

Government Administration and Elections Committee

MEETING MINUTES

Monday, April 5, 2021

2:00 PM in Zoom and YouTube Live

The meeting was called to order at 2:10 PM by Chairwoman, Sen. Flexer M. S29.

The following committee members were present:

Senators: Flexer M. S29; Haskell W. S26; McCrory D. S02; Sampson R. S16;
Slap D. S05

Representatives: Blumenthal M. 147; Carpino C. 032; Fishbein C. 090; Fox D. 148;
France M. 042; Haddad G. 054; Labriola D. 131; Mastrofrancesco
G. 080; McCarthy Vahey C. 133; Morrin Bello A. 028; Palm C. 036;
Rosario C. 128; Santiago H. 084; Thomas S. 143

Absent were:

Senators:

Representatives:

Sen. Flexer convened the meeting at 2:10 PM.

Sen. Flexer moved to Section III of the agenda, Bills for Final Action.

Sen. Flexer asked for a JFS motion on item 1 listed under Section III of the agenda:

1. S.B. No. 5 An Act Concerning Increased Opportunities for Absentee Voting, Safe and Secure In-Person Voting and Voter Registration.

Rep. Fox made the motion and it was seconded by Rep. Thomas.

Sen. Flexer addressed the JFS language changes in LCO # 6412. Section 41, which pertains to redistricting, was removed in the JFS version of the bill. Sen. Flexer stated that the language from Section 41 can now be found in SB 1017.

Sen. Sampson asked Sen. Flexer which state offices are currently tasked with automatic voter registration.

Sen. Flexer clarified the bill intends to codify the current automatic voter registration process at the Department of Motor Vehicles. Sen. Flexer stated that the bill incorporates language that will expand automatic voter registration with state agencies and higher education institutions. She expressed her willingness to work with Sen. Sampson to incorporate a comprehensive list of state agencies that can conduct automatic voter registration in compliance with the National Voter Registration Act of 1993.

Sen. Sampson cited line 131 from the JFS language, which states that the Secretary of the State can make designations as to what offices may be deemed as a “voter registration agency”. Sen. Sampson asked if there was any threshold for the Secretary of the State to make these designations.

Sen. Flexer answered that the bill gives the Secretary of the State the authority to designate agencies with the power to register voters, as long as the registration is in compliance with the National Voter Registration Act.

Sen. Sampson voiced his opposition to this provision of the bill, finding that it gives the Secretary of the State unchecked power to pick and choose which state agencies can conduct automatic voter registration. Additionally, Sen. Sampson took issue with the language in lines 82 through 88, allowing for individuals to attest to their citizenship if they cannot prove it with physical evidence.

Sen. Flexer responded to Sen. Sampson’s concerns regarding lines 82 through 88, stating that the language is reflective of current policy. Sen. Flexer also stated that the agencies currently tasked with automatic voter registration have the capability to verify citizenship.

Sen. Sampson addressed a series of concerns that he has with the current bill . He cited Section 8 of the original version of the bill which establishes Election Day as a legal holiday. Sen. Sampson believes that designating Election Day as a holiday would have negative consequences. Sen. Sampson also referenced Section 9 of the original version of the bill, which would mandate that employers provide their employees with paid time off to cast their vote on Election Day. He believes that government has no business dictating employer practices.

Additionally, Sen. Sampson cited Section 13 of the original version of the bill, which prohibits an elector from possessing a firearm within 250 feet of a polling precinct. He expressed his firm belief that this provision is in direct conflict with the protections of the Second Amendment. Sen. Sampson believes that 250 feet should be reduced to 75 feet, which is the required distance that demonstrators must maintain at any given polling place.

Sen. Sampson also expressed opposition to Sections 14 through 16 of the original version of the bill. These sections would allow for an incarcerated person on parole to have their electoral privileges restored. Sen. Sampson cited Section 21 of the original bill, which makes absentee ballot drop boxes a permanent fixture for Connecticut elections. Sen. Sampson believes that drop boxes are insecure and unnecessary because United States Postal Service mail drop boxes can fulfil the same purpose.

Sen. Sampson asked about Section 22 of the original bill, which includes provisions allowing for absentee ballots to be processed on the day of the election.

Sen. Flexer described this provision as a means to separate absentee ballots by removing the inner envelope from the outer envelope. She noted that this provision does not allow for absentee ballots to be counted early.

Sen. Sampson expressed concerns with Section 25 of the original version of the bill, which allows for the League of Women Voters to take part in the absentee ballot counting process. Sen. Sampson believes the League of Women Voters is a partisan organization that should not play a role in election administration.

Sen. Flexer acknowledged the concerns expressed by Sen. Sampson and noted that Section 25 was removed in this JFS version of the bill.

Sen. Sampson cited Section 27 in the original version of the bill. This section would allow the towns to use an approved system for the returning of absentee ballots. Sen. Sampson interpreted this section to apply to military personnel of individuals with disabilities. Sen. Sampson asked whether this provision would eliminate any paper record of a vote by replacing it with an electronic system.

Sen. Flexer answered by acknowledging that Section 27 was excluded from the JFS version.

Sen. Sampson expressed concern that Section 27 in the JFS version would give the Secretary of the State the authority to prevent candidates and campaigns from obtaining complete voter data files. Section 27 prohibits the disclosure of a voter's date of birth.

Sen. Flexer stated her view that the bill would not prevent campaigns from accessing a complete voter data file. She emphasized the fact that this provision would help to protect the identities of voters by limiting the disclosure of the specific date of birth.

Sen. Sampson stated that he remains opposed to the bill. He added that the bill contains far too many items that should be resolved on an individual basis. Sen. Sampson acknowledged that there are some areas of the bill that are particularly strong, but he feels that the bill makes many concerning policy decisions.

Rep. Mastrofrancesco raised a few questions regarding the bill. Rep. Mastrofrancesco referenced the section that mandates employers to provide their employees with two hours paid time off to go and vote on Election Day. She asked if there are any verification measures in place to determine whether the employee already voted earlier or cast an absentee vote.

Sen. Flexer responded by stating that the bill does not include such provisions. However, she noted that voting records are public and an employer could hypothetically check to see if their employee voted by absentee ballot or cast their vote in person.

Rep. Mastrofrancesco asked whether an employer could figure out the exact time that their employee voted. Rep. Mastrofrancesco inquired whether it would be legal for an employer to obtain some sort of verification that their employee voted during the allotted time frame.

Sen. Flexer acknowledged that the bill did not incorporate language that would provide certification as to the exact time an employee voted.

Rep. Mastrofrancesco expressed concern over the unintended consequences of this provision and the potential for people to abuse this privilege. Rep. Mastrofrancesco also addressed her concern over the role designated to the League of Women Voters. The language in the initial bill authorized the League of Women Voter to supervise the absentee ballot counting process.

Sen. Flexer reiterated that the language pertaining to the League of Women Voters has been removed from the JFS version of the bill. Sen. Flexer recognized that the League of Women Voters was founded as a nonpartisan and nonprofit organization.

Rep. Mastrofrancesco referenced the portion of the bill that allows multiple agencies to complete automatic voter registration. Rep. Mastrofrancesco asked what policies would be put in place to ensure that duplicate voter registrations do not occur.

Sen. Flexer emphasized the fact that all agencies partaking in automatic voter registration will be utilizing one system, effectively ruling out the potential for duplicate registrations. Sen. Flexer offered to work with the ranking members in developing a comprehensive list of state agencies that could become voter registration agencies.

Rep. Mastrofrancesco maintained concern regarding the voter rolls and the potential for duplicate registrations, whether deliberate or unintentional.

Sen. Flexer requested a roll call vote on S.B. No. 5 An Act Concerning Increased Opportunities for Absentee Voting, Safe and Secure In-Person Voting and Voter Registration.

Total voting = 19. Those voting yea = 13, those voting nay = 6, absent = 0.

Sen. Flexer asked for a JFS motion on item 6 listed under Section III of the agenda:

6. S.B. No. 1017 An Act Concerning Election Administration.

Rep. Fox made the motion and it was seconded by Rep. McCarthy Vahey.

Sen. Flexer addressed the JFS language changes in LCO # 6411. In the changes, the bill only contains one section that focuses solely on the redistricting plan initially included SB 5. The bill mandates that the Secretary of the State have the capability to review local implementation of the state redistricting plan.

Sen. Flexer requested a roll call vote on S.B. No. 1017 An Act Concerning Election Administration.

Total voting = 19. Those voting yea = 19, those voting nay = 0, absent = 0.

Sen. Flexer asked for a JF motion on item 6 listed under Section III of the agenda:

4. S.B. No. 820 An Act Concerning A State Voting Rights Act.

Rep. Santiago made the motion and it was seconded by Rep. Fox.

Sen. Sampson emphasized the dense nature of this bill. Sen. Sampson acknowledged that the legislative intent might be in good faith, however, he believes that the bill accomplishes the opposite because it encourages the government to count people based on their outward characteristics.

Sen. Sampson addressed a series of concerns he has with the bill including the various provisions that give the Secretary of the State new powers regarding redistricting. Sen. Sampson believes that the language in the bill that seeks to solely measure disparate impact on protected classes will result in deliberate government discrimination. Sen. Sampson believes that using outward characteristics such as race to make policy decisions will result in a negative impact. Additionally, Sen. Sampson raised questions on the jurisdiction designated to the Secretary of the State to prosecute candidates or campaigns involved in deception or intimidation. He expressed his intent to vote against this bill, finding that it will not solve racial problems in the country but only exacerbate current racial divisions.

Rep. Mastrofrancesco asked for an explanation of lines 30 through 33, where the bill seeks to define “racially polarized voting”.

Sen. Flexer referenced line 81, which applies the term racially polarized voting in relation to voting patterns. She further explained this provision as a means to ensure that district lines are drawn to ensure that marginalized racial groups have fair electoral representation.

Rep. Mastrofrancesco expressed her opposition to the bill based upon the perceived racial aspect of the legislation. In addition, Rep. Mastrofrancesco expressed grave concern regarding the powers delegated to the Secretary of the State, particularly the prosecutorial abilities granted to the Secretary of the State if they deem that a candidate or campaign is taking part in deception or intimidation.

Sen. Sampson expressed concern regarding the racially polarized voting provision. Sen. Sampson emphasized his view that the legislation assumes that individuals cast their vote for a particular candidate based on their race. Sen. Sampson identified this provision as offensive and discriminatory. He implored his colleagues to thoroughly read the bill and oppose it based on its discriminatory nature.

Rep. Haddad noted that issues pertaining to redistricting and race have been settled through case law at the level of the Supreme Court. Citing the Fourteenth and Fifteenth Amendments, Rep. Haddad acknowledged that the Courts have been deferential towards protected classes in cases involving redistricting.

Sen. Flexer requested a roll call vote on S.B. No. 820 An Act Concerning A State Voting Rights Act.

Total voting = 19. Those voting yea = 13, those voting nay = 6, absent = 0.

Sen. Flexer asked for a JFS motion on item 9 listed under Section III of the agenda:

9. H.B. No. 6205 An Act Revising Certain Absentee Voting Statutes.

Rep. Thomas made the motion and it was seconded by Rep. Santiago.

Rep. Mastrofrancesco referenced line 41 of the bill. Line 41 incorporates terms like sickness and illness regarding absentee ballot eligibility. Rep. Mastrofrancesco asked whether amending the current statutes would require a constitutional amendment.

Sen. Flexer responded by stating that the language of the bill was designed to mirror the language of the Connecticut Constitution. Sen. Flexer noted that the Connecticut Constitution uses the term sickness while statute uses the word illness. Sen. Flexer clarified that the bill seeks to conform these two terms.

Sen. Flexer requested a roll call vote on H.B. No. 6205 An Act Revising Certain Absentee Voting Statutes.

Total voting = 19. Those voting yea = 13, those voting nay = 6, absent = 0.

Sen. Flexer asked for a JFS motion on item 10 listed under Section III of the agenda:

10. H.B. No. 6578 An Act Concerning Participation in the Electoral Process.

Rep. Fox made the motion and it was seconded by Rep. Morrin Bello.

Rep. Mastrofrancesco expressed her intent to vote no on this bill. She stated that many of the provisions included seemed very similar to those found in SB 5.

Sen. Flexer requested a roll call vote on H.B. No. 6578 An Act Concerning Participation in the Electoral Process.

Total voting = 19. Those voting yea = 13, those voting nay = 6, absent = 0.

Sen. Flexer asked for a JF motion on item 11 listed under Section III of the agenda:

11. H.B. No. 6579 An Act Revising Certain Statutes Concerning Voter Registration and Election Administration.

Rep. Fox made the motion and it was seconded by Rep. McCarthy Vahey.

Sen. Flexer requested a roll call vote on HB 6579 An Act Revising Certain Statutes Concerning Voter Registration and Election Administration.

Total voting = 19. Those voting yea = 19, those voting nay = 0, absent = 0.

Sen. Flexer asked for a JF motion on item 12 listed under Section III of the agenda:

12. H.B. No. 6650 An Act Concerning Elections of Town Committee Members.

Rep. Fox made the motion and it was seconded by Rep. McCarthy Vahey.

Rep. Mastrofrancesco asked if this bill would allow for a town to not hold an election if a town committee member does not face any opponents.

Rep. Fox acknowledged that this was in fact the intent of the bill.

Sen. Flexer requested a roll call vote on H.B. No. 6650 An Act Concerning Elections of Town Committee Members.

Total voting = 19. Those voting yea = 11, those voting nay = 7, absent = 1.

Sen. Flexer asked for a JFS motion on item 8 listed under Section III of the agenda:

8. H.B. No. 5653 An Act Amending the Civil Preparedness and Public Health Emergency Statutes.

Rep. Fox made the motion and it was seconded by Rep. Carpino.

Rep. Thomas stated that she supports the concept of the bill but finds it troubling to give decision power only to legislative leadership. Rep. Thomas stated that the majority and minority leadership in the General Assembly are predominantly white men, whom she believes are not representative of the general population in the state.

Sen. Sampson expressed his view that vesting the majority and minority leadership with decision making power is designed to balance the power between the legislative and executive branches.

Sen. Flexer requested a roll call vote on H.B. No. 5653 An Act Amending the Civil Preparedness and Public Health Emergency Statutes.

Total voting = 19. Those voting yea = 15, those voting nay = 4, absent = 0.

Sen. Flexer announced that votes would be held open until 6:00 PM.

Sen. Flexer thanked committee staff and committee members for all their time and effort during an unprecedented session. She announced that this would be the last meeting the committee meets to vote on its own bills.

Rep. Mastrofrancesco expressed her gratitude to the committee staff for all their hard work and dedication. Rep. Mastrofrancesco thanked the committee chairs for their collegiality and spirited debates.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 6:00 PM.

Administrator

Committee Clerk