



Legislative Testimony  
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**Written Testimony Supporting Senate Bill 1535, An Act Concerning the Secretary of State's Recommendations Related to Early Voting**

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 Senate Bill 1535, An Act Concerning the Secretary of State's Recommendations Related to Early Voting, with concern about Section 7 and 8.

Voting is the foundation of democracy, the right through which all our other rights are protected and preserved. 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.<sup>1</sup> Voting is "the citizen's link to [their] laws and government"<sup>2</sup> and "the essence of a democratic society."<sup>3</sup> If the right to vote is undermined, the Court has cautioned, other rights "are illusory."<sup>4</sup> Thus, in a democracy, safeguarding the right to vote "is a fundamental matter."<sup>5</sup>

The ACLU-CT strongly supports measures to ensure equal access to the ballot box, like early voting. Connecticut's limited voting options have historically disproportionately harmed Black voters and voters of color. In many recent elections, long lines have plagued the same cities and precincts repeatedly—these are always

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

<sup>2</sup> *Evans v. Cornman*, 398 U.S. 419, 422 (1970).

<sup>3</sup> *Harman v. Forssenius*, 380 U.S. 528, 537 (1965).

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

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

areas with greater concentrations of Black and Latine voters.<sup>6</sup> Because of interlocking systems of oppression, voters who are less likely to be able to get to the polls on Election Day—people with little job flexibility, people lacking transportation, disabled people, and voters who lack language access—are all disproportionately likely to be Black voters and voters of color.<sup>7</sup> In states that allow early voting, communities of color are utilizing early voting more and more, leading to a surge in the number of Black people voting.<sup>8</sup> Ensuring that our new early voting system that is truly equitable, functional, and accessible will accordingly confer an outsized benefit on voters of color, especially Black voters. The ACLU-CT supports legislation that seeks to improve access to voting when it comes to our early voting system. Senate Bill 1535 makes many important improvements to our early voting system, including:

- Requiring registrars of voters in each town to jointly designate an early voting location and, if they cannot agree, the bill would require the legislative body or town meeting to designate the location. Currently there is no procedure on the books to solve this conflict.
- Simplifying the process for certifying same day registration and early voting plans with SOTS.
- Requiring that any municipality with a public higher education institution with over 1,000 students living on campus to provide an additional early voting site on the campus.

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<sup>6</sup> M. Keith Chen, Kareem Haggag, Devin G. Pope & Ryne Rohla, *Racial Disparities in Voting Wait Times: Evidence from Smartphone Data*, CORNELL UNIVERSITY ARXIV.1909.00024, at Table C.3 (Oct. 31, 2020), <https://arxiv.org/abs/1909.00024/>.

<sup>6</sup> Shayla Colon, *From the Sky: Drone Photos Capture Long Voting Line In CT*, CT POST (Nov. 3, 2020), <https://www.ctpost.com/elections/slideshow/Norwalk-voters-endure-long-lines-and-cold-212063.php>; *Polling Location in Hartford Had Long Lines on Election Day*, NBC CONNECTICUT (Nov. 4, 2020), <https://www.nbcconnecticut.com/news/local/polling-location-in-hartford-had-long-lines-on-election-day/2355523/>; Jack Kramer, *In Connecticut, Long Lines and Problems at a Hartford Polling Place*, CT NEWS JUNKIE (Nov. 8, 2016 at 8:47 AM), [https://ctnewsjunkie.com/2016/11/08/smooth\\_start\\_to\\_voting\\_in\\_tumultuous\\_year/](https://ctnewsjunkie.com/2016/11/08/smooth_start_to_voting_in_tumultuous_year/); Dan Corcoran, *Hartford Registrars of Voters Office Fined \$9,600 for 2014 Election Debacle*, NBC CONNECTICUT (Aug. 17, 2017 at 7:15PM), <https://www.nbcconnecticut.com/news/local/hartford-registrars-of-voters-office-fined-9600-for-2014-election-debacle/20665/>; *Bridgeport Voting Extended to 10pm Because of Ballot Shortage*, GREENWICH TIMES (Nov. 2, 2010), <https://www.greenwichtime.com/news/article/Bridgeport-voting-extended-to-10-p-m-because-of-791129.php>.

<sup>7</sup> See, e.g., 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/>.

<sup>8</sup> Diana Kasdan, *Early Voting: What Works*, BRENNAN CTR. JUST., at 12 (2013).

- Providing a procedure to ensure that voters receive the proper ballot during early voting by requiring registrars to announce each elector's voting district and the ballot electors should receive.
- Requiring voters to directly insert their early voting ballots into tabulators rather than envelopes now that SOTS has received proper funding for new tabulators.
- Requiring head moderators to indicate the number of early voting ballots each day when collecting election data to better report election statistics.
- Prohibiting early voting and same day registration officials from performing services for a party or candidate on the day the official serves or from appearing at political headquarters before the EV or SDR location closes to ensure integrity, bringing the law in line with the requirements of officials on primaries or elections.
- Requiring the appointment of a moderator for each same day registration location, as the law requires for early voting.

But there is one section of the bill that raises concerns for the ACLU-CT. Sections 7 and 8 prohibit registrars of voters from appointing people to serve as replacement moderators or head moderators if they have been convicted of, or pled guilty or nolo contendere, a felony involving fraud, forgery, larceny, embezzlement, bribery, or any other criminal offense under Title 9. We understand the importance of enacting safeguards to protect against the corruption of the integrity of elections administration. We also believe in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. One of the biggest injustices faced by people living with a criminal record are the myriad of collateral consequences flowing from that criminal record, which persist for years, even lifetimes, after a person finishes the punishment they were sentenced to. Collateral consequences turn any sentence into a life sentence. Historically, the ACLU-CT strongly opposes blanket bans when it comes to people living with a criminal record. The ACLU-CT

recommends that the Committee consider a balancing test like the one in Public Act 22-88, which follows an individualized approach and considers evidence of rehabilitation and the amount of time since the conviction. This acknowledges that the longer ago a person violated the law, the less likely their conviction factors into their ability to do their job. The ACLU-CT would be happy to assist this Committee in developing an individualized assessment as it applies to Senate Bill 1535. The ACLU-CT supports Senate Bill 1535 so long as Sections 7 and 8 are amended as suggested and encourages this Committee to do the same.