February 27, 2019

GOVERNMENT ADMINISTRATION 11:00 A.M.
AND ELECTIONS COMMITTEE PUBLIC HEARING

CHAIRPERSON: Representative Daniel Fox

SENATORS: Flexer, Haskell, Maroney, Sampson

REPRESENTATIVES: Blumenthal, Fox, France, Haddad, Harding, Mastrofrancesco, McCarthy, Perillo, Phipps, Santiago, Winkler

REP. FOX (148TH): Good morning and I welcome to today’s public hearing for the GA Committee. Representative Winkler has an announcement before we begin, Representative.

REP. WINKLER (56TH): In the interest of safety, I would ask you to note the location of an access to exits in this hearing room, the two doors to which you entered the room are the emergency exits and are marked with exit signs. In an emergency, the door behind the legislators can also be used. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs and follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the Capitol Police. Do not delay and do not return unless and until you are advised that it is safe to do so. In the event of a lockdown announcement, please remain in the hearing room, stay away from the exit doors and wait until an all clear announcement is heard.

REP. FOX (148TH): Thank you, Representative Winkler. To begin, we typically reserve the first hour of testimony for public officials. So, we are
going to maintain that procedure today, have the first hour, rotate back and forth between public officials and members of the public.

So, first witness today is Secretary of State, Denise Merrill. Good morning, Secretary. Thank you for being here.

DENISE MERRILL: Good morning, Chairman Fox, Vice Chairs Haskell and Winkler, nice to see you. Ranking members Sampson and France, oh he’s not here, just Senator Sampson. Members of the Committee thank you for being here. My name is Denise Merrill, I’m the Secretary of the State of Connecticut.

I have submitted testimony on a number of bills before you today. So, I’m only going to speak about the proposal of mine, which is the only one on this agenda, which is House Bill 7213, AN ACT CONCERNING ELECTORAL PRIVILEGES OF CERTAIN PAROLEES AND CHALLENGERS IN THE POLLING PLACE, that would clarify voting rights in Connecticut by extending the franchise to people on parole and remove the antiquated challenger statute from Title 9. And I will leave it to you to read my testimony on the rest of the bills in the interest of time. I know there’s always lots of people that want to testify before you.

Currently, Connecticut law allows people on probation to once again exercise their right to vote, but not people on parole. This bill would simply allow people on parole to also exercise their right to vote. We would join 16 states in the District of Columbia, including all our neighbors in New England by doing this.
A real problem we often face when we try to get every eligible voter to register and every registered voter to vote is in getting people to know at what point in the process of leaving the criminal justice system to get their vote back. And I will tell you that is the biggest problem that we have is just convincing people that it’s okay, once again, to register and vote.

This bill would remove some of that confusion over parole versus probation and simplify the restoration of voting rights to the physical release from prison. Reattaching voting rights to people as they leave their period of confinement doesn’t just alleviate confusion, it will also help people to reintegrate into the civic life of their community.

Voters who exercise their right to vote sooner are more likely to become lifetime voters. If this legislation passes, my office will work with the judicial branch and the Department of Corrections on the complexities of the categories of parole to determine what constitutes parole as opposed to incarceration.

So, House Bill 7213, also eliminates the anachronistic challenger designation, election day polling locations from Title 9. Although challengers do still exist in statute, they have not been used in many years. This designation is a vestige from a time when everyone in a town knew everyone else in a town and has no real use in our modern election structure. The challenger designation is not necessarily necessary because we have changed the law since that time to allow every person lawfully inside a polling place, including people who are not poll workers, but are unofficial
checkers, appointed by registrars to communicate with local political parties. Anyone in the polling place can challenge someone who’s attempting to vote in that polling place, so long as the challenge is not made indiscriminately and the person issuing the challenge knows, suspects or reasonably believes that the challenge is valid.

So, therefore, we propose that this challenger statute, which had the, basically a redundant position be eliminated and that’s why I support this bill.

So, that’s it for my bill that you see before you. I’m happy to answer any questions.

REP. FOX (148TH): Thank you very much, Madam Secretary, good seeing you again. Any questions for -- Senator Haskell.

SENATOR HASKELL (26TH): Thank you, Madam Secretary for being here. Thank you for your testimony and for being a champion of voting rights in the State of Connecticut. I was hoping you could speak very briefly to the importance of voting in civic life and in the, in ability, in individual’s ability to feel a part of their community. You mentioned in your testimony that allowing individuals who are on parole to vote will help them reintegrate after their period of incarceration. Could you speak a little bit more to that and that fundamental role that voting does play in individuals’ social cohesion?

DENISE MERRILL: Yes, that’s a, you’ve put your finger on it. I think the most important reason to have anyone who is in a community, back in the
community, whether on parole, probation or anything else, be integrated back into that community.

Voting behavior is very interesting because it does indicate that someone is aware of and treasures that right to participate in civic life. And I think anything we can do to encourage people to be involved and to, to be, feel, feel their part in civic life. And that’s the most difficult thing we find that after someone’s been incarcerated, they feel like they, they don’t belong anymore. And so I think in several ways, this session, I’ve proposed several bills that will do the same thing.

I would point to the constitutional amendment I have introduced to allow 16-year-olds to preregister to vote is the same thing. I’m a former teacher and I remember that students, when they’re very young, if they’re part, if they feel they’re part of a system, they’re more likely to get information about it, to find out about candidates and to get interested in the whole electoral process.

So, I think it’s the same theory and I think it’s a good one and we should be encouraging in anyway we can to let people reintegrate into civic life.

SENATOR HASKELL (26TH): Well, thank you very much for your testimony. I, I do appreciate your input. And just to make sure I understand, we are an outlier in this regard, right? Our neighbors in New England do allow individuals who are on parole to vote?

DENISE MERRILL: Yes, yes. The 16 states and DC allow it, many of them are in New England, so Vermont, Maine, Rhode Island, New Hampshire and
Massachusetts, I believe, all allow parolees to vote.

SENATOR HASKELL (26TH): Wonderful. Thank you very much. Thank you, Mr. Chair.


SENATOR SAMPSON (16TH): Thank you, Mr. Chairman. Hello there, Madam Secretary.

DENISE MERRILL: Good morning.

SENATOR SAMPSON (16TH): Nice to see you. Just a question on your bill regarding the challengers.

DENISE MERRILL: Yes.

SENATOR SAMPSON (16TH): I honestly don’t know very much about this. I saw some news stories over this past election where the Stefanowski campaign was looking for challengers and I know that you kind of issued some sort of a rebuke to that. But outside of that, I don’t really know how often they are used. Could you speak to that? Is this a common practice or --

DENISE MERRILL: No.

SENATOR SAMPSON (16TH): -- not?

DENISE MERRILL: No, in fact, many, many years, that’s why we say it’s anachronistic. Really, we didn’t really remember any time that it’s been invoked before that time when the Stefanowski campaign brought it up. And that’s when we looked at it again and said, well, anyone in the polling place can already do this. So, that’s why we thought it was a redundant kind of statute.
SENATOR SAMPSON (16TH): And I can appreciate that. But I’m trying to dig down a little deeper, since I’m not aware of any problems with the challenger statute. And if it’s not something that’s used in, you know, common practice during a campaign, I just don’t know why we’re drawing attention to it at this point. I don’t know that there’s been a problem. Have there been any penalties or sanctions against challenger for misusing that position?

DENISE MERRILL: Well, not that I know of, no. It just seems like we don’t need more people in the polling place. Our, our, our theory has been generally, you know, to restrict the number of people in a polling place as tightly as possible. So, it just seems like why should we have another statute allowing another group of people to come into the polling place.

SENATOR SAMPSON (16TH): Understood. But I mean, but has there ever been a case where they have been an impediment to someone’s ability to vote?

DENISE MERRILL: Well, no, because we now have anyone can do it now. So, it’s been replaced essentially by other statutes.

SENATOR SAMPSON (16TH): Right, the only thing is, I mean, the challengers themselves have to actually swear an oath, whereas, you know, artists and checkers that are appointed by a campaign or a registrar or somebody else, you know, those folks are not following that guideline. I just, to me, I don’t see an objection to the use of challengers to me. I think that’s a good idea to ensure the integrity of campaigns. And I just, I --

DENISE MERRILL: Okay.
SENATOR SAMPSON (16TH): I understand that your testimony is that you think it’s unneeded, which to me that’s, that’s a good question for me. I’m trying to drill down to understand that; whereas, if there is no problem with them, I think it’s, you know, something that’s not, if it’s not causing a problem, we shouldn’t be getting rid of it either.

But thank you very much, I appreciate your testimony.

DENISE MERRILL: Uh-huh.


REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair, nice to see you Madam Secretary.

DENISE MERRILL: You too, good morning.

REP. MASTROFRANCESCO (80TH): Just a couple of quick questions. You had mentioned that there are other states that allow parolees to vote?

DENISE MERRILL: Yes.

REP. MASTROFRANCESCO (80TH): How many states were there?

DENISE MERRILL: 16.

REP. MASTROFRANCESCO (80TH): 16.

DENISE MERRILL: Uh-huh.

REP. MASTROFRANCESCO (80TH): And do you know if any of those states, those 16 states have the same day voter regulation? Are the people that are in prison in those states allowed to vote? Do you know what their voting laws are there by any chance?
DENISE MERRILL: Well, I don’t know about election day regulation. But I imagine some of them do. I know there are two states that allow people actually incarcerated to vote and they’re both in New England, it’s Vermont and Maine.

And I think it’s been like that forever. I don’t think they’ve passed any new laws about it. But in, in those two states, they’re the most liberal in that regard.

REP. MASTROFRANCESCO (80TH): Are you receiving any timeframe, so, let me just give you a scenario. Election day is five days from now and somebody is paroled the day before election, what is your recommendation how to deal with that?

DENISE MERRILL: Well --

REP. MASTROFRANCESCO (80TH): I mean, do they have to go, where do they register? Do they register in which town?

DENISE MERRILL: In their hometown because they’re now out of prison.

REP. MASTROFRANCESCO (80TH): Right, so, and I believe the last public hearing we had they talked a little bit about having wherever their prison is, that that’s to be their residence?

DENISE MERRILL: Yes, that’s, that’s all still, I guess, under discussion, right?

REP. MASTROFRANCESCO (80TH): Well, it is. So, that’s where my concern is --

DENISE MERRILL: Oh --

REP. MASTROFRANCESCO (80TH): -- what is the residency, is it gonna be in the prison that they
are, then they get released, they’re on parole, election day is a day or two right after that, now where are they voting? Do they go back to the prison to vote? Because what is the process? What are you receiving the process would be?

DENISE MERRILL: The process would be the same as it is for those on probation. If you come out of prison, what happens now is we work with the Department of Corrections. They are given a vote registration card when they’re released and it’s up to them to go register in whatever town they’re now living in.

REP. MASTROFRANCESCO (80TH): Would they have to reregister though because they’re --

DENISE MERRILL: Yes.

REP. MASTROFRANCESCO (80TH): -- they would have to reregister --

DENISE MERRILL: Yes.

REP. MASTROFRANCESCO (80TH): -- within a certain, is there a time limit that you’re saying? So, now, I believe, certain towns are absent, I guess the absentee ballots you have a certain date to get those back by, correct?

DENISE MERRILL: Yes.

REP. MASTROFRANCESCO (80TH): During primaries and so forth, there’s a deadline to register to vote or change your party. Are you recommending anything like that for this particular situation?

DENISE MERRILL: No, it would be just like it is for anyone else. They would have to get registered by the deadline.
REP. MASTROFRANCESCO (80TH): And the deadline would be?

DENISE MERRILL: Well, it depends which election it is. If you’re talking about a general election, the deadline is the day before.

REP. MASTROFRANCESCO (80TH): Okay. That was it. Thank you, I appreciate it.

DENISE MERRILL: You’re welcome.

REP. FOX (148TH): Thank you Representative. Any further questions?

REP. FOX (148TH): I just have a few brief questions, if I may. In terms of the, without wanting, asking me to repeat some of your previously submitted testimony, can you just give us a brief overview of the distinction between a challenger and an unofficial checker?

DENISE MERRILL: Yes, under the statute, the challenger is a specific position identified under this particular statute that’s appointed by parties to go into the, to be able to go into the polls and specifically to challenge peoples votes. You know, if they think that someone, if they have good reason and they meet all the same standards that they have reason to believe that someone is trying to vote who shouldn’t be, they are specifically there for that purpose.

Unofficial checkers are people that are appointed by their parties and certified, registered with the registrars to be able to go into the polls and collect information that they can give to the parties about who has already voted. But they are also able to challenge votes. In fact, anyone in a
polling place now under the newer statute is able to challenge someone’s right to vote, based on the same kinds of reasonable doubt. There’s a standard that I mentioned in here. So, it’s, it’s, it’s the same thing essentially.

REP. FOX (148TH): So, you could possibly have both a challenger and an unofficial, and an unofficial at the same time --

DENISE MERRILL: Yes.

REP. FOX (148TH): -- in the same polling location?

DENISE MERRILL: Yes, yes, if you have both statutes, that’s right.

REP. FOX (148TH): And do the challenger, do they report, the unofficial checker registers with their registrar, does the challenger register with anyone or are they just, are they, do they have to validate, tell someone they’re going to be there, do they have to identify themselves?

DENISE MERRILL: I just want to check to make sure I’m saying all these things correctly. My lawyer’s behind us. But I think, and let me -- yeah, they’re an official poll worker, that’s the difference. They’re not just unofficial checkers, are party workers who are allowed into the polling place for party purposes. Challengers are actually official poll workers.


DENISE MERRILL: So, it really does add people to the list of people who are in the polling place.

REP. FOX (148TH): Okay. And just to get back to the other portion of that Bill 7213, concerning the
parolees and the right to vote. In your conferences that you attend with the other Secretary of States, is there much discussion going on about this?

DENISE MERRILL: There’s a lot of discussion going on about this. And I know several states have made significant changes in their laws, just in the last couple of years, Florida and, I believe, North Carolina, being two examples, where governors have stepped in and actually allowed people to vote retroactively, I believe. But, yes, there is a great deal of activity around this and that’s why we’re proposing, I think this takes it a good kind of middle ground in the sense that my position is, if you’re in the community, you ought to be able to vote. And this kind of brings that parody to a confusing situation right now, which is that if you’re on probation, it’s okay. If you’re on parole, it’s not. And so that is what creates the confusion because there’s a lot of different categories within both of those designations. And I think it’s much simpler to think about, if someone is back in the community, they need to be reintegrated in that capacity. If they’re in the community, they should be allowed to vote. And I think it is not, you know, I think this is under discussion in a number of places. And, and, everyone seems to be kind of coming together around this, this proposal.

REP. FOX (148TH): Okay. You indicated in your testimony that if bill passes, you’ll be willing to work with the judicial branch?

DENISE MERRILL: Yes.
REP. FOX (148TH): And is that, has any conversation been had with them in terms of the implementation of something of this nature or not yet?

DENISE MERRILL: I don’t know. I don’t think we have talked to them specifically. Yet we work all the time with the Department of Corrections and have for many years, trying to get them to make sure that they make people understand that it’s okay to restore your voting rights. And it’s been quite an initiative on our part. We have personnel that go and work with probation officers and do training on the subject. So, we’re very familiar with the whole situation.

REP. FOX (148TH): So, to follow up on the statement you just made, you already have personnel working with probation officers?

DENISE MERRILL: Yes.

REP. FOX (148TH): So, the procedure’s almost in place already?

DENISE MERRILL: Yes.

REP. FOX (148TH): So, it would just mean extending it to work with parole officers --

DENISE MERRILL: Yes.

REP. FOX (148TH): -- and, and extending the, the breadth of the work you do?

DENISE MERRILL: That’s right.

REP. FOX (148TH): Okay. Thank you. Any further questions for Madam Secretary? Seeing none, thank you very much for your time and testimony.

DENISE MERRILL: Thank you.
SENATOR FLEXER (29TH): Next, I just want to make one comment as chairs that in this committee we try to value the time of the public and we recognize that people had to come early today to sign up and that this first hour is designated for public officials that is because of the joint rules this committee has to follow those rules. And we are going to adhere to the strict definition of the term public official as it is outlined in the joint rules that this General Assembly adopted in January.

As such, our next speaker is Nancy Navarretta, who will be followed by Colleen Murphy, if we are still within that first hour that the joint rules say must be designated for public officials.

Thank you.

NANCY NAVARRETTA: Good morning, Senator Flexer, Representative Fox and distinguished members of the Government Administration and Elections Committee. I am Deputy Commissioner, Nancy Navarretta of the Department of Mental Health and Addiction Services or DMHAS.

I’m here today to voice my concerns regarding, AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES. I want to thank the Committee for allowing me the opportunity to speak to you about this proposed bill.

DMHAS is a health care agency providing services to individuals with psychiatric disabilities and substance use disorders.

The individuals we serve come to our hospital for care when their illnesses are unable to be managed
in a general hospital setting or when they need intermediate to long-term care.

Often our clients are poor, and have chronic diseases which require, like any other chronic disease, ongoing care. Unlike medical records from privately run or general hospitals, DMHAS medical records, as public records generated by a state agency, could end up in the custody of the state archivist per the Connecticut General Statute.

In other words, if individuals have the means to be treated in a private setting, their health care information would be not archived and maintained for posterity as these records are not subject to the same statute.

So, as many of you know, medical records in the private sector are often purged after seven years. In effort to protect the privacy of health care records belonging to individuals served by the state, we recommend that language in this proposed bill be amended to include the redaction of personal identifying language as defined by HIPAA, which is federal.

The department receives many requests for patient records. With properly signed releases and the ability to redact identifying information, we can and do allow access to health care information in certain circumstances.

Sometimes, however, we must deny access to those records and we do so by stating or citing numerous state and federal confidentiality laws.

Not only is this in keeping with the law, it is in keeping with the agency’s belief that the sharing of
confidential information is a decision rightly made by the individual, not the institution.

Though the individuals described in House Bill 7211 are deceased, it is our firm belief that records of this nature are sensitive. It should not be the case that because your illness and social circumstances were such that you were required you to seek state services, that your health records could be maintained by the state librarian, and they are subject to public disclosure without redaction.

Thank you for the opportunity to address the Committee on this important issue. I would be happy to answer any questions that you may have.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions?

REP. FOX (148TH): Good morning, thank you for being here today. Just quickly, I don’t have your testimony in front of me. Could you just please repeat for me the proposed modification or revision you wanted to make to this?

NANCY NAVARRETTA: Sure. So, we want to be able to be in line with the federal laws of HIPAA and be able to redact information so that you wouldn’t be able to relate that information back to any one person. So, date of birth, name, address.


NANCY NAVARRETTA: Uh-huh.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Seeing none, thank you for your testimony.
Next is Colleen Murphy, followed by Representative Chris Ziogas.

COLLEEN MURPHY:  Good morning, Senator Flexer, Representative Fox and members of the GAE Committee. I am Colleen Murphy, the Executive Director and General Counsel of the FOI Commission.

Thank you for the opportunity to testify on three bills that the commission is in support of today. We’ve submitted written testimony on all of them and I’ll try to keep my oral remarks short.

The first bill is H.B. 6876, AN ACT CONCERNING THE COPYING OF PUBLIC RECORDS BY USING A HAND-HELD SCANNER. This bill would update and clarify subsection (g) of 1-212 of the FOI Act, which allows the person to use his or her own battery operated hand-held scanner to copy records for a fee of $20 per visit. The problem with the existing statute is that the current definition of scanner is outdated and virtually obsolete. In recent years the commission has experienced an increase in volume of cases and inquiries involving the use of other personal electronic devices to copy public records.

This proposal would expand the definition of 1-212 (g) to permit the use of these other devices, like scanners, copiers, cameras and phones, equipped with video, video apps as well.

The bill also proposes a fee structure for these scanners and cameras and these other devices, replacing the $20 per visit fee currently in statute.

Under House Bill 6876 fee structure, a requester could copy the first 200 pages or less free of charge and then the statute builds upon that.
The new fee structure appears to be reasonable to the commission; however, we have heard that some public officials feel that this new approach may be unwieldy or difficult to administer and we’d be happy to work with other interested parties toward a different approach, as long as it promotes using technology in a way to enhance public access and for a fee that is fair and reasonable. Doing so will likely have the additional effect of reducing the amount of agency time and resources currently put toward copying public records.

The next bill that commission is in support of is House Bill 7211, AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES. The aim of the bill is to provide greater access to government records after statutorily prescribed period of time has passed. The bill applies to records that have historical value and are deposited at the state archives.

Section 2 of the bill lifts any prohibition against viewing a government record that has been deposited in the archives after 50 years, or if the record relates to a natural person after 50 years of the death of such person, whichever is later.

The provisions of this proposal mirror changes by the U.S. Department of Health and Human Services to the health insurance affordability, accountability act, HIPAA. Those changes in the federal law remove the prohibition of access to those medical years, medical records 50 years after the death of an individual who is the subject of the record.

The State of Connecticut laws should not be more restrictive than those laws. The FOIC believes that
the preservation and availability of such historical records is essential to understanding the context of government functions and their impact on Connecticut’s culture, policies and people. And we therefore support the proposal.

Finally, the commission supports, in part, House Bill 5110, AN ACT APPLYING THE SECURITY EXEMPTION UNDER THE FOI ACT TO THE CONNECTICUT AIRPORT AUTHORITY AND THE CONNECTICUT PORT AUTHORITY. The FOIC worked with the airport authority on the concept contained in the proposal to modify an existing security-based exemption in the FOIA, to provide the executive director of the authority with the ability to determine whether there are reasonable grounds to believe disclosure of requested records may result in a safety risk.

The commission believes the executive director of the airport authority who necessarily interacts with the federal law enforcement agencies regarding security is the appropriate public official to make such determination.

Any person who wants to challenge that determination can file an appeal with the FOI commission and receive an independent review of the decision to withhold. The FOIC hasn’t had similar discussions with the port authority regarding its security risks and concerns and; therefore, we’re not in a position to support the addition of the port authority at this time.

That concludes my testimony and, of course, I’m happy to answer any questions you may have.
SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Senator Sampson.

SENATOR SAMPSON (16TH): Thank you, Madam Chairman. Hi, Colleen, thank you for being --

COLLEEN MURPHY: Hi.

SENATOR SAMPSON (16TH): -- today.

COLLEEN MURPHY: Thank you.

SENATOR SAMPSON (16TH): I appreciate your testimony very much. Just a couple of very quick questions. On 7211, which is the one about historical records, are, the previous person mentioned modifying the language of the bill to protect personally identifiable information. Do you have any objection to that?

COLLEEN MURPHY: I think that we would have an objection to that because it would very much undo this proposal. Sometimes the names and identifying information lead to information that’s of historical interest, in terms of ethnicity, where the person lived. Sometimes that information, I believe, is critical to a greater understanding. I would, however, suggest that you speak with the state archivist, because he probably has a lot more to say on that topic.

SENATOR SAMPSON (16TH): Understood. Okay. And just another question on the hand-held scanner bill, which I believe is 6876.

COLLEEN MURPHY: Yes.

SENATOR SAMPSON (16TH): I was just taking a look at the fee structure. And it looks like it’s free for
the first 200 pages. And I assume that the reason why the fees even exist at all is just to prevent someone from abusing the ability to go and spend their life there taking pictures of documents. But I did notice that for the fee for exceeding 500 pages is $20. But there doesn’t seem to be a limit beyond that. And I just think that’s something we ought to address at some point because 500 pages or 500,000 pages would still be $20.

COLLEEN MURPHY: Right.

SENATOR SAMPSON (16TH): Just thought I’d bring it up. Thank you, Mr. Chair, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Senator. Are there other questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair. Thank you for your testimony. Focusing on 5010 and related to the port authority and the airport authority.

COLLEEN MURPHY: Yes.

REP. FRANCE (42ND): The only reason that you don’t support the port authority is because you haven’t talked to them as of yet, is that correct?

COLLEEN MURPHY: It may not be the only reason, but since I haven’t talked to them, I don’t know what their position is with regard to this.

REP. FRANCE (42ND): Okay. And if, I guess the question, since we have this one day of public, is their situation regarding, you know, security related to cameras or other things was similar to the airport authority, would you presume that the
FOI commission would be supportive for the same reasons you are in support of the airport authority?

COLLEEN MURPHY: I think that we would. I think if they’re in the same position as the airport authority insofar as it was explained to us that the airport authority must refer to the TSA and other federal authorities, when considering these issues. If it was the same for the port authority, I think we would eliminate our objection.

REP. FRANCE (42ND): And specific to the airport authority’s, it is, in my discussion, is it limited to specific areas, not broad exemption from FOI; is that your understanding from your conversation with them?

COLLEEN MURPHY: That’s correct. It would add to what’s currently in the statute, which enunciates several possible security-based exemptions. The list in the statute is not exhaustive, but it tells you what kind of records are contemplated under that exemption.

REP. FRANCE (42ND): And shifting to Bill 7211 and related to historical records, does the FOI commission have a position on a time after death that information like this is available for record keeping and for access? Generally, and the reason I ask the question, generally there’s a concern with the, if somebody who’s alive, that information is out there and they can be identifying them, you know, certainly the potential of, you know, taking your identity away. But that generally ends upon the individual’s death. So, I didn’t know if the FOI commission has a position on how soon after death or 50 years enough, 25 or more, if there was a discussion on that?
COLLEEN MURPHY: Right. I think the commission’s position generally would be more in line with sort of the general understanding about privacy rights. But they typically extinguish upon the time of death. But recognizing that there are significant privacy concerns related to family members that have been raised to us and their privacy rights with respect to their loved ones and other individuals, that the 50 years is appropriate, 50 years from the time of death, it would span essentially two generations. And the privacy interests to the extent there are some should be eliminated at that point.

REP. FRANCE (42ND): I thank you very much. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Representative Fox.

REP. FOX (148TH): Thank you, Madam Chair. Good morning, Colleen.

COLLEEN MURPHY: Good morning.

REP. FOX (148TH): Just a few quick questions on 5110. In terms of the idea of the safety risk or the security risk, has the FOI commission, have they reviewed, or do they have any opinions detailing what qualifies as a safety risk or a security risk?

COLLEEN MURPHY: Well, as I mentioned, the statute contains a list already. So, this would be just adding the airport authority to the procedures that are already encompassed in statute. And the statute lists a number of things such as security manuals or reports, engineering or architectural drawings of government owned, released, institutions or facilities, internal security audits, emergency
plans and emergency operations, those sorts of things are listed in the statute. Again, it’s not exhaustive, but those would certainly lend an idea to what’s contemplated by that exemption.

REP. FOX (148TH): And you note, and you note the list is not exhaustive. Has the FOI commission dealt with other, I’m just curious, are we opening up a box here, if, if, if the list is not exhaustive, has the FOI commission dealt with or faced other questions or, or challenges as to what might be included on that list?

COLLEEN MURPHY: We, we have had a number of challenges in existing law and it has not been particularly problematic. The list is certainly instructive and most times the items fit within that list that already exists.

REP. FOX (148TH): And are there other items that are not on the list that come to your mind that have come up before?

COLLEEN MURPHY: Nothing that comes to mind, no.

REP. FOX (148TH): So, more and more, although the list may not be exhaustive, more or less, it seems like any challenges have kind of fit within that rather broad list of, of --

COLLEEN MURPHY: Typically, yes.


COLLEEN MURPHY: I would say that’s correct.

REP. FOX (148TH): And just procedurally, just to emphasize your testimony today, you indicate that the executive director is the one who will be essentially, if a challenge is raised, the executive
director of the Connecticut Airport Authority will essentially be the person who has to defend the challenge, is that correct?

COLLEEN MURPHY: Yes.


COLLEEN MURPHY: Yes. And I think having it so that it’s the head of that agency does give a safeguard that it’s not some, a lower level employee making that it is the executive director who is on the hook to make that case.

REP. FOX (148TH): Okay. Thank you very much for your time and testimony. Thank you, Madam Chairwoman.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing no other questions, thank you for your testimony.

COLLEEN MURPHY: Thank you.

SENATOR FLEXER (29TH): Next is Representative Elliott, followed by Representative Godfrey.

REP. ELLIOT (88TH): Hello members of the GAE, Chair people, Flexer and Fox, Vice Chair Haskell and Winkler and Ranking Member France. Thanks for having me. I’ll be super brief. I do not have written testimony today, so I’m just gonna be speaking to you contemporaneously. I’m here on a number of the bills that you have before you.

First off, House Bill 5815, AN ACT CONCERNING POLITICAL ADVERTISING. I’m personal friends with a number of my colleagues, who got hit by some of these advertisements. One particularly bad one was,
well, actually they’re all pretty bad but, James Albin had his wedding photo doctored. Matt Lesser had a photo that was clearly about as anti-Jewish as you can get. And as somebody who is half Jewish himself, I found that particularly offensive and I know Liz Linehan will be out just to speak about her experiences as well. This is a pretty basic truth in advertising. A bill that would just say, hey, listen if you’re gonna doctor this, then just make sure people know that you have doctored this. I think this is a right for exploitation. So, I just want to touch on that.

The next one is Senate Bill 53, voting rights for all people. I believe that even if you are incarcerated, you still, you ought to be able to vote. We know that Maine and Vermont, you keep your voting rights, even if you’re incarcerated. I think this would be much better for a political system, where we’re trying to say that that all people ought to belong. So, I’m strongly in favor of that.

S.B. 479, a holiday for voting. I think that over time, if we get protection for voting, like a very strong early voting framework and we have no excuse absentee voting and it’s opt in versus opt out, I think that we won’t have a need for this. But in the time being, I think that this is certainly a good way to go.

I personally am very strongly in favor of H.B. 5820, a study for rank-choice voting. I introduced this a couple of years ago. It’s just gonna take a while for people to understand what this does, but I think it’s very good for our voting system to allow people not just to vote against who they don’t want, but to vote in order of their preference for who they do
want. And I think we’ve already seen some success in Maine, where people, A, understand it more than people expected them to and also really appreciate the system.

And lastly, House bill 5417, which is blockchain to protect peoples information at these registrars of voters. I know that we’ve had a number of hacking incidents across the U.S. And I think that this not very well known technology would be really, really improvement for us to protect peoples information across the board. And with that, I will conclude my comments.

SENATOR FLEXER (29TH): Thank you. Are there questions from members of the committee? Representative Fox.

REP. FOX (148TH): Thank you, Madam Chair. Good afternoon, Representative Elliott.

REP. ELLIOT (88TH): Good afternoon.

REP. FOX (148TH): So, a quick question for you, without being too overly broad, can you just give me a brief, give the committee a brief idea of rank-choice voting? I know you and I spoke a lot in the past, just generally the process and how it, how it, how it would work?

REP. ELLIOT (88TH): Absolutely. And let’s say of candidates A, B and C. You go in, you really don’t want candidate B, but you, you don’t think candidate A can win. And that sort of leaves you with candidate C. So, you can go in and say, all right, well, I’m gonna vote for the person I like. I’m gonna vote for candidate C. I really don’t want candidate B, so I’m gonna vote for candidate A as my second choice. And what will happen on the back end
is all the votes will be tallied and they’ll see that, okay, so maybe your first vote doesn’t get included because they didn’t hit, no one hit that 51 percent threshold. So, everyone who voted for C, those votes all get discarded and everybody’s second favorite then gets included. Based on the whole premises that at the end of the day, the person who wins the election has won the majority of the votes. So, no one can, after we implement rank-choice voting be elected by a plurality.

One of the arguments for this is it says that people who are far left or far right can’t get elected because people are going to be naturally be voting for people who are more moderate. It also ostensibly will be making elections much more or much less mud slingy, much more positive, because you want to be seen with a negative candidate. You might not be somebody’s first vote, but you could certainly be somebody’s second vote.

And I think that people who are frustrated with, you know, with having to, to think about their vote strategically and they can really just vote for the person that they like, but then also vote strategically if they want to. It fosters a sense of belonging so, you know, thinking of whether you’re independent or whether you’re agreeing, where you’re always thinking like, oh, I don’t want to vote for the person for that party and you’re not thinking of yourself as a party person, it allows you to, to go for the person who you don’t really think has a chance to win, but also ensures that if there’s someone who you are completely against that your vote does not go to them de facto. You know, you are, no longer wasting a vote.
REP. FOX (148TH): Thank you and also, am I correct in stating the best part of this is primarily used in the local and municipal level as opposed to statewide or a national level, is that correct?

REP. ELLIOT (88TH): That’s correct. I mean, there’s been a lot of experimentation with this. We have seen statewide roll out in Maine. They had their very first election with it, I think it was last year. So, we do have some information on how that worked, but it’s been done on a number of localities across the U.S.

REP. FOX (148TH): Thank you very much for your time and testimony. Thank you. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from the members of the committee? Representative France.

REP. FRANCE (42ND): Thank you for coming. On the rank-choice voting question, so assuming your example you have A, B and C, and the third place candidate would be dropped out and recounted, what would you do with the people that only chose one candidate and now their votes not being counted in that second round? How would you rationalize that or explain it to the people that now their vote’s not being counted?

REP. ELLIOT (88TH): So, their vote is still counted, it just wasn’t counted in the first -- after the first round. So, you know, one big part of this is saying, okay, you can’t vote for candidate A three times, right? It’s like you have to make that choice. So, if somebody chooses that they don’t like any other candidates, they’re perfectly able to not vote for anybody else. It’ll
just have to be, make sure that we explain to people how this system works. So, that if their first choice candidate doesn’t hit, is last on the totem pole after the first tallying, that none of their other vote, that their first choice vote will not be counted in later rounds. To me it’s just an education piece. It’s just making sure that people understand what the system is.

REP. ELLIOT (88TH): And I appreciate that. I think the challenge with education is not everybody will understand the same way. The main states who have a requirement for a majority vote have the primary effectively and then run a second election with the top two vote getters. California does this. Louisiana does this. Why wouldn’t that be a more direct and more objective way for people then to recast their votes that if they don’t the 51 percent, 50 percent, plus 1, that you have a second election planned that is three weeks or six weeks later for the top two vote getters, then you get exactly what you’re asking for, but there’s no confusion in the process; what are your thoughts on that?

REP. ELLIOT (88TH): I think a lot of people in the voting public have a problem with the party system. So, you’re still operating under the guise of the party system and still giving power to party insiders, as opposed to saying that anybody can be part of this general election. So, rank-choice voting I just think is more inclusive.

REP. FRANCE (42ND): And I appreciate the answer. I will point out though that California, as an example, has an open primary many times. It’s two of the same party that are running against each
other that, so I’ll just point that out. But thank you for your testimony.

SENATOR FLEXER (29TH): Thank you. Are there other questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): Just one point for clarification. So, in a, you know, five candidates run. After the race, they count, nobody’s got 51 percent or 50 percent plus 1, so they drop the bottom person. The other votes in a sense stay locked and that one candidates votes are spread over -- go ahead.

REP. ELLIOT (88TH): So, what happens is if you have five candidates, the bottom person is dropped off and the entire thing is be retallied. It’s not just the people that voted for the, the least winning candidate. Everyone’s votes are retallied so that you go to the first. I mean, it might still end up being the same thing, but you keep on retallying, retallying, retallying until you have somebody with 50 percent plus one.

REP. WINKLER (56TH): And people who voted for the most popular candidates, their votes, in essence, stay the same?

REP. ELLIOT (88TH): In essence they would stay the same, correct.

REP. WINKLER (56TH): Thank you.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair. Just a quick question. Is rank-choice
voting constitutional in Connecticut? I believe there is language in our constitution that says that the electeds are voted in by a plurality?

REP. ELLIOT (88TH): That’s a good question. I have no idea. I’ll check on that and get back to the --

REP. MASTROFRANCESCO (80TH): Yeah, according to Article 3, Section 7, I have it written down here, that it’s, it says, the person, each senator of the district having the greatest number of votes per, we’ll say, senator, shall be declared the duly elected for such district.

So, are you, one, I’m thinking based on just what I’m reading that’s possibly unconstitutional. And two, did I hear you mention something before that you wouldn’t want this at a state level, but only a municipal level?

REP. ELLIOT (88TH): No, that it’s only been rolled out on Maine on the state level.

REP. MASTROFRANCESCO (80TH): Oh, okay.

REP. ELLIOT (88TH): And the goal would be to have it on a state level. I would say in terms of the constitution, I think that’s pretty permissive. I, I, if we use rank-choice voting, whoever ends up as the winner will have won the most votes under that, under that framework. I think it could be argued either way. So, I would hope that we, we push forward the study bill to determine whether or not it would be constitutional under, under current construction.

REP. MASTROFRANCESCO (80TH): And also I know with our citizens election program now, so with rank-
choice voting you can probably have five or six people, I’m assuming?

REP. ELLIOT (88TH): Right, correct.

REP. MASTROFRANCESCO (80TH): It probably wouldn’t work with two people?

REP. ELLIOT (88TH): Right.

REP. MASTROFRANCESCO (80TH): The purpose of it is to get multiple candidates?

REP. ELLIOT (88TH): Uh-huh.

REP. MASTROFRANCESCO (80TH): Would you recommend if they did rank-choice voting that we would do away with the citizens election program because how could the state afford it?

REP. ELLIOT (88TH): I would not say that. What I would ask the committee to do is push forward the study bill because the issue of the citizens election program, as pertains to rank-choice voting could get very murky. The goal is not to have anybody get a $30,000 grant and just have it be inordinately expensive for the state. We’re gonna make sure that there’s still serious candidates that are in these races, but we also want to make sure that people who want to run feel that they are heard and people who are voting have a chance to vote for somebody that they don’t feel like has been foisted upon them; that, to me, is the goal. But in terms of those questions about CEP, we have to make sure that we’re dealing with those carefully. So, I hear your concerns.

REP. MASTROFRANCESCO (80TH): Okay. Thank you. Just my concern is I think we’re getting into muddy waters here with constitution, I’m sorry, I just
wanted to bring that to your attention. But thank you for your testimony --

REP. ELLIOT (88TH): Thank you.

REP. MASTROFRANCESCO (80TH): -- and your explanation. I know it’s very confusing for people.

REP. ELLIOT (88TH): Yeah.

REP. MASTROFRANCESCO (80TH): I appreciate it.

REP. ELLIOT (88TH): Yeah, this is one of those topics where there’s no real quick and easy way to explain it. But if you explain to people, you know, and mirror back them the frustration of having to go out and vote for the person that they really kind like the second amount, only because they thought they had the best chance of winning. This sort of goes to that problem.

REP. MASTROFRANCESCO (80TH): Thank you for your testimony.

REP. ELLIOT (88TH): Thank you.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative, I just have a couple of quick questions for you. To Representative France’s point earlier about the person who only votes once in a rank-choice system, do you know in Maine this year, what percentage people only voted once and did not make second and third choices?

REP. ELLIOT (88TH): That is a phenomenal question and I will get back to you.

SENATOR FLEXER (29TH): Okay. And what would happen in races under this system, what do you think might happen in races where there’s more than one winner,
I’m thinking about local elections, you know, where a board of education, six people run and four people win or a town wide town council, where the top four vote getters win; I guess, you don’t have to answer that now, but something to think about again, while we’re looking at this as a taskforce.

So, my last question to you --

REP. ELLIOT (88TH): Right.

SENATOR FLEXER (29TH): -- my last question to you is someone, myself, I’ve served on a number of taskforces about issues that I’ve been concerned about and I know that frankly when we do bills like these, if there isn’t someone who’s passionate, who takes the lead and makes sure the work of the taskforce gets done, the deadlines that are outlined in this legislation won’t be met and this committee will have no work product to look at, to actually look at this issue more seriously next year. So, I guess I’m gonna put you on the spot and say, would you be willing to take the lead --

REP. ELLIOT (88TH): Absolutely.

SENATOR FLEXER (29TH): -- before this committee passes this bill?

REP. ELLIOT (88TH): No question, absolutely, I will.

SENATOR FLEXER (29TH): Thank you. Thank you very much for your testimony.

REP. ELLIOT (88TH): Thank you.

SENATOR FLEXER (29TH): Next is Representative Bob Godfrey, who will be followed by Ritesh Vidun and Christopher Ficeto.
REP. GODFREY (110TH): Thank you Senator and colleagues. I’m here about an act concerning public advertising today, introduced this year. You have written testimony, I’m not gonna sit here and read it at you. But like a lot of people, we saw some disgusting decent into really bad campaign practices, epoxy with Senator Lesser, Representative Linehan, Senator Haskell and I just think the desecration of James Albis’ wedding picture was just beyond the pale. That’s why I put in the bill and my purpose is to shine a light on the underhanded practices, sunshine disinfects, we all have heard Louis Brandeis talk about that. I would like to restore some civility to campaigns and hopefully government. And I certainly want to bring the idea of truth in advertising to campaign literature.

Now, I’m talking mostly about, I’m talking about pictures here, disclosure only. You know, a picture’s worth a thousand words, we’ve all heard that. And it can express something more clearly, visibly certain than a lot of words can. So, and it’s traceable. You can find, if you work hard enough and dig hard enough, the, the original pictures that were offered. So, I had my intern, the intern, Andrew Miano, also check out with, through OLR, what other states do. And interesting, no requires a disclosure that we could find out.

But 14 states actually provide criminal penalties for false advertising and three others have civil penalties. I’m not looking at going that far. I think an informed electorate, especially a campaign time obviously is the key to the election process. And just letting the voters who are getting mail or whatever the medium is being used, know what they’re looking at and whether or not it’s been, it’s been
Photoshopped, is sufficient for my purposes to shine light on the practices.

So, I urge you very much to support this, this bill, and we probably will have to do a little work on, on the language. I want to commend LCO for doing a great job of turning my plain language proposal into a good statutory, statutory copy. Thank you.

SENATOR FLEXER (29TH): Thank you, Representative. Thank you for your testimony. Are there questions from members of the committee? Senator Haskell.

SENATOR HASKELL (26TH): Thank you very much to the Chair and thank you, Representative, for bringing this issue to the committee’s attention. I do think it’s so important. I was involved in a Photoshop and it was far less insidious than some of the others that we saw around Connecticut. In the case of my campaign I was Photoshopped as being about a foot taller than Governor Dan Malloy, which anybody knows, the Governor or myself it is easy to determine that’s not the case. But there were some that were, other candidates that who were subject to anti-Semitism and invasion of personal privacy that’s just unacceptable.

I appreciate, in particular, the fact that your legislation doesn’t seek to impose a criminal or civil penalty, but instead forces a disclosure. I’m wondering if you might be able to speak to how we can draw the line between and in many of the photos that we put on our own campaign materials are Photoshopped in some way, maybe it’s cropped so a, you know, computer isn’t in the screen or something like that. How is that substantively different from some of the more negative attacks that we have seen and how might your legislation be able to draw a
distinction between something, a very benign Photoshop job and something that’s more nasty, more mean spirited?

REP. GODFREY (110TH): Well, it was kind of my vision that you do a disclosure that and probably within the picture as we do the disclosure on paid for by, approved by. And, and I haven’t proposed specific language for the disclosure. I’m certainly thinking you can say what you’ve done with the photo. We cleaned up the background off this. We ran pictures looking like you’re talking to someone from mid century Germany or something. It’s, it’s, you have the, you have the ability to be able to explain exactly what you’ve done in making the disclosure. I don’t think the disclosure needs to be a one size fits all disclosure.

So, the point is to inform the voter. And pictures, because they are worth a thousand words, are most open to the kind of bad use that we saw in last year’s election.

SENATOR HASKELL (26TH): Absolutely. I wonder if you might be able to touch upon briefly some of the other disclosures that all campaign materials are required to have, for example, who paid for it and who approved the ad; has that been successful in bringing greater clarity to voters as to what they’re receiving through the mail or online?

REP. GODFREY (110TH): Yeah, I think voters are pretty smart and, and, like a lot of people, I use oversized postcards because they’re reading them as they’re throwing them away, fine, it’s got my name in bog letters. And pictures that are a narrative that tells, that tell the story that I’m trying to convey in, in the mail piece or online, however.
So, they get it. And they understand this is paid for by Godfrey 2018 and who the treasurer is. And then, of course, and everybody, all my contributors, they’re public record.

We have a very, and I’m happy to say this having lived for a long time under older systems, we have a very transparent campaign, campaign laws in Connecticut. And this, to me, is an extension of that transparency.

SENATOR HASKELL (26TH): Well, thank you very much, Representative. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Senator. Are there other questions from members of the committee? Rep Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair. How, how would one know, so there’s a lot, there’s a lot of photos on the internet and people go on there, they’ll do Google, they look at images, and they pick a photo, let’s just say for a campaign. And let’s say it’s a photo of, let’s say, a candidate with somebody else. How do they know if that photo wasn’t altered at all?

REP. GODFREY (110TH): You mean the, the candidate –

REP. MASTROFRANCESCO (80TH): No. So, I’m, say I’m gonna, I’m gonna put a photo out there of maybe you and somebody else. You standing with somebody. And I found that photo on the internet. How does that person who’s publishing it, the candidate, me, know that that photo wasn’t altered because you’re looking, a lot of times they find them on the internet?
REP. GODFREY (110TH): They should inquire, and if they can’t get an answer, don’t use it.

REP. MASTROFRANCESCO (80TH): How would they know who posted it? Who would have that? That’s what I’m trying to --

REP. GODFREY (110TH): I’m assuming, I’m assuming --

SENATOR FLEXER (29TH): Just need to remind members of the committee that the comments need to go through the Chair to the person speaking and try to each speak one at a time.

REP. MASTROFRANCESCO (80TH): Thank you.

REP. GODFREY (110TH): If you’re not sure of the, the picture, don’t use it. It’s the candidate who has to disclose, and if you don’t have the information, you shouldn’t, you shouldn’t, you shouldn’t use that. Now, when I surf, I can usually find, I know the name of the site it’s on. If it’s the Hartford Courant or the Danbury News Times. If I wanted to use that, I could contact the, the, that, that media. But I assure you that we all need, as candidates, need to be very careful about using extraneous material that because we need to be responsible. And we need to do the homework to find out whether or not a picture is, is accurate, that’s our job. Don’t use it if you’re not sure.

REP. MASTROFRANCESCO (80TH): And I would have to agree with you that on both sides of the aisle I feel that there’s a lot of misleading mailers that go out. So, I do agree. So, are you suggesting that a disclaimer at the bottom, of maybe a 6 or an 8.5 saying that the picture has been or maybe where the source of the picture came from or some, some
language saying that there has been a modification to the picture?

REP. GODFREY (110TH): Yeah, I’m looking at specific, not necessarily where it came from, but whether or not it’s been altered. And, and probably the easiest way, if I were designing the piece, I’d have that disclosure like at the bottom, inside the frame of the picture, just, just so it’s, it’s side by side. That’s, that’s the way I would do it.

REP. MASTROFRANCESCO (80TH): Right. And I do agree it does happen on both sides.

REP. GODFREY (110TH): Oh, yeah.

REP. MASTROFRANCESCO (80TH): It’s not just one candidate, actually during this year I had a picture put of me in a mailer that went out. But I actually happened to like it because I was like 10 years younger. So, in that particular case, I was okay with that.

REP. GODFREY (110TH): I find them to be --

REP. MASTROFRANCESCO (80TH): I understand.

REP. GODFREY (110TH): -- the best, yes. The, the, I think the, the Matt Lesser incident, which actually made national news, it was in the New York Times, it was in the Washington Post, was probably the most egregious photo shopping, and I’m sure you’ve seen the picture. It’s disgusting. It looks like it, it came out of a fascist Europe in the 1930s. It was, it really made me viscerally angry that, that that kind of thing would happen in the United States in Connecticut in the 21st century. But it’s, it’s, it’s a matter of disclosure sunshine disinfects.
REP. MASTROFRANCESCO (80TH): Thank you. I appreciate you answering my questions.

REP. GODFREY (110TH): Sure. I was happy to see both parties condemn those pictures after, after they came out, too.

SENATOR FLEXER (29TH): Thank you, Representative. Representative Haddad.

REP. HADDAD (54TH): Thank you very much and thanks for bringing this bill to our attention. Like you, I mean I was really shocked and surprised when, not just once, but twice and three and four times we saw these images be digitally manipulated to create a false truth really, is what they were trying to do, I think. And I found it very, very misleading to the public and think that we need to take strong action to prevent that and return, I think, civility to our elected, our elections.

But one criticism I think I would have, and I hope that you’ll think this is a fair criticism and may be a way to strengthen the bill is that the bill, as it’s currently constructed, applies just, appears to just static images. And, you know, people have been altering static images for 20 or 30 years through Photoshop and other things.

The new concern would be digitally altered videos, videos that cannot, where, where an ordinary observer would not be able to ascertain whether or not the video is true or not, whether or not the candidate depicted actually said the things that they’re saying in the video or acting in a way that they’re being depicted in the video. Artificial intelligence is really advancing quite rapidly. I haven’t looked at it myself, but I’m told that there
are apps where you can put your face on to a video to sort of create a new version of the truth. We saw some of this last year with, you know, Emma Gonzalez who’s one of the Parkland survivors who was, had a video where she was tearing a target practice target, was digitally altered to make it appear as though she was tearing the constitution. That video went viral and it wasn’t until after over 300,000 people saw that video that people began to understand that it was, in fact, fake.

This is such a serious issue, I think that, you know, that we see federal law issues certainly beginning to address it. The Department of Defense is currently undergoing a study to determine just whether or not we can determine whether or not videos are being faked.

And so I would, I’ll put this in a form of a question instead of testimony, I guess. Can I assume that it would be okay for us to consider ways to alter this bill to address digitally altered videos, deep fake videos is what they’re called as well as just static images?

REP. GODFREY (110TH): I would be happy to support that. Legislatures and legislators to an extent we’re more reactive than proactive. We’re designed that way back in 1787. And so I was responding in anger over the photographs in last November’s election. And I very rarely have used video that, for campaign, although I’ve been involved with them for like political parties and other things. But you’re absolutely right, in general, legislatures across the country are having a very difficult time keeping up with the technology changes. Things change so fast; no one understands in advance what
the consequences of new technology is going to be, especially as you mentioned with AI, with video, not just, not just photographs.

So, anything we can do to ride that wave, I’m happy to support.

REP. HADDAD (54TH): Thank you. I didn’t mean to diminish the importance of the underlying bill at all. I think it’s very important and it does address, I think, a problem that we saw right here in Connecticut during the last election cycle. But I think that we would be wise, I think, to look to the future and address the next problem as well.

REP. GODFREY (110TH): Good idea.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative Fox.

REP. FOX (148TH): Good afternoon, Representative Godfrey, thank you for being here today. Just briefly, in your testimony I think you may have indicated that you have not yet put much thought to the enforcement component of this, to the which, enforcement component?

REP. GODFREY (110TH): LCO drafted it to fit into the current disclosure on, on the other pieces of mail and so forth that we have to put out there. But basically, the paid for by tag. And so I would envision the enforcement of my proposal would be the same as the enforcement of the other disclosures.

REP. FOX (148TH): Okay. Thank you. I want to thank you for being here today. I think there was a point made earlier about how advertising, particularly related to campaigns, is evolving both
in a good way and a negative way. And so I think this, this piece of legislation brings a lot of the negative points of that advertising to light, so I thank you for being here. Thank you.

REP. GODFREY (110TH): Thank you for raising the bill for public hearing. And I’ve been around the block a few times, this is 31 years, if you want to count this. And I have seen the deterioration of civility to my disgust in both in these buildings and in campaigns and I just want to make my mark and say, I think collectively we need to address it. Thank you very much.

SENATOR FLEXER (29TH): Thank you, Representative. Representative France.

REP. FRANCE (42ND): Representative Godfrey, thank you for bringing this forward. I guess my one comment and ask for your feedback is that I would argue that every Photoshopped in some way, if nothing more than we take just the outline of the picture that’s taken, and we take just the body or the head that is put on a mail piece. And so, I guess my concern is that if we have this simple disclosure, that disclosure will be on every mail piece that there’s been some modification to the existing photo in this way.

So, if I take my photo against a brown backdrop and I put it on a mail piece, they will cut out the background and put just my face where the, myself, no modification to me, but I modified the photo itself, the original photo.

So, I guess my question is, how would you differentiate between something that is simple like that that really doesn’t modify the photo, but you
have changed the original picture as it were versus what we’re really describing here as some of the egregious things that were done during the campaign?

REP. GODFREY (110TH): Like I said earlier, the disclosure could just say, we changed the background. I think though what will happen as we move forward, especially in campaigns, people will stand in front of a background that can be used in the picture. The practical application of it is going to be with all candidates to be more careful. To a, to a, most of these pictures are posed. The, the, those that are candid are usually crowd shots. Like I said, I’ve been through a lot of elections in the last 30 years. And, and candidates avoid even the, the thought of getting into trouble with the campaign literature. So, I think people will just be more careful. If you’re going to do a pose like a headshot or something like that, they’ll do a background that doesn’t have to be altered. I think there will be practical consequences.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative, I would just echo the concerns that Representative Haddad brought up and maybe we need to look at this more broadly. I’m really concerned about this new technology when it comes to video that could take coverage of today’s CTN hearing, for example, or take hearing being covered by CTN and manipulate you or I to say things that we’ve never said that would be completely believable to other people.
So, if we’re gonna look at this legislation, I think we should look at that as well. And I want to thank the work that you initiated with your intern, Andrew, for looking at what other states do and to see if there’s a way to do something about this. And I wonder if there’s a way to narrow this a little bit to try to get to images or videos or audio that wouldn’t exist in reality?

REP. GODFREY (110TH): Possibly. I’m not the great tech person. And, and I, and as I said, I really commend LCO for, the, the statement of purpose was pretty much all I put in and LCO, I think, did a really good job of coming up with some better definitions and the decision as to where in our stats it would, it would wind up being placed. I’m more than happy to work with anybody on the committee, your staff, LCO, as we finetune going forward with this sooner rather than later. This may be an issue that we have to do in steps. I don’t know right now but, you know, I’ve in my career, sometimes the only way, the loaf of bread is a slice at a time. And, and I’m willing to do the work to, to make sure sunshine is shined, does shine on campaign literature and that people have a, are educated in the issues in a campaign.

SENATOR FLEXER (29TH): Right. Thank you. Thank you again, Representative.

REP. GODFREY (110TH): Thank you for hearing us.

SENATOR FLEXER (29TH): That concludes the first hour that’s reserved by the joint rules for public officials. So, next we will hear from Ritesh Vidhun and Christopher Ficeto, who I believe want to go together along with Representative Ziogas. And
after this group, we will have Representative Linehan.

REP. ZIOGAS (79TH): Okay. Thank you for taking the time and helping us alter the schedule. I seated my time in the public sector so I can join these young proponents of this bill. Chairman’s Fox and Flexer, thank you for having us for 6672, where we’re introducing legislation to expand the franchise in municipal elections to 16 and 17 year old people.

SENATOR FLEXER (29TH): Representative, if you could just state your name for the record.

REP. ZIOGAS (79TH): I’m sorry, yeah, thank you. Christopher Ziogas representing the 79th District out of Bristol. This idea certainly is not my idea. I don’t take credit for it. These two gentlemen over here are the chief proponents for it and I’d like to seed my time to have them give their testimony and then I will maybe make a closing comment. Thank you.

SENATOR FLEXER (29TH): Thank you.

RITESH VIDHUN: Good afternoon, Chairman Flexer, Chairman Fox, Vice Chair Winkler, Vice Chair Haskell and Ranking Member France and members of the GAE Committee.

My name is Ritesh Vidhun, I am a high school junior from Southbury. And I am speaking here to call for your support of House Bill No. 6672, which would permit sixteen-year-olds to vote for the officers of the municipality in which they reside.

My friend Christopher Ficeto and I first thought of this initiative at the beginning of the year mostly because of our experiences working on political
campaigns. I worked for multiple campaigns over the past election, mainly the Stefanowski for Governor campaign. And while working on such campaigns, I met many fellow sixteen and seventeen-year-olds who were diligently working to get their candidates elected. We canvassed, we made phone calls, and we debated contradicting viewpoints in order to convince others to vote for our respective candidates.

We worked hard all the way up to Election Day. I remember standing at the polls, passing out flyers and cards while my peers, sixteen and seventeen-year-olds, did the same.

Although we work hard to campaign and convince adults to vote during the elections, we are not given the opportunity to physically cast our own ballots and have our voices heard by the politicians for whom we are campaigning.

Rather, we become forced bystanders in a democracy of adults. The days following the results of the elections, Christopher and I came to the realization that due to the work that we put in for our candidates and the ideas that we want to express, sixteen-year-olds in Connecticut deserve the right to vote in local elections.

Legislation made at the local level has a great effect on sixteen and seventeen year olds. Many of us have jobs, cars, and pay taxes similar to adults, and we are affected by local level legislation, such as with the Board of Education. And thus, we should be given a voice in municipal government.

We recognize that this bill would require more work, specifically changes to the voter registration
system of the Department of Motor Vehicles. However, this registration can be completed online, with no trips to the DMV.

Also, anyone can print out the document, complete it at home, and send it to their local registrar of voters, again, without having to travel to a DMV office.

Plus, the DMV already has many sixteen and seventeen-year-olds in their records due to driving licenses and learners permits, and it is simply adding those who do in fact register.

Also, I would like to emphasize that all changes in our society require a certain degree of work. We cannot simply call for change and expect it to be immediately implemented even though it should be.

In order to create a better and more fair society, where people have, where young people have their voices heard, we must be able to adapt for these new changes for the better.

I urge all members of this committee to support House Bill No. 6672, and I thank you all for taking the time to listen to and consider my testimony.

I’ll now turn it over to Christopher.

CHRISTOPHER FICETO: Good afternoon Chairwoman Flexer, Chairman Fox, Vice Chair Haskell, Vice Chair Winkler, and Ranking Member France and all the members of the committee. My name is Chris Ficeto and I am a junior in high school at Chase Collegiate School in Waterbury. I’m here to testify in support of House Bill No. 6672.

As Speaker of the House, Tip O’Neill once said, “All politics is local.” Over the past month I have been
working with Representative Christopher Ziogas, along with my classmate Ritesh Vidhun on Bill 6672, which would permit sixteen-year-olds to vote for the officers of the municipality in which they reside.

I would like to express my overwhelming support for this bill. Ritesh and I both volunteered for multiple political campaigns for candidates on both sides of the aisle and we were astonished to see how many high school students, just like us, were working on these campaigns. We studied the issues and worked hard and put in as much effort as we could to help our candidates, just like all of the other volunteers.

But in the end, unfortunately, we could only watch the outcome. We could not vote. This is why I asked Representative Ziogas to sponsor this Bill. Sixteen and seventeen-year-olds should have an opportunity to participate in their local elections because so many of us are directly affected by decisions made at the local level.

For example, at one of my town council meetings last year, there was a group of high school students who wanted to get funding for a lacrosse team at the high school. Students attended the council meeting and spoke as to why the council should support their initiative. The Town Council and Board of Education in every municipality often make decisions, like that of the lacrosse team, that affect sixteen and seventeen year olds directly. Yet, we have no voice.

We would like to agree with the Connecticut Conference of Municipalities that many of the issues debated here at the Legislative Office Building and the State Capitol are just as important as the
issues debated at the local level. But frankly, the issues at the state level, which are wide and varied, do not have nearly the effect on sixteen and seventeen year old’s as does local legislation.

This initiative will also help to solve the voting crisis in today’s society. In the last election, only thirty-one percent of voters aged 18-29 actually cast their ballots.

Voting has been proven to be habitual and getting sixteen and seventeen year old’s into the habit of voting will help to revive and restore our democracy.

Many eighteen year old’s are in the midst of major life transitions, which makes it harder for them to establish the habit of voting. Sixteen and seventeen year old’s, on the other hand, are in a much more stable environment and are in a better position to confront their first elections.

Our generation is very informed due to our use of social media and technology to help us learn of current events and politics. Many of us participate in civics classes to learn more about government and the democratic process and voting in local elections will help students to really get involved in these classes so in turn they will become more informed and active voters when they do reach eighteen. And I implore all Committee members to vote in favor of Bill 6672. Thank you.

We will be answering any questions.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony and Christopher, yours in particular, the things that you just said, I have said many times in slight variation in talking about these
issues. Thank you. Are there questions from members of the committee? Representative Fox.

REP. FOX (148TH): Thank you much. Thank you both for being here today and testifying, appreciate your time and dedication to this cause. Just a quick question, now you touched upon it briefly in your testimony. But is there a reason why limiting to municipal elections?

CHRISTOPHER FICETO: Well, we feel that sixteen, seventeen year olds are very active in the community. They do extracurriculars. They might go to religious events. You know, you’re in school, you know your community as opposed to statewide, where we aren’t affected as much by those kind of legislations.

REP. ZIOGAS (79TH): I know this question will come up and I think the representative will probably bring it up because she’s read the constitution. Eighteen year olds are called for in the constitution. I mean, there’s no question to that. Our supposition is that this addresses elected officials that are identified in the constitution. The constitutional officers, state assembly members, senate members, people that are identified in the constitution. It does not reference municipal officials. In addition to which there is the home rule section of our laws in Article 10, which I will quote, “The General Assembly shall enact no legislation relative to the powers or organization in terms of elected offices or form of governor of any single town, city or bureau.” What that says, to me, is that each city has an opportunity to design some of its own electoral structure and those that it chooses to help support the franchise to.
Our role here at the legislature would be just to say that we don’t have an objection to the local municipalities exercising that. In all likelihood, the way that would unveil itself over time would be assuming that we say yes in the legislative, you know, in the assembly. We have a July 1st start date. It would probably have to go back to the local municipalities. They’ll probably be afraid of it. They’ll want to have a referendum, get, you know, public support. And then it may take another whole year for it to move through the system because our municipal year is this year. So, having this effective for our November elections, it’s probably a hurry. But the next municipal cycle might be likely.

What this does is offer every town an opportunity to do it. There’s no obligation to choose it. They can choose it if they want to. And this gives our young people an opportunity to participate in the system. You’re offering franchise to people who have criminal histories and coming out of prison and you want to extend that right to them. And this is just another way to do that to expand within our society. We think it’s a good idea. We think it’s a good training ground for young citizens. We think it gives them an opportunity to enter our system and develop the leadership.

If there was a criticism that came forward that sixteen and seventeen year olds aren’t capable of absorbing the kind of information necessary to make a vote. I think these people are perfect examples of why that’s not true. I think they were eloquent and on point and did a very nice job presenting.
So, I think among ourselves we have an opportunity to, to give some opportunity to younger people. And we need that by just allowing the towns to choose.

REP. FOX (148TH): Thank you very much. Thank you for your testimony today. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Senator Haskell.

SENATOR HASKELL (26TH): I just want to thank you, Representative, as well as the two gentlemen who are here to testify, really grateful for your advocacy on this issue. I, even though we may have been on different sides of the gubernatorial race, I think we can all agree that our democracy functions best when more people participate. And I was so amazed and inspired by the young people who assisted with my campaign and I was incredibly frustrated on election day when none of them could vote. They spent months trying to convince their parents and their grandparents to vote and yet they themselves were excluded from the legislative process. So, grateful for you kicking off this discussion. And I look forward to moving forward in our conversation about how we can make sure young people feel engaged and involved in the democratic process. Thank you.

CHRISTOPHER FICETO: Thank you.

RITESH VIDHUN: Thank you.

SENATOR FLEXER (29TH): Thank you, Senator. Are there other questions from members of the committee? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair. Just a quick question. Did you, have you
looked into if something like this has to be enacted on a local level and on a state level; in other words, does the state, per statute in allowing municipalities to have their residents vote at the age of sixteen? Is it something that the municipality should be changing, maybe putting an ordinance or something in their law and their charter as opposed to the state level?

REP. ZIOGAS (79TH): Well, I, I think, at the, the answer to your question is yes, it would happen at the local level. I think what we would do is say we have no objection to it because I think the natural objection would be, well, it’s eighteen years old in Connecticut. Okay. So, what we’re doing is saying there’s a difference between eighteen voting for constitutional and those elected offices as opposed to the municipal. And so we say we, you local municipalities have the privilege, if you will, of instituting it at your will. Bristol may say, yes, and Wolcott may say, no. It’s not universal.

REP. MASTROFRANCESCO (80TH): Yeah, I get it. I would assume that the local town council would have to open up their charter. Maybe perhaps do a charter revision commission to change that law or to do something to --

REP. ZIOGAS (79TH): I would imagine some are constricted by their charters. Some may choose to have a referendum to get the vote of the public. This is a starting point, it’s not a solution by itself.

REP. MASTROFRANCESCO (80TH): Thank you. And thank you for your testimony, you both did a very nice job. I know it’s tough to come up here, but I appreciate your testimony. Thank you.
CHRISTOPHER FICETO: Thank you very much.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Well, again, I just want to thank you for coming today and to tell you that I look forward to working with you on this proposal. When I was sixteen years old, in my hometown of Killingly, a town councilor told a bunch of students that went to a town meeting that we had no say in what was gonna happen there that night. And that set me on the path that lead me to be a state senator. And I guarantee you, that gentleman would not have talked to me that way if he knew I could have voted in the next municipal election.

So, I want to again thank you for your advocacy and maybe if we can move forward with this and see some municipalities choose to enfranchise sixteen and seventeen year olds, then we could have a conversation about changing the constitution and allowing more young people to vote because I think the points you raised were spot on, especially that notion of the year of '18 being a year of transition. And if young people got used to voting at a slightly younger age, then by the time they were eighteen it would be a habit and we’d see greater participation than that, that block of young voters.

So, again, thank you very much for coming today and thank you, Representative, for working with these great constituents.

REP. ZIOGAS (79TH): My privilege.

CHRISTOPHER FICETO: Thank you.
SENATOR FLEXER (29TH): Next is Representative Linehan, who will be followed by Kevin Dillon.

REP. LINEHAN (103RD): Good morning or afternoon as it is. Senator Flexer, Representative Fox and the esteemed members of the GAE Committee, thank you for allowing me to testify in front of you today regarding an ACT CONCERNING POLITICAL ADVERTISING. As has been said by others who were testifying in favor of this bill, I was one of the few who was on the receiving end of these doctored images during the 2018 campaign.

During this campaign and image was taken that had myself and a friend in an embrace and that was Photoshopped to now have then Governor Malloy’s head put on my friends body. And from there, there was the tagline added, Liz Linehan always stands by her Dan. So, in addition to an image being Photoshopped, bless you, sir, in addition to the image being Photoshopped, there was also the tagline, meant to deceive the electorate that I was having some sort of romantic or sexual relationship with the Governor.

To say I was disgusted is the very least that I can say. However, with all of the disgust that I felt, my electorate felt it even greater, believe it or not. The image was first alerted to me by my constituents. I was door knocking that day and someone had just gotten the mail. And a woman took that out and she was very upset and said, did you know that your opponent is trying to make it seem as though you’re having a sexual relationship with the Governor?

So, I’m here in support of alerting the electorate that images are being doctored. Some of the
language in that bill, I know that were some questions from this committee and, and I can answer some of those in what I would like to see happen.

The language of the bill does say 8 point font. I believe it should be a 12 point font because when we’re talking about doctoring images, our younger voters may understand the images can be doctored, but a lot of times we find that our older residents don’t actually understand that that’s a thing that can happen. And we find that the larger typeface will be easier for them to read and recognize that an image has been doctored.

Additionally, when we’re talking about how one can say that an image has been doctored, I think it’s easy to say that an image has been changed in order to change, subsequently change, I’m, I’m blanking on it, I had it as I was talking and there, as I was sitting there, when you guys were talking. But to say that it was subsequently altered to change the content. Right. So, if we’re talking about changing the color of the background, that doesn’t subsequently alter the content of the message. But Photoshopping the head of someone else onto someone else’s body does change the content. So, I think that wording like that might help, if, if LCO can take note of that.

And I, I do actually, I agree with Representative Haddad that we need to look into videos. That is a giant problem on the internet as we’ve seen not only when we’re talking about the Parkland victim, but also when we talk about revenge porn. These are all things that we need to look into moving forward.

My only concern is that this legislation doesn’t have any penalties. We need to consider that
because if we’re not giving penalties to anyone, what’s going to stop them from doing it anyways? So, I’d like to recommend to the committee that you consider adding any penalties to that. And you have my written testimony, which goes into a little bit more detail. But I’m happy to answer any questions.

SENATOR FLEXER (29TH): Thank you, Representative. Thank you for your testimony. Are there questions from members of the committee? Representative Fox.

REP. FOX (148TH): Thank you, Madam Chair. Thank you, Representative, for being here today.

REP. LINEHAN (103RD): Thank you.

REP. FOX (148TH): I appreciate your testimony. In terms of the mailers that were sent out against you, how many were there? How awful was it?

REP. LINEHAN (103RD): So, there were at least two different mailers that I know of that were sent out. I know that the one that I have with me today, that is actually the stand by her man piece, and I’m happy to pass that around, if anyone would like to look at it. That was sent to all voters, it was not just to one political party. So, it was sent to democrats, republicans and unaffiliated voters.

So, it is my belief that it was sent to the entire active electorate. And the other one was a photo of, which wasn’t me at all, and they took a fake photo of someone else and put my head on it and then took, then Governor Malloy, and then Photoshopped almost a drawing of my hand on his shoulder, which many felt that that with as suggestive as well.

You know, this legislation, and I said this in my written testimony, we can’t legislate class. We
can’t. But what, but what we can do is ensure that our residents, our electorate know when an image was doctored to substantially change the content. So, that’s what, that’s what I’m looking for.

So, these pieces, to answer your question, sorry, in a long-winded way, went everywhere. And they were not just sent via mail. Then they were also shared online.

REP. FOX (148TH): Thank you very much. Thank you for your testimony today --

REP. LINEHAN (103RD): Thank you.

REP. FOX (148TH): -- appreciate you being here.

SENATOR FLEXER (29TH): Thank you. Are there other questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair. Just you brought up a second time, to subsequently change, and I would tend to agree with your characterization of the difference between taking out the background or changing a background and what you’re describing happened in the mail pieces for you and others in this last campaign.

The question becomes, who is the arbiter of substantially changing how you define that in some objective way so that there is a clear delineation between, you know, a change in the tone of a picture from light to dark versus this knee-jerk characterizing of taking a body and putting a different head on it, which I agree would be substantially changing the intent of the original photo.
REP. LINEHAN (103RD): Exactly. And that’s what it is, it’s substantially changing the content for a different intent, right, so you could take a picture of my friend and I in an embrace, that means one thing. You Photoshop someone else’s head on it along with the tagline, Liz stands by her Dan, that substantially altered the meaning behind the original photo. And I think that while it may be difficult to police it’s sort of like, well, what’s pornography, I know it when I see it.

So, I think that this committee does have a task in front of them to find the language that would give the proper guidelines, but I don’t believe that it is beyond your ability to do so.

REP. FRANCE (42ND): And I guess that would be a concern as you talk about penalties is if there are financial or criminal penalties that go along with it that line needs to be very crisp between what is allowed to be changed. And so there is substantial concern as you start defining subjective terms of significantly altered as opposed to some specific criteria.

So, I appreciate your testimony and I agree the challenge is before us to figure that out.

REP. LINEHAN (103RD): Thank you very much.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Well, Representative, I want to thank you for coming today and talking about your experience and advocating for this legislation. And as you can imagine, the images involving former Governor Malloy featured heavily in some of my campaigns in one year, my opponent chose to use a
photograph of myself and Dan Malloy on a motorcycle, which was deeply upsetting to my family, since my father had survived a terrible motorcycle accident.

REP. LINEHAN (103RD): Oh, I’m so sorry.

SENATOR FLEXER (29TH): And that bothered my mother and father a great deal at the time. And so I know how hard these images can be when they’re just so grossly manipulated and done so in a way that’s meant to trigger something else as well.

So, thank you for sharing your story this afternoon. And we look forward to working with you.

REP. LINEHAN (103RD): Thank you very much. I appreciate your time.

SENATOR FLEXER (29TH): Next is Kevin Dillon, followed by Mike Savino. Is Kevin Dillon here? Okay. Well, Mike Savino, and after Mike Savino will be Michael Brandi, if Dillon doesn’t come back in.

MIKE SAVINO: Good afternoon, Chairman Fox, Chairman Flexer, Vice Chairs Haskell and Winkler, Ranking Member France and members of the GAE Committee.

My name is Mike Savino, I am President of the Connecticut Council on the Freedom of Information. We’re an organization that is advocated for open government and transparencies since 1955. I’m here to testify on two Bills, 5110 and 6876.

With regards to 6876, it’s pretty simple, we support this bill as a way to bring our FOI Act into the 21st century. Certainly, cellphones have made a lot of devices obsolete, including handheld scanners, so we think it makes sense to modernize and reflect current technology and allow people to use those devices.
Also, we think that the fee structure that’s proposed is fair and encourages people to get digital copies as opposed to requiring paper copies and staff time to do that.

With regard to 5110, we are opposed to this legislation. We understand the importance of the security exemption. We are not asking for any changes to these protections under the FOI Act. What we would like to see is instead of doing a piecemeal approach to giving it to quasi-public agencies who make the request, the legislature should instead unify the process, have them go to DAS or DESPP, as the legislation says for other public agencies. It’s a process that has worked for the MDC, for example, when they sought to use the security risk exemption. We don’t see a reason why it wouldn’t work for other quasi-public agencies.

We also think that it’s prudent to have oversight and restrict the number of people who can use this exemption. Certainly, DAS or DESPP would still consult with those agencies, but it gives some oversight as opposed to just allowing quasi-publics to be off on their own to make this exempt, this claim for themselves.

So, we think that it’s a better process for transparency while striking a balance with the understanding of the risks that some of these records can pose.

I’m here to take any questions.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Representative Fox.
REP. FOX (148TH): Good afternoon, Mike, thank you for being here.

MIKE SAVINO: Thank you.

REP. FOX (148TH): Just to reiterate, in your opinion there’s already a process that quasi’s could operate under, so in a sense, legislation is not necessary?

MIKE SAVINO: Well, I think perhaps it needs to be clarified. The process seems to talk about other, it, it, it’s clearly executive branch agencies that they would go before DAS and DESSP. We understand that, that that’s not necessarily clear how that would apply to quasi-public agencies. Although I think in the airport authority’s testimony, they even understand that they would go before DAS. So, I think it would just be smarter to clarify that that is, in fact, where they would go.

REP. FOX (148TH): Okay. And can you also just do me a favor and then I clarify the role that CCFY plays in contrast to FY?

MIKE SAVINO: So, we are, we are separate from the Freedom of Information Commission. We are an advocacy group. Our members include mostly members of the media and media outlets as well as some other first amendment advocates, largely attorneys. We have a few groups like the ACLU Connecticut, but it is largely media members who comprise our membership.

REP. FOX (148TH): Right, because if I recall from FYI’s testimony, they were relatively, they are somewhat in support of the House Bill 5110, which I think is in opposition to your position on the bill, is that correct?
MIKE SAVINO: Yes.

REP. FOX (148TH): All right.

MIKE SAVINO: I suppose. I would have to -- I didn’t get to see that testimony. So, I’d have to read it, but.

REP. FOX (148TH): Thank you.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Again, just to, to clarify, you believe that if the bill that’s before us had some clarity around the fact that they had to go to DAS, you would be more comfortable with it or you --

MIKE SAVINO: Yeah.

SENATOR FLEXER (29TH): -- believe this legislation is unnecessary all together?

MIKE SAVINO: I think, I think, obviously there is some confusion, you know, given the fact that even with this bill, these quasi-publics are looking to get the authority themselves. So, I think it would be prudent to them to clarify in legislation that the intention would be for them to go before another public agency, similar to the way other executive branch agencies already do.

SENATOR FLEXER (29TH): Okay. Thank you. Thank you again for your testimony.

MIKE SAVINO: Thank you.

SENATOR FLEXER (29TH): Next is Michael Brandi, who will be followed by Mark and Anna Bernacki. Well, I’m gonna guess that it’s Mark Bernacki and Anna Posniak.
MICHAEL BRANDI: Good afternoon, Cochair Flexer and Fox, Vice Chairs Haskell and Winkler, Ranking Members Sampson and France, and distinguished Committee members.

I am Michael Brandi, the Executive Director and General Counsel for the State Elections Enforcement Commission.

There are five bills before the Committee today that are of crucial importance to the SEEC and the matters under its jurisdiction. Three of these we strongly support and two we currently oppose.

Let me start with the three bills that were originally proposed by SEEC. Not surprisingly, we strongly support these bills.

Senate Bill No. 914, AN ACT CONCERNING THE DISCLOSURE OF COORDINATED AND INDEPENDENT POLITICAL SPENDING.

This bill, like many of our proposals this year, is modeled after the campaign finance reforms that are being co-sponsored by 227 U.S. representatives, including all five Connecticut representatives, on the federal level as H.R. 1, the For the People Act of 2019.

Many of you may have seen the video supporting this federal legislation that recently went viral, highlighting how deep-pocketed donors dominate our political system.

The video received over 38 million hits. Its popularity demonstrates the same thing that poll after poll shows. Nationwide, the American people want to see campaign reform.
The good news is that in Connecticut, thanks to the hard work of governors and the legislators on both sides of the aisle, we already have many of the reforms that they are just considering across the nation.

Connecticut already has a strong clean elections financing program, one of the most successful in the country. In fact, right now 85 percent of the sitting officials holding statewide, and legislative offices have been elected under our clean election system, voluntarily foregoing the use of special interest or state contractor monies.

Connecticut also has strong and effective disclosure laws, requiring disclosure of the source and amounts spent in Connecticut elections and not only when the expenditures are made but when they are obligated to be made or incurred. And, in the time-frame right before the elections, disclosure for independent expenditures comes within 24 hours.

Senate Bill 914 aims to further strengthen Connecticut’s laws regulating independent expenditures by adopting provisions being proposed on the federal level under the subtitle “Stop Super PAC-Candidate Coordination.”

The title is an excellent description of what this bill does. It provides clear bright lines in common-sense situations where a candidate has a close relationship with the spender. It says a spouse cannot collect and spend unlimited amounts of money from corporations and special interest groups to support his wife who is running for office and call that spending independent of his wife.
A non-profit recently established or controlled by the candidate cannot make an expenditure for that candidate and call it “independent” of the candidate that controlled or established it just a short while ago.

By providing clear bright lines based on common-sense, these provisions save the need for lengthy, expensive, time-consuming investigations that can only be resolved long after the election.

Senate Bill No. 918, AN ACT CONCERNING SUPPLEMENTAL GRANTS FOR CERTAIN CANDIDATES UNDER THE CITIZENS’ ELECTION PROGRAM. In 2005, when the program was first adopted, the grants were adequate to run a race in contested districts and also when candidates were faced with high-spending opponents or targeted by negative independent expenditures.

In 2010, however, a U.S. Supreme Court decision resulted in the loss of over 30 percent of the funds available to a gubernatorial candidate and over 60 percent of the funds available to candidates for other statewide offices and the General Assembly who participated in the program.

The loss of funds is problematic for the program, and as independent expenditures increase, it will become a greater and greater problem until it is addressed.

In order for a voluntary clean elections financing program to work, candidates must believe that they will be able to be competitive if they participate and agree to abide by the program expenditure limits.

The bill would restore lost funds for gubernatorial candidates by making matching funds available in
those races where we have historically seen high independent expenditures and high spending non-participating candidates.

There needs to be an alternative for participating candidates to have access to adequate resources to compete effectively while still eschewing traditional private finance and special interest contributions in favor of small dollar individual contributions.

This bill would restore availability of the needed funds for the top race and provide a road-map for deciding whether and to what extent such matching funds should be available to other participating offices as well.

There are many areas in this proposal that will require additional discussion, such as how application deadlines and black-out periods would work for the matching funds applications and SEEC staff stands ready to assist with these details.

House Bill No. 7210, AN ACT CONCERNING CAMPAIGN CONSULTANTS AND COORDINATION. This bill is also based upon one of the SEEC’s proposals this year. It is not, however, based upon the reforms that are part of federal bill HR1.

Rather, this is a bill that arises out of Connecticut’s successful clean elections program. This program relies on treasurers to protect the public fisc by pre-approving all expenditures, making sure that they are for permissible expenses, that the goods and services paid for are actually received and that they are for market value.

This bill will make that important job possible and, when there is a breakdown in disclosure, it will
liability where it belongs, which in recent cycles, we have found is often with consultants hiding information rather than with the treasurers who are making every effort to get it but running into roadblocks.

We have proposed this legislation in the past, and with each cycle we have seen an ever increasing need for it. The lack of disclosure from consultants about what they are charging and how they spend the money, money often from the Citizens’ Election Program, public money, is a problem that hasn’t gone away. Campaign treasurers are frequently caught between a rock and a hard place when the consultants fail to provide the information that the treasurers need to comply with the law.

This bill would make it possible to hold noncompliant consultants liable, would help the treasurers get the information that they need to do their jobs, would provide better accountability and better disclosure to the public, and would help ensure that public funds are being spent for legitimate campaign-related purposes.

Finally, the bill increases transparency by providing tools to uncover common vendors which will help to ensure compliance with the independent expenditure laws. We strongly urge its passage during this legislative session.

On to the bills the SEEC opposes. Senate Bill No. 270, AN ACT CONCERNING QUALIFYING CONTRIBUTIONS UNDER THE CITIZENS’ ELECTION PROGRAM. This bill will slow down the grant application process and delay the delivery of grants to the committees who are trying to qualify for them. It requires SEEC staff to give out information at its busiest time,
during grant application period, as to every contribution it has reviewed, whether it qualified and every reason why it did not.

Please understand the volume of information this involves. This last cycle, we received over 126,000 contributions. Moreover, a contribution, when a contribution doesn’t qualify, it has to be reviewed again. So, 126,000 is the low end of contributions that would be subject to this new reporting requirement, all during the busiest part of the election cycle.

We already provide in writing a list on all non-qualified contributions that may be easily and quickly fixed by campaigns. The delays in processing grant applications that would be caused by changing the focus to those contributions that may not be easily fixed would impact not just the campaigns who may have non-qualifying contributions but will also drastically slow down every other applicant in line with or behind them.

The proposal will also harm contributors. We do not have time to fully investigate every contribution at the time of application. Yet, this proposal will require staff to create a publicly, and publicly release a report within just five business days of a General Assembly candidate’s application submittal, connecting the names of that candidate’s contributors to an indication of wrongdoing, including fraud or forgery, before there can be an adequate investigation and other due process.

If there really is a problem, releasing the report may significantly hinder our ability to investigate serious allegations. If the investigation doesn’t substantiate the suspected wrongdoing, the
contributor will be right to be upset with that flawed, unfair process.

Most importantly, this is redundant. It simply legislates that we create reports during our busiest time, which we currently review with treasurers or candidates who ask for the information after the election.

Every participating campaign is invited to make an appointment to come in and review all of the contributions that were deemed not qualifying at the time of grant application. This year we made the offer a part of our candidate and treasurer surveys, only a handful have requested the meetings and we are all setting them up now.

This bill, if passed, would slow down all grant applications considerably, would certainly result in increased enforcement actions against contributors, and, in the end, it will not provide useful information to committees during the election cycle.

As to House Bill No. 5815, AN ACT CONCERNING POLITICAL ADVERTISING. We oppose the bill as is currently drafted. Our concern is that this proposal, requiring a disclaimer if a photograph or image of a candidate appearing in a campaign communication has been “altered in any way,” is overly broad.

Most digital images today are altered in some way prior to publication. For example, the image might be cropped, the colors might be softened or brightened, or someone’s wrinkles may be lessened. Should every photo with such minimal alterations really result in a violation if there is no
disclosure declaring it to have been altered? At what level does it actually become a violation?

To narrow the disclaimer requirements, however, seems likely to result in language that would ask the enforcing agency to make difficult judgments about the acceptability of the alterations, based perhaps on the effect or intent of such alterations and perhaps that is why the provision was drafted so broadly.

We certainly understand the problems in this last election cycle, and in others across the country, that are at the source of legislation like this.

We urge that careful thought is taken and, perhaps a study or working group is convened to determine how such problems are best addressed.

Asking SEEC staff to become the truth police, would likely result in expensive challenges that would drain the resources of both this agency and the Attorney General’s office.

I thank you for the opportunity to present this testimony.

We would like to express appreciation to the Committee, the Office of Legislative Research and the Legislative Commissioners’ Office for their time and effort spent on all these bills.

It is our sincere hope that the bills will continue to strengthen and improve one of the very best experiments in democracy in the nation.

We look forward to working with you further and we’ll stand ready to assist in any way. And we certainly are looking forward to questions.
SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair. First on 7210, I would note as interesting as I appreciate you bringing that bill out in support of it, I will note that four years ago I submitted a similar language and interestingly enough at that time the SEEC’s response was, we don’t need this, it’s already statutory language. I think we found over time that there are challenges with treasurers being caught in the middle between consultants and others that are, and the treasurer has the sole liability under law related to that representing.

I guess the question and conceptually, would you envision consultants signing a similar disclosure form to treasurers, deputy treasurers and candidates that make them aware of the law their supposed to follow and, and or how would you make sure they’re aware of the requirements that they’re now potentially going to be under statutory requirement?

MICHAEL BRANDI: Well, they’d be statutorily obligated to read the statutes and understand that the business that they’re engaging in is a regulated business, first of all. Second, the idea of a disclosure, a signed document from them, doesn’t really carry much weight. It’s in a contract generally. So, most of these consultants are signing contracts with the candidate committees that they’re engaging in work.

What we’ve seen over time is we have seen more and more treasurers getting frustrated with the fact that they simply get information from the consultants. So, we call some of these campaigns,
campaigns in a box, which are campaigns which take
the vast majority of the money that is given,
whether it’s through the public financing grant or
independently in a nonparticipating candidacy where
the consultants are controlling all of the money.
They’re giving the treasurer who is by law the only
once responsible for disclosing and approving of any
expenditures, they’re giving them short shrift,
they’re not giving them information. And at the end
of the day, the agency who’s now looking for the
information in the disclosures is not getting it.
And our only source at this point is the treasurer.
So, what we tried to do through this bill is to say,
look, we understand your treasurers are under
pressure. We understand your treasurers are trying
to get this information and are being stymied by
consultants. So, what our solution is, give us
enforcement authority over those noncomplying
consultants. If they want to engage in conduct,
which they know is hiding information effectively
from the treasurers, then they should be held liable
for that. And that’s what this bill tries to do is
say, let’s not just put the pressure on the
treasurers, let’s put it where it belongs, which is
on the consultants who are hiding that information.
REP. FRANCE (42ND): And I agree on everything you
just said as far as the principle. I guess my
concern is that by the agreements that treasurers,
deputy treasurers and candidates sign with SEEC,
they’re on, you know, essentially a contractual
obligation to comply.
MICHAEL BRANDI: Right.
REP. FRANCE (42ND): SEEC does not have the same relationship with a consultant, that relationship is with campaign.

MICHAEL BRANDI: Right.

REP. FRANCE (42ND): So, under contract law, and I’m not a lawyer and don’t claim to be an expert, it would seem to me there would be a challenge with enforcement. Yes, they’re required to comply by law, but SEEC did not enter into that contract with the consultant, the campaign did.

MICHAEL BRANDI: Right.

REP. FRANCE (42ND): And if the campaign failed to disclose appropriately how would SEEC enforce? That’s why I go back to if there was a --

MICHAEL BRANDI: Sure.

REP. FRANCE (42ND): -- disclosure form similar to the two which are different for the candidate versus the treasurer, because the responsibility is different. If SEEC had developed a similar form, if a consultant is going to engage in that work, they would then, if for a particular campaign, no different than the candidate, they would come in to SEEC and say, I am going for this campaign and I’m signing that I’m going to comply. I guess, I’m concerned that or a question why you wouldn’t want that relationship the same as the treasurer and the candidate.

MICHAEL BRANDI: Basically what our agency already does is provide you with compliant contracts to make sure that the language that’s required, to make sure that those, those vendors and those consultants are complying with current law, that that’s already
provided. So, we give you those basic contracts already. We provide you the form for those. The second would be to beef up those contracts a little bit, if this law’s passed. As a regulatory agency, if you give us the authority to go directly after those entities, it doesn’t happen based on a contractual basis. They are engaging in conduct with a campaign, which would put it under our jurisdiction. So, we can then exert authority directly over consultants. And again, if they’re interacting with the campaign, they’re being paid by the campaign, they are within the authority then under this statute. They would be under our authority to allow for us to fine and penalize them, should they not comply with the disclosure laws.

REP. FRANCE (42ND): Thank you very much. And the only, the question I had was regarding the Senate Bill 270, which is the, I guess, the one for the disclosure. The concern, and I appreciate that you meet with the treasurers after the campaign to let them know what was wrong, but as I know you’re aware, the candidate is trying to qualify --

MICHAEL BRANDI: Right.

REP. FRANCE (42ND): -- you know, is, puts a reasonable buffer into the process of 10 or 15 percent in contributions. And when they’re lost, it’s frustrating to try and figure out. So, I guess the concern from both the candidate and the treasurer particularly on lone campaigns and others is why there wouldn’t be a simple thing of SEEC is the expert in knowing what is wrong with them and having a checklist of, you know, the issues. There are a finite number of boxes and just check that box 4, box 6 and box 7 are the concerns and allow the
campaign to know. I think that that’s the challenge and frustration of campaigns is even when they ask during the campaign cycle, they, many of them are told that I don’t know what’s specifically wrong with that one contribution or that bank of contributions. So, is there a way that you envision that we could maybe develop a better process so that campaigns could know and be able to remedy those things as opposed to what you describe in your testimony as this public report that goes to everybody as being able to help the campaigns --

MICHAEL BRANDI: Right.

REP. FRANCE (42ND): -- in the processes they’re trying to qualify?

MICHAEL BRANDI: Sure. To understand the process, what we do now is, once our auditors have completed their analysis of all the contributions and it’s gone through multiple layers, it goes through three layers, to analyze all the contributions. It goes through the frontline examiner, a supervisor and then the director of the unit. It’s then given to the elections officers. The elections officers then go through, who are working directly with your treasurers, they then go through all of the contributions, they see all the ones that have qualified, and they basically then see all the ones that have not qualified.

What they do then is prioritize the easy fixes. So, what they do then is go through the list and find what are easy fixes for the candidates to complete to get them over the threshold. When we have a tight timeframe to get through all of these applications and this year it was made worse with what the legislature did last year, where they’ve
now given us from, they went from basically a six-month timeframe to review applications to now like a three-month timeframe. So, we were absolutely overloaded with applications. So, our goal is to get you through the process as quickly as possible. So, what our elections officers do with our compliance attorneys is go through the, go through the nonqualifying contributions that are easily fixable. We go back with your treasurers and we go through that process. The ones that we don’t give you right now are ones that have a, they’re, they’re questionable for reasons of they are suspect signatures or suspect that, for example, while a husband and wife can give a check for $200, they each have to have individual contribution cards.

Quite often what we see in the process is husband and wife will sign each other’s contribution cards. That’s unacceptable. That’s actually fraud. So, rather than those that are deemed nonqualifying and put aside, they’re not fixable at this point because you can’t fix something where you’re basically signing improperly for somebody else. So, what we do then is we go forward with the ones you can fix, and we try to get you on a path to go as quickly as possible to make those fixes. Sometimes they’re new contribution cards, sometimes it’s just amendments to reports because your SEEC 30 doesn’t match with what’s on your contribution cards. There’s sometimes easy fixes for your treasurer to do. Sometimes it’s a little more legwork in going back to the contributor for additional information.

We’ve had in the past years so, and it’s nothing that actually we did, but the credit card companies did, where they’ve put in additional fraud protection requirements. So, they’re now sending to
us additional information, looking at credit cards and how credit cards are being used. Because as you know, you cannot use a business credit card and you must use, even if the credit card is husband and wife, that’s fine, if you have a, a contribution card from each one, so those go through. But if we notice on them that there’s errors in signature, that there’s changes to contribution cards, notably with amounts that are put on the contribution card, we see different notations, different penmanship. We see things that are whited out and crossed over, those are things we put aside as possibly requesting further investigation.

Now, we have investigated cases where we see a pattern in practice, where we see multiple contribution cards coming in from campaigns and we have prosecuted cases of fraud, where we have people who are putting in straw contributions. And you see those in our lists of decisions that we have come out with.

What we don’t want to get to is a situation where we have to investigate every single one, where husband may sign for wife or some small situation which is generally an error, but where people, if we were releasing that information publicly, that could be a situation where your opponents are weaponizing things. And so, the better, the better task here is to simply say, we’ll gladly review those with you after the season, so you see exactly why they were disqualified. But during the season, we are looking at anywhere from 20 to 30 applications per week to be handled by the same small group of examiners. We don’t have the time to stop and break out those few nonqualifying, when our effort is 100 percent trying
to get you through and get you qualified as quickly as possible.

So, I think the system we currently have in terms of reviewing those after the election season is the better way. To start putting extra requirements during the election season, while we’re trying to review. Again, this year, a conservative estimate is 126,000 contribution cards were reviewed. And that’s done by a staff of six. Six examiners, one supervisor and one director in that unit.

So, the volume is simply incredible. And for them to have to stop to go back and deal with potentially a few nonqualifying contributions, doesn’t, doesn’t serve the purpose of the program to get you through and get you qualified as soon as possible.

REP. FRANCE (42ND): And I thank you for that detailed answer. I think the, what you just described is a reasonable approach to the process. You know, and the challenges with many times what we hear anecdotal stories as opposed to detail, so it’s very difficult as you know to draw any kind of conclusion that the anecdotal story was dealing with the hard to fix or potentially fraudulent applications as opposed to easy ones. So, I guess I would surmise from your testimony that the SEEC, as a unit, provides exactly as you described to every candidate that you have easy solutions that are simple checkbox things or whatever it might be that you work with every candidate that way.

Truly these anecdotal stories that we hear are the ones that you’re describing that are either, you don’t want me to tell you why this is wrong because of a potential fraud investigation, intentional or
not, or it’s something that’s just not easily fixed; is that, my understanding correct?

MICHAEL BRANDI: That’s correct. And in certain cases too where we’re trying to advocate for you to take the easier route to correct certain types of contributions. Sometimes we have contributions that will have, you know, in our parlance we have various codes we use to show different problems with each contribution card. Sometimes a contribution card can come in and it’s missing three or four elements. Those aren’t necessarily always easy fixes. So, staff is accustomed to these processes and they know how to carve out the easy fixes that can get you moving quickly. And yes, some of the ones that are anecdotal, where we have put things aside because of elements of, you know, forgery or fraud elements, again, we’re trying not to make it a difficult process for the candidate committees, we want to get you right through. And if we do see patterns, not like we’re avoiding those situations, the situations where a husband and wife may sign, you know, someone signs each other’s card, that’s one where we chalk up more as mistake, disqualifying, but more mistake. We have had cases, and I think you can look this year just at the portion of the Obsitnik campaign that we’ve already resolved, but we had straw contributions coming in and the individual just paid the agency over, it was actually set to $16,000 fine. And that case isn’t over yet, but there was a clear indication in that case where straw contributions were coming in under this kind of a rogue solicitor. And we had to take our time to go through that to make sure it wasn’t more endemic in the campaign itself.
But those are situations we are concerned with. We had them in the past. We had a candidate committee two years ago, excuse me, four years ago, that the operators of a business were basically taking cash contributions from all their employees and having the employees sign the contribution cards fraudulently, but the owner was putting in the money for all the contributions. Clear fraud. We had 29 counts in that case that we were able to establish, and that individual paid over a $20,000 fine.

So, and it does ratchet up, if we really find that it’s egregious, where we can assess and refer to the Chief State’s Attorney for criminal. So, we do take them very seriously. Straw contributions is one of the areas that we have to, we find is one of the most serious violations in all campaign finance law.

REP. FRANCE (42ND): Thank you much. Thank you, Madam Chair.

REP. FOX (148TH): Thank you, Representative France. Any further questions or comments? Representative Perillo.

REP. PERILLO (113TH): Thank you, Mr. Chairman, good afternoon.

REP. FOX (148TH): Good afternoon.

REP. PERILLO (113TH): Just to clarify for me your process. So, when the easy fixes are filtered out --

MICHAEL BRANDI: Right.

REP. PERILLO (113TH): -- is, is the campaigns, the treasurer given the reasons --

MICHAEL BRANDI: Yes.
REP. PERILLO (113TH): -- what the reasons why it would be fixed?

MICHAEL BRANDI: Yeah, we actually provide them with an email. And it says, here’s what needs to be fixed. These are the easy fixes. Contribution No. 32. You know, residential address is missing. Put in get the residential address. We give them very easy step. I wish I could -- I could actually provide you probably with some examples of the types of emails we send, which shows step-by-step process of here’s how you need to fix these, again, the easy fixes. Here’s how you need to fix these contributions. Because sometimes it is, the treasurer has made a mistake on their filing. So, sometimes it’s an amendment to their SEEC 30, their itemization and sometimes it’s on the contribution card. But we give them an itemized list of all the easy fixes, step by step by step.

REP. PERILLO (113TH): The reason why I ask, honestly is, and my treasurer is very good. We don’t really have any issues.

MICHAEL BRANDI: I think yours is one of the best, to be honest with you. Just, just for in all honesty, your, I think your treasurer hit it on the first shot and there was not even a fix that was needed. We do have, we do have a lot --

REP. PERILLO (113TH): I want to talk about that though, that’s interesting.

MICHAEL BRANDI: Uh-huh.

REP. PERILLO (113TH): So, in the casual conversation that I had with the staffer from your office, it was mentioned that one of my contributions was kicked back.
MICHAEL BRANDI: Uh-huh.

REP. PERILLO (113TH): And I asked why, and I was told. The auditor couldn’t tell that perhaps a 1 in front of a 5 was scratched out.

MICHAEL BRANDI: Uh-huh.

REP. PERILLO (113TH): And that could have been a $15 contribution. Maybe somebody scratched out the 1 and pocketed $10. So, I have to ask the question.

MICHAEL BRANDI: Uh-huh.

REP. PERILLO (113TH): Do you in your office have handwriting experts that are certified, because there are certification agencies that do that. I’m not trying to be difficult, but we hear a lot of these anecdotal stories about, you know, different handwriting and, you know --

MICHAEL BRANDI: Right.

REP. PERILLO (113TH): -- somebody filled out this line and somebody filled out that line. So, how are those determinations?

MICHAEL BRANDI: We have two investigators in our office. One was a former assistant chief for the City of New Haven, head of detective bureau. The other was a lead detective in the, in financial crimes in the detective bureau in New Haven. Both of those individuals are involved in handwriting analysis. When we get to a point where we’re looking further and we’re looking at true forgery, and not just that it’s a common signature that we can tell and it’s pretty obvious when you see these that, you know, husband signed for wife, wife signed for husband. We have comparisons with checks. We have methods of doing that.
If it gets to the point where we need to go further into an investigation and actual enforcement, we also utilize the state lab and the forensics analysis at the state lab and we do that quite often through our, in our, when we get into an enforcement case with it.

But if there’s a real question mark on some of that, when we have seen people who have doctored and we get a copy sometimes of the contribution card, so quite often we’ll ask for the original card to see was there a doctoring of the card because that can make a real difference in whether somebody’s qualifying or not.

REP. PERILLO (113TH): No, thank you. And you understand why I would ask the question.

MICHAEL BRANDI: Absolutely.

REP. PERILLO (113TH): Sometimes it feels, and I don’t, and I mean I hear it from other candidates, it feels arbitrary. So, thank you for that.

MICHAEL BRANDI: It actually goes through a very, the process, we’re looking at the signatures actually it goes from our examiners up through our supervising examiner, through our director, then it goes immediately to our investigators. Our investigators will look at it. It then comes to me. I will also look at it. And that’s how we, we determine whether or not something like that should be. It’s a whole process we go through. It’s not one person doing it. It actually has gone through five or six people by the time we made a determination that there’s something suspect here.

And again, the better route at that point is to simply disqualify it and move on to the next one.
Because we also don’t want to be giving a grant based on something that might be a fraudulent or a forged signature on a contribution card, which may call into question the entire contribution.

REP. PERILLO (113TH): Got it. Thank you very much. I appreciate that.

MICHAEL BRANDI: Absolutely.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? I have a few questions, if I may.

MICHAEL BRANDI: Sure.

REP. FOX (148TH): Without getting too far into detail, can you please provide us or the committee with a broad difference between coordinated and independent spending?

MICHAEL BRANDI: Sure. Independent spending is allowed from outside organizations and groups to be spent on, for say a, a certain candidate. They’re happily wholly and completely independent of that candidate. If coordination occurs and whether coordination, there are rebuttable presumptions under the law. For example, if the candidate and the independent expenditure organization are using a common consultant, so they’re now sharing all their information through a common consultant, that would constitute coordination. If the polling data that is being collected by the --

REP. FOX (148TH): Is there any way to determine that if it’s coordinated with a common consultant or is that what the other bill’s trying to get at?

MICHAEL BRANDI: Well, what the bill’s trying to get at is to give us some clear bright lines with that.
But all of this takes a pretty in depth investigation. So, what it requires us to do is basically get into the details of communications. Get into the details of how these independent expenditure groups are acting and spending money. And it all, you know, it takes quite a bit of leg work in order to compile the information necessary to prosecute it. But it is, it is basically a clear line that has to be drawn between what the activities of an independent expenditure group are and what a candidate is allowed to do.

REP. FOX (148TH): Okay. And this, it’s obviously because the 914 submitted, we can go ahead and assume this is a problem in Connecticut with blurred campaign funding and spending lines?

MICHAEL BRANDI: Absolutely, it has been a bit of a blurred line and we’re trying to, this legislation will help clarify it better and help to delineate some clear bright lines so that candidates know what they do and also the independent expenditure groups know what the limit is to what they can do to make sure that they’re not coordinating or stepping over the line and coordinating improperly with a, with a candidate committee and a candidate.

REP. FOX (148TH): Okay, and back to 914.

MICHAEL BRANDI: Sure.

REP. FOX (148TH): Section, subsection (b)(1), I’m sorry, (c)(1), makes reference to a directly or indirectly any person directly or indirectly for and controlled or establish an election cycle, is the language used in the bill as well with, let’s see, at the request of or suggestive of a candidate or a committee. Do you have any further, that always
seems to be an issue with the bill, like what is
directly or indirectly, what is it suggestion of?
Do you have any further clarification as to that
type of language?

MICHAEL BRANDI: I’m gonna call Shannon up. She
helped draft the bill. So, Shannon Kief is our
legal program director.

REP. FOX (148TH): All right. Shannon.

SHANNON KIEF: Good afternoon. This language is
actually taken directly from --

REP. FOX (148TH): Can you identify yourself for the
record, please?

SHANNON KIEF: I’m sorry. For the record, I’m
Shannon Kief, I’m the Legal Director with the State
Elections Enforcement Commission. Myself and my
staff helped draft this bill. And the language is
based directly on the legislation that’s moving in
the House right now on the federal level.

We’ve taken it from there and adopted it for
Connecticut. But basically, the idea is that a
candidate can’t, within the election cycle or right
before the election, form a Super PAC or form a
501(c)(4) organization. Go out and collect
unlimited in sourcing amount donations and then step
back and have that Super PAC spend independently on
their campaign.

So, it’s a clear bright line. And by directly or
indirectly, it means the candidate can’t form it
themselves and the candidate’s wife can’t form it.
So, they can’t say, hey, Fred, I can’t form it, so
why don’t you go do it and have that happen. If
it’s happening at the direction of the candidate,
it’s not okay. They can, they can form a Super PAC, but that Super PAC can’t spend independently to promote or support them or attack their opponents.

MICHAEL BRANDI: We had examples on the federal level, we call kind of setting up the automated robot. So, basically a candidate at the federal level will have his former chief of staff, for example, set up a Super PAC. They’ll give them all the directions, they’ll help them raise the money, they’ll set aside, you know, umpteeenth millions of dollars, and then they form their candidate committee and say, I have nothing to do with the Super PAC. Although I raised all the money for it, I gave them all the direction on what to do, I’m now informing my candidate committee separate from the Super PAC, and so now they start raising money in their candidate committee and they technically got two sources of money now that they’re spending on their campaign improperly.

REP. FOX (148TH): And the assumption there being that they knew they were running before they announced?

MICHAEL BRANDI: Absolutely, it was all a, it’s a scheme. It’s basically a method they’re using to raise as much money as possible. The, one of the anecdotal stories on this came from the Bush campaign, from Jeb Bush’s campaign, where they were literally hosting, the Super PAC they had formed would host fund raisers in the same hotel as the candidate committee. So, they would go from ballroom to ballroom with high donor people, who would be delivering checks, first to the Super PAC, then to the candidate committee. And all of this with, under the guise of we’re separate, it’s, it’s,
they’re independent of each other. But when you do an investigation of that you find, there’s nothing independent, they’re using the same rolodex, they’re bringing in the same people. They’re going from ballroom to ballroom to give checks. And all of the strategy is now coordinated between the Super PAC and the candidate committee. And there’s nothing independent about it.

REP. FOX (148TH): Okay. Moving on to House Bill 7210. The idea of, can you, is there a definition that you can provide of the actual consultant, like what is a consultant? The issue that I have or am concerned by is that often times within campaigns, people are paid funds for being a “consultant,” but yet there’s not much, like who’s a consultant? Is a consultant someone on the local city committee who’s helped out and has done some door knocking and who knows the city, knows town well, and knows where to go door knocking, knows how to make phone calls, and as a result, they’re being paid as a consultant and often times with large lump sums of money that are just the consultant and how are they, can you just provide some more information for me?

SHANNON KIEF: Yeah, and this is actually a very good question and why when we were brought in when this first came to light. We thought we didn’t need the legislation, but one of the things that’s come back to us is people who are designing the strat, communications for the strategies are saying, well, we’re not consultants because we’re designing communication strategies that involve mailers. We’re just like staples. We’re vendors. And so, what we did was listened to people and the reasons that they were saying that they were gonna refuse to give information to the, to the candidates and the
treasurers who were paying them out monies, often public monies. And, and we came up with the definition that we believe makes it very clear who’s a consultant and who has to provide that disclosure. And it’s basically the people that are providing the, the campaign services. They’re almost acting like a campaign manager in many ways. They’re designing the strategy. They’re designing the message, the false communications, the, the, the altered photos. It’s these people, we’re not going after staples. And when staples ordered a, a platform of paper that they might eventually use to fulfill an order for a mailer, it’s the consultants that are doing the strategy work for the campaign.

We believe that the law right now is clear, it clarifies who it applies to. The most important thing that the statute does is it allows us to directly speak to the consultants and hold them liable.

REP. FOX (148TH): And if currently what’s happening is consultants are saying we’re vendors, we’re strictly vendors, is their a definition of vendor in the state law currently?

SHANNON KIEF: There is, there’s, there’s the consultants and then there’s the sub vendors and who has to apply. So, yeah, we’ve looked at it levels and we tried to get at all of those levels. And the way that we came up with our language was we looked at what other states are doing. And we looked at California, we found something in Massachusetts, which was really helpful for us. So, this is kind of researching everything that’s out there in the nation. We brought it back to you in a way that we think will provide the disclosure and make it very
clear who has to, who has to provide the treasurer the information and when.

There are safe harbors in there and, and thresholds. And that may be something you want to pay attention to. Basically, I think, you know, it’s like 5,000 and a thousand, when, when, how much money they’re getting will depend on the level of information that they have to give. If you’re only paying somebody a couple of hundred dollars, maybe the requirements wouldn’t be the same. And I think we set that at a thousand and $5,000, but that would be a place that you could change it as well, to make sure that it’s not too burdensome on the consultants.

I, I heard your question about whether the consultants know the requirements. We did when we started encountering this campaign in the box problem, begin by responding with training and providing sample contracts and putting it out in newsletters multiple times. We created a new kind of training because we thought, well maybe the old treasurers aren’t getting the message because they’re not coming to the treasurer session.

We’ve designed numerous training platforms. At this point, our true belief is that the consultants who are not giving the treasurers the information they need to comply with the law are not doing it because they’re not aware of it. They’re doing it because they feel they don’t have to.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Representative France.

REP. FRANCE (42ND): One follow up related to your anecdotal story about Jeb Bush and his campaign. The, so an example of somebody who works a campaign,
sees somebody work the governor’s campaign in this session or state senate campaign, then four years from now that individual’s running for governor. Somebody worked that campaign, decides two years from now to start a PAC. Is, does the clock reset at each campaign cycle of a sense of their association or is it something that is lifelong in your vision of how they would be tied, or is it tied each campaign cycle?

SHANNON KIEF: For the, for the language that we brought forward from the federal, it depends on some, some of the provisions are for the election cycle and some of them are for the election cycle in previously and how long that would depend, would depend on the office. So, for the gubernatorial it’s four and for the General Assembly, it’s two.

REP. FRANCE (42ND): All right. Thank you very much, Mr. Chair.

REP. FOX (148TH): Representative, any further questions or comments? Thank you very much for your time and testimony today. I appreciate you being here. Up, up next, Mark Bernacki and Anna Posniak, followed by Senator, Chris Davis, followed by Jeff Daniels.

MARK BERNACKI: Good afternoon.

REP. FOX (148TH): Good afternoon.

MARK BERNACKI: Good afternoon Senator Flexer, Representative Fox, Senator Flexer, Representative Fox and distinguished members of the GAE. My name is Mark Bernacki, I am the Legislative Chair of the Connecticut Town Clerks Association and Town Clerk of New Britain.
Anna Posniak is our incoming President and unfortunately, she has an E-Board meeting with the Town Clerk Association and is unable to attend today. But I’d like to thank you all for receiving our testimony and allowing us to testify today as well as raising some of the bills important to the Connecticut Town Clerks.

The first item is Senate Bill No. 915. We’re seeking to eliminate the requirement for absentee ballot applicant to return the completed original application to the Town Clerk, if and only if such applicant has already submitted a copy to the Town Clerk via facsimile or electronic means. This is similar to the military that has their requirements of being able to receive information electronically and this would also conform to that. So, we’re making it a little bit easier for the person to send us documentation electronically and us process the absentee ballot, send it out to the individual.

Current statute requires us then to wait for the original wet signature application to match it up. If we don’t get that prior to the ballot being counted, we have to throw that, that vote out, so we’re disenfranchising the vote on that one. So, we’re looking for you folks to change that requirement.

Senate Bill 915 also seeks to eliminate the submission by circulators of nominating petitions from going directly to the Secretary of the State. That causes a big delay in the timeframe because it basically has the secretary be a mail carrier for the 169 towns, where they have to sort them through the different towns and then mail it out to us individually. Our feeling is that the circulators
are already in our towns collecting the signatures and it would be a lot more convenient for them to bring those petitions directly to the Town Clerk’s office, thus allowing us to certify the signatures more rapid than we currently have it.

Another bill that we’re in support of is H.B. 5417, AN ACT ESTABLISHING A TASK FORCE TO STUDY THE USE OF BLOCKCHAIN TECHNOLOGY TO MANAGE ELECTOR INFORMATION. We want to thank the legislature for agreeing to have the town clerks participate in that and we look forward to see exactly how we can better our processes, not only in the Town Clerk’s office, but also look at that to manage elections better.

Myself personally, we had a special election last night and around noontime, I started getting phone calls, how’s the election looking? Who’s winning type of thing. And, of course, my comment was, well, the polls don’t close until 8 o’clock. And wouldn’t you know, at 8:05 the same people are calling me saying, who won, type of thing. So, any way we could look at to possibly transmitting, transmitting information for an election that already has been completed, you know, we’re very interested in that, but we want to proceed with caution and care on that. And we look forward to participating in that.

REP. FOX (148TH): Please wrap up your comments.
Wrap up your comments.

MARK BERNACKI: Oh, yeah. The last one, we’re strongly opposed to 6876, concerning the copying of public records. You find folks, finally raised our revenue rates last year. This would allow infinite copying of land records, which that’s one way that we have our revenue that we are able to provide for
protecting the documents, buying the paper, the binders, having the climate control, so we’re definitely against that particular proposal, but we’ll work with FOI in regards to coming up with a better way of charging for those services.

REP. FOX (148TH): Does anyone have any questions for Mr. Bernacki? Let me ask a quick question. What are the current rates for copying a record?

MARK BERNACKI: It’s a dollar a page.

REP. FOX (148TH): Per page?

MARK BERNACKI: For the land records, correct. If it’s a certified copy for like a marriage license, let’s say, birth record or a death record, that’s $20 for the certified copy. There’s a lot more work involved with that. In many towns, we do have a subscription base land records system that is available 24/7 online, and it’s still a dollar a copy for that.

On average, people usually copy about seven pages for each one. But what we’re finding out in all of the Town Clerk offices is because of the betterment of the cell phones and the better quality of the picture, people are really starting to abuse it and we’re seeing a significant drop in revenue for our copying revenue for people that do come into townhall. And our fear is that we’re basically giving away the town records and then someone else is monetizing it for their financial gain.

REP. FOX (148TH): Okay. And going back to, brief, back to Senate Bill 915.

MARK BERNACKI: Yes.
REP. FOX (148TH): Have you discussed the portion of this bill having no longer presenting circulars to the Secretary of State, has that been discussed with the Secretary of State yet?

MARK BERNACKI: Yes. And they’re, they’re in total agreement with that.


MARK BERNACKI: So, it cuts them out of distribution. They prefer not to do that.


REP. FRANCE (42ND): Thank you, Mr. Chairman. On Senate Bill 915, just to clarify for my understanding. So, your rationale of not needing the original or wet signature for the application is because the submission of the ballot has the original signature on it, is that correct?

MARK BERNACKI: The original, when they submit the actual absentee ballot, there is what’s the inner envelope, which requires the wet signature of the elector to sign there. So, we are accepting a wet signature from the individual. It’s just inside the election ballot, which would then verify that that is a legal vote.

REP. FRANCE (42ND): Right. So, your rationale is that because you have the, the final ballot comes with a wet signature, there’s no reason to have --

MARK BERNACKI: Correct.

REP. FRANCE (42ND): -- the application?

MARK BERNACKI: Correct.
REP. FRANCE (42ND): Great. Perfect. The other question is dealing with the, 6876, public records. My recollection, back in the day, going way back is the reason that we started charging for that was the cost of the machines and the applications and the paper and all that stuff. We charge a nominal fee, which really wasn’t the labor of the individual. And while I appreciate your concern that somebody is trying to monetize and use the town records or public records for that, that fee was generally set to defray the cost of the actual act of duplication.

It sounds to me like what you’re now charging is a fee for use because technology has come up. So, I guess, what is the cost there to defray, since it’s original intent was to defray the cost of the function of duplication?

MARK BERNACKI: We have a myriad of costs, the software itself in my town is close to $20,000 per year to maintain the site license for that software. So, that’s one huge cost. When we do the actual recording of the documents, the archival paper is not inexpensive, they’re probably $90 to $100 per ream of paper, which is very expensive. They also have big heavy duty red binders that we have to maintain the records in. And we all have to have climate controlled vaults that are regulated for temperature and humidity to make sure that we can preserve the documents for 100 or more years.

REP. FRANCE (42ND): And I understand those are all fixed costs that are borne by the town. That is not the intent of the cost when it was originally made was, as I stated, it was made to offset the cost of the paper physically that you were making and making the facsimile of or the copy of. And now it seems
we’re changing that from the cost of the practice that the resident or whoever’s coming in to get a copy of the record, paying for the cost of that to now being a fee that you’re using to rationalize as a basis for fees that were always there, the costs were always there. But that wasn’t the intent of the original fee, but now it seems like you’re changing that, that we still want money to come in to help defray this, but now instead of paying for the function that the resident or the individual coming in for the record, now we’re going to use it to offset the cost of maintaining the records that we are required to do, whether somebody comes in to make a copy or not?

MARK BERNACKI: That is sort of true. We’re not looking to change anything within the statute. We want the statute to be exactly the same with no change, other than possibly clarifying what’s an electronic device because again cellphones are more prevalent. Many town clerks don’t have the opportunity to actually police their vaults and we’re leaving it up to the professionalism of the title searchers and land record reviewers that come in. We have signs posted throughout our vaults that say, we rely on your honesty and integrity to provide us with your name, with the $20 fee. You can take as many photos as you want for that fee. And we’re even being, we relax it to say, if you only take 10 images, we’re not gonna charge you the $20, but just tell us what you’re doing, just to try to keep it honest and above board.

REP. FRANCE (42ND): All right. Thank you very much.

MARK BERNACKI: Thank you.
REP. FRANCE (42ND): Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Representative France. Anything further? And thank you very much for your time today?

MARK BERNACKI: Thank you. Good afternoon.

REP. FOX (148TH): Representative Davis, followed by Jeff Daniels, followed by Joe Composeo.

REP. DAVIS (57TH): Thank you, Mr. Chairman. If you, if you would like, I would be happy to invite the auditors to come and testify with me to consolidate the testimony and make it quicker for the committee. Thank you, Chairwoman Flexer and Chairman Fox. Representative France, Ranking Member of this distinguished committee.

And I want to begin by thanking you for raising House Bill 6667, AN ACT CONCERNING ACCESS TO STATE AGENCY DATA HELD BY STATE CONTRACTORS. I’m testifying in support of the bill today. And I’ve asked if we can consolidate the testimony because I think the auditors would be much better at answering any questions for it.

But it was brought to my attention by reading their annual report that this has been an ongoing issue that they’ve been facing in accessing this information, even though it’s technically included in many of the contracts that we have. They still have been unable to access important data that should be considered the state’s data and not the data of a vendor, in order to properly audit all of these programs for performance and also to make sure that there’s no waste, fraud or abuse. So, I’ll turn it over to the auditors.
ROBERT KANE: Thank you, Madam Chair, Senator Flexer. If you don’t mind, I’ll just read my testimony into the record, if that’s okay?

Senator Flexer, Representative Fox, Senator Sampson, I know is not here right now, but Representative France, Representative Winkler, Representative Phipps, might as well mention all the members, since we’re here.

Thank you for raising House Bill 6667, AN ACT CONCERNING ACCESS TO STATE AGENCY DATA HELD BY STATE CONTRACTORS. We would also like to thank Representative Davis for introducing this legislation. We are strongly in favor of this bill.

We want to thank this committee, first of all, and the General Assembly for the passage of Public Act 18-37. The act implemented 17 of our 2017 Annual Report recommendations.

H.B. 6667 is the result of one recommendation in our 2018 Annual Report. In early 2017, our office began an audit of a public assistance program known as SNAP, to look at payment accuracy and program eligibility.

In order to conduct our audit, we needed to analyze the relevant SNAP data. That data is housed with a third-party vendor through a contract with the Department of Social Services.

We asked the vendor and the Department of Social Services for three years of payment information to determine natural patterns in the program.

We also wanted to look at the data for unusual transactions. While the vendor provided access to an online system for data review, the system was not
capable of providing the necessary data for the time period requested.

The vendor informed us that it would not provide the requested data in a different format without a contract change order and payment for the production of that data. We do not believe there is any basis for the state or its agents to pay for its own data.

All state contracts currently include a provision that allows our office and the contracting state agency to monitor and audit the contract.

Many vendors often impede agency access to information, citing confidentiality and proprietary concerns. It is troubling that vendors are withholding the state’s information from the contracting state agency and our office.

We are also concerned that if any agency were to terminate a contract with a vendor, there may be impediments to accessing the state’s data, which could affect the operation of the program.

Lastly, the contract in question included several performance goals. Without complete and accurate payment data, the agency has no way to determine whether the vendor actually met those goals.

The general statutes and state contracting language should be strengthened to grant state agencies and our office unfettered access to the state’s data and contract-related information.

Thank you for, again, for bringing up this important information. With me is my fellow state auditor, John Geragosian and our principle auditor in charge of our IT division, Doug Stratakos.
DOUG GERAGOSIAN: Thank you. The only thing that I’d add is, like the rest of the world, the world of auditing is changing, and part of that change is the use of data analytics. When we go into look at an audit now, we have the ability of looking at, auditing has traditionally been sampling a small segment of transactions. We can now look at every single transaction when we go into our audits. So, it’s changed the way we operate.

We were looking in this case to look for fraud, to look for unusual transactions that, you know, involved, you know, say, for instance, using the card, four or more transactions in five minutes, for instance, just to look and see.

But we’re very concerned, not only on our part but on behalf of the state agencies. This is the state agencies data. And we, in this case, we had a conference call with the vendor and Department of Social Services, and I think they were taken aback at, when they started thinking about how they can’t access their own data necessarily and how they can’t measure whether the spender is actually performing on the contract. It’s a big issue because this particular contract has very specific performance measures that are, you know, drilled down specifically. And without that ability to look at those large sets of data, I think it’s a real issue that we’re all going to be facing.

SENATOR FLEXER (29TH): Thank you. Thank you all for your testimony. Are there questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair. Looking, I agree completely with the testimony example you’re giving and certainly the state should
have access as well as the agencies to oversee the contracts execution and any access to data would only facilitate and help that.

Are there any penalties for noncompliance? In other words, if a vendor doesn’t provide the information that would make this change, what are the penalties and what’s the remedy for those to get the data?

DOUG GERAGOSIAN: Well, there are no penalties. You know, I think the change to this particular session in this bill has to do with our access to agency information all together. We sometimes have trouble getting information from state agencies, but ultimately do. But there is no penalty. But in the contract, obviously, in a contract you can agree to every, anything. So, one of the provisions might be and with technology it’s difficult because it changes so quickly, the kind of ability to analyze the data and manipulate the data and to provide the data. You know, in this case they think that we have to pay for it and that really, we don’t believe that we do.

ROBERT KANE: The only thing I would add to that, Representative, is our agency doesn’t have that kind of enforcement power and that’s part of the reason we’re seeking this legislation and we appreciate Representative Davis for bringing it up to the committee.

When you talk about state agencies and our access, we’ve at times had to go to the Attorney General for an opinion, which we’ve done in the past year, most notably with the inmate medical care at the Department of Corrections, UConn Health Center. We’ve had to go to the Attorney General’s office for an opinion in that matter and we were given that
access. But, and John’s right, there is no penalty as of right now.

REP. FRANCE (42ND): And I guess I would see that in a state agency, agency within the state, the Attorney General would be the remedy for that. I was more going after the example that we started with, which was the SNAP vendor. That’s a vendor, not the state agency, but if the vendor fails to give the agency, is there a penalty to add besides not giving the contract to that vendor the next time at the end of that contract? So, I guess, that’s where I was going, not so much agency to agency, but with a vendor who’s not compliant where you can’t get to the data through the agency, that was kind of the example I was looking at.

DOUG GERAGOSIAN: Yeah, I think the other nuance to this is the format in which we receive the data, too. And we got and we want to be able to look at three years’ worth of transactions, which could be millions of, believe me, I don’t know, millions of transactions. So, it’s not only, well, they can give it to us on paper, we’d never be able to, we want to be able to hone in. Say, for instance, somebody’s, you know, spending all their money at one vendor. Somebody’s traveling 50 miles to spend all their money, you know, those kinds of anomalies. And that’s the nature of the world of auditing. Now, when you’re doing your risk assessment, you, this is a tool.

For instance, we use it when we go in to do an audit of any state agency, we can see, look at all employees across that agency who are no longer working there and still have, say, badge access or computer access. That’s a routine check that we do
when we go in to do an audit. We did a match of judicial records to divorced, to divorced state employees regarding health insurance, we were able to do those things, but this is the future. And we are trying to get better at it and it’s, but certainly, the first part of it is being able to access your data.

REP. FRANCE (42ND): And I agree, and I appreciate that. You certainly would rather have that in a, you know, a CVS format or an Excel format or something if you’re using data of some sort, I get that. I guess my concern is, we put this into law, and then the vendor still says, I’m not gonna give it to you. I guess that’s where I was going, is there something else that needs to be done to ensure compliance because as many people know, if there’s a law put in place and there’s no penalty, they will say, whatever and not comply because you can’t do anything to me besides put you on the, on the unwanted list to get the contract the next time. I guess that’s what I was driving at is to see if there’s an enforcement or a penalty that needs to be a part of the discussion in giving you this, this additional access?

DOUG GERAGOSIAN: I think it goes within the contract language. So, the contract language, every contract has our office written into it, it says we can go in and audit the vendor. But then you run into issues of proprietary information and the like. Also, just as we talked about in these specific cases, maybe some specific language about the types of data, the format, the type of format, and what happens if they don’t provide it.
REP. DAVIS (57TH): To your point, I think it would be something for the committee to look at, perhaps having some sort of penalty or if this access, this data isn’t turned over in the appropriate manner that the auditors are requesting. I think it’s certainly something that the committee could look at. I don’t know if there’s a precedent for that in any kind of state contracts or within state statute that kind of supersedes those contracts. But it, there might need to be some sort of stick to follow the carrot, if you will, given the trouble that the auditors have had over the last several years with these changes in data, in format.

DOUG GERAGOSIAN: This specific contract has, like I said, had very specific performance measure. But I’m not sure how DSS would be able to assess that, but I’m getting all the data and all the transactions.

And the main thing is that the agencies get, you know, we’re not a party to the contract, other than that one paragraph and more generally about auditing. But the state agency should be able to get their own data and that’s where the reality should be, they’re the contracting entity and to, you know, that’s where I think it probably should be.

REP. FRANCE (42ND): I fully agree with you. Thank you very much for your testimony. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there questions from other members of the committee? Representative Winkler.
REP. WINKLER (56TH): Yes. So, every state agency writes its own contract?

DOUG GERAGOSIAN: Well, there are standard, some standardized clauses in state contracts and they, I think depending on what they’re buying, they enter into them in different ways. But technically the contract, the entities who signed the contract are the state agency and the vendor.

REP. WINKLER (56TH): So, there’s no centralized purchasing authority?

DOUG GERAGOSIAN: Well, it, I mean, some, some point, you know, DAS plays a role, you know, OPM plays a role. It depends on the nature of the contract. If it’s an IT contract, you know, obviously DAS would play a role to best.

REP. WINKLER (56TH): Is it clear in the contracts, that one paragraph you mentioned that’s common to all contracts, is it clear that the people, the private vendor will say, sign the contract, understands that they have to either allow us or be prepared to manipulate the data in ways that we want it?

DOUG GERAGOSIAN: It’s more general than that. It says that they have to provide the state its data, but it doesn’t specify, like I said, they give it to you in paper format and we’d be looking at reams of paper that are 10 feet high but, you know, is it, is it functional. So, you know, specifying when your signing, when you’re entering into the agreement the types of ways and formats you want to receive the data would be, probably be helpful.

REP. WINKLER (56TH): Okay. Thank you, Madam Chairman.
SENATOR FLEXER (29TH): Thank you, Representative. Are there -- Representative Fox.

REP. FOX (148TH): Thank you for preparing for your testimony today. Just a few brief questions. Is there a general idea, a general timeframe within the vendor contracts how long they last, are they year contracts are they five years, are they 10, to the department within an agency, is there any --

DOUG GERAGOSIAN: I mean, telling me in the case of this one it was six or seven years, but they typically run three to, three, five years, depending on the nature of the, you know, some of these things are a large undertaking. So, if you’re having somebody do, take over the EBT system for SNAP, then that’s a large undertaking and it’s not a contract you change every year, so.

REP. FOX (148TH): I think I understand what you’re trying to get at, and I tend to agree with that. I’m just curious, instead of playing devil’s advocate, if I’m a private vendor and I’m suddenly being told I have to turn over, I’ve got a five year contract starting last year so I’ve got four years left. And if this law goes into effect, I’m being told I’ve got to turn over this information. What, as a private vendor, I can understand, we’ll wait four years, the next contract will be up to include language in the next contract. Is there, I’m just trying to get at the, I don’t know if it’s a language problem in the current contract or if there’s a way to, if I’m a private vendor, I’m gonna say, well, the contract reads X, Y, Z, A, B, C, next contract include X, Y, Z and A, B, C. I mean, is there a way to --
DOUG GERAGOSIAN: Well, on behalf of this year, the contract with you, Representative Fox, because it is, you know, as often in contracts, they’re kind of in conflicting passages. So, then they have, that becomes the issues of this agreement. So, that’s what’s, what’s, in this specific contract some of the issues that I think we see. But the more we spell these things out, I think the more, the easier it would be to, for them to comply.

ROBERT KANE: If I may, Representative. I think in this situation, you know, the contract does include, as John said earlier, a paragraph that requires an audit or the auditors to get access, but it doesn’t state how. So, that’s why we want to work with the committee and Representative Davis to say, we need it in a form that we can find usable in order to perform our work. And that, I think that’s the crux of the matter here. So, as was stated earlier, they may argue professional confidentiality or proprietary concerns, but we need that data because it actually belongs to us. It belongs to the State of Connecticut. So, we have to find a way to clarify that language that gives us that access in a, in a reasonable way that we can use it and not have to pay for it as well would be the other half of the coin.

REP. FOX (148TH): That was very helpful, thank you very much for your time.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Seeing none, thank you all for your testimony. Next is Jeff Daniels, who will be followed by Joe Composeo, who will be followed by Ben Shaiken.
JEFF DANIELS: Good afternoon, Chairman Flexer, Chairman Fox and Representative Winkler.

My name is Jeffrey Daniels, I’m the co-chair of the Legislative Committee of The Connecticut Council on Freedom of Information.

Thank you for this opportunity to voice our support for House Bill 7211, AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES.

The Connecticut Council on Freedom of Information is a member association that works for open, accountable government and a free press. Founded in 1955, we are comprised of major media outlets along with allied legal and civil liberties organizations. We’re all interested in transparency in government, open proceedings, and open records.

We believe that H.B. 7211 strikes a fair balance between privacy that’s so important to Connecticut’s citizens and the need to facilitate valuable scholarly research.

While the language of the proposed bill might appear arcane, the bill has a simple purpose. Once a public or private agency or organization has voluntarily transmitted to the State Archives records regarding matters, regarding public records in individuals, historians, relatives, et cetera, would be able to access those records after the individual, who is the subject of the record, has been dead for 50 years.

The bill would place Connecticut in the company of accepted and well-established practices regarding the management of historical and medical records. As proposed, the bill uses the same release deadline
established in 1966 by federal law to protect individual health records. This federal law, known as the Health Insurance Portability and Accountability Act or HIPAA, allows the release of personal medical information 50 years after an individual’s death.

We are asking the committee, in its wisdom, to allow the state’s archival access system to mirror the national model. We ask you advance legislation you have twice approved at this GAE committee in previous years.

It may be helpful to review a little bit of history. In 2011, a change in statute was suggested to prevent the access to historical records, medical records that could assist researchers in shedding light on PTSD, which is traumatic injuries from combat. This was proposed by the Department of Mental Health and Addiction Services. The legislation was not advanced by the committee, but after the hearings and the process, DMHAS then was able to have inserted language into the 37th section of the 98-page funding bill on the last day of the session.

In 2016, the GAE committee and its leadership voted out H.B. 5499, and this bill was similar to the one this year. Ultimately, that bill was never advanced in the session, approved by the committee. Is that for me?

SENATOR FLEXER (29TH): That is for you, so that’s a directive to please summarize.

JEFF DANIELS: Okay. I’m fine. So, in summary, I think we support this legislation because it is a modest and reasonable effort to allow us scholarly researchers to access records so they can form
research and advance the public’s knowledge in a variety of areas. Thank you.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Representative Fox.

REP. FOX (148TH): Yes. Thank you appearing today, Mr. Daniels. So, a quick question. Can you again tell me the idea on the 50-year timeframe?

JEFF DANIELS: Yes.

REP. FOX (148TH): Can you please explain that to me?

JEFF DANIELS: We’re using as the national model that’s been used for the privacy and control of medical records. It was passed in 1966. And after 50 years, those records on those individuals are excessive and were used the same standard.

REP. FOX (148TH): 50 years of the individual’s death, correct?

JEFF DANIELS: Yes, individual’s death, yes.

REP. FOX (148TH): Okay. And in, would the name not be redacted?

JEFF DANIELS: On our proposal, the names would be included.

REP. FOX (148TH): Right.

JEFF DANIELS: If I could go a little further?

REP. FOX (148TH): Please do, yes.

JEFF DANIELS: Researchers, particularly when they’re looking at the kinds of things I reference as an example in the PTSD, looking at the history of
the individual, whether they were honorably discharged, whether they committed suicide, whether they had other diseases, is part and parcel of trying to figure out the patterns and the trends and the research. So, if you, if you eliminate the names, you eliminate a great value in terms of doing the research.

REP. FOX (148TH): Okay. Thank you very much for your testimony.

JEFF DANIELS: Thank you.

REP. FOX (148TH): Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Thank you again for your testimony. Next is Joe Composeo, followed by Ben Shaiken, followed by Senator Fasano.

JACK MCCOY: Committee, I am not Joe Composeo. He’s my Town Clerk. He’s not here, but his statement was sent in electronically and he asked that I present part of ours and I’ll give you what is --

SENATOR FLEXER (29TH): If you could just identify yourself for the record that would be helpful.

JACK MCCOY: Okay. Yes, my name is Jack McCoy and I’m the Chief Information Officer for the City of Manchester.

SENATOR FLEXER (29TH): Thank you.

JACK MCCOY: Joe and I work together on these kind of things. His specific testimony was that the Bill 5417, which is the blockchain bill, he’s in support of as am I. And he opposes the Bill 6876, which involves the copies and so forth as a Town Clerk.
My statement just quickly is, in regards to H.B. 5417, the State of Connecticut should have a task force effort to explore the developments of voter enablement using emerging technologies. There’s much to study in Connecticut, ranging from, and in the world there’s actions such as West Virginia’s support of offshore military blockchain voting and their participation. And that ranges on through, which is a positive thing, on through to experts like Bruce Shier, saying, West Virginia using internet voting is crazy, it’s dangerous. So, you have two extremes here. And that’s the kind of need for a task force to look at those extremes and start to develop where Connecticut comes down.

We have out of state military. We have people who can’t get to the polls because of personal circumstances. They, of course, may avail themselves of absentee ballots. However, in this online and security-challenged time, a task force studying options such as blockchain, remote voting, may keep us from, as Shier said, the crazy, and keep us looking for the improvements in addressing the low turnouts that we’ve sometimes experienced.

As experience is currently developing in other states, such as West Virginia, we can learn from that growing experience and from public interest and expectations from the public regarding smart phones, for example. A state, in the last point here is, the state has a specific example, the Nutmeg Network can be used as a path to blockchain distribution ledgers of the type of technology we’re talking about and that’s an example of something in Connecticut that a task force might look into in very fine detail. So, I support that bill. Thank you.
REP. FOX (148TH): Thank you very much for appearing here today, sir. Any questions or comments? Just a quick question as to the second bill you were here to testify on, 6876, I think it was?

JACK MCCOY: 6876, yes. I’m not sure I’m gonna be the one to be able to provide a lot of detail. Joe did provide electronic testimony.

REP. FOX (148TH): Okay. Just --

JACK MCCOY: Go ahead.

REP. FOX (148TH): -- briefly, would, I guess, an issue I had not thought about previously before today was the impact on central revenue for the towns?

JACK MCCOY: Yes, Joe’s, he’s related to me the experience that the loss of copies is a, is a risk and has a revenue impact. I can’t quantify that. And if you need it, I can probably get it from Joe.

REP. FOX (148TH): That’s fine. So, in terms of the blockchain technology, I’m not really at all familiar with blockchain or the concepts behind it. It sounds as though you were a little more educated on it, which is helpful.

JACK MCCOY: Yes, I’m pretty familiar with it. It’s often called a distributed ledger, and the key word is distributed. The record set is distributed over a network and ends up in the hands of other people who can maintain the certifiability of those records. That’s the fundamental storage scheme. It’s the underlying technology to Bitcoin, cryptocurrencies, which has its own sort of dark past, but this is probably the bright future for that kind of technology.
REP. FOX (148TH): But it’s separate and distinct from those two?

JACK MCCOY: Yes, it absolutely is. In our case, pending the task force’s research, it may make use of cities, 169 towns that are on the network, the CEN type network. And the fact that we have town clerks who certify the property records and other kinds of data already, we sort of have some of the administrative mechanisms to take care of this kind of data in an application such as voter records and so forth.

REP. FOX (148TH): How could it be most beneficial in your town?

JACK MCCOY: How could what?

REP. FOX (148TH): It be most beneficial in your town of Manchester?

JACK MCCOY: Well, I mean, the thing that everybody’s seeking across the country is improved voter response. In other words, easy voter regulation and increasing the ease of getting to, getting your vote cast. So, those are probably the ultimate goals. In my town right now, there are a number of things that we’re looking at that might take advantage of the blockchain as a storage scheme. But the underlying pieces that you, it’s a distributed database. It’s not a database, it’s a distributed file, where the entire files are kept in the hands of, of census miners, so to speak, and maintain them.

REP. FOX (148TH): Thank you very much. Any further questions or comments?

JACK MCCOY: Sure.
REP. FOX (148TH): Thank you for your time and testimony today, sir, appreciate you being here.

JACK MCCOY: Okay. Thank you.

REP. FOX (148TH): Up next on the list is Ben Shaiken, followed by Senator Fasano, followed by Stan Soby. Good afternoon, Ben.

BEN SHAIKEN: Good afternoon, Mr. Chairman. Thank you for the opportunity to testify today and good afternoon to Senator Flexer, Representative Winkler, and Representative France.

My name is Ben Shaiken, I’m the Manager of Advocacy & Public Policy at the Connecticut Community Nonprofit Alliance. The Alliance is the statewide advocacy organization representing nonprofits, with a membership of more than 300 community organizations and associations. And as you all well know, nonprofits deliver essential services to more than half a million people each year and employ almost 14 percent of Connecticut’s workforce.

We have submitted or will submit soon written testimony today in support of two bills and with concerns on one. Support of House Bill 7213 and Senate Bill 53, and with concerns about House Bill 6667. But I am here today to testify in opposition to Senate Bill 917, AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD AND REQUIREMENTS FOR PRIVATIZATION CONTRACTS.

We believe that this bill will stop conversion of services from the state to high-quality, more cost-effective nonprofits. Particularly, Section 1 of the bill changes the definition of “privatization contract” to include all contracts with nonprofit agencies that are entered into after July 1st of
this year. In addition, Sections 4, 5, and 6 of the draft would almost place substantial restrictions on both new and existing contracts when they come up for renewal.

Just as a point of background, nonprofits in the human services sector, contracts for the state in what are called purchase of service agreements with all the state’s human service agencies, there’s about 1200 of these contracts across Connecticut. Well over a billion dollars’ worth of payments to nonprofits to provide essential services to, to the state, both to the people who live here as well as the state government. Without these services in existence, the, the burden would be on the state to provide them in another way, often in a subsequently more expensive way.

So, we believe that this bill would cost the state more money than is necessary to provide services, meaning that fewer people would be supported and it would also unduly burden nonprofits that contract with the state to provide these services to the state’s most vulnerable people.

Frankly, it’s hard to see a public policy justification for that in an era of limited resources. And after what is now many years of significant budget cuts to these nonprofit providers.

I should also point out that in some specific areas, community nonprofits already deliver the vast, vast majority of services to the people in those service systems. So, for example, they already deliver more than 90 percent of residential services to people with intellectual and developmental disabilities through contracts with the Department of
Developmental Services. And they also serve about 60 percent of the clients that are served by local mental health authorities across, across the state. And, and they do provide those services at significantly lower costs than when the state delivers services directly.

So, just to wrap up, in the current budget climate, we really need to accelerate the pace of converting services to the nonprofit sector, not slow it down. And while providers certainly welcome accountability for their services and already have a fair amount, we’re concerned that Senate Bill 917, would, would substantially increase costs and slowdown that process when the state, at a time when the state’s looking to be more efficient and more cost effective.

So, I urge you to take no action on Senate Bill 917. I welcome any questions. Thank you.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Representative France.

REP. FRANCE (42ND): Just a quick question on, could you give a couple of examples of what would cause the [Inaudible -03:14:06] process, as you’ve gotten testimony as well from DAS, but just one example of each, where it would slow down the process and cost more money?

BEN SHAIKEN: So, so, we’re concerned, thank you for the question, it’s a good one. We are concerned frankly that, that under the current construction of state government and the state contracting standards board doesn’t have the resources, the person power to evaluate each and everyone of these purpose of
service agreements that, that nonprofits enter into regularly and I should say, have for decades. And, and so, so we believe that it is possible, likely that if this bill were to become law, it would slow almost to a stop contracting with nonprofit providers. I have, there are two folks, I think, who are coming up to testify after me who will work for these providers directly and have a lot more experience and knowledge about specific examples of state contracts and some of, and some of their requirements. And I think they might be better suited to answer, answer specific questions about specific contracts. But that’s our overarching concern about, about why this bill would, would put a slowdown or halt to the process.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Representative Winkler.

REP. WINKLER (56TH): There are a couple of different procedures outlined in the bill concerning whether or not something has been contracted out already. So, what field are you concerned that this would, well, as you say, 92 percent of, well, you said over 90 percent of the intellectually disabled, developmentally disabled beds or homes whatever have been already contracted out. Is there a particular area that you feel would be adversely impacted by a slowed by, the whole bill is the idea of a cost benefit analysis to indicate whether or not we’re doing the right thing by contracting out or whether or not it would be better to do it in-house. And we’ve had examples where we should have kept it in-house and we contracted out and we got burnt badly.
So, my question to you is, where is it that you think we should be contracting out faster and we can do it without any chance of being burned?

BEN SHAIKEN: Thank you, that’s a, I will try to, I will try to answer it as best I can. I know, and we’ve had conversations about this, Representative. This bill has come up in the past last year. And I know that there are, that this bill would make changes to the state’s contracting system across a variety of different state departments and different kinds of contractors and I’m only here to talk about nonprofit contractors. Specifically, Section 1 of this bill adds those contracts to the definition of, of contracts that fall under the purview of the state contracting standards board, that’s what happens in Section 1. They’re currently exempted in, in statute.

And so, that is our sort of primary concern. As you said, to use the services provided to people with intellectual and developmental disabilities as an example, the state has already contracted out the vast majority, I think it’s 92 or 93 percent, if I’m gonna be precise, of residential services. But those aren’t all, in fact, most of them are not services that were sort of a direct conversion from a state group home to a nonprofit group home. Nonprofits have been serving people with IDD in the community since institutions closed and started to close 40 or 50 years ago.

So, there have been some conversions where the state started operating group homes as well, when, when those institutions started to close in the ‘70s and ‘80s. But by and large, those services have always been provided by the nonprofit sector.
There are, in addition to the definition in Section 1 that would, would be future looking, would start on July 1st. Our reading of Sections 4, 5 and 6 that specifically also calls out, not just new contracts but contract renewals, we think that would bring every nonprofit provider under that system over time as their contracts are renewed and that’s, I think, our other area of significant concern in the language as it’s drafted.

REP. WINKLER (56TH): Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Thank you again for your testimony.

BEN SHAIKEN: Thank you.

SENATOR FLEXER (29TH): Next is Representative Joshua Hall, okay, Senator Fasano, Stan Soby. All right. So, after Stan, if Representative Hall or Senator Fasano don’t come, will be Carrie Dyer. And then after that, Ken, Lizette.

STAN SOBY: Good afternoon, Senator Flexer, Representative Fox, Representative France and Representative Winkler.

I’m Stan Soby, Vice President for Public Policy and External Affairs at Oak Hill. Oak Hill is the largest purchase of service contractor with the state. And in addition to our non-POS programs, we serve some 40,000 people over the course of a year in a variety of service areas with 150 programs scattered across the town, the state.

I’ll, in the interest of everyone’s time, just hit a couple of key points to follow up on Mr. Shaiken’s testimony. We have concerns about Senate Bill 917,
in terms of starting, the state is one of the few that continues to operate a dual service system. There’s a cost to doing this that has an impact on the amount of services that can be provided. This means that wait lists continue to grow and families continue to grow more desperate.

Additionally, the state service provider’s demographic poses some issues going forward in terms of continuity service. And we don’t see this as an us versus them issue as some have casted from time to time, it’s a we issue.

As you’ve heard, the private providers provide the bulk of services to folks with intellectual and developmental disability and to a significant number of people with mental health and addiction issues. This would be, you know, the ability to continue to provide those services as a benefit for the state.

We’d also like to note that there’s considerable oversight right now in terms of programmatic and fiscal audits, licensure, annual contract performance reviews and these, these are significant and have, can have an impact on provider’s ability to continue to provide services.

The other issue at hand is the state has entered in through special act 17-21, a process for reducing the burden on both the state and providers in terms of specific oversight activities that could maintain quality of services but do it in a less costly way. And the state has embarked under, under a new lean concept process that would provide uniform outcomes, base measures, for the purchase of service contracts. There is no shortage of ways for the state to understand the value of the services that
it is getting and to be able to take actions, when it believes it’s not.

We would hope that we would continue to provide services in partnership with the state, continue to grow it into the private sector going forward.

Thank you.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you again for your testimony.

STAN SOBY: Thank you.

SENATOR FLEXER (29TH): Next is Senator Fasano, who will be followed by Carrie Dyer, who will be followed by Representative Hall.

SENATOR FASANO (34TH): Good afternoon, Madam Chair. Members of the Committee, Representative Fox. I want to talk to you about Committee Bill 270. The S.B. 270, basically, what this is, here’s the nutshell of it. When we’re in the citizen election program, and we get our donations, the donations that are disqualified by SEEC, they tell you that, making up a number, $200 was disqualified. And but they don’t tell you for each one of those why it’s disqualified, the reason for the disqualification. They usually say $200 has been disqualified. We think you could fix $50 of that $200, but the rest we don’t think you can fix.

And what this bill says is, no, for every disqualification, because those are our contributors who are contributing money from the public, we should know why it was disqualified and the reasons for the disqualification on every single one. I think, if we’re asking people to donate to our
campaign, and it’s disqualified and the state’s keeping the money, which is a problem by the way for me, we should know if we could fix them. We can go back to the contributor and we can have them fixed. But to say that SEEC says that they can’t be fixed, I would argue, doesn’t mean they can’t be fixed. That’s just their point of view.

So, I believe that what this bill says is for everyone’s that disqualified, SEEC must say why. As an ancillary to this, I would ask this committee to look into this other thing.

I also believe that if a donation is disqualified, I don’t understand why SEEC gets to keep that donation. So, the law is now that if Senator Flexer were to give me $20, which would be on capitol report, but forgetting that, but if Senator Flexer was, if she were to give me, if she were to give me $20, and it was disqualified for whatever reason, the state keeps the money, even though she wanted the money to go to me, that was the intended purpose of the check, that’s why they were given it, but it ends up in the state coffers, I would think our person who donated the money would say, I didn’t want it to go to the state, I wanted it to go to Len for his campaign.

But the way the law states now, not only do they not tell you every single one that’s been disqualified and why, but those that have been disqualified they keep the money. It’s just seems to me that if any other business did that, the AG’s office would be all over them. And we should respect our donors. So, this bill doesn’t go quite that far. I put another bill in, I don’t know if you raised it, but that’s what that is, is a, also, I missed the public
hearing that you had, but I see another one is back on with respect to quasis and having the review of quasis, I won’t go into that testimony, but I believe we need to get more control that this legislature has the ability to review contracts that are of a particular value. And we should also know about salaries that go on because I think that they’re unchecked and they could raise, they could give out salaries without us ever knowing it. But we fund them, you know, they’re the creature, we’re the parents. We push them offshore and sometimes and they do good work, but we let them be and they become a city of their own, if you would. And I think we just need to have a little bit more information so that particularly this committee can keep them in check.

So, those are my three concerns.

SENATOR FLEXER (29TH): Thank you. Thank you, Senator for your testimony. Are there questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): Yes, I was going to let this slide, but it seems we have similar experiences. We received testimony from SEEC earlier that any time they disqualify something they give us an in depth explanation of why. And my experience was that that did not occur. I had some money disqualified and they wouldn’t give us the faintest idea what the problem was. My treasurer was actually distraught about it because she’s very conscientious and very good and they, for a while there, wouldn’t tell her what the problem was.

It seems like you had a similar situation, where you didn’t get all the detail on why they said your
qualifications were, I’m sorry, your contributions were disqualified?

SENATOR FASANO (34TH): Yes, I did in my election and, you know, looking at as leader, looking at other elections, I found that to be true. And in talking to my colleagues, leaders on the other side of the aisle, they had the same experience with some of their races as well. In fact, in one instance it was said, well, if we say why these were disqualified, we have to open up an investigation. It was like, what does that mean? Because you decide that you think that whatever the criteria is to open up an investigation, maybe there’s an innocent reason as to why there’s a problem. It’s like they’ve already made a conclusion, which is adverse to you as a person, and probably to your constituent who gave you the money, if you challenge it, well, we do an investigation, we’ll put your campaign on hold and no one can collect anymore money and you have to wait. And if you have a timeframe to raise the money so that you can get the matching funds so you can compete, you say, okay, well don’t open an investigation, forget about that 50 bucks or that 100 bucks, I’ll go get it someplace else because that time period to launch an investigation means you can’t do anything. It’s just, there’s an, it’s just illogical the way it goes.

We should all know why it was. And then if we want to press it, then perhaps they can do what they want to do. But where we say, we don’t get the law, it shouldn’t be hidden. I’m sure you could FOI it. I mean, I can FOI the ones that were done, but that’s, well, we should, we can fix it in this committee.
REP. WINKLER (56TH): We were told that they couldn’t tell us why they were disqualified because if people knew, they would gain the system. And we more or less said, game, we have to at least know the rules, I mean, so. And I also agree with you that we have to get a better hand on the quasis. There are a couple of quasis that have a culture that has kind of drifted offshore. And I think it would be a good idea to bring them back.

SENATOR FASANO (34TH): I tend to agree with that.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair. Thank you, Senator for your testimony. And following up on Representative Winkler’s comment, the comments from SEEC and Mr. Brandi. Some of the examples he gave and the process that they use at SEEC is the easy ones to fix, they tell the treasurer what they are and, and, but the ones that are, what they deem to be not easy to fix. And some of the examples he gave were one spouse signing off on both donation forms for a one check, which they deemed that they did open up and throw it back and it’s actually fraud and they would then, which might be an innocent mistake, cause legal harm to the people who were donating. So, there were a couple of examples like that that they used to rationalize why they didn’t tell the “hard ones.” And I’ll set aside the time lapse that they talked about holding up contributions, but in those specific cases where an innocent mistake, if they opened an investigation into what happened and it’s a legal thing now, it
now is potentially a criminal act, they’re deeming it, they’re setting those aside to avoid penalizing an innocent mistake.

I guess, how would you respond to that? Is there rationale for not providing the justification for those, those contributions?

SENATOR FASANO (34TH): These are laypeople who just want to donate. They’re not intentionally trying to commit, and those that are intentionally trying to commit fraud, they have at it. But where someone has a husband’s check and a wife check and we’ll just say the wife signs both forms, just because they’re married 35 years and that’s just, you know, an act that you do innocent in nature, is that really what we’re trying to do here? Or is it like, hey, look, just fix it. You didn’t rob a bank, you didn’t commit securities fraud, you just did an oversight that you didn’t think, not intentional in nature. You know, fraud, as you know, is a lawyer’s aspect, which is intent to commit a crime.

I don’t think that’s what we’re talking about here. And if it is a crime in their view, then it’s already been committed. Are they saying that they see a crime that’s committed they don’t report it; is that what they’re saying? They’re trying to help hide the crime.

What I’m trying to say is that look, you say this is disqualified because the wife signed, it was the husband’s check, probably inadvertent. I’m not gonna accept it. If you want me to accept it, you have the husband sign it, is that so bad?

At least let us know what it is that you’re doing. And I understand maybe they’re trying to protect
people, I get it. But I think this body can solve that as well.

It just seems to me that it’s gone so far over the edge and what we all ran into our campaigns is they are understaffed, I’ll give them that. But there’s some stuff that they just got to say, this is a mistake, it’s an honest mistake. Let’s send it back, let’s get it fixed. Let’s go after the bad people. Let’s go after the straw deals. Let’s go after the, you know, the cash or whatever the heck it is that, that really subvert our operations. That’s what we want these people to do.

You can make a mistake on an IRS form and they’re gonna send it back and say, hey, look, you know, that’s not the proper check. They’re not gonna say, call the FBI and get the police down. We have to be a little realistic in the world that we’re in. And sometimes quasis, as you would, create their own.

REP. FRANCE (42ND): Thank you, Senator. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Senator Sampson.

SENATOR SAMPSON (16TH): Thank you very much, Madam Chairman. Good to see you Senator.

SENATOR FASANO (34TH): Nice to see you, Senator.

SENATOR SAMPSON (16TH): Sorry that I just showed up in the middle of your testimony. Just a question on this, I didn’t hear brought up when you were speaking with my colleague, Representative France. Is the dollars contemplated in this, in this bill? In other words, if the SEEC says that a particular
contribution is not accepted, what happens with the money? Is it returned back to the person, the donor, or is kept and is that contemplated in the language?

SENATOR FASANO (34TH): I did put another bill and I believe that said, so, to first answer your question, is the money is held by SEEC, they get to keep the money. And but I did put in a bill that said that money should be returned to the donor, donor. The money should be returned to the donor and not kept by SEEC, because the intent is not to give the money to the state, but to give money to the candidate.

SENATOR SAMPSON (16TH): Do you see that as an incentive to SEEC to fail to allow certain qualifying donations?

SENATOR FASANO (34TH): One could make an argument that the more you find inappropriate, the more money you keep in the agency. And I always felt the two should be separate, right? Someone’s checking the forms, but somebody else does the violations, if you would.

But certainly if a donation is not going to the candidate, it’s kept by SEEC, one could make an argument, and I’m not making the argument, but one could make the observation that denying a donation it benefits SEEC. Certainly, that’s clearly one argument one can make. I’m not saying it happens, but it’s certainly there.

SENATOR SAMPSON (16TH): The reason why I ask, Senator, is because as of the last cycle, I think it was, SEEC set up a process by which you could send in your application early, but you have to actually
collect more than the typical number of donors and dollars with the assumption, I guess, that some of those would be kicked back.

And to me, I just found that to be, I don’t know, concerning that there would be that assumption out of the gate. I’ve never had any trouble personally with my contributions being kicked back, but I can see where accidents happen and how can you hold an individual candidate responsible for things.

But does this bill relate to that process that, that early application process?

SENATOR FASANO (34TH): Number one, I’d like the name of your treasurer, but as another, since you didn’t have any kickback, the, the, as far as going, you know, 5 percent, 10 percent over, which is what they recommend so that if you had some kickback, you have a fluff, I, I go back and say, if they keep that overage, you’re back to the same issue.

There’s an incentive to say, have an overage. I just don’t think if someone is giving a donation for a particular cause that you go for that cause and not for another cause; otherwise, you know, I can’t imagine if we were to call our donors and say, listen, you know what, your money went to the state, not to me. I know you meant it for me, but they took it. People just don’t know that. But this body can fix that.

SENATOR SAMPSON (16TH): Excellent. Thank you very much for your testimony, Senator.

SENATOR FASANO (34TH): Thank you.

SENATOR FLEXER (29TH): And thank you, Senator. Are there other comments or questions from members of the committee? Representative Fox.
REP. FOX (148TH): Good afternoon, Senator. Thank you for being here today.

SENATOR FASANO (34TH): Thank you.

REP. FOX (148TH): Just a quick question or comment. If I recall, and I may have been mistaken, but I think this last election cycle there was a process that SEEC set up that someone could, it might have been the process, Senator Sampson that could pre-submit an application and that type of review initially. But then it was only up to a certain date and then thereafter they had the, it was kind of an informal review of the application. In that process, do you know, did they look at the individual donation of process? I mean, my sense of that would be the reason for prereview submittal would be to okay, look at each, look at my donations, where does my application stand, is it good or bad. And then they get, they got, they receive feedback from SEEC on that pre-submitted application, pre-submitted application. -

Is that, I mean, my sense is that if that they did, could they not just do it again? I’m not entirely familiar with how thorough the pre-submittal review process was, but are you at all familiar with that?

SENATOR FASANO (34TH): You know, first of all, I think SEEC does do a fantastic job with the amount of work that they have in trying to get through it and they do have a lot of pressure put on them, particularly this year with the number of candidates out there at the state level. So, I think, I want to be clear, they do hard work. In the pre-application process is very good process that they set up.
I am not familiar exact, I know I went through a pre-application process, but I didn’t do it directly. So, I can’t tell you all the steps of that. And they’re very helpful. SEEC is very helpful. I think there’s just some clarifications we need in law.

REP. FOX (148TH): Understood. Thank you very much.

SENATOR FASANO (34TH): Thank you.

SENATOR FLEXER (29TH): Thank you, Representative. Are there any other questions? Seeing none, thank you again, Senator, for your testimony and thank you for your patience today.

SENATOR FASANO (34TH): And thank you for calling me.

SENATOR FLEXER (29TH): Next is Carrie Dyer, who will be followed by Representative Hall, who will be followed by David Roche.

CARRIE DYER: Good afternoon Senator Flexer, Representative Fox, Representative France, Representative Winkler and Senator Sampson.

My name is Carrie Dyer and I am here to echo the sentiments of Ben Shaiken of the Alliance and Mr. Stan Soby of Oak Hill, with regard to Senate Bill 917, for the state contracting standards and requirement for privatization. I am a Chief Operating Officer at Reliance Health, Inc., which is a private, non-profit mental health organization that serves Eastern Connecticut.

We originated in 1976, in response to the downsizing of Norwich Hospital. Over the past 43 years, we have grown to serve over 1,000 individuals per year with a staff of more than 250.
Our evolution is a tribute to the creativity, flexibility and efficiency of our employees and our subsequent excellent service delivery.

We work collaboratively with our state partners and develop plans that are cost effective and person centered. We have, on more than one occasion, answered the call when services were identified for conversion from state-facilitated to community-based. We do so with frugality, innovation, and respect.

We are opposed to Senate Bill 917, AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD AND REQUIREMENTS FOR PRIVATIZATION CONTRACTS. This bill proposes to stop or slow the conversion process at a time when it is needed most.

Redundancies abound between state-operated and private-provided services, thus resulting in exponential costs to the State of Connecticut. This is an ineffective and expensive approach and requires a plan to streamline our system of care.

We urge the Committee to take no action on Senate Bill 917. Thank you for time and I can answer any questions you may have.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): The bill, as I read it, says that the state should do a cost benefit analysis to figure out which way it should go. Your testimony is that it will stop contracting out. Don’t you think that the, the nonprofit sector can win?
CARRIE DYER: Absolutely. I think, it seems to me that the cost benefit analysis has been done or have been done. So, we’re concerned that this will slow the process, that these procedures will in effect, stop the implementation of these conversions moving forward.

I do agree that a cost analysis should be done because I do think that the choice will be very clear.

REP. WINKLER (56TH): What makes you think it has been done?

CARRIE DYER: There have been a number of studies done on the Alliance can provide many detailed reports that have analyzed. On one of the pieces that Ben provided in his testimony, shows a cost comparison for DDS services. So, that’s one piece that can be looked at.

REP. WINKLER (56TH): If you’ll pardon me, but when two sides are trying to decide, let’s just say that the Alliances own study may not necessarily be totally impartial.

CARRIE DYER: Sure.

REP. WINKLER (56TH): For instance, in the study you mentioned, they compare how much it costs in the private sector versus how much it costs in the public sector. But, yet I don’t see any talk about the subsequent applications for level of need adjustments that would cut into the amount of money that we save, if we save.

So, anyway, I’ll just stick with the idea that maybe an impartial third-party should look at this as
opposed to either the, the state employees or the Alliance.

CARRIE DYER: Sure.

REP. WINKLER (56TH): That’s all. Thank you, Madam Chairwoman.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative France.

REP. FRANCE (42ND): I’ll follow up with a question. Can you give, I understand the concern about slowing down if it slows down then potentially there will be a less opportunity for nonprofits to provide, but can you give one example of why you think the cost would go up? You talk about cost analysis, but is there an example of how the cost would go up that would also potentially have an impact on delivery of services?

CARRIE DYER: So, are you asking for the cost going up for the state to be providing those services or the cost for the nonprofits?

REP. FRANCE (42ND): I’m assuming it’s the cost of nonprofits, if it costs with the state, that was two of the reasons that were given was slowing down the process and the second was increasing costs. It wasn’t defined what those were. So, I don’t know if you had examples of what that might be from your perspective?

CARRIE DYER: Okay. When my reference to increase in cost was more so for the state itself. What we see, an example I can provide is that there are redundancies in services. So, there are services that are provided by state employees, in the City of
Norwich, for example, that are also provided by us as a nonprofit. So, if the state seeks to streamline, it seems to make sense that there would be ways to analyze those two and see which could be converted.

And if this process is slowed down, then we continue to pay for both of those services at two very different levels. And it just seems to be something that we would want to move more quickly, but also analyzing it so that we’re not making rash decisions.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there any other questions from members of the committee? Seeing none, thank you again for your testimony. Next is Representative Hall, followed by David Roche. Is Representative Hall here? It does not appear that he is, so David Roche is next, who will be followed by Lizette Pellietier and Ken Wiggin.

DAVID ROCHE: Good afternoon, Chairwoman, Flexer, Representatives Winkler, Sampson, France, nice to be here today. I’m here in support of bill, Senate Bill 916, AN ACT CONCERNING APPLICATIONS FOR PREQUALIFICATION BY CONTRACTORS AND SUBSTANTIAL CONTRACTORS. Basically what we’re asking for is not a big change. Right now, there’s a form that’s filled out when you go to DAS for pre-qual. We’re asking that there be a line there that’s ask a contractor, an applicant, an applicant disclose any legal or administrative proceedings pending settled or concluded relating to nonpayment or underpayment of wages or benefits within the past five years.
So, basically, if you had a violation in five years, we’re just saying that you disclose that, that doesn’t mean you’re eliminated from that or anything, that’s an issue DAS would take up.

But as of right now, there is nothing there that you have to disclose any past violations. That’s really it. It’s kind of a simple add to what they already do. I’ll answer any questions.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Seeing none —

DAVID ROCHE: Thank you.

SENATOR FLEXER (29TH): -- thank you again. Thank you for your patience today.

DAVID ROCHE: All right. Take care.

SENATOR FLEXER (29TH): Next is Lizette Pelletier and Ken Wiggin, who will be followed by Kimberly Glassman, who will be followed by Senator Winfield. And after Senator Winfield’s there’s Gus Marks-Hamilton. Welcome.

LIZETTE PELLETIER: Thank you. Good afternoon, Senator Flexer, Representative Fox, and members of the GAE committee. My name is Lizette Pelletier. I am the State Archivist. With me is Assistant State Archivist, Allen Ramsey, and we are here on behalf of State Librarian, Ken Wiggin, who apologizes for not being able to be here due to a prior out-of-state commitment. He has submitted written testimony in support of raised Bill 7211, regarding the preservation of historical records and access to restricted records in the state archives.

Thank you for your willingness to raise this bill.
In 1909, the General Assembly designated the state library as the official state archives, charging it with preservation of permanent public records. Pursuant to statute, the State Archivist works with Public Records Administrator to determine whether or not a public record has historical value and therefore should be retained permanently.

While agency records are created for specific administrative, legal or fiscal reasons, some have historical and research value beyond the original purpose. This is because they document the evolution of state public policy and its implementation, the rights and claims of Connecticut citizens, the development of state laws and regulations and the history of Connecticut and its people.

As part of the appraisal process, state archive staff works with state agency staff whenever possible to make this determination. The statutes do not mandate that the agencies transfer historical records to the state archives. However, should an agency choose not to, it assumes responsibility for permanently retaining the records.

The passage of the bill would not change this process. Over the years, additional exemptions to the state FOI statutes have closed previously opened historical records in the state archives. H.B. 7211, would reverse this by lifting these restrictions 50 years after the creation of the record or in the case of a natural person 50 years after their death.

To be absolutely clear, this law would only apply to records that are already in the state archives or
that state agencies voluntarily transfer to the state archives in the future.

We understand and respect the need for some restrictions on access in order to protect personal privacy during an individual’s lifetime. But these restrictions should not be open ended and should not be applied retroactively. Establishing a uniform time period for removing restrictions on public records would reduce the amount of interaction currently required of a state archive staff and sometimes the original agency staff to respond to reference inquiries involving restricted records.

By adopting H.B. 7211, family members would be able to conduct much of their own research in a more timely manner. An annotated list of currently restricted public records in the state archives is included for your information in the state librarian’s written testimony.

The state librarian welcomes the opportunity to work with the GA committee to enable the state library to carry out its mission, while providing appropriate protections for personal privacy. Thank you.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Seeing none, again, thank you for your testimony. Thank you for your patience today.

LIZETTE PELLETIER: Thank you.

SENATOR FLEXER (29TH): Next is Kimberly Glassman, who will be followed by Senator Moore, who will be followed by Gus Marks-Hamilton.

KIMBERLY GLASSMAN: Good afternoon, Chairwoman Flexer, Vice Chairman Haskell, Representative
France, Representative Winkler, members of the Committee.

For the record, my name is Kimberly Glassman, I’m the Director of the Foundation for Fair Contracting. I’m here in support of Senate Bill 916, AN ACT CONCERNING APPLICATIONS FOR PREQUALIFICATION BY CONTRACTORS AND SUBSTANTIAL SUBCONTRACTORS. I appreciate the opportunity to speak before you this afternoon. I know that you’ve already heard some testimony on this bill, and you have my written testimony before you, so I will be brief.

We think the proponents of this bill, the organization, the Foundation for Fair Contracting and our affiliates, the Connecticut State Buildings Trade and the number of contractors associations support this bill. We think it is a very reasonable proposal that seeks simply to add some disclosure to the prequalification application process.

The prequalification application process already asks for a number of items for disclosure from applicants; however, it does not currently ask for applicants to provide a history of any administrative or legal findings of, of underpayment or nonpayment of wages or benefits. So, we think this is, we think this is a reasonable request. And we think that this will help the state to ensure that good responsible scrupulous companies are being awarded prequalification status here in the state. I’m happy to answer any questions about the proposal.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Senator Haskell.
SENATOR HASKELL (26TH): Thank you very much for your testimony. Just one brief, I thank you, Madam Chair, one brief question. And that’s, could you speak about some of the bad actors that are out there with regard to, you know, how they might be, how transparency might shed light on some of the bad behavior --

KIMBERLY GLASSMAN: Thank you.

SENATOR HASKELL (26TH): -- that you’ve seen in the field?

KIMBERLY GLASSMAN: I appreciate that. So, my organization, this is the work that we do, and I look at wage facts, the back end and front end issue. On the back end, we’re dealing with our enforcement authority, we’re trying to have any back wages or penalties collected from the underpayment or nonpayment of wages or benefits to workers. But there’s also the front end as well, which is the contracting part, that’s where I’m trying to work myself out of the job, so to speak. If we can get in front of a problem before it becomes a problem.

And I think that there’s a real opportunity through our contracting agency to provide some more transparency that helps to disincentivize some bad players from circumventing our wage laws. We have seen, unfortunately, you know, we’ve seen some pretty egregious wage violations over, over the course of my career with the Foundation for Fair Contracting, from kickbacks, which is a federal crime. But we’ve also seen, we’ve seen scare tactics by some employers threatening to call immigration enforcement authorities on workers for coming forward. But then we’ve seen smaller, still egregious violations in terms of misclassifying
workers as independent contractors, so they don’t have to pay workmen’s compensation. Fraudulent certified payroll records on prevailing wage projects in this state, we see that often. We’ve also seen certain possible ERISA violations with not paying into the 401(k) plans that they are supposedly providing for workers.

And these things, unfortunately, I think, that they creep into the integrity of our state contractor, of our public contractor in the state. So, if we can, if we can add a layer of, of disclosure, I think it will help to disincentivize. Of course, there’s nothing in this proposal that, that mandates that DAS wouldn’t be able to approve an application even because the company may have some previous wage violation. And we shouldn’t because when ultimately there may be companies that make mistakes, we just want them to write those mistakes. And if those are egregious and willful and there’s been numerous over a period of time, we want the state to know.

SENATOR HASKELL (26TH): Well, thank you very much. I think this bill would certainly fall in line with what Representative Godfrey said earlier in his testimony about a separate topic, which is sunshine is the best form of disinfectant. So, we appreciate the transparency that you seek to bring to the process and also the fact that legislation like this, would only further, you said, work yourself out of a job, but I would say further the mission, the admirable mission of the foundation for Fair Contracting.

KIMBERLY GLASSMAN: Thank you. Appreciate it.
SENATOR FLEXER (29TH): Thank you. Are there other questions from members of the committee? Again, thank you for your testimony --

KIMBERLY GLASSMAN: Thank you.

SENATOR FLEXER (29TH): -- and thank you for your patience today.

KIMBERLY GLASSMAN: Thank you.

SENATOR FLEXER (29TH): Next is Senator Moore, followed by Gus Marks-Hamilton, who will be followed by Kathy Flaherty.

SENATOR MOORE (22ND): Good afternoon, Senator Flexer. Representative Fox, I know is not here. Ranking members, thank you for this opportunity. I’m Marilyn Moore, I’m the State Senator for the 22nd Senatorial District of Trumbull, Monroe and Bridgeport. And I first want to say, I appreciate this opportunity to speak. I was unable to be here last week when it was also her, so I appreciate the indulgence of giving me an opportunity to speak in person.

So, I’m here to support Senate Bill 479, AN ACT DESIGNATING ELECTION DAY AS A STATE HOLIDAY. Thousands of citizens do not participate in the electoral process because of work obligations, reporting times and short lunch periods. Others report to work at hours before the polls open and some with responsibilities find it difficult to get to the polls. The barriers citizens face may be the reason that vote turnout in many cities and towns in Connecticut is less than 60 percent of eligible voters.
Most states have laws in place to ensure employees get enough time off to vote in U.S. general elections. And every citizen has a civic duty to participate in the electoral process.

Connecticut does not have a specific law that requires employers to give time off. In Minnesota, you can take time, as much time as you want off or as you need. If you’re employer doesn’t allow for this, then he or she is guilty of a misdemeanor and can be prosecuted by a county attorney.

In New York, if you don’t have four consecutive hours off duty between the polls opening and closing or if you don’t have sufficient nonworking time to vote, then you get up to two hours paid time off to vote.

And just recently since last Friday, Sandusky, Ohio approved legislation that designates Columbus Day as a holiday for election day.

Senate Bill 479 seeks to increase the opportunity for every citizen to exercise that duty by removing barriers to voting. This legislation would guarantee everyone has an opportunity to vote without infringement on one’s work schedule, childcare and other responsibilities that may create a barrier to exercising their civic duty.

Legislation designating election day as a state holiday would give a full day to exercise their civic duty. And as a remedy that does not replace a financial, that does not place a financial burden on employers, I recommend exchanging an existing holiday for election day, Lincoln’s birthday would be exchanged for election day. Considering we celebrate President’s Day a few days later and
considering I didn’t know that we had that Tuesday off, I was surprised. I was glad to have it but didn’t know it. I’ve discussed this legislation with the Honorable Denise Merrill, Secretary of the State, and she supports this proposed legislation. This will include broad participation on elections and it’s essential to a healthy democracy and I trust you will consider this legislation as a way to support democracy. Thank you for the opportunity to present this legislation.

SENATOR FLEXER (29TH): Thank you, Senator. Thank you for your testimony. Are there questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair. Thank you, Senator for your testimony. I actually have one question. The situation you describe in enacting a state holiday would be enforced, we could enforce that on state employees. How would you envision private sector, we can’t mandate that they actually give this holiday and generally don’t have the 13th the state have, many just have 10, what would be your suggestion on how to encourage them to swap out a holiday in their case as opposed to what we can do at the state is basically do that?

SENATOR MOORE (22ND): So, in other states, they work with unions and work with businesses in swapping the holiday. There’s already other states that have worked it out and it’s about negotiating and working it together, working with people together to figure it out. But it has been done in other states.

REP. FRANCE (42ND): All right. Thank you very much. Thank you very much, Madam Chair.
SENATOR FLEXER (29TH): Thank you, Representative. Are there any other questions or comments? Well, I would just add as a follow up, I think in this country we don’t value leisure time the way that we ought to. So, we should just create a new holiday instead of swap them out.

SENATOR MOORE (22ND): Senator, I heard you say that. I think that --

SENATOR FLEXER (29TH): For the record.

SENATOR MOORE (22ND): For the record, this is a place to start and maybe it’s not the place where we end up, right?

SENATOR FLEXER (29TH): Yes. Thank you for your patience and thank you for your testimony today.

SENATOR MOORE (22ND): Thank you.

SENATOR FLEXER (29TH): Next is Gus Marks-Hamilton, who will be followed by Kathy Flaherty, who will be followed by Luther Weeks.

GUS MARKS-HAMILTON: Two weeks ago I had the privilege to speak to this committee in support of S.B. 25, which would restore the voting rights to people on parole. Today I would like to urge this committee to also support two related bills, H.B. 7213, AN ACT CONCERNING ELECTORAL PRIVILEGES OF CERTAIN PAROLEES AND CHALLENGERS IN THE POLLING PLACE and S.B. 53, AN ACT CONCERNING ELECTORAL PRIVILEGES FOR INCARCERATED INDIVIDUALS.

The right to vote is a fundamental part of American democracy and should be accessible and free to all eligible voters. Restoring the right to vote for people who have been disenfranchised will continue to strengthen our democracy by increasing voter
participation and helping people who are or were incarcerated reintegrate into society.

Participating in civic life has been associated with reductions in recidivism and voting is a key mechanism of civic engagement. Speaking broadly, the American political process will be strengthened when the interests of more Americans are heard through their vote. The ACLU of Connecticut supports S.B. 53, which would restore the right to vote to people who are incarcerated.

There are two states that currently allow people who are incarcerated the right to vote, Vermont and Maine, Puerto Rico also allows people in prison the right to vote. And California allows people convicted of felonies, who are serving their sentence in county jails the right to vote.

People who are incarcerated remain citizens. The U.S. Supreme Court has stated that people who are incarcerated cannot have their citizenship stripped as a punishment for a crime. If people in prison remain citizens, then it follows that people who are incarcerated should retain the most basic of their civil rights, the right to cast a ballot.

Disenfranchising them creates a class of people still subject to the laws of the United States, but without a voice in the way they are governed. It is also important to note that voter disenfranchisement of people who are incarcerated has disproportionately impacted people of color. In a state that is majority white, over two-thirds of Connecticut’s prison population is made up of people of color, highlighting the racial disparities that have existed in the state’s criminal justice system.
As an organization that believes that enfranchisement is an integral way for Americans to participate in the democracy that governs them, the ACLU strongly supports S.B. 53.

The ACLU of Connecticut also encourages this committee to support H.B. 7213, which would allow formerly incarcerated people, convicted of a felony, who are on parole the right to vote and also remove the financial barrier that someone pay all fines related to their conviction before their voting rights are restored.

H.B. 7213 and S.B. 53 provide meaningful ways to empower people to exercise their fundamental civic right to vote. They are the right steps to help people more fully participate in our democracy. So, I strongly urge the committee to support these bills and thank you for your time today.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Seeing no questions, again, thank you for your patience and thank you for your testimony.

GUS MARKS-HAMILTON: Have a good afternoon.

SENATOR FLEXER (29TH): Next is Kathy Flaherty, followed by Luther Weeks, followed by Jennifer Little-Greer.

KATHY FLAHERTY: Good afternoon, Sen Flexer and members of the Government Administrations and Elections Committee.

My name is Kathy Flaherty. I’m the Executive Director of Connecticut Legal Rights Project, the Co-Chair of the Keep the Promise Coalition and also
a member of the Steering Committee of the Cross Disability Lifespan Alliance.

I am here to testify in opposition to H.B. 7211, and you have my written testimony, so I’ll just summarize. The bottom line is, if we open up the state records, and I understand the importance of historical research, I understand the issue of government transparency, but you’re basically creating two classes of citizens. People who are able to pay to get their care paid for by a private healthcare provider that is not the state, do not have their records open for public inspection after 50 years.

There is that parallel to HIPAA because HIPAA does allow that records can be opened after 50 years. The bottom line is, they don’t have to keep them that long. The records don’t exist if you get care in the private system because they only are obligated to keep them for either seven years or three years after you die. So, if you’re saying, oh, we open them up 50 years after you die, well, they’re not there. So, the only peoples records who would be open are people who are poor and get their healthcare provided by the state. And I don’t think that’s a good way to go.

I do think, I agree with what the Deputy Commissioner of DMAS said, and also I should note that the Commissioner of the Department of Veterans Affairs also is seeking a PHI redaction in the records. Making the records available, but without the personally identifiable information. And considering that a big for some of these records is for Civil War veterans’ records, I think it says
something that DVA asks that the personal information get removed.

So, I hope you will not move this bill forward. And I’m happy to answer any questions anybody has.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): I just didn’t understand your last sentence that because it was Civil War veterans, what did that mean?

KATHY FLAHERTY: Well, my understanding is that one of the researchers, who’s seeking access to the records, is a professor at Central, who’s very interested in following up and studying the records of Civil War veterans who received treatment at Connecticut Valley Hospital. So, I just think it’s, this committee might want to consider the fact that the current commissioner of the Department of Veterans Affairs, who you would think would be very interested in looking at the historical treatment of veterans, also thinks it’s important to protect the privacy of those veterans’ personal information.

My take is, I think you can get a lot of the information you’re looking for, but I don’t know why matching it up that it’s this person’s treatment gets you anything that much additional. Then again, I’m not a historian, so I could be wrong.

REP. WINKLER (56TH): Thank you. Thank you, Madam Chairwoman.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Well, thank you, again for your
testimony. Thank you for highlighting the fact that we have that testimony from the Department of Veterans Affairs. I didn’t realize that. So, thank you again. Thank you for your patience.

KATHY FLAHERTY: You’re welcome.

SENATOR FLEXER (29TH): Next is Luther Weeks, followed by Jennifer Little-Greer, followed by Rick Melita.

LUTHER WEEKS: Today I’ve submitted four pieces of testimony on five bills, for three minutes I will discuss two of those bills. Unfortunately, to my misunderstanding of an ambiguity in the bulletin, my testimony’s not available to you yet.

H.B. 5417 calls for a task force to determine how to use blockchain technology for Connecticut’s voter regulation system. Pertinent to this testimony, I claim expertise in solving problems, especially with technology. I’ve had a full career building, evaluating, purchasing, marketing and implementing computer systems, frequently with advanced technology.

I do not consider myself an expert on blockchain, and I have studied blockchains at a basic level and reviewed several evaluations by scientists I trust.

This bill is a classic mistake. A hot technology solution in search of an undefined problem. This proposal defines no problem and limits the solution to one overhyped technology. The way to solve problems is to define the problem, create a team of experts on the subject matter, along with technical problem solvers and experts who have solved similar problems from other states.
If there is a problem to be solved, it is likely there is a solution. If so, it almost certainly does not depend on blockchains and likely does not need any hot new technology. The same by the way applies to online voting.

Turning to H.B. 58, and by the way, I do quote in my written testimony, Professor Bruce Schneier, which was mentioned by the IT person from Manchester. And he has some very good quotes on why blockchain and summarizes why it is not useful for this type of system, maybe not for any system.

Turning to H.B. 5820, I have several reservations about the use of rank-choice voting in Connecticut and other states. Yet, I would support a comprehensive study of all rank-choice voting and related methods, along with the challenges of implementing them in Connecticut.

I would support this task force if some significant changes were made to the charge for the task force and if it was sufficiently staffed and funded. This proposal is too limited, considering only one incorrectly defined type of rank-choice voting known as instant runoff voting.

In fact, as stated, this proposal limits the study in a way that would be impossible to satisfy, that could easily be corrected.

My testimony contains a list of the many items such a task force needs to consider, resolve and report on, it’s a long list. This task force needs more time, a significant staff budget to evaluate all the items and funding and consult experts to develop a comprehensive report. And I’ll just say that list includes what I think of as another constitutional
amendment that would be necessary and a good idea in any case. And I’ll suspect I’ll be testifying more on that on a later bill.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you for your patience and thank you, again, for your testimony.

LUTHER WEEKS: You’re welcome.

SENATOR FLEXER (29TH): Next is Jennifer Little-Greer, followed by Rick Melita, followed by Steven Anderson.

JENNIFER LITTLE-GREER: Good afternoon. My name is Jennifer Little-Greer. I am the Executive Director for the Minority Construction Council. To Co-Chair, Senator Flexer, Representative Fox, and Vice Chair Haskell and Winkler.

The Minority Construction Council is a nonprofit organization that was created to advocate, support, and offer development opportunities to ethnic minority contractors throughout the State of Connecticut. The Minority Construction Council membership consists of over 160 minority contractors.

Today, we would like to submit a testimony for House Bill 6666, AN ACT REQUIRING THE PROMPT PAYMENT OF CONTRACTORS. The main gist of what we, the reason why we would like this, we would like to have this recommendation amended. Because currently the way it stands, currently the way it stands, the terms that are in there are that minority, the terms that are in there requires that under Section 49-41(a), it refers to enforcement of payment to general contractors to subcontractors. And what it’s pretty
much saying is the way the minority contractors and subcontractors are being paid, they’re being paid 30 days out for first tier sub. For second tier sub, they’re also being paid 30 additional days. Our main focus for coming here is to make sure that the subcontractors are being paid in a timely manner.

I did submit a written testimony, but the reason why we’re here, we would like to have language inserted into this bill. The two that we would like to have it inserted in is, Section 42-15(a), which pertains to public work on contracts. And also we would like to have Section 49-41(a), which refers to public work.

And what we would like to have done is to have this prompt payment decreased so that instead of contractors being paid in 30 days, that they’re paid in 20 days for the first tier sub. And for the second tier sub, and the third, for it to be 10 days, because our contractors are out there, they’re hurting because they are not being paid in a timely manner.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Thank you for being here. You know, this is an issue that the committee’s looked at in the past, and I’m hopeful that this year we can find a way to finally address these serious issues. So, thank you for your testimony and thank you for your patience.

JENNIFER LITTLE-GREER: Okay. Thank you.

SENATOR FLEXER (29TH): Next is Rick Melita, followed by Steven Anderson, followed by Brianna Gavigan.
RICK MELITA: Good afternoon, members of the Committee. My name is Rick Melita. I’m the Director of the Connecticut State Council of the Service Employees International Union.

SEIU represents over 60,000 members, most of whom are public employees or are publicly funded employees.

I am here today to speak in favor of Senate Bill 917, AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD AND REQUIREMENTS FOR PRIVATIZATION CONTRACTS.

The Contract Standards Board was established over a decade ago in the response to the corruption of serial felon Governor John Rowland, through the bipartisan efforts of Governor Rell and a Democratic General Assembly.

The concept behind this board is simple. If the state seeks to outsource state functions it has to save the state money. I know that it’s a deeply cherished ideological belief that the private sector always provides services, better faster and cheaper than public sector workers. Unfortunately, like many faith based beliefs, that’s not always the case.

The past decade has provided evidence that it isn’t the case. For example, the disastrous roll out of the DMV computer system or highway inspections of drains that lead to nowhere.

The creation of this board was championed by an SEIU local CSEA. This local had seen much of its work contracted out and had done the analysis that in many cases, such as engineering and information technology, it’s in fact cheaper to do the work in
Contracts would charge much more on an hourly basis to perform the same work as state employees, while tacking on a benefit, fringe and overhead and profit premium on top of that hourly wage, raising the costs by as much as 50 percent.

I’m told that one of the subcontractors in that disastrous DMV contract, listed their wages and they’re all significantly more expensive than state employees for a job that was done very poorly, I might add.

I should note that there are instances where outsourcing does make sense, if there are temporary needs or if there are highly specialized skills required. But those cases should be evaluated on their own merits to see if makes sense.

Over the last two decades, the number of state employees have shrunk, and procurement of services has grown. Unfortunately, the only metric that is used to determine whether a budget is good, is the personal services line, how many positions are cut. No scrutiny is given to the amount of money shoveled out to contractors.

Because myths are tenacious, and the old habits, of the old habits of permanent management of agencies are hard to break, the potential savings from this board have not been realized. Unfortunately, the board has been hamstrung and ignored in too many instances.

This bill would make the contracting out process more beneficial to taxpayers. Many privatization contractors, contracts slip through the cracks. Senate Bill 917 makes sure they are null and void unless and until the Act’s requirements are
fulfilled, such as conducting a cost-benefit analysis.

The Attorney General’s formal review of state contracts is one of the most effective way of assuming that agencies comply with state law. 917 would make clear sure that such review is required. The board does not prevent privatization of state services, but rather ensures that Connecticut taxpayer dollars are spent wisely and effectively.

The work of the Contracting Standards Board is necessary in order to safeguard Connecticut taxpayer dollars. Its work is nonpartisan, as should be the support for it. I urge you to support for this bill and also, I would add that we also support House Bill 7087, AN ACT CONCERNING THE REPORTING OF THE TRIENNIAL AUDIT OF STATE CONTRACTING AGENCIES BY THE STATE CONTRACTING STANDARDS BOARD.

And I urge you to support these bills and thank you listening to me today.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee?

RICK MELITA: Thank you for your time.

SENATOR FLEXER (29TH): Thank you again for your patience and thank you for your testimony.

RICK MELITA: Thank you, Senator.

SENATOR FLEXER (29TH): Next is Steven Anderson, followed by Brianna Gavigan, followed by David Delmihau.
STEVEN ANDERSON: Good afternoon, Senator Flexer, Representative Fox and members of the Government Administration and Elections Committee.

My name is Stephen Anderson. I am the President of CSEA SEIU Local 2001, a labor union which represents some 25,000 public sector workers and retirees. CSEA supports on Senate Bill No. 917, AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD AND REQUIREMENTS FOR PRIVATIZATION CONTRACTS.

We often hear that state government should be run like a business, but what business would enter into a contract without first doing some due diligence?

The State Contracting Standards Board is our state’s due diligence, but we are not using it as effectively as we could be. In fact, a recent report by the State Contracting Standards Board showed that in 2017, 68 percent of state agency contracts for Personal Services Agreements received waivers from competitive bidding.

The board’s report shows potential for annual savings of up to $264 million dollars, if Connecticut had competitively bid contracts.

Senate Bill No. 917 improves the work and effectiveness of the State Contracting Standards Board in several ways. It expands the board’s oversight to cover contracts that have subsequent annual costs of over $50,000.

An example of this would be a contract for proprietary software, which often requires expensive licensing agreements that must be paid even after the initial costs of purchasing the software. It adds quasi-public agencies to the definition of state contracting agency; this is meant to capture
agencies which, despite the number of contracts they may have, slip through the cracks when it comes to oversight by the board.

The bill addresses an ongoing issue of unfilled board seats, which can make a quorum difficult to reach. This is addressed by modifying the quorum requirement so that a majority of appointed board members constitutes a quorum.

The bill also strengthens various provisions requiring cost benefit and cost effectiveness evaluations, those pertaining to formal reviews by the Attorney General’s office and for posting of certain information to the State Contracting Standards Board contracting portal.

I also want to mention that CSEA Supports House Bill No. 7087, AN ACT CONCERNING THE REPORTING OF THE TRIENNIAL AUDIT OF STATE CONTRACTING AGENCIES BY THE STATE CONTRACTING STANDARDS BOARD.

I also ask you to support this bill. This legislation will help ensure that the important work performed by the board is seen by their relevant legislative committees.

CSEA, okay, I’ll sum it up and just thank you for the opportunity to testify. Any questions?

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you, again, for your testimony and thank you for your patience.

STEVEN ANDERSON: Thank you.

SENATOR FLEXER (29TH): Next is Brianna Gavigan, followed by David Delmihau, followed by Allen Davis.
BRIANNA GAVIGAN: Senator Flexer, Representative Fox, and distinguished members of the Government Administration and Elections Committee, thank you for this opportunity to speak with you today.

My name is Brianna Gavigan and I am a South Windsor resident originally from Branford. I work for a Connecticut-based nonprofit Community Development Financial Institution. I will be receiving my Master’s from the University of Connecticut’s School of Social Work in May, and I am also a graduate employee working at UConn’s main campus in Storrs. I am submitting testimony in support of Senate Bill 479, AN ACT DESIGNATING ELECTION DAY AS A STATE HOLIDAY.

The right to vote is fundamental to American democracy. In Connecticut, we should continue to celebrate our democracy and take measures to make it easier for all Connecticut citizens to participate in the political process.

Weekday voting is particularly difficult for students, single parents, and citizens who work more than one job or have a long commute.

A Pew Research report indicates that two-thirds of registered voters, who did not vote in the 2014 midterm election, did not vote for structural reasons, such as a rigid job and/or school schedule. It is sad to know that many Americans have to decide between pay for the day or participating in the political process.

As a full-time student who is also working two jobs, I relate to why many people cannot make it to the polls. In fact, I nearly missed the special election just yesterday for the 3rd District State
Senate seat due to scheduling conflicts. My morning meeting was fortunately cancelled at the last minute, and I made it to the polls before work and after our child was off for school, but mostly because I have a very flexible and forgiving supervisor.

The timing of elections, on a workday, sends a message that reinforces voter apathy. If you get to vote, great. If not, everyone has a good excuse, so we let it slide.

If we designate Election Day as a state holiday, we not only expand access to the ballot, but begin to shift the culture around voting. While this bill will not mitigate every barrier to voting, it will address the greatest obstruction to voting, that elections are on a Tuesday, when nearly every person is at work or in the classroom.

Connecticut should not be content with a democracy where nearly 70 percent of eligible voters do not participate in the primaries, 35 do not, 35 percent do not vote in state elections, and nearly 25 percent do not cast a ballot in Presidential elections.

This bill will strengthen Connecticut’s democratic process by expanding access to voting, and in joining the thirteen other states that have designated Election Day as a state holiday, will allow Connecticut to serve as an example for other New England states.

In a time when things are so divisive, at least we have our democracy to unite us. And I urge you to consider this legislation, as it will help make our democracy work even better. Thank you very much.
SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you, again, for your testimony and thank you for your patience.

BRIANNA GAVIGAN: Thank you very much.

SENATOR FLEXER (29TH): Next is David Delmihau, followed by Allen Davis, followed by Jeff Hart. Welcome.

DAVID DELMIHAU: Thank you. Senator Flexer, Representative Fox and distinguished members of the Government Administration and Elections Committee. My name is David Delmihau, I’m a resident of Greenwich, Connecticut. I’m a member of the Greenwich Town Legislature, RTM. I’m testifying in support of S.B. 156, AN ACT CONCERNING THE SECRETARY OF THE STATE AND ABSENTEE VOTING, to allow any eligible elector to electronically request an absentee ballot through the Secretary of the State’s internet website for the following reasons: Allowing voting by no excuse absentee ballot makes our democracy stronger. More people will be able to vote. People will be able to consider the candidates and the issues when it’s convenient for them and make a better decision on how they want to vote.

If the weather is bad on election day, people might not go to the polls to vote. People are working longer hours now and might not have a chance to get to the polls on election day. If people have a demanding or an uncertain work schedule, and they really want to vote, but they’re not sure if they can get to the polls on election day, a no excuse absentee ballot will take the pressure off and make it easier for them to consider the issues.
Increasing voter access to voting should stimulate interest in the political process and get people to focus on important issues. Thank you.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Senator Haskell.

SENATOR HASKELL (26TH): Thank you very much for your testimony, sir, and thank you, Madam Chair. I do appreciate you driving all the way from Greenwich, I don’t have to drive quite that far every day, but I know it’s a hike because I’m from that part of the state as well.

I was wondering if you might explain why it is. I’m very passionate about expanding access and ease of access to absentee ballots. But could you walk the committee briefly through the process as it exists right now and why it might be found by some to be too burdensome?

DAVID DELMIHAU: Okay. Well, right now, I guess you need an, you need a reason to request an absentee ballot. And this would expand the scope of voting prior, you know, voting prior to the election. It would give more people, it would give people greater access to, to the voting process. And I think it would, yeah, as I understand it, the, you need, you know, you need to have a reason to get an absentee ballot. If you take that away, then people who wouldn’t have voted would vote. I think anytime, I think anytime you, these, all these voting bills are, there are several of them, covering absentee, you know, no excuse absentee ballots, holiday on election day and having the polls open before election day, affect everybody in the state
positively. And it shows the people the governments headed in the right direction.

SENATOR HASKELL (26TH): Well said, sir. Thank you so much for your testimony. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Senator. Are there other questions from members of the committee? Thank you again for your testimony and thank you for your patience. Next is Allen Davis, followed by Jeff Hart, followed by Rachel Schmidt.

ALLEN DAVIS: Chairs and distinguished members of the committee. My name is Allen Bradford Davis, I’m from New Haven, Connecticut, and I’m a graduate student at Yale University and a volunteer with Vote Choice Connecticut.

I came here today to testify in support of House Bill 5820, AN ACT ESTABLISHING A TASK FORCE TO STUDY RANK-CHOICE VOTING.

Today in Connecticut, we cast one vote for one candidate. Whichever candidate wins the plurality of votes wins the election.

This system is tremendously hostile to any candidates outside of the two-party duopoly. For instance, in a three-way race, two candidates who enjoy the broadest combined support can easily cannibalize each other’s votes, clearing the way for a less popular candidate to win the election.

We’ve seen this story play out time and time again at national and state levels. This spoiler effect has been detrimental to both political parties as well as to the spirit of the democratic process itself. But this need not be the case. Rank-choice
voting is a simple commonsense upgrade to our voting system.

Rank-choice voting offers an opportunity to engage untapped political energy to break down extreme partisanship and to inject new life into a stagnant and polarized political environment.

Giving voters the ability to rank their preferences for a second, third, and so on, empowers us to vote for the candidate who best matches our views and then to automatically transfer that vote, if our preferred candidate fails to achieve the majority.

This instant runoff system encourages voters to engage at the political process, to stay informed, and to nurture a collection of nuanced opinions that don’t necessarily fall inside of the all of nothing camps of either major political party.

Rank-choice voting unlocks the full potential of the modern democratic system. To truly become the marketplace of ideas that it ought to be, one in which the winning candidates are the ones with the best, most popular ideas.

Rank-choice voting encourages welcoming positive campaigns that appeal to all voters and not just a partisan base. No longer would candidates see pushing an opponent down as equivalent to lifting themselves up. And after hearing the testimony from several representatives this morning, I hope it’s as salient as it is to me to you that the anti-semitic, and they’ve received are unacceptable and we need to recognize the direness of the situation and disincentivize it as much as possible.

In conclusion, for this reason and for many more, I strongly support House Bill 5820, and I urge you to
favors the bill out of the GAE. I’ll be happy to answer any questions. Thank you.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you again for your testimony and thank you for your patience today.

Next is Jeff Hart, followed by Rachel Schmidt, followed by Caleb Kleppner.

JEFF HART: Thank you esteemed Chairs and members of the Committee for hearing us today. And I apologize for the frog in my throat. But I’ve come here to ask you to support H.B. 5820, which is a small change, that I believe can have a huge impact on our Democracy.

Allowing candidates to order the candidates in order of preference, 1, 2, 3, and so on, is simple, but it allows us to ensure majority support. In our current system, as a wider field of candidates enters an election, you can get into situations where someone might win with as little as 20 or 30 percent of the vote. There’s no shortage of examples in recent primaries. And of course, we’re all acutely aware of the spoiler effect, which we’ll return to in a moment.

But in a rank-choice system, the voter’s first choices are tabulated and if a candidate has a majority of the vote, that candidate wins the election. But if not, then you eliminate the last place candidate and those votes are reallocated to the voter’s next choice among the remaining candidates. And this process is repeated until somebody has the majority or if there’s only one
candidate left. We’re effectively holding a runoff election, without the time and cost of dragging everyone out to the polls for a second time.

So, for, speaking for myself, the first election I voted in was the election of 2000. And a few very important things were seared into our memories, you know, of people my age.

One is that the particulars of the voting system you use can have a profound effect on the outcome of an election.

Two, the spoiler effect is a real thing, regardless of your opinion on its fairness.

And three, our democracy is gonna have to handle making some pretty big and important decisions in the coming decades.

Having 50 states running different election systems is both a curse and a blessing. On the one hand, we have to rely on Florida to run good, clean elections, but on the other hand, we get stewardship of one of the 50 laboratories of the democracy, which is pretty incredible.

We actually have the opportunity to offer a better system to our state. So, I urge you to support this bill and advance it to the floor. My colleagues here at Voter Choice, and there’s plenty of them, will tell you more about the subtler benefits of campaigning this way, some of the things that changing the system could engender. But I’m here to tell you about the incredible moment of opportunity that’s in front of us.
So, please, I urge you to give the voters of Connecticut the opportunity to choose and I’m happy to answer questions. Thank you very much.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you, again, for your testimony and thank you for your patience.

ALLEN DAVIS: Thank you.


PAUL HONIG: I’m Paul Honig.

SENATOR FLEXER (29TH): You’re Paul Honig, okay.

PAUL HONIG: Good afternoon, Senator Flexer and Representative Fox and distinguished members of the GAE Committee. My name is Paul Honig, I’m from Harwinton, CT. And I’m here testifying in support of House Bill 5820, AN ACT ESTABLISHING A TASK FORCE TO STUDY RANK-CHOICE VOTING.

Elections are the means through which we choose our representation in government. The more faith the public has in our elections, the more faith the public will have in our government. As such, election laws are crucial for sustaining our democracy.

Our election laws must foster elections that one, produce winners with the broadest support in the electorate; two, encourage the best candidates to run for office without fear of being a spoiler candidate; three, allow voters to vote for
who they believe to be the best candidate without fear of wasting their vote; and four, encourage voter participation.

We only have to look to our last gubernatorial election to see that our current single choice plurality voting system fosters none of those attributes.

First of all, in multi-candidate races, candidates can win with a plurality of votes where the vast majority of voters preferred another candidate. For example, Bob Stefanowski, won the republican gubernatorial primary with 29.4 percent of the vote. More than 70 percent of the voters preferred a different candidate.

Second, Oz Greibel was pressured to get out of the last gubernatorial race by people worried he’d be a spoiler candidate. Third, I thought Oz Greibel was a candidate worthy of consideration, but I didn’t consider voting for him for a second because I feared that voting for him would be wasting my vote and would lead to the election of someone I thought would be a disaster for the state. And fourth, in the 2018 midterms, turnout in Connecticut was a paltry 66 percent. We can do better.

Fortunately, there’s an alternative way to structure elections that fosters all the positive attributes mentioned above, ranked-choice voting. Rank-choice voting is used in dozens of municipal and local elections around the country. It was even used to elect a congressman in Maine this year.

Surveys show that voters using rank-choice voting believe it is easy to understand and use. Other surveys show that it is very popular among voters
that use it. Still other surveys show that voters using rank-choice voting are more satisfied with election campaigns because they perceive less negative campaigning and criticism. Survey details can be found at FairVote.org.

Implementing rank-choice voting in Connecticut will improve our elections in several concrete ways and lead to more faith in our government. No doubt there will be technical and legal issues to be resolved, so it makes sense for General Assembly to create a task force to study the implementation of rank-choice voting in our state.

And Senator Flexer, you had asked the question earlier about the percent of voters in Maine. So, I Googled that, and I found that 65 percent of the voters who voted for the third-party candidates chose a backup second choice candidate in that, in that election.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? I just wanted to clarify the point that you just made for my benefit, and I appreciate that very much.

So, you said that of the, the voters who voted for a third party, like not a democrat, not a republican — —

PAUL HONIG: Right. Right, the vote count, I believe was 46.1 percent for the republican in the first round, 45.9 percent for the democrat, and then two third-party candidates at 3 and 5 percent, so.

SENATOR FLEXER (29TH): But do you know how, overall, how many voters just voted for one person?
PAUL HONIG: I do not.

SENATOR FLEXER (29TH): Okay. Is there a way to measure that, you think, in there?

PAUL HONIG: Yeah, I think that the Secretary of State of Maine put all the vote, the actual ballots online, so there’s a database, so that could be looked up --

SENATOR FLEXER (29TH): Okay.

PAUL HONIG -- pretty easily.

SENATOR FLEXER (29TH): Great, I appreciate --

PAUL HONIG: I’ll try to do that and get it for you.

SENATOR FLEXER (29TH): Thank you. And I appreciate you trying to answer my question and thank you again for your testimony and thank you for your patience.

Next is Patricia Kane, followed by Alex Tiktinsky, and Lynne, then Lynne Charles.

ALEX TIKTINSKY: Senator Flexer, Representative Fox, members of the Committee. Thank you for hearing my testimony this morning. My name is Alex Tiktinsky. I grew up in Fairfield and moved up to Meriden last winter and am a lifelong Connecticut resident.

Over the past few months, I've been honored to help found and serve as Chairman of Voter Choice Connecticut, a non-partisan statewide movement for ranked choice voting.

This simple reform is important to me because it would solve problems in elections with more than two candidates, like our recent general election and Republican primary for Governor and the upcoming Democratic primary for President.
It seems like everybody is running for office these days. Ranked choice voting helps voters have more of a say when confronted with a crowded field of candidates. It can help political parties avoid turmoil in the primary process by dissuading candidates from throwing mud at each other.

It can eliminate vote splitting and the spoiler effect, allowing voters a more thoughtful and collaborative role in choosing their representative. And it can foster competition in the marketplace of ideas, yielding the kinds of fresh thought that can help drive our state forward.

Ranked choice voting isn’t some wonkish pipe dream. It’s a simple solution to a familiar set of problems that has been tested in hundreds of American elections, from Maine to Minnesota, in red states and blue.

The coalition of 2,500 early signatories that I am proud to help represent stretches across similarly diverse corners of our state and the full breadth of our political spectrum.

We may not see eye-to-eye on plenty of other things, but we all share the belief that it’s time for Connecticut to think strongly about adopting ranked choice voting.

This study bill represents the chance to better understand what ranked choice voting could do for our state, how it could be simplified on the ballot, how it would interact with existing law and affect our elections personnel, and what other questions we would need to answer in order to implement this reform.
It’s important that we draw not only upon the expertise of this committee and the General Assembly, but also upon that of professionals in election law and election security.

Finally, it’s critical to ensure that we who have gathered here today in support of this effort retain an active voice in the process.

In the coming weeks, Voter Choice Connecticut is greatly looking forward to continuing this conversation with each of you. We really appreciate your consideration of this study bill and hope to earn your support. Thank you, and I’m happy to answer any questions you have.

SENATOR FLEXER (29TH): Thank you. Are there questions from members of the committee? Representative Sampson. I’m sorry, Senator Sampson.

REP. SAMPSON (80TH): Thank you, Madam Chair. Thanks for being here Alex. Forgive me, that I probably speak for a lot of legislatures here when I say that this is a new concept to us and not all of us even really understand it completely. And I’m trying to get to the bones of it, but I figured since you’re the leader of this organization you might have the most grasp of the concept.

One thing I will just share with you is that the platitudes about, you know, this is going to improve voting and everything, I’m sure you believe that may, in fact, be true. And I’m not disparaging that comment. I just, I think, we’ve got to separate that from the facts, too. Because I think that any candidate, regardless of the system of voting that can make that claim effectively to his constituents will win the election.
So, I guess what I want to know more than anything is, what do you say to people who are concerned that the person who gets the most votes on the first round of voting has the possibility of losing ultimately? In other words, if there were four people in the race and the first candidate has 49 percent and the other three candidates all make up a total of 51 percent, but they’re far less in number of votes, but that first, that other candidate was the, was not the choice of the second choice or any of the other people. I just want to understand how we justify that to the people that voted for that person that had the overwhelming support as their first choice?

ALEX TIKTINSKY: Sure, I think that’s, you know, that’s an important question because it is possible. You know, we saw in Maine that the person who wins the majority of first round votes isn’t guaranteed to win support in the general election in rank-choice voting. I think we ask people, we ask people to consider two things. We ask people to consider, you know, what happens when, like looking at the example of a primary, you know, abstracting this from the political process. Let’s look at the example of a picnic, now we’re deciding whether or not to have corn, watermelon or hotdogs. And, you know, we’ve got a dozen people around the table, there are 13 people around a table and five people vote for corn, five people vote for hotdogs and three people vote for watermelon. Now, the three people that vote for watermelon are all allergic to corn. And, you know, you may have more people that support, you may have six and four. But at the end of the day, someone’s least favorite candidate, a candidate that someone can’t stand to see in office,
that’s a significant consideration as well. And there’s no election system that has everybody happy all the time. You guys all defeated other candidates to get here, those candidates had supporters and your electorates chose you because they are more confident in your ability to lead your districts.

But if you look at an example where people want to have consensus, that can help create confidence in the person that’s representing a community. That doesn’t mean overwhelming 100 percent support, but it means that more people can live with the person that’s representing them. We tend to think that’s a good thing. And for the most part, rank-choice voting yields the same results as, as regular old first pass, it’s only in elections where there’s a lot of candidates running. So, you look at, you know, Senator Sampson, the republican primary for governor, where Bob Stefanowski won with 29 point something percent of the vote. Or you look at this democratic primary for president, where you’ve got everybody and their mother trying to run for president.

Those are elections where a majority of those primary voters didn’t prefer the person that came out on top. And that person might have still prevailed, if rounds of rank-choice voting went forward, rounds of instant runoff went forward. But that process can help give an electorate more confidence in the person that’s eventually nominated or the person that’s eventually elected. We think that’s something that’s worthwhile.

REP. SAMPSON (80TH): I appreciate that, and your comments do make a lot of sense. It’s still just a
claim though, you know, that a community’s gonna have more confidence in the consensus choice than the person that got the most votes on the first round. You could easily have the opposite opinion.

Let me ask you this, a couple of the speakers all said that rank-choice voting kind of separates out the political parties. I’m curious to know how that happens. I mean, what I see is that you’ll end up with a race that has maybe one strong democratic candidate and three weaker republican candidates. And in a race like that, assuming the democrat got the most votes because democrats concentrated their votes on that one person, but those three republican candidates ultimately after all the rank-choice goes through, might end up defeating them? Is that, I’m trying to understand if that’s the goal of this type of voting because the perception is that that district had a consensus even though it might be a small one to elect a republican, although they weren’t sure which one over a democrat or vice versa. Explain to me how you think that it’s going to take the political parties out of the process?

ALEX TIKTINSKY: I don’t think it takes the political parties out of the process. I think if you’ve gotten an example where you’ve got parties, you know, parties, what we’re proposing is looking at this issue and we’re not advocating for the abolition of political parties or the nomination process. And the nomination process is still an opportunity for the parties to figure out who they want their candidate to be. Rank-choice voting can exist within a primary system as Representative Art O’Neal has proposed, or it can exist within a general election system. And those things are not, you know, are not interdependent.
So, if you have rank-choice voting in a general election and you’ve got a democratic candidate in the situation you’ve described and three conservative candidates, one of whom is probably the republican nominee, that republican nominee or one of the other conservative candidates would likely come out on top because the viewpoints that he or she and those other conservative candidates espoused represent a better alignment with what the folks in that district believe. And that means that at the end of the day, fewer people are gonna be disappointed to the extreme by the outcome of that election. And some of the conservatives may still not like that it wasn’t their conservative, if they came out on top, they’re probably all a lot happier with that outcome than having chosen a democrat through the spoiler effect and vote splitting.

SENATOR SAMPSON (16TH): Yeah, I appreciate that. I guess that’s what this boils down to is whether or not your vision of how an election should be determined should be based on the actual winner based on the effort in the campaign. Because I think that that is a critical function here with respect to your comments about the picnic, we’re not talking about different food types, we’re talking about actual election campaigns with volunteers and hundreds of issues at stake and different positions by different candidates. And lots of people invested in different parts of those candidates based on what issues they support and do not.

So, the choice, to me, is focusing on the person who won the most votes in a straight-up election versus, as you said, avoiding people being disappointed to the extreme. And I’m gonna pay very close attention to this debate as it goes on. I’m not for or
against it at this point. I really would like to learn much more about how it’s beneficial. I’m not convinced, I’ll be honest with you.

And I just have one final question. It was mentioned that, you know, we should try this in Connecticut because this is an opportunity to be, you know, an experiment because we run our own election in Connecticut.

How does this relate to the national popular vote?

ALEX TIKTINSKY: It doesn’t. It’s night and day. I personally did not support the national popular vote. I did not support, I’ve never supported the national popular vote. And we have people from our group that were leaders in the national popular vote. We have a dichotomy. We have a radical range of issues on which we disagree internally. But we’re an organization that stands for this single issue because it’s something that we all agree on. So, it’s not connected to that, but it’s something that we’ve got support for from a lot of different parts of the political spectrum.

SENATOR SAMPSON (16TH): Okay.

ALEX TIKTINSKY: It does not, you know, I know Representative Elliott introduced this bill and that might make it seem like this is a radically progressive bill. But we don’t feel that’s the case. We feel that this is something that should be able to unite progressives like Representative Elliot, conservatives like Representative O’Neill and members of independent and third-party groups and moderates within our existing parties. I’m a registered democrat and we’ve got a lot of other registered members with major parties. And nothing
that I’m trying to do is trying to dismantle the democratic party. And I don’t think the republican folks that we have on our team are trying to dismantle the republican party either.

REP. SAMPSON (80TH): All right. I appreciate that very much. I look forward to speaking with you. I hope we can correspond outside of this room and maybe I can learn more about this and lend my own experience to you guys. Thank you very much, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Senator Sampson, and I’m sorry for the error. Are there other questions? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Madam Chair, and thanks for your testimony today. And I apologize in advance because I was out of the room, if my questions already been answered, but we had an earlier witness who indicated that there are other forms of rank-choice voting that we should be considering. I’d ask you what other forms of rank-choice voting are there? Do you think that they should be included in this study? And if not, why do you think that instance runoff is the best form?

ALEX TIKTINSKY: Sure. So, the position of our group is, we’re advocating for the adoption or in this event the study of instant runoff voting in Connecticut. And we had lively internal debate on this subject for a couple of months. And we had our policy committee sort through this at length. We took a vote as a group to endorse instant runoff voting. Some of the third Condorcet methods that do other things then simply bump off the candidate with the least support, we support instant runoff voting because it’s way simpler than anything else and it
produces the same results almost all the time. And we also feel that, you know, when you’re talking about different types of rank-choice voting, you’re talking about different advantages. So, instant runoff voting is capable of producing a winner that is not the Condorcet winner, so someone that wasn’t a lot of peoples last choices. But even though it’s not a Condorcet method, it produces a Condorcet outcome almost all of the time. There have been hundreds of rank-choice elections in this country and around the world. And I think there’s one example in this country in those hundreds of elections where a non-Cordorcet winner was selected.

And instant runoff voting is a lot more straightforward. That’s important because, you know, many of the questions we’ve gotten today and many of the things that other things that people have hinted at is that people are resistant to change, and people are resistant to complicated change in something like voting. And something like voting needs to be accessible, that concern is warranted.

So, we wanted to make sure that we were choosing a method of rank-choice voting that spoke to those concerns by being as simple as, you know, one, two, three and the person with the most support after a runoff election wins.

REP. BLUMENTHAL (147TH): Thank you. Thanks, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Representative Fox.
REP. FOX (148TH): Thank you, Madam Chair, thank you for being here today. Just two brief questions. One, how would this impact A, B voting?

ALEX TIKTINSKY: It could certainly be instant runoff. It wouldn’t affect it because at the end of the day, you’re still tabulating all the results together. The runoff is instant and happens when those votes are counted. So, if you count all the votes on election day or, you know, if you’ve got some close race where you need to recount, you’re doing that with all the ballots at the same time, so it wouldn’t impact that.

REP. FOX (148TH): And also in terms of the municipality or the town, the states that have done this, the actual ballot must increase in size, correct, the ballot?

ALEX TIKTINSKY: Sometimes. So, there, there a couple of different options. I think that, you know, something that we’ve looked at is, is the issue of fusion voting and how rank-choice interacts with that in Connecticut. It’s our goal to have a simple ballot as possible, I’m sure it’s your goal as well. Simplicity makes things accessible for voters. And we want to make sure that we’re not making things difficult for people to understand. We want people to know who they’re voting for and walk out of the ballot box without confusion.

So, we’re looking at examples that other states and cities and towns and countries have used for rank-choice voting and working with the secretary of the state’s office and with other elections professionals to make sure that we’re helping propose the kinds of ballot design that would be intuitive for folks. You know, hopefully at least
as intuitive as the current ballot. And that’s something that I hope would be a primary focus of this study endeavor.

REP. FOX (148TH): Thank you, thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, we’ll move on. Next is Lynne Charles, followed by Aaron Goode employee, followed by Owen Charles.

LYNNE CHARLES: I’m the wife of Owen Charles and I can tell you that he’s not here today, he’s sick.

SENATOR FLEXER (29TH): Okay. Are you Lynne Charles?

LYNNE CHARLES: I’m Lynne Charles.

SENATOR FLEXER (29TH): Okay. Thank you very much.

LYNNE CHARLES: Chairs and distinguished members of the Committee, my name is Lynne Charles of Madison, Connecticut. And I’m Co-Recorder of the Shoreline Green Party and with Voter Choice Connecticut. And I’m testifying in support of H.B. 5820, AN ACT ESTABLISHING A TASK FORCE TO STUDY RANK-CHOICE VOTING.

Last year’s bruising campaign season already seems like a dim memory, but I urge members of the committee to hit the refresh button of memory.

In the race for governor, voters had a choice of five candidates. And in the heat of the campaign, there were calls for candidates to withdraw, or shaming of voters to only vote for a major-party candidates.
You may remember, it was kind of messy. Also, just yesterday, in the special elections, we had two races that each had four candidates.

Oh, and by the way, every presidential election since 1868 has had more than two parties running candidates.

So, in our so-called two-party system, are these third parties ruining our elections or are we the problem in trying to limit democracy?

To be clear, our constitution guarantees the right to free speech, assemble, and petition. And running for office is perhaps its highest expression. Because of this, one way or another, the two major parties will have to accommodate those who want to exercise their First Amendment rights by running for office.

So, this is our dilemma, we choose to use a system that is inadequate to the free speech guarantees of our constitution and then complain about the results, or we can institute a compatible voting model, such as rank-choice voting.

How many people in this room have ever used rank-choice voting in an election? Oh, there. Well, I have and so maybe that makes me a little bit of an expert. The Green Party elects all its officers using rank-choice voting. And unlike what critics say, it’s not at all difficult. In fact, I would argue it’s less complicated than our current system, in which you feel as though you’re conducting extended negotiations in your head, especially in a primary, for instance, about what might be possible or what might be somewhat practical, while not overlooking the probabilities.
And in the end, you cast your vote and just try to do the least amount of damage.

But with rank-choice voting, you’re just simply listing your preferences, and there’s a sense of empowerment in that. I have witnessed a greater sense of engagement and thoughtfulness and I am convinced that it would lead to greater voter participation.

I guess you can tell, I’m in support of H.B. 5020, and I urge you to favorably vote the bill out of the GAE Committee. Thank you.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony and thank you for your patience. Are there questions from members of the committee? Seeing none, thank you again.

Next is Aaron Goode, followed by Caleb Kleppner, followed by Steven Winter.

CALEB KLEPPNER: I’m Caleb Kleppner, I don’t see Aaron in the room.

SENATOR FLEXER (29TH): Okay. Then Caleb, come on up.

CALEB KLEPPNER: Thank you. My name is Caleb Kleppner, I’m from New Haven, and I am testifying in support of H.B. 5820 to study rank voting. I’m gonna speak as briefly as I can. I’ll submit, you know, short written comments, but I think it’s a fact that rank-choice voting is growing in interest across the country. More than 20 cites and towns, counties have adopted it. The State of Maine has run a couple of elections. So, you know, looking around the country and other countries, we know a lot about how, how it works. But what we don’t know
is how it works in Connecticut because we haven’t implemented it in Connecticut. Before we have a real debate about whether or not this makes sense for Connecticut, I think it makes complete sense to do a thorough study because there’s lots of questions about this.

For example, is it compatible with our new voting equipment or would rank-choice voting require us to get new voting equipment? I don’t think most people in this room know the answer to that question. What’s the best design for us here in Connecticut with Connecticut election law? Do voters have to rank all the candidates? What kind of voter education is most effective? How do you update your poll worker training? How do you accommodate fusion, which is already on the books with rank-choice voting, which, you know, might be proposed at some point? How do you do a manual recount of an election? What do the polling place procedures, how do they change on election night? How do the post-election canvas change? And, of course, how much would it cost and what kind of laws would need to be changed to either allow a city to do this at a municipal level or to use it in a party primary or in a state, at a general election at a state level?

It would be unfortunate to reject rank-choice voting without having these answers, but it would also be foolish to implement rank-choice voting without having these answers. So, I think it makes a lot of sense to pass this study bill out of committee and to get these answers.

I just want to say about, about a study bill, we obviously need to have people who really know the inside and out of Connecticut elections, procedures,
the nuts and bolts, town clerks, those kind of representatives, Connecticut election law. We also should draw on people with experience actually implementing rank-choice voting in other jurisdictions where it’s been done. You know, how they do it in Minneapolis, where, which uses rank-choice voting may or may not be, you know, be how we want to do it in Connecticut if we ever get there. So, I think, really important, honest, any study committee is to have some Connecticut expertise on election law and procedures, but also rank-choice voting expertise. And, you know, one of the questions I, I, I skipped over is, you know, what effect on election security would this, would rank-choice voting have? You know, we need security experts to talk about it, too.

Lastly, I would just say that I was a co-author of the rank-choice voting charter amendment in San Francisco, that was adopted by the voters in 2002. I co-led the campaign to adopt it, then I pushed for a year-and-a-half to get it implemented. For the last 15 years I’ve been running mostly private elections. But I do tabulate rank-choice voting elections for the City of Portland, Maine, Cambridge, Massachusetts. So, you know, the good thing is we don’t have to reinvent the wheel in Connecticut, but we do need to make it Connecticut — thank you very much.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Representative Fox.

REP. FOX (148TH): Just very quickly, thank you. A quick question I have for you and describe, I’m not entirely familiar with rank-choice voting, it sounds
like you are much more familiar than I am or any of us are for that matter. In the City of Stamford all types of vote, like the Board of Education pick three of six candidates on the ballot or the Board of Finance picked two of four, whatever it is. How does rank-choice voting apply in those situations when you have to pick three of six candidates for the Board of Ed, how would rank-choice voting?

CALEB KLEPPNER: So, in Cambridge, Massachusetts, they pick nine for their city council and they pick six for their school committee using a rank-choice voting method. So, there is, you know, the at large form of rank-choice voting is called a single transferrable vote and it’s the exact same ballot. You just rank the candidates in order of choice. You eliminate candidates from the bottom if they have no chance of winning and this sort of twist in the multi-C version, is that if a candidate has more votes than he or she needs to get elected, you don’t have to waste those extra votes, you can actually transfer them to a second choice.

So, what you do is you use the rankings to get a, a set of winners that are as fully representative of all the voters as possible.

REP. FOX (148TH): In those two municipalities, how do they, can they tabulate like here in Connecticut?

CALEB KLEPPNER: Very similar. They both have optical scan voting equipment. They have a ballot with a list of candidates in a column and then columns for first choice, second choice, third choice. Voters fill them out just like any other ballot, put them in the voting equipment, you know, in the polling place. And then they, at the end of the day they get the data out of the voting
equipment, hand it to me and I do a tabulation with the rankings that they hand me.

REP. FOX (148TH): Great. Thank you very much.

CALEB KLEPPNER: You’re welcome.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Thank you again for your testimony and thank you for your patience.

CALEB KLEPPNER: Thank you, Madam Chair.

SENATOR FLEXER (29TH): Aaron Goode, Steven Winter, followed by Tom Swan, followed by James Albis.

STEVEN WINTER: Thank you, Senator Flexer, Representative Fox, Senator Haskell, Senator Sampson, Representative France and Representative Blumenthal. Representative Blumenthal, you hit on a really important question which is, why this system of rank-choice voting?

I think the simple answer is that this is the only system that’s used in political jurisdictions and it’s used in many different political jurisdictions. So, countries representing 1.5 billion people use rank-choice voting. These are countries like India, Ireland, Scotland, Canada, Australia and the UK. In some cases it’s used in party elections, like we would have in our primaries and in some cases it’s used in the political elections to put someone in office.

It’s also used in 20 different states for different various reasons. So, Representative Fox had asked about absentee ballots. Five states use rank-choice voting for military and overseas voters to participate in runoff elections. There are 10 states who use them in 20 different municipalities
and then there are four other states where they’re used in political parties.

So, a key thing here is that this is a tested system with a track record of successful implementation. Senator Sampson, you’d asked about why is it important that somebody win with a majority rather than just someone who wins with the most first place votes. And we believe that a candidate who wins a majority of votes, first or second place votes, that they’re gonna best represent that district and reflect the priorities of that district because they would have had to have reached out to voters, not just for their first choice votes, but the second choice votes as well. And that process of reaching out for voters for their second choice preferences is why this is beneficial in reducing negative campaigning because you’re not just going after the other guy, you’re trying to appeal to folks, even if they support that other candidate and go after issues where you can find common ground.

I think that’s why a lot of folks are so energized about this issue because it’s something that, it pushes us to focus on what we have in common and how to build consensus rather than tearing one another down.

So, it’s the similar thing, Senator Sampson, you’d asked about parties and taking parties out of the process, I think it’s just the opposite. This is gonna make sure that parties put forward their best candidate, a candidate that best represents the consensus within that party and is supported by the broadest number of party members, right. We want to make sure that that person represents the, the
broadest number of people and the largest consensus and rank-choice voting is going to get us there.

Representative France, you’d asked about this versus a runoff. This is effectively an instant runoff, but it saves us the time and cost of having to run multiple elections in which some people might participate in the first election and a different set of people might participate in the runoff election.

REP. FOX (148TH): Please summarize your comments.

STEVEN WINTER: And so this is a way of effectively having a runoff election without having to put the time and expense into having an actual runoff election. By removing the candidate who gets the least votes and then reallocating their second place votes, we’re effectively simulating a runoff election. Thank you.

REP. FOX (148TH): Thank you very much. Any questions for Mr. Winter? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, I’ll just make a comment. Thank you for your very rapid research to answer, to help answer all of our questions.

STEVEN WINTER: Thank you. Thank you, you’re very welcome.

REP. FOX (148TH): Any further questions or comments from the committee? Representative France.
REP. FRANCE (42ND): And I appreciate your analogy and your response to the question. The one point I would make is that you’re assuming that somebody who voted for that last place candidate actually chose a second option. If they did not, then every one of their votes is disenfranchised because they didn’t get an option to make a second choice in a runoff election. So, there’s some assumptions that you’re making that everybody participated fully in the rank-choice that I don’t believe is accurate and I don’t think there’s any data to back this up on how many did.

So, I think that’s an assumption that I think it is concerning to me because I think there are a number of people that may not, they’ll choose the one because they don’t like anybody else. And then those people are, in fact, disenfranchised. So, just, look into it. Thank you.

REP. FOX (148TH): Thank you, Senator. Any further questions or comments? Senator.

SENATOR SAMPSON (16TH): I may as jump in also, all right. Thank you, Mr. Chairman. I appreciate that answer. It kind of goes back to the conversation I had with your colleague before about you striving for second place. I mean, as a political candidate myself, I always try and win the election that I’m in. But I get the impression that sometimes if you use rank-choice voting and there’s a field of multiple candidates, you might have people that realize they can’t win the first place, so they start to campaign for second place. And that’s been characterized a bunch of different ways here today as the consensus person, as the, the person that is least, what is the term that we used before, that
the least, you know, distressing to the majority of voters. I just thought I would just throw that out as some commentary. I don’t know that that improves the result, if you are going to encourage candidates to no longer attempt to be the number one vote getter, but rather be the most appealing to a broad consensus. I get the notion that has been expressed here today that that’s supposed to eliminate conflict between political parties and candidates and so forth. But why is that necessarily a good thing?

I would say that politics today, and I don’t mean to give a speech up here but let me just say that this is a very collegial environment. I get along very well as a republican with my democratic colleagues. And the vast majority of things that we do here happen unanimously or nearly so. I mean, something like 70 or 75 percent of bills fly through this place.

But the things that we disagree on are things that we disagree on passionately and there are issues of principle and I respect the difference of opinions where they exist. But I think that’s a necessary part of political system. And I’m worried that if you put rank-choice voting into play, what you’re going to get, is you’re going to get candidates who want to be kind of milquetoast. They’re less offensive because they’re not willing to go out and have strong positions on things.

And I’m just throwing that out as something to think about, that’s all. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Senator. Further questions or comments? Representative Winkler.
REP. WINKLER (56TH): Just a statement. I don’t know how you run for second place. But if you do run for second place, and you’re successful, you lost. So, it’s really not a problem. As far as disenfranchisement goes, you’re not disenfranchised if you don’t make a choice. If I don’t fill out the ballot for president, but I fill out the rest, I’m not disenfranchised for president, I just decide a box in all of your houses. And I can understand that. And if somebody says, everybody after this candidate, I wouldn’t vote for, then that’s their choice, their not disenfranchised, they just don’t have a second choice because everybody else on the ballot is just not acceptable. Thank you. Thank you, Mr. Speaker, Mr. Chairperson.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for your time and testimony today, I appreciate your patience.

STEVEN WINTER: Thank you.

REP. FOX (148TH): Up next, Representative Josh Hall, followed by Tom Swan, followed by James Albis. Welcome, Representative, thank you for being here.

REP. HALL (7TH): Thank you. Good afternoon, Chairman Fox and distinguished members of the Government Administration Elections Committee. I’m here in full support of House Bill 6666. I’m sure you’ve heard testimony today about this particular piece of legislation. I’m not gonna read through my testimony. You guys all have a copy of it. I just want to impress upon you that this was supported bipartisanly in the House last year. In essence, it just reduces the amount of time that specifically
tier three subcontractors get paid and paid promptly.

We know that most of those tier 3 contractors are, too many are too often are those who are struggling to the most. And we know that with, with this particular piece of legislation, it reduces the amount of time. And so with that, I’d say, thank you for your time this afternoon. I know you guys have been here a long time. So, I want to be respectful of that and so if there are any questions, I’ll take any questions.

REP. FOX (148TH): Thank you, Representative. Questions for Representative Hall? I just have a quick question, if I may. Why the change of 30 days down to 25 days? Is there any magic as to 25 days?

REP. HALL (7TH): So, the preference is to reduce that even more. I think it’s a matter of over time hopefully that gets reduced and if we can change the structure. From my perspective, it would be great if the tier 3 subcontractors got, actually got paid first because the larger contractors, of course, have the resource and the wherewithal to maybe supplement that. But, you know, reducing that time over time is something that we can hopefully wish for.

REP. FOX (148TH): Thank you. If I recall from the debate in the Florida House last year, there was some concern as to the language, unless otherwise agreed to by the parties in terms of written contract. Is that your recollection as well that there was some concern that there might be a matter of leverage potentially used by either the employers or the kind of the other parties, is that your recollection as well?
REP. HALL (7TH): Yes, that was, that is my recollection that there was some concerns that there may be some undue pressor put on us subcontractors, so hopefully that doesn’t play itself out.

REP. FOX (148TH): Thank you very much for your time and testimony. Any further questions or comments from Representative Hall? Thank you very much for being here. Appreciate your time.

REP. HALL (7TH): Thank you for your time.

REP. FOX (148TH): Up next is Tom Swan, followed by James Albis.

TOM SWAN: Good afternoon, Representative Fox, Senator Flexer, other members of the Government Administration Elections Committee. My name’s Tom Swam, I’m the Executive Director of the Connecticut Citizen Action Group. On behalf of our thousands of members across the state, I want to thank you for this committee’s continued good work, it’s strengthening our democracy in living up to our name, the Constitution State.

I’m gonna talk on several bills today and try to be pick because I know your time’s been long. We support Senate Bill 53, AN ACT CONCERNING ELECTORAL PRIVILEGES FOR INCARCERATED INDIVIDUALS. It’s part of our belief that voting is a right and that universal suffrage is a cornerstone of a democracy.

We also support Senate Bill 156, AN ACT CONCERNING THE SECRETARY OF THE STATE AND ABSENTEE BALLOT. We think allowing people to request an absentee ballot online is a good idea. It is time this simple step is enacted to help modernize our elections.
Senate Bill 479, AN ACT DESIGNATING ELECTION DAY AS A STATE HOLIDAY is a common-sense proposal whose time has come. It will encourage greater participation in our elections and that is a very good thing. Making election day a holiday will make it easier for people to vote, elevate the importance of voting and serve as a great counterpoint to the voter suppression push being advanced nationally.

We also support S.B. 914, AN ACT CONCERNING DISCLOSURE OF COORDINATED AND INDEPENDENT POLITICAL SPENDING. The activist right-wing Supreme Court has made a variety of rulings between Buckley, Citizen United, McCutcheon that undermine the principle of one person, one vote, by increasing importance of money in politics.

Connecticut’s creation of the Citizen’s Election program is a nationally recognized model that has had bipartisan support, but these and other court decisions continue to present challenges to protect the program and you are hearing in addition in 914 some bills today to help do this.

During the last election cycle CCAG and Common Cause decided to try to monitor how outside money was trying to subvert the CEP and give particular candidates an advantage, and how various interest groups would try to curry favor with their so-called independent expenditures.

We have released a series of reports that we released that are included in my testimony with links.

We are hoping to release at least two more reports this spring. And we, I want to make clear, we have seen abuses by both parties. Whether it was
Governor Malloy in 2014, using federal party accounts to circumvent the state contractor ban or this election cycle there was much more on the republican side, where the candidate for governor outsourced virtually all of his fundraiser, fundraising to a federal party account that was not subject to Connecticut’s disclosure or contribution limits and actually, the senate republican campaign committee did much the same thing, instead of using some of the more disclosure based things.

Particularly, we agree with Bill 918, we had triggers in our original bill and that got knocked down by the activist supreme court and this is a way to help candidates choose to participate in CEP, even if they’re opponent is self-funding more or against independent expenditures.

And then finally we think that 7210, AN ACT CONCERNING CAMPAIGN CONSULTANTS AND COORDINATION is something that needs to be passed. Some of the campaigns and boxes, you have no idea really how the money’s being spent, it’s just a big line item. Thank you and I appreciate your time.

REP. FOX (148TH): Does anybody have any questions for Mr. Swan? If I may just ask a brief question of you, sir. You’ve mentioned the reports you give common cause. Can you give a brief overview or generally of some of those findings in those reports?

TOM SWAN: So, as I mentioned, looked at the first report we did, I think it came out on October 19th and it was a real time report on Super PACs and spending in Connecticut and what we saw as at least two of the candidates for governor for, on the republican side had these national PACs that were
spending money and really running their campaigns. Bob Stefanowski was one of the two, he’s flipped over to using much more of a party account after he won the primary. But it’s still, we weren’t, it went into a big fund and it wasn’t said that this is money he raised from or was raised into that account that and who gave and how much they gave. So, we saw some real big dollar amounts and some individuals.

For example, why would Alice Walton, the largest individual contributor to a Super PAC in the State of Connecticut, I mean, what the hell does she care about in Connecticut, it was about advancing charter schools and undermining public education, which has been her goal all along. And we had a separate PAC exclusively looking even more at the charter school industry and how they attempted to curry favor where one of the PACs actually just donated to democrats, many of which were unopposed in all but one or two did not have competitive races.

And the reason that they didn’t donate, I shouldn’t say that, they spent money independently of that on behalf of these candidates. That’s an electronic curry favor, but it’s really undermining the whole idea that we’ve been looking to do with the Citizens Election Program and campaign finance reform in Connecticut. We did a follow up report on the, on the Super PAC stuff that we released on Halloween and it showed a great disparity in terms of how much we’re going into democratic party coffers versus republican party coffers. Democrats were using the leadership PACs to support it at a different level, but it was an alarming study to see because these types of accounts are how Malloy got around the federal contractor ban. Somebody could write a
check for $100,000 to one of these versus the $2500 contribution limit or whatever we have in this State of Connecticut. It really is a usurpation of the Citizens Election Program. The two we’re contemplating doing is, one, doing a further analysis of how these federal party accounts were used during this last election cycle and what could possibly be done on it.

And the second thing is, the amount of money that the realtors spent in an independent expenditure and how that really is not gonna play well for them, since they spent money in such a manner they got their butts kicked virtually everywhere except for in Senator Logan’s race, where they spent all this independent money. But I mean, they, they came into one race and they dropped, you know, six, five figures without even talking to the opponent of the person that they were dropping the money on. It was really insane. And I think it was much more about a few leaders within the realtors as opposed to the association as a whole. Unfortunately, they’ll all probably pay the price.

REP. FOX (148TH): Thank you very much. Any further comments or questions for Mr. Swan? Thank you for your time and testimony, I appreciate your patience.

TOM SWAN: Thank you.

REP. FOX (148TH): Have a nice day. Next is James Albis, followed by Cameron Champlin, followed by Lynne Charles. Welcome back, James, good to see you.

JAMES ALBIS: Thank you, Representative, it’s good to be here. Representative Fox, distinguished members off the GAE Committee. My name is James
Albis, I’m a former State Representative from the 99th District and I appreciate the opportunity today to testify on House Bill 5815, AN ACT CONCERNING POLITICAL ADVERTISING. The purpose of this bill is to require alterations or illustrations in political advertising to be clearly highlighted in the disclaimer.

I’m before you today to testify in support of this bill. The 2018 election cycle saw a spate of instances of political candidates using doctored photos of their opponents and negative campaign mailers against them. These doctored photos were used to alter reality in order to be misleading or hyperbolic. I’m aware of several candidates for office who had photos of them doctored, include Christine Rosati Randall, Representative Liz Linehan, and Senator Matt Lesser, who’s image was altered in a way that was roundly deemed anti-Semitic by republicans and democrats across the state.

As a candidate for state representative, in 2018, I was also the subject of a mailer with a doctored photo. My opponent’s campaign pulled a photo from my wedding day, which I had posted on my Facebook profile to use on one of his campaign mailers.

The original photo, taken by our wedding photographer and copyrighted was of my father pinning a boutonniere on my lapel. The doctored photo replaced former Governor Malloy’s head on top of my father’s body and replaced the boutonniere with a pin that said, taxes. I provided copies to the committee for your review.

This bill would require the instances of doctored photos like the one I experienced are disclosed. I
believe that this would be beneficial for a couple of reasons.

Firstly, it will ensure the candidates know exactly what they’re putting out to the general public. My opponent claimed that he did not know the picture he used on his mailer was a doctoring photo, he thought it was real. If the candidates themselves are fooled, then it could land them in hot water as it certainly did in his case. Knowing that photos have been doctored, may make candidates think twice about putting out misleading information.

Secondly, it allows the public to know what is real and what is not. Voters are bombarded with tons of information from every candidate on the ballot during election cycles and a disclaimer, as described in this bill, would ensure voters are able to make the best and most informed decisions as they research those candidates.

I also want to be clear, that I believe highlighting policy difference or public stances taken by your opponent in a campaign is fair game. As an incumbent running for reelection, you must take responsibility for the votes that you cast and be prepared to defend those votes.

Similarly, as a challenger, you must be prepared to know the issues and take responsibility for your past actions and words in the political and public realm, without purposefully distorting reality to be misleading or exaggerate the truth is not in the best interest of voters and could have harmful consequences for either candidate and those going to the ballot box.
In sum, I support House Bill 5815, and I urge the committee to act favorably on this bill. I’m happy to answer any questions you have.

SENATOR FLEXER (29TH): Thank you, non-representative.

JAMES ALBIS: Thank you.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): You mentioned hot water, was that because it was copyrighted?

JAMES ALBIS: That was one reason. And while there is no legal action pending currently, that could be a potential problem for folks in the future, if they take a photo that’s copyrighted and alter it in such a way. I also believe that his campaign was damaged because of that instance. In fact, I had a number of members of the republican town committee call me, the democratic candidate after it came out, saying that they were voting for me because of that happening. So, not only was I thinking about how awful of an experience it was for me, it certainly hurt his campaign and could have potentially gotten him in legal trouble if, if legal action was taken. So, that, that is not out of the question.

REP. WINKLER (56TH): Thank you, Madam Chairperson.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Madam Chair, and nice to see you again, Representative Albis. I recognize the problem. I was among with several
other members of this committee subject to a similar mailer that distorted images and it certainly was unpleasant. But I guess my question would be, how do you see this issue being policed in terms of what constitutes an alteration of an image. And who do you think should be making that decision and what standards should be using and how do you think we prevent it from becoming kind of a semantic spiderweb?

JAMES ALBIS: Sure, Representative, I think that’s a great question. In thinking about this bill, I was thinking about, you know, the campaign photos that I have taken. You know, they’re of myself, my family, of volunteers who have agreed to be in the photos, but sometimes we crop those photos, maybe we’ll use a brightening tool on Photoshop to improve the quality of the photo. Would that fall under the jurisdiction of this bill, and as I read it, maybe? I’m not sure what the actual intent is. But what I would say that if there is a, if there’s intent to change reality, to change a situation and alter a situation to show something that’s not there. So, cropping a photo, I don’t think would qualify. I don’t think brightening a photo would qualify, but if you’re altering the reality of what is in a photo or likeness, that would, in my mind be the standard we’re trying to seek.

In terms of enforcement, the State Elections Enforcement Commission seems to me to be the natural enforcement mechanism, as they enforce many other campaign laws. So, I would see them as being the natural landing place for enforcement. Thank you. Thanks, Madam Chair.
SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions? Representative Fox.

REP. FOX (148TH): Thank you, Madam Chair. Good afternoon, James. It’s good to see you again.

JAMES ALBIS: Good to see you, Representative.

REP. FOX (148TH): So, a few brief questions to which I think I know the answer to. The first, was your opponent participating in the CEP?

JAMES ALBIS: Yes, he was.

REP. FOX (148TH): So, these are state funds that he was using?

JAMES ALBIS: Yes, that’s correct.

REP. FOX (148TH): And then secondly, I think I’m gonna answer this one too. Obviously, you were not given a forewarning that this was going to occur?

JAMES ALBIS: No, I was not.

REP. FOX (148TH): There was no indication, by the way, I took a picture and it’s coming out on Tuesday or Wednesday next week --

JAMES ALBIS: Nope.

REP. FOX (148TH): -- no notification? And finally, from your, I think from of all the examples we heard of today, yours is the most personal in terms of photo use and how it was used. Would you, in your opinion, I mean, I’m just trying to think of how to solve problem, but would a 6 point disclosure or 8 point disclosure have done anything for you in that situation? In my mind, I mean, in light of how personal this photo is to you and your family, it would seem almost not enough?
JAMES ALBIS: Well, the way I think it would have helped in my situation would be that my opponent would have known that it was a doctored photo. He said, as well as his campaign manager, said to me directly that they thought the photo was real. And if they had known that it was photo from my wedding, they would never have used it.

So, I think in this particular instance, having that knowledge, like, oh, okay, I’m the candidate, I see that my consultant, my mailer, whoever is designing my mailings has included this in the disclosure, maybe I won’t want to ask about it? You know, where did this photo come from? Why, how is it altered? And if you have a high standard for what constitutes an alteration, significant, if you weren’t aware that a photo was being altered, you might want to ask that question of your consultant.

So, that’s where I think it would have potentially made a difference in this instance.

REP. FOX (148TH): And the final question I have for you is, in your campaigns when dealing with mail photo, how close are you with developing a mail piece, looking at pictures, proofing the language, things of that nature?

JAMES ALBIS: I’m incredibly involved in that process. I know exactly where all my photos are sourced. Typically, I will use photos that are taken during a photoshoot and I receive permission from everybody participating in those photoshoots. Occasionally I’ve used stock photos, but I have never gone on the internet to take a photo either from a Facebook profile of somebody else or through a Google image search, it’s always done either through my own photos that we take as part of the
campaign or taking a stock photo where, you know, you’re paying to use a stock photo, so you know where, where it’s coming from. You know exactly where it’s coming from.

And I’m certainly incredibly involved in the language that’s on the mailers. So, maybe not all candidates are that way, but I had previously taken great pains to ensure that I knew exactly what my campaign mailing said and exactly what was on them.

REP. FOX (148TH): Before it’s going out, to quote, you’re saying you’re approving it?

JAMES ALBIS: Absolutely. And, and, as you know, having run campaigns, we have to make a disclaimer as candidates to say, approved by James Albis or approved by Dan Fox. So, you know, that to me was a very personal responsibility that I had to make sure what I was putting out to the public was something that I felt comfortable putting out. I didn’t want to be putting out something that I didn’t know what it was or didn’t agree with it or, or would look back on it a week later saying, hey, how did that get in there? I wanted to make sure that I knew exactly what we were putting out.

REP. FOX (148TH): Thank you very much for your time and testimony, appreciate it. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there any other questions? Well, I want to thank you for coming today and for putting this testimony together and talking about what you had to endure in the campaign last year. We heard from some of our colleagues earlier today about similar things and there’s got to be a way that we can find
some accountability around this stuff, while also making sure that we’re protecting people who are candidates and their ability to express those and advocating for their candidacy or the defeat of their opponent. But there’s got to be a better way than this and what happened to you here is just, it’s not right. So, thank you again for coming today and talking with us and look forward to working with you to try to find a solution.

JAMES ALBIS: If I may, I just want to make the point that while, I wanted to avoid the personal aspects and additional distress that came with this experience in my testimony, because I feel like the testimony is there so you can go craft a piece of legislation. But as you alluded to, it was really a personally difficult experience for me and I’m grateful that my wife, Kim, is here supporting me and my testimony today. It was a difficult experience for our family, and I was grateful for the support of friends, but democrat, republican or who for this to happen to a candidate.

SENATOR FLEXER (29TH): I agree. And this sort of thing’s been going on for far too long and it’s only getting worse. So, again, thank you for helping to lead us through this controversy.

JAMES ALBIS: Thank you, Senator.

SENATOR FLEXER (29TH): Next is Cameron Champlin, followed by Lynne Charles, although I think Lynne Charles went already. And then Evan Brown and Paul Rubin.

CAMERON CHAMPLIN: Good afternoon, Chairman Flexer, Chairman Fox, members of this committee. My name is Cameron Champlin, I represent Plumbers and
Pipefitters Local Union 777. We are, I’m here today to tell you we’re in strong support of Senate Bill 916, and I won’t bore you with the language that I did put in my written testimony that you have. You know what that language is.

We are asking that add this language to ensure that contractors performing public works projects are following the mandated criteria for such work. It not only will weed out undesirable contractors but will help a good contractor that adheres to our laws to have a benefit of procuring contracts. And that’s short and sweet, but I think that’s all I have to say. I’m in support and if there’s any questions, I’ll be glad to answer them.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Seeing none. Thank you.

CAMERON CHAMPLIN: Thank you.

SENATOR FLEXER (29TH): Thank you for your patience and thank you for your testimony. Next is Evan Brown, followed by Paul Rubin, and that would be the last person on our list. Is Evan Brown here? Evan Brown? Paul Rubin? And if there’s anyone that would like to testify after Paul, please let us know, and we’d be happy to accommodate that; otherwise, we’ll close the public hearing after our testimony from Paul.

PAUL RUBIN: Good evening, Senator Flexer, Representative Fox and distinguished members of the Government Administration Elections Committee. My name is Paul Rubin, and I’m from New London, Connecticut, we’re a representative democracy.
I’m testifying in support of House Bill 5820, AN ACT ESTABLISHING A TASK FORCE TO STUDY RANK-CHOICE VOTING.

SENATOR FLEXER (29TH): Paul, if I can just interrupt you for one moment. I apologize. Can you push the button in front of you to the other microphone as well.

PAUL RUBIN: Okay.

SENATOR FLEXER (29TH): Thank you very much.

PAUL RUBIN: Yep.

SENATOR FLEXER (29TH): Sorry to interrupt.

PAUL RUBIN: No problem. I’m testifying in support of House Bill, H.B. 5820, AN ACT ESTABLISHING A TASK FORCE TO STUDY RANK-CHOICE VOTING. Just yesterday New London held a special election for a new State Representative of the 39th District.

There were four candidates in this special election democrat endorsed by my local DTC, a petitioning democrat, republican, and a Green Party candidate. While I phone banked and canvassed on several occasions for the endorsed democrat, many of my progressive friends and neighbors were caught in a quandary. They wanted to vote for the Green Party candidate but chose to vote for the endorsed democrat out of fear they would be throwing away their votes. And inadvertently electing a conservative republican who would not represent the values of our overwhelmingly progressive community.

I expect we’ve all witnessed similar situations locally. Likewise, the 2016 President, Republican Presidential primaries and the 2016 General Election, both offered a variety of choices, yet
only allowed a severely limited expression of voters’ desires.

Instead of voting for the candidates they felt most accurately represented their values, out of fear that their votes would be wasted on a candidate incapable of winning, significant portions of the voting public held their noses and voted for a candidate who was not their, it’s my belief, as I’m sure it is all of yours, that we should make every effort to improve how are elections work for average citizens with commonsense solutions.

A plurality voting system, as currently administered, not only discourages citizens from voting their conscience, but given a large enough field, it allows candidates opposed by the majority to win elected office. This very notion is anti-democratic.

On the other hand, in the communities in which rank-choice voting is already being administered, RCV is found to be easy, fair, and extremely popular. And while RCV increases voters’ abilities, ability to choose without regret and elect public officials more representative of themselves, it also limits negative campaigning due to candidates’, their most fervent bases.

There are many electoral reforms that should be implemented to increase voter participation, reduce the influence of money, particularly dark money and out-of-state money and to improve representation the very mechanics of our democracy. This is certainly one that deserves proper study and further discussion. And in so doing, I strongly support H.B. 5820, and urge you to favorably vote this bill
out of the Government Administration Elections Committee. Thank you.

SENATOR FLEXER (29TH): Thank you for your testimony. Are there questions from members of the committee? Thank you again for your testimony. Is there anyone else who would like to testify at this public hearing? Is there anyone else who would like to testify? Seeing no one else. I would declare this public hearing adjourned. Thank you everyone.