



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

**Written Testimony Supporting  
Senate Joint Resolution 15, A Resolution Proposing an Amendment  
to the State Constitution to Permit Early Voting,  
House Bill 5277, An Act Decreasing Fees for Copying Public Records  
under the Freedom of Information Act, and  
House Bill 5278, An Act Revising Certain Absentee Voting Statutes**

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 am here to testify in support of the following bills and resolutions:

- Senate Joint Resolution 15, A Resolution Proposing an Amendment to the State Constitution to Permit Early Voting
- House Bill 5277, An Act Decreasing Fees for Copying Public Records under the Freedom of Information Act
- House Bill 5278, An Act Revising Certain Absentee Voting Statutes

We strongly encourage the committee to support these bills.

**Senate Joint Resolution 15, A Resolution Proposing an Amendment to the State Constitution to Permit Early Voting**

The ACLU of Connecticut strongly supports measures to ensure equal access to the ballot box. Archaic language in the Connecticut Constitution prohibits early voting in our state and impedes access to voting by everyone. If the General Assembly passes this resolution and voters approve a constitutional amendment,

the legislature can move toward strengthening our democracy by adopting early voting.

Early voting would strengthen our democracy and our state. The legislature should embrace this chance to decrease congestion at the polls on election day and improve the chances of vulnerable people to cast their ballots. While early voting is good for everyone, it is particularly crucial for people who are vulnerable to disenfranchisement because of physical disabilities, lack of transportation, lack of childcare, unpredictable work schedules, or other limitations. Recent polling shows that communities of color are utilizing early voting more and more, leading to a surge in the number of Black people voting.<sup>1</sup> Other data show that Black voters have an extra reason to vote early—they are 74% more likely than white voters to wait more than 30 minutes to vote in person at their polling places on Election Day.<sup>2</sup>

To date, 39 states and the District of Columbia allow voters to cast their ballots early, without requiring excuses or justifications. Two additional states have enacted, but not yet implemented, early voting. This makes Connecticut one of just nine states nationwide that does not allow some form of early voting.<sup>3</sup>

When more people have a chance to make their voices heard through options like early voting, it strengthens our democracy. That is good news for everyone. We encourage you to support Senate Joint Resolution 15.

### **House Bill 5277, An Act Decreasing Fees for Copying Public Records under the Freedom of Information Act**

As an organization that values government transparency and accessibility, the ACLU-CT supports people having access to records created by public agencies. House Bill 5277, which reduces the cost for many public agency records from 50

---

<sup>1</sup> Diana Kasdan, “Early Voting: What Works” at 7. Brennan Center for Justice (Oct. 13, 2013), *available at* [https://www.brennancenter.org/sites/default/files/publications/VotingReport\\_Web.pdf](https://www.brennancenter.org/sites/default/files/publications/VotingReport_Web.pdf).

<sup>2</sup> Daniel Garisto, “Smartphone Data Shows Voters in Black Neighborhoods Wait Longer.” *Scientific American* (Oct. 1, 2019), *available at* <https://www.scientificamerican.com/article/smartphone-data-show-voters-in-black-neighborhoods-wait-longer1/>.

<sup>3</sup> State Laws Governing Early Voting, National Conference of State Legislatures (Aug. 2, 2019), *available at* <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>.

cents a page to 15 cents a page – a 70 percent reduction. We also support the provision to eliminate the \$20 fee for use of a handheld scanner for most records, although the bill would be strengthened by eliminating the fee for all records.

People have a right to access information retained by public agencies. Fees, especially excessive ones, provide barriers to that right of access. The remaining fees for hand-held scanning are illogical – allowing a member of the public to use their personal hand-held scanner, cell phone, or camera to copy public records does not cost the public agency, and it should not cost the public. The fees that are still charged under existing law are cost-prohibitive for some people, making them unable to access public records.

Accordingly, the ACLU-CT supports the provisions of House Bill 5277 which reduce or eliminate fees for accessing public records and encourages this Committee to strengthen the bill by eliminating all fees for hand-held scanning of documents.

### **House Bill 5278, An Act Revising Certain Absentee Voting Statutes**

House Bill 5278 would increase the opportunity to vote absentee for Connecticut voters. It would remove the phrase “during the hours of voting” from a requirement for absentee voting eligibility. The phrase has been interpreted to mean that a voter must be absent from the municipality the entire time the polls are open. This severely limits the ability of people to vote absentee. Even if someone is in the town during the time the polls are open, it does not mean they can vote that day. They may have unpredictable work schedules, a lack of childcare, or other important priorities they must attend to during those hours. Removing this phrase and replacing it with a phrase that requires that someone only be absent from the town that day, not absent the entire time the polls are open, would allow more people to meet the requirements to vote absentee. This would expand the opportunity to participate in our elections.

Voting is fundamental to our democracy, so providing opportunities for people to vote absentee only makes our democracy stronger. The ACLU-CT strongly encourages this committee to support House Bill 5278.