

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: SB-5

AN ACT CONCERNING INCREASED OPPORTUNITIES FOR ABSENTEE VOTING, SAFE AND SECURE IN-PERSON VOTING, VOTER REGISTRATION AND CERTAIN OTHER CHANGES REGARDING ELECTION

Title: ADMINISTRATION.

Vote Date: 4/5/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/26/2021

File No.: 570

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

To increase opportunities for safe and secure in-person voting, absentee voting, and voter registration. Senate Bill 5 makes a series of changes to election laws intended to increase voter participation, including the designation of Election Day in November as a legal holiday. Additional changes include the requirement that employers comply with employee requests for time off to vote on state elections and special elections and give each such employee two hours off for voting. The bill also seeks to eliminate the disenfranchisement of individuals on parole by restoring their electoral privileges, and individuals with developmental disabilities by allowing their legal representatives to assist them in registering to vote and voting.

Generally, the provisions contained in Senate Bill 5 seek to enhance voting by facilitating a more efficient process for voter registration and participation. The bill requires the Secretary of the State to develop and implement an electronic system that complies with the National Voter Registration Act. The system may be used by individuals to submit their electronic signatures for election related documents, including absentee ballot applications. The system would also be used by the Department of Motor Vehicles and other voter registration agencies, including higher education institutions, to submit voter registration applications to registrars of voters. Additionally, Senate Bill 5 authorizes municipalities to provide a system for the return of military and overseas absentee ballots. The maintenance of such a system requires rigorous security evaluations and post-election audits. An additional provision in the bill intended to increase safe and secure voting includes the prohibition of any individual, other than a uniformed police officer, to possess a firearm within 200 miles of a polling location.

RESPONSE FROM ADMINISTRATION/AGENCY:

Denise W. Merrill, Secretary of the State of Connecticut: Secretary Merrill addressed a series of provisions in the bill that would help to make the electoral process more convenient for Connecticut voters. Secretary Merrill emphasized the important steps that this bill makes in terms of restoring voting rights to individuals as soon as they are physically released from prison. Additionally, she highlighted the Connecticut automatic voter registration system and the provisions in the bill that would codify and streamline this process to make it easier for voters to register. Lastly, Secretary Merrill stated her opposition to Section 27 of the bill, which would allow for ballots to be delivered electronically. Citing security concerns, Secretary Merrill maintained her opposition to any electronic ballot distribution system at this time.

Connecticut Senate Democrats: The Connecticut Senate Democratic Caucus offered testimony in support of Senate Bill 5. Senate Democrats assert that the bill will expand voter registration capabilities, increase access to absentee ballots and ensure that safe and convenient measures are in place to allow voters to cast their ballots on or before election day.

Freedom of Information Commission: The Freedom of Information Commission (FOIC) opposes Sections 27 (a) and (c) of the bill. FOIC emphasized the need for transparency regarding voter records which helps to prevent fraud and ensures that election officials are held accountable and carrying out their responsibilities lawfully. Section 27 (a) contains provisions that would allow for the disclosure of only the birth year of a voter, rather than a full date of birth. FOIC maintains that the accompanying disclosure of the month and date are critical in terms of determining voter identity and eligibility and ultimately preventing fraud. Regarding Section 27 (c) which permits voters to submit a signed statement to allow for the redaction of their information from the voter registry, FOIC considers this insufficient. Instead, FOIC proposes that requirements for redaction of information should include supporting documentation, as well as an affidavit or official statement made under penalty of false statement.

NATURE AND SOURCES OF SUPPORT:

Justin Elicker, Mayor, City of New Haven: Mayor Elicker expressed support for Senate Bill 5. Mayor Elicker views the bill as a means to ensure that all eligible voters are able to partake in democracy, even if they face barriers that might make voting on Election Day a challenge. Mayor Elicker emphasized the importance for government to change and adapt, and he sees this bill as fulfilling that notion. Lastly, Mayor Elicker noted that expanding voting accessibility allows for elected officials to be held accountable by the people they represent.

Rory McClenahan, Board Member, Wesleyan Democrats: On behalf of Wesleyan Democrats, Ms. McClenahan indicated support for Senate Bill 5. In terms of absentee voting, the pandemic has exposed the need for a stronger absentee voting system in Connecticut. Additionally, Wesleyan Democrats believe that the provision banning firearms from being possessed within 200 feet of a polling precinct is a critical step towards ensuring safe and intimidation-free voting. Lastly, Wesleyan Democrats asked that Senate Bill 5 be amended to create polling places on all college campuses across Connecticut. Recognizing the

importance of empowering young voters to turnout and partake in the democratic process, Wesleyan Democrats believe that the bill should be amended to incorporate provisions that encourage youth voter turnout.

Callie Heilmann, Co-Director, Bridgeport Generation Now Votes: Bridgeport Generation Now Votes supports the bill. By allowing other state agencies to participate in Automatic Voter Registration, civic organizations like Bridgeport Generation Now Votes no longer have the burden of registering voters. Additionally, Bridgeport Generation Now Votes believes that expanding Automatic Voter Registration beyond the Department of Motor Vehicles would ensure that individuals who do not drive are able to register and exercise their right to vote. Lastly, Bridgeport Generation Now Votes expressed strong support for restoring suffrage to those who are on parole. In their testimony, the group suggested that formerly incarcerated individuals should not be required to pay back fines related to their conviction in order to regain the right to vote.

Darryl Brackeen Jr., Board Chair, Generation Change CT: Mr. Brackeen expressed strong support for Senate Bill 5. Particularly, his testimony focused on Section 27 of the bill which would allow municipalities to provide an electronic voting option to disabled voters, voters living abroad and voters who are currently active-duty military personnel and their families. Mr. Brackeen stated that electronic voting systems offer accessibility and security and have been successfully adopted in some jurisdictions across the country. Mr. Brackeen added that the City of New Haven is ready to begin implementing an electronic voting system that can be utilized by the aforementioned unique voter categories.

City of New Haven Board of Alders: The City of New Haven Board of Alders supports the bill and recognized changes in election administration over the past year due to the ongoing pandemic. The Board of Alders believes that these changes have highlighted the need to expand voting methods to include an electronic form of voting. Citing electronic voting efforts in West Virginia and several other states, the Board of Alders believes this form of voting is accessible, secure, and should be piloted in Connecticut for specific groups of people that do not have easy access to polling places or absentee ballots.

Aaron Goode, Founder, New Haven Votes Coalition: Mr. Goode supports the bill and elaborated that although New Haven has faced a series of problems regarding voting on Election Day over the last ten years, the 2020 election was absent of any major problems. He attributed the success of New Haven's 2020 election to the fact that the voters had access to no-excuse absentee voting, which significantly reduced pressure on election officials that normally would be overwhelmed. Additionally, Mr. Goode emphasized the need to improve absentee ballot tracking in the Connecticut Voter Registry database for the purpose of election integrity and conducting post-election audits. Mr. Goode also expressed his support for expanding Automatic Voter Registration, restoring voting rights to parolees, and maintaining the presence of absentee ballot drop boxes.

Hartford Foundation for Public Giving: The Hartford Foundation for Public Giving supports Senate Bill 5 because it will increase voter registration which correlates with a growth in voter turnout. Additionally, the Hartford Foundation for Public Giving supports the provision in the bill which designates Election Day as a state holiday and mandates employers to provide two hours of paid time off to accommodate voting. Making Election Day a state holiday and mandating employers to allow their employees to take time off to vote would help to alleviate

employee fears of missing work, having their pay reduced or even losing their jobs. Hartford Foundation for Public Giving also expressed support for the provisions in the bill that would restore voting rights to parolees, prevent firearms from being carried within 200 feet of a polling place and provide ballots in languages other than English.

Kate Roschmann, Volunteer, Moms Demand Action: Ms. Roschmann supports the bill and believes that guns do not belong in polling precincts. Ms. Roschmann associated guns at a polling place with voter intimidation. She emphasized that guns at a polling place pose a threat of violence and serve to intimidate voters.

Richard Cardoso, Yale Democrats: Mr. Cardoso supports and applauds the progressive nature of the bill in terms of expanding voting rights and removing barriers that have prevented people from participating in our democracy. Mr. Cardoso expressed support for the language in the bill that would give voters paid time off on Election Day, expanded Automatic Voter Registration and ban firearms from within 200 feet of a polling place. Additionally, Mr. Cardoso pointed out the section of the bill that would allow for voters to request absentee ballots through the phone or online without a state ID. He believes that these measures will help to remove potential financial and mobility barriers that disproportionately impact people of color and voters from low income communities.

Forrest Senti, National Cybersecurity Center: On behalf of the National Cybersecurity Center, Mr. Senti expressed support for Section 27 of Senate Bill 5. Allowing municipalities to use an electronic system for the return of ballots would promote accessibility, security and accountability. Citing his own experience, Mr. Senti discussed the success of various electronic voting pilot programs that have made voting easier for individuals that face barriers to voting because of residency abroad or a disability. Mr. Senti expressed support for the provision that mandates the Secretary of the State with the task of implementing a state-wide electronic voting system. By centralizing the system, Connecticut can introduce one uniform method for electronic voting rather than each municipality soliciting their own vendors for an electronic system. Additionally, Mr. Senti remarked that a blockchain might be more beneficial than a paper trail in the event that a post-election audit is conducted.

National Association of Social Work, Connecticut Chapter (NASW): NASW expressed strong support for Senate Bill 5. Along with the expansion of Automatic Voter Registration, NASW is supportive of the measures that would call upon public high schools to distribute voter registration material to encourage newly eligible voters to register. In addition, NASW signified their support for the efforts the bill makes to address the needs of developmentally disabled voters who might face barriers in terms of participating in elections. NASW emphasized their view that voting is a right for every eligible resident. The group believes that the bill helps to expand voting and make participation easier and more accessible.

Kelly McConney Moore, Interim Senior Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): ACLU-CT supports the bill and welcomes policy changes that help to make voting easier, fairer and more accessible. Some of the provisions that the ACLU-CT highlighted in their testimony include the restoration of voting rights to people on parole, extending Automatic Voter Registration, designating Election Day as a state holiday, mandating that employers provide two hours of paid time off on Election Day, reducing opportunities for voter intimidation, providing voters with ballots in different languages and the special consideration for the needs of disabled voters. Regarding Section 28 of the bill, the

ACLU-CT believes that exercising the right to vote should not mean that a voter must give up their right to privacy. ACLU-CT urges the committee to amend Section 28 and remove the language pertaining to date of birth limitations based on the fact that the voter opt-off option provision would alleviate any privacy concerns.

Dori Dumas: Ms. Dumas stated her belief that Automatic Voter Registration (AVR) must be expanded to include other state agencies beyond the Department of Motor Vehicles. Particularly, she believes that public assistance offices, offices that provide state-funded programs, public libraries and public institutions of higher education should conduct Automatic Voter Registration. Ms. Dumas believes that Automatic Voter Registration will help to maintain election security and integrity by providing municipalities with the most up-to-date voter rolls. As a means to emphasize the importance of Automatic Voter Registration, Ms. Dumas cited a Secure Democracy poll, which found that 77% of Connecticut voters support Automatic Voter Registration.

Mark H. Bernacki, Legislative & Elections Committee Chair, Connecticut Town Clerks Association (CTCA): CTCA proposed several changes to the bill for accommodating the uniqueness of the 169 Connecticut towns. Regarding Section 16, CTCA recommends that the language be altered to better reflect the deadline that the Registrars of Voters must meet in terms of alerting the town clerk of the absentee ballot counting location as well as the Election Day Registration location. In Section 19, CTCA asks that the committee remove the requirement that town clerks be escorted by police when they retrieve absentee ballots from a drop box that is not directly airside of the municipal clerk's office. CTCA believes that this requirement strains short staffed police departments. Instead, CTCA suggests that the language be altered to require that a second election official be present when ballots are removed from a drop box. Regarding Section 27, which allows for electronic return of absentee ballots, CTCA recommends that a legislative working group be convened to further study this process so that voter privacy is maintained. Lastly, CTCA expressed concern over Section 28, which calls for the redaction and removal of identifying information on absentee ballot applications and ballots of those with confidentiality concerns. CTCA believes that the dynamics between protecting identities and ensuring election integrity must be looked at further.

Timothy De Carlo, Legislative Committee Chair, Registrar of Voters Association of Connecticut (ROVAC): ROVAC addressed the proposed changes to Title 9 of the bill and made a series of suggestions for the committee to consider. Specifically, ROVAC cited language from lines 89-96 and lines 203-210, which would allow for unintentional voter affiliation changes made by the Department of Motor Vehicles to be later corrected. ROVAC raised questions related to unintentional voter affiliation changes and when these unintended changes can be addressed in relation to a primary election or caucus. Additionally, ROVAC addressed provisions in the bill which would allow for members of political town committees to partake in the collection of absentee ballots. ROVAC asks whether or not these members would have to take an oath and be made aware of possible penalties in the event that they take actions that suppress absentee ballot collection to help them achieve their own political interests. ROVAC also addressed potential concerns with the section in the bill that would allow for Registrars of Voters to begin counting absentee ballots five days prior to an election day. ROVAC acknowledged that if this bill were to come into law, voters would no longer be able to retract their absentee ballot because of the new counting method. Ultimately, ROVAC

didn't explicitly declare their support for this bill, but they expressed a willingness to work with all relevant parties to strengthen the legislation.

The following additional organizations submitted testimony in support of SB 5:

Ann Gadwah, Advocacy and Outreach Organizer, Sierra Club Connecticut
Black and Brown United in Action
Carl Chisem, President, Connecticut Employees Union Independent, SEIU Local 511
Cheri Quickmire, Executive Director, Common Cause in Connecticut
Ella Campopiano, ConnPIRG
John Erlingheuser, Advocacy and Community Outreach Director, AARP Connecticut
Matthew Kauffman, Vice President, Connecticut Council on Freedom of Information
Yvonne Senturia, Election Law Specialist, League of Women Voters of Connecticut

The Government Administration and Elections Committee received via email over 25 pieces of testimony in support of SB 5. They cited reasons similar to those stated in the aforementioned testimonies. All copies of testimony are available on the Committee website under Testimony.

NATURE AND SOURCES OF OPPOSITION:

Michael Fernandez, Director, Center for Scientific Evidence in Public Issues: Mr. Fernandez expressed opposition only to Section 27 of the bill, which allows for electronic ballot returns. Mr. Fernandez noted that electronic returns of marked ballots through the internet or fax jeopardizes election integrity and voter privacy. Citing studies from the Cybersecurity and Infrastructure Agency (CISA), the Election Assistance Commission (EAC), the Federal Bureau of Investigation (FBI) and the National Institute of Standards and Technology (NSIT), Mr. Fernandez notes that these agencies have found electronic returns of ballots pose a very high risk, even if the necessary precautions are put in place.

Lauren LePage, State Director, National Rifle Association Institute for Legislative Action (NRA-ILA): On behalf of the National Rifle Association, Ms. LePage expressed opposition to Senate Bill 5. The NRA believes that the bill poses an inconvenience to law-abiding gun owners by prohibiting the possession of a firearm within 200 feet of a polling precinct. Particularly, this prohibition would have an adverse effect on gun owners with physical disabilities because they will be required to park 200 feet away from the entrance of their polling location. The NRA maintains that this bill does not enhance public safety and fails to address other weapons.

Ray Bevis, Legislative Coordinator, Connecticut Citizens Defense League (CCDL): Mr. Bevis addressed concerns with Section 15 of the bill, the provision regarding the possession of a firearm within 200 feet of a polling location. Mr. Bevis states that most mass shootings in recent years have occurred in gun free zones. Additionally, the bill attempts to inconvenience and suppress the votes of the 300,000 legal gun owners in Connecticut. Lastly, Mr. Bevis noted that anyone found to violate the 200 feet rule would be subject to being found guilty of a class E felony.

Susan Dizenzo: Ms. Dizenzo believes that Senate Bill 5 suppresses the votes of Second Amendment supporters by pushing a stigma that gun owners are unsafe. She suggests that

many voters will be inconvenienced as a result since they will be required to return home prior to voting in order to secure their firearms. Ms. Dizenzo identified another provision in the bill she opposes which would allow for a citizen to attest to their citizenship in the event that a voter registration agency cannot independently verify. Ms. Dizenzo finds this provision unacceptable and believes that proof of citizenship must be required for voting.

Timothy Lehane Jr.: Mr. Lehane believes that absentee voting should be reduced to ensure valid election results. He provided anecdotal evidence to support his claim that absentee voting is not a trustworthy process. Mr. Lehane states that he received absentee ballot applications in his mailbox for people that did not live at his address. Additionally, he notes that his voter affiliation was changed without his consent.

Dennis Newnan: Mr. News believes that designating a polling place as a gun free zone would only serve to invite criminals and mentally ill individuals to carry out acts of violence. He states that gun free zones become “ambush sites” because there are no other guns that could be used to stop an individual from carrying out a shooting.

Joseph Sanders: Mr. Sanders identified a series of concerns with Senate Bill 5. He expressed his view that voting rights should not be restored to parolees until they have repaid all their debts to society. Regarding the provision of the bill pertaining to the 200 foot radius for firearm possession at a polling precinct, Mr. Sanders believes that this restriction violates the Americans with Disabilities Act. Based on the design of many polling places, gun owning citizens with physical disabilities might no longer be able to park in handicapped parking spots because of distancing requirements. Ultimately, Mr. Sanders emphasized that no voter should have to choose between their right to vote or their right to self-defense. He opines that polling locations are not dangerous places, and if they were, an armed police officer should be dispatched to all precincts.

Mark Lindeman, Acting Co-Director, Verified Voting: On behalf of Verified Voting, Mr. Linderman submitted testimony in opposition to Section 27 of Senate Bill 5. Verified Voting believes that electronic ballot returns are inherently insecure. He elaborated that there is no way to ensure if a voter’s device, whether a smartphone, laptop or desktop computer, is not corrupted with viruses that could interfere with the ballot and/or spread the virus to the election official on the receiving end of the electronic ballot. Additionally, Verified Voting suspects that electronic ballot returns do not give voters the option to verify if the ballot received by the election office truly reflects the choices that the voter marked when they sent in their ballot.

Raymond Wood II: Mr. Wood believes that designating Election Day as a state holiday is a mistake. Citing the hours of 6:00 AM to 8:00 PM for polling locations in Connecticut, he believes that a 14-hour window to vote is sufficient. Alternatively, an employee can take advantage of the opportunity to cast an absentee ballot using the currently available list of excuses. Additionally, Mr. Wood opines that the bill could potentially open the door to allow for individuals under the age of 18 to vote. He encourages schools to add civics lessons on registering to vote but maintains that underage voting should be prohibited and prevented because it constitutes voter fraud.

Luther Weeks, Executive Director, CTVotersCount and the Connecticut Citizen Election Audit: Mr. Weeks expressed a series of concerns with Sections 27 and 24 of the bill. As it

relates to Section 27, Mr. Weeks believes that a system for the electronic return of ballots is both insecure and riddled with problems. Mr. Weeks suggests that it would be nearly impossible to audit an electronic ballot return system without an accompanying comparative paper trail. Contrary to popular belief, Mr. Weeks asserted that blockchain technology does not solve the security problems associated with electronic voting. In terms of Section 24, Mr. Weeks identified the ballot curing process that the bill proposes as both risky and discriminatory. He believes that Section 24 improperly delegates authority to political parties, singles out non-profit organizations, fails to provide clear standards for election officials and volunteers, and ultimately discriminates against voters. Lastly, Mr. Weeks referenced Section 18 and warned against exposing voter signatures online as this might compromise future elections.

Ivan Bailey: Mr. Bailey noted that not all polling places are at schools or government offices, both of which already have rules against carrying guns on the premise. He acknowledged the rigorous background check that gun owners must go through in order to get a concealed carry permit. Mr. Bailey believes that allowing for concealed carry of a firearm at a polling place allows for a law abiding citizens to stop a massacre and save lives in the event that a criminal begins shooting. Ultimately, Mr. Bailey added, that criminals do not care if a location is designated as a gun free zone.

Traci Narkewicz: Ms. Narkewicz stated that communities of color would be most negatively impacted by Senate Bill 5. She elaborated that these communities face the most violence on a daily basis and with such laws in place, they would no longer be able to defend themselves at their polling locations.

Dan Marcil: Mr. Marcil provided a list of concerns that he would like the committee investigate further. A major concern that Mr. Marcil outlined in his testimony is the potential for increased risk of harm or theft for voters that would be required to park 200 feet away from their polling precinct. He believes that depending on the location, voters could be put in situations where their safety is in jeopardy. Mr. Marcil also questioned whether certain groups would be able to circumvent the restrictions put forth by the 200-mile firearm radius prohibition. He believes that the bill disenfranchises gun owners is discriminatory in nature.

Warren Stevens, CCDL Liaison, Southington Sportsmen's Association: Mr. Warren stated that gun control does not work. He cited statistics from CrimeSearch.org, which found that 96.2% of mass shootings from 1998 until 2015 took place in gun free zones, while 3.8% took place in locations where firearms are permitted. Based on this data, he believes that gun control is ineffective and has no impact in crime. Additionally, Mr. Warren stated that armed citizens can stop a criminal from committing a mass shooting before mass casualties occur.

Peter Roe: Mr. Roe addressed concerns regarding firearms restrictions from all polling places, as well as the proposal to expand absentee voting. As it relates to the firearm concern, Mr. Roe believes that banning firearms is an open invitation to a criminal wishing to commit violent acts. Since law enforcement cannot be at every polling precinct to protect voters, the bill denies law abiding citizens the right to protect themselves and others from criminals. Regarding absentee ballots, Mr. Roe believes that strict measures must be imposed to prevent fraud, confusion and distrust in elections.

The Government Administration and Elections Committee received via email over 240 pieces of testimony in opposition to SB 5. 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: Valentina Mehmeti

Date: 4/5/2021