



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

Written Testimony Supporting the Funding of the Connecticut Voting Rights Act and Equitable Early Voting in House Bill 6659, An Act Concerning the State Budget for the Biennium Ending June 30, 2025, and Making Appropriations Thereafter

Senator Anwar, Representative Ryan, Ranking Members Berthel and Chaleski, and members of the General Government A Subcommittee of the Appropriations 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 funding the Connecticut Voting Rights Act (CTVRA) and equitable early voting in the budget.

The Connecticut Voting Rights Act

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 those in the CTVRA, to extend the franchise and make it as accessible as possible, we can move forward with a strong electorate and truly democratic elections. The CTVRA is targeted at eliminating persistent structural electoral processes in a state that continues to prevent people of color from voting and that dilute the voting power of voters of color.

The ACLU-CT encourages this Subcommittee to allocate \$1.95 million to the Secretary of the State for Fiscal Year 2024-2025 to enable the Secretary to administer

the CTVRA. This funding is small and reasonable, as it represents less than 0.004 percent of the \$50.5 billion proposed budget for the upcoming two-year cycle. This modest investment in voting rights could have profound benefits for the state.

As we witness the destruction of the federal Voting Rights Act of 1965 by the United States Supreme Court, the CTVRA will entrench an expanded version of that Act into Connecticut law, paving the way for voters to counter longstanding barriers to equal participation in democracy. The bill requires local governments with records of discrimination, as defined in the bill, to “preclear” certain changes to voting and elections policies before they go into effect, preventing harm to voters. The CTVRA also expands language assistance at the polls, currently provided to just ten towns, in just one language, under the federal VRA.¹ The CTVRA will also strengthen existing state protections against voter intimidation, deception, and obstruction by providing a cause of action for people to enforce their rights in superior court, in addition to existing protections offered by the State Elections Enforcement Commission. Finally, the CTVRA would promote transparency by establishing a public, centrally accessible hub for election data and information.²

The CTVRA is an opportunity for Connecticut to become a national leader in voting rights and promoting access to democracy. 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.³ After Connecticut ratified the Fifteenth Amendment, which guaranteed

¹ Connecticut municipalities covered: Bridgeport, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwalk, Waterbury, and Windham are all required to provide Spanish language assistance. See Voting Rights Act Amendments of 2006, Determinations Under Section 203, 86 Fed. Reg. 69612 (Dec. 8, 2021), <https://www.federalregister.gov/documents/2021/12/08/2021-26547/voting-rights-act-amendments-of-2006-determinations-under-section-203>.

² Please visit the ACLU-CT's [website](#) for more information.

³ Elizabeth Normen, *Our Hard-Won Right to Vote*, CONN. EXPLORED (2016), available at <https://www.ctexplored.org/our-hard-won-right-to-vote/>.

the right to vote to men of all races,⁴ it took a further six years for Connecticut to amend its own state constitution to remove language restricting voting to white people.⁵ Connecticut was one of only twelve states using a literacy test into the 1950s,⁶ 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..⁷

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.⁸ So do laws which restrict voting for people convicted of felonies and people on parole, due to systemic racism in the criminal legal system.⁹ Election management practices, repeated year after year, result in long lines in the urban areas where Connecticut's voters of color are most concentrated.¹⁰

By enacting and fully funding the CTVRA and equitable early voting, Connecticut can work against its discriminatory past and become a national leader on voting rights. The CTVRA would join New York, Virginia, Oregon, Washington, and

⁴ 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/>.

⁵ *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>.

⁶ Steve Thornton, *Literacy Tests and the Right to Vote*, CONN. HISTORY, available at <https://connecticuthistory.org/literacy-tests-and-the-right-to-vote/>.

⁷ *See id*; David Holmberg, *Puerto Ricans Literate in Spanish to Get Vote: Opinion is Given by Mulvey*, HARTFORD COURANT (Aug. 25, 1965).

⁸ 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/>.

⁹ 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>.

¹⁰ 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/.

California, as well as current efforts to pass similar legislation in Maryland and New Jersey.¹¹

There is strong evidence that the federal Voting Rights Act of 1965 and similar state level VRAs are effective investments that make the democratic process more equal and inclusive. These effects include reducing racial turnout disparities,¹² making government more responsive to the needs and legislative priorities of communities of color,¹³ and increasing diversity in government office,¹⁴ so that elected representatives more fully reflect the communities they serve.

There is evidence that measures like those in the CTVRA can have powerful benefits in economic equity and health. Researchers have concluded that the federal VRA's preclearance program “reduced the wage gap between [B]lack and white workers by around 5.5 percentage points” in covered counties while it was in force.¹⁵ Recent analyses show that incremental improvements in diversity in local representation translate into more equitable educational and policy outcomes.¹⁶ And Professor Thomas LaVeist, in a landmark study, identified the federal VRA as a causal factor

¹¹ See N.Y.S. Senate Bill S1046E / N.Y.S. Assembly Bill A6678E (enacted June 20, 2023); Va. House Bill 1890 (2021 Session); Ore. Rev. Stat. § 255.400 et seq.; Wash. Rev. Code Ann. § 29A.92.900 et seq.; Cal. Elec. Code, California Voting Rights Act of 2001, § 14027 (2002); see also Testimony of Professor J. Morgan Kousser Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties of the U.S. House Comm. on the Judiciary, Legislative Proposals to Strengthen the Voting Rights Act (Oct. 17, 2019), at 2, <https://docs.house.gov/meetings/JU/JU10/20191017/110084/HHRG-116-JU10-Wstate-KousserJ-20191017.pdf> (noting the “striking success of minorities in using the state-level California Voting Rights Act”).

¹² Zachary L. Hertz, *Analyzing the Effects of a Switch to By-District Elections in California* (July 19, 2021), https://electionlab.mit.edu/sites/default/files/2021-07/hertz_2020.pdf.

¹³ Sophie Schllit & Jon C. Rogowski, *Race, Representation, and the Voting Rights Act*, 61 AM. J. POL. SCI. 513 (July 2017).

¹⁴ Loren Collingwood & Sean Long, *Can States Promote Minority Representation? Assessing the Effects of the California Voting Rights Act*, 57 URBAN AFFAIRS REV. 731, 757 (2021), https://www.collingwoodresearch.com/uploads/8/3/6/0/8360930/cvra_project.pdf; see Pei-te Lien et al., *The Voting Rights Act and the Election of Nonwhite Officials*, 40 POL. SCI. & POLITICS 489 (July 2007); Paru R. Shah et al., *Are We There Yet? The Voting Rights Act and Black Representation on City Councils, 1981-2006*, 75 J. POL. 993 (2013).

¹⁵ Abhay P. Aneja & Carlos F. Avenancio-León, *The Effect of Political Power on Labor Market Inequality: Evidence from the 1965 Voting Rights Act* 3, Wash. Ctr. for Equitable Growth, Working Paper Series (Oct. 2020), <https://equitablegrowth.org/working-papers/the-effect-of-political-power-on-labor-market-inequality-evidence-from-the-1965-voting-rights-act/>; see also Abhay P. Aneja & Carlos F. Avenancio-León, *Disenfranchisement and Economic Inequality: Downstream Effects of Shelby County v. Holder*, 109 AEA PAPERS & PROCEEDINGS 161 (May 2019).

¹⁶ See, e.g., Vladimir Kogan et al., *How Does Minority Political Representation Affect School District Administration and Student Outcomes*, EDWORKINGPAPERS (June 19, 2020), <https://www.edworkingpapers.com/ai20-244> (discussing “evidence that increases in minority representation lead to cumulative achievement gains . . . among minority students”); Brett Fischer, *No Spending Without Representation: School Boards and the Racial Gap in Education Finance* (Mar. 20, 2020), <https://ssrn.com/abstract=3558239> (presenting “causal evidence that greater minority representation on school boards translates into greater investment in minority students”).

in reducing infant mortality in Black communities where the law's protections had led to fairer representation of Black voters' preferred candidates.¹⁷ In part for these reasons, the American Medical Association has 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.”¹⁸

The CTVRA will build upon the successes of these federal and state voting rights laws. With a budgetary impact of less than \$2 million over the two-year budget cycle, the CTVRA is a modest investment—yet it can have significant, potentially transformative benefits for democracy and society in this state. Following below is more detailed information on the CTVRA's budgetary needs.

Only two provisions within the CTVRA require budget allocations. The total budgetary needs of these two allocations is estimated to cost \$1,948,226 over two years.

First, Section 3 of the CTVRA would establish a publicly accessible database of elections information and demographic data under the purview of the SOTS. The database would further electoral transparency, assist evidenced-based decision-making in elections administration, and assist voters, community organizers, elections officials, and others in identifying and resolving potential voting rights issues. Although the database itself will likely not have a direct budgetary impact because its cost of \$4 million in one-time capital expenditures can be paid for through bonding, its operation and staffing will require budgetary funding of approximately \$284,000 in its first year and approximately \$784,000 in its second year.

¹⁷ Thomas A. LaVeist, *The Political Empowerment and Health Status of African-Americans: Mapping a New Territory*, 97 AM. J. SOC. 1080 (Jan. 1992).

¹⁸ 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>.

The CTVRA's database responsibilities will be performed by two new staff positions in the Secretary of the State (SOTS) Office: a database manager and a GIS database engineer. The following are the estimated staffing costs:

- Database manager: (1) salary: \$110,000; (2) fringe: \$44,583
- GIS database engineer: (1) salary \$92,372; (2) \$37,438
- Total: \$284,393

Additionally, beginning in the second year of the database's operation, software licensing will cost \$500,000.

Second, Section 5 of the CTVRA will create a "preclearance" program within SOTS, modeled on Section 5 of the federal VRA—one of the most successful civil rights laws in American history. Under preclearance, SOTS experts will review certain kinds of changes to voting policies and procedures when appropriate and make sure that any changes that would have a discriminatory impact on Connecticut voters are identified prior to implementation. This program is estimated to require \$400,000 in budgetary funding per year.

The CTVRA's preclearance program will be administered by four new SOTS staffers: a deputy elections director, a staff attorney, an elections officer, and an administrative assistant. The estimated costs for these positions are as follows: (1) \$312,901 in salary costs and (2) \$126,819 in fringe benefits for a total of \$439,720.

Overall, the combined budgetary requirements for both the database and preclearance are estimated to be **\$1,948,226** to SOTS, consisting of \$724,113 in staffing costs in its first year, and \$1,225,113 in staffing and software licensing costs in its second year. The costs are broken down below:

- Year 1: \$724,113
 - \$515,273 in salary for new positions in SOTS
 - \$208,840 in fringe benefits
- Year 2: \$1,224,113
 - \$515,273 in salary for new positions at SOTS

- \$208,840 in fringe benefits
- \$500,000 in software licensing for database
- **Total: \$1,948,226**

The ACLU-CT encourages this Subcommittee and the General Assembly to fully fund the CTVRA and make an essential investment in the strength of Connecticut's democracy.

Equitable Early Voting

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.¹⁹ 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.²⁰ 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.²¹ Enacting an early voting plan that is truly equitable and accessible will accordingly confer an outsized benefit on voters of color. The ACLU-CT urges this Committee to fully fund an equitable early voting plan, and recommends the following early voting policies:

¹⁹ 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/>.

¹⁹ 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>.

²⁰ 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/>.

²¹ Diana Kasdan, *Early Voting: What Works*, BRENNAN CTR. JUST., at 12 (2013).

- **Allow for 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 average of in person early voting days is 23, with the average early voting period beginning 30 days before election day.²² All nine states with the highest rates of in person early voting in the 2008 and 2012 elections fell within this range.²³
 - 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.²⁴
- **Provide weekend 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.²⁵ In some jurisdictions, weekends are the peak voting days, with the last weekend before election day experiencing the biggest early voting turnout.²⁶ 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.²⁷ 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.²⁸ In states with the highest early voting turnout, there are statutory mandates for at least one weekend day of early voting.²⁹
- **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

²² *Early In-Person Voting*, NAT'L CONF. ST. LEG. (Aug. 30, 2022), <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

²³ Kasdan, *supra* note 21, at 7.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Kristin Sullivan et al., *Proposals for Early In-Person Voting in the State of Connecticut*, CTR. ELECTION INNOVATION & RES. at 26 (Dec. 2022).

²⁸ *Id.*

²⁹ Kasdan, *supra* note 21.

Mexico, Tennessee, and Texas, offer significantly more hours than their statutory minimum.³⁰

- 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.”³¹
- 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.

Without full funding for equitable early voting in Connecticut, an early voting plan is meaningless. Connecticut voters have spoken, and early voting is extremely popular and necessary. It is imperative that the General Assembly’s budget reflects the will of the people to create an inclusive, accessible early voting system in our state. We cannot afford to implement early voting the wrong way. The ACLU-CT urges this Subcommittee and the General Assembly to fully fund an equitable early voting plan that meets our recommendations alongside the CTVRA.

³⁰ *Id.*

³¹ *Id.* at 14.