



**Written Testimony of Eliza Sweren-Becker  
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My name is Eliza Sweren-Becker and I am counsel in the Voting Rights and Elections Program at the Brennan Center for Justice at NYU School of Law.

Thank you for the opportunity to express support for House Bill No. 6578 and House Bill No. 5318. By restoring the eligibility to vote to those on parole and codifying automatic voter registration (“AVR”), these bills will expand access to democracy in Connecticut. What’s more, these provisions will work together and reinforce one another to reduce confusion and administrative burdens for citizens and election officials alike.

The Brennan Center is a national nonpartisan law and policy institute affiliated with NYU School of Law that seeks to improve our systems of democracy and justice. The Brennan Center has a long history of partnering with election administrators, legislators, and other elected officials at the local, state, and federal level to reform and improve our elections and election administration. In particular, we have worked for decades to advance AVR and to reform criminal disenfranchisement laws at the state and federal levels. House Bill No. 6578 also contains a third provision to consolidate the oversight roles of citizens at polling places, but our testimony will focus on the two provisions of the bill that make voting easier for Connecticut voters.

We enthusiastically support House Bill No. 6578 and House Bill No. 5318 and urge each of you to vote to pass these bills out of committee, and to move the bills to a floor vote as swiftly as possible.

**Restoring Eligibility to Returning Citizens on Parole**

Twenty years ago, Connecticut restored voting rights to people on parole. Since then, Connecticut has been stuck with its current policy of felony disenfranchisement. In the meantime, much of the country has caught up and surpassed the state in expanding access to the ballot box for those with past convictions. This year, Connecticut has the chance to join the growing movement for rights restoration around the country. Now is the time for forgiveness and second chances. Now is the time to restore voting rights to those on parole. While the list of reasons for doing so is long, below I highlight four.

*1. Rights restoration benefits everyone in Connecticut’s communities.*

This is a state that clearly understands the value of an expansive democracy that welcomes citizens to make their voices heard. The power of that welcoming message is never stronger than when it is delivered to people who are reintegrating into their communities after a conviction.

There are more than 3,000 people on parole who live, work, pay taxes, and raise families in Connecticut's communities, but do not have the right to vote.<sup>1</sup> The state's policy of disenfranchising citizens on parole denies them the respect and responsibility of full citizenship.

Civic engagement is one component of healthy reentry. Our communities benefit when we encourage returning citizens to see themselves as a worthy part of the larger society. We can do that by giving them a vote and a voice. On the other hand, when we deny people the right to vote, we tell them that their voices do not matter, and that they do not have a stake in the community. For this reason, both the American Probation and Parole Association and the Association of Paroling Authorities International have passed resolutions in favor of restoring voting rights upon release from prison.<sup>2</sup>

Denying eligibility to individuals on parole serves no legitimate public safety purpose. Rather, studies have shown that civic engagement tends to reduce the risk of re-offending, re-arrest, and return to prison.<sup>3</sup> Research also indicates that restoring voting rights leads citizens with past convictions to develop stronger trust and cooperation with the police and the criminal justice system.<sup>4</sup>

2. *It is illogical to distinguish between probation and parole for purposes of voting eligibility.*

With the passage of Proposition 17 in California last year, Connecticut is now the only state in the country that distinguishes between probation and parole for voting purposes. The distinction in eligibility between people on parole and probation is confusing and serves no rational purpose. Few people, including election administrators, know the difference between parole and probation, and this confusion has prevented people on probation who were actually eligible to vote from voting.<sup>5</sup> New York, which previously had a similar rule, got rid of the state's "internally inconsistent" policy through executive action in 2018, and the New York State

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<sup>1</sup> "Connecticut profile," Prison Policy Initiative, accessed Mar. 8, 2021,

<https://www.prisonpolicy.org/profiles/CT.html>.

<sup>2</sup> "Resolution Supporting Restoration of Voting Rights," American Probation & Parole Association, Oct. 17, 2007,

[https://appa-net.org/eweb/Dynamicpage.aspx?webcode=IE\\_NewsRelease&wps\\_key=a587deaf-9cbf-4efd-bd8d-025c14143f65](https://appa-net.org/eweb/Dynamicpage.aspx?webcode=IE_NewsRelease&wps_key=a587deaf-9cbf-4efd-bd8d-025c14143f65); "Resolution on Restoring Voting Rights," Association of Paroling Authorities International, Apr. 30, 2008, <http://www.apaintl.org/about/resolutions.html>.

<sup>3</sup> Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from A Community Sample*, 36 Columbia Human Rights Law Review 193–213, 2004; *Collection of Statistics and Evaluation of Clemency Action*, Florida Parole Commission, 2011, <https://www.fcor.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>.

<sup>4</sup> Victoria Shineman, *Restoring Rights, Restoring Trust: Evidence that Reversing Felony Disenfranchisement Penalties Increases Both Trust and Cooperation with Government*, Oct. 25, 2018, <https://ssrn.com/abstract=3272694>.

<sup>5</sup> Erika Wood & Rachel Bloom, *De Facto Disenfranchisement*, Brennan Center for Justice, 2008, 3, [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_DeFactoDisenfranchisement.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_DeFactoDisenfranchisement.pdf); *Boards of Elections Continue Illegally to Disfranchise Voters with Felony Convictions*, Brennan Center for Justice and Dēmos, 2006, <https://www.brennancenter.org/sites/default/files/analysis/NY%208%20BCJ%20and%20Demos%20Study.pdf>.

Senate has passed a bill that would codify the reform just a few weeks ago.<sup>6</sup> There's simply no reason for Connecticut to maintain this confusing distinction.

3. *Connecticut is out of step with most neighboring states.*

Over the last 20 years, Connecticut's neighbors—including New Jersey, New York, Delaware, Maryland, and Rhode Island—have changed their policies to expand access to the polls for those with past convictions. Yet Connecticut's policy has been stuck since 2001.

The drumbeat for restoring eligibility to vote is growing around Connecticut. New York restored voting rights to people on parole in 2018 through an executive order, and the New York State Senate recently passed a bill that will codify this reform in statute. New Jersey restored voting rights to citizens on probation and parole in 2019. Connecticut now has the most regressive felony disenfranchisement policy of any state in New England.

And the momentum for rights restoration is not just limited to blue states in the North East. Last year, Republican Governor Kim Reynolds of Iowa restored voting rights to tens of thousands of people with felony convictions via executive order. In 2019, Kentucky and Louisiana restored voting eligibility to tens of thousands of citizens, and Nevada and Colorado enacted policies to restore voting rights to everyone living in the community. In 2018, Florida voters overwhelmingly enacted Amendment 4 with nearly 65 percent of the vote to end Florida's policy of lifetime disenfranchisement.

We have seen that support for rights restoration goes beyond party politics because Americans of all political stripes believe in second chances. In twenty states, red and blue, everyone living in the community can vote; two states (Maine and Vermont) and Washington, D.C. never take the right to vote away.<sup>7</sup>

Indeed, the overwhelming trajectory of this country has been one of giving people with criminal convictions a second chance to participate in our democracy. Connecticut's standstill over the last nineteen years has been a rare exception to the national movement on rights restoration. It's time for Connecticut to lead, rather than lag behind, on this issue.

4. *An expanded and inclusive democracy is consistent with American values.*

Across the country, voters are paying attention to issues of democracy and getting engaged. According to estimates from Dr. Michael McDonald, 67 percent of the voting-eligible population cast a ballot nationwide in the 2020 Presidential election.<sup>8</sup> Nationally, this was the highest rate of turnout in a midterm election since 1914. That figure was even greater in the

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<sup>6</sup> "Governor Cuomo Signs Executive Order to Restore Voting Rights to New Yorkers on Parole," Office of the New York Governor, Apr. 18, 2018, <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>; Will Wilder, *Progress on Restoring Voting Rights*, Brennan Center for Justice, Feb. 25, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/progress-restoring-voting-rights>.

<sup>7</sup> "Criminal Disenfranchisement Laws Across the United States," Brennan Center for Justice, last modified Dec. 3, 2020, <https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states>.

<sup>8</sup> "2020 November General Election Turnout Rates," United States Elections Project, last modified Dec. 7, 2020, <http://www.electproject.org/2020g>.

Nutmeg State –71.5 percent of eligible voters turned out in Connecticut in the 2020 general election, more than six points higher than the state’s turnout in 2016.<sup>9</sup>

Lawmakers have also gotten the message. By mid-February of this year, state legislators in 43 states have introduced more than 700 bills to expand voting access, dwarfing the 188 expansive bills that had been filed by February of 2020.<sup>10</sup> Connecticut’s neighbors have led the charge in this push to expand access to the ballot: state legislators in New Jersey and New York, for example, have filed over 130 expansive bills so far this year.<sup>11</sup>

At the national level, the House of Representatives passed H.R. 1—the For the People Act—last week. H.R. 1 is a sweeping pro-democracy bill that includes a rights restoration policy consistent with what Connecticut’s policy would be under House Bill No. 6578 or House Bill No. 5318. In other words, a majority of the House of Representatives decided that election reform and voter access—including *rights restoration*—would be its first order of business this congressional term. I think we can all agree that when Washington, D.C. seems to be moving faster than the Connecticut statehouse, something is amiss.

### **Automatic Voter Registration**

Automatic voter registration (“AVR”) is a simple but transformative policy that brings tens of thousands of Connecticut residents into the electoral process and energizes our democracy. That’s why Secretary Merrill and the Department of Motor Vehicles (“DMV”) have already implemented AVR for driver’s license and identification applications, renewals, and notifications of change of address. House Bill No. 6578 will codify these reforms, ensuring that the policy will remain in place beyond the tenure of any current elected official. Codification will also make the policy more predictable and stable for voters and will give election officials greater clarity on how to implement it. Below are three reasons why we support House Bill No. 6578’s AVR provisions, along with suggestions for how the bill could be even stronger.

#### *1. House Bill No. 6578 adopts AVR best practices.*

Under AVR, every eligible citizen who interacts with designated government agencies is automatically registered to vote, unless they decline registration. AVR does this by shifting voter registration from an “opt in” to an “opt out” approach. This approach reflects how the human brain works; behavioral scientists have shown that we are hardwired to choose the default option presented to us.<sup>12</sup> AVR also requires that voter registration information be electronically transferred to election officials, instead of using paper forms and snail mail.

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<sup>9</sup> “2016 November General Election Turnout Rates,” United States Elections Project, last modified Sept. 4, 2018, <http://www.electproject.org/2016g>.

<sup>10</sup> “State Voting Bills Tracker 2021,” Brennan Center for Justice, Feb. 24, 2021, <https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021>.

<sup>11</sup> *Id.*

<sup>12</sup> *The Case for Automatic Voter Registration*, Brennan Center for Justice, 2016, [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_Case\\_for\\_Automatic\\_Voter\\_Registration.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_Case_for_Automatic_Voter_Registration.pdf). Opt-out systems have led to increased program-participation rates across a variety of fields. See Alberto Abadie & Sebastian Gay, *The Impact of Presumed Consent Legislation on Cadaveric Organ Donation: A Cross-Country Study*, *Journal of Health Economics* 25 (2006): 599–620 (25–30% higher participation in organ donation programs);

House Bill No. 6578 applies a “front-end” model of AVR, which allows individuals to opt out of registration during their visit to the DMV. Providing this opportunity to opt out at the point of service is effective because it ensures that individuals can make the decision at the moment that they are reminded of eligibility requirements. What’s more, a front-end opt out does not depend on expensive mailers that many people may not receive, open, or know that they have to return by snail mail.

## 2. AVR works.

AVR has proven extraordinarily successful. Oregon and California became the first states to adopt AVR in 2015. Since then, fourteen more states and the District of Columbia have followed—many with strong bipartisan support.<sup>13</sup> As the Brennan Center has found, AVR has dramatically increased registration in every state in which it has been implemented.<sup>14</sup> For example, in Georgia we found that registrations increased by 94 percent after AVR implementation, and in Vermont registrations increased by 60 percent.

There is strong reason to believe that the reform also boosts turnout.<sup>15</sup> Oregon saw the nation’s largest turnout increase after it adopted AVR.<sup>16</sup> It had no competitive statewide races, and yet the state’s turnout increased by 4 percent in 2016, which was 2.5 percentage points higher than the national average.<sup>17</sup> When voters are automatically registered, they not only are relieved of an obstacle to voting but also are exposed to direct outreach from election officials and others.<sup>18</sup> AVR sends a strong message that all eligible citizens are welcome and expected to participate in our democracy.

Voters also see the appeal of AVR. According to recent polling, 65 percent of Americans favor the reform.<sup>19</sup> Michigan and Nevada adopted AVR in 2018 by popular referendum, with overwhelming support from voters, including Democrats, Republicans, and Independents.<sup>20</sup> And Connecticut’s neighboring New York just signed AVR into law in December.

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James J. Choi et al., *Defined Contribution Pensions: Plan Rules, Participant Decisions, and the Path of Least Resistance*, *Tax Policy and the Economy* 16 (2002): 67–114 (401(k) participation over 30 percentage points higher with automatic enrollment).

<sup>13</sup> “History of AVR & Implementation Dates,” Brennan Center for Justice, last modified Jan. 17, 2020,

<https://www.brennancenter.org/our-work/research-reports/history-avr-implementation-dates>.

<sup>14</sup> Kevin Morris & Peter Dunphy, *AVR Impact on State Voter Registration*, Brennan Center for Justice, 2019, [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_AVR\\_Impact\\_State\\_Voter\\_Registration.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_AVR_Impact_State_Voter_Registration.pdf).

<sup>15</sup> Wendy Weiser, *Automatic Voter Registration Boosts Political Participation*, *Stanford Social Innovation Review*, 2016, [https://ssir.org/articles/entry/automatic\\_voter\\_registration\\_boosts\\_political\\_participation#](https://ssir.org/articles/entry/automatic_voter_registration_boosts_political_participation#).

<sup>16</sup> Rob Griffin et al., *Who Votes with Automatic Voter Registration?*, Center for American Progress, 2017,

<https://www.americanprogress.org/issues/democracy/reports/2017/06/07/433677/votes-automatic-voter-registration/>.

<sup>17</sup> *Id.*

<sup>18</sup> Donald Green et al., *Field Experiments and the Study of Voter Turnout*, 23 *Journal of Elections Public Opinion and Parties* 27–48, 2013

[https://www.researchgate.net/publication/271937319\\_Field\\_Experiments\\_and\\_the\\_Study\\_of\\_Voter\\_Turnout](https://www.researchgate.net/publication/271937319_Field_Experiments_and_the_Study_of_Voter_Turnout).

<sup>19</sup> “Elections in America: Concerns Over Security, Divisions Over Expanding Access to Voting,” Pew Research Center, Oct. 29, 2018, <http://www.people-press.org/2018/10/29/elections-in-america-concerns-oversecurity-divisions-over-expanding-access-to-voting/>.

<sup>20</sup> “2018 Michigan Election Results,” *The New York Times*, last modified May 15, 2019,

<https://www.nytimes.com/interactive/2018/11/06/us/elections/results-michigan-elections.html>; “2018 Nevada

3. *AVR saves money and makes voter rolls more accurate.*

Election officials nationwide have enthusiastically backed AVR because it improves administration and saves money. Virtually every state to have transitioned to electronic transfer of registration information has reported substantial savings from reduced staff hours processing paper, and lower printing and mailing expenses.<sup>21</sup> Eliminating paper forms improves accuracy, reduces voter complaints about registration problems, and reduces the need for the use of provisional ballots.<sup>22</sup> Examples of savings from relying on electronic transfer include:

- Delaware’s State Election Commission documented \$200,000 in savings the first year it switched from using paper forms to electronic transfer from the DMV;<sup>23</sup>
- Washington’s Secretary of State saw \$176,000 in savings after making a similar shift to electronic registration at DMVs and introducing an online system;<sup>24</sup> and
- Maricopa County, Arizona, found that each online or electronic registration cost just three cents, compared with 83 cents to process each paper registration.<sup>25</sup>

Because Connecticut has already implemented AVR at its DMVs, codification should be virtually cost-free.

4. *Two amendments could further strengthen AVR.*

While the Brennan Center strongly urges this Committee to advance House Bill No. 6578, we also encourage the Committee to further strengthen the bill with two key amendments. First, the Committee should consider amending the bill to allow the expansion of AVR to other state agencies. Many citizens, particularly those who do not drive, do not interact with the DMV. Any agency that regularly interacts with Connecticut citizens and collects information in its regular course of business that includes age, citizenship, proof of eligibility, and residence address should be able to provide AVR. The Committee should consider an amendment authorizing the Secretary to order agencies that collect this information to implement AVR. The Committee should in particular consider expanding AVR to agencies that serve low-income voters and voters with disabilities.

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Election Results,” The New York Times, May 15, 2019, <https://www.nytimes.com/interactive/2018/11/06/us/elections/results-nevada-elections.html>.

<sup>21</sup> *The Case for Automatic Voter Registration*, *supra* n.12, at 11.

<sup>22</sup> *Id.* at 10–11.

<sup>23</sup> “Upgrading Democracy: Improving America’s Elections by Modernizing States’ Voter Registration Systems,” Pew Center on the States, 2010, 4, [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs\\_assets/2010/UpgradingDemocracyreportpdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/UpgradingDemocracyreportpdf.pdf).

<sup>24</sup> Matt A. Barreto et al., *Online Voter Registration (OLVR) Systems in Arizona and Washington: Evaluating Usage, Public Confidence and Implementation Processes*, Washington Institute of the Study of Ethnicity and Race & Election Administration Research Center, 2010, 133, <http://www.sos.wa.gov/assets/elections/Pew%20Report%20on%20Online%20Voter%20Registration%20in%20Arizona%20%26%20Washington%204-1-10.pdf>.

<sup>25</sup> *Id.* at 93.

Second, the Committee should adopt amendments that would protect customers at the DMV who are ineligible to vote, but were registered inadvertently. Hold harmless provisions could provide:

- If a person who is not entitled to vote becomes registered to vote pursuant to this act, in the absence of a knowing and willful violation of Conn. Gen. Stat. § 9-357 or § 9-358, that person's registration shall be presumed to have been effected with official authorization, such act may not be considered as evidence of a claim to citizenship, and the person shall not be deemed guilty under Conn. Gen. Stat. § 9-357 or § 9-358.
- If a person who is not entitled to vote becomes registered to vote pursuant to this act and subsequently votes or attempts to vote, that person shall be presumed to have acted with official authorization, such act may not be considered as evidence of a claim to citizenship, and the person shall not be deemed guilty under Gen. Stat. § 9-360, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.
- The automatic registration of any individual or the fact that an individual declined the opportunity to register to vote or did not make an affirmation of citizenship (including through automatic registration) under this part may not be used as evidence against that individual in any State law enforcement proceeding, and an individual's lack of knowledge or willfulness of such registration may be demonstrated by the individual's testimony alone.

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The AVR and voting rights restoration provisions of House Bill No. 6578 and the voting rights restoration provided by House Bill No. 5318 complement one another by making it simpler for eligible citizens to vote *and* easier for election officials to know who is eligible, maintain accurate voter rolls, and administer elections on Election Day. Codifying and expanding AVR will shorten lines for Election Day registration and ease burdens on election administrators, the DMV, and registrants. And restoring the right to vote to individuals on parole will create a single, bright line policy that is easy for officials to administer and for citizens to understand – everyone living in the community can vote.

The right to vote forms the core of American democracy. A strong, vibrant democracy requires the broadest possible base of voter participation. Connecticut has the opportunity to strengthen its democracy by restoring the vote to those on parole and codifying automatic voter registration. You can and should take the first step today by voting to pass House Bill No. 6578 and House Bill No. 5318 out of committee.

I am grateful for the opportunity to submit this testimony. Thank you for your careful consideration of these issues.