

**Written Testimony of Eliza Sweren-Becker
Counsel, Voting Rights & Elections Program
Brennan Center for Justice at NYU School of Law
Before the Connecticut Joint Committee on Government Administration and Elections
February 28, 2020**

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 Senate Bill No. 233. By restoring the eligibility to vote to those on parole, codifying automatic voter registration (“AVR”), and improving the process for Election Day registration (“EDR”), this bill 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 EDR, and to reform criminal disenfranchisement laws at the state and federal levels.

We enthusiastically support Senate Bill No. 233 and urge each of you to vote to pass this bill out of committee, and to move the bill to a floor vote as swiftly as possible.

Restoring Eligibility to Returning Citizens on Parole

Connecticut has long been a national leader in advancing democracy reforms and honoring the right to vote – including by restoring voting rights to those on probation in 2001.

But Connecticut has been stuck with its current policy of felony disenfranchisement for nearly twenty years. 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 once again take a leadership role on rights restoration and join the rest of 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 three.

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.¹ The state's policy of disenfranchising citizens on parole denies them the respect and responsibility of full citizenship.

As this Committee has heard from justice-involved individuals, 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.²

Denying eligibility to individuals on parole serves no legitimate public safety purpose. Rather, studies have shown that civic engagement reduces the risk of re-offending, re-arrest, and return to prison.³ Connecticut's policy of denying eligibility to individuals on parole is especially illogical and confusing because the state has already restored the right to vote to individuals on probation. 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.⁴ New York, which previously had a similar rule, got rid of the state's "internally inconsistent" policy in 2018.⁵ There's simply no reason for Connecticut to maintain this confusing distinction.

2. Connecticut is out of step with most neighboring states.

Over the last 20 years, Connecticut's neighbors—including New Jersey, New York, Delaware, Maryland, 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. Governor Cuomo restored voting rights to New Yorkers on parole in 2018. New Jersey restored voting

¹ "Connecticut profile," Prison Policy Initiative, accessed February 26, 2020, <https://www.prisonpolicy.org/profiles/CT.html>.

² American Probation & Parole Association, *Resolution Supporting Restoration of Voting Rights*, October 17, 2007, https://appa-net.org/eweb/Dynamicpage.aspx?webcode=IE_NewsRelease&wps_key=a587deaf-9cbf-4efd-bd8d-025c14143f65; Association of Paroling Authorities International, *Resolution on Restoring Voting Rights*, April 30, 2008, <http://www.apaintl.org/about/resolutions.html>.

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

⁴ Erika Wood and Rachel Bloom, *De Facto Disenfranchisement*, Brennan Center for Justice, 2008, 3, 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>.

⁵ Office of the New York Governor, "Governor Cuomo Signs Executive Order to Restore Voting Rights to New Yorkers on Parole," April 18, 2018, <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>.

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, 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. Iowa, the last state with permanent blanket disenfranchisement, seems poised for reform over the next year under the leadership of Republican Governor Kim Reynolds.

We have seen that support for rights restoration goes beyond party politics because Americans of all political stripes believe in second chances. In nineteen states, red and blue, and in Washington, D.C., everyone living in the community can vote; two states (Maine and Vermont) never take the right to vote away.⁶

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.

3. 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, 50 percent of the voting-eligible population cast a ballot nationwide in the 2018 midterm elections.⁷ Nationally, this was the highest rate of turnout in a midterm election since 1914. That figure was even greater in the Nutmeg State – approximately 65 percent of eligible voters turned out in Connecticut in 2018, nearly ten points higher than the state's turnout for the 2014 midterm elections.⁸

Lawmakers have gotten the message. By February of this year, of the 40 states that had opened their regular legislative sessions, 29 states had introduced at least 188 bills to expand access to the franchise, including 11 states with bills to re-enfranchise persons with past convictions.⁹ By July of last year, legislators in 46 states introduced or carried over 688 bills that would expand access to the ballot. That translated into 37 new laws expanding voting access in

⁶ "Criminal Disenfranchisement Laws Across the United States," Brennan Center for Justice, last modified December 18, 2019, <https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states>.

⁷ "2018 November General Election Turnout Rates," United States Elections Project, last modified December 14, 2018, <http://www.electproject.org/2018g>.

⁸ "Connecticut commends communities for voter turnout in 2018," *AP News*, March 5, 2019, <https://apnews.com/2832b79b6f8e4144bf4a7086cc538053>; Jenny Wilson, "Voter Turnout At 56 Percent In 2014 Election," *Hartford Courant*, December 10, 2014, <https://www.courant.com/politics/hc-election-turnout-figures-20141210-story.html>.

⁹ "Voting Laws Roundup 2020," Brennan Center for Justice, last modified February 4, 2020, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020>

21 states and D.C.¹⁰ That is significantly more than the number of pro-voter reforms signed at similar points in 2017 and 2015.¹¹ In mid-2017, the most recent off-cycle legislative year, just eight states had enacted nine bills to make voting and registration easier, and in mid-2015, 12 states had enacted 14 such laws.

At the national level, the House of Representatives made H.R. 1—the For the People Act—its first piece of legislation. H.R. 1 is a sweeping pro-democracy bill that includes a rights restoration policy consistent with what Connecticut’s policy would be under Senate Bill No. 233. 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 can bring tens of thousands of Connecticut residents into the electoral process and energize our democracy. That’s why Secretary Merrill and the Department of Motor Vehicles (“DMV”) have already taken important steps toward implementing AVR for driver’s license and identification applications, renewals, and notifications of change of address. Senate Bill No. 233 will codify these reforms and expand them by allowing agencies that provide public assistance and agencies primarily serving people with disabilities to adopt AVR. Below are some of the reasons we support Senate Bill No. 233’s AVR provisions.

1. Senate Bill No. 233 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.¹² AVR also requires that voter registration information be electronically transferred to election officials, instead of using paper forms and snail mail.

Senate Bill No. 233 adopts 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

¹⁰ “Voting Laws Roundup 2019,” Brennan Center for Justice, last modified July 10, 2019, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2019>.

¹¹ “Voting Laws Roundup 2017,” Brennan Center for Justice, last modified May 10, 2017, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2017>; “Voting Laws Roundup 2015,” Brennan Center for Justice, last modified June 3, 2015, <https://www.brennancenter.org/analysis/voting-laws-roundup-2015>.

¹² *The Case for Automatic Voter Registration*, Brennan Center for Justice, 2016, https://www.brennancenter.org/sites/default/files/publications/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); 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).

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.

Senate Bill No. 233 permits the expansion of AVR to agencies serving low-income voters and voters with disabilities. The DMV is usually the first agency to implement AVR in most states, but we are pleased that Connecticut does not plan to stop there. Many citizens may not interact with the DMV, but instead are served by other state agencies. Senate Bill No. 233 will allow the state to fully capture AVR’s potential benefits—and accurately reflect the state’s diverse electorate—by creating the possibility that any state and local agency that already registers residents to vote as required by the NVRA can do so using AVR.¹³ We recommend that the Secretary of the State have the power to direct such agencies to adopt AVR after making a determination that the agency already collects information in its regular course of business that provides proof of eligibility, including age, citizenship, and residence address.

Senate Bill 233 makes important steps to protect non-citizen customers at the DMV. The law, if enacted, would require that if the DMV determines that an individual is not a citizen based on data the agency already has, the agency would not offer the individual an opportunity to register to vote and would not transmit the application to election officials.

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.¹⁴ As the Brennan Center found in a recent report, AVR has dramatically increased registration in every state in which it has been implemented.¹⁵ 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.¹⁶ Oregon saw the nation’s largest turnout increase after it adopted AVR.¹⁷ 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.¹⁸ 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

¹³ 52 U.S.C. § 20504(c)(2)(C).

¹⁴ “History of AVR & Implementation Dates,” Brennan Center for Justice, last modified January 17, 2020, <https://www.brennancenter.org/our-work/research-reports/history-avr-implementation-dates>.

¹⁵ Kevin Morris and Peter Dunphy, *AVR Impact on State Voter Registration*, 2019, https://www.brennancenter.org/sites/default/files/2019-08/Report_AVR_Impact_State_Voter_Registration.pdf.

¹⁶ Wendy Weiser, *Automatic Voter Registration Boosts Political Participation*, Stanford Social Innovation Review, 2016, https://ssir.org/articles/entry/automatic_voter_registration_boosts_political_participation#.

¹⁷ 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/>.

¹⁸ *Ibid.*

and others.¹⁹ 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.²⁰ Michigan and Nevada adopted AVR this past election by popular referendum, with overwhelming support from voters, including Democrats, Republicans, and Independents.²¹

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.²² Eliminating paper forms improves accuracy, reduces voter complaints about registration problems, and reduces the need for the use of provisional ballots.²³ 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;²⁴
- 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;²⁵ and
- Maricopa County, Arizona, found that each online or electronic registration cost just three cents, compared with 83 cents to process each paper registration.²⁶

Because AVR can be adopted in Connecticut without significant new technology or capital costs, implementation should similarly also lead to savings. AVR can be accomplished by changes to

¹⁹ Donald Green et al., *Field Experiments and the Study of Voter Turnout*, *Journal of Elections Public Opinion and Parties* 23 (2013): 27–48,

https://www.researchgate.net/publication/271937319_Field_Experiments_and_the_Study_of_Voter_Turnout.

²⁰*Elections in America: Concerns Over Security, Divisions Over Expanding Access to Voting*, Pew Research Center, October 29, 2018, <http://www.people-press.org/2018/10/29/elections-in-america-concerns-oversecurity-divisions-over-expanding-access-to-voting/>.

²¹ “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 Election Results,” *The New York Times*, January 29, 2019,

<https://www.nytimes.com/interactive/2018/11/06/us/elections/results-nevada-elections.html>.

²² *The Case for Automatic Voter Registration*, 11.

²³ *Ibid*, 10–11.

²⁴*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.

²⁵ 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, 122,

<http://www.sos.wa.gov/assets/elections/Pew%20Report%20on%20Online%20Voter%20Registration%20in%20Arizona%20%26%20Washington%204-1-10.pdf>.

²⁶ *Ibid*, 93.

the language for one or two prompts presented to applicants: rather than opting in to voter registration, they will be offered an opportunity to opt out.

Improvements to Election Day Registration

In addition to rights restoration and AVR, Senate Bill No. 233 would also make Election Day registration easier for voters and election administrators alike. As Connecticut already knows, EDR is a key tool to enable eligible citizens to access the ballot box and make their voices heard. Senate Bill No. 233 would build on the state's existing policy by increasing the number of EDR locations and ensuring that every voter who is in line to register before polls close gets to register, vote, and have their vote counted. That is a win-win for Connecticut citizens and for election administrators who have managed long lines at EDR locations.

EDR is especially effective when coupled with automatic voter registration, because AVR helps individuals get registered and update their information *before* Election Day, which will reduce the number of Election Day registrations and updates.

The EDR, AVR, and rights restoration provisions of Senate Bill No. 233 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. The proposed reforms to EDR will simplify Election Day and provide resources that will benefit election officials and voters alike. 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, codifying automatic voter registration, and improving Election Day registration. You can and should take the first step today by voting to pass Senate Bill No. 233 out of committee.

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