



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

Written Testimony Supporting House Joint Resolution 58, Resolution Proposing a State Constitutional Amendment to Allow No-Excuse Absentee Voting and House Joint Resolution 59, Resolution Approving an Amendment to the State Constitution to Allow for Early Voting

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

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of House Joint Resolution 58, Resolution Proposing a State Constitutional Amendment to Allow No-Excuse Absentee Voting and House Joint Resolution 59, Resolution Approving an Amendment to the State Constitution to Allow for Early Voting.

The ACLU of Connecticut strongly supports measures to ensure equal access to the ballot box and we especially support measures that increase voting access for historically disenfranchised groups, particularly Black voters. Improving voting rights and voting access strengthen democracy, since voting is the foundation of democracy itself. For these reasons, we enthusiastically support House Joint Resolutions 58 and 59.

In Connecticut, during non-pandemic times, voters have shockingly few options for casting their ballots. Except for people who can satisfy narrow constitutional conditions to vote absentee, the only option for most people is to vote in person. Archaic language in the Connecticut Constitution also prohibits early voting in our state altogether. These constitutional restrictions have led Connecticut to be one of

only six states without some form of early in-person voting¹ and one of only sixteen states lacking no-excuse absentee voting.² These limitations combine to make Connecticut, in one voting rights group's estimation, the fourth worst state in the nation for voting options.³

Some of the problems created by limiting voting options were on display in the November 2020 election. During the first months of the COVID-19 pandemic, Connecticut scrambled to provide voters with options so that people were not piled on top of each other in long lines, vulnerable to a contagious disease.⁴ Had early voting been an option, crowding on Election Day would have been less of a concern. Through a combination of executive order and emergency legislation, voters were permitted to vote by no-excuse absentee ballot in the 2020 presidential primary election and the general election. By all measures, this was an enormous success. Approximately 35% of voters voted by absentee ballot – about four times more than the typical absentee voting rate.⁵ Despite this enormous growth in absentee voting, the Secretary of the State's office halved its typical absentee ballot rejection rate.⁶ In-person voters statewide faced few problems.⁷ In short, a trial run in November proved that expanding voting options was both wildly popular with voters and extremely successful administratively.

This is encouraging, because Connecticut's limited voting options have historically disproportionately harmed voters of color. In many recent elections, long lines have

¹ "State Laws Governing Early Voting." 22, 2020, *available at* <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>.

² "States with No-Excuse Absentee Voting." National Conference of State Legislatures, May 1, 2020, *available at* <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx>.

³ See Bill Theobald, "The 6 toughest states for voting during the pandemic." *The Fulcrum*, Apr. 29, 2020, *available at* <https://thefulcrum.us/voting/voting-during-coronavirus>.

⁴ See, e.g., Lisa Backus, "Connecticut voters sue to get access to absentee ballots." *CT News Junkie*, Jul. 2, 2020, *available at* https://ctnewsjunkie.com/2020/07/02/20200702_connecticut_voters_sue_to_get_access_to_absentee_ballots/.

⁵ See "Election Center." Connecticut Secretary of the State, Nov. 3, 2020, *available at* <https://ctemspublic.pctg.net/#/voterTurnout>.

⁶ See *id.*

⁷ See CT Mirror Staff, "Across Connecticut, no problems at the polls." *CT Mirror*, Nov. 3, 2020, *available at* <https://ctmirror.org/2020/11/03/pandemic-or-not-connecticut-expects-huge-turnout-as-voters-head-to-polls-today/>.

affected the same cities and precincts repeatedly – always areas with greater concentrations of voters of color.⁸ In fact, nationwide, Black voters are 74% more likely than white voters to wait more than 30 minutes to vote in person at their polling places on Election Day.⁹ In addition, because of interlocking systems of oppression, voters who are less likely to be able to get to the polls on Election Day – like people with little job flexibility, people lacking transportation, people lacking childcare, people with disabilities, voters without identification, and voters who lack language access¹⁰ – are all disproportionately likely to be people of color.¹¹ Many of these barriers to voting can be solved by providing people with greater options for voting, including early voting and no-excuse absentee voting. Indeed, 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.¹² Enacting those solutions will accordingly confer an outsize benefit on voters of color, making passage of these resolutions an important step towards voting equity.

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. When more people have a chance to make their voices heard through options like early voting and no-excuse absentee voting, it strengthens our democracy for all of us. We unreservedly support House Joint Resolutions 58 and 59 and exhort you to support them as well.

⁸ Matt DeRienzo, “In Connecticut, voters face some of the biggest obstacles outside the south.” Center for Public Integrity, last updated Oct. 7, 2020, *available at* <https://publicintegrity.org/politics/elections/us-polling-places/connecticut-voters-face-some-of-the-biggest-obstacles-outside-the-south/>.

⁹ 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/>.

¹⁰ 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.com, Oct. 26, 2020, *available at* <https://projects.fivethirtyeight.com/non-voters-poll-2020-election/> and “11 barriers to voting.” Carnegie Corporation of New York, Nov. 1, 2019, *available at* <https://www.carnegie.org/topics/topic-articles/voting-rights/11-barriers-voting/>.

¹¹ Vann R. Newkirk II, “Voter suppression is warping democracy.” The Atlantic, Jul. 17, 2018, *available at* <https://www.theatlantic.com/politics/archive/2018/07/poll-prri-voter-suppression/565355/>.

¹² 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.