

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: HB-6205

Title: AN ACT REVISING CERTAIN ABSENTEE VOTING STATUTES.

Vote Date: 4/5/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/17/2021

File No.: 572

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SPONSORS OF BILL:

The Government Administration and Elections Committee

REASONS FOR BILL:

This bill intends to revise statutes pertaining to absentee voting. Particularly, this bill seeks to amend section 9-135 of the Connecticut General Statutes by eliminating the language that requires a voter to be absent from their municipality on Election Day in order to obtain an absentee ballot. Additionally, the bill seeks to change the language in section 9-137 of the Connecticut General Statutes by repealing the requirement that a voter must personally experience illness in order to obtain an absentee ballot. This bill would replace the “personal illness” requirement with a broader threshold that would allow a voter to obtain absentee ballots based on “someone’s sickness or physical disability.”

RESPONSE FROM ADMINISTRATION/AGENCY:

Denise W. Merrill, Secretary of the State of Connecticut: Secretary Merrill expressed support for this bill. Currently, the language of the Connecticut Constitution allows voters to utilize absentee ballots because of sickness and in the event that the voter is absent from their municipality. Secretary Merrill believes that the statutory revisions included in HB 6205 would help to clarify the language in the constitution. Additionally, Secretary Merrill contends that this bill would help more voter access absentee ballots. However, Secretary Merrill notes that this bill is merely a partial solution since fully expanded access to no-excuse absentee ballots requires a constitutional amendment that the legislature and voters must approve.

NATURE AND SOURCES OF SUPPORT:

Kelly McConney Moore, Interim Senior Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): The ACLU-CT believes that people should not have to choose between exercising their right to vote and staying healthy during a pandemic. The ACLU-CT

contends that ending the “personal sickness” requirement outlined in the current statutory language will ensure that voters can safely exercise their right to vote during widespread sickness. In addition, making these changes will help to make sure that statutory language and the provisions in the Connecticut Constitution don’t contradict each other. Ultimately, the ACLU-CT labeled this change as a band-aid solution, believing that the only way to expand citizens’ access to voting is through a constitutional amendment that would allow for no-excuse absentee voting.

Carol Rizzolo, Co-Founder, Safe Vote CT: Ms. Rizzolo described her experience as a caretaker for her elderly mother. Her role as a caretaker has forced her to occasionally skip voting because she had to tend to her mother's needs. Additionally, she discussed an instance when she had to go to the hospital with her husband for a cardiac emergency on Election Day, causing her to miss out on voting again. Ms. Rizzolo believes that this bill would allow her to participate in Election Day, even if an emergency occurs that would prevent her from voting in person.

Angela Liptack: Ms. Liptack emphasized the resounding success of Connecticut’s election in 2020, which demonstrated that voting by absentee ballot is safe, secure, convenient and encourages a higher voter turnout. Ms. Liptack believes that revising Connecticut General Statutes is the right move until the constitutional amendment is passed. These statutory revisions will make it easier for caregivers, elderly citizens, the disabled and commuters to cast their votes with an absentee ballot.

Linda Pyrde: Ms. Pyrde highlighted the record voter turnout in 2020, which reached 80%. In her testimony, she made note of the fact that nearly 35% of the voters in 2020 chose to vote via absentee ballot. As for HB 6205, Ms. Pyrde testified that this is a critical first step in terms of expanding access to voting. Since the constitutional amendments will take a few years to pass, Ms. Pryde believes that these statutory revisions are necessary in the meantime.

Gemma Mathewson: Ms. Mathewson stated that predicting future pandemics, floods, hurricanes or any other unforeseen disasters is impossible. Additionally, she contends that she cannot predict her own health and what physical limitation she could face in the future. That being said, this bill would help to ensure that voters will not have to choose between exercising their right to vote or protecting their own health and safety. Ultimately, Ms. Mathewson believes that making sure all eligible citizens are able to vote is critical for our democracy.

Evan Roberts: Making note of the unprecedented voter turnout last election, Mr. Roberts believes that expanding access to absentee ballots would allow more voters to take part in the democratic process without having to prioritize their health over civic duty. Mr. Roberts testimony focused on the current restrictions that commuters face when trying to access an absentee ballot. Currently, statute mandates that voters cannot request absentee ballots unless they are away from their municipality for all hours between 6 a.m. and 8 p.m. on Election Day. Additionally, Mr. Roberts identified health care workers or caretakers as other groups of voters that would become eligible for absentee voting as a result of this bill.

Douglas Clark: Mr. Clark stated that he voted using an absentee ballot last election because of his age and the ongoing pandemic. Mr. Clark acknowledged the fact that amending the

state constitution is a long process. He believes that voting is a fundamental right, and the General Assembly should seek to pass this bill immediately.

Grace Whittington, Yale Democrats: Ms. Whittington expressed support for revising the absentee voting statutes to expand eligibility requirements. In particular, Ms. Whittington contends that Connecticut has some of the strictest voting laws in the entire country, with many other states already instituting no-excuse absentee voting, including Florida, Georgia and Arizona. Ms. Whittington believes that citizens should have access to voting, even if they might not be able to make it to a polling place on Election Day. She hopes that her testimony will show lawmakers that university students are eager to see Connecticut expand absentee voting eligibility.

The Government Administration and Elections Committee received via email over 55 pieces of testimony in support of HB 6205. They cited reasons similar to those stated in the aforementioned testimonies. All copies of testimony are available on the Committee website under Testimony.

NATURE AND SOURCES OF OPPOSITION:

J. Christian Adams, President, Public Interest Legal Foundation: Mr. Adams described the goals of the Public Interest Legal Foundation, which includes identifying whether states are sufficiently maintaining their voter registration lists. As for Connecticut, Mr. Adams says past audits have shown that the voter rolls included 12,000 registrants who were reportedly dead, and 470 registrants who were registered in several states. Additionally, a recent audit conducted by the Public Interest Legal Foundation has found 2,625 instances of duplicate registrations based on errors in terms of name spelling or hyphenation. Mr. Adams believes that Connecticut's current absentee ballot statutes are well-established and do not need to be overhauled.

Anne Ahern: Ms. Ahern testified that this bill seeks to bypass the Connecticut Constitution. As someone who has voted using an absentee ballot in the past, she believes that there are no problems with the current statutory eligibility requirements. Ms. Ahern believes that Connecticut violated the state constitution by adding 'fear of COVID' as an excuse to vote via absentee ballot.

Robert Ham: Mr. Ham's testimony focused on the outdated nature of Connecticut's voter rolls. Based on his previous experience participating in political campaigns, he says that many people on the voter rolls have addresses with multiple surnames listed. Additionally, Mr. Ham says that he has heard of instances where a homeowner has received absentee ballot applications addressed to the deceased prior owner of their home. Mr. Ham stated that Secretary Merrill and Governor Lamont acted unconstitutionally when they sent out absentee ballot applications to all registered voters listed on the voter rolls. Mr. Ham believes that legislators need to make voting secure for all and promote confidence in our elections.

Nancy Hemstreet Eaton: Ms. Eaton addressed many reasons why she is opposed to HB 6205. Ms. Eaton contends that Connecticut lacks the infrastructure for early voting and mail-in voting. In states like Washington, where mail in voting has been successfully implemented, Ms. Eaton says that it took 7 years to create a system, clean their databases, implement signature verification and provide adequate training for their election personnel. Additionally,

Ms. Eaton believes that Connecticut must clean up the voter rolls. She stated that the pandemic is receding and no voters became sick with coronavirus from in person voting in 2020. Ms. Eaton finds the proposed statutory revisions to be unconstitutional.

Linda Szykowitz, Founder, Fight Voter Fraud Inc.: Ms. Szykowitz contends that 103 Connecticut residents with two different voter identification numbers voted twice in the last election. She stated that she filed a report with the Secretary of the State, the State Elections Enforcement Commission and the proper federal authorities. Ms. Szykowitz emphasized the need to update and maintain the voter rolls before we make changes to the absentee ballot statutes. Updates would include removal of people who no longer reside in Connecticut, individuals who are now deceased, and removing upwards of 200,000 inactive voters. Additionally, Ms. Szykowitz believes that allowing for COVID-19 to be used as an excuse to access an absentee ballot is unconstitutional.

Domini Rapini, Chair of the Board of Directors, Fight Voter Fraud Inc.: Mr. Rapini made note of the fact that the six statutorily defined excuses for absentee voting have remained the same since the Civil War and even throughout other pandemics, including the 1918 and 1957 Influenza outbreaks. Mr. Rapini states that it was unconstitutional to allow for 'fear of COVID' to be used as an excuse to access an absentee ballot. With over 1.2 million voters opting to vote in person in 2020 and not one case of COVID that came as a result of voting in person, Mr. Rapini believes these proposed changes are not necessary.

Michael Riley: Mr. Riley asserts that Connecticut must clean its voter rolls in order to verify that all registered voters are eligible to vote in Connecticut. He claims that there are many instances where people fraudulently cast ballots issued to deceased voters. In addition, Mr. Riley contends that non-citizens are voting in large numbers, despite not being legally entitled to the right to vote. Mr. Riley believes that Connecticut has somewhere between 384,000 to 400,000 voters on the voter rolls who are either dead, have moved away or are simply duplicate registrations. He identified this as a potential issue with individuals who might be looking to commit voter fraud. Ultimately, Mr. Riley emphasized the need to clean the voter rolls before revising absentee voting statutes.

Suzanne Rossini: Ms. Rossini testified in strong opposition to the bill proposing revisions to absentee voting statutes. She believes that this mismanagement of absentee voting results in fraud that is difficult to pinpoint and impossible to prosecute. If a voter falls under the currently statutory excuses for an absentee ballot, she believes that identification and address verification must be proven. Additionally, she emphasized the need for a chain of custody that can be easily identified and followed. Lastly, Ms. Rossini made note of the fact that even small fraudulent acts can alter the result of an election.

The Government Administration and Elections Committee received via email over 10 pieces of testimony in opposition to HB 6205. They cited reasons similar to those stated in the aforementioned testimonies. All copies of testimony are available on the Committee website under Testimony.

Reported by: Trevor Hoffman

Date: 4-5-21

