



Testimony of Kele Williams
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
before the
Connecticut General Assembly
Government Administration and Election Committee

Hearing on SB 20

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I would like to thank the Committee Chair and members of the Committee for permitting me to testify on this important bill. My name is Kele Williams, and I am an attorney at the Brennan Center for Justice at NYU School of Law. The Center is a non-profit organization that uses litigation, research, and advocacy to promote full and equal participation in our democracy. Initiatives such as Election Day Registration (“EDR”), which seek to remove barriers to voting, are a key focus of the Center’s Voting and Representation project.

The Brennan Center strongly supports SB 20, and we would like to commend the GAE committee for reintroducing this bill. We believe -- and constitutional jurisprudence supports our view -- that barriers should not be placed on the exercise of the fundamental right to vote unless they are absolutely necessary to serve compelling state interests. It is both technologically and administratively feasible for Connecticut to implement Election Day Registration, while maintaining the integrity of the election system, and the state should therefore seize upon this opportunity to ensure that more citizens participate in our democracy.

Election Day Registration is a proven means of reducing barriers to participation and increasing voter turnout. The six states that have adopted EDR have a voter turnout rate approximately 12 to 15 percentage points higher than the national average.¹ In addition, empirical studies by political scientists conclude that EDR increased voter turnout in the states that adopted it by 3 to 7 percentage points.²

There is every reason to believe that similar percentages, if not more, of Connecticut citizens will take advantage of Election Day Registration. Our preliminary

¹ The six states with EDR are Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming. Information about voter participation rates is available at <http://www.fec.gov/elections.html>.

² Craig L. Brains & Bernard Grofman, *Election Day Registration’s Effect on U.S. Voter Turnout*, Soc. Sci. Q. 82(1): 171-83 (March 2001); Benjamin Highton, *Easy Registration and Voter Turnout*, J. Pol., 59:565-75 (1997); Mark J. Fenster, *The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992*, Am. Pol. Q., 22(1): 84 (Jan. 1994).

review of Connecticut's registration records over the past ten years shows that each year thousands of citizens attempt to register after the cutoff, but before the election, undoubtedly hoping to vote in the upcoming election. For example, over 11,000 people registered after the deadline in the 1994 Gubernatorial and other state elections, and over 4,000 registered after the cutoff for the recent November 2003 municipal elections. These numbers understate the actual demand for EDR, because they represent only people who actually submitted a registration application after the deadline. Others may have wanted to vote after the cutoff, but did not submit an application, because they knew it would be fruitless. In addition, we understand that over 30,000 people voted by presidential ballot during the 2000 presidential election; a significant number of them applying for the ballot on Election Day. Those numbers also demonstrate how many Connecticut citizens are potentially shut out of the democratic process because of the registration deadline.

These individuals were undoubtedly inspired to seek to register and vote because of the surge in public appearances by candidates, and the flood of television advertisements, newspaper articles and endorsements during the last days before the election. Indeed, studies show that voters become most interested in election issues immediately before the election when campaign activity peaks. But, without Election Day Registration, many will continue to be unable to participate in the political process.

In vetoing Public Act No. 03-204, Governor Rowland cited concerns that, "without an accurate, complete, up-to date and real-time centralized voter registration database," the EDR procedure included insufficient safeguards against fraud. Of the six states that currently have EDR, Minnesota is the only with an interactive statewide centralized voter registration database. Wyoming has a centralized registration database that is not actively used by local election officials and the state plans to develop a new database to comply with HAVA.

Nonetheless, the lessons from the states with EDR show that there have been minimal problems with voter fraud as a result of the adoption of EDR. In 2001, the Brennan Center co-sponsored with Demos a conference entitled: "Eliminating Barriers to Voting: Election Day Registration." The conference brought together academic experts, elections administrators from states with EDR, advocates and legislators to explore the potential impact of Election Day Registration, discuss the administration of EDR and to learn how concerns about EDR are being addressed in states that have long experience with the system.³ Election officials in states with EDR reported that the incidents of voter fraud are extremely rare. This is consistent with research conducted by Connecticut's Office of Legislative Research, which concluded that the six states that allow people to register to vote on Election Day "report no formal allegations of voter fraud in connection with election day registration." Jason Matthews, Office of Legislative Research, Incidents of Fraud in States with Election Day Voter Registration, 2002-R-0431, April 11, 2002. Election officials participating in the conference also

³ A complete report of the conference is available at http://www.brennancenter.org/resources/downloads/EDR_report_113001.pdf

noted that most problems with registrations stem from confusion or ignorance, not an intent to deceive. For example, individuals who have recently moved within a state may not know where to vote and may erroneously seek to cast their ballots where they used to live. Those types of problems can be easily addressed through voter education and poll worker training. In addition, the states with EDR have adopted measures to safeguard against fraud. Like SB20, all states with EDR include identification requirements and stiff criminal penalties for fraud.

Even if concerns about fraud were more than a speculative fear, we understand that Connecticut's statewide database is now operational, and will allow election officials to check for duplicate registrations in real-time. In addition, the Help America Vote Act (HAVA) includes certain requirements that will strengthen the database's capacity to verify registration applications. HAVA mandates that all states implement a centralized, computerized statewide voter registration list that is coordinated with other agency databases within the state, including the Department of Motor Vehicles database and agency records on felony status. 42 U.S.C. § 15483(a)(1). HAVA also requires registrants to supply the last four digits of their social security number or a driver's license number, which will be used to verify application information. 42 U.S.C. § 15483(a)(5). Thus, in addition to its current capabilities, Connecticut's voter registration database must soon be connected to other databases that can be checked to verify registration applications.

As Joan Growe, former Minnesota Secretary of State put it at the conference "Fraud is a real issue. It's also a red herring."⁴ Connecticut should not let speculative concerns about voter fraud that can effectively be addressed using the statewide database and other measures prevent the state from dismantling a known barrier to political participation. We urge the Committee to support SB20 and strengthen our democracy by making it possible for Connecticut's citizens to register and vote on Election Day.

⁴ *Id.* at 23.