

CHAIRPERSON: Senator Mae Flexer
Representative Daniel Fox

SENATORS: Haskell, Sampson, Maroney

REPRESENTATIVES: Winkler, France,
Blumenthal, Exum, Haddad,
Harding, Labriola,
Mastrofrancesco, McCarthy
Vahey, Perillo, Phipps,
Santiago

REP. FOX (148TH): Before we get started, a few things. Members of the Committee which are going to be coming and going all day; there's other hearings going on in part of the building so they might be coming and going to all the meetings and whatnot.

Secondly the first-hour testimony is for individuals for elected officials. Then at that point I will move onto to members of the public who have signed up. We've got a number of -- a significant sign-up list today of individuals testifying on a number of significant bills before our committee. So we ask you to be as succinct as possible. Please feel free to express all of your opinions when the time comes.

First up is Attorney General William Tong. Good morning Attorney General.

ATTORNEY GENERAL WILLIAM TONG: Good morning Mr. Chairman. Good morning Chairwoman Flexer, Chairman Fox, Ranking Member Sampson, Rankin Member France and Members of the GAE Committee. I am here to testify in support of HB 5409, an ACT CONCERNING THE NONDISCLOSURE OF RESIDENTIAL ADDRESSES OF ATTORNEY GENERAL EMPLOYEES.

Very simply, Section 1-217 protects the residential addresses of a number of classes of state employees who are involved in law enforcement and engaged in often contentious issues included judges, prosecutors, public defenders and employees of the Department of Children and Families and the Department of Corrections, the staff of the Office of the Attorney General staff and lawyers work every day with these agencies, departments and the judicial branch, but our residential addresses are still subject to disclosure. And unfortunately, we have had incidences where members of my staff have been stalked and harassed, experienced vandalism at their homes and receive letters and phone calls threatening members of the Office of the Attorney General and their families. So we would ask that any staff of the Office of the Attorney General be added to the list of protected employees under 1-217, and I'm happy to answer any questions. Thank you.

REP. FOX (148TH): Thank you very much Attorney General. Any questions or comments from the Committee?

I have a brief question for you Attorney General. Can you, in terms of numbers of employees at the ADs office?

ATTORNEY GENERAL WILLIAM TONG: Three hundred fifteen, approximately.

REP. FOX (148TH): And the work they are involved in on a daily basis; can you explain a little on?

ATTORNEY GENERAL WILLIAM TONG: So for example the largest department in the Office of the Attorney General is the Child Protection Department wherein our state courts every day representing the state and the Department of Children and Families. I

don't have to tell you those are very difficult cases, often contentious cases, very emotional. The Department of Corrections is another area in which we represent Law Enforcement, Corrections Officers, the entire department, State Police Officers, so we cut across the entire law enforcement spectrum here in Connecticut.

REP. FOX (148TH): I believe you said in your testimony there have been incidences where some of these individuals have been threatened?

ATTORNEY GENERAL WILLIAM TONG: Yes, so for example we had one person, an Assistant Attorney General, it got so bad that we had to call the police. There was stalking and harassing of that individual. Vandalism of yet another person's home and then another Assistant Attorney General got threats not just to the Assistant Attorney General but to their family.

So you may recall, when I was a member of this body and a member of the Judiciary Committee that an activist showed up at my house and confronted my wife and we had to call Stamford Police and State Capital Police got involved, and the very next morning my wife and I worked at the same law firm, that individual sent an e-mail to every lawyer at our firm saying what a bad person my wife is because she called the police when this person confronted her at our home.

I'm not alone. This has happened to many members of the General Assembly and the State Senate and the State House of Representatives and people can get aggressive and while we value the accessibility that we have as public officials and the interchange with our constituents and we understand it gets emotion frankly as legislators from a certain point of view. We sign up for that, but I think by in-large, state

employees who are engaged in law enforcement, they do very, very difficult jobs and I don't think it is fair to expose them and their families to that kind of risk.

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

REP. MASTROFRANCESCO (80TH): Thank you Mr. Chairman. Thank you very much for your testimony. Good morning. Just a quick question. Threats that the employees possibly receive, is it more on a political nature or can there be some personal things, maybe somebody just knows where they live and they have maybe family issues going on and things like that. Does that happen?

ATTORNEY GENERAL WILLIAM TONG: Yeah, it's probably more personal than it is political. Frankly, if you can imagine a situation, in the Department of Children and Families for example, where somebody is the subject of an action to terminate their parental rights. So they are gonna lose their kids, and the state of Connecticut is moving to take their kids away from them because we've made a determination that they can't care for their children, they're very upset. And having access to -- they don't have access to the DCF employees' address for a very good reason, but they do have access to the Assistant Attorney General's address and people get very emotional and they act out on their anger.

REP. MASTROFRANCESCO (80TH): Is that because it's published online, or is it they have to go through freedom of information to get that?

ATTORNEY GENERAL WILLIAM TONG: Yeah, it's subject to FOIA.

REP. MASTROFRANCESCO (80TH): They are always. Is that common within the state of Connecticut? Maybe just not your office, but any employer not to disclose the address of their employees, is that?

ATTORNEY GENERAL WILLIAM TONG: There's a fairly long list of protected classes of employees at Section 1-217. I can't say that it's everybody.

REP. MASTROFRANCESCO (80TH): Okay, would it be your opinion though maybe even just an employer possibly that they should have that protection as well?

ATTORNEY GENERAL WILLIAM TONG: You know, I think it's an important discussion to have particularly with respect to state employees who work in law enforcement or in areas where you know they have a high degree of contact with the public and people are emotional, and there's a risk, a demonstrated risk, of an adverse interaction.

REP. MASTROFRANCESCO (80TH): Right. And I agree. You know it's scary even just for an employer and people know where they work. There could be family issues going on and we certainly don't want anybody to get hurt in that respect.

Thank you for answering my questions, I appreciate it.

ATTORNEY GENERAL WILLIAM TONG: Thank you Representative.

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

SENATOR FLEXER (29TH): Thank you Mr. Chair. Good morning. Thank you for being here today Attorney General Tong.

I just am reading ahead to the folks who are gonna testify after you and the Freedom of Information

Commission argues against this proposal. And part of what their testimony says is that this conversation from their perspective keeps happening every year where more folks are added to this list and that they also argue that the reality today is that almost anybody's address can be found anywhere, anytime and that this is perhaps not such a good idea to extend these protections to this group of people. You know in this committee, as you appreciate, we are always trying to balance the right for the public to know and have strong Freedom of Information laws but also trying to understand what you are -- the concerns that you very clearly stated here this morning.

So I just wondered how you would respond to the concerns from the FOI Commission.

ATTORNEY GENERAL WILLIAM TONG: So I strongly support one of the strongest Freedom of Information laws in the nation and as Attorney General and as a legislator have strongly defended the law and believe that it does important work and it's expansive for a reason. That being said, that's essentially the argument being made is a slippery slope argument, which as a lawyer and a former legislator, I don't think holds water because as legislators you are called up to draw lines every day, somewhere on the slope. And you'll do that today in a variety of bills. And we think it's pretty clear that the line should be drawn to include people whose lives and families are at risk.

And that's been demonstrated by our experience, by my own personal experience, and we ask that you take those facts into account as you draw that line.

SENATOR FLEXER (29TH): Thank you. I appreciate your answer. Thank you very much. Thank you Mr. Chair.

REP. FOX (148TH): Further questions or comments?
Representative France.

REP. FRANCE (42ND): Thank you Mr. Chairman. Thank
you Mr. Attorney General for your testimony and
response to questions. Good morning.

One question, it looks to me just seems overly
expansive. It sounds like you are describing issues
that principally deal with attorneys in the Attorney
General's Office as opposed to every employee. Are
there - it seemed to me you have administrative
staff and other staff that really is not directly
involved or wouldn't be you know named in a report
or an article where it would come to the attention
of the public. So is there a line even within your
own office where you could narrow the scope as
opposed to take every employee within the Attorney
General's Office?

ATTORNEY GENERAL WILLIAM TONG: Yeah, I must say
that, and we've thought about that question in
proposing this legislation, but our staff interact
with the public in a variety of different ways and
it you know includes everyone the first person who
takes a phone call about a complaint about a
particular issue. People call to complain about DCF
or the Department of Corrections or a particular
judge or a particular prosecutor. Even if it's not
something that we in the end-analysis can do
anything about, as you can imagine people call your
office for any number of reasons, and you may not
have any actual jurisdiction or authority to address
their problem, but you take the call and you try to
help and address the concern that they've
articulated. And they touch administrative staff,
paralegals, secretaries, support staff at various
points, and so I think unfortunately the truth is
that all of our staff are exposed.

REP. FRANCE (42ND): Thank you for that answer and you the explanation. I guess the analogy we go to our roles as legislators, I really haven't heard of many legislative aids, outreach, press people being directly contacted where most of that vitriol is directed as us as the legislators. So I guess I'm drawing a similar corollary that I would wonder if it really is and it does need to be as broad as you're proposing here really needs to be limited to those that are truly impacted by what you're describing. And try to minimize the scope of the expansion of this exception. Do you have any thoughts on that?

ATTORNEY GENERAL WILLIAM TONG: Again, I think I would say again that my experience, what I see every day, is that all the staff of our office touch the various functions that touch law enforcement or the care and custody of children and you know another really important issue is that people move around within the office. So if for example they work in the environment department but they are transferred over to Child Protection, you know, they may not have been covered but now they are in Child Protection and they are now potentially exposed to some risk because of the nature of the work that they do. And this is true across the office. People will sometimes step in and help. So if you're in the Environment Department or the Anti-Trust Department and we need your help in Public Safety or in Child Protection, you know then they pinch hit because of limited state resources. And many of our lawyers, by their training are generalists, and can step in for others and because of that they may find themselves doing work they don't normally do and we want to make sure that they are protected.

REP. FRANCE (42ND): Thank you for that explanation/clarification. You mentioned that you have had incidences where the police have been contacted, law enforcement or other agencies; do you keep data on the number of times that these kinds of things happen each year? And is that data something you could provide to the Committee to give us some context for how often this happens? Obviously without the details of the incidents, but the number of times law enforcement is engaged or what the type of engagement is that you're trying to protect the employees from.

ATTORNEY GENERAL WILLIAM TONG: I am certain that we have records. Whether we have collected data and tabulated that, I don't know, but I can check on that and get back to you.

REP. FRANCE (42ND): Thank you very much. Thank you Mr. Chairman.

REP. FOX (148TH): Thank you Representative.
Further questions or comments from the committee?

Seeing none, thank you for your testimony today. It was good seeing you.

Up next Peter Lewandowski from the Office of State Ethics.

PETER LEWANDOWSKI: Good morning. Senator Flexer, Representative Fox, Senator Sampson, Representative France and Distinguished Committee Members, my name is Peter Lewandowski, Executive Director of the Office of State Ethics.

Thank you for this opportunity to provide testimony in support of Senate Bill No. 0364, An ACT CONCERNING REVOLVING-DOOR PROVISIONS OF THE STATE CODE OF ETHICS, which is a legislative proposal of the

Office of State Ethics, and Senate Bill 0367, an ACT SUBJECTING THE PARTNERSHIP FOR CONNECTICUT, INC., TO THE FREEDOM OF INFORMATION ACT AND STATE ETHICS CODE.

Senate Bill No. 0364 makes necessary revisions to the revolving-door provisions under the Code of Ethics for public officials by requiring each agency listed in General Statutes Section 1-84b, subsections c, d and e in consultation with the Office of State Ethics to submit an annual designation statement for certain positions with significant decision making or supervisory authority. Under their law, employees who hold certain specifically designated positions, at certain state regulatory agencies are prohibited while still in state service from negotiating for, seeking or accepting employment with any business subject to regulation by the individual's agency.

Further, they may not accept employment with any such business within one year of leaving the agency. Certain employees of the Department of Consumer Protection and the Department of Emergency Services and Public Protection who have significant decision making or supervisory responsibility with respect to gaining operations in the state are subject to an additional prohibition.

Currently these designated positions are set forth in Section 1-92-40a of the regulations of Connecticut state agencies, which means that any time a designated position changes for example that is the position that is red circled by Department of Administrative Services or is vacated and not filled and another job title takes on the duties of the unfilled position or the management designates an individual in a different position, not listed in the regulation, the regulations need to be amended.

The process to amend regulations takes considerable time meaning that there may be no accurate lists of designated positions for periods of time.

So this proposed amendment seeks to remedy this issue by requiring each agency that's listed in the General Statutes Section 1-84b, subsection c, d and e to submit a designation statement of such positions annually and the designated positions will be published on the Office of State Ethics website.

In addition, I would like to comment on Senate Bill 0367. The Office of State Ethics supports the strengthening of ethics laws. In particular, extending the application of the ethics code to individuals who exercise state regulatory authority and/or expense of central sums of state funds, can only increase the public's confidence in the integrity of its government. In fact, as I noted last week in my comments on another bill, individuals who exercise state regulatory authority or expense of central state funds generally meet the definition of a public official. Therefore, any efforts to uphold the highest ethical standards for Connecticut citizens including the extension of the State Ethics Code to members of the Board of Directors and officers of the partnership for Connecticut should be lauded and supported.

Thank you for your consideration, and I'll be happy to answer any questions you may have.

REP. FOX (148TH): Thank you very much. Are there any questions or comments for Mr. Lewandowski?

I have a few questions if I may sir? Can you please broaden the significant decision making or supervisory responsibility -- can you just extend on that idea for us?

PETER LEWANDOWSKI: So for example individuals who sign contracts or set policy for regulatory agencies who also -- well I would pensively -- who have some kind of a fiscal responsibility and also who set policy for regulatory agencies would be subject to this requirement and be considered holding significant authority.

REP. FOX (148TH): Do you have any examples recently of when these designations have changed?

PETER LEWANDOWSKI: We've actually received some indications, for example, from the Insurance Department where those positions did change recently and that's one agency that comes most immediately to mind. I believe also in -- the top of my -- I'd better not guess. I believe there's another agency, I think Consumer Protection, that may have been experiencing some changes as well.

REP. FOX (148TH): So would it be fair to say without belittling this idea, that this is more an effort to streamline the process, make it a little bit more efficient?

PETER LEWANDOWSKI: Absolutely. And it would be easily accessible to the folks who would be subject to this provision where we would publish these designated positions on a regular basis. So there's no guessing as to who really fits. Essentially the agency would be designating them in consultation with the Office of State Ethics, and those positions would be readily available.

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

Thank you for being here today, sir. Appreciate your time.

Up next Colleen Murphy.

Good morning.

COLLEEN MURPHY: Good morning. Thank you Senator Flexer, Representative Fox, Senator Haskell, Senator Sampson and Representative France and the Remaining Members of the GAE Committee.

I'm Colleen Murphy. I'm the Executive Director and General Counsel of the FOI Commission. Thank you for the opportunity to provide testimony today regarding four bills on today's agenda. We've submitted detailed written testimony for your consideration. I will try to be brief, but there are some significant issues that I would like to discuss with you.

First, the FOIC supports Senate Bill 0367, an ACT SUBJECTING THE PARTNERSHIP FOR CONNECTICUT INC. TO THE FOI ACT AND STATE ETHICS CODE. Last year the legislature passed what became Public Act 19-117, an ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING June 30, 2021. As has been widely reported, including within that budget bill, was the creation of a non-profit the partnership for Connecticut Inc. and a 13-member governing board including five state officials consisting of the Governor and all of the legislative leaders. And as we all undoubtedly know by now, the board oversees the expenditure of \$100-million dollar contribution from a philanthropic foundation, a matching \$100-million allocation of taxpayer money and another \$100-million to be contributed by private donors over the next several years.

The partnership funds are to be allocated for significant "public purposes" the term used in the act itself including "improvements and public education", "supporting financial inclusion and social entrepreneurship" and "promoting upward mobility in Connecticut by connecting at-risk high

school aged youths and young adults to educational and career opportunities", to list a few. Yet despite its creation by the legislature for public purposes related to education and the allocation of public funds to achieve such purposes and the inclusion of public officials on its board, neither the corporation itself nor the 13-member governing board are subject to the transparency and accountability requirements of the FOI Act.

The FOI Commission believes that this wholesale exemption sets a very dangerous precedent, particularly since there was no public hearing or public discourse on the subject of transparency. There's already at least one additional bill pending before the Education Committee right now that proposes the same sweeping exemption for another non-profit, which ought to give us some pause as well.

The FOI Commission supports the proposal before you to subject the partnership to the FOI Act. Bear in mind that any entity that is subject to the FOI Act is entitled to all of the exemptions that are in there for public records and to convene an executive session when there's a legal basis to do so. If there's a specialized need for some more confidentiality then the law currently provides, those items can certainly be addressed but this sweeping approach is not appropriate.

In terms of the language as drafted, Section 1c provides that the partnership shall be considered to perform a governmental function for purposes of the FOI Act. The Commission respectfully suggests in a more straight-forward approach, specifically saying out right that the partnership is subject to the Freedom of Information Act would be a better option to make crystal clear the legislator's intent. The

written testimony we've provided outlines two possible options. That one and another one. And I'd be happy to explain them here or elsewhere.

Moving onto item number two, the FOIC also supports House Bill 5407, an ACT CONCERNING THE SUPERSEDEENCE OF COLLECTIVE BARGAINING AGREEMENTS AND THE FOI ACT. This proposal is part of the FOI Commission's legislative package this year, and we're grateful to the Committee for taking up this issue. House Bill 54007 provides that future collective bargaining agreements or arbitration agreements may not supersede the FOI Act. It would amend 5-278e to state that where there is a conflict between a provision and an agreement or an award and the provisions of the FOI Act, the provisions of the FOI Act shall prevail.

The existing provisions in 5-278 have yielded overrides of the FOI Act in a number of occasions in the past. I've listed some of them in the testimony. In connection, for example, with university professors and their personnel files and DOC employees concerning reports of arrests or summons of employees. An override of the FOI Act means that the rules governing access to and disclosure of records for everyone else do not apply to the individuals who are covered by the bargaining agreement. If you are covered under an agreement, you get to play by a different set of rules.

Like my testimony on the previous proposal, this is another avenue to provide a wholesale exemption to the FOI Act without going through the legislative process. During the 2019 session, the legislature approved an arbitration award between the state of Connecticut and the State Police Union that contains provisions superseding the FOI Act and exempts from disclosure personnel files and internal affairs

investigations of state troopers. It was clearly stated on the senate floor when the contract was considered that the contract exemption was narrow and limited to internal investigations with only a disposition of exonerated, unfounded or not sustained. I have attached the portion of the senate transcript pertaining to this discussion to our testimony.

Despite that discussion regarding its narrow reach, the FOIC has already received several complaints alleging that the new provision is being interpreted much more broadly and those matters are pending before the Commission. The State Police Contract is very significant in that it shields public employees in whom we place the highest degree of public trust and have the power to impact literally citizens' very life and liberty. Our laws must ensure the greatest degree of accountability and transparency over these individuals in the performance of their public duties.

In the realm of personnel files, there's already an exemption in the FOI Act generally that applies to all other employees who don't have these provisions in their contracts, for personnel, medical or similar files if disclosure would invade personal privacy. And there's a longstanding court precedent that analyzes that and determines when the public interest calls for disclosure. It's time tested and has worked extremely well since, I believe, 1992 or 1993.

To prevent parties to a collective bargaining agreement to supersede these statutory provisions nearly by agreement ignores the recognition by the legislature and the courts that matters relating to the performance of public employees are a presumptively a legitimate matter of public concern

and that there is a public interest in knowing the manner in which investigations about public employees are conducted.

The FOIC is concerned there will be more attempts to circumvent the disclosure provisions of the FOI Act through these superseding provisions. The public's right to know should not be contracted away, rather decisions such as this should be made only after public debate, deliberation and enactment of statute. We, therefore, urge the Committee to act favorably on raised bill 5407.

The last two will be much shorter. The FOI Commission supports House Bill 5413, an ACT REVISING TRAINING REQUIREMENTS OF THE FOI COMMISSION. It's the second proposal in the FOIC's legislative package. It's a much easier topic than the first. It would amend Section 1-205e of the FOI Act, and the reason for it is that our staff and looking at all of our statutes realized that there were provisions in there requiring the commission to train on the FOI Act, which we do, but also to train on a number of other items that are not within our purview including training relative to smoking and vaping, which although we're good we don't think we have the requisite knowledge to train regarding smoking and vaping under 19a-342. So we'd ask that you remove those training mandates from our statute.

Finally, the FOIC opposes 5409, an ACT CONCERNING THE NONDISCLOSURE OF RESIDENTIAL ADDRESSES OF ATTORNEY GENERAL EMPLOYEES. We object to the proposal's addition to the list contained in 1-217. We oppose this not because we don't support protecting individuals who work in the Attorney General's Office and the threats that were referenced, but because of the following. Section 1-217 is extremely flawed. I think a few of the

questions got to that earlier when the Attorney General was here. Section 1-217 was enacted to provide some protection to a limited group of employees who are identified at-risk because of the nature of the work they perform. Over the years, we've included -- yearly almost, expansions to that list. You're reaching a point where perhaps all public employees ought to be covered under that because I think the way it's going you are creating a fairness issue. For example, many of the duties that the Attorney General's Office performs, the Freedom of Information Commission lawyers perform, and Freedom of Information Commission employees are not subject. So I think it's a fairness issue and potentially a constitutional issue.

Section 1-217 in terms of its flaws, it's very limited in scope, so we are concerned that in passing these proposals that's giving a false sense of security. Section 1-217 now lonely provides two paths. It's been very limited in its application. It only exempts the employer from disclosing the residential address. All other records a person must take the affirmative obligation and go to the town clerk, for example, or any entity that may have somebody's residential address and ask that a business address be put in its place. So I fear that people getting this so-called protection will feel that they've gotten something that they really haven't gotten. Legislature exempted from the exclusion voter lists, grand lists and land records. So addresses are available in those records.

Another problem with the proposal is that it's silent as to what happens when a person is no longer a member of a so-called covered entity. Does that then mean that the address is subject to disclosure? It's very difficult for the officials administering this 1-217 to figure out what to do. They are

between a rock and a hard place quite frankly. So it doesn't provide a blanket ban on disclosure of residential addresses. We have not seen examples, not that I would want to, where freedom of information was used as a means to obtain somebody's address as we say in our testimony, almost everyone's address is available through one or two clicks on the internet at this point. So it's primarily that we feel that this is not an appropriate panacea for the issue, and so we'd ask you to pass on adopting this proposal today.

That concludes my testimony, and I thank you very much. And I'm happy to answer any questions.

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

REP. FRANCE (42ND): Thank you Mr. Chairman. Thank you for your testimony, and I saw with the supersedence bill that you described and you described the collective bargaining agreements and the impact there; could you elaborate on some of the impacts that it's had on that issue of people being able to access information that is maybe curtailed, investigation or curtailed, action by the public that may not have been in the FOI's Commission to be appropriate?

COLLEEN MURPHY: Right, well a number of years ago we came across our first provision that had supersedence in it and quite frankly when the issue came before the commission we were pretty shocked because the law says, "except as otherwise provided by federal law or state statute, all records are public records subject to exemptions", and then we saw that this contract was potentially superseding. We said, "this can't be right", but when we investigated it we learned of that language in 5-278. And it first came up in the university context

where university professors have this personnel file-type exemption. I can't recall explicitly what the records were in those original cases, but it was basically everything contained in a personnel file including any disciplinary measures.

And recently this has come to our attention again as there were some investigations ongoing at -- I don't want to say the wrong university, either Central or Southern, but there were a number of issues where teachers and a theater professor was investigated and those records were not available for disclosure in terms of what was known by the university about the behavior of the employees, whether good or bad, or you know whether it had been investigated appropriately or not, was simply off-limits based upon this exclusion.

Certain employees of DOC also have this, and I believe it came up in the context of somebody looking for information about employees who had been arrested and that was not subject to disclosure. I think I have that correct.

So over the years, we've been seeing this occurring. We have brought this to the attention of legislative leaders but we knew it was a real hard stone to bring up the hill, but I think when this particular contract came last year involving the state police particularly at a time where there are so many issues involving the authority of the state police and the investigations of the behavior. Our position certainly is not that state police are bad, but that the transparency, the public confidence, in the process so the public can ascertain whether things were investigated appropriately or not.

And with the passage of this law, of this contract, it appears that everything is off-limits related to the state police at this point in time.

REP. FRANCE (42ND): Thank you for walking through that brief history of this issue. What do you see as the logical consequence or the result of this information not being available and impact to the public in your mind or from the FOI Commission's perspective?

COLLEEN MURPHY: Yeah, I think it's what I highlighted before, the lack of public confidence in the process. And again, as I said in my testimony, particularly with state police. They are entrusted with the highest amount of public trust because of the powers that they have over the citizenry.

REP. FRANCE (42ND): Thank you for that. If we move to the FOI exemptions for the resident addresses for the Attorney General employees, that issue. You talk about it and it sounds like a creep year by year of what -- could you go through what the you know from FOI -- what the intent of the original exemptions were and how the FOI Commission is now looking at this individual creep as you kind of described in your testimony?

COLLEEN MURPHY: Right, I think initially the proposal came about because there were some threats elsewhere against judges, and the idea came forward that judges' addresses should potential be exempt from disclosure. And then the idea was to add to that list what was called at the time "at-risk employees". So you know police got included in there and then the next potentially became the firefighters. And then if you look at the list, which there are at least 12 categories in there now, that pretty much illuminates how it progressed over the years, each one getting added including the Department of Mental Health and Addiction employees, CHRO employees, and that's how it has evolved. And we have given this testimony many, many times. This

is not specific to the Attorney General's Office, but just -- we ought to be aware of what we're doing and we ought to be aware that it may not provide the protections that we hope that they would.

REP. FRANCE (42ND): Thank you for that. I appreciate the additional information there. Moving onto Senate Bill 0367 and the partnership, can you identify any other similar organization that has that protection from FOI in the FOI Commission's understanding?

COLLEEN MURPHY: Not so much like this. I think that this is a new approach to the way government is starting to do business. Over the course of the history of the Commission, we've had to deal with issues when government gives over to the private sector, for example some government functions, by contract in some instances. And we've had to crash-test to deal with those situations because whether it's conducted by a private corporation or now a non-profit entity, if it's a public obligation or a public purpose, if it's something that's created by statute by this legislature, that really indicates that there must be a public purpose and that the public ought to have some oversight over it. So I think this non-profit mode is something that we're seeing more of and as I indicated there is a proposal before the Education Committee. I believe the crumbling foundation non-profit also had this sort of language in it. So you know I think this is a new way of looking at this, but that the same policy applies regardless of the --

REP. FRANCE (42ND): -- And if this were to go forward, what would you see as the natural consequence of that to the public's viewing of how government functions or the lack of transparency in

some of these things? What do you see as the logical consequence if it were to pass?

COLLEEN MURPHY: It's the same as before relative to the supersedence and the closing off in a wholesale fashion of public information; that there is a lack of trust. You automatically wonder what's happening behind that closed door. And maybe it's good, and that's why sunshine would also be good you know. For better or worse, the sunshine is the best disinfectant, to borrow from the U. S. Supreme Court.

REP. FRANCE (42ND): Thank you very much. Thank you Mr. Chairman.

REP. FOX (148TH): Further questions or comments? Senator Sampson.

SENATOR SAMPSON (16TH): Thank you Mr. Chairman. Thank you very much for being here today.

I don't really have a lot of questions pertaining to your testimony. I think you did a magnificent job and I found nothing that I disagreed with in your comments. And I'm very thankful that the FOI Commission exists. I understand your purview is really limited to the transparency of information and certainly I have issues with the partnership for Connecticut that go even well beyond that, but that's a good place to start, and I'm very thankful that your office exists and is there to wake people up.

Your testimony on that is spot on, as was the testimony regarding supersedence. I think most members of the general public would be completely shocked to find that Union Contracts can supersede our laws in any way, shape or form. And when it comes to freedom of information, I mean that's just, it goes beyond the pale in my mind. I don't know

how that could possibly exist or anyone could support such a policy.

I guess if I had a question for you, I would ask about the Commission itself. How you are funded and staffed and if you are facing challenges? Because to me, there are a few essential parts of government that are critical to maintain you know our American system of government, where it's a representative government where the people are in charge and they hold their elected officials accountable and we're not creating you know quasi-public agencies where non-elected bureaucrats are making policy in the case of the partnership and other things like that.

I want to make sure that we're doing an adequate job keeping you in business. So I would love -- this is an opportunity for you to let me know and the Committee know if there are concerns you have and ways we can improve your ability to do your job.

COLLEEN MURPHY: Well thank you for that question. It is a Pandora's Box, but I will try to keep the lid [laughing] somewhat closed on it because you know probably more appropriately before the Appropriations Committee, but I very much appreciate the question. The issue that the Commission has faced particularly since, I believe, 2011 there have been some attempts at impingement on our independence. First through a failed consolidation effort. More recently, and I don't attribute any bad intent necessary to this, but there is a failure on the administration's part, and not just this administration but prior administrations, a failure to acknowledge the budgetary independence that was given to the Commission along with the other two significant watchdogs back in 2004. And the budget comes out and it does not reflect accurately what has been transmitted to OPM. There's an asterisk

usually put in the budget (the budget book) that has reference to a line number that shows the number that we asked for but it has no explanation and then typically moves on to proposing significant cuts to the Freedom of Information Commission. Which is exactly what 1-205 prohibits.

So that is something that we're really talking about a lot and it may just be in terms of new administrations coming in, not understanding its history, so we're really working on that but we have been victim of that this year. So, I'm working to try to get funding for a staff attorney position that I had to cut back when we were consolidated a number of years ago. So, I thank you again for that question.

SENATOR SAMPSON (16TH): Thank you very much for filling us in. How many people are on staff currently?

COLLEEN MURPHY: We have 16 positions, but only 13 filled.

SENATOR SAMPSON (16TH): Understood. And has that changed over time?

COLLEEN MURPHY: We had been, I believe, at 22 at a high and then we were consolidated and went down to 12 or 13, although we retained those two positions they've never been filled since that consolidation.

SENATOR SAMPSON (16TH): Understood. Yeah, it seems to me that as government expands the need for more oversight and transparency, and your job must be getting more and more difficult all the time.

COLLEEN MURPHY: Yes.

SENATOR SAMPSON (16TH): Thank you very much for your testimony today. I am extremely thankful that there is someone else out there doing this kind of

work to point out these failures when we make policy to actually look out for the interest of our constituents. So what you do is completely invaluable to me, and keep up the good work.

COLLEEN MURPHY: I credit our wonderful staff and Commission for that.

SENATOR SAMPSON (16TH): Excellent. Thank you Mr. Chairman.

REP. FOX (148TH): Thank you Senator. Further questions or comments? Senator Flexer.

SENATOR FLEXER (29TH): Thank you Mr. Chairman. Good morning, and thank you for your testimony.

I just had a quick comment and then a quick question. It's fascinating about the smoking training. I've worked on those issues a lot and I have no idea that for some reason [laughing] that was under your purview. Clearly, that doesn't make any sense.

And in your testimony, you referenced an education bill. Do you happen to have that bill number?

COLLEEN MURPHY: Yes I do.

SENATOR FLEXER (29TH): And again, that bill in education is going to model the existing law for the partnership and extend it to something else?

COLLEEN MURPHY: It uses the exact same language, saying it shall not be considered a department agency of the state. It exempts employees that should work for it. It exempts officials who serve on it. That's my recollection. Just came out, I believe, yesterday. So I haven't studied it fully, but I did see that provision in there.

It's House Bill 5433.

SENATOR FLEXER (29TH): Thank you very much. A lot of this conversation has revolved around slippery slopes and that seems like a big jump down that slippery slope.

So thank you very much. Thank you again for your testimony. Thank you Mr. Chair.

REP. FOX (148TH): Any further questions or comments?

Can I ask a quick question if I may?

COLLEEN MURPHY: Sorry Representative Fox.

REP. FOX (148TH): On 5407, you made reference to the exemption that's currently in law. Can you explain a little bit about that exemption?

COLLEEN MURPHY: On the Personnel Medical Similar Files exemption, yes. That provision has been in the law, I think, since the inception of the Act in 1993. It was ultimately subjected to scrutiny by the Supreme Court, the Connecticut Supreme Court, and the court enunciated a standard regarding access to personnel materials for public employees. It adopted very critical language that there's a presumptive legitimate public interest in what public employees do in their course of their work, and that it has to be a high bar to override the presumption that there's a public interest in what we do.

So things that are personal in nature are the types of things that are exempt under the law, under the standard enunciated by the court, but if it relates to the conduct of the public's business and if disclosure would not be highly offensive to a reasonable person (which the court opted for a reasonable person standard instead of a subjective standard). It's not whether I don't want you to

know where I went to college or law school, it's whether the reasonable person in today's circumstances would find that highly offensive. So we apply this objective standard and it's a very high standard to get over whether something is not in the public interest when you are talking about public employees. But things like tax information, your medical information, information about your dependents; those things would not be in the public interest to disclose. It's anything that relates to how you perform your job.

Sometimes the public and the private part of how we do our job gets mixed and those are the fun questions, but there's a process to determine that, that has worked really well since 1993.

REP. FOX (148TH): Thank you. And since the pertinent decision, has Commission interpreted this a number of times?

COLLEEN MURPHY: Hundreds of times. Hundreds of times, and I believe we've highlighted in our testimony that particularly in the area of investigations involving the state police. In one case, it was found that an investigation found that there had been no wrongdoing and the Supreme Court said even in those instances there is a legitimate interest in understanding how investigations are conducted. Are they done fairly? Was the person exonerated appropriately? So there is that interest even if an investigation is unfounded.

REP. FOX (148TH): Thank you. And just briefly in terms of Senate Bill 0367, there's been an argument made that in this day and age that there might be some benefit to this type of partnership in a sense that we need new ideas, pursue new opportunities to the state of Connecticut. How would -- I anticipate

I know what your response is -- but how would the FOI Commission respond to that?

COLLEEN MURPHY: Well ultimately I believe that's for you all to consider, but certainly that argument is an argument that's always heard depending upon what the hot topic of the day is. That in order to get things done, people are going to be, you know, more free to speak in a private setting and I think we find generally that when the doors are flung open maybe initially it feels a little bit odd, but there's really no hindrance to opening those doors and that the statute provides for legitimate reasons for closing the doors when appropriate. So I hope that answers your question.

REP. FOX (148TH): Thank you. One final question. In terms of FOI Commission and similar commissions across the country, are you aware of any other states that may have implemented these types of partnerships?

COLLEEN MURPHY: I am not aware at this time, no.

REP. FOX (148TH): Thank you very much. Further questions or comments? Thank you for your testimony, I appreciate you being here.

Next up Noel Petra.

Good afternoon sir.

NOEL PETRA: Good morning. Thank you for having me. Thank you Senator Flexer, Representative Fox, Representative France and the rest of the Board, the Committee.

My name is Noel Petra. I'm the Deputy Commissioner of the Department of Administrative Services for Real Estate and Construction. I have over 25 years of experience in real estate and construction.

DAS is opposed to House Bill 5411, an ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD because it would grant the State Properties Review Board, also known as SPRB, a significant additional degree of incontestable power. And I want to pause there because I want to go back to that.

Their power over matters properly placed under the control of state agencies and because moving the SPRB from the Executive Branch to the Legislative Branch may not comply with the State constitutional provisions for separation of powers. SPRB was established back in 1975 for the purpose of ensuring that state agencies complied with competitive procurement practices in connection with their real estate transactions, and specifically, didn't engage in cronyism or backdoor deals or sweetheart deals with friends, family or anyone that they knew. That is a critical component of what the board does and DAS is fully in support of that responsibility.

Nevertheless, DAS does not support the bill's proposed expansion of their authority to include the review of consultant services contracts of \$25,000 dollars or more which is lowered from \$100,000, and any real estate transaction contract, no matter how small, for all Executive Branch and quasi-public agencies. I just want to make a note that in response to the opinion of the Attorney General over the role and responsibility of SPRB, DAS has raised the bill to further define and actually define what they do. Right now, their statute is written in a way that it gives them broad, broad powers. There's really no limit to what they can ask, what they can do, what they can research and there is no criteria for what they can reject or what they can hold up.

The current level of approval for the items under SPRB purview already include an extremely thorough

degree of oversight and transparency. In addition to SPRB, the purchase or lease of properties is subject to as many as 12 different reviews and approvals.

I'll give you an example. At the Board of Regents level, the Board of Regents has a master plan. A master plan takes years and millions of dollars and the participation of staff, faculty, the board, lots and lots of people get involved, and they develop a 10-year master plan. UCONN does the same thing. That master plan gets approved by the board, gets approved by the President, gets approved by DAS, gets approved by OPM and of course the Office of the Governor. In the case of 2020, it gets approved by the legislation. Now part of that master plan typically is buying properties or leasing properties that are in compliance with the master plan. Every year the master plan gets updated.

So once the master plan is updated and the board is -- the facilities for the board has identified a piece of property that they need for their master plan, DAS comes in with our professional real estate people. We come in, we work with facilities to negotiate a purchase and sale agreement with the land owner. That gets all put together. We make sure it's in compliance with all of our statutes, our policies and procedures and our regulations. Once that's put together it goes to the board, which is an independent board, a 15-member board, they scrutinize it, they review it, they ask questions, they either approve it, send it back; hopefully they approve it and then it goes to the President. The President's staff, they review it, they approve it, they send it back to DAS. We go through it one more time. We scrutinize it. We make sure it's in compliance. Then it comes to my desk. I review it and I generally review it in detail. If I will let

it go through, it then goes to OPM, who have no less than five of their staff members review and scrutinize the deal all the way through. And then it goes to Melissa, to the secretary, for her review. Once OPM has given it the blessing, it then goes to SPRB. SPRB will go through it in detail, they'll scrutinize it, ask questions. And if they approve it, then it goes one more step it goes all the way to the AG. The AG has three people that review it. They scrutinize it. They make sure it's in compliance and then it goes to the Attorney General for his signature.

All of that is subject to the oversight of the Office of the Governor. At any time if something happens, if there's a question, if there's any misunderstanding, anyone can go to the Governor and say, "we've got a problem". The Governor can then come down and say, "I'd like to look into this problem". The reason I bring that up is 'cause that's in stark contrast to what SPRB is responsible for, which is they respond to no one, they report to no one. They have no oversight. Their word is final. The Governor can't override them. The legislature can't override them. The Commissioners can't override them. Not even the AG can override them. They can't be overridden. They have no limit to their power.

And in addition to that, we get audited yearly in detail. So the reason I drag you through that entire process is because I want to demonstrate the depth and robust system of policies and procedures that we already have in statutes that we already have in place. There's no lack. Any rational person would look at that system and say, "that's pretty robust". The taxpayers are protected. Matter of fact, it may be overly robust. It does take all the way from the master plan through

purchase and sale, it could take seven to ten years, and that's a very long time. We could lose the property that we really need. Let's say its adjacent to one of the campuses.

I need a breath. All right. It's natural to hope that the proposed expansion of the SPRB will save the state money and protect the taxpayers, but the evidence doesn't support that. In the year that I've served as a Deputy Commissioner, I haven't encountered not one single situation where SPRB identified a legitimate problem or potential cost savings that would not have otherwise been found or identified and dealt with by DAS or OPM's oversight.

Furthermore, such a broad expansion of scope would greatly extend the length of time it takes to process the significant volume of transactions that would be newly subject to SPRB review. It would delay critical projects. It would divert money and staff time from agency and quasi-public agency missions and increase staff costs for SPRB. Adding layers of review, while well-intended and it's all well-intended obviously, it will slow down the entire process and we could possibly lose opportunities for economic developments. And it flies right in the face of the Governor's goal of making the state a more stable, predictable and responsive place to live, work and do business.

It's significant to note that such a broadly expanded power would, like current SPRB decisions, be subject to no external review. As I've mentioned multiple times, there is no oversight of this group. There's no one that you can appeal to. There's no one that can overturn the decision. They can hold up a project, reject a project, stop a project dead in its tracks with no objective criteria. It can be subject to their whims and wishes.

Neither existing agencies nor quasi-public agencies such as the Capital Region Development Authority (CRDA) was created -- they were created to move worthy economic developments forward without bureaucratic delay. And they wouldn't even be able to appeal the decision of the SPRB. They would have nobody to go to. If they're trying to buy a building that they need to get done quickly, they'll have no way of getting around a poor decision by the board. There's no appeal.

DAS does appreciate the hard work of SPRB. The board members work hard. They are honest people. They take their jobs seriously. They are aggressive and they try to protect the taxpayers as well as they can. This is not a personal attack by any means. They do their job, and they do it well.

We believe that that role could be strengthened by the adoption of adherence to clear and consistent objective standards, just like the rest of our agencies. An expansion of SPRB's role may create more uncertainty and jeopardize the state's ability to plan, execute and complete projects and transactions critical to our shared future.

For these reasons, DAS urges the legislature to reject HB 5411.

REP. FOX (148TH): Thank you very much for your testimony. Questions or comments? Representative France.

REP. FRANCE (42ND): Thank you Mr. Chairman. And thank you for your testimony, as well as walking us through the process that these projects go through. I want us to go back to the very beginning where you talked about the violation of the separation of powers. If you could expand on that particular issue, how you see -- if that role was taken over by

legislature, how do you believe that's a violation of the constitution separation of powers?

NOEL PETRA: That legal expertise is beyond my expertise. I can ask Erin to step up and speak to that specifically if you don't mind.

ERIN CHOQUETTE: Good morning Representative France, Representative Fox, Senator Flexer and Representative Perillo. With regard to the separation of powers concern --

REP. FOX (148TH): -- Please identify yourself.

ERIN CHOQUETTE: Oh I'm sorry. My name is Erin Choquette. I'm the legal and legislative advisor for the Department of Administrative Services.

The separation -- and there are further Representatives to my right, sorry, good morning. Thank you.

The separation of powers concern is created by the fact that as the Deputy Commissioner explained the board has a very active role already in the day-to-day affairs of agencies. If that role is extended, it's just going to be even greater. And by putting the board into the Legislative Branch, so removing the staff from the state agency and having it be staffed by legislative staffers, having the budget be held in the Legislative Branch, you're putting the legislature in a position where it has significant day-to-day responsibilities -- or significant oversight of the day-to-day responsibilities of the Executive Branch. And that role raises the separation of powers concerns.

REP. FRANCE (42ND): Thank you for that. And so to simplify, essentially the whole process that was described by the Deputy Commissioner is all in the Executive Branch. By bringing this one piece out,

you now are creating potential -- conflict of interest is probably not the right term, but a similar conflict in the role of the legislature authorizing contracts by the authorization of funding essentially. And that's the legislative role in contracting. We essentially authorize a particular amount of funding to particular agencies that have contract authority and then we're now gonna -- if this was to pass, be taking a part of that contract process back to the legislature.

ERIN CHOQUETTE: Correct. Yes, so that's correct. But also its -- the role of the legislature is to set the policy and to provide the budget constraints which the Executive Branch operates, but then the Executive Branch is charged with the day-to-day functioning. And so if you were to have a Legislative Branch now have an approval authority over, not just yay or nay on a contract, but the terms and conditions of the contract the parameters under which a project is going forward, is just too much too close of oversight. And that's why we are concerned about the potential separation of powers issue.

REP. FRANCE (42ND): Thank you. Thank you. That's all I had the questions on that particular issue. Thank you.

So getting back to more of the functional side of this role. You emphasized many times that the review board has no oversight and appropriately so that they have, essentially their role is provide oversight of the process within the Executive Branch. Are there instances, I guess going to maybe the motivation behind this, is DAS aware of instances where the review board has provided I guess a decision or been interjected into the process where the outcome was not I guess what

people anticipated? Trying to get to what is motivating the move of this board out of the Executive Branch.

NOEL PETRA: Can you repeat the question?

REP. FRANCE (42ND): Essentially, I guess getting to the motivator, what is behind -- is the DAS aware of actions by the review board that have been brought into question? Whether it be their objectivity, whether it be their independence, or any other thing of why there's a desire to move that body to the Legislative Branch.

NOEL PETRA: We have no understanding of why they would like to move into the Legislative Branch. It was never requested or discussed with us.

REP. FRANCE (42ND): Okay, so and in your dealings with the review board you have seen no issue with impartiality or objectiveness or the credibility of their decisions that has a negative impact on the public interest?

NOEL PETRA: No. Not at all.

REP. FRANCE (42ND): Thank you very much. Thank you Mr. Chairman.

REP. FOX (148TH): Are there any further questions or comments? I have a few if I may, sir.

Can you give me an idea of DHS's daily involvement with SPRB?

NOEL PETRA: We interact with SPRB pretty much daily or at least multiple times a week. They are very active in our daily goings on. They review a lot of our work, a lot of our contracts, a lot of what we do. Yeah, so we see them regularly.

REP. FOX (148TH): And does that fluctuate over time depending on the members of the board or is that

fairly consistent over the past, I don't know, decade or so?

NOEL PETRA: Well it fluctuates based on number of members on the board as well as how much work we have.

REP. FOX (148TH): And in your opinion, what would a strength be of the SPRB?

NOEL PETRA: The strength of the SPRB? Well they believe in what they do. They take it very seriously. They are trying to guard the taxpayers from inconsistencies and conflicts of interest. They're very detailed. They dig into gross detail into the things that we're doing. They are very well intended, and they do a very thorough job. There's no doubt about it.

REP. FOX (148TH): You indicated when you started off your testimony, you have 25 years of experience in construction. Can you just give me an idea of what your background is and whether or not you've had any involvement with SPRB in that role?

NOEL PETRA: No, I've never had any involvement with SPRB before I came to work for the state. I grew up working in construction, my family company. Then after college went into the office and worked as a project manager, a senior project manager, project executive, team leader, I've done all of that and then I went into real estate development on my own. Did a lot of work down in Fairfield County in New Haven, and then I came here to the state to try to help as much as I can.

REP. FOX (148TH): Thank you. And final question; would it be -- I'm just a little, not conflicted, I don't know what the word is, confused by DAS's testimony in the sense that on one hand you indicate that there is an effective role they can play, and

on another hand you indicate that they've never identified a legitimate problem or potential cost savings. Would it be DAS's position that SPRB is necessary or not?

NOEL PETRA: I did not say that they've never caught anything. It's just that they have never caught any legitimate issue that we would not have otherwise caught.

REP. FOX (148TH): Okay.

NOEL PETRA: We don't think that the SPRB is unnecessary. We think that they should fulfill that role of making sure that there is no cronyism or back-rule deals going on. They should be making sure that we're following the statutes with competition and transparency. Absolutely.

REP. FOX (148TH): And one way of doing that would be to maintain under the current statutes, the current role, or?

NOEL PETRA: No, we think that their current role needs to be further defined. It's completely undefined at this point. And to be honest, there is no criteria whatsoever to what they should be doing. They can ask any question or do anything they want. It's not dissimilar to, you know, restrictions on a limits of a police officer when they pull you over. They have to have reasonable suspicion and they have to go through a whole group of requirements before they can do anything. There's nothing defining their role. There's nothing defining objective criteria. There's nothing defining how they perform their work and their duties.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Thank you for being here today. Appreciate you testifying.

Next Senator Formica, followed by Mike Savino.

Good afternoon, sir.

SENATOR FORMICA (20TH): Good afternoon Chairman Fox and Ranking Members Sampson and France, Members of the Committee. Thank you for the opportunity to come and speak with you this morning or this afternoon. I'm Paul Formica, State Senator of the 20th district. And I am here to speak on two bills; Senate Bill No. 0366, an ACT CONCERNING MINORITY REPRESENTATION IN CERTAIN LEGISLATIVE BODIES; and House Bill No. 5405, an ACT CONCERNING QUALIFYING CONTRIBUTIONS UNDER THE CITIZEN'S ELECTION PROGRAM.

SB 0366 very simply puts that New London is the only or one of the only municipalities in the state that does not allow for minority representation to be represented on the board. They take the highest vote gutter regardless of party and they allow them to seat. Every other community has a minimum number of minority party representation on each of their boards. And this bill, which I appreciate the opportunity for you to bring this concept up for public hearing, this bill would provide that opportunity for those people in New London to be represented.

House Bill 5405 is an ACT CONCERNING QUALIFYING CONTRIBUTIONS UNDER THE CITIZEN'S ELECTION PROGRAM. Let me first say that I believe in the merits of the Connecticut Public Financing Program and have participated in the program since my first senate run and have witnessed the benefits of this program making democracy more accessible for everyone in our state. Since the program's exceptions, there have been modifications made every election cycle that make the grant application process more complicated, more cumbersome. One of the points of my frustration is the State Election Enforcement

Commission's term buffer check. Candidates are now being given the impression they need to amass a cushion of contributions beyond the required threshold because we know that there is going to be disqualified contributions. For example, in a 2020 senate race we must raise \$16,000 dollars from 300 in-district contributors. The last campaign that I ran, I put about another \$4,000 dollars above it; I think it was \$15,300 at the time. I put a \$4,000 dollar buffer check, was disqualified beyond that number below the \$15,000 because of problems with forms or other such problems as related to the SEEC and that money was retained by the SEEC. So I believe that money should be returned if it's not gonna be counted toward contributions of the candidate, it should be returned to the contributor.

And I know that you have a very busy day today, so you have my -- or will have my written testimony to review, but that in a nutshell are the two opportunities I sit here today in front of you. And I thank you for giving me the chance the do so.

REP. FOX (148TH): Thank you Senator. Any questions or comments for Senator Formica? Senator Sampson.

SENATOR SAMPSON (16TH): Thank you Mr. Chairman. Thank you for being here Senator.

My understanding about Senate Bill 0366 is that this happened as a result of something in the long past. Is it in the charter or something like that? Is what's prohibiting minority representation?

SENATOR FORMICA (20TH): [Mic not on]

SENATOR SAMPSON (16TH): Yeah so it's the only town in the whole state?

SENATOR FORMICA (20TH): [Mic not on]

SENATOR SAMPSON (16TH): Understood. Have we tried to propose this bill in the past?

SENATOR FORMICA (20TH): [Mic not on]

REP. FOX (148TH): [Laughing] Please put your microphone on sir. Microphone.

SENATOR FORMICA (20TH): I'm sorry. I should know that. I talk to people all the time about that. [Background laughter]

SENATOR SAMPSON (16TH): It's your first day here sir?

SENATOR FORMICA (20TH): Yeah, thanks. [All laughing]

SENATOR SAMPSON (16TH): So moving onto the other bill, which I thank you very much for being here to testify in favor of this because I know this issue well and it's near and dear to me. In fact, I've heard from countless of our colleagues, in fact I don't know that there's a member of the General Assembly that's not participated in the CEP that has not gone through this. I think that you know a lot of times people are afraid to come forward because they don't want to have this conversation, but thank you very much for putting in this bill.

I was reading the SEEC's testimony on this proposal and one of the things that they said is that passing this law would be a hardship on treasurers. Do you see any validity to that?

SENATOR FORMICA (20TH): I'm not sure that I would know why it would be a hardship on treasurers. It would just -- treasurers are required to keep a copy of the all forms, a copy of all the checks or if its cash keep a copy of the denomination of the amount given. So if a particular donation was disqualified, it would be a simple procedure to

return the dollar to the person you have the name and address in front of you. So I don't see how it could be much of a trouble.

SENATOR SAMPSON (16TH): Right, that's my feeling also. I don't see how it could be that complex.

What's your personal experience anyway? When you have non-qualifying contributions so to speak, what's the usual reason?

SENATOR FORMICA (20TH): Well you try to ask for a usual reason and you don't often get an answer. I mean a lot of times its, you know, they say you are self-employed and you know that's not a good answer. You must say who you are self-employed with and what you're self-employed as. So that's often the most time. There's an address that people use for their mail is a post office box and they don't like post office boxes there. They want street addresses. So those are the simple things that we could sometimes get a chance to correct, but other times we are not even certain, or I'm not certain, maybe other people are.

SENATOR SAMPSON (16TH): So you've had the experience where they have told you a contribution was non-qualifying without a reason and there was nothing clearly evident like a missing occupation or anything? Because I have also, and I think a number of other folks have. In a case like that, you know I think it's a difficult situation because essentially what they are saying is that there's some funny business going on here, but yet they are more than willing to keep the funds, which doesn't make a lot of sense to me. If there's a problem with the contribution, then either prosecute it if it's a crime or return it because it's not eligible or someone made a mistake. Something that like seems pretty straightforward.

In their testimony, they also point out that last cycle there were \$2 million in contributions and less than \$126,000 ones that had not been fixed. So ultimately, even after all the things they initially said were non-qualifying, they still disallowed \$126,000 contributions and of course based on your testimony my understanding is that money goes right into the fund is not returned back to those donors. I just did the math, and that's six percent. I think that's substantial. It might seem like a low number to some, but I think that's pretty substantial knowing how hard, you know, my treasurers have worked in the past to make sure that we're screening everything very thoroughly before it ever goes there.

SENATOR FORMICA (20TH): I have a very meticulous treasurer, very meticulous treasurer, and I still get some of those.

SENATOR SAMPSON (16TH): So is the purpose of this bill really to just have a little more accountability on their end so that if they're gonna disallow a contribution that there is a validation as to why and it's properly handled instead of just letting the candidate, the treasurer and the donor you know not even be aware of what the problem was and retaining the funds?

SENATOR FORMICA (20TH): Well there should be some communication back in saying if you have 50 or 20 or 10 or 3 or 1 contributors that don't qualify under whatever parameters they are judging it, it should come back to the treasurer who should then return it or at least have the conversation with the contributor, because the contributor gives the money with the idea to support the candidate, not to support the SEEC.

And the other part of it is if there's extra money and it's all fine, then say the grant for senators is, I'm not sure what it is this year exactly \$100,000 or \$95,000 whatever that number is and say, "then we will then credit these other contributions you've given off that". So just have a proper accounting and do forward that.

SENATOR SAMPSON (16TH): Right. Yeah, no, I agree completely. And again thank you for bringing this forward. I presume I'm going to have the opportunity to speak today with someone representing the SEEC on this bill and speaking about their testimonies; is there anything you'd want me to ask them or point out to them beyond what we've already talked about?

SENATOR FORMICA (20TH): Well I think your questions, as always, are very good and thoughtful and thorough, and I think that you know the same questions to them I think would be appropriate. Why not give it back to the contributor instead of just putting it in a pile and saying this is what we're gonna use? And if it's only six percent, then it shouldn't a hardship. It's not gonna create any kind of deficit in the agency in my view. So.

SENATOR SAMPSON (16TH): Right. So your testimony is that you don't see a problem for a treasurer as a result of the SEEC having to actually come up with a reason?

SENATOR FORMICA (20TH): I don't. [Laughing]

SENATOR SAMPSON (16TH): That was kind of a loaded question, I know. Thank you Senator. Thank you Mr. Chairman.

REP. FOX (148TH): Thank you Senator. Any further questions or comments? Seeing none, thank you for being here.

SENATOR FORMICA (20TH): Thank you very much for the time and the opportunity.

REP. FOX (148TH): Have a nice day. Up next Michael Savino, followed by Representative Klarides, followed by Tom Swan.

We are now at the public portion of the testimony, at which point in time testimony will be set at a timer of three minutes. Mr. Savino, I'm sure you are aware of this process, you've been through it before. So thank you very much. Thank you for being here.

MIKE SAVINO: Yeah, thank you. Good Afternoon Representative Fox, Ranking Members France and Sampson, and all the Members of the Government Administration and Elections Committee.

My name is Mike Savino. I'm President of the Connecticut Counsel on Freedom of Information. We are a coalition of media organizations and other first amendment advocates, and we've been leading the fight for transparency and open government since 1955.

I'm here today in support of Senate Bill 0367, an ACT SUBJECTING THE PARTNERSHIP FOR CONNECTICUT INC. TO THE FREEDOM OF INFORMATION ACT AND THE STATE ETHICS CODE, specifically focusing on the Freedom of Information aspect of this bill. Obviously we feel that transparency is good. We think that the Partnership for Connecticut should be subject to the FOI Act and that this exemption never should have been given in the first place.

And before we start out, I just want to say that this is not in any way a reflection of Ray and Barbara Dalio and their commitment to helping education here in the state of Connecticut. We think that's great. We think you know it's a good

thing any time anybody wants to step up and put their private dollars toward helping problems in Connecticut, and certainly nobody can deny the problem we have with education in Connecticut, specifically the achievement gap. So anyway we can get creative to fixing the achievement gap here in Connecticut is a good thing. But you know, I think we also need to realize that this model of creating non-profits to try to get creative in how we fix some of our problems in Connecticut, that this is likely to be a model that we'll see again. Our current Governor wants to support getting businesses more involved with fixing problems, so certainly under current administration I think he would jump at another opportunity.

And so we've now set a precedent for these non-profits, particularly when they're lead by wealthier residents who are gonna want a similar exemption. And I think we really need to think about the precedent that we're setting here. We just looked at recent reporting that they are considering paying a soon-to-be-hired Executive Director, \$300,000 plus dollars. We are learning that through reporting and through working and getting sources, not through anything that the partnership has done on their own. And also, we don't know yet what other staffing is going to be involved. I mean there's a fundraising component to this that is an expensive skill to get for anyone who has worked at the non-profit, so it's possible that there will be another staff member and another high salary. It's not to say whether or not those salaries are fair or not, but you know we in the public can't have this conversation if those figures aren't being put out there. We are putting \$100 million dollars of state funds into this. We want to make sure that we're getting a bang for the buck there. So I think just alone on the concerns

of how our money is being spent before it's going to schools, what efforts are being spent on operations, you know that information should be made public.

Also to the extent that meetings should be held in public. I realize that they're doing this now, but there's nothing requiring this going forward. We've already heard that part of the reason for the exemption is concerns about uncomfortable, potential controversial conversations. I would contend that those conversations should be had in public. We are talking about, again, fixing a problem here in the state of Connecticut. Our failure to make sure all kids are getting equal access to educational opportunities.

So to the extent that they are trying to solve this issue, they shouldn't be finding a solution in private. It should be done in public. We think that their business should be done in public. And I welcome any questions.

REP. FOX (148TH): Thank you very much. Are there any questions or comments? Senator Flexer.

SENATOR FLEXER (29TH): Thank you Mr. Chair. Good afternoon. Thank you for your testimony.

Could you detail, if you're willing to, the kinds of information you or other members of your organization have attempted to get about the partnership and what information you've been able to obtain, what barriers you faced, how that's worked since the partnership has been in existence and this existing statute has been in place?

MIKE SAVINO: Sure. So I haven't had conversations specifically with reporters about what they've been looking for, but I can tell you I mean obviously wanting to attend meetings to see what kind of conversations that everyone had, wanting to know how

funds are being spent (since a third of their budget is coming from state funds), how that is happening -

-

SENATOR FLEXER (29TH): -- May I interrupt you for one minute? I'm sorry. So your members have asked when meetings are and you don't know when they are?

MIKE SAVINO: So far, they have been told when meetings are happening, but again there is no requirement going forward that that has to happen to every single meeting. This is, right now, at the will of the board. So we are relying on the good intentions of the board members to tell us. So you know again, right now these meetings are mostly operational. When they start to get into some of the conversations they talked about, talking with people about what is wrong with our education system in Connecticut, there is nothing requiring them to even tell us when those meetings are happening.

Obviously, we have a decision from the Attorney General's Office that the legislative members of that board, they are subject to FOI. So we could probably find out that through their schedules in their offices, but beyond that you know what's on the agenda for those meetings, what is being said at those meetings; there is still a real question of what access we could get in terms of that information.

SENATOR FLEXER (29TH): So short of FOI-ing the foreleaders' schedules every week, there's not guarantee?

MIKE SAVINO: There's no guarantee. And again you know I know the Dalio's have talked about wanting to be transparent, but we also have to think about the next non-profit that comes along and the non-profit after that. I mean we can't just continue to rely

on the good intentions of the people who are coming along and trying to do these things.

SENATOR FLEXER (29TH): And we heard this morning from the Freedom of Information Commission that there's a similar proposal for this kind of limitation on public disclosure and FOI for a new entity in the Education Committee.

What was the rest of your answer before I interrupted you? I apologize.

MIKE SAVINO: No, that's okay. No, I do appreciate the, you know, wanting to make sure that you are getting what you are looking for. I think, you know, the other big thing we would be looking for is the budget for this organization. They are supposed to get \$300 million dollars, \$100 million dollars from the Dalio Foundation, \$100 million dollars in donations and \$100 million dollars in public funds over the course of five years to fix education in Connecticut. I think we want to make sure -- we understand that there will be some operation costs for this. The public can debate what is an appropriate level of operational cost.

Again there is money that has to be spent to fundraise, but we want to make sure that we are getting our bang for our buck. That the most money possible is going to the intended purpose and we have no accountability right now. There's nothing requiring them to tell us how that money is getting spent, how many staffers they have, how they're spending money.

Again I've seen comments that they intend to account for their money, but there's nothing requiring that and certainly there's nothing requiring that for the next non-profit. So there's no way to know, are they hiring their friends. I mean we've seen in

education, for example, where people make donations to departments and then they want influence over hiring decisions. We don't have the ability to see if that's happening here with the partnership, whether it's the Dalio's or somebody who is fundraising and saying, "by the way, I have somebody who can fundraise you should hire them". We have no way of knowing that right now because there's no reporting requirement.

SENATOR FLEXER (29TH): Thank you. So we have no information on how this entity has spent any money thus far?

MIKE SAVINO: Right. And it's possible they haven't spent any money, but we have no way of requiring them to report that.

SENATOR FLEXER (29TH): And we don't know what contracts they've entered into?

MIKE SAVINO: No.

SENATOR FLEXER (29TH): Have those contracts or any allocation of funds been discussed at the meetings that they've had so far?

MIKE SAVINO: I have not personally attended meetings, so I can't say for sure. I'm aware that mostly it's been operational, the discussions, including how the board would be structured and if they would create an Executive Committee to get around FOI requirements, which is concerning of course. So, you know, and again I mean they don't even have a staff yet so it's possible that you know the funding hasn't been -- that expenditures haven't been made yet.

SENATOR FLEXER (29TH): Do we know; where have they been meeting?

MIKE SAVINO: I think in the New Haven area.

SENATOR FLEXER (29TH): Okay in just the space that's donated to them?

MIKE SAVINO: That I don't know.

SENATOR FLEXER (29TH): Okay. I'll save maybe these questions for one of the next testifiers.

And do you or your members know -- it was reported this week that the leadership of the partnership is going to be having public hearings around the state. I believe the number was 15, 16, maybe 17 public hearings. I believe one happened the other evening. Do we have a list of where those hearings are gonna happen?

MIKE SAVINO: I have not seen one, and they may not all be scheduled yet. And again, that is at the will of the board right now. You know certainly I think it would be great if they put that out so that people can plan to attend on such an important issue, but you know this is another thing that if they decide to have public hearings you know they could decide the night before to announce them.

SENATOR FLEXER (29TH): Which is kind of what happened with the article that detailed that these hearings were happening, right?

MIKE SAVINO: Right, I mean certainly if a public agency wanted to hold a public hearing there's notice requirements. I mean we could -- you know I think we could be open to talking about what kind of notice requirements they should have for their meetings, but those are conversations that have never happened. I mean it's concerning that this got into the budget last year without a public hearing and without conversations of if they need exemptions that don't exist under current law, what can be carved out for them, can there be a compromise where we get some reporting on some of

this information while being flexible for them. I mean, none of those conversations have happened.

SENATOR FLEXER (29TH): Right, and even the reporting that happened this week, in total respect to the person who wrote about it, but they're not a reporter. They are an opinion columnist.

MIKE SAVINO: Right.

SENATOR FLEXER (29TH): So this wasn't made available to a reporter that these public hearings were happening. There was no conversation about that with an actual non-editorializing journalist.

MIKE SAVINO: Right.

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

MIKE SAVINO: Thank you Senator.

REP. FOX (148TH): Thank you Senator. Further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you Mr. Chairman. Thank you for being here providing testimony. You had made mention that so far you are aware of all the meetings that have been made available. I guess I would ask since there's no requirement to disclose the meetings, do you know that you know all the meetings that have been held to discuss this topic?

MIKE SAVINO: I'm sorry, could you repeat the question?

REP. FRANCE (42ND): Since there is no requirement for public notice and awareness, are you confident that you actually know about all of the meetings that have been held to discuss this subject?

MIKE SAVINO: I mean that's a fair point. We know the ones that they've told us about. I have no

reason to believe that there have been other meetings; obviously others who are gonna testify after me can speak to that fact, but I mean that could have already happened because of the issue of you know they are not required to make that public.

REP. FRANCE (42ND): I think that's to your point, that a requirement -- and to the point that you make about how it was enacted and without a public hearing, without any discussion. And you state that there were not, I guess, negotiations or discussions about what is appropriate to be disclosed and whatnot, what requirements, would they comply with the public notice that are required of other public agencies, et cetera. How would you envision that happening and how being involved in those discussions with the partnership?

MIKE SAVINO: I mean obviously the partnership can decide for themselves who should be involved. They don't have an Executive Director, maybe they think that that person would be a good person, if it would be you know the Dalio's or somebody on their behalf, but you know certainly they would, I would imagine, want to be a party. We would be open to being a party. I think the Freedom of Information Commission should also be a party to those conversations.

I would also like to -- I mean they've raised concerns about some of the parents that they anticipate talking to wanting privacy. If they have already identified some, I would like to talk with them to hear what they feel. If they feel that there are certain exemptions that they're looking for, we can hear it directly from them so we can talk about how do we address their concerns while keeping as much of this open as possible. So yeah, if they know some of the people they want to talk to

already, those people should be part of this as well.

REP. FRANCE (42ND): Thank you very much. Thank you Mr. Chairman.

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

I have a quick question if I can? Instead of wanting to repeat what you went through with Senator Flexer, have you or members of your organization yet tried to get information from the partnership?

MIKE SAVINO: I don't want to say too much. I know of somebody who has been doing FOI requests. It's not me personally, so it's not my place to say. But I know of some who have already started filing requests. To what degree those requests have been honored or rejected, I don't know 'cause I haven't talked to them in the last week or so and it was still in the works.

REP. FOX (148TH): Have they been made by the four elected officials, or the actual partnership do you know?

MIKE SAVINO: Through the elected officials.

REP. FOX (148TH): Okay. And some of your concern is that there are the four elected officials, but then there's this other group kind of floating out there that has the ability to make decisions and is currently making decisions that is kind of unexposed in a sense. Is that correct?

MIKE SAVINO: The Executive Committee?

REP. FOX (148TH): Correct, yes sir.

MIKE SAVINO: Yeah, and I mean that kind of came up after the Attorney General's decision so it seemed like it was created as a work-around because of that

decision. So you know obviously there's a desire there to not be subject to FOI so to the degree that we try to come up with compromises, you know, they might try to work around it. So that's why we feel they should just subject to FOI like any other agency.

REP. FOX (148TH): The Executive Committee was created after the Attorney General's opinion was issued?

MIKE SAVINO: I don't know if it was created. I know it was floated as an idea where there would be no public officials on this Executive Committee and there were concerns about it. So my understanding was that it really didn't go much further than that. Again, others testifying after me can speak more to that. But again it just shows the desire to get around the Attorney General's opinion.

REP. FOX (148TH): Okay. Thank you very much. Any further questions or comments? Thank you for being here today. I appreciate your time and testimony.

Next Representative Klarides followed by Thomas Swan, followed by Representative Candelora.

Good afternoon.

REP. KLARIDES (114TH): Good afternoon Senator Flexer, Representative Fox, Representative France, Senator Sampson. Thank you for hearing my testimony today on Bill No. 0367, an ACT SUBJECTING THE PARTNERSHIP FOR CONNECTICUT TO THE FREEDOM OF INFORMATION ACT AND STATE ETHICS CODE.

As you know, the Public Act was created for this partnership, had very noble intentions. I've said time after time that I think the Dalio's have done great things in their private foundation with the

money they've made, and I think more people can take lessons from what they've done privately.

The problem we have here is this is a public-private partnership, which means there is \$100 million dollars a year of state taxpayer dollars. And by definition, if there are state taxpayer dollars involved in something the state taxpayers have every right to know what's going on in those meetings, what actions are being taken and how they are being taken. You probably have gotten sick of hearing me talk about this since last May when it was first put into the budget. I mean there was a problem with this, in my opinion and in our caucus's opinion, from the moment they started negotiating it, from where the money came. The source originally came from surplus from the last fiscal year then it became a diversion of funds, which in and of itself is a problem, and the fact that we are using \$100 million dollars of state taxpayer money to begin with when we don't have \$100 million cents to use and we have a \$3 billion dollar deficit was the initial problem.

Then we started to hear about all of these exemptions from FOI and state ethics laws. And then the leaders and the Governor were put on by statute, so we didn't really have a choice whether we wanted to serve on it or not. We brought that up, we talked about it publicly, we talked about it privately. The budget passed with this in it.

Then as you probably remember, I asked the Attorney General for an opinion in regard to at least the five elected officials because we take an oath on the opening day of session to be true and transparent to our constituents in the state. And if I take that oath or you take that oath as a state legislator, then how would that conflict with being

a board member, which I would be, and the five electives are on the partnership. Because then who is controlling me in a way? Who am I answering to? And I mean for me and I'm sure for all of you, that answer is your constituents.

So I was thrilled and surprised when the Attorney General issued his opinion in our favor saying the elected officials must abide by ethics and FOI rules, but we still had a problem with the rest of the members which are majority of this board. And we believe very simply that if public funds are used, the public needs to be made -- the information needs to be made available to the public because it's an accountability issue. And that is yet another reason why you have heard us day after day talking about trust in this building, talking about why the public does not trust state government, why the public doesn't trust what we're doing. Well this is a perfect example of it.

So up until now there have been two meetings and all that information has been made available to the public except for Executive Committee meetings, but because there are no Freedom of Information rules and laws that apply to the majority of the members of this public-private partnership we have no trust and beliefs that will continue.

And so I guess from my position, we really appreciate the committee bringing this up and we want to do whatever we can to work with you to make sure that this is the best written and the most effective bill possible. Because you can't have it both ways. You cannot talk about sunshine and transparency, and by "you" I mean the collective "you". Sunshine transparency and every dime that we raise, people need to be aware of it and we can only raise a certain amount of money, talk about Campaign

Finance Laws, et cetera. Yet then we pass something like this in this legislature that in and of itself is not transparent and does it in the dark of night.

I mean I read some articles recently where the partnership responded by saying they are very sensitive issues in regard to what we do and what the charge of this partnership is. We talk about race, we talk about economic status, we talk about you know what production the kids have put through, why they're having problems. Those are serious issues. I mean that's the point of it. So we should not be able to talk about them privately. I mean of course we have to talk about them. We talk about them in these rooms publicly. We talk about them on the Floor of the House and the Senate publicly. Why shouldn't we be able to talk about those?

We have a real issue in this state, particularly in our urban centers with how kids are performing and if they're getting what they need. And the reality is there are race issues, there are economic differences, and economic disparities. There are family involvement issues. Those are real issues that we have to address. And that's what this partnership was set up to address. And again I laude the idea of it, but if there is public money there must be public transparency. And I don't think it's really any more complicated than that.

So I thank you again for bringing this up. We stand ready, willing and able to do whatever we can do. That's why we have put it forth as a caucus bill, the House Republican Caucus Bill. We have felt very strongly about this from last spring. That's why we asked the Attorney General for the opinion and we maintain that position. Thank you.

REP. FOX (148TH): Thank you for your testimony. Questions or comments? Senator Flexer.

SENATOR FLEXER (29TH): Thank you Mr. Chair. Good afternoon. Thank you very much for being here today. I have a lot of questions for you. And [laughing] I'm grateful for your leadership on this and know that I think that there is bipartisan support from the sentiments that you've already expressed here this morning.

Just to go off the questions from the previous person who testified, was an Executive Committee created of this entity? To your knowledge?

REP. KLARIDES (114TH): Well timeline-wise, and I can't use exact dates and times but I will give you as best as I can recall, after the issue was resolved by the Attorney General that the electives needed to abide by Freedom of Information and ethics laws as opposed to the rest of the partnership board, there was an attempt to set up an Executive Committee. As you can imagine, I immediately said that that's not something I think is appropriate. And other leaders had different back and forth in conversation about that until we got to the point where it was not created because people had enough concerns with it.

SENATOR FLEXER (29TH): Okay, and so the partnership itself, this entity that you serve on, has had two meetings since it was created?

REP. KLARIDES (114TH): Correct.

SENATOR FLEXER (29TH): And what has the notice been like for those meetings?

REP. KLARIDES (114TH): I can't recall exactly. I can't give you a day and time. It wasn't three days. It was a week or two. I can get you that

information if you'd like. It was not short notice, but it wasn't a month ahead as far as I can recall.

SENATOR FLEXER (29TH): And do you know if it was publicly disclosed or was it just told to the members, "this is the meeting, this is the time"?

REP. KLARIDES (114TH): I'm not sure if it was publicly disclosed. I think it may have been on their website. Again, I'm not sure 'cause I hadn't looked at it in regard to that, but there were people at the meeting. So they knew about it. The public knew about it, so they had to have known about it somehow.

SENATOR FLEXER (29TH): Okay. And when was the last meeting?

REP. KLARIDES (114TH): It was a month or so ago. I wasn't able to attend because I was at a member's wife's funeral. So I couldn't go. So I called in and I was on the call for the beginning, but I wasn't physically there.

SENATOR FLEXER (29TH): And do you know if the board has voted to expend any funds yet, have contracts they've entered into, have those discussions happened at those two meetings?

REP. KLARIDES (114TH): Well as conversations were being had as you probably know as we've all read there in the middle of looking for a CEO, and those conversations had been had and they were discussing how the idea along the way of expending funds, which I believe some have been expended already.

SENATOR FLEXER (29TH): And what is the hope with the hiring of that CEO? Is the conversation around this entity operating like a quasi-public which is another thing that we're looking at more broadly in

this Committee? Any sense of what the direction is going to be on that?

REP. KLARIDES (114TH): You know, when we talked about this originally most of -- my perspective and I'll just speak for myself, was that we should look at people in similar situations and similar public-private, quasi-public, non-profit really entities in Connecticut to see kind of what you know they get paid and those kind of conversations. Obviously the CEO's position would be the leader of the partnership, the person that helps in developing the charge and moving people forward and finding out -- you know somebody with a lot of experience in the education and non-profit education sector to lead the team and also raise money while they were at it.

SENATOR FLEXER (29TH): And you were appointed you know by virtue of the statute that's passed that you discussed; what was the timeline between you know that passing and the full creation of the board? Was it pretty quick? Was there a lag because there were appointments that needed to be made? Like, when was the board ready to start operating?

REP. KLARIDES (114TH): The first meeting was in September I think. And obviously it was passed as part of the state budget, at the end of May I think the date was.

SENATOR FLEXER (29TH): Okay and any sense -- there may be a good reason for this, but I'm just trying to understand why this entity that it seems to want to have such promise and has gotten so much attention, why has it only met twice in 6, 7, 8 months?

REP. KLARIDES (114TH): I don't know why. I can't, again I think we are in the same position. I'm not gonna read their minds as to why, but there were a

lot of things to be set up. Obviously, you know corporations were being set up and the Governor had his appointments to make. I think, to be honest with you, I think the concerns that I expressed, that our caucus expressed, were probably stunting the progress of the meetings being set up a little bit in regard to that. And I think they wanted to make sure that their vision for it was set up properly.

And again, I can't tell you how much I appreciate whether it's the Dalio's or any other private citizens that want to give back when they've done well, and I think it's a wonderful charge. But because this was public-private, they seem to have you know not understood -- and it was not explained to them or very seriously told that it doesn't -- even if it's legal, okay, this isn't an issue of right or wrong. This is about the fact that this is perception in politics. Perception matters just as much as anything else. And if there is a lot of public money -- this isn't \$10 dollars, this is \$100 million dollars per year that the people that have put that money up deserve to know what's going on at all times.

You were dealing with the summer; who was on vacation? I mean, I think there were just logistics -- I don't think there was any untoward purpose. I just think that logistically it took a while.

SENATOR FLEXER (29TH): Do you, and again I'm not trying to put you on the spot, but where does this money live right now? Like where is the \$100 million dollars that's the private investment, the \$100 million dollars that's the state investment; where is that sitting? Do you know?

REP. KLARIDES (114TH): I don't know. And I don't even know if that money has actually technically

changed hands as of this moment. I'm not exactly sure that that money has gone from our coffers to the entity yet.

SENATOR FLEXER (29TH): Because there is no entity still other than the board?

REP. KLARIDES (114TH): Right. I mean there's an entity because it's been filed. I mean it's a legal entity with the state of Connecticut as similar to how you file corporations or LLC's and that type of thing. So there is an entity.

SENATOR FLEXER (29TH): Okay. I talked, again, earlier with the previous person who testified about these public hearings that we read about for the first time this week. As a member of the board, have you been informed of these public hearings? Do you know where the more than dozen of them are going to take place and when?

REP. KLARIDES (114TH): I have not been notified of any of that as of now.

SENATOR FLEXER (29TH): Okay. So you're a member of the board and you have not been told when the public hearings to get public comment on the partnership for Connecticut are going to take place?

REP. KLARIDES (114TH): As far as I know. I mean unless that information has come to my office and I haven't been told yet, but as of today I don't think I know of any scheduling of public hearings. I know they are trying to schedule the next meeting, the next full board meeting. I can look that up and get that to you if you'd like, but I don't have the information off the top of my head, but I know it will be in the next month or so.

SENATOR FLEXER (29TH): And then lastly I'll just ask you, and you talked about this a little bit in

your comments in your testimony, you know this notion that there are sensitive things to talk about with regard to the work of the partnership and that they need to be discussed in private instead of publicly like the board; could you just elaborate on that a little bit more? I personally really, really struggle with this and I represent communities where there are very serious issues with regard to students and their achievement and the lack of resources in those communities, similar to communities that you represent, and I don't know how you ever tackle those things without having a public and open conversation about it.

REP. KLARIDES (114TH): Well I guess I will say -- and that's been their statement, right, that's been their reasoning for it. And from the beginning, that was their position that, you know they may not have used those exact words that were in the statements they made this week, but I do understand that there are certain conversations -- I mean we've had private conversations many times in this building, but we also have those conversations and the results of those conversations on the record. Right? You can have them both.

And I think that based on the private sector, and it's not their fault in that regard, that they are not subject to Freedom of Information. They don't deal with that. That's not part of what they do in the private sector, as anybody in the private sector wouldn't. So that's where they come from. And I completely recognize that going into this they would want to not have to be subject to that. I understand why they wouldn't, but unfortunately when you got to the government portion of the public-private part of this conversation that should have been made very clear. I get it. I understand you are in the private sector and you don't have to do

that, but now you're in the public sector. And even though it's public-private, you can't get rid of the public part. And so we can't do that because that's not how we run government and we want people to believe and understand that what we're saying you may agree or disagree but you know what it is.

And so I think that's where the problem was. I don't necessarily blame them for wanting it, but they needed that to be explained to them and nobody clearly did. You know and then it was just thrown at everybody in a budget and then the legislature voted for it and supported it, you know, and I was the one stuck out there you know as the trouble maker in the group, which as you know I couldn't care less about because you know we have to do what we think is right. I mean if we're not here to do what we believe is right and if the most right thing we do is that we want our constituents and people of this state to know what we're doing so they can be part of it -- these are public hearings, this is public money, this is a public building, this is a building of the people. We can't have used their money and then say, "but we're only gonna tell you what we want to tell you". It is the base of what we must believe in as public officials being part of this great government.

SENATOR FLEXER (29TH): Thank you. I agree with you completely and we look forward to working with you as this legislation moves forward. Thank you for your testimony.

Thank you Mr. Chair.

REP. FOX (148TH): Thank you Senator. Further questions or comments? Representative Winkler.

REP. WINKLER (56TH): Yes. Good afternoon. One question. Has any member of the board suggested

either on principles or political reasons to the rest of the board that they give up the exemptions from FOI of ethics?

REP. KLARIDES (114TH): Besides me?

REP. WINKLER (56TH): You have suggested that to them at one of their meetings?

REP. KLARIDES (114TH): Did you come in late?

REP. WINKLER (56TH): No, but I'm just trying to be specific.

REP. KLARIDES (114TH): Last year when this passed in the budget, which was in the end of May, we were very publicly -- the House Republicans were very strongly against and made it public the fact that the whole board was against exemptions of ethics and FOI laws. We made that point clear and it was never taken out or changed from the budget. That passed, and then I asked the Attorney General, Attorney General Tong, for an opinion as to whether we, particularly the five elected officials -- how could we possibly hold up our oath to be representatives or senators of the state of Connecticut and yet go sit on a private-public partnership and then not be subject to Freedom of Information. So he responded with his opinion agreeing with us, and saying yes we must (the five elected officials) be subject to FOI and ethics laws, which obviously was a great win but the majority of the board now sits there and they are not subject to any of it.

So I have been, I said to the Good Senator that I know you are probably all sick of me saying it but it's been almost a year now that I have constantly -- you know I've been the troublemaker in the group and we were the ones that was saying, "that's not right, this is public money, it's \$100 million dollars per year", you know besides the financial

issue we have with using that amount of money that we don't have.

If we're not doing it in the light of day, then how are we doing it? So yes, I mean I've brought it up in the meetings. I've brought it up before the meetings. I've brought it up in the public. I've brought it up in this building. I mean I think the custodian is aware of how I feel at this point.

REP. WINKLER (56TH): So when you raised it at the meetings, what was their response?

REP. KLARIDES (114TH): Well you know as we were talking about it a little and if you read any of the articles you hear the responses from the partnership that these are very sensitive issues. We will be discussed race and financial disparity and what's going on with these kids, particularly in the urban centers that are not performing the way they need to. They are not getting the education they need to. They are not getting out of school what they need to and they should, and they're suffering because of it.

And so these things, they claim, should not have to -- people may not feel as comfortable talking about them if they are open to the public seeing them. And I understand conceptually, but that's the actual basis of setting up this whole entity, right? That there are particular urban centers where children are not getting the education they need and children are not -- they are falling behind and the Dalio Private Foundation has been working on that for years and I applaud them for that, but that's their private money that they can use the way they choose. This is now state and private money, and so by definition the things they are concerned about talking about are the things that the entire

foundation of this entity was set up to do. And if we can't talk about that, what could we talk about?

REP. WINKLER (56TH): So the reporting concerning their positions is accurate and so far is what's happened at the meetings?

REP. KLARIDES (114TH): Yes from day one, from the day this -- I mean we debated this on the floor during the budget and this was part of it. We talked about it on the floor, the House, and I know it was talked about in the Senate also when this came up. And we discussed these exact issues and their position has always been that -- you know quite frankly even the other leadership in this building on your side of the aisle that went along with it. I mean somebody should have stopped it. I mean we kept asking for it to be stopped, but it was never stopped. And their argument is, you know, they come from a private sector and sometimes you can't talk about -- you don't everybody to know everything you are saying or thinking and that's fine except now you're not in the private sector anymore. And the public, if you are using their money, they deserve to know what you're talking about and what you're doing with it.

REP. WINKLER (56TH): As you know, the budget is a result of 100 compromises, maybe 1,000, and every once in a while we have to go back and pick out something you know because the budget has the votes to pass almost by definition, we have to pick out something and re-visit it. And this is one of those things.

Thank you Mr. Chair.

REP. FOX (148TH): Thank you Representative for the questions. Any further questions or comments?

I have a real quick question if I may? Since the inception of this partnership, have you or your office received FOI inquires?

REP. KLARIDES (114TH): We received one the other day actually.

REP. FOX (148TH): Did you? So was that the first one that you are aware of?

REP. KLARIDES (114TH): I believe so.

REP. FOX (148TH): And if it's something you can discuss, what was the extent of that inquiry do you remember? The breadth of it?

REP. KLARIDES (114TH): I can't remember the actual language in it, so I don't want to say, but certainly that's again public so I would be happy to show you that.

REP. FOX (148TH): But there are individuals out there trying to get this information?

REP. KLARIDES (114TH): Yes, as they should.

REP. FOX (148TH): And one final question. You've also submitted testimony on 5414. I didn't know if you wanted an opportunity to discuss.

REP. KLARIDES (114TH): I have to remind myself what that is.

REP. FOX (148TH): The bill having to do with jurisdiction over disputes in elections.

REP. KLARIDES (114TH): Yes I know that my colleagues will be testifying on that too, and I'm happy to talk to you about it but I would like them to talk about it further. Yeah, but that also -- that's been another issue that's been going on consistently for the past two years. On the last day of session last year, we tried to call a bill to

try and help fix that. That didn't go through. And so this is a serious thing. You know, if we want people to trust what we're doing and trust the democratic process we better make darn sure that the electoral process is working as best as it can and in the most accurate, efficient way. You know and that's become a problem as we've seen in lots of places.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Thank you for being here. I appreciate your time.

Up next Tom Swan, followed by Representative Candelora, followed by Valerie Ronsen.

Please turn your mic on and your phone off. [All laughing]

Turn your microphone on, sir. Turn your mic on. Thank you.

TOM SWAN: I'll try to be quick. My name is Tom Swan. I'm the Executive Director of the Connecticut Citizen Action Group. On behalf of our thousands of members statewide, I'm here to testify on a number of bills today. And I will go through them quickly.

The first is House Bill 5410. By and large, we have questions of a few sections but we think that much of this bill makes common sense, whether it's the items dealing with dependent care including Head of Party in campaign finance, increased disclosure of all areas we agree strongly with. We think Section 11 is a good idea to make sure that we're not making it impossible for somebody to run against a self-financing candidate. We also are intrigued by the Section on handling of complaints and think that it's a good jumping off point for a more constructive ongoing dialogue and discussion on that.

We strongly support Senate Bill 0365, an ACT CONCERNING ONLINE APPLICATIONS FOR ABSENTEE BALLOTS.

We also strongly support Senate Bill 0367, an ACT SUBJECTING THE PARTNERSHIP TO THE STATE'S FREEDOM OF INFORMATION AND ETHICS LAWS. And I'd also like to follow up on Representative Winkler's questions. I hope that Representative Klarides, while we're waiting for this bill to pass, makes a motion at the board level of the partnership to subject everybody to the ethics and Freedom of Information and the whole organization. I think it should be there and people should be on the record where they stand.

We support Senate Bill 0368, an ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR THE PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS. That's only fair. Communities shouldn't be punished because somebody make a mistake or did something wrong within the community. That's whose being punished here, it's not the people who did something wrong.

The final bill I want to talk about is House Bill 5405. My sense is that there's been a bunch of controversy around this where people are frustrated that when contributions are denied as part of qualifying for the CEP that the money is then kept in the CEP account. The proposal put forward today, we think, would be a nightmare for treasurers to reconcile books and to send the money back and have it go forward. If they've been given in a wrong way and are denied, what we would propose is the treasure of the campaigns are notified that it's been denied and that there's some type of estate account that then the individuals that gave can apply online to get that money back with a small deduction for handling so that we're inundating SEEC or whatever agency do these checks. There's a way

to do this that I think could work for everybody and go forward. Thank you.

REP. FOX (148TH): Thank you very much. Any questions or comments for Mr. Swan? Representative Perillo.

REP. PERILLO (113TH): Mr. Chairman, thank you very much. Good afternoon. So just in regard to your last comments. So what -- tell me a little bit more about your concern regarding the work that a treasurer would have to do to refund someone their money? What is the concern there?

TOM SWAN: The money is going to have to go back to the treasurer. The treasurer is gonna have to then send out the check. The treasurer is gonna have to reconcile the bank statements. The treasurer is gonna have to include it arguably on two more reports to State Elections Enforcement. And the treasurers are oftentimes overworked already. If the question is about getting the money back to people who made a mistake and did something wrong, there are ways to streamline that in a way that's effective and doesn't burden treasurers who do a lot of thankless stuff. I mean if that's the goal is to make sure that if somebody made a mistake in a contribution and didn't break a law and they should get their money back, then we could do it in ways that doesn't mean that they've gotta fill out four more SEEC forms in filling that out and two more bank statements, right?

REP. PERILLO (113TH): Are treasurers compensated for their work?

TOM SWAN: Some are, but not -- there's not a rule in favor of yes, but it's not on an hourly basis. I can tell you that.

REP. PERILLO (113TH): It's permitted?

TOM SWAN: What?

REP. PERILLO (113TH): It's permitted.

TOM SWAN: People can be, yeah.

REP. PERILLO (113TH): Okay. So, if you are a treasurer and you know you are signing up for and you're being compensated for it --

TOM SWAN: -- I don't know, that's a big assumption, but go ahead.

REP. PERILLO (113TH): And if you're compensated for it, wouldn't it be expected that you would do the complete scope of the job? And if the scope of that job required that you properly refund money that SEEC denied, that that would be an appropriate thing?

TOM SWAN: So, I think so, but by and large treasurers are volunteers. And right, I could have equip back -- you know part of the job is to make sure that the contributions you file with SEEC actually qualify. And you know, sometimes you know there's legitimate reasons, right. Somebody has given more money than what they were allowed to do. They gave two different maximum contributions, right. You know it could be argued the treasurer should do this. What I'm proposing is I'm trying to figure out how to make the system work and make it work both with the people who try to participate in the political process by giving a small donation helps somebody qualify for the CEP and tries to follow the rules and for the treasurers who really have a challenging task in a campaign. If you are on a competitive campaign, you've got to scrimp every dollar, it's how you're timing it at the key time. I'm just trying to figure out how to make it work.

REP. PERILLO (113TH): And I don't think anybody here would disagree that the treasurer's job is no easy task. It's miserable. I wouldn't do it. That said though, you know, if I'm a donor to Representative Fox my intention is that the money I donate goes to Representative Fox. Now if for some reason SEEC has denied that contribution. There are a number of reasons why they do. In some cases treasurers are notified as to why, sometimes they are not notified as to why. If I'm that donor for Representative Fox and I intended my money to go to Representative Fox, I might be a little irritated to find out that indeed it went to the State Elections Enforcement Commission. Would that be a fair assessment?

TOM SWAN: I can't support the impetus behind this bill, and what I'm just trying to do is I'm trying to say that if that's the way people feel and they want to say that you can get your money back because it didn't qualify, this is the way to do it instead of saying we've gotta write out 120 checks to individual campaigns that then have to write out you know anywhere from one to five checks themselves and then they have to reconcile those on the statements. I'm just trying to figure out how to do it in a fair and streamlined way that meets what I think the goals were behind this.

REP. PERILLO (113TH): And I can appreciate that, but I don't quite understand what you're proposing in terms of a streamlined approach to ensuring that individuals do get that refund. [Both talking] Go ahead, please.

TOM SWAN: So you're SEEC right, and you say that Senator Flexer's contribution to Representative Fox is a violation, right, you deny that. It is then incumbent upon SEEC to let you know that. You then

-- it would be supposed to having to write a check and reconcile bank statements and fill out all the SEEC forms. Representative Fox would tell Senator Flexer, or was it the other way around? [Laughing] Whatever it was. Whoever it was, you know, that their contribution had not been accepted by SEEC. If they want it back, they can go fill out this form online. Otherwise it stays within the -- it's that simple. There is one as opposed to two checks written for each of those and there's the type of processing of paperwork that I think saves treasurer and SEEC time and money.

REP. PERILLO (113TH): So, okay. So if I go on Amazon and I buy something from Amazon. I've spent \$100 dollars and I expect, you know, this phone to come to me in the mail. And if Amazon miss-processes that and keeps my \$100 dollars and never sends me the phone, should I have to then go and apply to get my refund? Or should Amazon just say, "hey we kind of screwed this up, we're gonna send you your \$100 bucks back". That seems like a lot of work for somebody who didn't do anything wrong in the first place.

TOM SWAN: You don't know that. They didn't fill out the form properly. There was something wrong with their form, right? There was something wrong with the contribution to be denied by SEEC. So within that -- I don't think that's a good analogy right, 'cause there's just one way I want to play with it, right. Part of the reason we pass the Citizens Election Program is we didn't want people buying politicians any longer. We wanted to make small contributions add up and get amplified to the use of the Citizens Election Program so that people aren't about buying politicians. So that type of a transaction doesn't necessarily work for me, but here -- they don't just get rejected because you

know you're from Wolcott right. There's not an arbitrary reason that they're rejected. They get rejected for a reason. So then if -- are you saying that the treasurer who may or may not have made the mistake in filling the forms and putting it in there right, is then responsible if you made that mistake for their time and their energy having to fill out four different forms to do it. I mean I don't understand -- I'm just trying to make it easy. I don't want get into a fight with you over this. I'm just trying to make it easier for everybody involved to make it work.

REP. PERILLO (113TH): And I can appreciate that, and I really respect the fact that you understand that there is value in permitting the individual who gave a contribution to get that contribution back. I think we're kind of on the same page there. I think the question is just, you know, what's the right way to do that? What's the most fair and equitable way and who should bear the burden of that? But again, I appreciate that you and many in the room recognize that perhaps that money should be returned to the original donor. I mean, I won't belabor this, but I appreciate it very much.

Thank you Mr. Chairman.

REP. FOX (148TH): Thank you Representative.
Further questions or comments?

Can I ask a quick question if I may? You briefly mentioned 5410; can you just highlight for me the Section you support, I think you said Section 11, was that one?

TOM SWAN: We pretty much support the whole bill. We think Section 11 is a really good jumping off point to figure out how we make -- that's the Section I believe on processing complaints, and I

think that there is a sense -- I think the one year timeline that was adopted a couple of years ago is [swearing], never would happen to educate anything else within the courts and all. But I think that having a process that is more streamlined where we really get to where there may or may not be wrongdoing in a faster way makes sense. I just don't think picking an arbitrated timeline, so I think this section, I hand-picked it apart fully but I think it's a good jumping off point to talk about, "okay, let's stop playing games and picking arbitrated numbers and let's start to talk about" -- let's have a real dialogue that's in the public instead of backrooms. What is it that works? And works to make sure that we can have faith that the resources are being utilized well and that if somebody has done something wrong it'll be dealt with in a more timely basis, but also in a way that makes sure that if there's wrongdoing somebody just can't play beat the clock.

REP. FOX (148TH): Thank you very much. Any further questions or comments for Mr. Swan? Thank you for being here today. I appreciate your time.

TOM SWAN: Thank you all for all the work you do.

REP. FOX (148TH): Up next I have Representative Candelora, I see he is not present. So Representative Carpino, would you like to step forward? Representative Carpino, followed by Valerie Ronsen, followed by possibly Representative Candelora.

Good afternoon.

REP. CARPINO (32ND): Good afternoon. Good afternoon to the Chairs, to my Colleagues and to everybody here in the public.

I want to start off by thanking the Committee for raising my proposal as part of SB 0363. I'm actually here to talk to you about kindness and civility, and arguably the lack thereof and what we can do to fix it. I'm really saddened by the fact that the tone of our conversations in public discourse both in Connecticut and the Nation has gone from passionate disagreements oftentimes to personal attacks online, nasty memes and often time mean-spirited mistruths. I'm not here to tell you to be -- to love your neighbor, but I am here to tell you that perhaps we can be a bit kinder and perhaps this Committee can be a good start.

My district is a bit different, and I'm very proud of them. You'll hear later from some young women in my district who have joined me for the day to tell you what we're doing to combat the lack of civility and raise the awareness of kindness in our community. And I know it's happening in other towns as well. In the 32nd district, I've been fortunate enough to spearhead bipartisan projects with the CEO's of both of my towns to show that our communities that we can work together. And in my school districts, we've done similar things. We have done, in just the last few months, coins for kindness, pajama day, raising money for childhood cancers and giving Valentine's to our veterans.

So I know you have a number of weighty topics before you in the GAE Committee, but I have to tell you I think Connecticut can really be something to many people. I would just like it to be positive. So if the GAE Committee could help us in my district spread kindness throughout the state it would be very well received by my community and I suspect many others of designating one week as kindness week.

I know in each community across the state there are acts of kindness, but I think in today's day if we could take one week to really highlight what's best in our state, it would go a long way. I'm happy to take any questions you have.

REP. FOX (148TH): Thank you Representative. Further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you Mr. Chairman. Thank you Representative Carpino for being here and talking about civility and kindness and trying to emphasize that aspect of our discourse. One thing that you find in situations like this where you have activities like you described, there is not only an impact on the community in large but we see a greater impact on those that are directly involved in ways that they never maybe anticipated. Could you share some of maybe the anecdotal experiences of some of the people that have been involved, young people or adults that have -- and what feedback you've received from their involvement, maybe that surprised them?

REP. CARPINO (32ND): I'm gonna brag a little bit about the people in my community. So as a for instance, I have two young high school students who popped in earlier and will be back shortly who will tell you about their initiatives, and they are running a kindness initiative through the entire high school. So it is not just the students that they are impacting who donate and to partake, not only are they learning more they are learning about how to treat one another, their parents are learning and the community is taking action based on really examples being exhibited by our students.

And if we can teach our kids and our community members as a whole to be a bit more respectful with

one another and to really do the nice thing and to do the kind thing when no one is looking, perhaps as they get out and about as adults -- and even in some of the conversations in this building, perhaps the tone will go back to a spirited disagreement as opposed to not.

The only suggestion I would ask is I know that this Committee has selected a week in November for kindness week and I would just ask you to respectfully thing of another week. I know that that week is very close to Veteran's Day and we all do so much to highlight our veteran's in November. I would hate for this to get in our way of recognizing them. So perhaps in the spirit of New Year's Resolutions we can pick a week in early January or perhaps one leading up to Valentine's Day when we are all trying to be a bit kinder as well.

REP. FRANCE (42ND): Thank you for that and maybe even somewhere around the beginning of spring where hopefully people are looking forward to summer, but thank you for your testimony and sharing your experience.

Thank you Mr. Chairman.

REP. FOX (148TH): Any further questions or comments? Thank you for being here today. I appreciate your testimony.

Up next Valerie Ronsen, followed by Representative Candelora, followed by Matthew Kauffman.

Good afternoon.

VALERIE RONSEN: [Mic not on]

REP. FOX (148TH): Please put your microphone on? I'm sorry. Hit the button. Thank you.

VALERIE RONSEN: I'm sorry. The Stamford Board of Representatives consists of 40 members and has a regular meeting on the first Monday of every month. The Board only holds special meetings when an item arises which needs to be addressed by the full board prior to the next regularly scheduled meeting.

In the past 24 months, the Board of Representatives have held six special meetings other than special budget meetings, and has a special meeting actually scheduled for this coming Monday. While often there is sufficiently time to mail a notice of special meeting to every representative's home address by regular mail, on occasion the time is too short and notice must either be sent by overnight mail or hand-delivered to each representative's home.

For example, when a mold crisis in an elementary school a little over a year ago required the immediate relocation of students from the school and approval by the Board of a Lease for a relocation space, a special meeting was noticed on less than 48 hours without sufficient time for the mailing of the notice by regular mail. The current cost for an overnight mail is \$26.35 per mailing. So the cost of doing one overnight mailing for 40 representatives is \$1054 dollars. This is a great expense when there is a more efficient and economical alternative available.

Similarly to deliver 40 individual notices by hand requires the board office staff of only three people to spend several hours and possibly overtime hours driving through the city of Stamford from home to home.

The majority of communications between the board office and our representatives is currently electronic. Indeed, 13 of our 40 members have requested to receive only electronic communications

from the board office. This includes agendas, minutes and any backup materials. For the majority of the members, there is only one mailing done during the month and the remaining communications are electronic. Of the 40 members, only three members have no way to access any electronic communications from the board office. These members do receive a weekly mailing from the board office. If this bill was passed and a special meeting were called on short notice, these three members would either receive their notice by overnight mail or by hand delivery.

Permitting written notice of special meetings to be given electronically would ensure that members receive timely notice of special meetings while saving taxpayer's money. I strongly urge you to support HB 5412. Thank you.

REP. FOX (148TH): Are there any questions or comments?

A few questions if I can? Do you have a way of confirming e-mail addresses for each of your members?

VALERIE RONSEN: Every member of the board currently has a city-issued e-mail address and we also have regular e-mail addresses. So we would have a way of doing a read receipt.

REP. FOX (148TH): And so would these e-mails be sent to both of those e-mails?

VALERIE RONSEN: We could do it either way. We could do it to both the private e-mails that we know people have and to their government e-mails. A lot of the representatives have their government e-mails automatically forwarded to their private e-mail addresses.

/nh

GOVERNMENT ADMINISTRATION AND
ELECTIONS COMMITTEE PUBLIC HEARING

11:00 A.M.

REP. FOX (148TH): And you have a way of confirming receipt?

VALERIE RONSEN: Yes we do.

REP. FOX (148TH): And of the individuals that you mentioned, I think you said 13 of the 40, request to receive only electronic communication thus far?

VALERIE RONSEN: Correct.

REP. FOX (148TH): Okay. And would you -- this legislation would only pertain to the Board of Reps, correct?

VALERIE RONSEN: Well I guess it would pertain to any public agency within the state other than the General Assembly as it's currently worded.

REP. FOX (148TH): Thank you very much. Any further questions or comments? I appreciate you being here. Thank you for your testimony. Have a nice weekend.

Next Representative Candelora, followed by Matthew Kauffman, followed by Representative Nolan.

Good afternoon.

REP. CANDELORA (86TH): [Mic not on]

REP. FOX (148TH): Put your microphone on. Thank you.

REP. CANDELORA (86TH): Sorry. Thank you.

I'm here to testify in support of two bills; Senate Bill 0367, which you've already heard about. And on that issue on providing FOI requirements on the Connecticut partnership, I would just reference the two articles; the one article in the Current today just discussing just the transparency issues, what we're seeing in terms of you know hiring and things of that nature. We're starting to get into murky

areas with what actions that they're taking, and I think it's important to bring some level of transparency to that process.

The second bill I wanted to talk about was House Bill 5414 regarding an ACT CONCERNING JURISDICTION OVER DISPUTES IN ELECTIONS FOR THE OFFICE OF STATE SENATE AND STATE REPRESENTATIVE. Last year, I had served with Representative Perillo, D'Agostino and Haddad regarding a contested election in the Stratford race. And under our Constitution as you all know, we have jurisdiction over ascertaining the jurisdiction of a contested election. And I think that that was created because our founding fathers were distrustful of the judiciary and wrote it in such a way where it puts jurisdiction over that issue with the legislature. I think there is room, the way the Constitution is written, that we have the ability to delegate that authority to the judicial.

It was probably one of the more disappointing processes that I've ever gone through in this building. Not serving on that committee, but the fact that we never took a final vote in the House to provide an answer or you know justice to either side. I think both parties in that dispute were left questioning, and the voters, over who rightfully should be sitting in that seat. And the fact that we didn't have the will to vote on that recommendation, however the result occurred, I think is a clear indication that we are better serving returning that process like our municipal and state elected officers, statewide offices, to the Judicial Branch so they are the ones determining how an election dispute should be resolved as opposed to members of our own chamber.

And with that, I'm happy to take any questions.
Thank you.

REP. FOX (148TH): Thank you Representative.
Questions or comments? Representative Perillo.

REP. PERILLO (113TH): Mr. Chair, thank you very
much. Representative, you said you and I served on
this committee so I am somewhat familiar. You
mentioned briefly that municipal elections are
handled differently than this particular contested
election; could you elaborate?

Municipal elections are handled differently than
what we saw.

REP. CANDELORA (86TH): Yeah, so right now under our
current statutes when there is a disputed election
at the municipal level it is referred to the
Judicial Branch. So any aggrieved part can bring
suit in the superior court and the judges have
resolved those claims.

REP. PERILLO (113TH): And as I recall the standard
used by the court in adjudicating those situations
was, in fact, different than the standard that was
proposed by members of this committee here; is that
correct?

REP. CANDELORA (86TH): You know that's correct. I
mean that's one quandary that we were in I think
being on that commission is that we're not bound by
what the courts say so in trying to create a
standard -- we as a commission had differed over
what that standard should look like. One of the
things -- whereas in a judicial case they are
looking at precedent and they're following
precedents. The Contested Election Commissions
don't need to do that. So if there was another
contested election that occurred next year and we

had a commission convened, they don't have any rules that they're really bound by.

So I do think that the commission tried to interpret judicial law and come up with their own standard, but it puts us in a very difficult situation. There's a political component that we can never walk away from. It was a non-partisan commission, but you know we're also sitting judging our peers which is also uncomfortable. Whereas if this was with the Judicial Branch, you have precedents, it's an independent review and I think it can bring more certainty to the process. It's very rare this ever occurs. I think it's only twice in the last hundred years it has happened. So I don't foresee this happening very often, but if it does I really feel strongly that it should not be in this building.

REP. PERILLO (113TH): Now I remember during one committee meeting a member of the committee, you know good heartedly and with the best intentions, suggested that these decisions actually should be made by a partisan political body. What are your thoughts?

REP. CANDELORA (86TH): Yeah, I mean I think that points exactly the issue. Not to pick on individuals, but I think you know Representative D'Agostino and myself are attorneys so I think our approach is a little bit different because we have that natural inclination to appreciate precedents and jurisprudence. I think in other situations where you may have members that are serving that could just be more political in nature, they don't appreciate the standards that should be applied in a contested election. And we did see a little bit of that in the process. But I think we had a -- well we had two recommendations that came out of that committee, so I think it was sort of what we ended

with was here is the options that the House of Representatives can take in drafting a resolution and taking a vote. So there were both perspectives being provided, but what was sort of shocking is there was no requirement that the legislature actually take a vote. So all the work that was done was for naught, which is very strange to me. You know, I think these things need to be taken to its conclusion. And what was interesting is, I think 1986 was the last time it was done or 1985; in that case it never went to a final vote because after the hearings the parties who were contesting agreed to just come to an agreement and resolve it without a full vote of the Chamber. And I think that also speaks to the fact that nobody in the building wants to take a vote like this.

REP. PERILLO (113TH): Thank you. I mean there's a lot more we could go into, but I think that covers some important points. Thank you Representative.

REP. FOX (148TH): Thank you Representative.
Senator Sampson.

SENATOR SAMPSON (16TH): Thank you Mr. Chairman. Thank you Representative for being here. Just to touch on that contested election issue very quickly. The only thing I would ask you is if you feel like the inaction of the legislature actually created an action?

REP. CANDELORA (86TH): Well of course it did because the inaction created a result that the person who had then declared the winner was still seated. So there was never really a determination of whether the errors that occurred in the election affected the outcome. So that did create a result. And I come back to the reality was whether or not to take a vote. It could have been better or worse for that representative. I mean I don't envy him having

to go through that process and facing a reelection now with that still hanging over his head. But that's sort of what ends up playing into this, is a political nature to it. You know the resolution was called at 5-of midnight on the night that we were going sine die and I think that's just demonstrated how there was not the will to let it go to a vote.

SENATOR SAMPSON (16TH): Right. Yeah. Not to testify myself, but I will tell you that when this issue surfaced after that election I was completely shocked that our laws left it up to the legislature. And I would agree with you that I think that it is within our power to delegate that authority for someone else to make the decision. I think it's an imperative. It may sound like a tremendous stretch to say that you're almost creating a perverse incentive to see a screwed up election so it can be determined by the legislature. You know, given you know comments made by you know U.S. Senator regarding another branch of our federal government in the last few days. That's an indication of just how unbelievably divisive politics in 2020 has become. And I just don't think something like that ought to be left in the hands of a partisan body. And I thank you for your testimony on it.

REP. CANDELORA (86TH): Thank you. And just to add to that, I know when the U.S. Supreme Court was determined in whether or not it could have -- no the Connecticut Supreme Court was determining whether or not it could have jurisdiction over this, it recognized the fact that its decision, and my testimony refers to it, that there is a possibility that they believe that we can confer that authority to them. Quoted, "in the absence of legislation sharing that jurisdiction with the courts in some way". So it's an interesting issue, I think, for this committee to look at but I think it is

something that could be delegated to the courts as opposed to the Senate or House.

SENATOR SAMPSON (16TH): And thank you also for your testimony on Senate Bill 0367 which is the one regarding the partnership for Connecticut and adding some element of transparency and oversight. I guess you know after participating in the two press conferences that we had today and hearing a lot of testimony from my colleagues including yourself, the one question I have Representative is why are we stopping at transparency? My view of the partnership for Connecticut is that it has been created to create public policy which is the purview of this legislature. I don't know if you just want to comment whether or not you think simply adding transparency is enough or there needs to be even more accountability or whether the partnership should even exist.

REP. CANDELORA (86TH): Yeah, I mean I think globally there are certain things that we don't want to delegate. I think public education is one of them. It is an interesting concept and I wouldn't just say it's the wrong way for the state to go, there are times that public-private partnerships could be beneficial for the state. I do wish that that legislation had gone through a process of a public hearing last year so we wouldn't be in this situation of having to sort of retroactively look at it and justify why things are done the way they are. And I know it's a difficult issue to raise. And I'm pleased that the committee did raise this issue because I think it is an important one.

When I first got elected in 2007 and came in, the Connecticut Recess Recovery Authority was under scrutiny and you know that was sort of a quasi -- and the issue of transparency always seems to rear

its head and while these partnerships could be beneficial for the state of Connecticut shining the light on it might help with eliminating some of the transgressions that we see occur.

SENATOR SAMPSON (16TH): And forgive me, I didn't mean to put you on the spot. I've got very strong opinions myself about the partnership and the way it went into existence and the wording of the actual law which gives them tremendous authority, so anything lawful they can do.

REP. CANDELORA (86TH): Well I mean just to get to that point, what's interesting is you have four public officials that are required to sit on that board without designees and what I find interesting about that is by virtue of you being in a particular position you are forced to sit on a board and be a member of that board, I've never seen language like that and I question you know whether even under the 13th Amendment that's something that can be done. Typically it would be a little bit -- the language would be a little bit looser to have designees, but to require a particular person to be a board member of a private corporation is also very bizarre to me.

SENATOR SAMPSON (16TH): That's something I had not even contemplated, but you're absolutely right. And I don't know if any liability comes attached with that association, et cetera. Very, very good. Well thank you very much for your testimony, Representative.

REP. FOX (148TH): Any further questions for Representative? Representative Winkler.

REP. WINKLER (56TH): Yes, thank you for your testimony. Are you aware of any state that allows the judiciary to determine its members? Like any

state legislature that the judiciary determines its members in a case like this?

REP. CANDELORA (86TH): Where the judiciary would choose?

REP. WINKLER (56TH): The members of a state legislature when there was a conflict like this?

REP. CANDELORA (86TH): Well I think what ends up happening, the way I think this law would be constructed is not to choose the members but to call for a new election. So I think in all the statutes that I've seen in the different states that I'm aware of, the relief that the court would issue would be a new election.

REP. WINKLER (56TH): So which states, in essence, take the responsibility for determining the members of the legislature in a situation like this? And give it to the courts?

REP. CANDELORA (86TH): I mean Connecticut does it for municipal and state office. I could get the information --

REP. WINKLER (56TH): -- I'm sorry, for state office?

REP. CANDELORA (86TH): For state office.

REP. WINKLER (56TH): State executive?

REP. CANDELORA (86TH): For statewide office. If there's a contest at the gubernatorial level, the courts would decide and at the municipal levels. So it's happening in Connecticut where we've had elections that were contested, the courts adjudicated it and at times they called for a new election or at times they just upheld the election.

REP. WINKLER (56TH): Okay. And I apologize for being unclear. For the supreme legislative body in

each state, do you know of any states that don't determine its own members?

REP. CANDELORA (86TH): I don't know either way how other states have constructed it.

REP. WINKLER (56TH): You mentioned that the federal government does -- you stated that you thought that it was historic distrust of the judiciary that caused the U.S. Constitution to be written the way it was?

REP. CANDELORA (86TH): The state Constitution, I meant. My understanding is it was constructed this way because the legislative body wanted to be the ones determining a contested election. They didn't want to confer that onto the court.

REP. WINKLER (56TH): Okay. You did use the word "distrust" and my question to you is do you think distrust of the judiciary has declined over time?

REP. CANDELORA (86TH): I would think so. I mean there's always a politicization of every chamber in this day and age. But I think the Judicial Branch is the best suited, I think, branch of government to resolve any contested election in any office as opposed to peer review.

REP. WINKLER (56TH): Thank you Mr. Chair.

REP. FOX (148TH): Thank you. Any further questions or comments? Thank you for being here today. I appreciate your testimony.

Up next is Matthew Kauffman, followed by Representative Nolan, followed by Kip Kolesinskas.

Good afternoon. Good to see you again.

MATTHEW KAUFFMAN: Good to see you. Good afternoon Senator Flexer, Representative Fox, Committee Members.

My name is Matt Kauffman. I'm Vice President of the Connecticut Council on Freedom of Information. I'm here today to testify on House Bill 5407, an ACT CONCERNING SUPERSEDEANCE OF COLLECTIVE BARGAINING AGREEMENTS AND THE FREEDOM OF INFORMATION ACT. This bill is an important statement that accountability and transparency in government should never be used as a bargaining chip and I urge you to support the bill.

Connecticut is the only state in New England, quite possibly the only state in the country, in which union contracts can override public-records laws. And that secrecy has come at a grave cost of the integrity of some of our institutions here. Under one such contract, right now the state police are contractually obligated to argue against the release of public records before the Freedom of Information Commission even in cases where they and their lawyers know their arguments are invalid and pointless and illegal under the current state police contract. Then yet another sort of blow against transparency, in that now records of internal affairs investigations are off-limits in cases where the department exonerates one of their own. That provision blocks out decades of sunshine and ignores our Supreme Court's finding that even in cases where an officer is exonerated there is in their words a legitimate public interest in knowing about the fairness of the investigation that led to the exoneration.

It might be even worse than that. I think as you heard this morning there are some cases in which the state police have taken the position that the contract shuts off access to anything in a personnel file if the trooper doesn't want the public to know about it. Now, I don't know that that's what the contract says and I think many of your colleagues in

this building would strenuously disagree that that is what the contract actually says, but this is what happens when important state policy is crafted behind closed doors.

Equally troubling certainly is the complete shroud of secrecy over the personnel file of members of the CSCU system. It was more than a decade ago that the first student complaint was made against a Central Connecticut State University professor, Joshua Perlstein. More than a decade ago, yet he continued to teach there year after year, complaint after complaint, confident that his misdeeds would remain hidden. That is not how we should be dealing with our public information and our public employees.

Nothing in House Bill 5407, I want everyone to understand, limits the ability of policymakers to restrict what can be released from the personnel file. If it is the collective wisdom of this body that restrictions are appropriate, you have the authority to pursue those. But pursue them in the light of day with everyone having an opportunity to have their say. That's how democracy works. So I'd ask you to take a stand for democracy and accountability and pass House Bill 5407. Thank you.

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

Quick question if I may, sir? Can you -- earlier with the FOI Commission we had some testimony provided as to the permissive exemption for personnel medical files; can you address that?

MATTHEW KAUFFMAN: Sure. Sure. So our Supreme Court, right, we have an exemption for personnel or medical or similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy and our Supreme Court in 1993 sort of framed

the contours of that saying that some information is indeed you know permissibly exempt. If it would be both of no legitimate public purpose or public interest and highly offensive to a reasonable person.

A subsequent case said generally speaking the acts of public employees, you know in their official lives, are sort of presumptively matters of public interest. Right? This is a democracy. We have an interest in the goings on in our government and how members of government operate. Now that's not unlimited. So if there were things -- frankly even in generally you know the official realm that nevertheless were of no legitimate public interest and highly offensive, those could be withheld. And the most typical example here and elsewhere are things of a sexual nature. If it turned out a public official was involved in some sort of you know sexual improprieties and there were explicit text messages, yes and you know they were disciplined for it, this is clearly part of the public realm nevertheless something that I think our commission has ruled in general, our courts have ruled in general, that might not get over legitimate public interest and offense to a reasonable person. In other words, that would be found not to be a legitimate of public interest and found to be offensive to a reasonable person.

As the Executive Director commented, there have been hundreds of cases in which the contours of this law have been worked out. And again, if there's a sense that all of those contours are wrong, there's a methodology in a democracy for dealing with those, but doing them behind closed doors for a limited group of people is just bad public policy.

REP. FOX (148TH): Thank you. Any insight or idea where the actual underlying idea came from?

MATTHEW KAUFFMAN: In this contract?

REP. FOX (148TH): Yes, like where was it -- the genesis of it?

MATTHEW KAUFFMAN: I do not know. I would assume that union negotiators for the state police thought, "hey you know we'd rather not have people know what is going on you know in our personnel records". The faculty members of the CSCU thought the same thing. You know, this was done actually in state law but there's also a shroud of secrecy around personnel files and annual evaluations for UCONN professors. There was, years ago, the head of the music department there found to credibly have engaged in decades and decades, multiple institutions, sexual improprieties with children and "wildly inappropriate" as it was described conduct with students at UCONN. I requested when I was a reported a copy of records from his personnel file. I can show you, this is the first page. I didn't think my printer could handle all 28 pages. Under student issues you can see what that looks like. Vision for the future. This page is completely blacked out. There's a page here, comments from faculty, Dr. Miller's strengths. This is a public employee making six figures now blacked out. We can't tell you that. Dr. Miller's weaknesses. Page after page completely blacked out, not because UCONN gets a little overzealous with a magic marker. This is the law and it shouldn't be.

REP. FOX (148TH): When was that?

MATTHEW KAUFFMAN: What's that?

REP. FOX (148TH): When was that?

MATTHEW KAUFFMAN: When was?

REP. FOX (148TH): When did you file that request and receive those documents?

MATTHEW KAUFFMAN: 2004-2005.

REP. FOX (148TH): Did you pursue it with the FOI Commission?

MATTHEW KAUFFMAN: No, I did not. And I'm sorry, it was more recently, maybe it was 2014-2015, I'm getting my decades wrong.

REP. FOX (148TH): Okay. So would it be fair to say that it's your position that this may be some sort of bargaining chip with negotiations?

MATTHEW KAUFFMAN: I mean, it very clearly is. Sure. Sure. And you know there are things that are okay to bargain over and there are things that, again, would not be covered by this bill. If you want to supersede state law on overtime hours, on you know workplace issues, on bumping rights, things that really are within the realm of the employer-employee relationship. That's inappropriate bargaining chip. That's the back and forth. That's what those of us who like collective bargaining and union representation see value in. But as I said in my testimony, the Freedom of Information Act that's not an employer-employee thing. That's a covenant between the citizens and the government. That's not an appropriate bargaining chip.

REP. FOX (148TH): Thank you. I appreciate your testimony. Any further questions or comments? Representative Winkler.

REP. WINKLER (56TH): I would agree with you that it's not an employer-employee thing. One of the problems here is trying to amend the collective bargaining statute, which is zealously guarded. Did

the Commission look into another way of approaching this, which would be to amend another section of state law to affect the collective bargaining statute without actually amending it? In other words, providing for our public interest in documents without necessarily challenging the statute itself? Because the employees think that they need to know that their contract will stand, that the legislature just can't change it at any time by an act of the legislature; so I guess what I'm asking is did you let's say sit down with the parties involved and try to work out a way to do this without challenging the statute directly?

MATTHEW KAUFFMAN: So, I personally did not. I don't know if people from the FOI Commission, I don't work for the FOI Commission or others with CCFOI, the group I'm associated with, I don't know if they did. I am here sort of more on the policy side of it. I understand the interest in knowing that sort of, you know my contract is going to hold, but we've seen other instances. There are things you obviously cannot do. There's, you know, constitutional violations you cannot do with the contract.

There was a case years ago. I don't know if it was directly through the contract, but I think it's an appropriate corollary where a grievance was resolved and part of that was that records about you know the complaint of the grievance would be destroyed, and I think it was Attorney General Blumenthal, issued an opinion saying, "No, no you can't do that".

You know there are things you can negotiate as employer-employee and there are things that are a step too far. And so that was an example of that, and I think this sort of falls appropriately in that same area. I agree. People should have a sort of

sense of yes their contracts are solid. I think that's part of the reason this says, "any contract signed after a certain date". I don't know that this would necessarily today undo provisions that members of unions thought you know they were getting as part of the bargain.

REP. WINKLER (56TH): I can certainly agree that a grievance can't destroy records. That would be clear. Do you -- let me just think for one second here. [Sighing] I'm a big believer in sunshine, and yet I am a big believer in the collective bargaining process, but I can see a way I think where both items can be served. If this does not happen to pass this year, I would hope that you and the Commission and a couple of the unions could sit down together and see if something could be worked out. I can see a way. I don't know if it would work, but I would like to explore it because if we could in any way sort of synthesize everybody's needs in this matter I think -- you know we would like legislation here to be, if at all possible, have all stakeholders involved and work it out before it gets here. And I think that would be a valid model to try if this should not pass this year, for next year.

Thank you Mr. Chair.

MATTHEW KAUFFMAN: And I appreciate that. And I appreciate your interest in sunshine. What I would say is we saw this with discussions about the partnership, not everyone has the same belief in the value of sunshine as I do and you do, but I hope this committee and this legislature does indeed have a strong sense of the value of transparency and sunshine in a democracy. And this bill supports transparency and sunshine in a democracy.

REP. WINKLER (56TH): One more question. Do you know if any of these contracts were arbitrated or were they simply an agreement between the parties?

MATTHEW KAUFFMAN: I believe the current state police contract that just went into effect, I believe that was arbitrated. I don't know for sure the history of others.

REP. WINKLER (56TH): Would you know if this particular clause was part of the arbitration?

MATTHEW KAUFFMAN: I do not know. I believe it was. I'm not sure.

I should strike "I believe it was", I'm truly not sure.

REP. WINKLER (56TH): So you think that an arbitrator awarded the union its side against management's wishes?

MATTHEW KAUFFMAN: If this was an element of arbitration, that is presumably what happened.

REP. WINKLER (56TH): Right. And if it was not, then management and labor would have agreed to this.

MATTHEW KAUFFMAN: Management and labor certainly in the past have agreed to this. Again, which is troubling. You know, honestly I don't think any public employer union should request, you know, opacity about what is going on in the public realm. I don't think any state negotiator should ever agree to it.

REP. WINKLER (56TH): Right. Another possibility here is that this issue do go to arbitration. Let us pretend that these two examples, management and labor agreed for their own reasons, to support a little less than pure sunshine then perhaps the Chief Executive could take it to arbitration next

time and under the current rules say that it wasn't management's position anymore. Another possibility.

Thank you Mr. Chair.

REP. FOX (148TH): Thank you Representative. Any further questions or comments? Mr. Kauffman, if I can, while I know your background and your experience would you care to comment at all on 5407? The legislature dealing with the partnership.

MATTHEW KAUFFMAN: Yes.

REP. FOX (148TH): I know the Council has already submitted testimony --

MATTHEW KAUFFMAN: -- Sure. I would support what my colleague Mike Savino, what the Executive Director said of FOIC, Representative Candelora. Listen, if -- and [inaudible02:51:24] as well, have very articulately made the point when you have a big old pot of money you can do with it what you please, but as soon as you are asking for millions, upon millions, upon millions of other people's money, that changes the equation. So number one, is just I think is a good public policy point. When you are using public funds for a public purpose and with public officials, the transparency that we value in government and in a democracy is essential. Beyond that on these particular issues, right we were talking about some of the most important and thorniest issues of our time, of providing quality education to all. That is a collective responsibility and there are lots of thoughts of how to do that. And this idea of you know, it's just gonna be better if we can do this in secret. All right, I mean there are countries all over the world that live that philosophy to their detriment. The great experiment in this country is that we haven't done that. I mean look at the glory of what we saw

just today. You had Attorney General Tong get up here, an individual I have great respect for, saying something I completely disagree with. And then I had Colleen Murphy, an individual I have great respect for, come in here and say something I completely agree with. And we all get the benefit of hearing these varied opinions. That's, again, just how democracy works. So one, it's sort of bad government fiscal policy to be spending tens, hundreds, millions of dollars you know potentially behind closed doors. And two, I just think it's a bad way to make policy to say, "let's do this behind closed doors because you know sensitivities and the like". I get the instinct for secrecy in the private sector and too often in the public sector, but it does make it good public policy.

REP. FOX (148TH): Thank you very much. I appreciate your time and testimony, sir.

Up next Representative Nolan, followed by Kip Kolesinskas, followed by Jeffrey Berger.

Good afternoon Representative.

REP. NOLAN (39TH): Good afternoon everyone; Chair, Senator Sampson and Representative Mastrofrancesco. I hope you are having a good afternoon.

I'm coming before you today to testify on SB 0363, an ACT CONCERNING THE DESIGNATION OF VARIOUS DAYS, WEEKS AND MONTHS. Midsummer last year I saw an article about Pennsylvania declaring Juneteenth as a state holiday. I wanted to look into it further for our state. And while I found that we do have current statute recognizing the day, I want to make it stronger. Juneteenth, also known as Freedom Day, is a very important day in the United States' history. It is a day we recognize the formal emancipation of all enslaved African-Americans by

General Order No. 3 issued in Galveston, Texas on June 19, 1865.

Even though the Emancipation Proclamation went into effect more than two years prior, states that had succeeded from the Union did not adhere to the proclamation. And slaves in those states remained unfree. Texas in particular was not as closely monitored as other battle states, and many slave owners actually migrated there with their slaves. Although most enslaved people lived in rural areas, more than 1,000 resided in both Galveston and Houston by 1860 with several hundred in other large towns. By 1865, there was an estimated 250,000 enslaved people in Texas.

General Lee's surrender in April 1865 and General Grandeur's regiment's arrival finally made the Union presence strong enough to overcome the resistance in Texas. General Grandeur's first order of business was to read to the people of Texas General Order No. 3, which began most significantly with, "The people of Texas are informed that in accordance with a proclamation from the Executive of the United States, all slaves are free". This involves an absolute equality of rights and rights of property between former masters and slaves and the connection [clearing throat], excuse me, hereto for existing between them becomes that between employer and hired labor. It did not mean immediate freedom for all enslaved people. Some owners waited until after the last harvest to let them know.

But June 19th became a day that people could rally behind and celebrate being told they were free. The celebration began as a Texas tradition that spread throughout the country as people from Texas migrated to find relatives and new lives in other states.

Today in Connecticut, many towns and cities hold their own Juneteenth celebrations, but I am happy to change the language of our statute to more strongly recognize it at a state level. Thank you for the opportunity to address this legislative body, and I urge you to support raised Senate Bill 0363, an ACT CONCERNING THE DESIGNATION OF VARIOUS DAYS, WEEKS AND MONTHS.

REP. FOX (148TH): Thank you. Any questions or comments for Representative Nolan? Briefly sir, do you have any ideas about what other states -- you mentioned that in Pennsylvania [inaudible02:57:33] -- any ideas what other states may do?

REP. NOLAN (39TH): I think it's Pennsylvania. I think Pennsylvania, California, and there's two others I think. I just can't remember them right now.

REP. FOX (148TH): And the purpose of this legislation is to bring greater attention to the celebration?

REP. NOLAN (39TH): Correct.

REP. FOX (148TH): At the state level?

REP. NOLAN (39TH): Yes.

REP. FOX (148TH): What does Connecticut currently do? Any idea? Well does your town hold a celebration of any sort?

REP. NOLAN (39TH): They do. Currently it is the Governor recognizes it as the closest Saturday to that day. And I think that that day is just such a day of importance that it should be recognized on the day of.

REP. FOX (148TH): Agreed. Any further questions or comments? Thank you for your time and testimony. I appreciate you being here today.

REP. NOLAN (39TH): Thank you all, and I wish you a good day.

REP. FOX (148TH): Up next is Kip Kolesinskas, followed by Jeffrey Berger, followed by Mark Bernacki.

KIP KOLESINSKAS: In an essence of respect of your time, we're gonna do this as a small group since it all relates to this bill.

REP. FOX (148TH): Great. Are the others signed up to testify?

KIP KOLESINSKAS: Yes they are. Yes, we all three were signed up.

REP. FOX (148TH): Great. Can I have their names please?

KIP KOLESINSKAS: Yes, so my name is Kip Kolesinskas. I'm Co-Chair of the Working Lands Alliance and consulting conservation scientist.

BAYLEE DROWN: My name is Baylee Drown. I'm a farmer in Lyme, Connecticut.

ROBERT CHANG: Robert Chang, Owner and Operator of Echo Farm in Woodstock, Connecticut.

REP. FOX (148TH): Thank you for being here.

KIP KOLESINSKAS: Thank you very much Co-Chairs Flexer and Fox, and Distinguished Members of the GAE Committee.

We appreciate the opportunity to testify in opposition of Section Two of House Bill 5411, an ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD. The

addition of this section will slow down the Community Farms Preservation Program process, further hindering our efforts to prevent small farms from development and making it harder for new and beginning farmers to access affordable farm land. It'll also deter farm landowners from applying for the program. In 2008, the Connecticut General Assembly created the Community Farms Preservation Program to protect small farms and some of the last farms in town. And I actually was part of the group to help provide guidance through the Department of Agriculture in developing the criteria and processes and we specifically did not include a State Properties Review Board component to that.

The projects for Community Farms Program are very well vetted by state, federal and local experts which includes appraisers, attorneys, soil scientists and qualified agency employees who understand the comprehensive and complex processes of evaluating development rights on farmland.

By adding the State Properties Review Board to this program, we'd be adding an unnecessary and duplicate of extra step that will slow down the process by two to nine months and take valuable staff time that could go toward additional easement projects. We think that if the state adds this, that it'll be a further barrier and I also work on the Connecticut Farming Program which matches farm seekers with farm owners and we have over 300 people that are looking to find farm land to lease or buy in Connecticut. So this Community Farms Program is a valuable component to the tool kit that we have.

So on behalf of the Working Lands Alliance, I urge this committee to oppose House Bill 5411, Section Two. Thank you. I'll turn it over to Baylee.

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

BAYLEE DROWN: Dear Co-Chairs and Members of the Committee, I appreciate this opportunity to submit testimony opposing Section Two HB 5411, an ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD.

Section Two would require State Property Review Board approval of all community farm preservation programs' projects, which would only serve to slow down the program and make it harder for beginning farmers like me to access affordable farmland. I'm a young farmer in Lyme, Connecticut. I started my farm on six and a half acres of rented land in 2014. In my area, there is a very strong demand for local produce grown with care for the land and quality of produce. While searching for a home farm to purchase, I found none of the properties in my area that had infrastructure anywhere near my very slender budget. And most of the raw pieces of land were also out of budget. Building lots in my town are about \$250,000. It's very hard to pay for that with vegetables.

After searching for six months, I found a four-and-a-half acre property to rent and then purchase after an agricultural easement was put into place which brought the property's value down by 50% into a budget that I could afford. It took over twice as long as projected to establishment the easement on the property. The length of the process to enact the easement slowed down the development of our farm business and we did not want to invest in developing infrastructure on land which we might not be able to afford in the future. The easement made the property affordable to my husband and myself, and we derive almost all of our income from our farm business. We supply several restaurants and grocery stores in our area, as well as a hundred families and two local farmer's markets.

REP. FOX (148TH): Mr. Chang, would you like an opportunity?

ROBERT CHANG: May I have an additional minute?

REP. FOX (148TH): By all means. Yes, please.

ROBERT CHANG: All right, I'll just be really quick 'cause I know you already have my --

REP. FOX (148TH): -- Your name is Robert Chang?

ROBERT CHANG: Robert Chang, Owner/Operator of Echo Farm. We grow certified organic vegetables and cut flowers in Woodstock. You'll see from my written testimony the rich history of my farm and the reason why I believe that my farm was not preserved when the previous owners tried to preserve it, again because of the length of the process they got a competing offer and they took it and the end result was that land was not preserved and is now lost to Act of Agriculture. I'm thinking of applying to the Community Farms Program because I'm interested in preserving my farm because of its rich history and I really wish Section Two would not exist because that'll only increase the length of time for the application process to be complete. And I think it has the unintended consequence of de-incentivizing farmers from preserving their farmland. Thank you.

REP. FOX (148TH): Mr. Chang, could you tell me a little bit about the Community Farms Program?

ROBERT CHANG: So the Community Farms Program preserves small farms like mine for 30 acres or less from future development. And it allows farmers like myself, beginning farmers, who need additional capital and cash to fund contracts on the farm to expand and grow their business. So it is a key tool that the state has recognized for preserving agriculture as an industry in the state.

REP. FOX (148TH): Thank you. Ms. Drown, two quick questions for you. You brought up the idea of rented farmland? How much of farmland in Connecticut is rented? Any idea?

BAYLEE DROWN: I don't know exactly that specific.

KIP KOLESINSKAS: We're probably a little lighter than nationwide; something like 38-40% of all farms in Connecticut either rent all or part of their farmland that they use as their base. So it's a real issue with growing our agricultural industry.

REP. FOX (148TH): Thank you. Ms. Drown, you mentioned agricultural easement; can you just give me some information as to the background of the easement you put on your property?

BAYLEE DROWN: So our easement is with the Connecticut Farmland Trust. Our local land trust turned us down on our first application and it's basically to protect the farmland from development. So we have given away or sold or donated (it can go many different ways) and it can be purchased by the state as well which is the program we're talking about. We've given away the right to develop it into houses. So once farmland is developed into houses, you can't get it back from that. And so as you all know we have lots of suburbs that have been developed on nice, flat, prime farmland in Connecticut and what's left we're hoping to encourage the preservation of that and get it into the hands of beginning farmers because there is a strong demand for local products grown organically or sustainably in Connecticut. And there are farmers like me wanting to move here from other states like Vermont and Maine where there is not as much demand or proximity to population centers. And there is excellent farmland here.

REP. FOX (148TH): What do you grow on your farm?

BAYLEE DROWN: We grow vegetables and fruits. And I've just diversified into pork production.

REP. FOX (148TH): Fantastic. Kip, one quick question for you, sir. You mentioned in your testimony that if enacted this would prolong the process two to nine months; where do you get that idea of the two to nine months?

KIP KOLESINSKAS: So obviously it would create -- the regular Farmland Preservation Program that Robert mentioned, which requires larger pieces of farmland, that process does by statute currently require the State Properties Review Board to review that. And we know that that adds extra staff time and review time to the process. And if anything, that process has only gotten longer and so looking at the history of projects that's where I got those figures of that it could -- recently there have been a few projects that it has taken seven to nine months for review by the State Properties Review Board. And currently the Community Farms Program does not require that, so we know that we can get those projects completed more quickly.

REP. FOX (148TH): Great. Any further questions or comments? Thank you for being here today. I appreciate your patience.

KIP KOLESINSKAS: Thank you very much for your time.

REP. FOX (148TH): Good luck this season.

Up next Jeffrey Berger, followed by Mark Bernacki, followed by Bryan Hulburt.

JEFFREY BERGER: [Mic not on]

REP. FOX (148TH): Great. By all means, yes sir. Thank you.

JEFFREY BERGER: [Mic not on] [Pause in audio]

REP. FOX (148TH): Good afternoon.

JEFFREY BERGER: Good afternoon. My name is Jeffrey Berger. I am a State Properties Review Board member. I am accompanied by the Board Director, Dimple Desai, and Thomas Gerum [phonetic], Real Estate Examiner. On behalf of Mr. Greenberg, the Board Chairman, and the board members, I am here to express support for raised House Bill 5411. The purpose of this bill is to expand the purview of the board to include licensing agreements, the purchasing of agricultural development rights, contracts entered into by other state agencies and quasi-public agencies and to move the board to within the Legislative Department.

Currently, the board reviews contracts with consultants. Examples being architects, engineers and construction administrators for major capital projects prior to their employment by the Department of Administrative Services, Division of Construction Services for amounts over \$100,000 dollars. It also reviews the transactions involving leases, purchases, and sales (other than condemnation) by the Department of Transportation. It reviews the Department of Agriculture's proposals for acquisition of development rights of agricultural land. The Board is housed at DAS for administrative purposes only since 2009. The board is not receiving the legal and legislative representation from DAS.

Because the Division of Construction Services is part of DAS, the legal and legislative staff is supposed to provide assistance to DAS/DCS as well as the board. In last couple of years, the board has been challenged by DAS/DCS in regard to the board's authority in reviewing proposals from the

Construction Services. The board and its staff took it upon themselves to coordinate with the Attorney General's office in seeking a legal opinion. This creates a huge conflict of having the board under DAS.

It is important to understand that the legislature established this bi-partisan independent board in 1975 as a watchdog entity to ensure that the state's real estate acquisitions and leases would be in the state's best interest and free from political patronage, cronyism, personal spoils systems and friendships. Connecticut General Statute 4b-3(f) requires the board approval or disapproval of any acquisition of development rights of agricultural land by the Commissioner of Agriculture and approval or disapproval of DAS/DCS contracts.

While the Attorney General approves the legal sufficiency of these contracts, no other independent board or agency reviews the merits of these proposals. Section 4b-3(f) specifically states,

"Such review shall consider all aspects of the proposed actions, including feasibility and method of acquisition and the prudence of the business method proposed". The board received two formal opinions: one from Attorney General Blumenthal dated December 9, 2010; and a second from Attorney General Tong dated May 31, 2019. Both of these opinions clearly indicate that the board has been granted a broad scope with respect to the board's review. There is no ambiguity in the state's language. The board, without a doubt, has been granted a broad scope of review.

Since its creation in 1975, the board has saved approximately \$86 million dollars, which exceeds 761% of the board's cumulative operating budget, totaling approximately \$13.7 million during the same

period. The average review time per proposal for various state agencies for FY 2019 was approximately 24 calendar days.

The board strongly supports 5411 for the following reasons:

This is a bi-partisan board. It would be appropriate to house the board at the Legislative Department to avoid conflicts and ensure the integrity of the review process. It will have an independent legal representation when board's decisions or interpretations are challenged by various agencies. It will also have independent legislative representation looking out for the interests of the board during the legislative session.

The board can be part of the solution to bring checks and balances, and consistency among various state agencies and quasi authorities.

No other independent board or agency reviews the merits of DAS/DCS contracts with respect to costs, equitable distribution of contracts among consultants or the compliance which state laws for procurement.

The average review time during FY 2019 for DAS/DCS proposals was approximately 20 calendar days.

The Board has instituted a process to expedite the review when the agency notifies the board staff that the proposal has a time limit. If it is called "Rush" proposal. For "Rush" proposals, the review time for FY 2019 for DAS/DCS was about 8 calendar days.

For the same time period, it took the DAS/DCS 181 calendar days to process the proposals. Therefore, reducing the dollar threshold from \$100,000 to

\$25,000 dollars, which is the request of this proposal, will have negligible impact on timing.

No other independent board or agency reviews the merits of agriculture development rights proposals with respect to the cost of acquiring such rights, review of the appraisals, the probability that the land will be sold for nonagricultural purposes, review of the scoring criteria and many other factors, including compliance with the agriculture statutes and regulations, must be adhered to.

During FY 2019 DoAg, the average review time taken by the board in reference to the proposals was approximately 32 days.

For that same time period, it took DoAg about 936 days from the application date to submission of the proposal to the board. Therefore, the proposed language in 5411 will have negligible impact on timing. Furthermore, it is the policy of DoAg to submit the proposals for board review under General Statute 22-26nn. Therefore, this bill will not have any fiscal or timing impacts on DoAg.

In spite of opposition to this bill, the board's review is very critical during these difficult times. As directed by this legislature, it is the goal of the board to provide an oversight, accountability, transparency and uniformity by reviewing proposals from agencies receiving taxpayer's state dollars.

Finally, the board recommends not to delete the language in Lines 31 and 32 regarding the use of personnel employed by said Commissioners. Thank you Mr. Chairman. Thank you Committee Members. Do you have questions?

REP. FOX (148TH): Thank you Mr. Berger. Any questions or comments? A few questions if I may?

Can you give me an idea of the makeup of the board, the amount of the members, the duration of their service and things of that nature?

DIMPLE DESAI: My name is Dimple Desai. I am the staff to the board. The makeup of the board is six members. The Speaker of the House and President Pro Tempore of the Senate appoints jointly three members; one of whom shall be experienced in matters relating to architecture, one experienced in building and construction matters and one in matters relating to engineering. And the minority leader of the House and the minority leader of the Senate appoints three members; one of whom shall be experienced in business matters generally, the other purchase and sale and lease of real estate and buildings and the third management and operation of state institutions.

And their membership is for four years and upon expiry of membership, the legislative members appoint these members on a jointly basis.

REP. FOX (148TH): Okay. And there was some testimony earlier by DAS; can you address -- it sounds like there is a bit of a contrast between the testimony they provided and the testimony you provided today. Mr. Berger you indicated that there are 24 calendar days in one time frame, another counted for a time of 20 calendar days; any idea -- is that because of a recent new make over the board? Just give me some idea, how do you compare the two statements. And the group that testified before you indicated the review was often lengthy with SPRB, but you are here before us stating that review lately has been rather more efficient.

JEFFREY BERGER: I think, Mr. Chairman, that they have testified that it was up to several months or upwards of six months, and we find that information

to be erroneous from the stats that we have at the board, and maybe you can expand on that Director.

DIMPLE DESAI: So what happens is we keep track of when the proposal is submitted by the agency to the board. And from that day, for example for constructive services, we have 30 days to take an action. So the board has to take 30 days by statute. So we review it, we put our comments to the agency and they will respond to the board back.

When, you know, upon the receipt of this questions and answers the board's staff will put the proposals on the agenda for board action. Sometimes there will be lengthy time before the board staff gets the responses back from the agencies. So what will happen is the board will take the action and then until upon receipt responses from the agencies, it will not be put on the agenda because you know there are a lot of questions out there. So what happens is when the board takes action and if the board does not have sufficient answers to the questions raised, the board suspends the application so the time clock stops. And then upon submission of the questions, the time starts again until the board takes the action.

REP. FOX (148TH): So in a sense, you are at the mercy of the other agencies?

JEFFREY BERGER: Yes. That is correct. In getting us timely information that the general statute, that the legislature enacted for us, it requires certain requirements that the board follow for review and process to determine the viability of that project. So there are certain questions that need to be answered to comply with the general statute.

Another point to be made, as in my testimony Mr. Chairman and Committee Members, that if the agency

requires a "rush" on a project, we move that project forward under a "rush" status and that really compresses the time frame considerably.

REP. FOX (148TH): Thank you. And sir your role is what?

TOM GERUM: My name is Tom Gerum. I'm the Real Estate Examiner to the board.

REP. FOX (148TH): In that capacity, can you explain for us what it is that you do?

TOM GERUM: My expertise relies in the evaluation of all of the real estate related proposals that come before the board including acquisitions of land, either by DAS, DOT or the purchase of development rights by the Department of Agriculture.

REP. FOX (148TH): You're an employer of the SPRB?

TOM GERUM: I am staffed to the board, yes sir.

REP. FOX (148TH): Mr. Berger, in your testimony you gave what I think was a helpful breakdown of the current -- I guess administratively how SPRB is -- where they are currently held. Can you please sort of repeat that of the board?

JEFFREY BERGER: Yes. From approximately 1975 to say 2009-2011, the board had operated as a completely independent board not attached to any Executive Branch agency. I believe 2011 under the Malloy Administration in consolidation of departments, the board was moved for administrative purposes to DAS. Now since that time, unfortunately, I believe there's been a somewhat of a cross pollination of what Executive Branch agencies feel they have as far as authority over the independent status of the board, which ultimately oversees projects that they are involved in. So there we find sometimes is the conflict, and that we

are trying to resolve it by placing the board back in its complete independent status, within the Legislative Branch.

REP. FOX (148TH): Without asking a silly question. How would you identify SPRB now? Is it no longer any independent agency, is it a creature of DAS? Is it a sub -- how would you identify that?

JEFFREY BERGER: It is, as far as statute and you know correct me if I'm wrong, it is independent in status but administratively placed in DAS. So vouchers would be submitted to DAS. They would compensate. The budget would be under a DAS umbrella budget. So, you know, that's where we kind of get a situation where there's some type of dictation to the board from an Executive Branch which is contrary to General Statute from the Legislative Branch.

REP. FOX (148TH): Any other board agencies that you are aware of that have this similar framework?

DIMPLE DESAI: The Claims Commissioners Office, I think it's within DAS. There are other agencies. There are a couple other that are within DAS for administrative purposes.

JEFFREY BERGER [verify speaker]: That might have been, Mr. Chairman and Committee Members, that might have been part of the original 2011 consolidation program and I believe Work Comp. is in that.

JEFF KAUFFMAN [verify speaker]: When I came to state service in 2008, I worked for DAS for leasing and property transfer and was responsible for bringing products to the board. When I first started in 2008, the State Properties Review Board had a staff I believe of nine. And over time through consolidation efforts as Mr. Berger has stated, now we are down to a staff of two with the

administrative portions where all those additional SPRB staff no longer exist. They were strictly administrative functions; taking care of payroll, taking care of all the expenses, the budgets, et cetera. That's all now done by DAS, and no longer performed by the board.

REP. FOX (148TH): Mr. Berger, in your testimony you mentioned something I think along the lines of the SPRB in your estimation saved the state \$86 million dollars?

JEFFREY BERGER: Yes, that's correct Mr. Chairman.

REP. FOX (148TH): Can you please expand on the basis of that?

JEFFREY BERGER: Yes. Mr. Director?

DIMPLE DESAI: So what happens is when this proposals from DOT, DCS, Agriculture or any other agencies, they come to the board, the board staff reviews those. And particularly I'll give you a couple of examples, like for example DCS. When a consulting contract amendments come to the board, the staff looks at it, they make sure that the scope is not covered in the original contract and if it is an expansion of the scope why is it expanded, who was responsible for the delays if there was an expansion of the scope related to delays. And we try to understand all that, and then you know the recommendations are made that such and such costs should not be approved because it should have been paid by either the contractor or the other architect or the engineer or you know whoever the responsible party. And after the recommendation is made and for example you say you know there's \$100,000 dollars that the staff recommends not to approve, those constitute savings because now no more you know

agencies cannot spend that \$100,000 and enter into contract.

JEFFREY BERGER [verify speaker]: And Mr. Chair, if I may? That's just one example and staff can forward to you and the Committee our annual 2019 report which would break down a little bit more in the 2019 session our savings of cost breakdown and where those were saved.

REP. FOX (148TH): One final question from me. In terms of volume and workload, is the SPRB busy? Are they overworked? Underworked?

DIMPLE DESAI: Yeah. I mean I think it is you know again in order to meet these time frames, the staff do have to spend considerable time making sure that you know the agencies are not delayed, that projects are not delayed. And you know we respect their time. And I think that's why the board came up with this arrangement of "rush" proposals where the agency may decide this is an emergency and we need this and we have to get it done. And you know the staff will put the other applications aside, review this and put that proposal on for board action. And that, as Jeff Berger said, it took like eight days on an average for those rush proposals for fiscally of 2019.

JEFFREY BERGER [verify speaker]: And I think if I may Mr. Chairman; if any additional workload were to be put on the board, if some of these recommendations were enacted, that certainly the board has the capacity to be able to handle that. In answer to your question.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Thank you for being here today. I appreciate your time and testimony.

JEFFREY BERGER: Thank you Mr. Chairman. Thank you Committee Members.

REP. FOX (148TH): Up next Mark Bernacki, followed by Bryan Hulburt, followed by Luther Weeks.

Mr. Bernacki.

MR. MARK BERNACKI: Good afternoon, Chairman Fox, Ranking Member Sampson, France and distinguished members of the GAE. My name is Mark Bernacki. I'm the New Britain town and city clerk. I'm also the legislative chair for the Connecticut Town Clerks Association.

I'm here to testify on Senate Bill 365. You have my written testimony and I'll just try to summarize that as best as possible. The written testimony is basically the opinions and concerns of members of the Town Clerks Association in terms of the process and administrative functions of a future electronic portal that the Secretary of State's office is proposing.

Last week, you heard from Secretary Merrill regarding the security of our system. We rely on a paper ballot and that is probably one of the most secure paper trail audited systems in the country.

I'd like to thank Representative Winkler for recognizing the fact that the town clerks and the registered voters in every single town deals with this on an annual basis and this year is no exception, except it's a presidential year.

So we will see a vast explosion of absentee ballot request coming in in some towns, in some cases triple if not quadruple the amount of absentee

ballots which tends to have a question every year about what happens with absentee ballots.

We are in support of the proposal to look at other ways of automating the process for our electric to apply for absentee ballot applications.

The current Section 9-140 that's discussed, a person can apply for an absentee ballot but what's required is what we call a wet signature where a person is required to sign the document. Because of the technology that is being more readily used and more comfortable to the electric, town clerks are receiving requests via email or fax.

And the current statute allows us to process that but the elector must send us the original signed wet document for their vote to count. And in some cases come Election Day, if we don't get that form, sometimes we have to make the assumption, well maybe the application is in the envelope that we cannot open and it's up to the absentee tabulators to do that.

And we have to put a sticky note on that and if there is no application there, that voter's ballot is not counted.

So what we are suggesting is a new number two lines 40 through 45 is to redact the last couple of sentences there that would also allow us to accept the digital signature of the individual which is sort of in line with what the proposal that the Secretary of State has in front of you today.

CTCA has participated in several state portals and we just suggest caution when we roll this out. In many cases, we are pilot towns and we are able to test these things out on a rigorous basis. If there

is any modifications to be made, they'll make it in a timely fashion versus just rolling it out for a year, especially in a presidential election year where a lot of things do happen and the volume does go up significantly.

Well, it's not a red flag we just wanted to warn folks because the language does say on or after July 1 and we are proposing well after July 1 of 2020 and with that I'll open it up for questions.

REP. FOX (148TH): Thank you. Is there any questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman, and thank you for your testimony. I want to kind of focus on the absentee ballot question. That alone with any other of the 11 different criteria that can be, can trip up somebody who is putting in their absentee ballot.

Is there any feedback to the individual who submits their ballot incorrectly to let them know and make them aware that they've made an error and that their vote has not been counted?

MR. MARK BERNACKI: Currently there is not.

REP. FRANCE (42ND): And I think that's one of the things that we have heard and I have heard in conversation with people is that you could have somebody who is voting absentee for years and making the same mistake and never knowing that their vote is not being counted.

I think it's one of the, for years in the military I voted absentee in California. It was a very simple process and I think we have made it a little too rigorous.

So I'm hopeful that we can at least take care of some of the, a couple of the major parts and continue the dialogue on the rest of the constraints that are infringing on people's ability to vote and thinking that they voting but not getting the feedback that they're actually not being counted. So I thank you for your testimony. Thank you.

MR. MARK BERNACKI: CTCA is ready, willing and able to partner with you to explore that possibility.

REP. FOX (148TH): Thank you, Representative. Are there any other further questions or comments? Quick question if I can. How many absentee ballots does New Britain get over the course of an election cycle, approximately?

MR. MARK BERNACKI: It depends. Last year was a municipal year and we did about 500. We will probably do anywhere between 1500 to 2,000 or more for a presidential election.

REP. FOX (148TH): And of the AB's how often do you not get the wet signature back? Is there a percentage or an idea approximately?

MR. MARK BERNACKI: I would say that the majority of applications are either mailed in to us or we have poll workers that send it in.

The biggest portion in a municipal year is with the nursing homes where we have the register our voters go out and get the signatures from the nursing home occupants for them to receive an absentee ballot.

So I would say the majority of them have the wet signatures and we probably dealing with a handful of the votes. And but again, if you're looking for every vote to count, it's a shame that --

REP. FOX (148TH): One vote (Crosstalk).

MR. MARK BERNACKI: People aren't able to get their vote counted, even though they've taken the time to apply for it, they've filled out the ballot, the ballot is properly signed in the inner envelope that we've discussed over the years.

They've done everything right except set us back the original wet signature and by striking that language that the CTCA is proposing in lines 40 through 45, that would ensure that those votes would be counted.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Appreciate you being here. And as always, we always appreciate the input of CTCA and (Crosstalk).

MR. MARK BERNACKI: Thank you. And best wishes this year.

REP. FOX (148TH): Up next Brian Hulbert followed by Luther Weeks followed by Sarah Sanders. Mr. Hulbert was here moments ago. Is Sarah Sanders present? Sarah, if you want to go that would be great. Thank you for your patience today.

MS. SARAH SANDERS: Good afternoon, Representative Fox, and members of the Government Administration and Elections Committee for the opportunity to submit testimony in support of Senate Bill 362, AN ACT CONCERNING OPERATIONS OF THE STATE TREASURER.

I am Sarah Sanders, Assistant Treasurer for Debt Management for State Treasurer Shawn Wooden. This bill makes four changes to enhance the operations of the Treasury.

Section 1 amends the bonding authority of a newly created quasi-public agency, Connecticut Municipal

Redevelopment Authority to align it with the bonding authority that most other quasi-public agencies have.

That quasi-public agency was authorized last session and currently the statutes provide that MRDA has the authority to issue bonds and if they cannot be paid by the authority, the state shall assume the liability and make payments on such debt which is an essentially an automatic guarantee of the debt.

Generally for other quasi-public agencies, we have, they have eliminated authority to seek a state guarantee and they do that through establishing a special capital reserve fund, we call it SCRF, and then it must be reviewed and approved by the State Treasurer.

And one of the key things we look at is that the revenues are going to be sufficient to pay the debt. So we have a lot of self-sufficiency reviews.

This bill would remove the unchecked authority of MRDA to issue bonds backed by the state and give them the same authority as many other quasi-public agencies.

Section 2 requires state agencies to notify the Office of the Treasurer of reportable financial obligations to ensure that our office can comply on behalf of the state with some new SEEC, Securities and Exchange Commission disclosure requirements.

In February, 2019, the SEEC implemented new regulations governing public disclosure requirements for public debt issuers like the state of Connecticut. The new regulations require additional reporting on the occurrence of a material financial obligation or other commitments. We have always had

to report our bonds when we issue them but now they are joined down on other types of financings.

If we fail to report this information within 10 days of incurring that financial obligation, we are faced with having to disclose that in our bond offering documents for five years and that could undermine investor's confidence in our ability to disclose important information to them.

Currently, there is no mechanism for the Treasury to be alerted to financial obligations that would be reported under these new SEEC requirements. This bill would create such a mechanism.

Section 3 removes the treasurer from the Regional School District Committee. The Regional School District Committee was established 1963 to study issues related to withdrawal or dissolution of regional school districts.

This Treasury -- the Treasury has no expertise in such matters and this bill would remove the office from that committee.

Section 4 is another technical change. Repeal statutory references to the tax exempt proceeds fund including requirements to report on the tax exempt proceeds fund in the Treasurer's annual report.

The tax exempt proceeds fund was closed down several years ago, no longer exists so the references to it are obsolete and we just thought we'd clean it up.

Thank you again for the opportunity to testify in support of Senate Bill 362. These changes would streamline the office by removing outdated references and unnecessary appointments to committees, ensure appropriate oversight over a

newly created quasi-public agency and protect the states standing in the financial markets by establishing a mechanism to make sure we can comply with new SEEC regulations on, in a timely manner. I urge the committee to act favorably and I'll take any questions.

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

REP. FRANCE (42ND): Thank you, Mr. Chairman. And thank you for being here to provide the testimony. One question I had, do you know what the origin of the Treasurer being assigned to the Regional School District Committee in 1963 or why they thought --

MS. SARAH SANDERS: No, I don't.

REP. FRANCE (42ND): -- that was? Okay.

MS. SARAH SANDERS: No. I don't.

REP. FRANCE (42ND): I was just wondering if looking at it without looking at it just if there was a financial impact because I know it's very challenging to dissolve a regional school district once established.

MS. SARAH SANDERS: Right.

REP. FRANCE (42ND): I didn't know if there was some financial part that the Treasurer might have a role in then but maybe not now or?

MS. SARAH SANDERS: No, I can't think of any. We do issue the school construction bonds but we don't even manage the grant program or anything so.

REP. FRANCE (42ND): Right.

MS. SARAH SANDERS: It's hard to find the link.

REP. FRANCE (42ND): Thank you very much. Thank you Mr. Chairman.

REP. FOX (148TH): Further questions or comments? Senator Flexer.

SENATOR FLEXER (29TH): Thank you, Mr. Chair. Good afternoon, thank you for your testimony. Just real quick, similar to Representative France's comments. Do you know if that entity meets frequently or?

MS. SARAH SANDERS: They were active in the town of Chaplain for a while.

SENATOR FLEXER (29TH): And Scotland and Hampton.

MS. SARAH SANDERS: Scotland.

SENATOR FLEXER (29TH): Which is one of the three is in my district.

MS. SARAH SANDERS: And we tried to cover the meetings but it was kind of like out of our expertise and so when we were putting together this technical bill we said we should clean that up.

SENATOR FLEXER (29TH): Okay.

MS. SARAH SANDERS: But I don't think they have been meeting just recently but I could research that.

SENATOR FLEXER (29TH): I think they might be again.

MS. SARAH SANDERS: Oh, okay.

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

MS. SARAH SANDERS: Thank you.

SENATOR FLEXER (29TH): Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Ms. Senator. Is there any -- a few quick questions if I may? Section 1 concerning the MRDA bonding authority.

MS. SARAH SANDERS: Yeah.

REP. FOX (148TH): They urgently have this authority, you're looking to make it more in line with other quasi so you're looking to restrict the authorities that they currently have, is that correct?

MS. SARAH SANDERS: Yes. So we are, our bill would strike that little paragraph that we don't, doesn't exist anywhere else that basically says they can issue bonds and if they don't pay them, the state will pay them.

So we are striking that and then we have put in several paragraphs that give them the normal SCRF authority to issue bonds backed by the state through a special capital reserve fund.

REP. FOX (148TH): Any idea why they were given this authority originally?

MS. SARAH SANDERS: No.

REP. FOX (148TH): Oh.

MS. SARAH SANDERS: I don't know.

REP. FOX (148TH): Okay. Section 2, do you have examples of what you deem reportable financial obligations?

MS. SARAH SANDERS: Yes, that's a good question. So, you know, most of how the state finances is through the issuance of bonds in the public markets. But there could be such -- and those have been covered by the disclosure requirements forever.

But now they're interest in the SEEC, and investors, want to know about other financial obligations we might be entering into such as like maybe a capital lease financing, you know, a little more obscured types of financings.

Even a sale, lease back of a building might be considered a material financial obligation. So they're interested in kind of the other types of financings that might go on.

I don't anticipate a lot to have to be reported under this. We generally know about financings that are being done across the state and we do have a threshold of \$1 million because we only have to report material obligations.

REP. FOX (148TH): And this would put the burden on reporting upon the agency that's incurring the (inaudible - 03:43:45)?

MS. SARAH SANDERS: Yes. And it's really just if you read it, it's to notify us and to provide us adequate information so that, because we only have 10 days so we may have to see the agreement.

REP. FOX (148TH): Right.

MS. SARAH SANDERS: We are going to have to summarize it and disclose it so once we feel we have adequate information according to our proposed bill, then we give them notice that we have enough information and they can go and close the transaction.

REP. FOX (148TH): And according to your testimony, if you don't comply with those 10 days, you're hit with a five year reporting period which seems somewhat strange.

MS. SARAH SANDERS: Yes. If you don't -- well, once they close, if we haven't reported it within 10 days, yes. We have to report it in our official statements to bond holders for five years.

REP. FOX (148TH): Okay. Thank you. Any further questions or comments for Ms. Sanders? Thank you for your testimony today, I appreciate you being here.

MS. SARAH SANDERS: Thank you very much.

REP. FOX (148TH): Up next Luther Weeks followed by Brian Hulbert followed by Jason Teal.

MR. LUTHER WEEKS: Chairs and members of the committee, my name is Luther Weeks, Executive Director of Connecticut Voters Count, a certified moderator and a computer scientist.

Today I have submitted three pieces of testimony and three bills. I oppose SB 365. As I testified last Friday, we humans have difficulty balance risks and rewards. This is a case where the added risks outweigh the added convenience.

This bill while well intended will remove the valuable fraud detection mechanism of hand signed absentee ballot applications.

I support HB 5414, observing all the meetings and hearings in last year's committee on contested elections and the overall result on public confidence, I strongly support this bill.

And I wish I had the time to answer a slightly different way the question that Representative Winkler asked Representative Candelaria so ask me later.

I would support HB 5404 if it were broadened and corrected. As a member of the National Election Verification Network, I have participated in many active technical discussions of voting methods including instant run off voting, primarily focused on the challenges of counting, auditing and recounting such elections and on the challenges and benefits of somewhat similarly intended voting methods.

First I would support this task force if some significant changes were made, especially to the charge for the task force and it if was approximately funded and staffed.

This proposal is one -- limited to one incorrectly defined type of rank choice voting. This proposal defines the study in a way that would be impossible to satisfy.

Secondly, my written testimony contains a laundry list of issues such a task force should address. I am concerned that this task force needs more time, a significant staff budget to handle all the issues and also to reimburse experts to provide information, analysis and suggestions to the committee in order for there to be a thorough evaluation. Most of those experts, in fact, all those that I know are not Connecticut residents.

Finally, the task force should entail several opportunities for expert and public oral and written testimony noticed well in advance. Thank you.

REP. FOX (148TH): Mr. Weeks, any questions for Mr. Weeks? Senator France.

REP. FRANCE (42ND): I thank you, Mr. Chairman. Just want to focus on the wet signature issue you're

concerned with. It sounds like what you're talking about is a digital signature versus a scanned document that's sent in where you can do, is that correct? You're concerned about somebody submitting a digital signature and not being able to verify that? Is that accurate?

MR. LUTHER WEEKS: Yeah. Well, we have a legislation is to not submit any signature as long as there is a signature on file. There is a huge difference because if you sign an application whether it's faxed in or original document, there's a signature that has to match the one on file. Okay.

And you'll see in my example in the testimony of the recent case in Stamford of absentee ballot fraud, part of at least the public reports in the newspaper was part of the reason it was discovered was because of signatures on the absentee ballot applications.

And a lot of these things are not disavowed by, you know, somebody checking the signature, a single signature, but traditionally a lot of times it's after the fact where you look at these and you can see 10 signatures that match. You may or may not know who signed them but you know darn well it wasn't the voters.

And there's lots of cases, you know, around the country of signatures being detected after the fact like that to help prosecute fraud. Not necessarily discover it but, you know, sometimes maybe that to but really to prosecute it, to have the evidence and maybe even figure out who did it.

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

REP. FOX (148TH): Thank you, Representative. Further questions or comments? Representative Winkler.

REP. WINKLER (56TH): Let me see if I understood you correctly, you wanted me to ask you a question so I could like walk into the trap?

MR. LUTHER WEEKS: I'll tell you -- no, it's not a trap. (Laughter) It's not a trap.

REP. WINKLER (56TH): All right. Is there decreased distrust over time in the judiciary?

MR. LUTHER WEEKS: I --

REP. WINKLER (56TH): That was one of the questions.

MR. LUTHER WEEKS: That's not what, I oh, that wasn't the question I want to answer. (Laughter) I can't answer that.

REP. WINKLER (56TH): I'm sorry.

MR. LUTHER WEEKS: I, you know, I suspect it goes up and down and depends whether it's, you know, which level of the judiciary.

REP. WINKLER (56TH): Which question did you want me to ask?

MR. LUTHER WEEKS: Yeah, you asked if there was any state that --

REP. WINKLER (56TH): Yes.

MR. LUTHER WEEKS: Did not -- okay. So it's a little different answer to that. I don't think it's, you know, one way or the other. There is no reason that you couldn't cede to the judiciary the ability to adjudicate election controversies in that

way but you don't have to cede the ability to override that in certain places.

And the best analogy I can think of is, you know, the U.S. Senate and Congress can override the judiciary in ceding electors in determining who is the president.

And, you know, in 2000 we had the case which we were all familiar with where the Supreme Court made a final decision and the House and Senate chose not to, you know, investigate or override, you know, even though it was brought up I think by one Representative.

But the contrast of that is 1876. And in 1876 there were three states which had multiple sets of electors and the state said this set of electors is the correct state -- correct set of electors according to the state.

However, the Senate and House, U.S. Senate, House overrode that and they chose through a process that remains controversial, but I think it's controversial because of the particular facts that year. So they overrode that.

So I don't think there is any reason that you couldn't do it the same way. It may take a little different wording than it's in, you know, in here, you know, I think it was around 2012 there was a controversial primary in Windsor.

And that went to the court a couple times and the court adjudicated it and obviously, you know, the losing party was unhappy but, you know, nobody even thought of bringing it here for adjudication. Of course, that was a primary but it was a House

primary and I don't see any reason under the current law the legislature couldn't have made a difference.

And I think there is two problems here. It's a perception problem but there's a timelines problem also. A judiciary can make the decision in time before you seat somebody, before it's really, really late to have a new election or something.

REP. WINKLER (56TH): And finally, haven't legislatures historically been jealous of their right to declare who is and who is not a member?

MR. LUTHER WEEKS: I would retain that. That's what I said. I think you can retain that but you could leave it to the courts to have first dibs, just like in every other election except I think our state House and state Senate here in Connecticut, have first dibs on arbitrating, you know, and solving election controversies which are technical having a dual -- with election laws. That doesn't mean you couldn't override it.

You couldn't maybe for moral reasons like the U.S. Senate has done to not seat someone or unseat one, someone after the fact. No reason you couldn't look at that judicial process and override it. But I just think it would look a lot better to the public but no system is perfect.

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

REP. FOX (148TH): Are there any other further questions or comments for Mr. Weeks?

SENATOR SAMPSON (16TH): Thank you for being here today, sir, appreciate your time and testimony.

MR. LUTHER WEEKS: You're welcome.

REP. FOX (148TH): Next up Senator Osten followed by Jason Teal followed by Kristen Pereira. Good afternoon, Senator.

SENATOR OSTEN (19TH): Thank you very much. Good afternoon. I am here today to -- and I appreciate you all being the today and I know you're very busy. I'm here --

REP. FOX (148TH): Identify yourself.

SENATOR OSTEN (19TH): Oh, I sorry. I'm Cathy Osten.

REP. FOX (148TH): Thank you.

SENATOR OSTEN (19TH): State Senator, 19th District. Marlborough, Hebron, Lebanon, Columbia Spring, Franklin, Norwich, Lisbon, Ledger, and a portion of Bonneville. That's a lot of farmlands in it.

So I'm here today to testify in opposition of section 2 of House Bill Number 5411, AN ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD.

I have grave concerns with the administrative slowdown of the Farmland Preservation Program and have talked with the Department of Administrative Services on this issue. The -- and in regards to the applications currently pending before the State Properties Review Board.

As of January 2020, there were 60 farms that currently have farmland preservation applications with the Connecticut Department of Agriculture. I'm told that many of these applications contain multiple partners and funding sources, some of which include USDA funding that has a defined use by date.

At least 15 farms under agreement including those with the partnership, in partnership with the National Resource Conservation Services, Connecticut Farmland Trust, the Weantinoge Heritage Land Trusts are the most at risk of losing their funding due to the boards bureaucratic delays.

These 15 farms combined represent over 1280 acres of farmland and over \$10 million in funding. In the past it used to take about six to eight weeks to review a farms application. However, reviews now are taking at least 12 and sometimes up to 40 weeks to complete.

These delays endanger our farms preservation efforts and risk the loss of federal funding, private investments.

Adding the board's approval to the community farms preservation program at DOAG will only exacerbate this already lengthy process and further jeopardize the state's ability to preserve our farms. Thanks again for allowing me to testify on this.

REP. FOX (148TH): Thank you very much. Any questions or comments for Senator Osten? Quick question, Senator. Any idea of what's behind the delay, the increased delay? You said --

SENATOR OSTEN (19TH): They moved somebody over from a different department that did not have this in their wheelhouse and I think that they are thinking that due diligence should take longer.

And I know that in their previous wheelhouse often they were contracts with CDBG and they would take six months to a year to approve those projects and that same methodology has moved over with the person that's doing it.

REP. FOX (148TH): Okay. Thank you. Any further questions or comments? Thank you for being here today, appreciate your testimony.

SENATOR OSTEN (19TH): Thank you. Thank you very much.

REP. FOX (148TH): Have a nice weekend.

SENATOR OSTEN (19TH): Have a nice day.

REP. FOX (148TH): You as well.

SENATOR OSTEN (19TH): I hope your day is not long.

REP. FOX (148TH): Yeah. Up next Jason Teal, followed by Krysta Pereira followed by Brian Hulbert.

MR. JASON TEAL: Hello. My name is Jason Teal, I am the second vice president and political action chair for the Connecticut NAACP. And the NAACP is simply asking if it's morally acceptable to take advantage of black and brown families by treating their loved ones as personal property in order to inflate politician's power to unjustly swell the population of districts with prisons to benefit suburban white communities.

The practice of prison gerrymandering all too closely mirrors the earliest days of our country when people who looked like me were subjected to the three fifths clause which allowed for the partial counting of slaves in determining the state delegation in the House of Representatives while denying the franchise to African Americans.

Similarly prison gerrymandering exploits black and brown bodies to amplify white voices. The practice was wrong 200 years ago and it is wrong today.

Voting rights lawsuits challenging this practice are pending in two states including here. And seven states have recognized the ways that prison gerrymandering undermines democratic values and have passed legislation ending this practice and we are simply asking your support to make Connecticut the 8th state.

Prison gerrymandering harms both incarcerated people and the residents of the communities from which many incarcerated people come. By counting incarcerated people in the prisons and towns that have no connection, they have no connection to, prison gerrymandering effectively denies incarcerated people meaningful representation.

The -- this is Connecticut NAACP's top legislative issue and we must prevent power thirsty politicians from leasing our people for their own benefit.

85 percent of -- roughly 85 percent of the population is black and Hispanic. And if you look at Cheshire, Cheshire is over 80 percent white with less than 10 percent of that population being comprised of black and Hispanics.

So is it morally right for the town of Cheshire to count these inmates that are warehoused in the town's large prisons as constituted of that town? Those -- the issues those inmates, their children and their loved ones face are far different from the issues of the upper middle class Cheshire population who boast an average household income that is more than \$30,000 higher than the state average.

Some legislators would like to continue to use our people as chattel, hiding behind a false narrative that they're only exploiting our people so the

district can unfairly receive additional revenue.
We cannot be duped by these false claims.

Bill 368 is for redistricting purposes. The vast majority of the people that I speak to in the street never thought it was even possible for towns to rent inmates to strengthen its power.

The only thing that Connecticut NAACP is requesting is that the committee do what's right and allow the -- and allow inmates to be counted where their children, families and loved ones reside, the communities that will return to win the prison districts no longer warehouse them for the districts political gain. I thank you guys all for your time and your service to the state.

REP. FOX (148TH): Any questions or comments for Mr. Teal? A quick question, sir. Can you give us some information as to the other states in your testimony? What do other states do?

MR. JASON TEAL: It's passed in about seven other states.

REP. FOX (148TH): Seven?

MR. JASON TEAL: Yes.

REP. FOX (148TH): Okay. Do you know when the individuals that are incarcerated are classified differently? At what point in the process?

MR. JASON TEAL: When they're classified differently?

REP. FOX (148TH): In terms of --

MR. JASON TEAL: Well, when they're incarcerated in the facility they're counted in that facilities district as they actually lived there when they

don't populate the streets, they don't, you know, they don't go to the school system, they don't buy from the stores. They don't interact with the community at all.

But they're counted as they live there for districting purposes and that just, it just swells the power, the political power of those politicians who are in, who have those districts.

REP. FOX (148TH): Okay. Any further questions or comments for Mr. Teal? Senator Flexer.

SENATOR FLEXER (29TH): Thank you. Thank you, Mr. Chair, and thank you for your testimony today. Just to follow up on Representative Fox's question, if you could give us more information on those other seven states, I think that would be really helpful and when they made the change. If that's easily, easy for you to do.

MR. JASON TEAL: Yes, we can get the bills and we can get, and the states for you easily.

SENATOR FLEXER (29TH): And Vermont and Maine, they never take away voting rights from people who are incarcerated. Correct?

MR. JASON TEAL: Correct.

SENATOR FLEXER (29TH): And how do they count incarcerated persons for the purposes of developing their legislative districts?

MR. JASON TEAL: I'm not sure, I'd have to ask my legal team.

SENATOR FLEXER (29TH): Okay. If you could find that information out too I think that would be helpful.

MR. JASON TEAL: Sure.

SENATOR FLEXER (29TH): Again since at least in those, you know, there is a difference there that in those states --

MR. JASON TEAL: For sure because they actually allow them to vote.

SENATOR FLEXER (29TH): Right.

MR. JASON TEAL: 100 percent.

SENATOR FLEXER (29TH): Okay. Thank you.

MR. JASON TEAL: Sounds good.

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

MR. JASON TEAL: Thank you guys.

REP. FOX (148TH): Any further questions or comments? Thank you for being here today, sir. [Applause] Please refrain from clapping.

Up next Krysta Pereira followed by, I'm going to mispronounce the name, Aanchal Bhatt. Good afternoon.

MS. KRYSTA PEREIRA: Good afternoon. My name is Krystal Pereira and I am here with Representative Kristi Carpino. And the following testimony that I have for you guys today is to support SB 363, the annual kindness week.

So I believe by having this annual kindness week, it will promote a positive climate in our schools and will encourage kids to be kinder to one another. This also allows for kids to feel as though they are part of a school promoting kindness and feel kind of

safer and as if they do want to go to school every day because of that positive climate.

This kindness week will also encourage kids to want to be kinder to one another as well. Kindness is like a chain reaction. Once this week starts up, hopefully throughout the school year all the students and staff will continue to do kind actions towards each other, just from learning about kindness from one week.

I have witnessed at my school kids being kind to one another and trying to help others out and I feel as though those kids that have had an experience with someone being kind towards them, they just have a better overall time in school and in general.

We have also in our town specifically, we have kindness flowers and that display kindness actions that people have done for each other and I have already see a change in our schools climate where kids are actually being kinder toward one another.

We also have kindness signs just to promote kindness around town so it's not only inside the schools but also represented outside of our schools.

Every day I see people outside and inside of school being unkind to others, but I feel as though if kids learn about being kind from a young age, even from like the elementary, preschool level, it will help promote this chain reaction of kindness and doing kindness acts to one another.

I believe that students and staff will be kind to each other all year round once they're educated throughout this week since they'll have examples of kindness and everything else.

Once kids are educated about these acts of kindness, it will allow for us to grow the next generation of kids and adults that are able to work with their peers and that are kind with one another and able to communicate and communicate about kindness and stand up for what they want.

I myself try to be kind to others and promote kindness in order to make people feel good about themselves and make society a kinder place so kids feel more comfortable.

Overall, having this week will allow for kids to be able to have a better school climate, get past differences and start a chain reaction of kindness. Thank you.

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

REP. FRANCE (42ND): Thank you, Mr. Chairman, and thank you for coming here to share your experiences. How long have you been directly involved in promoting kindness in your community?

MS. KRYSTA PEREIRA: It's, I started promoting kindness in my community at the beginning of the year. Around August I started the kindness campaign with the flowers at my school and throughout our whole school district and that's really when I started promoting kindness.

REP. FRANCE (42ND): And for you personally what has been your experience and what have you derived out of this experience for yourself?

MS. KRYSTA PEREIRA: So this experience has actually helped me learn to communicate better with others

and how to address issues that other kids may be having with others being unkind to them.

I have even seen like other kids trying to help other kids more since we have had this implemented in our school system. Yeah, just overall.

REP. FRANCE (42ND): That's great. I think it's a great opportunity. I thank you for coming here to share your experience and thank you very much. Thank you, Mr. Chairman.

MS. KRYSTA PEREIRA: Thank you.

REP. FOX (148TH): Thank you, Representative. Further questions or comments? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): I thank you Mr. Chairman. I'm sorry, can you -- what grade are you in?

MS. KRYSTA PEREIRA: I'm a sophomore.

REP. MASTROFRANCESCO (80TH): You're a sophomore. What's the name of the school?

MS. KRYSTA PEREIRA: Cromwell High School.

REP. MASTROFRANCESCO (80TH): Okay. I, you did such a wonderful job. I'm really impressed. You had mentioned to Representative France that the experience has given you, helped you with your communication and so forth. Phenomenal.

I mean, you were just talking up there like it was natural. I mean, most people are reading from a piece of paper and you seem to just have it up here and it's very natural for you so I just wanted to congratulate you on that and you did a wonderful job.

MS. KRYSTA PEREIRA: Thank you.

REP. MASTROFRANCESCO (80TH): Appreciate you coming up.

MS. KRYSTA PEREIRA: Thank you.

REP. MASTROFRANCESCO (80TH): Thank you.

REP. FOX (148TH): Krysta, quick question if I may. Representative Carpino indicated currently as written it's just to be November. Do you have any suggestion as to what time of year you'd like this week to be? If not, no big deal.

MS. KRYSTA PEREIRA: (inaudible - 04:06:19).

SPEAKER: She didn't ask me.

REP. FOX (148TH): What it is currently? When do you currently in your school doing this?

MS. KRYSTA PEREIRA: Currently it was at the end of January and there was some kind of spirit week that was done at the middle school and it was the last week of January and we were thinking about implementing it then.

REP. FOX (148TH): Was it part of spirit week?

MS. KRYSTA PEREIRA: Yeah. So what they did was they had a spirit week along with like a kindness week, them together, so kids were able to express school spirit but as well as learn about kindness and just working with each other and communicating with new kids.

REP. FOX (148TH): Representative Carpino.

REP. CARPINO (32ND): Thank you. In Krysta's defense they did the kindness week campaign at the middle school where she is at the high school so we

were there throughout the week and the middle school project was an entire week dedicated to different activities and educational components of being kind.

REP. FOX (148TH): All right. Krysta, is there a group that you're part of that oversees this or just all volunteers or is there an organized group that comes together?

MS. KRYSTA PEREIRA: Yeah. It's a nonprofit organization called the Cromwell Children's Coalition. We actually have some representatives from them today.

We have Rodney Bitgood, he is the president. He actually had to leave but he was here this morning as well as Sue Shine, she is over there. And she helps out with the Children's Coalition.

And so the Children's Coalition, they just go around the town and make sure kids are able to do any opportunities that are given to them.

REP. FOX (148TH): Okay. Well, thank you very much for being here today, appreciate your testimony.

MS. KRYSTA PEREIRA: Thank you.

REP. FOX (148TH): Have a nice day. Up next I apologize if I mispronounce, Aanchal Bhatt, I apologize for mispronouncing the name. Good afternoon, welcome.

MS. AANCHAL BHATT: Thank you. Good afternoon. My name is Aanchal Bhatt and I'm also a sophomore at Cromwell High School. I'm a representative of the Cromwell Kindness Committee.

The following testimony is to support SB 363 Annual Kindness Week. So I believe that we should have

kindness week throughout the whole entire state because just like respect is taught in classes, kindness and empathy should also be taught because not everybody knows what to stand up for if they believe it's right.

Parents and educators can also work together to promote more diversity throughout the schools. Teachers and students about -- is about kindness and not taking away from teaching time in classrooms. It's promoting kindness throughout the school districts.

If we teach kindness in school, we would be able to promote kindness and diversity which is our main goal in all the school districts of Cromwell.

I have had first-hand experience with this amazing program that we've started and I have seen many people get talked behind about their backs or something like that and the kindness campaign has made these flowers for students and when they walk in the hallways they might see their name up and they feel good about themselves because they know they did something to make someone's day and to put a smile on someone's face.

And they also get to win a prize possibly which makes them want to participate more and more and it's also like a small competition to see who gets the most kindness flower and who can promote the most kindness and diversity throughout the whole entire school.

And I have a younger brother who goes to an elementary school in Cromwell and he has also seen his name up on the bulletin boards that we have had with the flowers and he just feels really good about

himself and good that the is helping other students in making their days throughout the schooldays. And he loves to participate and he encourages many students to participate in this as well.

Overall, I think having a kindness campaign week statewide would mean that more schools can have an increased amount of diversity. Students can learn to stand up for each other and they would be kinder toward each other.

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

REP. FRANCE (42ND): Thank you, Mr. Chairman. Thank you for sharing your testimony as well about kindness. You mentioned the kindness flowers. Who makes the decision on what names go on the kindness flowers? How does that process work?

MS. AANCHAL BHATT: So if I see someone doing a kind action, I would write their name on the kindness flower and what they have done and their act of kindness. And then they get a raffle ticket and they can get a prize and we also hang them up all around the school to make our school a more positive environment.

REP. FRANCE (42ND): So you mentioned you do it. Is there, is it the members of the coalition or the student group that does it or can anybody in the school do it?

MS. SUSAN SHINE: Hi. My name is Susan Shine, I'm the secretary for the Cromwell Children's Coalition. Anybody in the school district, the kindness campaign and the flowers are part of the school district campaign that we have in our kindness for the town of Cromwell.

And anybody in the school district, a student, a teacher, a para, the janitors, anybody who sees anybody doing well can promote their name and get them on a flower and get it hung up in whichever one of the schools that they attend.

REP. FRANCE (42ND): Thank you for that. Can you give a couple examples of probably the most significant kindness acts that you've seen in your experience that you've put the names up for?

MS. AANCHAL BHATT: Yes. I have seen multiple students put up names on students who have a few disabilities in our school. They've always like someone always goes around the school and gives fist bumps to kids and that just like, I see his smile every single day and it just makes the school such a positive environment.

REP. FRANCE (42ND): Thank you very much. Thank you for sharing your testimony. Thank you, Mr. Chairman.

REP. FOX (148TH): Further questions or comments? What is your favorite part of kindness week? Which activity? Is there one they like more than the others?

MS. AANCHAL BHATT: I personally like just walking around the school and seeing all the kids smiling and like when they see their names on the flowers like I just love that they understand that they're doing something good for our school.

REP. FOX (148TH): Thank you very much for your testimony today. I appreciate you being here.

MS. AANCHAL BHATT: Thank you.

REP. FOX (148TH): Have a nice weekend.

MS. AANCHAL BHATT: You too.

REP. FOX (148TH): Up next Brian Hulbert. I don't see him. Michael Brandi. Shannon Kief followed by Kate Hamilton. Good afternoon.

MS. SHANNON KIEF: Good afternoon. Co-chairs Flexer and Fox, vice chairs Haskell and Winkler, Ranking Members Sampson and France and distinguished committee members. I am Shannon Kief. I am the director of legal programs at the State Elections Commission and my executive director, Michael Brandi has asked me to share his remarks with you today. He apologizes for not being able to be here himself.

There are two bills before the committee today that we believe are beneficial to the Citizen's Elections Program and campaign finance laws more broadly and we think the committee for the opportunity to speak in their support.

There is another bill that addresses the internal functioning of the administration of the Citizen's Elections Program and a fourth bill having to do with absentee ballots over which we would like to express some concern.

The one bill will slow down the disbursement of citizen's election grants and make the job of treasurers more difficult and the lapse may increase the likelihood of absentee ballot fraud.

First, we'd like to give you a quick moment to update the committee on the Citizen's Election Program and the 2020 election cycle which is already currently well underway.

We have 215 candidate committees registered already. To put that into perspective, in 2018 we had 408

overall and in 2016, 34565 overall which means we already have 50 to 60 percent of the candidates registered likely for 2020 and we are utilizing that to help them.

We have already gotten 70 percent of those registering in for their online reviews and training on making sure that they're contributions qualify and we are also doing really well this year with our pre application review process.

We have 20 in and we have already cleared and qualified two committees. That means that if we stay on track through April this way, we will be able to have 20 percent of the currently registered committee's prequalified going into the beginning of the grant disbursement period which should enable us to move a lot faster for the remaining candidates.

For 2018, 90 percent of those elected to the legislature did so with clean elections funds meaning they did not use any lobbyist, state contractor, or PAC monies and in favor of small dollar donations, the vast majority of which were from Connecticut residents.

We're hoping that the participation rates continue to be high as they have been consistently since the beginning of the program.

The first bill we'd like to speak on is House Bill 5406, AN ACT ADVISING CERTAIN CAMPAIGN FINANCE STATUTES.

This bill implements U.S. Supreme Court and second circuit rulings that were made in 2013 and 2014. These statutory adjusts what the agency already has to do to comply with the cases and they're long overdue.

The bill also fixes the definitions of expenditure and (inaudible - 04:16:05) that were amended in Public Act 13-180. That amended language didn't receive a public hearing and I think there might have been a little mistake in it and the effect is that it leaves incumbents open to independent expenditures be made and not being reported because those expenditures are made or incurred during the time of before they get into candidate committee.

And so we are asking that this be addressed and put back the way it was before. And it would also establish beginning and end dates for the 24 hour independent expenditure reporting clarifying that for the independent expenders so we know when it's coming in.

We think all of these changes are in controversial and would considerably improve and clarify the election law that are already on the books and we strongly support it.

House Bill 5410, certain changes to campaign finance laws, is a bill that would greatly improve Connecticut's campaign finance system in light of recent trends that we've seen emerging all around us.

We feel this bill is particularly important to pass this year in part because of it is tailored to address the most pressing issues that might affect this year's election.

It also includes other provisions that we have long put forth as important to deal with anticipated future problem with regard to offering money and social media disclosures and also consultant disclosure.

There are many proposals in the bill and they're generally severable from one another so they can be adopted ala carte as well as all together as currently proposed.

Of the most pressing issues that this bill address, the first is what we will call the head of the party exception. This change to the law would allow campaigns to identify candidates for the offices of president and governor in their campaign materials without those identified candidates receiving a contribution.

Our experience has shown that those two offices often serve as proxies for the political parties with terms like Obamacare and the Malloy tax cuts and are popularly used in campaign materials as symbolic stand ins by both sides of the party.

The law currently disallows such communications unless the cost of the communication is split between the eligibility candidate committees or other committees that are permitted to pay and this law change would permit only the committee that produces the material to pay for it.

Another issue that would be better resolved sooner than later is the issue of whether the CEP funds can be spent on dependent care. Currently they cannot. A law change would be required for this to be permissible and certain policy decisions need to be made.

The issue of public funds being spent on childcare was prominent in the last election cycle and is currently the subject of a lawsuit against SEEC.

The SEEC has proposed language which is in this bill expanding a proposed exception, another proposed

exception to include all dependents that need care for the candidate, not just their children and ensuring that if candidate pay for the dependent care when they are campaign and choose not to seek a reimbursement, that these amounts won't be treated as personal funds and taken off of their grants.

Whether the legislatures chooses to limit the exception to children or expand it to its dependent care, we stand ready to assist the committee to craft a workable solution.

The bill additionally addresses the use of campaign funds to spend on candidate training, provisions to hold consultants liable for failures to provide treasurers required back up documentation and more comprehensive and effective disclosure of dark money and independent spending.

With respect to the provisions regarding consultants, there was a change to our proposal and it limits the liability that would be established for the consultant in a way that may make it very confusing and hard for the treasurers. So we would suggest that at lines 659 to 660 that if the committee chooses not to ask them to ask them to certify that they will help in compliance with chapter 155 and 157 and the regulations and chooses to point them to certain places in the law that it would include 9-607 in its regulations as well as 9-706 and those regulations and that it would include all of the 706 regulations.

It needs to be that broad to include the laws that apply to treasurers that we're helping them to apply. And you might want to go through the statutory provisions and really look at any others that are included that the treasurers need to do

that it would be helpful for them having the consultants support them.

It would be a shame to make a statutory change to make a treasurer's job easier and not do it completely through.

The next bill we'd like to discuss is House Bill number 5405, qualifying contributions under the Citizens Election Program.

House Bill 5405 would require treasurers to refund all non-qualifying contributions to donors. It undoes adjustments the legislature made in Public Act 0802 to allow the program to operate efficiently before it even ran for the first time.

This allowed treasurers to truthfully certify that their account contained only the threshold amounts that they are allowed to spend at the time of the grant application and for the grant monies to be released into the account right upon commission approval.

As it currently stands, the buffer amount consisting of both excess qualifying contributions and non-qualifying contributions is deposited into the Citizens Election Fund and becomes part of the grants for which the candidates are applying.

Non qualifying contributions are not deposited into SEEC's operating account. They are only used for grants and that is the only way these funds ever have been used or will be sued.

Obtaining a buffer is optional, although most applicants do choose to raise one because doing so vastly improves their chances of receiving their grant monies after just one review.

The system works well and has allowed for the quick and efficient release of monies. Treasurers are free to refund or fix non qualifying contributions right up to the grants application.

Each treasurer is assigned an elections officer on our staff, we send welcome letters inviting treasurers to come in for a training. We do individual and group trainings.

Elections officers will sit with treasurers and review documentation and filings and point out possible problems beforehand so that refunds can be made.

In fact, this is part of the PAR's process that I was discussing now that's ongoing with the treasurers who are registered early and come in. They have an appointment, they sit down, the elections officers point out everything that they might want to go back and refund before they come in and that's what the vast majority of them are choosing to do.

Many treasurers who use these resources to the fullest and have very full non qualifying contributions. Of over \$2 million in contributions reviewed by the SEEC for the General Assembly in 2016, less than 126,000 had not been fixed and qualified at the time of the grants released.

That's for two reasons. It's either because the treasurers chose not to fix or return them to the contributor or because the treasurer didn't know why they -- know that they were not qualifying until after the grant review.

It's impossible to tell which because so many treasurers take advantage of the individual pre

application review appointments with their election officers.

They knew about the non-qualifying contributions but they chose to just let them go into the fund rather than to bother with the work of refunding them and tracking them and making sure that the checks had been written to the right people and cashed.

The treasurers who do this have far fewer contributions that do not qualify at grant application and it's the treasurers who do not take advantage of these offerings that we are worried about most with this proposal.

If this language is passed its unclear how the provision is meant to work. Will a treasurer have to recertify that all non-qualifying monies are now again out of the account before being given a grant and if so, this could significantly hold up the grants and the requirement that monies be released within a short time of the commission's approval would need to be adjusted.

Or, the plans to -- or is the plan to comingle the monies, the grant monies with known state contractor and impermissible lobbyist donations and possibly even straw contributions with unknown sources. This would seem to undermine the whole policy behind the program.

Many treasurers have no problem submitting very clean applications. Some, however do struggle. It's already sufficiently challenging for those treasurers to fulfill their administration and accounting requirement dictated by the current campaign finance laws.

Under this proposal, campaign treasurers would have the added duty of monitoring the return of campaign contributions even after the essential fundraising portion of the campaign had been completed and the grants application had been submitted.

It would be difficult for campaign treasurers to track and ensure the deposit of such contributions by the selected contributors and yet the campaigns treasurer would be required to do just that. They would have to in order to ensure compliance with the other program requirements.

This proposal would add considerably to the burden places on campaign treasurers and most concerning, it would do so disproportionately for the treasurers already struggling.

A contributor's failure to deposit a return contribution could render the participating campaign in violation of the expenditure limit if they are mistakenly spent.

And moreover, the return of the wrong contribution would mean that the campaign could be unqualified for the grant award it was currently spending.

The application period for a full grant was reduced by 40 percent in the last legislative session which caused significant delays in review and release of the grant. Adding a new step within this already tight timeframe will further slow application review for everyone, not just the campaigns who have a lot of non-qualifying contributions that they'll have to return and get out of their accounts.

If the legislature considers such a change to the program, we urge careful review of how it will

affect the grant application process and the timing of the release of grants.

We stand ready to discuss options such as timing of returns that might be less damaging to the program and the participants who rely on quick and efficient funding.

Senate Bill 365, AN ACT CONCERNING ONLINE APPLICATIONS FOR ABSENTEE BALLOTS, is the last bill we'd like to discuss today.

The commission supports efforts to improve voter access but urges careful consideration of this bill and opposes the language as written.

The proposal would negatively impact the ability of local election officials as well as enforcement agencies at all levels to verify that absentee ballot has been requested by the actual voter.

An important investigate technique is comparing a known good signature of a voter, typically the voters signature on a voter registration application or DMV form to the signature of the voters absentee ballot application. And where applicable, the signature on the inner envelope of that voters executed absentee ballot set.

Allowing a known good signature to be imported electronically and inserted on an absentee ballot application form eliminates this important verification and destroys the ability of law enforcement agency to detect forgeries.

We are concerned that under this bill a third party with the correct data on a voter could orchestrate a scheme in which absentee ballots are sent to voters without their knowledge or their consent.

At a time when we are concerned about deep fake through the internet and the use of the internet to adversely and unfairly affect elections, we urge caution and taking the time to understand the full ramifications and risks.

We would be happy to discuss our concerns further. Thank you for your opportunity to present testimony. I'd be glad to answer questions.

REP. FOX (148TH): Thank you very much for being here. Any questions or comments? Senator Sampson.

SENATOR SAMPSON (16TH): Thank you, Mr. Chairman. Thank you for being here. So I guess we should start with 5410.

As you know the bill is 86 pages long so just bear with me because there is just a few questions I have and I certainly understand most of the provisions in it and our -- my purpose today to speak with you is not really to debate the merits of any of this stuff but I want to understand a couple of things a little bit better.

There is a section regarding the new provision about dependent care services which depending on how people might feel about the policy that's a separate issue all together.

But I noticed that there are a couple of lines here that say that the only money that will be available for that dependent care services is the money that is directly raise from contributors and not any money that is received via the grant.

I just found that really interesting and I'm curious to know if that's ever come up before in any other policy for any other expenditure, et cetera.

MS. SHANNON KIEF: Yes, I understand your question. I think the answer is that it's all of them. Because most of our expenditure regulations attach when it's a qualified candidate committee and so that's not unusual. The way that that's written is a little bit unusual.

We had originally been talking as we circulated this proposed language about a choice in asking people and we chose that limitation based on the other bills that was before this committee that seemed to have come out on the issue and they had chosen to limit the amount that could be spend on child care, dependent care to the amount that happens to be privately raised in small dollar donations.

And that's also very similar to what other public financing programs have done. The New York City program similarly limits the amount that can be spent to those that are privately raised I think.

SENATOR SAMPSON (16TH): So I don't know if there was the answer to my question in there. You gave me a lot of information and I appreciate that and thank you for that.

I'm not sure exactly what you mean by a qualifying candidate committee. That's somebody that is eligible for --

MS. SHANNON KIEF: Oh, I'm sorry. No, it's somebody who has been voted to receive a grant that's defined in chapter 157.

SENATOR SAMPSON (16TH): Understood. So this provision would apply only in cases where someone is now qualifying? Or can someone who does not qualify maybe because they don't reach the threshold or because they choose not to apply for a grant, would

they still be afforded the same ability to use their funds for dependent care services?

MS. SHANNON KIEF: Non participating candidates can use their funds for dependent care services. That's a very old advisory opinion from the commission.

SENATOR SAMPSON (16TH): Really?

MS. SHANNON KIEF: Participating candidates spending the monies directly under the regulations they're required to spend the monies directly and there's very specific language about personal fund and how it's defined and that specific language limits how the grant monies can be spent.

And so we were asked to do a declaratory ruling and the commission issued that guidance and said the grants regulations and the way that they say not just what's in chapter 155 but also that for, there is additional limits on when you become a qualified candidate committee, when you get the grants, now the grant monies have all these additional limits. The 9-706 limits, right, and the 607 limits are a portion of those 9-706 regulations.

And so what that does I think is just say if you're going to spend money right now under the declaratory ruling and under the regulations as they exist, because that's what we're interpreting, under the regulations as they exist, when you get the money the regulations attached and so you're allowed to spend the monies that you have on your qualifying contributions, but once the grant monies go into your account, those regulations saying it has to be directly spent attach.

So then you can't spend them in that way. And what we're proposing, is that they will be able to spend

them on dependent care, childcare, as you defined it.

We are proposing dependent care because we think a lot of people have adult children who are for example older than 13 who still need their care and so they should have the same right if they're acting directly for their campaign in connection with it.

But I think what the language you're asking about just limits the amount that can be spent to whatever the qualifying contributing is which is 250,000 for a gubernatorial or 5,000 for a Representative, 15,000 for a state Senator.

SENATOR SAMPSON (16TH): Right. 16,0000.

MS. SHANNON KIEF: It's quite a bit of money.

SENATOR SAMPSON (16TH): Yeah, its 16,000 now. So I'm trying to digest that because you said a bunch of things that I would want to talk about further but I don't know if todays the right place or forum for that. The first one is that the --

MS. SHANNON KIEF: I would love to tell you about our bill.

SENATOR SAMPSON (16TH): Oh, yeah.

MS. SHANNON KIEF: We can make an appointment.

SENATOR SAMPSON (16TH): Well, maybe we can get that a chance at some other point. I'm surprised that the advisory opinion that you mentioned existed. Can you tell me when that happened roughly?

MS. SHANNON KIEF: Oh, the declaratory --

SENATOR SAMPSON (16TH): Not the declaratory ruling, no.

MS. SHANNON KIEF: -- ruling?

SENATOR SAMPSON (16TH): No. Not that. No. The advisory opinion you first mentioned to say that you can use this money for this purpose.

MS. SHANNON KIEF: We came into existence I think its 1976 or 1982.

SENATOR SAMPSON (16TH): Okay.

MS. SHANNON KIEF: One of those.

SENATOR SAMPSON (16TH): Yeah, it just surprises me --

MS. SHANNON KIEF: Very early.

SENATOR SAMPSON (16TH): -- because my understanding and not having the statues in front of me and this is not my number one area of expertise as it is yours, but it seems to be 607 says pretty clearly that the money that you take in for your campaign and the grant money is supposed to be used to further your own campaign.

MS. SHANNON KIEF: It is.

SENATOR SAMPSON (16TH): And to me that's pretty explicit and that everything else derives out of that. And the, you know, the various debates that have occurred on lots of different, you know, issues arising out of how candidates spend their funds, tend to go back to that same purpose.

You know, you can't use your money to go to Aruba because it would be very hard to explain how that's helping your campaign.

I think a lot of people on the street would think it's very hard to explain how getting dependent care

services, not even childcare services, but dependent care services as you just described the difference, is furthering someone's campaign.

So again, I -- my job is today is not to debate the merits of the policy but I do want to get that on the record that I think most people would think that's ludicrous.

When they're donating money to a campaign, I don't think they're expecting someone to be able to use that for their childcare. And what concerns me about that is that it seems to me that you could set up a campaign just for that purpose based on the way this statute is read.

MS. SHANNON KIEF: No. I think that --

SENATOR SAMPSON (16TH): Well, please --

MS. SHANNON KIEF: -- that your concern is displaced. I don't think the way the statute is written or proposed that that would be allowed.

They need to be able to show that while they were paying for dependent care services they were engaged in campaigning. That is a requirement.

And so what the commission did all those years ago even was say, you know, they recognized that travel is okay. So a candidate has to travel to an event and they can get their bus ticket reimbursed if they don't own a car because traveling to that campaign event is essential part of their campaign, being able to show up.

And so the commission kind of by analogy said being able to attend this campaign event, much like buying a bus ticket if you don't own a car, paying for childcare if you have a dependent is the same thing.

It's analogous and so they were going to view it under the travel provisions as an acceptable personal funds.

This would provide something more explicit for the CEP and say that that also is an acceptable reasoning.

SENATOR SAMPSON (16TH): Okay. I just think by that logic almost anything can be allowed. If I've got to buy a suit because I can't go campaign without a suit. I mean, that's even to me less of a concern over dependent care.

I mean, that sounds to me like an almost legitimate expense that someone would need to run a legitimate campaign. I've just --

MS. SHANNON KIEF: And that's why with our declaratory ruling --

SENATOR SAMPSON (16TH): Right --

MS. SHANNON KIEF: -- we were reluctant to do it by interpretation and we asked that it come before this committee so that it could be debated.

SENATOR SAMPSON (16TH): So that was the other question I was going to ask you actually. So you said you were asked to make a declaratory ruling. Who asked you?

MS. SHANNON KIEF: A candidate who had childcare issues.

SENATOR SAMPSON (16TH): Understood. And is that the typical way it happens? Do you make a declaratory ruling anytime a candidate asks for advice about whether or not they're within the law? I mean, it's just a --

MS. SHANNON KIEF: So we have a group of elections officers and attorneys who are there all the time and we have the election officer assigned to a committee and we have the attorneys.

And an election officer will up it to an attorney, we then talk to the candidates. We offer them informal verbal advice. If they don't like the informal verbal advice, or want something more clear, they can ask for it in writing. That's an opinion of counsel and we issue that.

If it's not clear to us what the answer is, then we will go to the commission. We either ask for a declaratory ruling or an advisory opinion.

Our preference is always a declaratory ruling because that gives time for public comment. If we are in the middle of an election cycle and it's kind of an emergency and people need an answer, sometimes the commission will do an advisory opinion. Both are appealable to the Superior Court by people who don't agree.

In this case, the candidate came to us, she asked for an opinion of counsel. She wasn't happy with it and she asked for a declaratory ruling because she wanted the commission to weigh in whether they agreed with staff and we were happy to present that to our commission.

And we actually went through a series of drafts and memos with our commission. They gave it a great deal of thought. She testified. We looked at how it was done in all the other states as well as all the other public financing programs that we could use.

And the commission's final recommendation was that they didn't feel it could be used but they thought it was something that should be looked at by this committee and so we drafted the legislation and brought it forward.

SENATOR SAMPSON (16TH): So are you testifying in support of making this policy change or just leaving it up to us by offering us --

MS. SHANNON KIEF: I'm testifying --

SENATOR SAMPSON (16TH): -- this proposed bill?

MS. SHANNON KIEF: -- in support.

SENATOR SAMPSON (16TH): Okay. So it is --

MS. SHANNON KIEF: Yes.

SENATOR SAMPSON (16TH): -- the position of the commission that we should allow this expenditure.

MS. SHANNON KIEF: Yes.

SENATOR SAMPSON (16TH): And under these terms which would essentially allow someone to use that, the money that they generate by a direct donations. Okay.

MS. SHANNON KIEF: While they are campaigning. Yes.

SENATOR SAMPSON (16TH): Right. Is there a definition for campaigning? Well, and the reason why I ask is because it seems to me that our conversation is a little circular in that you're only allowed to use your money for campaigning so if you are only allowed to spend this money while campaigning, this expenditure is considered campaigning just like the travel expense that you described. Does that make sense?

MS. SHANNON KIEF: I think I see what you're getting at. I think that, you know, earlier you had asked the question is this how other things in the statute work and I think my answer to you is well, this is how other things in the statute work.

Especially travel, candidates don't just take money out of their account and deposit -- out of their candidate account and deposit it in their account. They keep a log of when they're getting reimbursement by miles and where they've been and what they've been doing.

Same thing with meals, right. There is a limit of \$30 and per person for a dinner and so they keep track, they keep their receipts of the dinner and then they submit on the receipt who was there, how many people so you can see that, you know, it was under \$30 and it was in compliance.

And so the expectation would be that somebody who was using it for childcare would have a log of this is what I paid for and this was that campaign event that I was at.

And so there would be disclosure and it could be tested in post-election review like anything else.

SENATOR SAMPSON (16TH): Right. So I guess after this whole conversation it boils down to a question of whether or not dependent care is campaigning or not and the position that I believe SEEC has is no its not and therefore we are coming forward to ask for a statute that would essentially make it so its eligible, either not as campaigning or as an alternative expense.

Because everything else as we said goes back to 607 which says you have to use your money to further your own campaign. Am I describing that right?

And I just want to know what my job is when we debate this bill in the committee later on to know whether I'm trying to fall under the guidelines of the original statute which says, which I think the public would appreciate, that the money needs to be spent for the purpose of campaigning for office.

Or we are trying to create something that is not currently campaigning and make it either campaigning or something else that is also covered.

MS. SHANNON KIEF: I see what you're asking. So the answer is in my head the original statute is chapter 155. And what I was explaining to you earlier, is since the 1970's or 80's, 155 has allowed it.

So the answer is just yes. Right. Because 155 does allow it. Then the Citizen's Election Program was passed and the regulations that were passed with the Citizen's Election Program, that's the 9-706 ones I was talking about in relation to the consultant, those regulations are stricter than the chapter 155.

And it's the strictness of those regulations that is the basis for the interpretation that this might not be okay. And so we're just asking for that clarification. But we also need it because just to have interpreted it is okay then it would maybe come of the grant as personal funds if they chose not to seek the reimbursement. We think it's really important that that not happens.

So it's just, we are trying to -- it's a special instance and we are just asking the committee to put

language that makes it clear for the candidate how it will work.

SENATOR SAMPSON (16TH): Understood. I'm going to move on rather than continue down this path. I'm sure the people in the room are getting tired of it already.

But I'm going to take a good look at 155 because to me I am cursorily, a little bit familiar with it but I don't know that 155 would have done this far without your advisory opinion which is an advisory opinion, it's not a statute, it was not legislated.

So at any rate, just moving on. There is another section that authorizes additional drawdowns of money when you've got -- its lines 1445 through 1451 I believe of the bill.

And it's in Section 20 and essentially what it does is its -- if there is a potential shortfall and you may not have enough grant money to give out, it allows a drawdown. And I'm just curious well, why this is where and what have we done in the past?

MS. SHANNON KIEF: Its overdraft protection and what you did in the past was adequately fund the program. So when the program was passed in 2005, the deposits per year were 18 million. That was adequate to have two governors participate.

In 2011 at the same time that the agency was consolidated, the amount of the deposits to the fund were cut by 40 percent.

So what's happened to the fund is it's barely funded for a four year cycle. And if you have high levels of participation like we saw last time, then the next time -- or if you have sweeps like we saw last

time, then the next time the program runs you could find that you have an inadequate amount to give out grants.

So after they took the 40 percent of the deposits away, they did pass overdraft protection but when they passed the overdraft protection, what they said is if we need to put more money in to pay the grants because we have done sweeps or because there was more participation than we funded, then in your next deposit after that election where we came up short we will take our money back.

So all you do is kick the can down for the next four years just spinning the program into a downward cycle of not being adequately funded.

Because the overdraft protection is there what that means is you're just grabbing massive amounts from the corporate tax fund, putting them over here, putting them here, putting them back and what we are proposing is that the money that's needed just be brought back in from the (inaudible - 04:48:34) account which is our source of funding and allowed to cover it. So it's just common sense accounting.

SENATOR SAMPSON (16TH): Right. And it seems pretty clear. I'm just curious who makes the determination and when does it happen? Does it happen because the commission says so or I'm just trying to understand what the trigger is?

MS. SHANNON KIEF: You guys applying for grants.

SENATOR SAMPSON (16TH): Well, I mean, the trigger -

-

MS. SHANNON KIEF: You applied for a grant.

SENATOR SAMPSON (16TH): -- the trigger on your end to go and retrieve the necessary funds. So, I mean, does the insufficiency have to occur first or someone can plan ahead to bolster the fund? I'm curious how it works?

MS. SHANNON KIEF: We are in constant communication with the treasurer's office. They deposit the money from the (inaudible - 04:49:17) and right now my executive director is constantly talking to them about what's in the account as we lead up to it, like very often and then throughout.

And what we sometimes do is we will take the deposit for the next four year cycle and we will have it put in early because the fiscal year doesn't go the same as the election year.

So we could get, we are on a four year cycle so the first year funds the General Assembly just about. We get 11 or 12 million now with adjustments for CPI and that's about what a General Assembly election costs.

And then the next three years funds the statewide. And sometimes if after the 40 percent reduction in 2011 we might have to go into year one of the next grant cycle in order to fund those grants.

And so we are constantly talking to them about when they're going to deposit our (inaudible - 04:50:26) because those come in over time.

And so we work closely with them but its possibly that we could get into a situation where even that first year of the next cycle wasn't adequate if we have the high levelers of participation that we've begun to see.

MS. SHANNON KIEF: Okay. Thank you very much for that. So just one more question about 5410, and I really wish we had an unlimited amount of time because I would love to talk about every section of this bill but I want to just ask about one more piece and that is the coordinated spender section.

Which is, I mean, I guess my concern here is there is some definitions of what makes a coordinated spender and there is a definition that's added in this bill to the current law which is just incredibly broad if you ask me.

It says any person established, directed or managed by another person who during elections served in such election cycle as a political, media or fundraising advisor or consultant for such candidate or committee or for any entity controlled for such candidate.

I mean, this is like almost anyone connected with a campaign period is now a coordinated spender even if, you know, they cease to have activities for that campaign or committee and they go on to do something else. I, is that what was intended here?

MS. SHANNON KIEF: So that language is taken from the cutting edge reforms that are moving through the federal Congress right now, that coordinated expenditure language is from House Bill H.R. 1 and its meant to draw a clear, bright line.

And it's meant to deal with the shadow super PAC's that are following the campaigns around and so you can't be over here planning a campaign and then go over here and start the independent expenditure entity knowing their plans and move forward with a

super PAC at the same time that the candidates moving forward.

So this is kind of legislation that's moving on the national level and we are proposing bringing it in to Connecticut --

SENATOR SAMPSON (16TH): Right.

MS. SHANNON KIEF: -- as a way to alter --

SENATOR SAMPSON (16TH): Yeah, I'm aware of it. I mean, I didn't know if it ever is going to become law at a federal level but that's a whole other issue.

And you're definitely make a clear, bright line except that I'm afraid that the clear, bright line is that if you've ever been connected with any campaign, we are now going to attach this label to you.

And I think it can be, happen very unfairly in a lot of cases, especially when you're dealing with legislative candidates in Connecticut where you're talking about, you know, people's moms, sisters, brothers, neighbors being the treasurer or helping design the website, et cetera. You don't see a concern with that?

MS. SHANNON KIEF: (Crosstalk) your mom can't -- yeah, I'm concerned with your mom forming a super PAC to support you. (Laughter) That's another one of those coordinated spender definitions that's very clear.

Your mom can't form the super PAC. Although we have had questions. We actually had a father call us and say my daughter is planning to run and I would like

to know if I can from a super PAC to support her since she would like a grant.

SENATOR SAMPSON (16TH): All right.

MS. SHANNON KIEF: So --

SENATOR SAMPSON (16TH): Do you -- just a theoretical question. Do you see any concern with how complex this whole subject matter gets when we are trying to determine what is acceptable amount of funding for campaigns?

I mean, there are many people that view campaign spending whether it is done through direct donations to a campaign or PAC's doing things that they do or independent groups advertising on issues or for candidates?

I mean, to me it's all first amendment free speech. Anything should go. That's my position. I know that's not the position of the SEEC.

I, it doesn't worry you that we're going way, way down the rabbit hole on some of this stuff and it's just so complex that the average person, and we live in a country where the average person ought to be able to run for office, is just going to be put off by how complex it is and how scary it is that they might be prosecuted in some way for some wrong doing, some bright line applied to them because they helped a candidate once in some minor way.

MS. SHANNON KIEF: I think we do take that very seriously actually that people are confused. I don't think that anybody anywhere -- well, actually that's not true.

I think people are incredibly confused that somebody's mom would take the position that they can

form a super PAC. And we offer a, we offer attorneys and election officers to answer questions and we work closely with people to avoid anybody from feeling confused.

But more than that, I think that this is offered to make it clear and I don't think it's that confusing if you accept the idea that if you are participating in the Citizens Election Program, if you are saying that all I'm going to spend is these small dollar donations from my constituents and a public grant and I am going to forego coordinating with other people, I'm just going to spend this and my constituents will know that I'm only representing them, then if you accept that policy it's not that confusing.

Because the law says the Supreme Court cases that say that there is unlimited independent expenditure also says they have to be wholly and totally independent.

And so all that this is doing is kind of laying out clear, bright lines for where people seem to have taken positions that are a little bit, for me counter intuitive to common sense that dad or mom can form a super PAC and be totally and wholly independent. And when we are giving away \$100,000 to somebody of the public funds, it matters a lot.

SENATOR SAMPSON (16TH): Right. I don't agree we should be doing that either but that's besides the point.

Let's talk about 5405 instead. Totally different subject and my understanding is you came to testify in opposition to 5405?

And just for the people in the room, this is the bill that says that if a campaign contribution is deemed unacceptable by SEEC, they would have to return the money back to the campaign so the treasurer can disperse it back to that person. Because the current policy is that the SEEC just keeps the money and it goes into the CEP fund.

MS. SHANNON KIEF: No.

SENATOR SAMPSON (16TH): No, that's not correct?

MS. SHANNON KIEF: No. The current policy is that we work with the treasurers throughout to help them identify what's not going to qualify. So they get assigned an election officer from the very beginning. They get a welcome better come in, talk to us. And they do.

And we work with them and we have been begging the treasurers and been really successful, especially this last time in get them to come in for a meeting with all of their contributions and we actually sit, we open up their forms, we look at their contribution cert cards, we go through everything and we say hey, this isn't going to qualify. You should fix this or refund it. Go ahead and refund it but get it out of your account before you come in for your grant.

SENATOR SAMPSON (16TH): Yeah. I want to have this conversation too but --

MS. SHANNON KIEF: Oh.

SENATOR SAMPSON (16TH): -- the question was about the policy of what happens when that is a non-qualifying contribution. What happens to it?

MS. SHANNON KIEF: When it's non-qualifying at the time that it is taken in, they can refund it. When it's non-qualifying -- or fix it. When it's non-qualifying when they report it for the first time, they can refund it or fix it. When it is non-qualifying at any point up until they file their Form 15 which is usually --

SENATOR SAMPSON (16TH): Their grant application.

MS. SHANNON KIEF: -- months after they've had the contribution they can refund it or fix it. The only time that they can't refund it is when -- after they filed their Form 15 and that's because when you come in to apply for your grant, you have to certify that the only monies in there are clean monies.

And that when we put your grant monies in, it's only going to comingle with clean monies. So they write us a buffer check. That buffer check is what's deposited into the CEF, it does not go into our operations account. It does not fund our operations in any way. It actually then will end up forming part of the grant that they get back.

But it is required to go in there and the reason is because if its left in their account, then known state contractor, known impermissible lobbyists, suspected straw contributions that we can't figure out where they came from, would all mingle with the grant monies.

SENATOR SAMPSON (16TH): I understand that. So the answer is, yes. If the application is made, the from 15 as you said, at that point you guys keep it.

MS. SHANNON KIEF: After that we keep it. Yes.

SENATOR SAMPSON (16TH): That's right. And but the thing is there is no real determination that that is clean money or not until you make it at that point.

MS. SHANNON KIEF: No, that's what I'm saying. Our elections officer --

SENATOR SAMPSON (16TH): I understand that a lot of things can happen --

MS. SHANNON KIEF: Oh, okay.

SENATOR SAMPSON (16TH): -- up until that point but my experience and the reason why this bill is here is because there are a great many candidates who end up discovering once they've made their grant application that there are donations that you guys don't accept.

So for everything that you said which is wonderful, that they can come and meet with someone and they can figure things out, it still happens that people submit grant applications, and I would say it happens to a lot of legislative candidates and maybe they're not all here testifying about it today for various reason but I know it happens to lot of people, and we are trying to come up with a solution to that.

That's why the bill is here because, you know, let me just say something to that. You say that you -- the commission works with the candidates along the way.

Well, who is the person working with the candidate? My understanding is there an election officer? Is that what you would call them? Is that the same person that is going to review and audit the actual application? Their Form 15?

MS. SHANNON KIEF: Okay. No, but our elections officers are trained and they know what is rejected and they actually see every single -- and have some of them have been with us since the beginning of the program, right.

And so for the candidates in their district, they have seen every single not yet qualified contribution that has gone out for their committees because what happens is the front line folks do the review and then they give a report to the elections officer and the elections officer reviews that, reviews the information and gets back to the candidates and tells them that.

So they know everything that doesn't qualify and why and they've seen it for years and years. We actually found it so valuable that what we have started doing was we started inviting the treasurers in to go over their own campaigns with us so part of our candidate survey at the end of last year was an invitation to come in for the treasurers.

We would pull their file, tell them everything that didn't qualify and explain why and how they could have fixed it. And that's something that a lot of treasurers have taken us up on and they've gotten the training and we find that the treasurers who do that and the treasurers that make the appointments to come in early and then go back and refund things have very few --

SENATOR SAMPSON (16TH): Right.

MS. SHANNON KIEF: -- non qualifying.

SENATOR SAMPSON (16TH): So I appreciate the, your very detailed answers. Just, forgive me, there is a lot of people that have been waiting here all day

and I don't mean to ask you to make your answers shorter but it would be very helpful because I have got a few questions I want to get to and I'm trying to ask my questions as directly as I can so I can move on to the next thing.

And I really appreciate it. Please don't take it as anything other than I'm just trying to make sure we get enough of this covered today instead of me just, you know, moving on so that we can hear the other people speak.

The point I was trying to make, though is that your election officers, that a candidate, any candidate that's running can go and review their donations so far and everything like that. That person is not the same person as an auditor and they've not been trained as an auditor and they don't even get to review a full grant application at any point. Am I correct about that?

MS. SHANNON KIEF: They've not been trained as an auditor, that's true.

SENATOR SAMPSON (16TH): Okay. So but the other parts are not? So they actually do review the grant applications?

MS. SHANNON KIEF: They review the results of the reviews, yes.

SENATOR SAMPSON (16TH): Okay. All right. I just, the thing is I have been through this process as have a number of folks that I know and generally speaking, it's a great process and the people we meet with, the election officers are very helpful and they try and safeguard, say hey by the way, you ought to fix this, as you mentioned.

But there is no guarantee that that's going to fix anything. It could be they're still can be non-qualifying contributions after the audit process, even if you've done your due diligence and met with your elections officer several times.

MS. SHANNON KIEF: There is no guarantee.

SENATOR SAMPSON (16TH): Right. Yeah. I mean, and the thing is it happens often enough so that there is a bill here based on that concern. And I know you said, one other thing that just, you keep saying comingling. I mean, we are comingling funds.

I just want to point out that the way this process works now, if someone makes a contribution to a candidate committee, and it is not qualifying with their grant application, and you guys put it in the CEP for grants, that person could essentially be giving money that is sued to fund the persons opponent that they gave the money to. That's the worst kind of comingling there is.

MS. SHANNON KIEF: That's certainly something that the candidates have expressed to us before and that's why we offer so many opportunities throughout the whole process for treasurers to come in and figure out what they can refund.

And the vast majority of treasurers do refunds most if it's important to their candidates to do so they can certainly figure out what needs to be refunded before they come in.

Usually by the time they come in, they've left it to the last minute and they want their money and that's a choice they make. And that's fine. But that's why we are doing the PAR's already now so those candidates are in a very different position, they've

had their meetings, they could have stood up and said oh my gosh, you know --

SENATOR SAMPSON (16TH): When did we start this --

MS. SHANNON KIEF: -- I want to refund all these before I --

SENATOR SAMPSON (16TH): -- pre approval thing? What year was that?

MS. SHANNON KIEF: Either 2008 or '10.

SENATOR SAMPSON (16TH): Really. And did they, does everybody get completed if they asked for a PAR?

MS. SHANNON KIEF: Everybody got completed for a PAR in every other year but last year. The -- we had more candidates than ever before which is good news, and the time for the grant application review was shortened by 40 percent in the middle of the cycle and those two things affected us greatly.

We will definitely be looking carefully for the next gubernatorial at whether we will be offering, whether we will be able to offer the pre application review on the same level for gubernatorial candidates.

What happened was there were millions and millions of dollars that we looked at and the people never made the ballot or came in for a grant.

SENATOR SAMPSON (16TH): No, I understand. I mean, and look, I know you have staffing issues and funding, I get all that. The problem is that the individual candidates, the way the process works is you're invited to try and participate as much as possible to try and prevent the problems.

But at the end of the day, the person that is actually helping you is not the person that is making that decision.

And what you have done as an agency and as a practical solution is said to everyone well, hell, look. Just get a few extra donations. And to me that's a bad policy. Okay.

That's an unacceptable policy. Especially when, if those excess monies just go into the funds to potentially fund that persons opponent as I said and you can still be told that you have non qualifying contributions without ever understanding why they were non qualifying.

SENATOR SAMPSON (16TH): That's not true. We invite the candidates in to the -- well, some candidates have come, treasurers in to find out why there were none qualifying.

We can't do it in het middle of the grant application period because our focus is on getting the money out. We want to get it out as fast as possible.

SENATOR SAMPSON (16TH): So --

MS. SHANNON KIEF: But we do offer you training.

SENATOR SAMPSON (16TH): Right. So if you have non qualifying contributions from a campaign, that candidate can go up there and you'll tell them exactly why they were non qualifying?

MS. SHANNON KIEF: Yes.

SENATOR SAMPSON (16TH): Okay.

MS. SHANNON KIEF: That went out in the candidate survey, the invitation went out --

SENATOR SAMPSON (16TH): Has that always been the policy?

MS. SHANNON KIEF: Yes. We put it in writing with the candidate survey this last time. It was actually one of the questions to both the candidate and the treasurer, would you like to come in for training? The treasurer might have. (Laughter)

SENATOR SAMPSON (16TH): Okay. All right. Well, thank you very much. I, that's all the questions I have.

Just I hope that this dialogue was helpful to you as it was to me for understanding, you know, how you see the process and you, the real problems that you have to address.

I just hope that some of what I conveyed let you know just what it's like to be on the other side of that when you're trying your absolute best to comply and really there is no way to make sure and there is just something fundamentally wrong with a system that asks you to get a few extra donations because there is no doubt some of yours will not fly.

To me that's a bad policy that needs to be changed. It speaks to some underlying problem and that there has to be some resolution when it comes to the ones that are not qualifying and just putting it in the CEB fund is not the answer.

If it doesn't qualify then it, to me it has to be returned back to the person that donated it. Unless there is a criminal activity, in which case they need to be prosecuted. I got no problem with the rule of law.

So thank you very, very much and please, everyone in the room, forgive me for taking so much time on this and that's all, Mr. Chairman, thank you.

REP. FOX (148TH): Thank you, Senator, no apology necessary, we always value your input. Any further questions or comments? Representative Winkler.

REP. WINKLER (56TH): Just one question. Can you give us a list of every reason why you might find a contribution non qualifying?

MS. SHANNON KIEF: We have a best practices and common pitfalls list. The most common is putting self-employed under employer so we actually put that language right on the contributor card. Don't put this, choose like tell us, help us.

And that I think is our biggest concern it isn't always easy and sometimes the treasurers who are most challenged and most treasurers are not that challenged.

The treasurers who are most challenged I looked last night, five, six thousand dollars they choose not fix their refunds because they find it hard but as this bill is written, I think what it does is it defeats the certification that you give at grants because it creates permission to put monies in, in violation of other provisions of this statute to put the monies back in when its returned from the buffer check and then it requires the treasurer to monitor whether they have written the check to the right person and whether that person --

REP. WINKLER (56TH): I am sorry to interrupt you.

MS. SHANNON KIEF: -- has cashed it.

REP. WINKLER (56TH): But the question was can you give me a list of every reason why you can deny a contribution being appropriate or being --

MS. SHANNON KIEF: Yes, if you would like to come in, we can go over with you the analysis that we do on a contribution.

REP. WINKLER (56TH): Can you give me a list? Can you give me a physical document that lists every reason why you can deny that a contribution is valid? That every reason why you might not count a contribution or disqualify an individual? Can you give me a list?

MS. SHANNON KIEF: We have a list that we go over. It's what our auditors use.

REP. WINKLER (56TH): Okay. Can you give it to us?

MS. SHANNON KIEF: Yes, I could give you the problems that we find with contributions. Yes.
(Laughter)

REP. WINKLER (56TH): No. Not the problems that you find. Can you give us a list of every reason why you might disqualify a contributing?

MS. SHANNON KIEF: Yes.

REP. WINKLER (56TH): Okay. Will you give it to us?

MS. SHANNON KIEF: Yes.

REP. WINKLER (56TH): Okay. So you will email it to -- could the committee clerk take this and get it to all of us? I'd appreciate it.

MS. SHANNON KIEF: Yes.

REP. WINKLER (56TH): I just want to tell you and then I'll get off, I mean, part of what you hear is

guilt because we fixed this law so that the treasurer is responsible not us.

And then we see what our treasurers go through and we feel a little guilty about it. But the bottom line is the way we perceive the process through our treasurers is completely different than what you're describing. Completely different.

I have no doubt that you are 100 percent truthful. No doubt at all. But your perceptions and what happens to our treasurers are night and day. And I'm worried about this because I support your organization completely at some political peril and I believe in what you do 100 percent.

But I see a widening gulf between the way you think it works and the way our treasurers are telling us it works. And if that gulf gets any wider, there is going to be grief and I don't want there to be grief.

So if I could just give a little bit of advice, don't discount completely our perceptions. Don't say that you're, that the vibe you give off is, vibe? The vibe you give off is no, that's not really the way it is. Well that is the way it is to us.

MS. SHANNON KIEF: I'm sorry if that's the vibe I gave off.

REP. WINKLER (56TH): Okay.

MS. SHANNON KIEF: That's not what we meant not do.

REP. WINKLER (56TH): And what it is to our treasurers, just one short story. My treasurer was in tears because things she did two years ago were disqualified and she didn't know why and she called

your office and was told we can't tell you why because you'll game the system.

And so I called and said we've got to know the rules. So she was in tears and they finally let her talk to an attorney who said well, we disqualified it because two people gave on one credit card and we felt that it was one person doing it twice.

And I said -- so I talked to the staff directly and they said well, you know, when a couple has a credit card the number is one digit different. And I said no it isn't and I showed them. No it isn't. The man and woman had the same exact number on their cards.

So there was an actual person in your organization that just was wrong. And your perception is that between the person who advises us and the person who makes the decision there is no difference. Well, there is a difference.

Training is not 100 percent. Human communication is wildly imperfect. And inside your own organization, you have communications flaws. And it's clear to treasurers that what they have to do is dependent on who they get but you think they're all the same, as if they were stamped out of -- well, anyways.

I won't -- all I'm saying is that the perceptions are so wildly different that it's going to cause trouble unless we do something to clean it up.
Thank you. Mr. Chairman.

REP. FOX (148TH): Thank you, Representative.
Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you. Thank you, for testifying. Very, very informative. I just have a quick question just for clarification.

When you were talking before about the part where you can use the grant money for child care, you mentioned they can use the money, it's described under campaigning.

And I, you weren't really sure what campaigning, the definition of campaigning was so I guess I'm just wondering would campaigning be something as simple as I'm home addressing envelopes and I need somebody to watch my kids while I'm addressing the envelopes? Would that be considered campaigning?

MS. SHANNON KIEF: If you're engaged in campaign work, then yes, you would be asked to document that and say, you know, what you were doing for your campaign and these are the house and we paid for dependent care.

REP. MASTROFRANCESCO (80TH): Okay. So yeah, because I know the question came up before where somebody, anybody can use the money just for any type of --

MS. SHANNON KIEF: Oh, no.

REP. MASTROFRANCESCO (80TH): -- for babysitting. I could say I'm addressing envelopes. I am from three to five and be out shopping or and have somebody watch my children.

I mean, technically that could happen. I was just going -- what is -- what would be in place to I guess just approve that you were campaigning? Is it just a documentation?

MS. SHANNON KIEF: I think it's the same thing that's in place for everything. We find that candidates are extremely honest and we don't have very many problems. That said, campaign whistleblower complaints are filed and we look into them.

REP. MASTROFRANCESCO (80TH): Right.

MS. SHANNON KIEF: I would guess we would become aware of it the same thing, way we become aware of every other thing like that.

REP. MASTROFRANCESCO (80TH): And I'm sure the candidates are honest but there always has to be -- we hope everybody is honest. But there always has to be some checks and balances in place. I was just curious.

Campaigning really could be I touched my phone to make a phone call so I am campaigning. It could be something as simple as that, technically making one phone call, right. I just wanted to clarify what it meant. Very, very informative, thank you very much. I appreciate it.

REP. FOX (148TH): Thank you, Representative. Further questions or comments? Senator Flexer.

SENATOR FLEXER (29TH): Thank you, Mr. Chair. Thank you for your testimony today. Thanks for being here.

I just wanted to ask on this -- well, a couple of questions. When someone is a participating candidate and they apply for a grant and they have a primary and then they also, they win the primary and they're also a candidate in the general election. They only qualify for the program once, correct?

MS. SHANNON KIEF: Yes.

SENATOR FLEXER (29TH): Okay. And the threshold that candidates have to raise for the House and the Senate this year is how much?

MS. SHANNON KIEF: 5,300 and 16,000 I believe.

SENATOR FLEXER (29TH): I'm sorry, can you say that one more time? It's not a trick, I just heard another number over here so I didn't actually hear what you --

MS. SHANNON KIEF: \$5300 and 16,000. It was adjusted by the CPI index.

SENATOR FLEXER (29TH): Okay. And then for state Senate?

MS. SHANNON KIEF: 16,000.

SENATOR FLEXER (29TH): Okay. But there is a difference this year that you guys have put in place through your declaratory ruling process I think where if someone wants to get preapproved the thresholds are actually higher?

MS. SHANNON KIEF: Oh. No, we were asking that people come -- so it's a voluntary program that we set up and so what we did was we asked people to come in with a buffer.

We said if you want to take advantage of this voluntary program, come in with enough of a buffer that you're going to, we are going to be able to qualify you for the first time through.

Our concern was and it goes to Senator Sampson's question about whether we were able to give the PAR's to people. We have got a time crunch --

SENATOR FLEXER (29TH): What's a PAR's? Sorry to interpret.

MS. SHANNON KIEF: Pre application review.

SENATOR FLEXER (29TH): Thank you.

MS. SHANNON KIEF: And so our concern was we didn't want people using it to come in multiple times because that would mean pulling the time that our staff is devoted to applications would be moved back to January and we are also trying to finish the post-election review.

So what we did was we tried to ask people to come in with enough of a buffer that if they went through it once they would be able to qualify and we wouldn't be doing it three or four times.

That's the reason for it. We'd also like to get our post-election reviews out to candidates in time that they also function as training.

SENATOR FLEXER (29TH): Okay. And so what is the amount that someone would need to have for a House campaign or a Senate campaign to start that pre approval process?

MS. SHANNON KIEF: We required the 5300 last election cycle. We required the buffer in order to come in. We sent out the same letter for the pre-approval and we had the word required instead of strongly suggest. We accepted the amount of somewhat less than the buffer but we will do a pre-approval without the entire buffer.

SENATOR FLEXER (29TH): But how much --

MS. SHANNON KIEF: But we had strongly suggested --

SENATOR FLEXER (29TH): -- is the buffer?

MS. SHANNON KIEF: -- amounts.

SENATOR FLEXER (29TH): I'm asking what the dollar amount is.

MS. SHANNON KIEF: Its 10 percent I think.

SENATOR FLEXER (29TH): So for a House candidate doing quick math, that means its 5,800 plus dollars?

MS. SHANNON KIEF: Yeah. I think we ask for 500 extra and we are concerned that the changes in the program last time mean that's not enough because now that you can accept \$270 from one contributor, one mistake can wipe out \$270.

SENATOR FLEXER (29TH): Well, that's why I think its best practice to stick with the 100 but that's --

MS. SHANNON KIEF: Yeah.

SENATOR FLEXER (29TH): -- a different subject.

MS. SHANNON KIEF: We do to.

SENATOR FLEXER (29TH): (Laughter) So okay. So in order for someone to be pre-approved, they have to raise let's just say and we won't hold you to this, someone will actually have to look at your documents to know what the dollar amount is but its \$5800 and \$17,600, correct?

And anything that is above the original 16,000 or 5300 goes into that pool of money that goes to the Citizens Election Fund, not to the campaign, correct?

MS. SHANNON KIEF: Right. At the end of the review, we tell you where you stand and we ask you to write your buffer check to get that money out of there so

you know that everything else in there is what you have to spend.

Our experience with treasurers is that unfortunately a lot of them are relying on their bank accounts to tell what they have left to spend. And so when there is extra money in there, you get expenditure limit violations.

SENATOR FLEXER (29TH): So but again, that extra, those buffers, the 500 and the 1600 will go to the Citizen's Election Fund and not towards the candidate committee and the expenditures that the candidates can make from their funds raised and the Citizens Election Fund grants that they would be eligible for if approved?

MS. SHANNON KIEF: If you refund monies between us saying you're prequalified and when you come in, then we will have to re-review your grants which we of course would do. None of this is statutory, its voluntary on our part. And so there is no requirement that you write that check.

Generally speaking, the treasurers that come in are more than willing to participate in it in order to know that they have the assurance that on the very first day that grants are available, they're going to be on that agenda, they're going to sail through and within two days they'll have their money. So they're happy to do that to participate in the voluntary program.

Now if somebody came in with a smaller buffer and ended up being told you have all these that you need to fix, we changed our program this year. Last year we said you can't come back in, you've got one shot.

This year we said you can come in with your fixes. So the people who came in in February are getting feedback and they can fix and bring those fixes back in and we will continue to work with them until we can prequalify them

SENATOR FLEXER (29TH): Okay. So go to back to the analogy before about the child or the dependent care proposal and that being compared to travel expenses. Right now under the existing statutes and regulations, is there a limit on travel expenses?

MS. SHANNON KIEF: Is there a limit on travel expenses? Yes.

SENATOR FLEXER (29TH): So for example, okay. What is that limit?

MS. SHANNON KIEF: When you put in for reimbursement it has to be within the IRS mileage.

SENATOR FLEXER (29TH): Okay. But a Senate candidate could spend more than \$16,000 on travel.

MS. SHANNON KIEF: Yes.

SENATOR FLEXER (29TH): And a House candidate could spend more than \$5300 on travel?

MS. SHANNON KIEF: Yes.

SENATOR FLEXER (29TH): But this proposal would limit the coverage for dependent care to \$5300 and \$17,000.

MS. SHANNON KIEF: This is a proposal and that's why we would not do this in a declaratory ruling. We feel that this is truly something that the legislature needs to discuss and decide.

SENATOR FLEXER (29TH): Is there any other campaign expenditure that's subject to this kind of limit?

MS. SHANNON KIEF: There is many that are subject to limits, gifts, meals, but the 5,000 cap I don't think so as far as that goes. I don't think so.

SENATOR FLEXER (29TH): And if someone were running for office, and they had both a primary and a general election which I think we can all agree even though sometimes in this building we think of primaries as being mostly for people in party dominate districts, that's not always the case especially if you're running for an open seat.

Someone would be limited to the same amount of money for a primary and a general election with this childcare proposal.

MS. SHANNON KIEF: That's why you asked about the qualifying.

SENATOR FLEXER (29TH): Yeah.

MS. SHANNON KIEF: Yes. Yes. And that might not be appropriate. Maybe the limit should be higher.

SENATOR FLEXER (29TH): Okay. Okay. Thank you.

MS. SHANNON KIEF: Or maybe here should be no limit. That's entirely up to you.

SENATOR FLEXER (29TH): Well, again, if there is no other expense that has to have a limit on it, I'm just trying to understand why this one would.

MS. SHANNON KIEF: Well, there are limits for meals and for travel and they're established in different ways. You could limit how much you could pay an hour or you could limit, you know, there is a lot of things to do.

We, when we circulated it originally, we had put in this is a thing to think about. And then the other bill came out and we just thought oh, people have thought about it and put it in ours.

SENATOR FLEXER (29TH): Okay.

MS. SHANNON KIEF: That's where that came from.

SENATOR FLEXER (29TH): Okay.

MS. SHANNON KIEF: And the reason we chose to put it in ours is the way that its drafted in the other bill is problematic and really unclear and so we redrafted it so that you, we could show the language that showed when it started to accrue because we weren't sure how it was drafted we would apply it.

SENATOR FLEXER (29TH): Okay. Okay. Thank you very much, I appreciate your answers and your testimony. Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Senator Flexer. Any further questions or comments? Thank you for your time and testimony today. Appreciate you being here. Have a nice weekend.

MS. SHANNON KIEF: Thank you. I think. (Laughter)

REP. FOX (148TH): Up next Kate Hamilton followed by Commissioner Hulbert.

MS. KATE HAMILTON: Madame Chair Flexer, Mr. Chairman Fox and members of the committee, my name is Kate Hamilton. I am a law student at Yale's Peter Gruber Rule of Law Clinic.

The clinic represents the Connecticut State Conference for the NAACP. The Connecticut State Conference supports bill 368. We are here today to urge you to support this important legislation.

Connecticut chooses to draw its legislative maps by counting incarcerated people as residents of the districts where the state has chosen to locate its prisons, rather than the communities they call home.

This practice, prison gerrymandering unfairly robs urban communities of political power and denies black and brown and -- voters the constitutional guarantee of one person one vote. It is also inconsistent with Connecticut's state law.

Seven states have recognized that prison gerrymandering undermines democratic values and passed legislation ending the practiced. With your leadership, Connecticut can and must become the eighth.

Redistricting happens only every 10 years and 2021 is the next year. Ending prison gerrymandering is necessary to provide all Connecticut voters with equal political representation. People incarcerated in Connecticut disproportionately have permanent homes in the state's largest cities but the state incarcerates them primarily in rural towns.

This takes political power away from incarcerated peoples communities. For example a New Haven residents vote for state offices in the 2020 election will count for only 85 percent of the vote of a resident of Enfield.

Counting incarcerated persons in prison districts exacerbates the effects of mass incarceration that negatively affect communities of color. Connecticut's prison population is largely African American and Latino.

Simply put, the practice of prison gerrymandering inflates the political voices of residents in rural

white communities by forcibly moving and counting the bodies of incarcerated people of color in a place they have not chosen to live.

Redistricting that discriminates against urban residents in favor of some rural residents is precisely the type of practice the Supreme Court has found to be unconstitutional.

And indeed, Connecticut's practice of prison gerrymandering may be declared unconstitutional if the legislature fails to act. Voting rights lawsuits challenging this practice are pending in two states including here in Connecticut.

I last want to emphasize that this bill will not affect town revenue streams. The legislation mandates only one thing. Corrected data must be used for legislative apportionment.

For as long a Connecticut use prison gerrymandering to draw legislative districts, we will treat urban voters as lesser voices. The time is now to end prison gerrymandering and restore fair elections to the Constitutional State by passing raised Senate Bill 358. Thank you.

REP. FOX (148TH): Thank you, Ms. Hamilton. Any questions or comments? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, and thank you for your testimony. Would you mind describing for us the lawsuit that's currently ongoing against the state of Connecticut and what progress was stated then and what the progress have been?

MS. KATE HAMILTON: Certainly. There is a pending lawsuit brought by the NAACP state conference represented by the Peter Gruber Rule of Law Clinic.

It's NAACP v. Merrill in the second circuit and it is currently in discovery challenging Connecticut's legislative map for violating the 14th amendment, constitutional guarantee of one person one vote and that lawsuit is in discovery right now with a deadline of end of March.

REP. BLUMENTHAL (147TH): Okay. So it's costing the state a lot in terms of attorney time and legal fees I'm assuming then right?

MS. KATE HAMILTON: It is and one way to get out of that pretty quickly would be to move this bill forward I would say.

REP. BLUMENTHAL (147TH): And tell me a bit more about what it means that we are now in the discovery phase of this lawsuit? What judgments have been made by the courts so far?

MS. KATE HAMILTON: The -- what that means is that the court has decided that the lawsuit is enough of a substantial case to go forward and it has survived the sort of initial round of vetting and that means that the court has determined that the resources are -- that its sufficiently a question that the resources are there to investigate the practice.

REP. BLUMENTHAL (147TH): And would you agree that it means that the court has decided that the claims on their face are legally cognizable at this point?

MS. KATE HAMILTON: Yes, that's correct.

REP. BLUMENTHAL (147TH): And if evidence is found that in fact people's votes are not being counted equally that we may lose this lawsuit as a state?

MS. KATE HAMILTON: Yes. And in fact it's not the only lawsuit challenging the practice in the country right now. There is another one I believe in Pennsylvania.

REP. BLUMENTHAL (147TH): Okay. Well, thank you for your testimony. I just wanted to congratulate you on doing a great job.

I actually got my first experience with the General Assembly in the same place you are, in a different committee, but working the clinic for the same professor so I don't know how my colleagues feel about how that went for them but we appreciate your testimony and your work here today.

MS. KATE HAMILTON: Thank you.

REP. FOX (148TH): Further questions or comments?
Representative Winkler.

REP. WINKLER (56TH): Could you go over that 85 percent figure concerning Enfield again?

MS. KATE HAMILTON: Certainly. And I can flesh it out a little bit too if that would be helpful. So the figure the we have is that a New Haven residents vote for state office is about 85 percent of the vote of a resident of Enfield.

And I can, if you don't mind I'll just pull that out really quick. So in Connecticut House District 265 which is Somers, 59 which is Enfield and 106, New Town -- oh, I'm sorry, this is the wrong statistic.

Ah, here we go. So for every 85 districts -- residents of House District 59, which encompasses Enfield and East Windsor, there are more than 100 residents in New Havens District 97.

So in practice, that means that a resident of District 97 has to work about 15 percent harder to make her voices heard in state politics than a resident of District 59.

And that could also be said to that -- it's -- that is where we get the 85 percent figure.

REP. WINKLER (56TH): Does that take into account both the addition to Enfield and the subtraction from say New Haven?

MS. KATE HAMILTON: It does.

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

REP. FOX (148TH): Anything further for Ms. Hamilton? Senator Flexer.

SENATOR FLEXER (29TH): Thank you, Mr. Chair. Good afternoon, thank you for your testimony. Do you have that data for every district?

MS. KATE HAMILTON: Not in front of me.

SENATOR FLEXER (29TH): I'd just be curious. I represent a community that has a department of corrections facility and I'd be curious to know whose voice I'm --

MS. KATE HAMILTON: Taking?

SENATOR FLEXER (29TH): I don't know if that's the right way to say it but I'd be very curious. Ours is a small institution but I'd be curious to know.

MS. KATE HAMILTON: Yeah, okay.

SENATOR FLEXER (29TH): Thank you. Thank you for your advocacy. Thank you, Mr. Cahir.

REP. FOX (148TH): Representative Haddad.

REP. HADDAD (54TH): I think the analysis is very interesting. And my district, it just, I wonder if this factors into it. I wonder if, you know, my district when we did redistricting last, I had 23,000 people in my district.

I think 955 of them were prisoners who were located in my district at the time. After the census and before redistricting actually got initiated, and certainly before it was completed, that prison closed. By the time we actually completed the redistricting, those folks weren't even in my community anymore.

And so I think it's interesting because it's not just shifts in population, we understand shifts in population can always occur and they occur after a census taking but in this instance we have with prisons openings and closings, we have potential for very dramatic changes in the census on short notice and without obviously the consent of the people who are in the prison.

And so I don't know if I have a question here except I wonder if that impacts the thinking around, you know, where, how we should be counting and where they -- where the appropriate places that they should be counted.

MS. KATE HAMILTON: I, may I answer or? I think that it does. I think that if you look at the data the -- I think it illustrates a point which is that the people who are incarcerated in facilities in

various communities are not really members of those communities.

Those are not the communities that they are going back to. Those are not the communities that they demographically reflect. And for the most part, those are not the Representatives that they contact if they have constituent issues.

For example, you know, if you were incarcerated at Willard Cybulski, you probably and you were from New Haven, you would contact Gary Winfield. You probably wouldn't contact Senator Kissel about that if you were to have an issue.

And so I think that these quick shifts in populations really illustrate the point that people are rooted in the communities that they call home and that's where their families are and that's where their kids go to school and that's where their moms drive on the road and that's really where they should be counted as well.

REP. HADDAD (54TH): Thank you for the response and I think that response is actually very consistent with my experience representing a community with a prison in it for the time that it was open prior to redistricting. But thank you very much for your response.

REP. FOX (148TH): Thank you, Representative. Anything further? Senator Flexer.

SENATOR FLEXER (29TH): Thank you, Mr. Chair, for your indulgence. Are you a student?

MS. KATE HAMILTON: I am.

SENATOR FLEXER (29TH): And do you, where do you choose to live

MS. KATE HAMILTON: I am a resident of New Haven and I vote in New Haven.

SENATOR FLEXER (29TH): Because -- and you attend Yale University?

MS. KATE HAMILTON: I do.

SENATOR FLEXER (29TH): Okay. And you made a choice to live in that community and go to school there.

MS. KATE HAMILTON: That's correct.

SENATOR FLEXER (29TH): I ask the question because when we've debated this proposal in the past, a lot has been made about how was this different than college students.

And I represent more college students than any other member of the General Assembly, particularly students who are housed at Eastern Connecticut State University and the University of Connecticut.

And I just thought I would ask, I know what my feelings are when that comparison is made and I thought I would ask yours.

MS. KATE HAMILTON: It's interesting and, you know, I'm a first year law student so still learning about these concepts that there is a concept of domicile and where you're domiciled is really dictated by where you intend to return to.

And so for me right now, I live in New Haven. I pay rent there. That's where I call home, that's, you know, where my driver's license says I live.

Whereas when I was in college, I really planned to go back to where I grew up and that was where I was domiciled at that point. That was my community and

that was where I felt comfortable making political decisions that affected it.

So I think this idea of this intent to go back to a place really would dictate for me where to count college students versus where to count people who are incarcerated too.

SENATOR FLEXER (29TH): But you had a choice, right.

MS. KATE HAMILTON: I did, yes.

SENATOR FLEXER (29TH): Its, if your college town which you chose suddenly started to feel like home if you will, whatever that means to a person, perhaps that would have been your choice.

MS. KATE HAMILTON: Yes. If that was my intended community, yes.

SENATOR FLEXER (29TH): Okay. Thank you. Thank you again, Mr. Chair.

REP. FOX (148TH): Anything further? Representative McCarthy Vahey.

REP. MCCARTHY VAHEY (133RD): Thank you, Mr. Chair. And thank you for your very clear and insightful testimony.

I noticed in your written testimony you said that seven states including Maryland and New York have done away with prison gerrymandering and you also mentioned Pennsylvania, that you believe that there is a lawsuit there as well.

And I wondered if you could give us a little bit more comparison to where some of the other states are in terms of looking at this issue and there, where they stand currently.

MS. KATE HAMILTON: Certainly. And we have actually seen a lot of movement on this even just in the past year, I think. Colorado and Virginia are poised to pass this legislation as well so that we are seeing a lot of movement in this direction.

But the states that have ended prison gerrymandering legislatively are Maryland, New York, California, Delaware, Nevada, New Jersey and Washington State.

And those are places where they made the decision sort of looking at population that to comply with the constitutional guarantee of one person one vote people really needed to be counted in the communities that they called home.

REP. MCCARTHY VAHEY (133RD): Thank you for that. And if I may, Mr. Chairman, just another question. In terms of your testimony you mentioned that it would not, this bill would not impact economic or fiscal decisions.

And we had a version of this bill last year where we had folks testifying in opposition based on the concern that there would be an impact in terms of funding to communities.

In your experience of working on this legislation, what are some of the other natures of the opposition that you have come across or that you talked to people about? Reasons why they would be potentially against this legislation?

MS. KATE HAMILTON: I would say that you've raised the primary issue which is that there is a perception that this would possibly affect funding down the line.

And our response to that and the response of Senator Flexer's legislation to that is that the purpose of this bill is very clear and it's also very limited.

You can read right in it that the purpose of the new data shall be the basis for determining assembly and senatorial districts as well as municipal voting districts. It's not for use with funding formulas. It's not going to affect revenue streams.

And there's this idea somehow that it's a slippery slope that, you know, it's not going to maybe affect it hits year but maybe at some point in the future it will.

And to that, I'd sort of say that this is something that Senator -- that Attorney General Tong said this morning. In the legislature, you're asked to draw lines all the time and we are asking you to draw a line here to have a up or down, yes or no vote on whether to count incarcerated people in their home communities. It's nothing more than that. It's really just related to redistricting.

REP. MCCARTHY VAHEY (133RD): Thank you so much for your answers and for your work on this important issue. I'm really appreciated. Thank you, Mr. Chair.

REP. FOX (148TH): Anything further? Thank you for your testimony. Good luck in school.

MS. KATE HAMILTON: Thank you. I'll need it.

REP. FOX (148TH): No you won't, you'll be fine.
(Laughter) Next Commissioner Hulbert followed by Laura Smits followed by Michael Freeman. Good afternoon, Commissioner, good to see you.

COMMISSIONER BRIAN HULBERT: Good afternoon. Good to see all of you. I am here to testifying opposing House Bill 5411, AN ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD.

Senator Flexer, Representative Fox, Senator Sampson, Representative France and honorable members of the Government Administration Elections Committee, thank you for the opportunity to testify on H.B. 5411.

My name is Brian Hulbert and I'm the commissioner of the Department of Agriculture. H.B. 5411 would expand the purview of the state properties review board to include the approval of the Community Farms Preservation program applications, an approval process the board does not already currently have by statute.

For background, the department has submitted community farms applications in the past for their review.

The department regularly submits applications to the SPRB for approval of farmland preservation applications. So far in fiscal year 2020, the department has protected seven farms totaling 800 acres across the state.

For the calendar year of 2019, we were only able to protect eight farms, excuse me, which was down from 15 in 2018.

The current process requiring the SPRB has created unnecessary delays and a significant backlog in our ability to preserve farm across the state. Extending their approval authority to the CFBP would further delay the completion of those community farms transactions and our, and impede our ability to preserve additional farms.

In order to fund farmland preservation transactions, the department has been able to extend our state investment through better leveraging of federal and partner and contributions.

To date in fiscal year '20, the state share of these investments has been 47 percent of the total investment with USCA providing a remaining 53 percent of the purchase price. This investment from the USGA comes with the requirements of the federal program, including review and acceptance of the value and designation of soils, the appraisals, and restrictions on future buildings.

If a project does not meet USDA thresholds it cannot move forward in the process. In the 2015 final revised report from subcommittee on PDR program best practices memo from the Farmland Preservation Advisory Board, the memo includes the following statements on the State Properties Review Board current authority on the Farmland Preservation Program.

And I'm quoting the memo here. The review by SPRB is of questionable benefit for the state. Given the amount of scrutiny provided by the department staff and its management of deals and through the multiple reviews by the attorney general's office.

Notably the SPRB review is not required for the acquisition of conservation easements through the states open space watershed land acquisition grant program administered by the Department of Energy and Environmental Protection.

In summary, the department does not feel that it is the best interest to expand the approval authority of the State Properties Review Board.

Thank you for the opportunity on this bill and I understand that a member of the State Properties Review Board was here earlier today answering questions. I'd be happy to answer questions and listen to comments from members of the committee.

REP. FOX (148TH): Thank you, Commissioner. Any comments or question for Commissioner Hulbert? I have a few questions if I may, Commissioner.

COMMISSIONER BRIAN HULBERT: Please.

REP. FOX (148TH): How many acres of farmland are there in the state of Connecticut?

COMMISSIONER BRIAN HULBERT: There is just about 400,000 acres of working farmlands in Connecticut.

REP. FOX (148TH): And has that decreased over the past few years?

COMMISSIONER BRIAN HULBERT: That has decreased as suburban pressure has moved out and as we have seen the economy come back I think we will see a lot more real estate pressure moving to our outlying suburbs where, you know, the next layer of farms currently are.

And so the impact of this program allows us to reach those farms and the community farms program is for those smaller farms that are closer to, you know, larger metro areas and don't have the wide expanses or, you know, of hundreds of acres. These are generally 30 acre farms.

So as we lose, you know, land in the state to suburban development, these are the next farms in that outer ring that would be under pressure.

REP. FOX (148TH): When was the community program being? When was that initiated?

COMMISSIONER BRIAN HULBERT: I believe it was in 2011.

REP. FOX (148TH): Was it, okay. Okay. A quick question if I can clarify your testimony. Paragraph three of your testimony states then 2020 so far the department has protected seven farms. So that's roughly three months, two, three months but --

COMMISSIONER BRIAN HULBERT: FY '20.

REP. FOX (148TH): Oh, okay. Yeah, sure. Okay. And so I guess there's a for the counting of 2019 you would only put eight farms?

COMMISSIONER BRIAN HULBERT: Yes.

REP. FOX (148TH): So without asking you to repeat your testimony, is there a reason for that?

COMMISSIONER BRIAN HULBERT: We have seen a significant delay in the review process. I know the board presented testimony that they're approving projects within 20 or 24 days.

I think it was very important the way that the staff determined how they calculate that. It is not from the initial submission from the Department of Agriculture to the SPRB that takes 20 to 24 days for approval.

It's after they review it, sometimes multiple times at meetings, suspend the application, develop applications to send back to us. We can take a month or two sometimes to respond to those questions.

It's only when they feel that the questions have been submitted to their, you know, content that they start the clock as to when the project will be approved.

And FY '20 we have had two projects, one took 287 days and the other one took 200 days. And so it would be hard for that 20 or 24, whatever the number was calculation to average out given the number of projects that have been approved at this point.

The other piece that I'd like to mention is there was a 940-ish day calculation that the SPRB approval process does not delay that.

I have concerns and wonder where that number came from. That's generally not what we have been experiencing in the past five or six years. But if you look at the 40 year history of the Farmland Preservation Program, originally each farm had to go through the application process, the approval process, and then had to have a, its allocation approved at the State Bond Commission.

And that could take a significant time for the bond commission to approve the project. I think that's where that number gets, you know, most of its amount.

We are seeing projects close within an average about three years from the time the farmer submits the application, voluntarily submits the application, to the time we're closing on the farm. And we'd like to keep it within that timeframe.

REP. FOX (148TH): Thank you. Any further questions or comments for the Commission? Thank you for being here and appreciate your testimony.

COMMISSIONER BRIAN HULBERT: Thank you very much.

REP. FOX (148TH): Good seeing you. Up next Laura Smits followed by Michael Freeman followed by Akia Callum. Good afternoon.

MS. LAURA SMITS: Good afternoon. Thank you --

REP. FOX (148TH): Please turn your microphone on, ma'am. Turn your microphone on. Hit the button. Thank you. Nope, in front of you, there you go.

MS. LAURA SMITS: Got it. Thank you. My name is Laura Smits. I am from the League of Women Voters. I'm the vice president of voter services. I'm also a former register our voters and I'm here on behalf of the league to support SB 368, concerning the counting of incarcerated persons for purposes of determining legislative districts.

The League of Women Voters supports S.B. 368, a bill which would end the practice of enumerating incarcerated persons in the town where the prison is located rather than there in home communities. This practice is known as prison based gerrymandering.

Our support is located within two long standing positions held by the League of Women Voters, our position on apportionment which holds that congressional districts should be based on population.

And our support for voting rights which recognizes that a reapportionment should not dilute effective representation of minority citizens.

Currently in Connecticut, inmates are counted as residents in the district where the prison is located rather than their home addresses. In this year of this decennial census, the League as well as

state officials are emphasizing a complete count, particularly for communities of color.

However, the current practice creates a structural and systemic undercount for those communities which will affect them with respect to political representation and to services and funds allocated on the base of the population.

In testimony last year, on H.B. 5611, legal experts from the Rule of Law Clinic of Yale University and the Prison Policy Initiative of neighboring Massachusetts, outlined the legal arguments rooted both in Connecticut state law and the U.S. constitution against counting inmates in the town where the prison is located, rather than their home jurisdictions.

We find several arguments from the legal expert's testimony particularly compelling. One, Connecticut law says that residents will not be deemed to have lost residence in any town by reason of absence therefrom in any institution maintained by the state. State statute Section 914.

This fact is underscored by the practice of upon a prisoner's release the Secretary of State informs the registrar of voters of the released persons home community regarding restoration of voting rights. The SDS does not notify the registrar of the town in which the prison is located.

Second, the constitution requires states to make their legislative district equal in size on a population basis in order to create quality of representation.

This is the one person one vote principle. Deviations of greater than 10 percent have been

deemed presumptively illegal. When districts are modeled with incarcerated persons attributed to their home communities, the result is nine Connecticut House districts that trigger that numerical threshold and thus legal our experts argue are unconstitutional.

In summary, the League of Women Voters of Connecticut supports the practice of enumerating inmates in their home communities rather than in the community where the prison is located.

We urge the General Assembly to join other states including neighboring New York which have passed legislation to end this prison based gerrymandering. The time for action is now.

Finally, it is simply fair and just that the home communities of the formerly incarcerated, the communities to which many will return and live receive the political representation and resource allocations that align with their true population base. Thank you for this opportunity.

REP. FOX (148TH): Thank you, Ms. Smits. Is there any questions or comments? Thank you for being here today, appreciate your, the leagues advocacy.

MS. LAURA SMITS: Thank you very much.

REP. FOX (148TH): Thank you very much. Michael Freeman. I don't see him. Akai Callum followed by Gary Monk followed by Kelly Moore. Good afternoon.

MS. AKIA CALLUM: Hi, I'm so sorry. Give me two seconds.

REP. FOX (148TH): Not a problem, take your time.

MS. AKIA CALLUM: I thought Michael was going to be here. Okay. Well, good afternoon. My name is Akia S. Callum, the proud president of the Connecticut State Conference NAACP Youth and College Division with 11 units in over 500 active members across the small but mighty state of Connecticut.

I also serve as chair for national initiatives of the NAACP national youth workers community. It is time for Connecticut to acknowledge our history of being a slave state and how this, those racist tactics still cripple black and brown communities centuries later.

Prison gerrymandering harms both incarcerated people and residents of those, of the communities from which they have resided in and most likely will return to.

We (inaudible - 05:56:10) about how this can affect directly and indirectly mothers, fathers, aunties, uncles, sisters, bothers, children, entire families.

The districts which benefit from prison gerrymandering where most state prisons are located are overwhelmingly white like Enfield, Connecticut where black and Latinx identifiers make up roughly 13 percent and the remainder of the district being populated with identifiers at 80 percent or more.

For the districts hurt by prison gerrymandering are in urban and predominantly African American or Latinx communities. Cities like Hartford, our state capital, Bridgeport, Waterbury and my home neighborhood of New Haven.

When talking about correctional facilities like Robinson, located in Enfield where 72.74 percent of the people that are incarcerated are black and

brown, unfairly insulating the population and the local power of districts in which prisons are located at the expense of districts containing incarcerated people's homes communities.

Connecticut has the fifth largest rate of incarcerated black men in the country. Despite comprising about -- comprising only about a quarter of the state's overall population, African American and Latinos in Connecticut prisons outnumber incarcerated whites two to one.

For far too long, law makers have manipulated the floating power of our district creating unfair advantages for their own political gains. No longer can we allow this puppeteering of our electoral process and now more than ever you must take action.

Voting right lawsuits challenging the practice are pending in two states, Connecticut included and Pennsylvania. And seven states have recognized the ways that prison gerrymandering undermines democratic value and has passed legislation and end this practice and we could be the eights.

I hope that in 2020, the year of the census, our elected officials are able to support legislation to ensure that every vote in Connecticut counts equally.

I stand in support of, on behalf of the Connecticut state conference, NAACP, Youth and College Division of SB 358, AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS.

Not only because this issue spans beyond criminal justice reform, it affects living engagement,

health, environmental justice, economic sustainability and education.

This is public health issue and we will continue to fight -- be at the forefront to ensure that this practice is put away and that legislative maps adopted after the next round of redistricting in 2021 would justly reflect the actual populations in various parts of the state. Thank you.

REP. FOX (148TH): Thank you very much. Any questions or comments? Can you just tell me a bit about your role in the organization?

MS. AKIA CALLUM: In the organization?

REP. FOX (148TH): Yeah.

MS. AKIA CALLUM: As the president?

REP. FOX (148TH): Yeah.

MS. AKIA CALLUM: So I oversee 11 different units. So we comprise of -- so the national level, the regional level, we also have a state level and then you have the local level.

So the state level is rolled up into two so the president (inaudible - 05:59:14) who many of you guys may know, he serves for the adult branches and then for the youth and college division I serve for the high school chapters, the college chapters and the youth counsels.

REP. FOX (148TH): How long have you been in this role?

MS. AKIA CALLUM: I have been in this role now a year.

REP. FOX (148TH): Well, thank you for your service.

MS. AKIA CALLUM: Thank you. Further questions or comments? Representative McCarthy Vahey.

REP. MCCARTHY VAHEY (133RD): Thank you, Mr. Chair. And I would just echo, it's wonderful to see you again and to see you here and I just want to echo your thanks or my thanks for using your voice for this issue and it really, it is such an important one. So thanks for being with us today.

MS. AKIA CALLUM: I appreciate that, thank you.

SENATOR FLEXER (29TH): Thank you. Gary Monk who will be followed by Kelley Moore who will be followed by Justin Farmer.

MR. GARY MONK: Madam Chair Flexer, Mr. Chairman Fox, and the members of the committee, my name is Gary Monk. I am a resident of New Haven, Connecticut and I'm a registered voter in Connecticut State House District 92.

I am also the executive director of the National Veterans Counsel for Legal Redress and a member of the NAACP Connecticut State Conference. I am here today to testify in support of raised bill number 368.

It is high time that Connecticut put an end to the unjust practice of prison gerrymandering. For me the issue is personal. For a time my nephew was incarcerated at Enfield Correctional Institution.

During his incarceration, our family supported him financially and when he was eventually released, he returned to New Haven.

Although our nephew was taken to the opposite side of the state, he still remained a part of our family and hence, a part of our community. He was not

supported by the residents living immediately outside the walls of the prison. Nor was he in contact with them. It made little sense for him to be counted there as if he was a member of that community.

My family's story is one of the many that speak to the injustice of prison gerrymandering. Overwhelmingly this injustice is inflicted on communities of color.

Connecticut has the fifth highest rate of incarcerated black men in the country. African Americans and Latinos in Connecticut prisons outnumber incarcerated whites two to one.

The emotional and financial toll of having a loved one incarcerated exacts a tremendous course on families across Connecticut, including mine.

To subsequently have our votes watered down as a result of this incarceration, is an insult to injury. It says to thousands of voters across Connecticut your voices matter less.

I alone with my bother Calvin Monk, Jr., several other individuals in the national and state conference of NAACP are the plaintiffs in the lawsuit, in a lawsuit against Connecticut state executives to end the unconstitutional practice of prison gerrymandering.

We believe the practice violates the guarantee that one person, one vote and we are taking this cause to court to show once and for all that prison gerrymandering had no place in our democracy.

With bill number 368, the Connecticut General Assembly has a chance to head off our litigation and

take an affirmative stance to vindicate the equal protection rights of residents across the state.

You are all here today, can do the right thing, right now, without waiting for the courts to order it. Throughout the country people are waking up to the injustice of prison gerrymandering.

Seven states so far have passed laws similar to the one being considered by this committee. As a result their election are fairer, their legislator are more representative and their citizens are viewed as equals in a political process.

I urge this committee to put this -- put its support behind raised bill number 368 and make this proud state the eighth to reject prison gerrymandering. Thank you for your time and consideration.

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

MR. GARY MONK: Thank you.

SENATOR FLEXER (29TH): Next is Kelly Moore followed by Justin Farmer followed by Paul Honig.

MS. KELLY MOORE: Good evening, Senator Flexer, Representative Fox, Ranking Members Sampson, goodbye, and France and distinguished members of the committee.

My name is Kelly Moore. I'm the policy counsel for the ACLU of Connecticut. I'm here to testify in supporter, like the people that just came before me, of Senate Bill 368.

The ACLU encourages the committee to add a provision guaranteeing incarcerated people the right to vote in addition to supporting this bill.

We strongly support a free and fair voting system to uphold the foundational cornerstone of our democracy, the right to vote. The current practice of counting incarcerated Connecticut residents as residents of the town where they are caged, known as prison gerrymandering, harms incarcerated individuals, dilutes the votes of the communities they come from, and disproportionately benefits communities with prisons.

Incarcerated people are hurt by prison gerrymandering in that it erases dignity and identity. Incarcerated people are not residents of the communities.

They didn't choose to be there and they can take advantage of zero facets of the community. To pretend that incarcerated people are being counted in their communities of choice as our current system does, is a fiction.

Prison gerrymandering as you have heard also harms the communities where incarcerated people come from. In Connecticut, a disproportionate number of incarcerated people are from the major cities of the state, Bridgeport, Hartford, New Haven, Waterbury, Stamford and particularly the communities of color in those cities.

Prison gerrymandering seriously harms those already vulnerable communities by making the votes of people in those districts count less than the vote of a person in a correctly counted district.

Undervaluation of votes in urban areas directly causes overvaluation of votes in municipalities with prisons. Prisons in Connecticut are overwhelming in majority white towns.

The practice of prison gerrymandering represents a direct transfer of political power from communities of color to mostly white areas.

And even though prisoners will usually be there for short periods, prison communities retain these benefits for 10 years thanks to the census cycle. I think this speaks to the point that Representative Haddad made earlier that when the prison closed, it happened very shortly after the census cycle, people weren't there.

Even in the normal course when prisons are remaining open, the average stay is about 37 months so at the time of the census, the community with the prison gets the benefit for 10 years even though people will be there for about a third of that amount of time.

I'd also like to address some questions that Senator Flexer and Representative McCarthy Vahey had been asking about before regarding what other states had been doing.

I, since you guys asked, I went and looked it up while I was sitting there and it looks like the other states have done provisions very similar to what we are doing.

So we as states do not have the ability to control how the census counts folks, so what those states have done is very similar. It has tasked their Department of Corrections with identifying the home, the permanent address and home of the people who are

incarcerated and then passes that information on to any redistricting.

So in conclusion, mass incarceration -- oh, I'm sorry, let me back up. So we encourage the committee to add to a provision to this bill to allow incarcerated people to vote.

The right to vote is a fundamental part of Americans democracy that should not be abridged lightly. Under our constitution both state and federal, prisoners contain -- retain their constitutional rights such as freedom of speech and religion. Voting should not be any different. Thank you for your time.

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

I just have one question. And thank you for the answers about the other states. Do you -- I'm just trying to think through how the debate on this is going to go since this has been debated here several times in the recent past.

And I wonder if there is any data around the length of a sentence and how many people are incarcerated for a sentence that is longer -- that guarantees to be longer than 10 years.

And so if that would impact, you know, that 10 year period that both the census count stands and the, therefore the legislative districts stand.

MS. KELLY MOORE: Right. So I know that there is some scholarship around it, I do not have it at my fingers. I'm happy to send it your way.

There is some scholarship around like what the average longest sentence is in various places so it may sort of get at that question.

The number I cited as 37 months is actually not Connecticut specific. I could not find that information although it may exist and be outside of the scope of my research skills.

So that would be a nationwide number. So it may help to drill down but definitely on longest sentences that there, that information does exist and I will get it to you.

SENATOR FLEXER (29TH): Okay, that would be great. Thank you very much.

MS. KELLY MOORE: Yeah. Sure.

SENATOR FLEXER (29TH): Again, any other questions? Seeing none, thank you again for your testimony.

MS. KELLY MOORE: Thanks.

SENATOR FLEXER (29TH): Next is Justin Farmer followed by Paul Honig followed by Steven Winter.

MR. JUSTIN FARMER: Good evening distinguished chairs, Representative Fox, Senator Flexer, other distinguished members. I am here to speak in favor of S.B. 368.

I spoke to you all last week, Friday. I am a counsel person in Hamden. Like you, I represent community members and in this case, I am --

SENATOR FLEXER (29TH): Can you just state your name?

MR. JUSTIN FARMER: Justin Farmer.

SENATOR FLEXER (29TH): Thank you.

MR. JUSTIN FARMER: Sorry. And like many of you I represent community members but in my case I am in one of these districts that is disproportionately affected by prison gerrymandering.

I often struggle with this conversation because it's as conversation of institutional racism and how it's built into our country and built into our systems. And although we are not responsible for the past, we are definitely responsible for the future.

If we do not pass this bill, we are either waiting for the courts to legislate us to tell us what to do and to do what is right and to do what we know is right but on top of that, we have potentially asked community members to wait a decade for justice.

We are asking people to wait a decade for liberation. We are asking people to wait a decade to get resources. For me, that's not something that I could do, that's not something that I can wait for.

In the last month, I have been contacted by two people who were formerly incarcerated to figure out how to expunge their records and move forward with their lives and to rebuild and add value to our community.

When I think about the resources in the sense of their voices, their bodies being tokenized, used against their own community, not being able to advocate, not being able to have the proper representation to do this work, it's not only a shame for us but its hurtful because it doesn't allow us to effectively do our jobs.

So the money allocation is something that we are not talking about but the representation part is very

pertinent. And when there is so much important work to be done and people's bodies are being taken away from that and that work is not being picked up or shepherd, it asks urban legislator and ring legislator, ring city legislators to pick up extra work.

In the last year, there has been 11 shootings in the state of Connecticut by police. In the last year, I have had two community members killed three blocks from my house. In the last year I have dealt with working with community members, struggling with addiction.

But I think about the situations of the constituents and the community members that I have that are incarcerated that are dealing with solitary confinement.

I think about my brothers who spent time in prison and the conditions that they named are the things that I come up here and advocate on their behalf because I don't want to see other people face those things.

And I think about the type of programming that has allowed them to come back into our community and to be a better, more successful part of our joint village.

So I ask you all to approve this not only because it's the right thing to do but we can't wait another decade.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. Are there question from members of the committee? Seeing one, thank you again. Next is Paul Honig followed by Steven Winter followed by Allen Davis.

MR. PAUL HONIG: Good afternoon, Senator Flexer, and distinguished members of the GAE Committee. My name is Paul Honig. I'm from Harrington, Connecticut and I'm testifying in support of House Bill 5404, AN ACT CONCERNING THE SECRETARY OF STATE AND RANK CHOICE VOTING.

I'm here as a member of Voter Choice Connecticut, a grass roots organization promoting rank choice voting in Connecticut. 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 how they believe to be the best candidate without fear of wasting their vote. And four, encourage voter participation.

Unfortunately, our current single choice plurality voting system fosters none of these attributes. And there are several examples of this from the 2018 mid-terms.

In multi candidate races, candidates can win with a plurality of votes with a vast majority of the voters preferred other candidates. For example, Bob Stefanowski won the last Republican gubernatorial primary with 29.4 percent of the votes.

Secondly, Oz Griebel was pressured to get out of the last gubernatorial race by people worried he would be a spoiler candidate.

Third, I personally thought Oz Griebel 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 mid-terms turn out in Connecticut was a paltry 66 percent. We can do better.

Fortunately there is an alternative way to structure elections that fosters all the positive attributes mentioned before. Rank choice voting.

Rank choice voting is used in dozens of municipal and local elections around the country. It is now used for congressional elections in Maine.

Surveys show that voters using rank choice voting believe that it is easy to understand and use. Other surveys show that it is very popular among voters that use it. And 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 movement.

No doubt there will be technical and legal issues to be resolved so it makes sense for the General

Assembly to create a task force to study the implementation of rank choice voting in our state.

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

REP. FRANCE (42ND): Thank you, Madam Chair. I'm looking at your testimony, we will deal with the one district in Maine where the outcome came different. Wouldn't a better way be to have run off election between the top two candidates than to use rank choice?

MR. PAUL HONIG: I think rank choice voting has the advantage of not having to go through the expense of having a runoff election. And it also has the advantage that in run-off elections you often get different sets of people voting in the first election and the second election.

In rank choice voting, you can get the same determination of which candidate is preferred by more of the electorate without the additional expense and you're asking the same people to vote. So I think there are considerable advantages to rank choice voting over run-off elections.

REP. FRANCE (42ND): Well, and I would argue the only advantage is cost and I think that's a sad state of affairs is that's why we do it because if you look at the numbers that you've presented, 8,000 voters were disenfranchised by the rank choice voting because they only chose one when they voted on the independent. Only 15,000 voters were counted of the 23,000 when they did the rank choice after they got rid of the two independent candidates.

So I would argue that that, that you're disenfranchising voters who choose only one candidate as opposed to running a run-off election and those that choose to come out to vote for that.

Is that -- so I think there is, you know, merit in having a discussion but I think there is a reason it's been used in municipal elections and I do question whether its constitutional.

Certainly we didn't fulfill that in the Maine election because the candidate that lost withdrew the case so I think there is still constitutional questions related at least to the federal level. Not sure at the state level.

It's only really been used at the municipal level and been satisfied there. So I thank you for your testimony and look forward to the debate. Thank you.

SENATOR FLEXER (29TH): Thank you. Are there any other questions or comments from members of the committee? Representative McCarthy Vahey.

REP. MCCARTHY VAHEY (133RD): Thank you, Madam Chair and I'll give credit to my colleague as we often do have conversations.

I think this is complicated from a mathematical standpoint and I think you were not saying simply that cost was a fact, the only factor, but also having the same electorate determine the results as opposed to two different groups and I think that --

MR. PAUL HONIG: As well as confidence for the voters.

REP. MCCARTHY VAHEY (133RD): Sure. And I think that it is a complicated issue and its I think why

having a task force actually as Senator Blumenthal was, excuse me, Representative Blumenthal --

REP. BLUMENTHAL (147TH): You keep demoting me.

REP. MCCARTHY VAHEY (133RD): Okay. This (laughter) Yeah. You're related to someone else who has that name, okay. Yeah.

So I think as Representative Blumenthal, thank you, and I were talking about, it does make the argument for having a task force to be able to work through some of these issues and talk it out and understand it. So thank you for being here today.

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

MR. PAUL HONIG: Thank you.

SENATOR FLEXER (29TH): Next is Steven Winter followed by Allen Davis followed by Deborah Stevenson.

MR. STEVEN WINTER: Thank you, Senator Flexer, Ranking Member France and members of the committee. I am here to support S.B. 368, S.B. 365 and H.B. 5404.

I represent New Havens 21st Ward which covers part of Dixwell and Newhallville where many families, my neighbors have or have had incarcerated family members.

And I have to say that I find this issue to be the most morally offensive issue that I have encountered at the state capital and I urge you to rectify it ahead of the next census and redistricting.

Somebody mentioned it really is Connecticut's version of the three fifths clause which originated with Roger Sherman here in Connecticut so let's rectify this incredible injustice and stop punishing the families and communities incarcerated people while enhancing those of their white prison hosting communities.

S.B. 365, this seems like a logical change to a long and complicated process where voters have to complete every step perfectly to obtain and submit an absentee ballot in time for it to be counted on Election Day.

And then finally rank choice voting, this is a better way to cast our ballots. It empowers voters to choose the candidates that they prefer, it enables parties to have a better consensus building mechanism and it curbs negative campaigning.

The recent presidential primaries show us that how we cast our votes matters. We have seen issues in the caucus process. We have seen early votes wasted on candidates who drop out.

If you look at the last two presidential primaries, you can see that the actually the real value of rank choice voting lies in helping determine which candidate best represents the consensus of the electorate in an election with many candidates, particularly primaries.

In the aftermath of Super Tuesday, although the map looks like it's all blue for one candidate or green for another, only three states have had a majority won by one candidate.

In 2016 and 2020, both candidates after Super Tuesday had captured just 35 percent of the vote.

As other candidates drop out, this tells us only that a little bit more than one third of voters choose that candidate as their first choice.

This problem of vote splitting here occurs here in Connecticut too. We saw it in the Republican primary for governor in 2018. We saw it in the 17th Senate District Democratic primary in 2018 as well where the winner only had 38 percent of the vote.

Finally, a study is a really good thing for this issue. There is the issue of fusion voting. There is the issue of our voting machines and election administration and how they would handle rank choice voting and then there is legal questions about, you know, could a municipality now choose to do rank choice voting? What would need to change constitutionally or statutorily in order to enable rank choice voting?

And I think the last thing about the bill is it's good to have the Secretary of State leading the bill and helping us select members for the commission. I think that will strengthen it greatly.

So the issue that was brought up earlier about disenfranchisement, any voter can choose to vote for just one candidate in rank choice voting. That's, and the example you gave there were -- can I continue?

SENATOR FLEXER (29TH): You got 15 seconds.

MR. STEVEN WINTER: Sure. In the example you gave somebody just simply chose I want to vote for this third party candidate and I don't want to cast my vote for either of the other two. That's fine. They can do that.

SENATOR FLEXER (29TH): That was less than 15 seconds.

MR. STEVEN WINTER: All right.

SENATOR FLEXER (29TH): Thank you very much. Representative -- thank you for your testimony. Representative McCarthy Vahey.

REP. MCCARTHY VAHEY (133RD): Thank you, Madam Chair, and thanks for being here with us again. It's great to see you back here.

I am just, I wanted to ask you to dive in a little bit more in terms of the less negative campaigning. And I think that's something that a lot of voters and probably lot of us might welcome.

Can you talk about why, what the theory is behind that and why you expect that that would occur with rank choice voting?

MR. STEVEN WINTER: Thanks, Representative McCarthy Vahey, that's an excellent question. It's not just a theory, we have seen this in practice in cities like Minneapolis where candidates actually campaign jointly or say hey, you know, you should really vote for Representative Blumenthal but in the case that, you know, he -- you should put me second if you've already decided to vote for him.

So, you know, I think if you use the example of the 2020 Democratic presidential primary, a lot of people at least in theory think that, you know, there is some overlap between Warren and Sanders voters and yet we saw as those two candidates went after one another and tore each other down, in a rank choice primary, Elizabeth Warren, Senator Warren could have said, you know, you may feel

really strongly that Bernie is your first choice but, you know, we, you know, she might say look at the last couple elections, he has only won 22 or 25 percent of the vote.

I am the candidate here could really build consensus and I have, you know, I have significant policy overlap with him so put me number two. Rather than going after one another for the same vote in a more negative sense.

REP. MCCARTHY VAHEY (133RD): If I may, Madam Chair, just to follow up. So you said that you saw this in Minnesota that this was the result. So how are you measuring that though in terms of being able to say that we saw less?

Are you talking about that kind of ads, what campaign speeches? I mean, I'm just curious what the measurement there would be.

MR. STEVEN WINTER: Yeah, I mean, we see it in campaign events and in statements that candidates are making publicly and in, I don't think I have ever heard of candidates campaigning jointly like that in any other election where they're going after one seat.

And then we also see it in surveys of voter satisfaction when they ask voters how do you perceive the electoral process around a rank choice election.

So we see higher levels of satisfaction among voters being able to choose the candidates they want but also in the way that campaigning is done.

And I think that part of the appeal of rank choice voting is that we see our institutions and our

democratic process under this constant threat as norms, democratic norms crumble and the tenor of civility in the democratic process is eroded.

And so this is an institutional mechanism that can allow -- it can strengthen our parties at a time when somebody can just jump into a race with \$600 million and run for president.

It's a mechanism for them to build consensus and it's also a way to try to shift the conversation back to the issues and back to the character of the candidates rather than mudslinging and innuendo.

REP. MCCARTHY VAHEY (133RD): Thank you. And I could ask a lot of other questions, I won't but again, the questions it again suggests that having a study would give us an opportunity to dive further into some of those questions.

I certainly talked with people in other places in the country about this and I think there is a lot of enthusiasm and questions there.

And interestingly in the conversations when I'm talking to folks it's not a partisan thing too, the conversation and the questions have been from both sides of the aisle so I do look forward to this, hope we can pass this legislation and thank you for being here. Thank you, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Representative. Are there other questions or comments from members of the committee? Seeing none I just have one quick question.

In that conversation with Representative McCarthy Vahey, you mentioned Minneapolis. Did Minneapolis

face voters get to vote in a rank choice manner in the presidential primary on Tuesday?

MR. STEVEN WINTER: No, that example has to do with their city council election. So they have --

SENATOR FLEXER (29TH): So they have it for city council but not any other --

MR. STEVEN WINTER: -- yes. But Alaska, Kansas and Wyoming all will do rank choice presidential voting in the Democratic primary for president this year.

SENATOR FLEXER (29TH): Have any of them voted yet? I don't think so, right.

MR. STEVEN WINTER: No. It's unfortunate.

SENATOR FLEXER (29TH): It's too bad because it would have been interesting --

MR. STEVEN WINTER: It would have been --

SENATOR FLEXER (29TH): -- to see because I have heard a lot about where Warren voters go and I'm still trying to figure that out myself. (Laughter)

MR. STEVEN WINTER: There was some -- I'm also keen on that but there was some in early voting in Nevada they essentially did rank, they did, if you were voting earlier they had a sort of expanded early voting of their primary and they --

SENATOR FLEXER (29TH): Yeah, a caucus which is very undemocratic.

MR. STEVEN WINTER: Yeah. Yes. But they tried, they're trying to, you can see them almost trying to go to rank choice voting. They were trying to extend the caucus process since it is so democratic

and allowing people in this really rural state to participate in it.

And they way that they did that was they essentially made a rank choice ballot where you could say okay, you know, Elizabeth Warren is my number one, Bernie is my number two. So they did do that to some extent.

Unfortunately, the states that would have been most impactful are later in our primary calendar and, you know, like you said we've had candidates unfortunately drop out so.

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

MR. STEVEN WINTER: Thank you.

SENATOR FLEXER (29TH): Next is Allen Davis followed by Deborah Stevenson followed by Gwen Samuels.

MR. ALLEN DAVIS: Hi. Chairs and distinguished members of the committee, my name is Allen Davis. I live in New Haven, Connecticut and I am a member of the steering committee for Voter Choice Connecticut. I'm pleased to see the committee is taking up many important election related issues this session but today I'd like to focus my support on House Bill 5404 whose objective is to create a task force to study rank choice voting.

Our nation was founded on the belief that government derives its power from the consent of the governed, a consent we quantify through the process of voting. But does our current first has to post voting system really live up to this ideal in practice?

Ironically, under the current system candidates who enjoy the broadest combined support can easily

cannibalize each other's votes clearing the way for a less popular candidate to win an election.

We call this vote splitting and rank choice voting addresses it head on. In rank choice voting, candidates are eliminated one by one starting with the least popular and their votes are automatically transferred according to each voter's preference.

This process continues until a winner is found who has majority support. This satisfies our countries founding principles far better than our current system.

Vote splitting has not been uncommon in primaries. In the past five election cycles in Connecticut, there have been 29 primaries for state and federal office that involve three or more candidates.

In more than half of these, no candidate won a majority of votes. In about a quarter of these races, no candidate even reached 40 percent. A candidates general election chances generally increase when their party unifies behind them which can be harder without majority victory in the primary.

Rank choice voting incentivizes coalition building, intra party unity as well as broad and deep appeal to voters. These are all traits that are desirable for a party's nominee.

Finally rank choice voting addresses the so called spoiler effect. In general elections, the votes cast for their party candidates with little support are nearly always wasted because these votes don't influence the final outcome.

We hear these third party candidates dismissed as spoilers and their voters castigated as fools but these voters, these people are enacting the spirit of the democratic process just as surely as anyone else is. And we owe it to them and to our principles to fix a broken system that needlessly negates their votes.

Rank choice voting ensures that every voter has a say in the final outcome of each election. No vote is wasted, every voice is heard.

In conclusion, for these reasons and many more, I strongly suggest that the committee supports 5404 and votes it favorably out of the committee. I would be very happy to take your questions.

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. Next is Gwen Samuels followed by Robert Chang followed by Baylee Drown.

MS. GWEN SAMUELS: Okay. Good evening, Senator Flexer, Representative Fox, Senator Sampson, which I know he had to leave, Representative France and distinguished GAE Committee members.

My name is Gwen Samuel, I am mom in Meriden of a public school student, taxpayer, voter, education freedom advocate, activist actually, and the founder and the president of the Connecticut Parents Union and we fight to protect the rights of children.

Thank you for the opportunity to provide testimony in support of raised Senate Bill 367. And before we get started, I was reflecting on Representative (inaudible - 06:33:56) comments earlier when she talked about her oath.

And I have a bag of over 200 constitutions because I don't understand how we got this bill as a tax payer. And it's very important, I'm hearing to discuss rank choice voting or hear you talking about campaign financing. I watch candidates run for office and the amount of time you move from your families.

And yet you just, not you per say but those who voted yes for this bill just hand over your power to unelected individuals. This is no reflection on Dalio, Barbara and Ray and there and I would thank them for their gift, but anything that this string is not a gift.

I don't know how many of you give gifts and say this is what you have to do with your gifts so I don't know what you do for Christmas and all the other things but in my house that would never work.

But anyway, you have this gift, with quotes, of \$100 million. And to know that people who we voted for, the oath you took to represent the will of the people you just gave it away and said you can do what you want with your constituents tax dollars who call you, who email you, who say don't overtax me but if you're going to over tax me, by all means, be fiscally responsive. Know what is happening with the tax investment.

And this bill is contrary to everything your constituents expect of you. So for instance, I'll give you one example. So again, this bill I support it because it exempts. I actually think you should repeal it. The reason why, it has so many moving parts that trample on individual rights and you can't control for what happens and then if it's mismanaged or something goes wrong you're going to

go the tax payers and say I'm sorry, I have to tax you some more because I didn't know how your \$100 million investment was spent.

I'll give you an example. The partnership of Connecticut includes promoting an expanding upon the collaboration between the state and those elected philosophic people.

So the people we put in the office, you've just said someone else can get access to our dollars, can literally do what you want and you literally say that in the bill.

Part of it says the, let me see where it goes here. The partnership includes promoting and expanding upon the collaboration. There is no collaboration. There is no partnership. I don't even know why you call it that.

Partnership means we are working together, students, parents, community leaders, but there is nothing about partnership. Okay.

And I, you know, the second part. The board of directors of this cooperation which include private hedge funds govern and control the partnership. How does an unelected individual control it?

You just handed over our state and you've set a dangerous precedent because people from the outside can say to Connecticut, guess what. How much do you got in your bank? If you offer them \$2 million, 200 million, maybe you can get the chicken, the farm, the land, everything people talking about. And because all you have to do is present a price tag.

SENATOR FLEXER (29TH): Can I ask you to summarize?

MS. GWEN SAMUELS: Yes. Okay. So summary. In summary --

SENATOR FLEXER (29TH): I completely agree with you but summarize.

MS. GWEN SAMUELS: In one of the most important summaries well, it's not the most important because you (inaudible - 06:37:23) our dollars but you gave them access to our public school children.

And with due respect, they're not your children to give to anybody. They are not pawns. And the districts you are talking about going into, the urban districts, most of them have been deemed districts that need school improvement plans.

These school improvement plans have to be approved by the state Department of Education. So it's unbelievable to know that you have no conversation, I'm not saying you, but someone needs to have a conversation with the state department of Education but you're not.

SENATOR FLEXER (29TH): Thank you.

MS. GWEN SAMUELS: And so you are putting parents in a hard place because you've said this is not what democracy looks like.

SENATOR FLEXER (29TH): Thank you.

MS. GWEN SAMUELS: And I'm asking you just to remember the oath that you took to your constituents.

SENATOR FLEXER (29TH): Thank you.

MS. GWEN SAMUELS: You owe them.

SENATOR FLEXER (29TH): Thank you. Thank you for your testimony. And while I can't speak for all members of the committee, I can tell you that that's why this bill, the concerns that you've just enumerated are why the committee raised this bill today.

So I appreciate what you've expressed and I know that we take it very, very seriously because most of your points were spot on.

Are there questions or comments from members of the committee? Thank you very much for your testimony.

MS. GWEN SAMUELS: Thank you.

SENATOR FLEXER (29TH): Next is Robert Chang followed by Baylee Drown followed by Michael Kelly. Okay. All right. Robert Chang, Baylee Drown, Michael Kelly, Caleb Kleppner, Lior Trestman, Chelsea Gazillo. Caleb Kleppner, Lior Trestman, Chelsea Gazillo. Okay.

MS. CHELSEA GAZILLO: Good evening. Senator Flexer and Representative Winkler and honorable members of the GAE Committee, my name is Chelsea Gazillo, I'm the Working Lands Alliance. We are a broad based state wide coalition that is dedicated to advancing farmland preservation in Connecticut.

Thank you for the opportunity to testify in opposition of H.B. 5411 Section 2. H.B. 5411 is AN ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD OR SPRB and Section 2 will add SPRB oversight to the Department of Agriculture's Community Farms Preservation Program, or CFPP, application process.

This program was designed to protect small farms that do not qualify for the states Farmland

Preservation Program. So to clarify that's farms that are under 30 acres.

Often times these farms are the last farms in town. This section will slow down the CFPP process further hindering our efforts to protect small farms from development and making it harder for new and beginning farmers to access affordable farmland.

When the Farmland Preservation Program was first established in 1978, the program solely used state dollars. At that time it was necessary to have the SPRB oversight as a vital part of the process.

However, the process has since evolved to include many stakeholders. A farm that is protected with the Community Farms Preservation Program goes through many vigorous steps from the time a farmer submits an application to closing.

The program often utilizes federal funding through USDA's NRCS. Due diligence is done by local, state and federal officials to ensure these transactions meet legal, financial and organizational best practices.

This often includes most, multiple agricultural appraisals that are conducted by certified appraisers. In addition applications are at the scrutiny of surveyors, attorneys, soil scientists, conservationists, planners and qualified state agency employees who understand the comprehensive and complex process of evaluating the development rights and agricultural land.

As CFPP is a partnership program with municipalities projects are also subject to a comprehensive local review and approval process including by the towns agricultural commission and executive governing

body. This includes town counsels or board of selectman.

This final approval of these complex, of these projects is completed by the attorney general. Review of CFPP projects by State Properties Review Board would create an unnecessarily and duplicate step in the process.

The Community Farms Preservation Program is one of the few mechanism the state has to create affordable land opportunities for new and beginning farmers. The average price of farmland per acre in Connecticut is \$12,200 which means we have the third most expensive farmland in the country. Third to Rhode Island and New Jersey.

If Connecticut wants to provide agricultural goods and services for future generations we need to use every tool in the tool box to make our working lands available.

If SPRB is added to the Community Farms Preservations Process, it will make it harder to promote affordable farmland access opportunities for beginning farmers and for their prevent us from protecting our agricultural lands for perpetuity.

On behalf of Working Lands Alliance I urge you to oppose H.B. 5411 Section 2.

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

MS. CHELSEA GAZILLO: Thank you.

SENATOR FLEXER (29TH): Next is Tennyson Benedict followed by Dawn Jolly followed by Jessica Stewart.

Tennyson Benedict, Dawn jolly, Jessica Stewart, Christine Patte. After Christine will be Ernestine Holloway, Ann Munusky.

MS. CHRISTINE PATTE: Good evening and thank you to the distinguished committee members who have stuck around to hear from those of us at the end of the list.

I'm Christine Patte, I live in Coventry, Connecticut but I am delivering the support of the Windham Willimantic NAACP for Senate Bill 368 which opposes prison gerrymandering.

Three decades ago when I was director of research and statistics at the Connecticut health department, prison populations were much smaller and evenly spread across the state. But two things have happened since then.

Prison populations have exploded by nearly 500 percent. We statisticians keep track of that sort of thing. Since 1980, with prison buildings growing bigger, fewer and concentrated in rural mostly white towns, this imbalance rustles in accounted fewer residents in urban areas, the home addresses of about 50 percent of Connecticut prisoners thus devaluing urban voting power.

In 2010, the Census Bureau allowed states to choose where to count inmates for redistricting purposes. And seven, not including Connecticut have opted to do so.

Now, I think I heard a question about whether prisoners could vote. If they are convicted of a felony which is the majority of prisoners, they can't vote but there is a small group of prisoners who are in prison for misdemeanors and they can vote

and it must be done by absentee ballot in their home town.

So speaking as a retired bureaucrat who used to have responsibility for making sure accounts were accurate, I looked at the date that this bill would be implemented. Its July 2020.

I'm not exactly sure when the census formally closes but given the fact that prisoners are a population that you have captive so to speak and you know where their addresses is, would be a very quick thing once this bill passes to simply put those prisoners with home addresses of Bridgeport or New Haven or wherever, count them in their home towns. And other points have already been made and I thank you for being here so long.

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

REP. MCCARTHY VAHEY (133RD): Thank you, Madam Chair. Well, thank you for staying for so long to be able to share that insight which is a helpful thing that you point out, the absentee ballot provisions. That's really telling. So thanks for that. Thanks, Madam Chair.

SENATOR FLEXER (29TH): Thank you, Madam Chair. And I'll just thank you. It's rare that an organization I belong to is represented by someone who is testifying so I thank you as a member of the Windham Willimantic NAACP.

Next is Ernestine Holloway followed by Ann Munusky. Oh, I'm sorry. Say it one more time when you get to the microphone. I apologize.

REV. ERNESTINE HALLOWAY: Hello. My name is Reverend Ernestine Holloway. And my God, God bless you all.

After what I heard today, I don't think you're going to sign any candidates that want to run. I was flabbergasted at some of the stuff that was being said and if you saw me I was shaking my head because none of that happens.

Had Senator Sampson not asked those questions of her, I wouldn't find out why they were hunting me for some money that I didn't understand that I owed that nobody wouldn't explain to me. And I am talking about the SEEC.

I ran a campaign. (Inaudible - 06:47:17) for whatever reason decided they was going to fix everything and it opened and somebody put in \$80. I called (inaudible - 06:47:24), told them you need not take that \$80 out of there and give it back because it looks like fraud.

They sent it back to the person but they didn't tell the SEEC that they're the one who made the mistake. And now they're hunting me for that \$80.

There is another candidate, because I'm a community activist and everybody decided after the campaign they want to talk about their issues.

He said he qualified. He never got a letter. He set in all his 150 names of being a state rep and he said they never responded to him and said this why you didn't get your money. So I was looking and I was going that ain't what happened.

And I also had an incident where I needed their help. I ran a campaign that was sabotaged and I

filed a complaint. I had the city violate my rights and that's the purpose of the SEEC.

So when things go wrong, you're supposed to be able to notify them and say this is what's going on. I need help. I didn't qualify for mayor ship of a campaign and they knew what was going on and they left me hanging.

So all the stuff that they were saying today, I was like I wanted to probably use some language that I didn't use because it was a lie because it didn't happen for me.

So I'm a little flabbergasted over what all the stuff that they were saying because guess what. I went to them. I follow -- I'm a stickler for the rules and if you don't follow the rules I'm going to tell you aren't.

I followed the rules and I didn't get any help. The young lady that was supposed to run next to my district hates them so much she won't run. So and then when I heard all the legal jargon and everything that was going on and I finally got where I can understand what she was saying, I'm not sure I want to run.

It's a process that should be simple that's overly complicated. And the fact that she told us we have to get that extra buffer and it's going to the next person that may run against you I'm not sure I want to put extra money.

So you put all this out for the election and we are just confused. I mean, I'm more confused now than ever.

But I also want to tell you about my constituents and then I'm going wrap this up. That they don't like the Diallo deal. They don't like the fact that you gave right to an organization to rule over our children's data.

You don't know where the data is going because it's clothed in secrecy. The urban city is my responsibility as an advocate and where were we at when you made this deal?

SENATOR FLEXER (29TH): Thank you.

REV. ERNESTINE HOLLOWAY: The urban cities were not involved. So now you gave money to an agency and our data and our children and you guys can't tell us nothing because they won't even tell you all.

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

Next is Ann Munusky which I guess I'm saying her name wrong, I apologize, followed by David Bingham followed by Martha Kelly followed by Linda Schroth.

MS. ANN MANUSKY: Good evening, Chairwoman. Chairwoman Flexer, Representative France, Representative Winkler, Representative McCarthy Vahey. My name is Ann Munusky. I am -- it's oaky.

SENATOR FLEXER (29TH): You called me Flexner, we're even now.

MS. ANN MANUSKY: Oh, I'm sorry. (Laughter) There we go. I added an N, apologies. Flexer. I am Ann Munusky. I am vice president of the Connecticut Republican assembly.

I am also the Connecticut coordinator for child abuse in the classroom and I am a parent and I'm an education advocate and have been on the common core train since 2012.

I am here in support of the partnership for Connecticut to be FOIA'able and also follow the state ethics, state ethics law.

I have in my testimony the points that this looks to be an unconstitutional partnership done in, through an emergency certification when no emergency existed, done put into a budget bill where the public did not know so the public or you could not give us a public hearing. So many issues with this.

The last part that I have bolded is that 20 million from the philanthropic enterprise and upon confirmation of this contribution of \$20 million from the state. This is not a contribution.

Tax payers are very worried, very concerned. I myself have attended the two meetings, I didn't realize there were only two meetings so far as Representative Klarides had said, but I am very concerned again as an education advocate that the, there is no plan. There is no plan of action. It's lofty goals.

And I agree with others who have spoken in regard to that this really needs to be investigated further and I not only would like to see the FOIA enacted for them and the state ethics but I would say that it needs to be repealed.

It needs to have some type of stop mechanism at this point that we can have a snapshot of actually what has gone on that's a lot of taxpayer money in a

state that we are having fiscal problems. So I thank you very much.

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.

MS. ANN MANUSKY: Thank you.

SENATOR FLEXER (29TH): Next is David Bingham followed by Martha Kelly followed by Linda Schroth followed by Alex Guzhnay, Alex Guzhnay, followed by Jonathan Perloe followed by Greg Prentis. Oh. Well the next person is David Bingham, Martha Kelly --

MR. JONATHAN PERLOE: Oh, I'm sorry.

SENATOR FLEXER (29TH): Linda Schroth. Oh sure, yeah. What's your name? I will call you next, Martha.

MR. JONATHAN PERLOE: Sorry. Good evening, Madam Chair Flexer and Ranking Member France and distinguished members of the committee.

Thank you so much for staying all day long and listening to citizens. Its admirable and I really appreciate it.

My name is Jonathan Perloe and I am one of the leaders of Voter Choice Connecticut, a volunteer citizens group with thousands of supports around the state that are advocating for the adoption of rank choice voting in Connecticut.

I believe the strength of our democracy depends on three principles. One, that we make it as easy as possible for citizens to exercise their right to vote. Two, that the votes we cast are accurately

counted and our elections are secure. And third, that our votes matter.

On the first point, I applaud the committee for raising bills this session to address voter access, specifically I support S.B. 233, AN ACT CONCERNING ELECTIONS and today S.B. 365, AN ACT CONCERNING ONLINE APPLICATIONS FOR ABSENTEE BALLOTS.

The reason I'm a proponent of rank choice voting is I believe it will help ensure that our votes matter which is my third principle.

Whether the problem is the spoiler effect, vote splitting or wasted votes, the defects of plurality elections diminish the importance of my vote. If more than just my first choice could come into play when determining the winner, my vote would matter more.

Rank choice voting is gaining moment across the U.S. because voters like it. Six states are using rank choice voting for the 2020 Democratic primaries or caucuses. The election reform advocate David Daily who works for Fair Vote explained why it makes everyone's vote more powerful.

Maine implemented rank choice voting because twice a majority of its voters voted in favor of its adoption. So it was actually done through a ballot initiative.

Last fall, New York City voted overwhelming by a margin of nearly three to one to use rank choice voting to elect their mayor, other offices and city council.

The grass roots campaign in Massachusetts moving forward towards putting a referendum on about RCD on

their 2020 ballot and a bill to use RCD in federal elections, H.R. 4464 has been introduced in the U.S. House of Representatives. Representative Jim Hines is among its cosponsors and other members of the Connecticut Congressional delegation are all considering co-sponsors.

Last month, the New York Times recommended rank choice voting for use in presidential primaries. It noted that polls consistently show higher satisfaction with rank choice voting and it's no surprise by allowing voters to express their support for more than one candidate, rank choice voting makes more votes count and in my terminology, more votes matter.

Voters understand how to cast their ballot using rank choice voting. There have been reasonable questions about whether voters will understand how to use the ballot.

In a survey conducted by the city of Minneapolis, 92 percent of voters said they found voting in RCD elections to be simple.

In the Nevada democratic caucus held just last month, more than 99.5 percent of voters correctly completed the ballot and they were required to actually fill in all three choices.

Exit polling after Santa Fe's 2018 rank choice voting election found 94 percent said they were satisfied with their voting experience.

So rank choice voting leads to more representative outcomes, less divisive campaigns, eliminates the need for voters to strategize how to cast their ballot and they find it easy to use.

It's gaining momentum and that's the reason why I encourage you to take this first step to study it for implementation in Connecticut and thank you so much for your time.

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

REP. MCCARTHY VAHEY (133RD): Just a quick -- thanks. You said New York City?

MR. JONATHAN PERLOE: New York City.

REP. MCCARTHY VAHEY (133RD): Just wanted to --

MR. JONATHAN PERLOE: Yeah, yeah

REP. MCCARTHY VAHEY (133RD): Okay. Thank you very much.

MR. JONATHAN PERLOE: Thank you so much.

SENATOR FLEXER (29TH): Thank you again. Next is Martha Kelly, sorry about that Martha. Just to be clear, if I'm calling your name it's because you are on the list to go next because most of the people on the list are no longer here.

So just to go back. David Bingham, Martha Kelly, Linda Schroth, Alex Guzhnay and Greg Prentis. Those are the people I have left on the list. So if I called your name you are after Martha. Sorry again for the confusion. Welcome.

MS. MARTHA KELLY: I understand. Chairwoman and other members of the committee, thank you for still being here.

I am Martha Kelly. I am a resident of Hartford, a former moderator and someone who has taken part in election audits, volunteer election audits.

I'd like to speak in favor on two bills, Senate Bill Number 368 and House Bill 5404, the rank choice voting one.

First of all, counting of incarcerated persons. I live in Hartford where we suffer from loss of many resources to other towns, but this is an important one and I'm going to add a couple of simple points.

One is that while you're talking about, I know it's concerned only with representation in this body. However, when it comes to ability to vote after incarceration, a huge amount of confusion exists in the community.

And I, you might want to talk to OLR about when a person's ability to vote is restored. We don't allow it after parole and that's who -- and also as to counting for redistricting.

I was surprised to hear someone tell me that he had been incarcerated at a young age and that he would be counted as still living in the institution he had released from for many, many years because his parole went far, far, far into the future.

So and finally on that subject, I think we should restore voting rights to the incarcerated in order to continue their connection with the community and facilitate the, you know, reentry into it and incorporation as a full citizen.

And in particular, those who are in jail are not yet convicted of anything, unless they have priors. So

they could also get to vote by absentee ballot but no one is offering them that opportunity.

Okay. On rank choice voting, I am very concerned about people's participation in the electoral process. I live in a city where few people actually vote. I think that the -- well, I see a multitude of elections where there are more than two candidates for various reasons whether it's the gubernatorial race, the mayoral race, the whole issue of vote wasting and voter spoiling has been around for a long time.

I am a third party candidate lifelong, I mean, a third party voter lifelong. So I have never participated in a primary but if I were voting in this year's presidential primary, especially if I had done it by early voting, I'd be quite upset to have my vote be spoiled by the candidate later dropping out.

If I had had an opportunity to do it by rank choice voting at least my second choice would go to affect the eventual selection.

Finally, the issue of civility in elections is not an insignificant one and I believe it would be enhanced by run off voting.

I am part of an organization that elects all internal officers by rank choice voting so I have actually participated in the counting of a rank choice vote.

SENATOR FLEXER (29TH): Thank you.

MS. MARTHA KELLY: And it's a part of a big study on my part and I'd just like to mention that it was very impressed by the depth and breadth of Luther

Weeks testimony and I will grant that it bears, it's worth doing a study with considerable breadth and resources to do it.

SENATOR FLEXER (29TH): Thank you.

MS. MARTHA KELLY: Thank you.

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

MS. MARTHA KELLY: Okay. Thanks.

SENATOR FLEXER (29TH): Next Linda Schroth, Alex Guzhnay, Greg Prentis.

MR. GREG PRENTIS: Good evening co-chairs Flexer, Senators Flexer and Fox, Ranking Members Sampson and France and distinguished members of the Government Administration and Elections Committee.

My name is Greg Prentis and I am a resident of Berlin. I am providing my testimony in support of House Bill 5404, AN ACT CONCERNING RANK CHOICE VOITING FOR ELECTIONS.

One of the most challenging problems we face today as electorate is dramatic political polarization. And it is this polarization that hampers the ability of our elected officials to find reasonable solutions to other problems ranging from urgent issues to long term ones.

Polarization and compromise are incompatible. We are on an unsustainable path of polarization. This political polarization is undermining the trust in the decisions that are made by elected officials at every level of government.

We need our local, state and federal governments to function and to do so with broad popular support. Rank choice voting can help voters in this way by better identifying and promoting consensus building candidates and also reduce the drivers for negative campaigning.

It puts the winning candidates in a better position to govern for two key reasons. First the winning candidates will have succeeded based on their broader popular support from a majority of the voters overall.

Second, if any candidate won the election based on their ranking performance in anything other than a first choice, then that will better inform them about where their support comes from in their decision making as elected officials.

Ultimately rank choice voting can help our elected officials better represent the voters and understand where the voters stand.

Today you've heard testimony from a number of other people. I support their positions. I am concerned about political polarization and I think that rank choice voting can help address this and provide some number of other benefits.

There were many good questions asked by the committee members during last year's hearings and these questions provide sound reasoning for why I believe it makes sense to undertake a study of rank choice voting.

I also believe that it is important that the task force include representatives of grass roots -- grass roots advocates like myself along with RCV and election experts.

I strongly support H.B. 5404 and urge you to favorably vote the bill out of your committee. Thank you very much for your time.

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

Mr. GREG PRENTIS: Thanks.

SENATOR FLEXER (29TH): That concludes the list of people we have signed up from the public to speak. Is there anyone else present who would like to testify this evening? Is there anyone else present?

Seeing none, then this public hearing is adjourned. Thank you all very much. (Gavel)