office at least thirty-one days before Election Day, and would allow my office to approve the plan or require that more election officials be assigned to the EDR location. This bill would also allow a town to request to designate additional EDR locations at least ninety days before Election Day. In towns who know where their EDR populations are located, for example, in towns that host large student populations, an additional EDR location may help relieve some of the pressure on Election Day.

Election Day Registration is a valuable reform that helps ensure that every eligible voter is able to register and every register voter can vote. In 2016 and 2018 combined, close to 60,000 voters were able to participate in Connecticut elections because registering and voting on Election Day was available to them. This simple reform will ensure that EDR is staffed appropriately in all 169 towns in Connecticut to eliminate long lines and confusion on Election Day.

I support this bill.

- **S.B. No. 1049, AN ACT CONCERNING MODERN ELECTIONS**

S.B. 1049 would update Connecticut's election laws to reflect the reality of modern elections. First it would require the development of a system under which Title 9 forms could be signed and submitted electronically. That would allow for absentee ballots to be requested electronically, as well as opening up the online voter registration system to an increasing number of people who are eligible to vote in Connecticut but do not possess a Connecticut Driver's License. This system could be as simple as allowing emailed endorsement forms to my office or registration forms to the registrars of voters, or as complicated as a database that stores images of signatures for future use on another election-related form, or anything in between.

This bill would also require the development of an online system for the registration of statewide absentee ballot circulators to ease the pressure on the local town clerks and simplify the absentee ballot request process for statewide and multi-town candidates. The bill would create an "election court" jurisdiction in the judicial district of Hartford to consolidate election law cases in one place to develop judicial expertise, avoid inconsistent decisions across districts, and streamline Election Day actions, allow simple errors and omissions in election-related filings with the Secretary of the State's office to be fixed without having to resort to court actions, and create a process by which the Secretary of the State can audit redistricting changes to ensure that the changes are properly made at the local level, and require those changes to be made if necessary.

Finally, this bill would make some of the same changes to Election Day Registration that H.B. 6059 above would make, as well as allowing people on line for EDR at 8:00pm to vote by eliminating the requirement to check with another town on Election Day.

These are common-sense election reforms, many of which have come up before in various incarnations, and all of which would help modernize Connecticut's election system.

I support this bill.

- **H.B. No. 7321, AN ACT CONCERNING ELECTIONS AND SECURITY**

When I assumed the presidency of the National Association of Secretaries of State in the summer of 2016, election cybersecurity was at best an afterthought in election administration. Now it is front and center as one of the most important issues we face. Every election official in the country is now grappling with how best to protect their elections from cyberattacks and preserve the public's faith in those elections.

H.B. 7321 would increase the cybersecurity defenses of Connecticut's elections by creating a cybersecurity role in the Secretary of the State's office to perform reviews, testing, and research related to Connecticut's election cybersecurity and strengthening the auditing and testing of the memory cards used in the vote tabulators. This bill would also protect the personal information of voters by limiting the birth date provided in the publicly available voter file to the year of birth

only, increasing the scope of the Safe at Home program, and making the date of birth field on a nominating petition voluntary instead of mandatory. We must be proactive in ensuring the sanctity of our elections and the privacy of our voters.

Finally, this bill would address what happened in Stratford in the 2018 election by requiring that every voting district in a polling place have a separate vote tabulator machine. This would prevent what happened in Stratford as the tabulators would reject ballots from the wrong voting district. It is critically important that we prevent the type of mistake that can throw the outcome of an election into doubt from happening again.

I support this bill.

- **H.B. No. 7322, AN ACT CONCERNING BALLOT DESIGN**

H.B. 7322 would fix two issues that came up in the 2018 election. First, the bill would ensure that the ballot in state election years is consistent from town to town by requiring that the Secretary of the State's office approve the ballot design before the ballots are printed. This provision addresses the lack of consistency in ballot design across the state in 2018 that resulted in some towns having two sided ballots, some ballots being landscape while others were portrait, and some constitutional offices being listed on the back of the ballot.

Second, this bill changes the timeframe in which a candidate can be replaced on the ballot so that all changes must be made before the ballots are printed. This would prevent a situation that happened in 2018 where every town in the state had to print new ballots when a party was forced to replace their candidate for Lieutenant Governor after the ballots were printed.

Finally, this bill would clarify and simplify the order by which parties appear on the ballot.

I support this bill.

- **S.B. No. 1047, AN ACT CONCERNING BALLOT ACCESS FOR PETITIONING CANDIDATES**

S.B. 1047 would open up access to the ballot in a primary election by setting an upper limit for petition signatures needed for both parties at 10,000. This bill would also make it easier for candidates seeking a place on the primary or general election ballot via petition to keep track of their verified signatures by requiring either the registrars (for primaries) or the town clerks (for the general election) to report how many signatures have been verified on a daily basis.

I support this bill.

- **H.B. No. 7324, AN ACT CONCERNING NECESSARY ADJUSTMENTS FOR CIRCULATORS OF NOMINATING AND PRIMARY PETITIONS**

H.B. 7324 would make changes to the statute that a federal court decision has mandated and with which the Secretary of the State's office is already in compliance. In brief, it would remove the requirement that petition gatherers be citizens of Connecticut.

I support this bill.

- **H.B. No. 6471, AN ACT CONCERNING PRIMARIES FOR MUNICIPAL ELECTIONS HELD IN NOVEMBER**

H.B. 6471 would set the primary date for municipal elections on the same schedule as primaries for state elections on the second Tuesday in August. Not only would this simplify Connecticut's election calendar and reduce confusion, it would also change the primary date to a date when schools are not in session, reducing security concerns.

I support this bill.

- **S.B. No. 1036, AN ACT CONCERNING REGIONALISM FOR ELECTIONS**

Connecticut is unique in that we administer elections on the town, rather than county, level, and that we have at least three elected local election officials in each of our 169 municipalities. S.B. 1036 would create a task force to consider how Connecticut could regionalize its election infrastructure. As elections become more expensive and more contentious, and it becomes harder for small towns to find people to fill these important local election roles, studying how we administer elections and whether we can make that administration more efficient and avoid duplicating functions is long overdue.

I support this bill.

- **S.B. No. 1050, AN ACT CONCERNING RANKED-CHOICE VOTING FOR ELECTIONS**

Several large municipalities nationwide, including San Francisco and Minneapolis, have used ranked choice voting to elect their municipal elections for years. In the past election, Maine was the first state in the country to use ranked choice voting for its federal elections. Ranked choice is an interesting concept that would allow voters to rank the candidates based on their preferences, and no vote would be "wasted" because votes would be reallocated to the voters' second choices

if their first choice candidate finished at the bottom. The system is designed so that no one will be elected with less than 50% of the vote.

This concept requires a study for a number of reasons related to election administration in Connecticut, including whether and how it would interact with our current method of cross-endorsements, ballot access for minor parties and petitioning candidates, ballot design, local versus central tabulation, and election night reporting. It also is a very new concept to the Land of Steady Habits which will require, if we decide to move forward, education and a comfort level among both the general public and election officials that does not currently exist.

There are a number of proposals related to ranked choice voting this session, including at least one other study. I am proposing the structure in S.B. 1050, which includes a Connecticut election lawyer and an IT professional with experience in election administration, to ensure that the working group includes members that represent diversity in knowledge across the spectrum of election administration.

I support this bill.

- **S.B. No. 641, AN ACT CONCERNING REVIEW OF ELECTION LAWS**

S.B. 641 proposes creating an Election Law Review Committee to look holistically at Connecticut's election laws. A holistic look at all of Connecticut's election laws is much-needed and this committee could go a long way towards identifying and adjusting conflicting statutes, similar offices that are treated differently under the law, antiquated language, and other issues. Listing three specific areas to look at may do a disservice to the other important areas that are also in need of review, and the bill would be stronger without the specifying language.

I support this bill.

Thank you, and I'm happy to answer your questions.