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Written Testimony Supporting Senate Bill 184, An Act Concerning Extending Through November 8, 2022, Several Changes Regarding Election Administration as a Result of COVID-19 and Concerning Eligibility to Vote By Absentee Ballot and House Bill 5262, An Act Revising Certain Absentee Voting Eligibility Statutes

Senator Flexer, Representative Fox, Ranking Members Sampson and Mastrofrancesco, and distinguished members of the Government Administration and Elections Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of Senate Bill 184, An Act Concerning Extending Through November 8, 2022, Several Changes Regarding Election Administration as a Result of COVID-19 and Concerning Eligibility to Vote By Absentee Ballot and House Bill 5262, An Act Revising Certain Absentee Voting Eligibility Statutes.

The ACLU-CT strongly supports measures to ensure equal access to the ballot box and we especially support measures that increase voting access for historically disenfranchised groups, particularly Black voters. Improving voting rights and voting access strengthens democracy, since voting is the foundation of democracy itself.

In Connecticut, during non-pandemic times, voters have shockingly few options for casting their ballots. Except for people who can satisfy narrow constitutional conditions to vote absentee, the only option for most people is to vote in person.¹ Archaic language in the Connecticut Constitution also prohibits early voting in our

¹ See CONN. CONST. art. 6, § 7 (permitting the General Assembly to provide for voting due to absence from the municipality where a voter lives, sickness or physical disability, or religious tenets forbidding secular activity).

state altogether.² These constitutional restrictions have led Connecticut to be of only sixteen states lacking no-excuse absentee voting.³ These limitations combine to make Connecticut, in one voting rights group's estimation, the fourth worst state in the nation for voting options.⁴

We encourage this Committee to support Senate Bill 184 and House Bill 5262. COVID-19 has presented Connecticut with many unprecedented challenges and difficult solutions. Fortunately, beginning in 2020 the General Assembly, building off executive orders issued by the Governor, ensured that absentee voting was available to everyone through the November election. By providing for a new absentee voting excuse, the legislature ensured that every person who wanted to vote did not have to risk exposure to a deadly disease by doing so.

Some of the problems created by limiting voting options were on display during the November 2020 election. During the first months of the COVID-19 pandemic, Connecticut scrambled to provide voters with options so that people were not piled on top of each other in long lines, vulnerable to a highly contagious disease.⁵ Through a combination of executive order and emergency legislation, voters were permitted to vote by no-excuse absentee ballot in the 2020 presidential primary election and the general election. By all measures, this was an enormous success. Approximately 35 percent of voters voted by absentee—about four times more than the typical absentee

² See CONN. CONST. art. 3, § 8 (providing for the election of members of the General Assembly on the Tuesday after the first Monday of November, biennially, in even-numbered years).

³ *States with No-Excuse Absentee Voting*, NAT'L CONF. ST. LEGIS. (Jan. 3, 2022), <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx>.

⁴ See *How Easy Is It To Vote Early in Your State?*, CTR. FOR ELECTION INNOVATION & RES. (Apr. 12, 2021), <https://electioninnovation.org/research/early-voting-availability-2022/>; Bill Theobald, *The 6 Toughest States for Voting During the Pandemic*, FULCRUM (Apr. 29, 2020), <https://thefulcrum.us/voting/voting-during-coronavirus/>; see also Russell Berman, *The Blue States that Make It Hardest to Vote*, ATLANTIC (Apr. 15, 2021), <https://www.theatlantic.com/politics/archive/2021/04/democrats-voting-rights-contradiction/618599/> (discussing archaic voting restrictions in states with majority Democratic legislatures); Daniela Altamari, *Connecticut Has Some of the Most Restrictive Voting Laws in the Country. Here's How Our Voting Laws Compare to Other States*, HARTFORD COURANT (Apr. 11, 2021), <https://www.courant.com/politics/hc-pol-voting-connecticut-20210411-hdf5udlgrdrdoho3hjufgrakcwi-story.html>.

⁵ See, e.g., Lisa Backus, *Connecticut Voters Sue to Get Access to Absentee Ballots*, CT NEWS JUNKIE (July 2, 2020), https://ctnewsjunkie.com/2020/07/02/20200702_connecticut_voters_sue_to_get_access_to_absentee_ballots/.

voting rate.⁶ Despite this massive growth in absentee voting, the Office of the Secretary of the State halved its typical absentee ballot rejection rate.⁷ In-person voters statewide faced few problems.⁸ In short, a trial run in November proved that expanding voting options was both wildly popular with voters and extremely successful administratively.

This is encouraging, because Connecticut's limited voting options have historically harmed voters of color. In many recent elections, long lines have affected the same cities and precincts repeatedly—always areas with greater concentrations of voters of color.⁹ In fact, nationwide, Black voters are 74 percent more likely than white voters to wait more than thirty minutes to vote in person at their polling places on Election Day.¹⁰ In addition, because of interlocking systems of oppression, voters who are less likely to be able to physically go to the polls on Election Day—like people with little job flexibility, people lacking transportation, people lacking childcare, people with disabilities, voters without identification, and voters who lack language access¹¹—are all disproportionately more likely to be people of color.¹² Enacting solutions like no-excuse absentee voting will accordingly confer an outsize benefit on voters of color, making passage of these resolutions an important step towards voting equity.

⁶ See *Election Center*, CONNECTICUT SECRETARY OF THE STATE (Nov. 3, 2020), <https://ctemspublic.pcctg.net/#/voterTurnout>.

⁷ See CT Mirror Staff, *Across Connecticut, No Problems at the Polls*, CT MIRROR (Nov. 3, 2020), <https://ctmirror.org/2020/11/03/pandemic-or-not-connecticut-expects-huge-turnout-as-voters-head-to-pollstoday/>.

⁸ See “Election Center, CONNECTICUT SECRETARY OF THE STATE (Nov. 3, 2020), <https://ctemspublic.pcctg.net/#/voterTurnout>.

⁹ Matt DeRienzo, *In Connecticut, Voters Face Some of the Biggest Obstacles Outside the South*, CTR. FOR PUB. INTEGRITY, (Oct. 7, 2020 at 3:30 PM), <https://publicintegrity.org/politics/elections/us-pollingplaces/connecticut-voters-face-some-of-the-biggest-obstacles-outside-the-south/>.

¹⁰ Daniel Garisto, *Smartphone Data Shows Voters in Black Neighborhoods Wait Longer*, SCI. AM. (Oct. 1, 2019), <https://www.scientificamerican.com/article/smartphone-data-show-voters-in-black-neighborhoods-wait-longer1/>.

¹¹ For common barriers to voting and reasons why voters do not vote, see, e.g., Amelia Thomson-DeVeaux, Jasmine Mithani & Laura Bronner, *Why Many Americans Don't Vote*, FIVETHIRTYEIGHT.COM (Oct. 26, 2020), <https://projects.fivethirtyeight.com/non-voters-poll-2020-election/>; *11 Barriers to Voting*, CARNEGIE CORP. N.Y. (Nov. 1, 2019), <https://www.carnegie.org/topics/topicarticles/voting-rights/11-barriers-voting/>.

¹² Vann R. Newkirk II, *Voter Suppression is Warping Democracy*, ATLANTIC (July 17, 2018), <https://www.theatlantic.com/politics/archive/2018/07/poll-prri-voter-suppression/565355/>.

The legislature should embrace this chance to decrease congestion at the polls on Election Day and improve the chances of vulnerable people to safely cast their ballots. When more people have a chance to make their voices heard through expanded access to the ballot, it strengthens democracy for all of us. The ACLU-CT asks this Committee to expand absentee voting during times of general illness, through the November 2022 election and beyond, and keep in place essential emergency provisions allowing voters to vote safely during the pandemic. But, the ACLU-CT also calls on this Committee to support full no-excuse absentee voting for all voters in Connecticut, applying what we as Connecticut voters have learned during the past two years of the pandemic: that absentee voting is safe,¹³ effective,¹⁴ and accessible.¹⁵

¹³ Lisa Danetz, *Mail Ballot Security Features: A Primer*, BRENNAN CTR. JUST. (Oct. 16, 2020), <https://www.brennancenter.org/our-work/research-reports/mail-ballot-security-features-primer>; *The Myth of Voter Fraud*, BRENNAN CTR. JUST. (last accessed Mar. 4, 2022), <https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/myth-voter-fraud>; Darrell M. West, *How Does Vote-By-Mail Work and Does It Increase Election Fraud?*, BROOKINGS INST. (June 22, 2020), <https://www.brookings.edu/policy2020/votervital/how-does-vote-by-mail-work-and-does-it-increase-election-fraud/>; Andrew C. Eggers, Haritz Garro & Justin Grimmer, *No Evidence for Systemic Voter Fraud: A Guide to Statistical Claims About the 2020 Election*, 118(45) PROCEEDINGS OF NAT'L ACAD. SCI. <https://www.pnas.org/doi/10.1073/pnas.2103619118>.

¹⁴ *Voting By Mail and Absentee Voting*, M.I.T. ELECTION DATA & SCI. LAB (last accessed Mar. 4, 2022), <https://electionlab.mit.edu/research/voting-mail-and-absentee-voting>; Drew Desilver, *Turnout Soared in 2020 as Nearly Two-Thirds of Eligible U.S. Voters Cast Ballots for President*, PEW RES. CTR. (Jan. 28, 2021), <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>; Drew Desilver, *Mail-In Voting Became Much More Common in 2020 Primaries as COVID-19 Spread*, PEW RES. CTR. (Oct. 13, 2020), <https://www.pewresearch.org/fact-tank/2020/10/13/mail-in-voting-became-much-more-common-in-2020-primaries-as-covid-19-spread/>.

¹⁵ Danielle Root & Mia Ives-Rublee, *Enhancing Accessibility in U.S. Elections*, CTR. AM. PROGRESS (July 8, 2021), <https://www.americanprogress.org/article/enhancing-accessibility-u-s-elections/>; Abigail Abrams, *Mail Voting Boosted Turnout for Voters with Disabilities. Will Lawmakers Let It Continue?*, TIME (Feb. 18, 2021), <https://time.com/5940397/2020-mail-voting-accessibility/>; *Voting by Mail is Essential for Voters with Disabilities, But It's Not Enough*, ACLU (July 7, 2020), <https://www.aclu.org/news/voting-rights/voting-by-mail-is-essential-for-voters-with-disabilities-but-its-not-enough/>; Sabrina Gonzalez, *Vote By Mail Is One of Many Ways to Ensure the Disability Community Is Included in the Next Election*, CTR. AM. PROGRESS (May 19, 2020), <https://www.americanprogress.org/article/vote-mail-one-many-ways-ensure-disability-community-included-next-election/>; Daniel P. Tokaji & Ruth Colker, *Absentee Voting by People with Disabilities: Promoting Access and Integrity*, 38 MCGEORGE L. REV. 1015 (2007), https://www.americanbar.org/content/dam/aba/administrative/law_aging/tokaji.pdf.