



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Supporting Equitable Early Voting and on House Bill 5004, An Act Implementing Early Voting, Senate Bill 1057, An Act Concerning the Secretary of the State and Early Voting, and Senate Bill 1064, An Act Concerning the Implementation of Early Voting

Senator Flexer, Representative Blumenthal, 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 writing to testify in support of equitable early voting and on House Bill 5004, An Act Implementing Early Voting, Senate Bill 1057, An Act Concerning the Secretary of the State and Early Voting, and Senate Bill 1064, An Act Concerning the Implementation of Early Voting.

Voting is a foundation of democracy, a right through which we can protect and preserve our other rights. For that reason, the ACLU-CT supports extending voting rights to the greatest number of people, with the only permissible restrictions being those essential to making elections secure and fair. Connecticut's history with voting rights is long, checkered, and in many ways shamefully suppressive, but with continued efforts, like equitable early voting, to extend the franchise and make it as accessible as possible, we can move forward with a strong electorate and truly democratic elections.

From its early days, Connecticut has been the least expansive for voting rights for Black people of all the New England states, amending the state constitution to explicitly limit the franchise to white people in 1818 when other neighboring states

allowed Black men to vote without significant restriction.¹ After Connecticut ratified the Fifteenth Amendment, which guaranteed the right to vote to men of all races,² it took a further six years for Connecticut to amend its own state constitution to remove language restricting voting to white people.³ Connecticut was one of only twelve states using a literacy test into the 1950s,⁴ and it was not ended until the federal Voting Rights Act finally banned them nationwide, when, in August 1965, the State Attorney General issued an opinion clarifying that the federal Voting Rights Act's prohibition on literacy tests took precedence over the state law that allowed them.⁵

Some voting laws and practices are still in effect in Connecticut which disproportionately harm voters of color. The state's well-known limitations on alternatives to in-person Election Day voting, for example, disproportionately harm Black and Latinx voters, who are more likely to face barriers to voting on Election Day.⁶ So do laws which restrict voting for people convicted of felonies and people on parole, due to systemic racism in the criminal legal system.⁷ Election management practices, repeated year after year, result in long lines in the urban areas where Connecticut's voters of color are most concentrated.⁸

¹ Elizabeth Normen, *Our Hard-Won Right to Vote*, CONN. EXPLORED (2016), available at <https://www.ctexplored.org/our-hard-won-right-to-vote/>.

² Katherine J. Harris, "No Taxation with Representation": *Black Voting in Connecticut*, CONN. EXPLORED (2016), available at <https://www.ctexplored.org/no-taxation-without-representation-voting-petitions-inconnecticut/>.

³ *Connecticut Civil Rights Law Chronology*, CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES, available at <https://portal.ct.gov/CHRO/Legal/Legal/Connecticut-Civil-Rights-Law-Chronology>.

⁴ Steve Thornton, *Literacy Tests and the Right to Vote*, CONN. HISTORY, available at <https://connecticuthistory.org/literacy-tests-and-the-right-to-vote/>.

⁵ *See id.*; David Holmberg, *Puerto Ricans Literate in Spanish to Get Vote: Opinion is Given by Mulvey*, HARTFORD COURANT (Aug. 25, 1965).

⁶ 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, (Oct. 26, 2020), available at <https://projects.fivethirtyeight.com/non-voters-poll-2020-election/>; *11 Barriers to Voting*, CARNEGIE CORP. N.Y. (Nov. 1, 2019), available at <https://www.carnegie.org/topics/topicarticles/voting-rights/11-barriers-voting/>. *See also* Vann R. Newkirk II, *Voter Suppression is Warping Democracy*, ATLANTIC (July 17, 2018), available at <https://www.theatlantic.com/politics/archive/2018/07/pollprri-voter-suppression/565355/>.

⁷ Karina Schroeder, *How Systemic Racism Keeps Millions of Black People from Voting*, VERA INST. JUST., (Feb. 16, 2018), available at <https://www.vera.org/blog/how-systemic-racism-keeps-millions-of-blackpeople-from-voting>.

⁸ Matt DeRienzo, *In Connecticut, Voters Face Some of the Biggest Obstacles Outside the South*, CTR. PUB. INTEGRITY (Oct. 7, 2020), available at <https://publicintegrity.org/politics/elections/us-polling-places/connecticutvoters-face-some-of-the-biggest-obstacles-outside-the-south/>; *see also* Jack Kramer, *In Connecticut, Long Lines and Problems at a Hartford Polling Place*, CT NEWS JUNKIE (Nov. 8, 2016), available at <https://ctnewsjunkie.com/2016/11/08/smooth-start-to-voting-in-tumultuous-year/>.

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 voters of color. In many recent elections, long lines have plagued the same cities and precincts repeatedly—these are always areas with greater concentrations of voters of color.⁹ 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 voters of color.¹⁰ 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.¹¹ The American Medical Association has even identified voting rights as a social determinant of health and declared its support for “measures to facilitate safe and equitable access to voting as a harm-reduction strategy to safeguard public health.”¹² Enacting an early voting plan that is truly equitable and accessible will accordingly confer an outsized benefit on voters of color.

The ACLU-CT recommends that any early voting policy must include the following to be truly equitable:

- **Allow for at least two weeks of early voting days.** Almost half of the states with in person early voting specify that early voting begins between two and three weeks before Election Day during a general election. The national

⁹ 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/>.

⁹ 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/; 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>.

¹⁰ 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/>.

¹¹ Diana Kasdan, *Early Voting: What Works*, BRENNAN CTR. JUST., at 12 (2013).

¹² American Medical Association, *Support for Safe and Equitable Access to Voting H-440.805* (2022), <https://policysearch.ama-assn.org/policyfinder/detail/voting?uri=%2FAMADoc%2FHOD.xml-h-440.805.xml>; see also Anna K. Hing, *The Right to Vote, The Right to Health: Voter Suppression as a Determinant of Racial Health Disparities*, 12 J. HEALTH DISPARITIES RES. & PRACTICE 48 (2019), <https://digitalscholarship.unlv.edu/jhdrp/vol12/iss6/5>.

average of in person early voting days is 23, with the average early voting period beginning 30 days before election day.¹³ All nine states with the highest rates of in person early voting in the 2008 and 2012 elections fell within this range.¹⁴

- In Kansas, Oklahoma, and Louisiana, where the states require minimal days of early voting, turnout was well below both the average turnout in the nine top-performing states and the national average.¹⁵
- **Provide at least one weekend of early voting, including the last weekend before election day.** Weekend voting days draw in voters who are less likely to vote during the weekday due to work schedules.¹⁶ In some jurisdictions, weekends are the peak voting days, with the last weekend before election day experiencing the biggest early voting turnout.¹⁷ Twenty-seven states and D.C. require in person early voting on one Saturday, with a maximum of 14 hours and a median of 10 hours available to vote.¹⁸ Ten states and D.C. require in person early voting on one Sunday. Weekend hours typically vary in many states depending on the kind of election.¹⁹ In states with the highest early voting turnout, there are statutory mandates for at least one weekend day of early voting.²⁰ In states with early voting, weekend early voting days have also been particularly important for [Black voters](#), who rely on Sundays to get to the polls in community. The “souls to the polls” movement has played a historic roll in fighting Jim Crow and is a community organizing tool for Black voters to exercise their rights despite racist obstacles to the ballot box.²¹ Connecticut hasn’t had the chance for similar weekend voting

¹³ *Early In-Person Voting*, NAT’L CONF. ST. LEG. (Aug. 30, 2022), <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

¹⁴ Kasdan, *supra* note 11, at 7.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Kristin Sullivan et al., *Proposals for Early In-Person Voting in the State of Connecticut*, CTR. ELECTION INNOVATION & RES. at 26 (Dec. 2022).

¹⁹ *Id.*

²⁰ Kasdan, *supra* note 11.

²¹ James Doubek & Steve Inskeep, *Black Church Leaders in Georgia on the Importance of “Souls to the Polls,”* NPR (Mar. 22, 2021), <https://www.npr.org/2021/03/22/977929338/black-church-leaders-in-georgia-on-the-importance-of-souls-to-the-polls>.

movements, but including weekends would be one way of honoring and holding space for that civil rights work here.

- **Set a consistent number of minimum daily hours for each day of early voting and provide extended hours outside of standard business hours.** The number of hours in an early voting day significantly contributes to early voting usage. States with high rates of early voter turnout, like New Mexico, Tennessee, and Texas, offer significantly more hours than their statutory minimum.²²
 - Research confirms that extending in person early voting hours can increase turnout. A study of early voting in 2008 in 117 of 159 of Georgia’s counties concluded that “increasing the hours of operation for early voting sites appears to be the most cost-effective measure for boosting turnout.”²³
 - Expanded in person early voting hours would also benefit voters in rural Connecticut, who may have to travel longer distances to the closest in person early voting location.
- **Distribute early voting places fairly and equitably.** Laws in the states with the highest early voting rates are more likely to set out rules either about the number of early voting locations per county or municipality, how they are to be distributed in each county or municipality, or both. We urge the legislature to consider making early voting sites accessible via major roads, accessible by pedestrians and public transit, with disability access.

Connecticut voters have spoken, and early voting is extremely popular and necessary. It is imperative that we create an early voting system that is truly equitable, with at least two weeks of early voting, with at least one weekend and early morning and evening hours, and with voting sites that are accessible by pedestrians and public transit. We cannot afford to implement early voting the wrong way. The ACLU-CT

²² *Id.*

²³ *Id.* at 14.

urges this Committee to pass an early voting plan with the aforementioned recommendations.