

Connecticut General Assembly
Joint Government Administration and Elections Committee
March 19, 2023

Written Testimony of Election Law Clinic at Harvard Law School in Support of Senate Bill 1226, An Act Concerning State Voting Rights in Recognition of John Lewis

Senator Flexer, Representative Blumenthal, Ranking Members Sampson and Mastrofrancesco, and members of the Government Administration and Elections Committee:

On behalf of the Election Law Clinic at Harvard Law School (“ELC”), we are pleased to offer this testimony in support of Senate Bill 1226, An Act Concerning State Voting Rights in Recognition of John R. Lewis (“SB1226”). ELC supports SB1226 in its entirety; however, we write to specifically elaborate on the benefits of Section 3, which creates a publicly accessible statewide database within the Office of the Secretary of State (“the Statewide Database”).

ELC’s mission is to train the next generation of election lawyers through litigation and advocacy that bring novel academic ideas to the practice of election law. ELC aims to build power for voters and recognizes that the struggle for voting rights is a struggle for racial justice. ELC is currently working with coalitions of advocates and organizers to support or amend Voting Rights Acts in multiple states including New Jersey and Maryland.¹ In December of 2021, ELC and co-counsel Campaign Legal Center represented OneAmerica in an amicus brief defending the constitutionality of the Washington Voting Rights Act, explaining how that act is essential to protecting communities of color.² Through these efforts and others, ELC regularly utilizes and analyzes a range of election data. Indeed, ELC recently launched “RPV Near Me”, a microsite offering free access to summary measures of racially polarized voting (“RPV”) for every county in the country.³ ELC hopes RPV Near Me will be a resource the election law community and the public can use as they investigate voting patterns, areas of minority underrepresentation, and the types of electoral systems that will bring better local representation to all members of a given jurisdiction. ELC enthusiastically supports SB1226 and Section 3 because they will help ensure that Connecticut residents, and in particular Connecticut’s residents of color, can be fully enfranchised at the local government level.

¹ See generally *State Voting Rights Act Advocacy*, ELECTION LAW CLINIC HARVARD LAW SCHOOL (last updated Mar. 3, 2023), <https://www.hlselectionlaw.org/statevras>.

² See Brief for OneAmerica as Amicus Responding to Intervenor-Defendant’s Motion for Judgment on the Pleadings, *Portugal v. Franklin County*, No. 21-2-50210-11 (Wash. Super. Ct. for Franklin Cnty. Dec. 2, 2021).

³ *About RPV Near Me*, RPV NEAR ME, <https://www.rpvnearme.org/about.html>.

I. SB1226 will improve Connecticut's culture of civic participation.

A strong SB1226 would benefit Connecticut's civic participation culture and the state's local governments. In the 2020 federal election, Connecticut's voter registration and voter turnout rates were just below the national averages at 66.6% and 60.5% respectively.⁴ Significant racial disparities also existed in these figures. For example, 77.4% of non-Hispanic white citizens in Connecticut were registered to vote for the 2020 federal election compared to only 68.6% of Black citizens, 67.8% of Latino citizens, and 60.5% of Asian citizens in Connecticut.⁵ Additionally, 71% of Connecticut's non-Hispanic white citizens voted in the 2020 election compared to only 64.5% of Connecticut's Black citizens, 56.6% of Connecticut's Asian citizens, and 56.4% of Connecticut's Latino citizens.⁶

Studies have shown protections like those found in SB1226 can improve these figures. Specifically, these kinds of protections have been shown to reduce disparities in racial turnout,⁷ increase diversity in local elected offices,⁸ and improve local governments' responsiveness to their constituents.⁹ These improvements will thus make Connecticut's local governments more representative and ensure they work for the people.

The Statewide Database that Section 3 calls for will add to these benefits. Currently, the difficulty of obtaining, comparing and contrasting election data across local jurisdictions impedes the ability of voters, academics, and civil rights organizations to analyze whether and to what extent Connecticut voters are able to cast a meaningful ballot. The data Section 3 seeks to make accessible is critical to understanding where problems are arising in election policy and how to remedy them, but that data is currently held individually by each locality, posing a significant burden to anyone seeking to conduct such an analysis. A centralized, statewide hub for such election information would help advocates ensure voters can equally access the polls. But, as elaborated on below, it would also enable local election administrators, civic engagement groups, and active citizens to better perform their roles in Connecticut's democracy.

⁴ See Voting and Registration in the Election of November 2020 Table 4a, U.S. CENSUS BUREAU (April 2021), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

⁵ *Id.* at Table 4b.

⁶ *Id.*

⁷ See generally, Zachary L. Hertz, *Analyzing the Effects of a Switch to By-District Elections in California* (July 19, 2021), https://electionlab.mit.edu/sites/default/files/2021-07/hertz_2020.pdf (analyzing the effects the California VRA on turnout); see also Elizabeth U. Cascio & Ebonya Washington, *Valuing the Vote: The Redistribution of Voting Rights and State Funds Following the Voting Rights Act of 1965*, 129 Q. J. ECON. 379, 423 (2014) (analyzing the impact of the federal VRA).

⁸ See Loren Collingwood & Sean Long, *Can States Promote Minority Representation? Assessing the Effects of the California Voting Rights Act*, 57 URB. AFFS. REV. 731, 757 (2021); Paru R. Shah et al., *Are We There Yet? The Voting Rights Act and Black Representation on City Councils*, 75 J. OF POL. 993, 1006 (2013); Pie-te Lien et al., *The Voting Rights Act and the Election of Nonwhite Officials*, 40 POL. SCI. & POL. 489, 492 (2007).

⁹ See Sophie Schuit & Jon C. Rogowski, *Race, Representation, and the Voting Rights Act*, 61 AM. J. OF POL. SCI. 413, 524 (2017).

II. Section 3’s Statewide Database benefits local election administrators, civic engagement groups, and active citizens.

Section 3 offers Connecticut an opportunity to bring its elections into the 21st century by providing a central public repository for election and demographic data with the goals of fostering evidence-based practices in election administration and unprecedented transparency. This database will include five kinds of election and demographic data: (1) census-based, voting-district-level population estimates by race, color, and language minority; (2) district level state and local election results; (3) geocoded voter registry lists; (4) shapefile local election maps and district boundaries; and (5) geocoded polling place and ballot drop box locations for local elections.¹⁰ This data will benefit: (1) local clerks and registrars crafting election administration policy; (2) civic engagement organizations creating nonpartisan voter education programs; and (3) local election officials and engaged citizens collaborating on redistricting plans.

- a. Section 3 equips local clerks and registrars with the tools to enact evidence-based, best-in-class election administration policy.

The Statewide Database will enable the development and sharing of best practice election administration policy across Connecticut’s local clerks and registrars. Voting-district level population estimates by race, district level election results, location-based registry files, and location based polling place and ballot drop box data are critical inputs to understanding how well election administration policy is serving a community. Presently, local election administrators have access to this data for their own jurisdiction, but cannot as easily access other jurisdictions’ data. If one municipality is deciding how many ballot drop boxes it needs to effectively service a particular district, it would benefit them to be able to evaluate how successful other municipalities have been in determining the number and location of ballot drop boxes for a particular population area. The Statewide Database allows them to do just that by providing easy access to this kind of data statewide. And, the local election administrators can seek technical assistance from the Secretary of State’s Office should they need it.¹¹

- b. Section 3 empowers civic engagement organizations in their efforts to mobilize and educate voters.

Civic engagement organizations seeking to turnout voters will also benefit from the Statewide Database. Organizations that create voter guides rely on shapefiles of election maps and district boundaries as well as on location-based polling place and drop box data to create nonpartisan voter

¹⁰ SB1226 (Conn. 2023).

¹¹ See SB1226 (Conn. 2023) (instructing that the database will allow for “implementing best practices in election administration” and that the designated employee in the Secretary of State’s Office will “provide nonpartisan technical assistance” to local governments and others seeking to use the database).

education programs.¹² Shapefiles allow these organizations to match voters with the contests that will appear on their ballot.¹³ Currently, these groups must request this data in a piecemeal fashion from each local government. But, any struggles they encounter in retrieving these files can inhibit them from operating their programs to their full potential.¹⁴ By making this kind of data easily accessible for the entire state, Section 3 will ensure civic engagement groups can fulfill their missions of providing nonpartisan election information to voters.

c. Section 3 facilitates equitable and accessible redistricting processes.

The election database will additionally facilitate collaboration between local election administrators and active citizens on redistricting efforts. Redistricting processes rely, in part, on census-based population estimates broken down by race, election results by district, and historical shapefiles that show previous election maps. While the public has the opportunity to provide input on redistricting efforts, without easy access to this kind of data their ability to provide *meaningful* input is inhibited. Section 3 can help Connecticut mimic efforts states like California have undertaken to make it easier for citizens to engage with redistricting. California hosts a publicly accessible redistricting database that, among other things, provides Californians “three free-to-use tools” they can use to “draw [their] California” and thereby share their input with the relevant redistricting authorities.¹⁵ Providing citizens and local governments with statewide population and election map data will help make local redistricting processes more accessible and ultimately, equitable.

III. Section 3 relieves local governments of an information production burden they currently bear.

The Statewide Database will save local jurisdictions time and manpower they currently expend responding to Freedom of Information Act (FOIA) requests for election data. As discussed, voting rights advocates, civic engagement organizations, and active citizens need this kind of data to effectively perform their roles in Connecticut’s democracy. Today, getting that data can often entail requesting it from local election officials through mechanisms like FOIA. Connecticut government agencies are normally expected to respond to FOIA requests in 4-10 days,¹⁶ the presence of a publicly accessible statewide election database would save government agencies time and energy per request, including alleviating the pressure that the quick response timeline requires. Under Section 3, local election administrators will only need to provide data at least once

¹² See, e.g., *Testimony to the New York State Senate Standing Committee on Elections*, THE LEAGUE OF WOMEN VOTERS OF N.Y. STATE, 2 (Mar. 3, 2020), <https://www.lwvnyonline.org/advocacy/vote/2020/march/LWVNY-NYVRA-Testimony-for-Senate-Elections-Hearing-2020.pdf>.

¹³ See *id.*

¹⁴ See, e.g., *id.*

¹⁵ See *The Redistricting Database for the State of California*, STATEWIDE DATABASE: THE REDISTRICTING DATABASE FOR THE STATE OF CAL., <https://statedatabase.org/>.

¹⁶ See CONN. GEN. STAT. § 1-206.

a year and after each local election. Section 3 will thus standardize Connecticut election administrators' information production duties and relieve them of some burdensome FOIA requests.

IV. Operating and maintaining the Statewide Database via the Office of the Secretary of State will not be difficult for Connecticut.

Connecticut can easily operate and maintain the Statewide Database within the Office of the Secretary of State, in part because it can seek to leverage the personnel and expertise of universities to ensure the database's success. At a minimum, operating and maintaining the database requires designating or hiring an appropriate manager in the Office of the Secretary of State,¹⁷ appointing or hiring sufficient new staff,¹⁸ and acquiring software licenses to support the database. Importantly, Connecticut likely already has agreements with relevant software companies to support similar databases; for example, the Help America Vote Act already requires Connecticut to maintain a statewide voter registration database.¹⁹ Other states operating or contemplating establishing similar election databases have additionally leaned on their state university systems for support. For example, California's Redistricting Database is housed at the University of California Berkley Law School,²⁰ and pending legislation in New York proposes creating a "New York State Voting and Elections Database and Institute" jointly hosted by the State University of New York and the City University of New York.²¹ Establishing a partnership between a university in Connecticut and the Office of the Secretary of State would allow the database to benefit from the data expertise of Connecticut's academics and would provide unique opportunities to students to learn about the mechanics of elections via supporting the database.

¹⁷ See SB1226 (Conn. 2023) (requiring the Secretary of State to designate a managing employee for the database who "possess[es] an advanced degree from an accredited college or university, or equivalent experience, and have expertise in demography, statistical analysis and electoral systems").

¹⁸ *Id.* (the designated employee shall "manage such staff as is necessary to implement and maintain such state-wide database").

¹⁹ See 52 U.S.C. § 21083; see also *State Wide Voter Registration Systems*, U.S. ELECTIONS. ASSISTANCE COMM'N (Aug. 31, 2017) <https://www.eac.gov/statewide-voter-registration-systems>.

²⁰ See *About the Statewide Database*, STATEWIDE DATABASE: THE REDISTRICTING DATABASE FOR THE STATE OF CAL., <https://statewidedatabase.org/about.html>.

²¹ See *Senate Bill S657*, THE N.Y. SENATE, <https://www.nysenate.gov/legislation/bills/2023/s657>.

V. Conclusion

SB1226 represents an opportunity for Connecticut to join California, Oregon, Washington, Virginia, and New York as a national leader in protecting voting rights. And Section 3 represents an opportunity to provide Connecticut residents unprecedented accessibility to critical election data for the benefit of voting rights activists, local election administrators, civic engagement organizations, and engaged citizens alike. Everyone has a role to play in Connecticut's vibrant democracy, and Section 3 ensures everyone has the tools they need to effectively play their role.

ELC strongly supports SB1226 and urges you to enact it.

* * *

Respectfully submitted,

Lucas Rodriguez, Student
Election Law Clinic
Harvard Law School
6 Everett Street, Suite 4105
Cambridge, MA 02138
Tel: (617) 496-0222
lrodriguez.jd24@hlsclinics.org

Ruth Greenwood, Director
Election Law Clinic
Harvard Law School
6 Everett Street, Suite 4105
Cambridge, MA 02138
Tel: (617) 998-1010
rgreenwood@law.harvard.edu