



Legislative Testimony
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**Written Testimony Supporting, with Amendment,
Senate Bill 233, An Act Concerning Elections**

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

My name is Kelly McConney Moore, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I submit this testimony in support of Senate Bill 233, An Act Concerning Elections. We encourage the Committee to support this bill with amendments.

The bill has several substantive provisions, including changes to election day registration, restoring the right to vote to people on parole, and providing for automatic voter registration. We will address these components in turn.

Section 1: Election Day Registration Improvements

As an organization committed to the liberties guaranteed by our Constitution, the ACLU-CT strongly supports a free and fair voting system to uphold the foundational cornerstone of our democracy: the right to vote. We therefore support these measures, which would provide more people with the opportunity to participate in elections in Connecticut.

By providing more people with the chance to make their voices heard, election day registration upholds these critical democratic principles. Allowing people to register to vote on the day of an election has proven to increase voter turnout. Passing this bill would put Connecticut in line with other states that have strengthened their voter registration laws.

Section 2: Election Day Registration Cutoff

This Section, along with subsection (d) of Section 1, would change current law to prevent people who have not completed their election day registration by 8:00 p.m. from voting, even if they are in line to register and vote at that time. Turning election day registrants away from voting reduces the number of Connecticut residents who can vote and weakens our democracy. It disproportionately harms minorities, immigrants, the poor, and people who live in cities.

To be clear, we believe that current Connecticut law currently allows anyone in line to register to vote by 8 p.m. on Election Day to cast a ballot that day if they are otherwise eligible. The Secretary of the State issued incorrect guidance to registrars in 2016, creating confusion. That year, nearly 30,000 people in Connecticut registered to vote on Election Day.¹ Despite being in line to register by 8 p.m., many people were turned away from the polls, unable to cast their ballots.² News reports, for instance, cited at least 50 people in New Haven who were in line to register to vote by 8 p.m. but were turned away,³ and a similar number in Meriden.⁴ The problems persisted into November 2018, when New Haven poll workers instituted an 8 p.m. cutoff for voting, prohibiting many people who were in line to register to vote on Election Day by 8 p.m. from voting.⁵

This new limit on exercising the right to vote via election day registration will limit voter participation, likely in a way that disproportionately harms people of color, elderly people, and low-income people. The ACLU-CT urges this Committee to amend Senate Bill 233 to clarify that anyone in line to register on election day by

¹ Tony Terzi, "Nearly 30,000 People Use Connecticut Same-Day Registration." Fox 61 (Nov. 7, 2016), available at <https://www.fox61.com/article/news/local/outreach/awareness-months/thousands-use-connecticut-same-day-registration/520-cdf39a39-9075-4e8c-a26a-29c7107e794b>.

² See *id.*; see also Thea DiGiammerino, "Long Lines for Same-Day Registration in New Haven." NBC CT (Nov. 6, 2018), available at <https://www.nbcconnecticut.com/news/politics/long-lines-for-same-day-registration-in-new-haven-may-not-move-fast-enough-for-voters/162362/>.

³ See "New Haven Election Day Dispatches." Yale Daily News (Nov. 8, 2016), available at <https://yaledailynews.com/blog/2016/11/08/live-update-election-day-dispatches/>.

⁴ See Matthew Zabierek, "After Problems in 2016, Same Day Registration in Meriden Went Smoother This Election." The Record-Journal (Nov. 9, 2018), available at <https://www.myrecordjournal.com/News/Meriden/Meriden-News/Election-Day-voter-registration-goes-smoothly-in-Meriden-after-long-lines-in-2016.html>.

⁵ "New Haven Officials Overrun by Residents, Students Trying to Register to Vote." CT Post (Nov. 6, 2018), available at <https://www.ctpost.com/politics/article/Decision-day-Polls-now-open-across-Connecticut-13366043.php>. Paul Bass, Markeshia Ricks, Allan Appel & Jake Dressler, "Ballot Pandemonium: Machines Break All over Town; Voters Wait Hours; Stefanowski Seeks Injunction." New Haven Independent (Nov. 7, 2018), available at https://www.newhavenindependent.org/index.php/archives/entry/murphy_catches_westvilles_earliest_voters/.

8:00 p.m. would be permitted to register and to vote if otherwise eligible. There are many good reasons why someone would need to register to vote on election day. These voters deserve an equal opportunity to participate in our democracy.

Section 3: Voting While on Parole

The right to vote is a fundamental part of America's democracy, and the government should not abridge that right lightly. Restoring the right to vote for people who have been disenfranchised strengthens our democracy by increasing voter participation and helping formerly incarcerated people to re integrate into society. As an organization that defends the right to vote and believes that enfranchisement is an incredibly important way for people to participate in America's democracy, the ACLU-CT supports this bill, which would allow formerly incarcerated people convicted of a felony who are on parole to vote.

More than six million Americans are currently disenfranchised due to a felony conviction.⁶ Laws that disenfranchise people because of felony convictions disproportionately disenfranchise Black Americans.⁷ In many states, they were, in fact, intended to have this racist effect. The modern practice of felony disenfranchisement became particularly widespread in the Jim Crow era, and after Reconstruction, white lawmakers codified felony disenfranchisement laws that explicitly targeted Black Americans to diminish their electoral strength.

It is time for Connecticut to allow people on parole to vote, remove a large barrier formerly incarcerated people face in restoring their voting rights, and allow people on parole to participate more fully in elections. This bill would provide a meaningful way to empower people to exercise their fundamental civic right to vote. We look forward to continuing the conversation on how to expand the electorate to fully include people living with criminal records.

By passing this bill, Connecticut would join Massachusetts, Rhode Island, New Hampshire, and thirteen other states plus the District of Columbia in

⁶ Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016." The Sentencing Project (Oct. 6, 2016), available at <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

⁷ Karina Schroeder, "How Systemic Racism Keeps Millions of Black People from Voting." Vera Institute of Justice (Feb. 16, 2018), available at <https://www.vera.org/blog/how-systemic-racism-keeps-millions-of-black-people-from-voting>.

affording people on parole their rights to vote.⁸ It would also bring Connecticut closer to the models set by Maine, Vermont, and Puerto Rico, which protect incarcerated people's rights to vote, and New Mexico, which is considering such a law.

Mass incarceration, combined with disenfranchisement laws, subverts participatory democracy, particularly for communities of color. Restoring the right to vote for people on parole is the first step to dismantling these harmful and discriminatory laws. We thus strongly support these provisions in Senate Bill 233.

Multiple Sections: Automatic Voter Registration

As an organization committed to the liberties guaranteed by our Constitution, the ACLU-CT fully supports a fair voting system to uphold the foundational cornerstone of our democracy: the right to vote. We therefore support the automatic voter registration measures in Senate Bill 233, which would provide more people with the opportunity to participate in elections in Connecticut.

Multiple sections of Senate Bill 233 allow or require the use of electronic systems to make registering to vote more easily accessible for Connecticut residents. Allowing the Secretary of the State, Department of Motor Vehicles, and voter agencies to use electronic systems for online voter registration, changing a voter's address, and notifying people that they have received their applications would benefit all people by providing additional ways to register to vote and communicate about voter registration. The use of electronic systems would most significantly impact people who are vulnerable to disenfranchisement, including people living with disabilities, those who lack transportation, students, and people who have unpredictable work schedules because they may be less likely to be able to visit offices in person. Senate Bill 233 requires these departments and agencies to use electronic systems, which the ACLU-CT supports.

Section 8 of Senate Bill 233 requires voter agencies to offer voter applications with all applications for services and assistance. These agencies, which include

⁸ "Felon Voting Rights." National Conference of State Legislatures (Oct. 14, 2019), available at <https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>.

public assistance offices, offices that provide state-funded programs for people living with disabilities, and public libraries, are places frequented by many Connecticut residents. The right to vote is a fundamental part of America's democracy, and registering to vote should be a task that is simple to complete. In addition to other services and assistance, it makes sense to offer voter registration applications in these locations. Some of the people visiting these agencies may not have another readily-accessible opportunity to register to vote. This would increase the number of registered voters in Connecticut and would most likely increase voter participation in elections. Though we support Section 8 of Senate Bill 233, the ACLU-CT prefers the requirement of automatic voter registration by these agencies. Automatic voter registration would simplify the process even further for the people of Connecticut and ensure that every resident who is qualified to register is registered, unless they do not wish to register. To strengthen Senate Bill 233, we suggest the committee require the automatic registration of eligible voters by voting agencies when offering services and assistance.

Conclusion

The ACLU-CT strongly urges the Committee to amend Senate Bill 233 so that anyone in line to register to vote on election day at or before 8:00 p.m. be permitted to register and ultimately vote if eligible. We also urge the Committee to amend section 8 of Senate Bill 233 to provide for automatic voter registration rather than just voter registration opportunities. We urge the Committee to make these amendments and to then support the amended version of Senate Bill 233.