



Legislative Testimony
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Written Testimony Supporting Senate Bill 901, An Act Extending to June 30, 2021, Changes Implemented for the 2020 State Election as a Result of COVID-19 and House Bill 6464, An Act Extending to May 31, 2021, Several Changes Implemented for the 2020 State Election as a Result of COVID-19

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 submitting this testimony in support of Senate Bill 901, An Act Extending to June 30, 2021, Changes Implemented for the 2020 State Election as a Result of COVID-19 and House Bill 6464, An Act Extending to May 31, 2021, Several Changes Implemented for the 2020 State Election as a Result of COVID-19.

We strongly encourage the committee to support these bills. COVID-19 has presented Connecticut with many unprecedented challenges and difficult solutions. Fortunately, though, in 2020, the General Assembly, building off executive orders issued by the Governor, ensured that absentee voting was available to everyone through the November election. By providing for a new absentee voting excuse – the COVID-19 pandemic for the November 2020 election only, the legislature ensured that every person who wanted to vote did not have to risk exposure to deadly disease by doing so. These interventions were extremely effective. Approximately 35% of voters voted by absentee ballot – about four times more than the typical absentee voting rate.¹ Despite this enormous growth in absentee voting, the Secretary of the

¹ See "Election Center." Connecticut Secretary of the State, Nov. 3, 2020, *available at* <https://ctemspublic.pctg.net/#/voterTurnout>.

State's office halved its typical absentee ballot rejection rate.² In-person voters statewide faced few problems.³ In short, the changes made in July 2020 were effective and, given the continuing pandemic, should be extended without delay.

However, as we predicted in our testimony supporting the previous emergency bill, the deadline drawn was too short-sighted. COVID-19 rages on, and its duration is still just as unknown as it was in July 2020. Although inoculation is available now, rollout is slow, spotty, and will take many months – possibly years – before effective herd immunity is reached. As we cautioned in July 2020, the time frames drawn by these bills are not long enough. It is entirely possible that COVID-19 could still be a pandemic during future elections beyond May and June. Limiting the duration of this exception to a few months means that, for any future elections or referenda impacted by COVID-19, the legislature will have to reconvene and make additional changes to the law. Moreover, voters in Connecticut will be in the same position in future, non-COVID pandemics: forced to choose between their health and their vote unless and until the General Assembly takes action.

To prevent these foreseeable and completely avoidable scenarios, a better approach would be to make the absentee voting excuse broader, allowing absentee voting by reason of illness. This would still track the language of the state Constitution. It would also avoid necessitating future legislation for a problem we can solve now. For that reason, the ACLU-CT urges this Committee to allow all people to vote absentee by reason of illness instead of limiting that excuse to one particular disease and one particularly short time period.

In addition, the ACLU-CT fully supports the other provisions in these bills that implement the expected expansion of absentee voting through June 2021. Allowing drop box ballot return, more time for sorting absentee ballots, and more time for counting votes are all practical, reasonable accommodations for pandemic elections

² *See id.*

³ *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/>.

with great uncertainty. We would urge this Committee to consider other accommodations for pandemic-impacted elections that may be necessary, such as:

- allowing early review of absentee ballots to check for defects and allow for cure;
- extending the time for return of absentee ballots so that all ballots postmarked by the election day are deemed timely; and
- expanding voter registration options in light of reduced opportunities for traditional voter registration activities due to COVID-19.

In conclusion, the ACLU-CT asks the Committee to expand absentee voting during times of general illness, including from the present through July 1, 2021 and beyond, clarify existing election day voting laws, and enact specific policies aimed at recognizing and averting the particular challenges of pandemic elections. While it is important to pass these bills, they could be improved with the amendments noted in this testimony. With those changes, we strongly support these bills and ask the Committee to also support them, as well. No one should have to choose between protecting their health and exercising their fundamental right to vote, and Senate Bill 901 and House Bill 6464 help ensure that Connecticut voters will not have to.