



Legislative Testimony
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**Written Testimony Supporting House Bill 5001, An Act Concerning
Absentee Voting for All and Various Other Reforms to the Administration
of Elections**

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

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 5001, An Act Concerning Absentee Voting for All and Various Other Reforms to the Administration of Elections, with some recommended amendments.

For years, the ACLU-CT has been committed to expanding and protecting access to the ballot in Connecticut, working to remove the systemic barriers that continue to block full participation in our democracy. This legislative session, it is imperative that the General Assembly implement no-excuse absentee voting and fulfill the clear mandate delivered by voters in the 2024 election, when over 60 percent of voters supported modernizing our democracy through absentee voting for all. For these reasons, our organization strongly supports House Bill 5001.

Voting is the foundation of democracy, the right through which all our other rights are protected. The importance of the right to vote cannot be overstated. The United States Supreme Court has long described voting as a fundamental right, because it is preservative of all other rights.¹ Voting is “the citizen’s link to [their] laws and

¹ See *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

government”² and “the essence of a democratic society.”³ If the right to vote is undermined, the Court has cautioned, other rights “are illusory.”⁴ Thus, in a democracy, safeguarding the right to vote “is a fundamental matter.”⁵

Yet this fundamental right is still not felt equally. From its founding through the recent past, Connecticut has a troubling history of discrimination in voting. This history includes the use of explicitly racist constitutional provisions regarding who could and could not vote,⁶ English-only literacy tests,⁷ discriminatory local redistricting plans,⁸ and voter purges that disproportionately targeted voters of color.⁹ Despite Connecticut’s progressive reputation, there are still discriminatory barriers to equal participation in our democracy for Black voters and voters of color, and people whose first language is not English, particularly at the local level. In 2020, the Center for Public Integrity observed that Connecticut voters still “face some of the biggest obstacles outside of the south,” manifesting in long lines at the polls in predominantly Black and brown neighborhoods, and significant disparities in voter registration and turnout between white voters and voters of color.¹⁰

Conditions that foster voting discrimination—such as unfairly drawn districts that weaken Black and brown voting power, inaccessible polling locations, insufficient language assistance for voters who do not speak English, and even voter intimidation—endure throughout Connecticut. At the same time, we are witnessing

² *Evans v. Cornman*, 398 U.S. 419, 422 (1970).

³ *Harman v. Forssenius*, 380 U.S. 528, 537 (1965).

⁴ *WeS.Berry v. Sanders*, 376 U.S. 1, 17 (1964).

⁵ *Reynolds v. Sims*, 377 U.S. 533, 561–62 (1964).

⁶ Mary M. Janicki, *OLR Research Report: The Rights to Vote and Hold Office* (Oct. 29, 1998), <https://www.cga.ct.gov/PS98/rpt%5Colr%5Chtm/98-R-1215.htm> (explaining that a “race restriction” in the Connecticut Constitution requiring voters to be white remained in place until 1876).

⁷ Steve Thornton, *Literacy Tests and the Right to Vote*, CONNECTICUTHISTORY.ORG (Sept. 15, 2022), <https://connecticuthistory.org/literacy-tests-and-the-right-to-vote/> (detailing Connecticut’s discriminatory use of an English-only literacy test to disenfranchise Puerto Rican voters until stopped by federal legislation).

⁸ *Bridgeport Coalition for Fair Representation v. City of Bridgeport*, 1993 WL 742750.

⁹ *Voters in Hartford Still Need Federal Court’s Protection*, ACLU-CT (July 11, 2013), <https://www.acluct.org/en/press-releases/voters-in-hartford-still-need-federal-courts-protection> (describing the *Santa v. Cimiano* litigation, arising from a Hartford voter purge process in which Latinx voters were twice as other voters to be removed from canvassing lists).

¹⁰ Matt DeRienzo, *In Connecticut, Voters Face some of the Biggest Obstacles Outside the South*, CTR. PUB. INTEGRITY (Oct. 7, 2020), <https://publicintegrity.org/politics/elections/us-polling-places/connecticut-voters-face-some-of-the-biggest-obstacles-outside-the-south/>

a widespread attack on voting rights at the federal level and in other states. The Supreme Court has rolled back core components of the federal Voting Rights Act in decisions like *Shelby County v. Holder*. Since the *Shelby County* decision in 2013, over one hundred laws have been added to the books across the country that restrict voting.¹¹ While other states restricted the right to vote, Connecticut has made real progress in the last few years by passing the Connecticut Voting Rights Act and constitutional amendments permitting legislation on no-excuse absentee voting and early voting. The General Assembly must now follow through with legislation to make no-excuse absentee voting a reality.

Some of the problems created by Connecticut's limited 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.¹² 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 used absentee ballots—about four times more than the typical absentee voting rate.¹³ Despite this massive growth in absentee voting, the Office of the Secretary of the State halved its typical absentee ballot rejection rate.¹⁴ In-person voters statewide faced few problems.¹⁵ In short, this trial run proved that expanding voting options was both wildly popular with voters and extremely successful administratively.

¹¹ Jasleen Singh & Sara Carter, *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago*, BRENNAN CTR. JUST. (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>.

¹² 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/>.

¹³ See Election Center, CONN. SECRETARY OF THE STATE (Nov. 3, 2020), <https://ctempublic.pctg.net/#/voterTurnout>.

¹⁴ 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/>.

¹⁵ See "Election Center, CONN. SECRETARY OF THE STATE (Nov. 3, 2020), <https://ctempublic.pctg.net/#/voterTurnout>.

This is encouraging, because Connecticut's limited voting options have historically harmed Black voters and 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.¹⁶ 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.¹⁷ 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 who are incarcerated pre-trial or for misdemeanors, people lacking childcare, people with disabilities, voters without identification, and voters who lack language access¹⁸—are all disproportionately more likely to be Black people and people of color.¹⁹ Enacting solutions like no-excuse absentee voting will accordingly confer an outsize benefit on these voters, making passage of these resolutions an important step towards voting equity.

The ACLU-CT recognizes that the creation of a truly equitable and accessible no-excuse absentee voting system will require continuous work over multiple sessions. This legislature must pass a bill in the 2026 session that removes existing restrictions on the access to absentee voting. House Bill 5001 does this and would go into effect in time for both the 2026 primary and general elections. The ACLU-CT also appreciates this Committee's effort to establish no-excuse absentee voting without reducing the number of early voting days.

¹⁶ 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/>.

¹⁷ 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/>.

¹⁸ 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/>.

¹⁹ 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 ACLU-CT believes that there are additional opportunities to strengthen the accessibility, reliability, and voter confidence of no-excuse absentee voting beyond the initial framework of merely removing excuses for absentee voting from the constitution. We are also deeply committed to establishing no-excuse absentee voting without harming our other voting systems, like early voting. The following recommendations reflect what we believe a fully realized no-excuse absentee voting system should include, implemented through a deliberate phased approach beginning in 2026 and continuing over the course of future legislative sessions.

Implementation Timeline & Phased Approach

- Solidify legislative language and foundational policies in time for the 2026 primaries and general election.
- Ensure adequate funding and resources for phased roll out to begin in 2026.

Simplify the Voter Experience

- Allow voters to opt into a permanent list to automatically receive absentee ballots for all elections to simplify the voting process for those who prefer mail voting and to reduce the administrative burden on election officials. This opt-in capability should be available to voters on any forms they use, whether in person, by mail, or online, anytime they register or update their registration.
- Include a postage-paid return envelope with all absentee ballots to remove financial barriers and inconvenience to voting.
- Provide secure and accessible drop boxes as a trusted alternative to mailing ballots including at a minimum at all town halls and all early voting sites.
- Allow qualified designated agents to assist disabled or homebound voters with marking, signing, and mailing their ballots.
- Offer voters easy options to update their registration and address to ensure ballots are sent to the correct location.

Enhance Election Security and Transparency

- Implement a secure tracking system, for elections officials and voters, with real time updates and the ability to notify voters of technical problems via mail, email, or text.
- Use barcode technology to enhance security and transparency.
- Improve curing process prior to Election Day and extend the cure period to after Election Day.

Streamline Election Administration

- Allow election officials to begin processing (but not count) ballots before Election Day to expedite results reporting while maintaining transparency and security.
- Establish a standardized process to notify voters of technical issues (e.g., missing or mismatched signatures, or envelopes that are improperly sealed, or appear to have been subjected to tampering) and provide a timely framework for voters to correct these issues.
- Extend the cure period to one to two weeks after Election Day to ensure every eligible ballot is counted.

Grace Periods for Ballot Acceptance

- Accept ballots postmarked by Election Day for a designated number of days (e.g., three to seven days) to account for postal delays, preventing the disenfranchisement of eligible voters.

Modernize Absentee Ballot Requests

- Maintain and enhance the existing secure statewide online portal for absentee ballot requests while ensuring it remains accessible and user-friendly.
- Limit the handling and distribution of absentee ballot applications to the Secretary of the State and town clerks only, eliminating third-party involvement to maintain trust and efficiency.

Voter Education & Mailers

- Proactively mail absentee ballot applications, including instructions and postage-paid envelopes, to all registered voters before each election, as successfully implemented during the COVID pandemic.
- Fund advertising and promotional programs to inform voters about their options in voting in advance of every election.

The ACLU-CT also offers specific amendments and general comments to House Bill 5001 as follows:

Specific Amendments

Sections 23 and 26: Electronic Ballots for Certain Voters

- Lines 692-863 appear to allow electronic return of absentee ballots via the internet for some voters. As drafted, this language would put voters' ballots at risk and undermine confidence in election results.
- We share this Committee's dedication to ensuring that all voters, including those with disabilities and those living overseas, can exercise their right to vote but cannot risk ballot confidentiality, integrity, and public confidence.

- A significant cybersecurity analysis classified electronic ballot return as high risk, capable of enabling attacks that could alter or disrupt election results.²⁰ The U.S. Senate Select Committee on Intelligence similarly determined that a system of online voting that is sufficiently secure does not yet exist.²¹ Numerous studies by independent cybersecurity experts echo this claim.²²

Section 27: Absentee Ballot Return Distinction

- The section appears to require applicants to return an absentee ballot in-person by the day before the election, but allows their designees or family members to return ballots in-person on election day. The reasoning behind this discrepancy is unclear.

Section 28(a): Two-Envelope System

- Preserves the two-envelope system for absentee ballots, which uses an inner affirmation envelope and an outer mailing envelope.
- Other states have found that this increases voter error, as some voters forget to include the inner envelope, leading to ballot rejection.
- These states have instead combined these into one envelope that includes the affirmation and is used for mailing, with a secrecy flap covering the voter's affirmation.

Section 29: Drop Box Retrieval Schedule

- Requires drop box retrievals only on business days, as opposed to the current schedule of weekdays.
- Given the increased mail volume, election officials should also consider doing drop box retrievals on the weekend before the election.

General Amendments

Absentee Voter Safeguards

²⁰ Cybersecurity and Infrastructure Security Agency (CISA), the Election Assistance Commission (EAC), the Federal Bureau of Investigation (FBI), and the National Institute of Standards and Technology (NIST), *Risk Management for Electronic Ballot Delivery, Marking, and Return* (2024), [https://www.cisa.gov/sites/default/files/2024-02/Final %20Risk Management for Electronic-Ballot 05082020 508c.pdf](https://www.cisa.gov/sites/default/files/2024-02/Final%20Risk%20Management%20for%20Electronic%20Ballot%2005082020%20508c.pdf) (“Electronic ballot return faces significant security risks to the confidentiality, integrity, and availability of voter ballots. These risks can ultimately affect the tabulation and results and can occur at scale.”).

²¹ *Report of the Select Committee on Intelligence, United States Senate, on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure with Additional Views* (2019), <https://www.intelligence.senate.gov/wp-content/uploads/2024/08/sites-default-files-documents-report-volume1.pdf>.

²² See, e.g., R. Michael Alvarez, et al., *Working Group Statement on Developing Standards for Internet Ballot Return*, Center for Security in Politics, University of California, Berkeley (Dec. 2022), <https://isg.berkeley.edu/wp-content/uploads/2022/12/Working-Group-Statement-on-Internet-Ballot-Return.pdf> (finding that the technology required to secure online ballot return does not exist today, and that a single attacker could potentially alter thousands or even millions of votes; electronic ballot return poses issues concerning malware, denial-of-service attacks, spoofing, identity fraud, and breaches that could expose voters' private information); Andrew Appel, *Internet Voting is Insecure and Should Not Be Used in Public Elections*, Center for Information Technology Policy, Princeton University (Jan. 16, 2026), <https://blog.citp.princeton.edu/2026/01/16/internet-voting-is-insecure-and-should-not-be-used-in-public-elections/> (stating “it has been the scientific consensus for decades that internet voting is not securable by any known technology. Research on future technologies is certainly worth doing. However, the decades of work on [electronic ballot return] systems has yet to produce any solution, or even any hope of a solution, to the fundamental problems”).

- Current bill language lacks clear safeguards for absentee voters, which are necessary to handle increases in the volume of absentee ballots received and of people voting absentee.
- House Bill 5001 should be amended to include processes to both: (1) notify voters of ballot errors and (2) process for voters to cure errors, including post-election.

Extension of Ballot Receipt Deadline

- The bill does not extend the ballot receipt deadline for mail ballots, which must be received by the close of polls on election day and should be amended.
- Fourteen states and D.C. allow ballots received by the Postal Service by election day to be counted if received by a set deadline post-election.

Permanent Absentee Sign-Up Process

- The bill does not include a process for people to sign up to receive absentee ballots for all future elections for which they are eligible.
- Although implementation is unlikely to be accomplished in time for the 2026 election, the bill could include these provisions with a delayed implementation date or indicate that they will be studied for implementation in future elections.

This legislature has a long way to go to make voting truly accessible for every person in Connecticut, but passing House Bill 5001 along with the recommended amendments is crucial to expanding equitable access to the franchise through modernized absentee voting reforms. The ACLU-CT is committed to supporting and overcoming any hurdles to voting access through evidence-based research, advocacy, resource mobilization, and technical assistance. We understand the constraints that this legislature is navigating this short session. We strongly believe that it is imperative to fully fund voting rights in this state, including but not limited to no-excuse absentee voting. We appreciate this Committee's time and dedication to ensuring that Connecticut's voting systems remain a model of accessibility, security, and efficiency. Together, we have already made historic strides, and continued collaboration between the legislature and voting rights advocates is critical to continuing that progress. The ACLU-CT strongly supports House Bill 5001 with recommended amendments, and urges this Committee to do the same.