

# Government Administration and Elections Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6325

AN ACT CONCERNING THE SECRETARY OF THE STATE, ABSENTEE

**Title:** BALLOTS AND ELECTION AUDITS.

**Vote Date:** 3/31/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/24/2021

**File No.:** 500

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### SPONSORS OF BILL:

The Government Administration and Elections Committee

### REASONS FOR BILL:

This bill would require the Secretary of the State to issue a report on election laws that were modified or suspended during any primary or election held in 2020 or 2021. Furthermore, this bill would prohibit the mailing of unsolicited absentee ballots by certain election officials, require a pilot program for signature verification on absentee ballots, change the rules filing deadline for minor parties, include a statement on absentee ballots regarding noncompliance penalties, establish a task force to study single-envelope returns of absentee ballots and establish a working group to examine risk-limiting audits of election results. Another provision in this bill would help to provide consistency across Connecticut in terms of absentee ballot processing before Election Day. The bill would prohibit registrars from contacting voters to cure an unsigned absentee ballot. In addition, this bill seeks to ensure that any declaratory ruling, instruction, opinion or order issued by the Secretary of the State be subject to the Legislative Regulation Review Committee.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Denise W. Merrill, Secretary of the State of Connecticut:** Secretary Merrill expressed opposition to this bill. Secretary Merrill believes that this bill would remove the authority vested in the Secretary of the State as the chief election officer. Secretary Merrill contends that this bill seeks to transfer that authority to the legislature.

### NATURE AND SOURCES OF SUPPORT:

**Lynda Szykowitz, Founder and Chief Executive Officer, Fight Voter Fraud Inc.:** Ms. Szykowitz expressed support for HB 6325. Ms. Szykowitz stated that nearly 110,000 of the

nearly 1.2 million unsolicited absentee ballots applications that were sent out for the August 2020 primary were returned as undeliverable. Ms. Synkowicz contends that this was a result of inaccurate voter rolls that have not been updated to reflect deaths and people changing their addresses. For the November 2020 election, Ms. Szykowitz stated that the Secretary of the State did not mandate a counting of the undelivered absentee ballot applications, since all returned applications were sent directly to the Town Clerk's this time around. Ms. Synkowicz believes that this bill would help to clean the voter rolls and address the overreach in Connecticut's voter laws.

**Mark H. Bernacki, Legislative Committee Chair, Connecticut Town Clerk Association**

**(CTCA):** CTCA expressed support for Section 9 of this bill, which would create a legislative task force for the purpose of reviewing absentee ballot statutes and determining the best practices for absentee ballots in the future. CTCA recommends that two Town Clerks be included on this task force, with one clerk being from a small town and the other from a larger town. CTCA highlighted the unique challenges that small and large towns each face based on their own respective election infrastructure. CTCA also recommended that an IT expert from the state or a larger municipality be included in the task force. CTCA believes that an IT expert would be able to provide adequate guidance on future election technology, cybersecurity, portals and block chain technology.

**Timothy De Carlo, Legislative Committee Chair, Registrar of Voters Association of**

**Connecticut (ROVAC):** ROVAC's testimony cited Section 9 and 10 of this bill. These sections would establish a task force to study the format of absentee envelopes, as well as a task force to consider new methods of auditing for election results. ROVAC expressed their gratitude to the Committee for ensuring that ROVAC would have a seat in each respective task force. ROVAC committed themselves to offer practical recommendations and working to strengthen Connecticut's elections.

**Jeffrey Caggiano:** Mr. Caggiano expressed support for continuing the use of absentee ballots in Connecticut, but he contends that the counting process needs to be more precise. He believes that sending no-excuse absentee ballots to all registered voters is wasting taxpayer money. He stated that nearly 2 million absentee ballot applications were ignored in 2020. Mr. Caggiano believes that all of these unanswered applications might lead to mistakes and potentially voter fraud. Considering the nature of the voter rolls, which include many duplicates and errors, Mr. Caggiano says that there were many reports from voters who said that they received several applications in the mail last year.

**Brenda Hamilton:** Ms. Hamilton expressed opposition to early voting and unsolicited absentee ballots. She supports the use of voter ID, verified absentee ballots in certain situations, paper ballots and limiting voting to a single Election Day. Ms. Hamilton believes that voting is a Constitutional right and privilege afforded to all citizens, and no one should have to worry about their vote not being counted.

**Nancy Hemstreet Eaton:** Ms. Hemstreet Eaton expressed support for the bill in her testimony. In her testimony, she outlined all of the relevant provisions of the bill that would amend elections administration law in Connecticut. She believes that the change made to amend absentee ballot voting during the pandemic was unconstitutional and still is. She contends that over one million Connecticut voters were able to vote safely in person in November 2020 since no voters contracted COVID-19.

**Cherie Juhnke:** Ms. Juhnke believes that there are not enough safeguards in place to ensure that unsolicited absentee ballots are legitimate. She identified in person voting as the safest option for maintaining election integrity. As for the Secretary of the State, Ms. Junke believes that they shouldn't be able to make changes to the Connecticut Constitution without an amendment. Additionally, she expressed support for signature verification and conformity across the state in terms of the process for handling absentee ballots before Election Day. Ultimately, Ms. Juhnke stated that more scrutiny is always better.

**Anne Manusky, President, Connecticut Republican Assembly (CTRA):** The Connecticut Republican Assembly believes that certain laws were not adhered to in terms of updating and maintaining the Connecticut voter rolls. Citing the Motor Voter Act of 1993, CTRA states that Connecticut might not have been in compliance with the act based on the inaccurate information contained in the voter rolls, including wrong addresses and even people who have passed away. CTRA noted that the COVID-19 changes made to voting procedures in 2020 might have violated Connecticut election statutes and the state constitution.

**Mark Lindeman, Acting Co-Director, Verified Voting:** Verified Voting expressed support for Section 10 of this bill, a provision that seeks to establish a working group to study the use of risk-limiting audits. Verified Voting believes that risk-limiting audits that are designed to manually check machine tabulations against the actual ballots cast would help improve confidence in our elections and confront any security concerns. Risk-limiting audits would be critical in terms of authenticating and validating elections results to ensure that the hand counted ballots match the machine tabulations. As it relates to the working groups, Verified Voting recommends that the Committee broaden the membership to include experts on risk-limiting audits to provide the most accurate information on these types of audits. Additionally, Verified Voting recommended that the Committee expand the length of the timeline for the risk-limiting audit pilot program and extend the working group's reporting deadline.

**Luther Weeks, Executive Director, CTVotersCount:** Mr. Weeks' testimony indicated support for Section 10 of the bill, the provision geared towards creating a pilot program for risk-limiting audits. Mr. Weeks recommended that Connecticut consider following in the steps of Colorado, Virginia and Rhode Island, which are a few of the states that have already implemented risk-limiting audits. In addition, Mr. Weeks suggested that the prototype for risk-limiting audits not be limited to five or ten municipalities. Lastly, Mr. Weeks advised the Committee to consider moving the working group reporting deadline to January of 2023. By providing the working group with ample time to review the pilot program, working group members will be able to consider the implications of this audit system and make necessary recommendations for statutory changes.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Andrea Aron:** Ms. Aron characterized HB 6325 as a voter suppression bill. Ms. Aron contends that this bill would make absentee ballots less accessible to voters and might lead to the wrongful invalidation of votes.

**Val and Patty Chamberlain:** Val and Patty Chamberlain believe that this bill is attempting to solve a nonexistent issue. They contend that this is a form of voter suppression. Instead of making it harder for people to vote, Val and Patty Chamberlain emphasized the importance of letting democracy work and making voting easier.

**Janet Luongo:** Mrs. Luongo characterized HB 6325 as anti-democratic. She stated that one's right to vote is effectively their voice. Mrs. Luongo believes that this bill intends to make absentee voting much harder to access and more likely to result in the invalidation of one's vote. Mrs. Luongo identified working people, students, the elderly, the ill and physically challenged voters as those who will face the most hardship as a result of the bill's provisions.

**Claire Matthews:** Ms. Matthews stated that Connecticut voting regulations are already some of the strictest across the entire country. She contends that this bill is counterproductive. Instead of proposing more restrictions, Ms. Matthews believes that Connecticut should make voting more accessible, particularly for the elderly, working people students, those without access to public transportations and people that might have physical challenges.

**Kelly McConney Moore, Interim Senior Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT):** ACLU-CT expressed opposition to HB 6325, finding that many of the bill's provisions would make it more difficult for people to vote. In particular, the ACLU-CT cited Section 5 of the bill, the provision that would prevent the Secretary of the State and local elections officials from sending unsolicited absentee ballot applications via postal service. Referring to the record turnout in the 2020 election, the ACLU-CT believes that expanding access to absentee ballots help to promote greater levels of democratic participation. Absent any evidence of fraud or wrongdoing, the ACLU-CT believes that there is no good reason to make absentee ballot access more difficult. In regards to Section 6 of the bill, which includes language that prohibits election officials from contacting voters to cure their unsigned ballot, the ACLU-CT believes that this section deliberately suppresses voters. If a voter has gone through the lengthy process to request an absentee ballot, receive an absentee ballot and then send that completed ballot back in, denying their vote based on a missing signature would amount to suppression. Furthermore, the ACLU-CT cited the provisions in this bill regarding a signature verification pilot program. The ACLU-CT stated that signature impersonation is the rarest type of voter fraud, and implementing a signature verification system could result in the rejection of thousands of valid and eligible votes from voters whose signatures may have changed. Lastly, the ACLU-CT referenced Section 8, which would mandate that absentee ballots include a statement on all potential penalties for rules violations. The ACLU-CT views this as a vague threat to make people reconsider absentee voting.

**Catherine Moran:** Ms. Moran classified this bill as a discrete effort to suppress voters. As a result of this bill, Ms. Moran believes that voters would not be able to check whether their absentee ballot was counted, or if it was invalidated because of a small error.

**Louis Noel:** Mr. Noel expressed opposition to this bill based on his belief that it will place obstacles on the voting process. Mr. Noel emphasized the role that the Secretary of the State has in terms of increasing voter confidence and ensuring access to voting. He believes that the Secretary of the State must be held accountable by the voters. Ultimately, Mr. Noel made clear that voting should not be such a difficult process. Instead, he believes that voter participation should be encouraged.

**Carol Rizzolo:** Ms. Rizzolo believes that this bill is designed to suppress voters, all while ignoring the constitutional right to vote. She identified this bill as a part of a continuing effort to address the nonexistent voter fraud problem. Ms. Rizzolo would like to see Connecticut work to expand voting rights.

**Joanna Swomley:** Ms. Swomley characterized the bill as voter suppression. She believes that the bill proponents intend to diminish the value of absentee ballots by making them hard to obtain and more likely to be invalidated.

**Vicki Volper:** Ms. Volper expressed opposition to this bill. She believes that the provisions in the bill will disenfranchise voters by making absentee ballots less accessible and increasing the likelihood of one's vote to be invalidated. Ms. Volper stated that HB 6325 lacks any reasonable protections for voters.

**The Government Administration and Elections Committee received via email 18 pieces of testimony in opposition of HB 6325. They cited reasons similar to those stated in the aforementioned testimonies. All copies of testimony are available on the Committee website under Testimony.**

**Reported by: Trevor Hoffman**

**Date: 3-31-21**