



DENISE MERRILL

SECRETARY OF THE STATE
CONNECTICUT

**GAE Committee
Public Hearing Testimony
March 2, 2012**

Good Morning Chairman Morin, Chairman Slossberg and members of the committee. For the record my name is Denise Merrill and I am Secretary of the State of Connecticut. I wish to thank Governor Malloy and Lt. Gov Wyman for their partnership in proposing and supporting the important reforms that are on your agenda this morning. I would like to briefly address four bills raised before the committee this morning, starting with the substitute language for House Joint Resolution 2:

- **House Joint Resolution 2, Substitute Language:**

This amendment has been proposed before by my office and this year Governor Malloy is proposing it with my enthusiastic support. The substitute language for House Joint Resolution 2 would amend the State Constitution to remove the current barriers in the Connecticut Constitution that allow voting by absentee ballot for only specified reasons. Removal of these barriers would enable the General Assembly to consider other ways to cast a ballot without appearing at your poll on Election Day.

Additional types of non-precinct place voting could include voting by mail, early voting, regional voting, or what we call no excuse absentee balloting, where you would not need a specific reason to use an absentee ballot. This takes the first step towards moving CT into the 21st century by make voting

more convenient for eligible voters with busy lives. Giving voters options other than their polling place on Election Day also has the potential to reduce the pressure on poll workers and moderators at the polls, as the crush of people casting ballots in person on that day might be more manageable.

Underlying this proposal is the principle that voting should be encouraged and we as elected officials should make casting a ballot as easy, efficient, and pleasurable as possible. The 35 states that have implemented early voting or no excuse Absentee ballots see both higher turnout and less pressure on Election Day, which is helpful to local registrars and town clerks.

This amendment empowers the General Assembly to enact whatever type of early voting or absentee ballot reform it feels is best, in consultation with local election officials and looking at best practices from other states. I wish to emphasize that this amendment would not commit the state to any one policy choice, and that current statutory provisions would remain in effect unless and until the General Assembly acts. So this is a multi-step process and our goal is keep all the stakeholders at the table, as we did with the Election Performance Task Force, to see this change through.

We rely on our registrars of voters and town clerks exclusively to administer elections in Connecticut and we value their input as to how any change to voting will work at a practical level. We don't want to rush through this reform; we want to be deliberate, hold hearings, study the best practices in other states, and make the most prudent choice. And should this constitutional amendment get ratified by the voters, we will have about a year to study these changes intently and come up with the best policy that fits our voting system in Connecticut. But make no mistake, the time has come to make this change.

One quick story to illustrate why removing this language from the constitution is so important: after the October snowstorm last fall, we had all kinds of challenges in carrying out the elections scheduled for a week later. One of the most heartbreaking questions I got from a number of registrars of voters and clerks was that they had a resident who was not able to get to their polling place because a tree was down and blocking their road, or this resident was stuck at a shelter in town and would not be able to get to their polling place on Election Day. The Registrars and Clerks wanted to know, could these citizens vote by absentee ballot? And I had to tell them no because under our current absentee ballot laws, these kinds of emergencies do not qualify as

one of the reasons in the Constitution or our statutes for someone to vote by absentee.

In fact, a spouse who is a caregiver to their husband or wife who does not want to leave their ailing spouse's bedside is not even allowed to vote by absentee ballot. This is wrong and needs to change. The only way to do it is to open up our state constitution through this amendment and enact some sort of non-precinct place voting. That would really help bring Connecticut elections into the 21st century and would serve our voters much better by giving them multiple options to cast ballots.

- **Raised Bill 27 “AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT”**

This is a major government modernization initiative and I strongly support Governor Malloy's efforts to make all agency regulations available to the public online. This is something that will help not only our citizens, but our businesses, the news media, and members of the bar.

As I hope you are aware, the Secretary of the State's office is committed to increasing public access to all public records by providing online access to all records stored in our office. As you can imagine, this service would be a major state undertaking, as many of the regulations not only in our agency but in many state agencies are on paper and amendments to regulations are not necessarily stored in the same file with the original. To successfully accomplish a project of this scale, we are going to need some resources. I am talking about an investment of money, and we would need to hire professional staff to accomplish the goal as the bill is currently written. And this is going to take time.

There would be a major cost at the beginning to establish this online database, with the maintenance and personnel costs to continue over time. This project will also require the collaboration of other offices, such as LCO, the Judicial Branch, and other executive branch agencies. So in general, I strongly support this concept, and look forward to collaborating with this committee and Governor Malloy on how we achieve this milestone and move regulation record keeping into the 21st century.

- **Raised Bill 5022 “AN ACT INCREASING PENALTIES FOR VOTER INTIMIDATION AND INTERFERENCE”**

This bill would take some important steps to safeguard our citizens’ right to vote by equalizing penalties for the types of voter suppression or intimidation with penalties we currently impose for other types of voter fraud. I want to make clear that we in Connecticut really have no established track record of widespread, consistent voter intimidation or suppression such as other states have seen. But it is important to remember that by establishing a penalty for a criminal act, we are making a public policy statement about how seriously we take that crime.

And I think we should have absolutely zero tolerance for people who would do anything to intentionally intimidate or improperly influence the sacred right of a Connecticut citizen to cast their ballot privately and independently. We should take these crimes just as seriously as we take other election crimes, so this can serve as a deterrent effect. There is a whole chart of what specific penalties would address what specific crimes, but let me give you an example.

Under current state law, someone convicted of the felony of fraudulently misrepresenting themselves at the polls – claiming they are someone they are not – faces a maximum penalty of five years in prison and a \$5,000 fine. However, under current law someone who by threat of force or bribery attempts to influence the choice of a voter would only face a maximum sentence of ONE year in prison and a fine of \$1,000. It is important to send the message that we view the crime of tampering with the vote as equally egregious as the serious crime of voter fraud. So this bill increases the maximum penalty for this type of voter intimidation and threatening or bribery to 10 years in prison and a \$10,000 fine.

This bill would, I believe, create a chilling effect on tampering with elections in Connecticut and I urge passage.

- **Let me now turn my attention to Raised bill 5024 “AN ACT CONCERNING VOTING RIGHTS”**

I would like to talk about this landmark bill in two sections; sections that share the twin goals of expanding voter participation and removing barriers to the ballot box. Raised bill 5024 would do two very important things: enact Election Day Registration in Connecticut and enable eligible voters in our state with a driver's license to register to vote online from any computer. These are very simple steps that have been adopted in a number of other states with great success and higher voter turnout to show for it. I have been travelling the state listening to voters and election administrators for almost two years. I am heartened that many people think these reforms are long overdue modernization of how we vote. Others are going to tell you these reforms go too far. Let me explain to you why I believe these steps are needed and can readily be accomplished within our current election administration framework in Connecticut.

Let's look at online voter registration. Online voter registration has the potential to not only mean much more convenience for Connecticut voters, but it will also mean more accurate voter lists, and a significant savings for Connecticut taxpayers. I want to be absolutely clear about this: online voter registration DOES NOT mean online voting. And this DOES NOT replace the paper registration system but there are nine states that have implemented online voter registration.

Here is how it works: currently there are approximately 2.5 million Connecticut residents who have a driver's license or some form of state ID issued by the department of motor vehicles. We have just under two million registered voters in Connecticut. In order to be issued a driver's license, you need to give identifying information to the DMV – your address, your date of birth, whether or not you are a citizen, and your signature. When you are issued a license, you also receive a driver's license number. This is the same information as you are required to give in order to register to vote.

So the idea behind this concept is – we get the two databases of information to talk to each other. Since an eligible voter who has a driver's license already has their information contained in one state database – why should they need to start from scratch in order to register to vote? So through this legislation, a voter would go online to our website www.sots.ct.gov and log into a page where they can register to vote.

They will be asked for certain identifying information – likely name, date of birth, and driver’s license number. Then they will hit submit and instantaneously, their information will be cross checked with their information on file at the DMV. If the information matches, a pre-populated voter registration form with the information entered will appear on voter’s computer screen. This form will contain the image of the voter’s electronic signature as it it appears on your driver’s license.

You then fill out the online form, attesting that you are a U.S. Citizen, and you are asked if you want to register with a political party – the same exact thing as you would fill out on a paper voter registration form. You then click ‘SUBMIT’ and this completed voter registration form is sent in the form of an email attachment to the registrars of voters in your town. The Registrar of Voters then reviews the registration and if everything looks good, they click accept in the email. And with the click of a mouse, that voter is now registered and directly entered into our Centralized Voter Registration System.

I want to illustrate a couple of the benefits of this idea but before I do that – let me assure you that there will be tight security safeguards in place and if any of the information originally entered by the voter is not correct or does not match what is contained in the DMV database – that registration is not processed. So this has the potential to make our voter registration lists in every town far more accurate. This is more accurate because people move around a lot more, and if they are entering in their own data, it is more accurate than someone else entering in the data with the potential for error.

One of the recommendations from the Election Performance Task Force that I convened is that we study the cost of elections. There is a strong example from the state of Arizona that shows online voter registration to bring a significant cost savings for taxpayers. In Arizona they estimated that the paper voter registration system cost about 85¢ to process each voter registration application, with local government bearing much of that cost. Once they implemented online voter registration, that cost dropped dramatically to only three to four cents per application. That could be a significant savings for our towns – especially if you look at hundreds of thousands of new voters registering over the course of a typical presidential election year like 2012.

One other point I want to make, which is budgetary: my office has already received bond funds to make technological upgrades to our Centralized Voter Registration System, so we look forward to implementing this new system right away. So I would urge passage of this bill, it would be a major modernization and improvement in convenience for voters in Connecticut that would make our voter registration list more accurate and save money for our towns.

Now, I want to look at the other aspect of raised bill 5024: Election Day Registration. This is not new concept in Connecticut or in this committee. In fact, my Deputy Secretary of the State James Spallone sat where you are now sitting representative Morin the last time this concept was raised in 2009. The concept of Election Day Registration is not even new in the United States – it has been law in Maine since 1971 – in Wisconsin since 1976, and is law in about a dozen other states. This is not a political issue – ‘Red’ states such as Idaho, North Carolina, and Montana, as well as our fellow New England states of New Hampshire and Maine, as previously mentioned.

I think many of you on the committee understand the concept of being able to register on Election Day and cast a ballot that same day. Let me touch on the framework this bill establishes for how this would work in Connecticut. We propose that on Election Day – for a general election only, it does not apply to primaries, special elections, or budget referenda -- an eligible voter would be able to go to their town hall and present the proper identifying information which I spoke about previously.

The Registrar of Voters then processes their application and enters their information into the centralized voter registration system. If everything is correct, that person is now a registered voter and they are then given a ballot and can go vote in a designated, secure space within town hall. This is different than other states that have election day registration, where voters can register and vote at their polling place.

The way we have envisioned it for Connecticut is a more secure option because by entering the voter directly into the state database, the Registrar can instantly tell if the voter is Registered in another town. It would also make the voter list more accurate and cut down on inadvertent spelling errors that can prevent someone from voting. In any case, once the voter is registered and votes in a secure room at town hall, they then place their ballot in an envelope,

which is then given to the Registrar of Voters. Once taken out of the envelopes, the Election Day Registration ballots are counted by machine in the same way that absentee ballots are counted.

Let me speak about a few of the benefits of this law and then I will be happy to take questions: first of all, we would clearly open the door to more voter participation. One indication for Connecticut is the presidential ballot – where federal law allows eligible but not registered voters to cast a ballot for president of the United States. In 2008, we had some 35,000 presidential ballots issued in Connecticut. In fact, that same year, states with EDR reported a 7% higher turnout than those without EDR. Those who benefit most from EDR include populations with higher mobility—including the young, minorities and low-income populations. In November 2011, nearly 60% of Maine citizens voted in a referendum to restore EDR after legislation repealed it.

Election Day Registration may actually deter voter fraud for several reasons: it is conducted in person with election officials as witnesses, as opposed to being permitted to submit a registration through the mail or a third party. Those registering on Election Day are required to submit proof of their identity and residence to election officials. Registrars are required to check the statewide centralized voter registration system. If the applicant is registered in another Connecticut town, the registrar must immediately notify the other town's registrar, who will remove the voter from that town's list and verify whether the applicant has already cast a vote in his previous town.

EDR will also reduce problems on Election Day. For example, currently, if someone tried to register through a voter registration drive and the card did not make it to the registrar on time, they will not be on the list and at best would file a provisional ballot. With EDR they can register and vote despite the failure of the system to process their card. EDR can also help with situation involving change of name, mis-entered data and other confusion that arises in a human run system.

One other virtue of this legislation I want to extol is the timing of how we would roll this out. If enacted into law this year, Election Day Registration would first be able to be used in November 2013 for a relatively low-turnout municipal election. Then it could be used again in the state election of 2014, another municipal election a year later, and then finally for the Presidential

election of 2016. So there is plenty of time to work out all of the bugs in the new system before we get to another high turnout election statewide.

Let me wrap up my testimony on this very important bill by simply saying that I believe we have a crisis of low voter participation in our country and our state. One in three eligible voters in Connecticut is not even registered to vote. We need to make voting as easy as possible for those who have this right. And we now have the technology to make this happen in a secure way that will not only increase voter turnout but also reduce costs for our towns and modernize and streamline election administration in Connecticut.

This is one of those times when Connecticut needs to once again claim its place on the cutting edge of reform and technology. There is simply no reason for us to lag behind. If these systems can work well in states like Wisconsin or North Carolina, there is no reason they shouldn't work well in Connecticut. Thank you and I am happy to answer questions.