

Legislative History for Connecticut Act

HB 5394	P.A. 121	1994
Sen: 2108, 2222-2224		(4)
Use: 1133, 2760, 3220-3221, 3784-3785, 4179-4199		(27)
GAR: 93, 101-121, 122-133, 138-140, 142-143		(39)
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1994

VOL. 37  
PART 6  
1787-2173

MONDAY  
May 2, 1994

002108  
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THE CHAIR:

Is there any objection to placing Senate Calendar 423, Substitute for House Bill 5094, on the Consent Calendar? Is there any objection? Hearing none, so ordered.

SENATOR MUSTONE:

Calendar 424, Substitute for House Bill No. 5394, I  
move to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar 424, Substitute for House Bill 5394, on the Consent Calendar? Is there any objection? Any objection? Hearing none, so ordered.

SENATOR MUSTONE:

Thank you, Madam President. Calendar 425 will be Passed Temporarily.

On Page 14, Calendar 426 will be Passed Temporarily. Calendar 427, Substitute for House Bill No. 5611, Madam President, I move to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar No. 427, Substitute for House Bill No. 5611, on the Consent Calendar? Is there any objection? Hearing none, so ordered.

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SENATE

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1994

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PART 7  
2174-2564

MONDAY  
May 2, 1994

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ordered in the Senate on the Consent Calendar. Will  
all Senators please return to the Chamber.

THE CHAIR:

Thank you very much. The issue before the Chamber  
is the Consent Calendar #1. Mr. Clerk, would you  
please read the items that have been placed on Consent?

THE CLERK:

Consent Calendar begins on Calendar Page 2,  
Calendar #205, HB5138. Calendar Page 4, Calendar #330,  
Substitute HB5298. Calendar Page 5, Calendar #332,  
Substitute HB5527. Calendar #333, Substitute HB5753.

Calendar Page 6, Calendar #340, Substitute HB5437.  
Calendar #342, Substitute HB5388. Calendar Page 7,  
Calendar #347, Substitute SB99.

Calendar Page 8, Calendar #383, Substitute HB5086.  
Calendar #385, Substitute HB5676. Calendar #386,  
Substitute HB5399. Calendar #387, Substitute HB5795.

Calendar Page 9, Calendar #392, Substitute HB5421.  
Calendar #400, Substitute HB5122. Calendar Page 11,  
Calendar #412, Substitute HB5826. Calendar #415,  
Substitute HB5733.

Calendar Page 12, Calendar #418, Substitute HB5829.  
Calendar #420, HB5519. Calendar Page 13, Calendar  
#423, Substitute HB5094. Calendar #424, Substitute  
HB5394. Calendar Page 14, Calendar #427, Substitute

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HB5611.

Calendar Page 15, Calendar #431, Substitute HB5677.

Calendar Page 16, Calendar #437, Substitute HB5124.

Calendar #438, Substitute HB5169. Calendar #440,

Substitute HB5553.

Calendar Page 21, Calendar #151, Substitute SB224.

Calendar #162, HB5580. Calendar Page 23, Calendar

#221, Substitute HB5200. Calendar #231, SB345.

Calendar Page 25, Calendar #312, SB395. Calendar

Page 27, Calendar #62, Substitute SB50. Calendar #131,

Substitute SB158. Calendar #148, Substitute SB136.

Madam President, I believe that that completes the first Consent Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You've heard the items that have been placed on Consent Calendar #1.

The machine is open and you may cast your vote.

Senator Fleming. Senator Przybysz. Is Senator

Przybysz here? Is Senator Przybysz here? Thank you.

Oops, here he comes, a mile a minute. "Mile a Minute"

Przybysz.

Have all Senators voted and are your votes properly recorded? Have all Senators voted and are your votes properly recorded? The machine is closed.

The result of the vote:

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36 Yea  
0 Nay  
0 Absent

The Consent Calendar is adopted.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I'd move to the Calendar all items on Senate Agendas #1 and #2, dated Monday, May 2, 1994.

THE CHAIR:

Thank you very much. You have before you a motion by Senator DiBella to move all items on Senate Agendas #1 and #2 for today, Monday, May 2nd. Is there any objection to his motion? Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Thank you, Madam President. I would also move all items that need further action by the House to be transmitted immediately.

THE CHAIR:

Thank you very much. You have before you Senator DiBella's motion for the immediate transmittal of all items requiring action by the House, to the House immediately. Is there any objection to his motion for the immediate transmittal of items to the House? Is

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001133

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House of Representatives

Thursday, April 7, 1994

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the  
Committee on Insurance.

SPEAKER RITTER:

Without objection, so ordered. The Clerk please  
call 208.

CLERK:

On Page 7, Calendar 208, Substitute for House Bill  
No. 5394, AN ACT CONCERNING THE IMPLEMENTATION OF THE  
NATIONAL VOTER REGISTRATION ACT OF 1993.

Favorable Report of the Committee on Government  
Administration and Elections.

SPEAKER RITTER:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the  
Committee on Judiciary.

SPEAKER RITTER:

Without objection, so ordered. The Clerk please  
call Calendar 209.

CLERK:

On Page 7, Calendar 209, Substitute for House Bill  
No. 5403, AN ACT CONCERNING LOW-INCOME HOME ENERGY  
ASSISTANCE FOR SECONDARY HEAT SOURCES.

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PART 8  
2592-2985

002760  
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House of Representatives

Wednesday, April 20, 1994

Without objection, so ordered.

CLERK:

Calendar 208, Substitute for House Bill 5394, AN  
ACT CONCERNING THE IMPLEMENTATION OF THE NATIONAL VOTER  
REGISTRATION ACT OF 1993.

SPEAKER RITTER:

Representative Dillon.

REP. DILLON: (92nd)

I move that this item be referred to the Committee  
on Human Services.

SPEAKER RITTER:

Without objection, so ordered.

CLERK:

Calendar 293, Substitute, excuse me, Calendar 228,  
House Bill 5813, AN ACT CONCERNING THE STANDARD OF NEED  
AND THE COST OF LIVING.

SPEAKER RITTER:

Representative Dillon.

REP. DILLON: (92nd)

I move that this item be recommitted.

SPEAKER RITTER:

Killed one of our bills, huh? Without objection,  
so ordered.

CLERK:

Calendar 293, Substitute for House Bill 5666, AN

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2986-3344

003220

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House of Representatives

Friday, April 22, 1994

Thank you, Mr. Speaker. Could the Clerk please repeat his --.

CLERK:

Calendar 148, on Page 17, House Bill 5519, AN ACT CONCERNING THE FINANCING OF MOBILE MANUFACTURED HOMES BY CHFA.

REP. IRELAND: (111th)

Thank you, Mr. Speaker. I move that this item be referred to the Joint Committee on Finance.

SPEAKER RITTER:

Without objection, so ordered.

CLERK:

Page 20, Calendar 206, Substitute for House Bill 5448, AN ACT CONCERNING THE REGULATION OF CEMETERIES.

SPEAKER RITTER:

Representative Ireland.

REP. IRELAND: (111th)

Mr. Speaker, I move that this item be referred to the Joint Committee on Public Health.

SPEAKER RITTER:

So ordered.

CLERK:

Page 20, Calendar 208, Substitute for House Bill 5394, AN ACT CONCERNING IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT OF 1993.

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House of Representatives

Friday, April 22, 1994

SPEAKER RITTER:

Representative Ireland.

REP. IRELAND: (111th)

Mr. Speaker, I move that this item be referred to  
the Joint Committee on Transportation.

SPEAKER RITTER:

So ordered.

CLERK:

Calendar 211, Substitute for House Bill 5169, AN  
ACT LIMITING HOSPITAL CLAIM LITIGATION IN THE GENERAL  
ASSISTANCE PROGRAM.

SPEAKER RITTER:

Representative Ireland.

REP. IRELAND: (111th)

Mr. Speaker, I move that this item be referred to  
the Joint Committee on Planning and Development.

SPEAKER RITTER:

So ordered.

CLERK:

Calendar 231 on Page 21, Substitute for House Bill  
5814, AN ACT CONCERNING OVERSIGHT OF MEDICAID MANAGED  
CARE.

SPEAKER RITTER:

Representative Ireland.

REP. IRELAND: (111th)

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3687-4034

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House of Representatives

Monday, April 25, 1994

REP. DILLON: (92nd)

I move that we refer this item to the Committee on  
Public Health.

DEPUTY SPEAKER LYONS:

Hearing no objection, so ordered.

REP. DILLON: (92nd)

Calendar 196.

CLERK:

Calendar 196, Substitute for House Bill No. 5482,  
AN ACT CONCERNING TASK FORCE MEMBERSHIP AND  
TERMINATION.

Favorable Report of the Committee on Legislative  
Management.

DEPUTY SPEAKER LYONS:

Representative Dillon.

REP. DILLON: (92nd)

I move that this item be referred to the Committee  
on Planning and Development.

DEPUTY SPEAKER LYONS:

Hearing no objection, so ordered.

REP. DILLON: (92nd)

Calendar 208.

CLERK:

Calendar 208, Substitute for House Bill No. 5394,  
AN ACT CONCERNING THE IMPLEMENTATION OF THE NATIONAL

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House of Representatives

Monday, April 25, 1994

VOTER REGISTRATION ACT OF 1993.

Favorable Report of the Committee on  
Transportation.

DEPUTY SPEAKER LYONS:

Representative Dillon.

REP. DILLON: (92nd)

I move that we refer this item to the Committee on  
Planning and Development.

DEPUTY SPEAKER LYONS:

Hearing no objection, so ordered.

REP. DILLON: (92nd)

Calendar 234.

CLERK:

Calendar 234, Substitute for House Bill No. 5124,  
AN ACT CONCERNING AGRICULTURAL TECHNOLOGY.

Favorable Report of the Committee on Commerce.

DEPUTY SPEAKER LYONS:

Representative Dillon.

REP. DILLON: (92nd)

I move that this item be referred to the Committee  
on Education.

DEPUTY SPEAKER LYONS:

Hearing no objection, so ordered.

REP. DILLON: (92nd)

Calendar 249.

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4035-4390

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House of Representatives

Tuesday, April 26, 1994

APPLAUSE.

DEPUTY SPEAKER LYONS:

Are there any other announcements or points of personal privilege? Hearing none, would the Clerk please return to the call of the Calendar?

CLERK:

On page 14. Returning to Calendar 208. Substitute for House Bill 5394, AN ACT CONCERNING THE IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT OF 1993. Favorable report of the Committee on Planning and Development.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker, thank you. I would move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER LYONS:

The question before the chamber is on acceptance and passage. Will you remark?

REP. RAPOPORT: (18th)

Yes, Madam Speaker and thank you. This bill is a significant piece of legislation and somewhat lengthy whose basic design is to conform Connecticut's voter registration procedures to the National Voter

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Registration Act which was passed last year and signed by the President and takes effect January 1, 1995.

I do want to walk through some of the major provisions for the members. Not all of them. But I think prior to doing that, there is a technical and small clean up amendment that has been recommended by the Elections Division of the Secretary of State's Office.

If the Clerk would call LCO3012 and I be permitted to summarize?

DEPUTY SPEAKER LYONS:

The Clerk has in his possession, LCO3012 which will be designated House "A". Would the Clerk please call and the Representative has asked leave to summarize?

CLERK:

LCO3012, designated House "A" offered by Representative Rapoport.

DEPUTY SPEAKER LYONS:

Hearing no objection to summarization, please proceed, Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker, there is -- this really is a very small and technical bill that the Secretary of State's office went through with a fine tooth comb. There is one substantive piece in it which I think is a good one

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and that is to specify that when voter registration takes place at the libraries, as it will do under this act, that voters do not have to decline registration in writing. They can just say they don't want to register. There will be some other comments, I believe, for legislative intent on how this bill is intended to affect libraries, but it certainly makes it a little bit easier and I move adoption.

DEPUTY SPEAKER LYONS:

The question before the chamber is on adoption. Will you remark on the amendment that is before us? Will you remark? Representative Mazzoccoli.

REP. MAZZOCOLI: (27th)

Madam Speaker, I am sorry. I am going to have to ask the Representative to restate his comments again regarding the amendment. Would he please, through you, Madam Speaker?

DEPUTY SPEAKER LYONS:

Representative Rapoport, perhaps if you could just repeat the important sections.

REP. RAPOPORT: (18th)

Yes, Madam Speaker. I will. For the benefit of Representative Mazzoccoli. Most of the amendment is simply changing slight references. The one substantive part that will draw Representative Mazzoccoli's

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attention to is in line 133. The Federal Act requires that people who are offered the opportunity to register to vote decline in writing. We have added the one part and that is required for all state agencies. The one agency that we have added to the act that is not required by the federal act are public libraries. This was a conversation that Representative Rell and I had several times in previous years. So this says that people who are registering at libraries, according to the state act, shall not have to decline in writing. They can just say no, I don't want to.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Mazzoccoli. Will you remark further on the amendment that is before us? If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted and ruled technical.

Will you remark further? Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker, let me -- as people have looked at the file copy can see, the bill contains a large, large

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number of changes. Let me just highlight a few from the OLR report that are indicated.

I would say that the basic underlying change that was passed again, as part of the federal law, I should say that the federal law will go into effect on January 1, 1995. I will come back at the conclusion of my remarks and mention what will happen if we do not adopt this bill.

But I would say that the biggest single change is that it adds a list of agencies to the Department of Motor Vehicles, that which voter registration is required to take place.

I guess I want to say that we have had some discussions in past years about what agencies are appropriate, where voter registration should take place and with the exception of public libraries, I just want to point out for the members that all of these agencies are required by the Federal legislation.

So, we have attempted, for the benefit of the members, in this legislation to simply track and conform our voter laws to what will be required by federal. We have not attempted to make the federal act a vehicle to make major discretionary changes in our own procedures. I just wanted to make that clear that almost everything that is in this bill is required by

the National Voter Registration Act of 1993.

So, what it says, what the federal law requires us to do is that in any state agency that provides services to the public, that are used, that are funded by federal dollars, and that is specifically under this, Food stamps, Medicaid, the WIC Program, AFDC and all services that are given to people with disabilities that voter registration be offered as a service.

Again, we are adding public libraries. I think for legislative intent it should be clear that the notion here on libraries is not every time you take out a book, they offer you to register. But when you apply for a library card in the same way as when you apply for a drivers' license, the intention is that you can be -- the forms for voter registration will be there.

The second major change in terms of the change of address. The Motor Vehicles Department is required again, by federal law to notify people that when they change -- when you go and you change your address at the Motor Vehicles, to let people know that they will be notifying the town from which you are moving and then your registration will need to be shifted.

What we have provided for in this act is that the registrars from the town from which you are moving, should notify you that you are being removed from the

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voter list, send you a form so that you can register at your new place.

By the way, if, obviously at DMV, you say, no, I am not moving - for voter purposes, you will not be removed.

Thirdly, this creates a new concept for us in the state called the Inactive Registry List which again, is required by the federal law so that in the process of a canvas, people cannot be removed unless they make an affirmative, in writing statement that they have moved, but if they don't respond, if the letter comes back returned, they can be put on an inactive list and then removed if they do not vote in four years.

One interesting piece that we have done is that we have increased the penalties for fraud related to voter registration issues to the penalties for perjury which is a higher standard of penalty so that if, by use of this act, there is fraud, it will be harshly dealt with.

The bill makes the Secretary of the State the lead agency for implementation of the Voter Registration Act and I think those are the major sections. There are a large number of other technical bills.

I just want to say to the chamber, in closing, let me say a positive thing and a negative thing. The

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positive thing is that I think as a supporter of the expansion of voter registration opportunities, that this bill takes us a huge step forward in allowing people to enter the political process. In some ways, we have been ahead of the curve, that is we have a motivated program which is now required under the federal act. We passed ours two years ago. It has been in place for a year. So we are ahead on that. We have a mail in application which is required by the federal law. Had we not made these changes, a wholesale change would be required by the federal law. But by having made many of the changes, we have got some modest changes that we need to make, but they are very, very good changes, I believe, in terms of opening up and encouraging people to register to vote.

I just want to conclude on my negative point, I rarely think that it is a good argument to make that we will say that we will be in big trouble if we don't pass this bill. But I will say to my colleagues that we will be in big trouble if we don't pass this bill. I asked the Office of Legislative Research what might happen if we did not conform.

The fundamental issue will be that the registrars will be required to maintain two separate voter lists because people will be under the federal law, which

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pre-empts, allowed to register for federal elections, i.e. for Congress, for U.S. Senate, whatever, through the federal procedures and if our procedures are different, you may have a situation in which people are registered and eligible to vote for Congress, but not for Governor or for Senator, but not for State Representative and I think this would be a tremendously chaotic situation to impose on our registrars.

So, I think this is well advised to conform. It is a good piece of legislation and I urge the chamber to pass it.

DEPUTY SPEAKER LYONS:

Thank you, Representative Rapoport. Will you remark on the bill? Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Madam Speaker. I too rise in support of this bill. I think, as Representative Rapoport said, it is a technical bill. It does align us with the federal law. But one of the special things that I believe in this bill is that it still allows many of the uniqueness that we have in Connecticut law to apply. As many of us are Connecticut Yankees at heart, we tend not to give up our uniqueness very easily. I think this bill continues to follow that tradition.

As I said, it is a technical bill, but as spoken to

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previously by Representative Rapoport, it adds a couple of little differences between the federal law and I would just like to reiterate them.

First of all, the adding of libraries. It gives another way people can participate in mail in registration. I think that is a very positive step forward for the people of the State of Connecticut.

There is another point that Representative Rapoport didn't bring up that had much discussion in committee, but I think is positive that we got from the registrars of voters. The federal law states that an oath is not necessary and it affects us by the laws of perjury we don't need to do an oath.

But as many of us, when we were sworn in as voters, if any of you have children that are old enough you got to go with them when they were sworn in as voters. Part of it is the oath because it is very important to us. And this allows in an in person registration, a voluntary oath if requested by the new elector. I think it is just a nice part of the process to swear yourself in as a voter and I think that is an important issue.

As Representative Rapoport said, what happens if we don't do this, we fall under federal law. I think it is important that we do this. It is important because

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it helps Connecticut and it moves us forward and I urge its adoption. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the bill? Representative Chase.

REP. CHASE: (120th)

Yes, thank you, Madam Speaker. Through you, a few questions to the proponent of the legislation?

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. CHASE: (120th)

Thank you. Through you, Madam Speaker. I am curious to know if the State of Connecticut failed to adopt the -- what has been commonly referred to as the Motor Voter bill, what is the penalty for the State not adopting this legislation? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker, through you. I would say that there is a one definite set of consequences and one possible set. The definite set of consequences are that the federal procedures that are outlined in the National Voter Registration Act would apply and people would be eligible to use them so therefore, someone could go to

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one of the agencies specified here and ask to register to vote. Those agencies would be required to make available the federal voter registration application which is set up under the federal bill and if that application was not accepted by the State because there are some differences in the questions, then that person would be eligible only to vote in federal laws. If the agency failed to provide the federal application, the person would clearly sue for the denial of their rights.

So that is one of the things that would happen. I don't think the state is subject to financial penalties or we wouldn't be in violation of any law. It would simply be that the federal would pre-empt and we would have a chaotic situation.

The second situation is that we might find ourselves subject to a lawsuit for not following through on these procedures. I know that the State of California is being sued, outcome uncertain yet for failing to have legislation moving through to conform to state's procedures.

So, I don't know what the consequences would be and how the courts would interpret, but the definite thing is that we would have a full dual system in the state, one set of procedures for congressional elections and

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one separate for state elections.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Chase.

REP. CHASE: (120th)

Thank you, Madam Speaker. A second question then. The differences between the application that is outlined in our legislation and the federal application. Can you tell us what those differences are?

I believe, through you, Madam Speaker, it was indicated that one of the differences was there is a federal application and a state application which we have developed, which the GAE has developed in this bill. What are those differences?

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

I would say that the major difference is that the federal changes from an oath procedure and removes the I form of the oath and just says that you are stating under penalties of perjury that you are eligible to be a voter including citizenship and including the other that you are not a felon, including the other requirements.

It removes also the birth place that is required by

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federal law not to be asked and I think it also -- I would say that those are the two major changes.

DEPUTY SPEAKER LYONS:

Representative Chase.

REP. CHASE: (120th)

Thank you. Through you, Madam Speaker. The new Connecticut application, will it ask the date of birth? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Through you, Madam Speaker. Yes. The date of birth will still be asked.

DEPUTY SPEAKER LYONS:

Representative Chase.

REP. CHASE: (120th)

The date of birth stays in -- I am sorry, Madam Speaker. I did not hear the answer.

DEPUTY SPEAKER LYONS:

Representative Rapoport, if you care to repeat.

REP. RAPOPORT: (18th)

Madam Speaker, yes date of birth would still be asked. The ones that are removed are birthplace and also gender will not be asked, according to the federal.

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DEPUTY SPEAKER LYONS:

Representative Chase.

REP. CHASE: (120th)

Thank you. The second one was birthplace and the third one was gender. And the fourth one deals with -- okay, I've got that.

What is the reasoning behind removal, through you, Madam Speaker, of the date of birth, the place of birth? Why are the feds -- I don't have this information -- why is the federal government insisting that we eliminate the place of birth?

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Through you, Madam Speaker. I am not 100% certain of the answer. I think that in some places there have been potential problems where people who have a different place of birth, may have had difficulties registering when in fact they met all the requirements. So, I am not sure of all the reasoning on the federal government's part, but I would assume that that is the case.

DEPUTY SPEAKER LYONS:

Representative Chase.

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REP. CHASE: (120th)

Thank you, Madam Speaker. Madam Speaker, I am 44 years old. And unfortunately, my birthday has never hit while we are in session. But in any event, I thought I would let you know. But it has been 25 years, I think since I registered to vote and I remember taking the oath and frankly, I probably should have been more observant because I don't remember or with viewing anyone else taking the oath, down in Stratford, I am always in and out of our town hall all the time. Through you, Madam Speaker, could the chairman of the GAE Committee tell us what the oath is? Is it similar to the oath we take when we are sworn into this office?

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker. No, it is a little different from our oath of office, but it is an oath that swears or affirms, according to legislation that we passed in the previous year, that we meet all the requirements of being an elector, that we will defend the constitution, both of the United States and of the State of Connecticut. Those are the major and fulfill the responsibilities of voting faithfully.

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The reason, let me just state -- I do want to just repeat what Representative Prelli said and that is that the legislation does allow a voter who wishes to administer the oath, state it in the form to do so, but it doesn't require it. It merely requires, which we now do on our mail in form that you state, under penalty of perjury that you meet all the applicable requirements for being a voter.

DEPUTY SPEAKER LYONS:

Representative Chase.

REP. CHASE: (120th)

Thank you, Madam Speaker. I want to thank the Chairman of GAE for his responses to those questions. I know that our ranking member has spoken favorably of the legislation that basically it is a mandate from the federal government. Either we do this or we get something that is more onerous and I think the chairman of GAE has explained that, but I guess I am going to vote no in protest because I don't see any problem asking where someone was born. I think that is a good tool to insure that American citizens are voting.

I am also going to vote against this because I don't have a problem requiring people to take an oath. An oath that they are citizens. An oath that they will

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protect and defend this country. Some might say, you are wearing patriotism on the sleeve. So be it. If that is what you want to think, but I don't see any problem with that oath, with asking those questions.

So, Madam Speaker, I will vote against the legislation. I think that we probably could have asked for a waiver. Maybe fought this. Maybe a number of states could have fought this. I don't know. This is not my area of expertise. All I do know is that I think this is a dangerous bill, a dangerous precedent that the federal government has mandated on this country.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the bill that is before us? Representative Santiago.

REP. SANTIAGO: (130th)

Thank you, Madam Speaker. Madam Speaker, I rise in support of this piece of legislation, as amended. I would like to publicly congratulate the U.S. Congress and the President for signing this piece of legislation. I think it is a step forward, a process of inclusion.

There are a lot of individuals who wanted to participate in the process and because of some of the

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laws that have been put forward nationwide, they were prevented. I know that the State of Connecticut has done a lot of work moving this process forward, increasing the opportunities for an individual to participate in the electoral process.

This piece of legislation is unique because, for example, in the City of Hartford where individuals were taken out of the voting list by great numbers, this case ended up in court and it cost the City of Hartford a lot of money and the names have to be put in.

As it stands right now in this legislation, they will have a list of inactive individuals, those individuals who moved for one reason or the other that do not understand the process. They will not be taken out of the voting list. They will be given the opportunity to go to the polling place. Once they go to the polling place and vote, they will be put into the active list again.

I think this is very good especially for individuals who live in the urban areas in the cities, in Hartford, New Haven, Bridgeport. Especially for those who have problems with the language. Those from the minority community will be helpful for us.

For this and for many other reasons, I think this is a good piece of legislation that should be

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supported. I commend those individuals who worked for it on both sides of the aisle. I think it should pass.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you sir for your remarks. Will you remark further on the bill that is before us? If not, will staff and guests please come to the well? Will members take their seats? The machine will be opened.

CLERK:

The House of Representatives is taking a roll call vote. Members to the chamber. Members to the chamber. The House is voting by roll call.

DEPUTY SPEAKER LYONS:

Have all the members voted? Will all the members please check the board to make sure your vote is properly recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill 5394, as amended by House "A"	
Total number Voting	149
Necessary for Passage	75
Those voting Yea	145
Those voting Nay	4
Those absent and not voting	2

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DEPUTY SPEAKER LYONS:

The bill, as amended passes. Clerk, please return to the call of the Calendar.

CLERK:

Also on page 14, Calendar 196. Substitute for House Bill 5482, AN ACT CONCERNING TASK MEMBERSHIP AND TERMINATION. Favorable report of the Committee on Planning and Development.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker. Thank you. I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER LYONS:

The question before the chamber is on acceptance and passage. Will you remark?

REP. RAPOPORT: (18th)

Yes, Madam Speaker. This is a piece of legislation that the committee worked on to clean up some obsolete task forces and sunset those. This is a piece of legislation that Representative Prelli worked very hard on and if I may, I would like to yield the floor to Representative Prelli.

DEPUTY SPEAKER LYONS:

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REP. RAPOPORT: I am also going to do this. I want to finish, I believe that the, a very critical issue for the Committee is the issue of the National Legislation surrounding our voter registration procedures and I think there are going to be a lot of questions on it, so as not to burden...there are only two other people who are here to testify not on that bill so let's get through those and then go back to this if that's okay. So, T.K. with your indulgence I am going to ask you to wait so that there are two much shorter pieces of testimony. First there is Representative Dan Caruso, is Dan still here? HB 5394

REP. CARUSO: Thank you Mr. Chairman. I would like to point out that I was never Chairman of Appropriations so you can go easy on me. I apologize...for the record Dan Caruso 134th District. I apologize for not having any written testimony but we will follow up with it. As you know yesterday and the offices being closed we weren't able to get it put together.

I am here to speak today on HB5073, An Act Concerning the Sale of Advertising to the State. I believe the statement of purpose has been indicative of where, I believe this Committee and the State wants to go. It is to increase State revenues without increasing taxes.

To do this the idea, as was briefly stated by the Chairman, is to have the Commissioner of Administrative Services establish a program under which the State would sell advertising space. Now, this would occur in many different areas. I would ask you not to get bogged down with this concept that, well, you know, we would have problems with offending people, or we would have this or that or too much and everywhere. I believe that this General Assembly and the Commissioner's office can certainly deal with those kinds of outlying problems whether it is through regs, dealing with appropriateness, good taste, time, amount of advertising in any given area.

I think the key here is we are trying to raise money for the State and to meet a need that is out there. Let me give you an idea which has probably been pounded in our heads. Every manufacturer,

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STEVEN PERRUCCIO: No, the hospitals, Fairfield Hills, CVH and Norwich do not pay for linen replacements? The Bureau of Purchases Regional Laundry are responsible for putting linens into the system. That is part of the cost, that's that \$.05 to \$.08 I made reference to that a private contractor would add in, or the agency, CVH instead of having us put in towels when they need them, CVH would have to purchase the towels from the warehouse and put them in themselves. So it is an added cost to them. Did I answer your question?

REP. RAPOPORT: Let me suggest this. You know, I think you clearly raised some questions, I'm sorry the people from DAS didn't stay around so we could whatever, but I would say this, Don, to answer your question, I think we should very much so ask DAS for some sort of numbers on this. It is an interesting question. I think, Steve, let me direct this to you. I don't think the Committee would be supportive of trying to simply hold open an inefficient operation if that's what it is. But what you are saying is, give Allah to Phoenix, you know the Phoenix story in reinventing government in letting the Public Works Department bid on the contract versus the private contractors.

What you are saying is that there are suggestions in which the Regional Laundry can be competitive and provide the services competitively, then that's a different story. So I would suggest this, I would suggest you try to put on paper your best argument about what you think should happen and we will ask the DAS to do the same and then we will be able to judge them rather than going back and forth further here. But I appreciate your testimony. Okay, can you do that for us?

STEVEN PERRUCCIO: Yes, I will.

REP. RAPOPORT: Thank you. There is one more testifier on the non-voter registration bill who was not there earlier. Is Ron Thomas here? I think he may have left. Alright. (Inaudible - mic not on) That being the case the only issue that is before us here is the question of how Connecticut can comply with the Federal Voter Registration Law that was passed in 1993. I think it is an important

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question. I think all the Members of the Committee should know that if we don't pass legislation...let me put this in its proper context.

If we don't pass legislation to conform the Connecticut procedures with the Federal procedures the Federal procedures will predominate, if I understand the Secretary of State's office will correct me, the Federal procedures will predominate on federal elections and we will be required to do those for federal elections but able to do different procedures on state elections, so we will in effect have a dual system of registration which I think everyone agrees would be a major league nightmare.

So I think we need to use our best methods of coming up with a program that conforms us to the requirements of the federal statutes without trying to tie ourselves into pretzels. So, with that as a backdrop, I have asked Mary Janicky if she would give us a brief summary of what is in this bill to bring us into conformity with the National legislation and then we will proceed with testimony from the Secretary of State's office and then the public testifiers on this issue. Mary, speak from where you are or you can go to the desk, whatever you want.

MARY JANICKY: (Inaudible - not speaking into microphone)

REP. RAPOPORT: Thank you Mary. Okay. Let's proceed with Terri Nonieorz.

TERRI NONIEORZ: I am Terri Nonieorz from the Secretary of State's office and with me is the Attorney for the Elections Division, Mary Young. I have provided each of you with a written copy of Secretary Kezer's testimony and I am going to discuss with you the provisions of the legislation by topic. HB 5394

Sections 1 through 7 are all new sections to the legislation that, or new sections for the elections law to implement requirements for the National Voter Registration Act, including which agency must participate. The Secretary of State will be the Chief Election Official in charge of administering

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the legislation. It also deals with the distribution of, assistance in completing and receiving of voter registration forms and the fact that the federal mail in application must be accepted. These sections contain specific language from the National Voter Registration Act.

Sections 9 through 16, 20 and 21, excluding Section 14 deal with the oath. They delete the requirement that an oath be given. Under the Federal law a citizen cannot be denied the right to vote in a federal election for failure to take an oath. In place of the oath the applicant must sign the form attesting to the fact that he or she meets the eligibility requirements for voter registration and those would be listed on the form.

Section 15 allows the Registrar to offer the oath to those who register to vote in person. Section 32 repeals the "I" version of the oath, since the oath can no longer be required. On the section that deals with the Department of Motor Vehicles under the federal legislation certain requirements are specifically made of that department.

Section 5 mandates that a change of address for a Connecticut license be forwarded to the Registrar of Voters unless it is specified that the person does not want that change used for voting purposes. If the change of address occurs within the municipality the Registrar will change the address. If the change of address occurs outside of the municipality the Registrar may remove the voter from the registry list and the voter would have to re-register in a new town.

Section 14 amends a portion of our state motor/voter act. Much of our act already meets the federal standards with the exception of the oath which as we discussed before can be given. And then application received by the Department of Motor Vehicles prior to the voter registration deadline must be accepted irrespective of when it is received by the Registrar of Voters.

Regarding the mail in registration form, Section 18 provides for the mail in registration application to be provided by the Office of the Secretary of the State, allows for organized

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groups to receive and return mail in registration applications which is required under the federal legislation and (inaudible) statement that the applicant meets the eligibility requirements for the voter registration.

Section 19 deletes the requirement for certain information inconsistent with that to be provided on the federal mail in registration. Specifically sex and birthplace. Any additional information required by the state cannot be used to prohibit an applicant from voting in a federal election. Simply deleting the requirement will maintain consistency under single electorate.

Regarding political affiliations, Section 17, 30 and 31 eliminate the requirement that a separate form be used for affiliated voters to enroll in a political party or for a voter to change his or her political affiliation. This is not required in federal legislation, but encouraged by the Federal Elections Commission. Hence, supported by our office.

Purging and list maintenance, Sections 8, 23 through 29 and 32. A canvass must be completed 90 days prior to an election or primary which is well before that currently required under Connecticut law. The legislation proposes that Registrars of Voters complete the canvass by May 1 allowing the voter 30 days to respond to a notice of removal from the Registrar. No name may be purged on the basis of information from the canvass or the post office unless the voter confirms in writing that he has moved out of the jurisdiction.

Such names may be put on an inactive list but cannot be removed until the voter has not voted in two federal elections. Purging is allowed on the basis of information given by the voter to the Department of Motor Vehicles. This language meets the minimum requirements of the federal legislation while retaining the uniform four year period during which restoration is currently allowed under Connecticut law. Names may also be purged on the basis of cancellation notices received from the Registrar of Voters of another town where someone has registered.

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The Federal legislation further requires that an updated record of notices of removal and the voters responses to be kept by the Registrar of voters.

Regarding an inactive list. In order to conform to federal law where you cannot remove a voter from the active list on the basis of information from the post office or the canvass. Such (inaudible) the use of an inactive list which is already used for all intents and purposes. This section also specifies that those names on the inactive list shall not be used for purposes of computing the number of voting machines required or the number of petition signatures required.

At this point we believe the best way to implement the mandates of the National Voter Registration Act is to meet the minimum requirements of the Act while retaining the appropriate portions of the Connecticut law. Federal Elections Commission continues to issue advisories on implementation of the law and we would prefer that we not restrict ourselves with too much statutory language. We have attempted to keep the best of what already exists in Connecticut law and have only made changes that are absolutely required by the Federal Act. I proposed this legislation as proposed.

REP. RAPOPORT: Thank you. Anything you want to add to that T.K.? Gary, anything you would like to add? Questions? I think I saw Representative Beals.

REP. BEALS: Thank you. Do you know whether the Federal legislation would prohibit the transfer of a change of address to another town, say you moved to another town, you are changing your automobile registration, you are giving them your change of address, is there any reason why we could not transfer that person's voter residence also that way unless they ask that it not be used for that purpose?

TERRI NONIEORZ: The Federal law very clearly does not require that type of a change of address to be made. If it is in a different jurisdiction...but it does not prohibit a state from providing that. We felt at this time it would not be a good idea to require that. A lot of this information would be coming to Motor Vehicles. It may not be their

permanent address, maybe the person is moving, maybe just for their license purposes they have a different change of address, but if the address goes to a different town the new town, the Registrars in that town know better whether the address is a cemetery or whatever it is, if there is some problem with the address and it is felt by our office that at this point that that should not be a change, the change would have to be made in our statute, many, many statutes to authorize that type of change where in effect a person would register once in Connecticut and wherever they move their address would be changed. We don't have a statewide registry list at this point and we are just not ready for that type of a change at this point.

REP. BEALS: Another question. Do I understand correctly that you cannot require any proof of identity in this registration process?

MARY YOUNG: Under the federal law you fill in the mail in part and you mail it in and that's it. I mean there is no requirement that there be somebody there to check identity. In the statutes that are amended in this bill the only place that we have that in our statutes right now is when you are registering in person and that is deleted in this drafted bill. I believe the Registrars will be suggesting that that language be kept in that when a person comes in, a person to an office that the Registrar or the Town Clerk could ask that person to present I.D. and could require them to prove residence.

When this draft was drafted it was felt that any person coming into the town clerk's office and show me proof of identity and proof of residence a person could say just give me the regular mail in card and I will fill it out and give it to you I don't have to give you I.D. for that card, so that was why it was deleted in this draft. But the Registrars do have different ideas on this.

REP. BEALS: Could you tell me the reason that no canvass would be conducted in the odd numbered years.

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MARY YOUNG: Those are in the ten towns that have elections in May and that is the present provision that we have now. There are ten towns that have elections in May of the odd year instead of November of the odd year and it was felt that under the present law they just finished a canvass and now they are having an election early in the year and they would be doing another one immediately thereafter and that provision of our present statute was put in that the ten towns that have May elections, their town elections are in May they would not have to have a canvass in the odd numbered year if they did not want to have one.

REP. BEALS: Are those mainly small towns?

MARY YOUNG: Some of them are fairly large. Farmington, Avon, you know, Bolton...I think there are about ten towns and about ten boroughs, the boroughs are very tiny.

REP. BEALS: And one last question, in Section 27 where they talk about if your name is accidentally left off then it tells what the process is, but provided that no name shall be added to the active registry list on election day unless, without the consent of both registrars and it is of course election day when it is most likely to come to your attention that your name has been accidentally left off.

MARY YOUNG: Yes, that is the present provision that we have in Connecticut on the restoration. Connecticut is way ahead of the whole Country in the restoration procedure. For the last ten years we have had a procedure where a person could show up at the polls and be restored to the list right at the polls and this is our present statute and this is just left that way, that it is the same way, we do have a mechanism where there are two assistant registrars at the polls and there is a provision for calling into the central office to double check certain things, but in any event the voter is not put out of his way whatsoever, he shows up at the polls, his name is not on the list, they immediately check to make sure it was on the list in the last four years, there is an inactive list right there for them, and the person is required to sign something.

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Presently the person is required to present some kind of evidence that he still lives in town. That was deleted in this draft because under the federal legislation I don't believe that we can require them to present any evidence, but we can require them to sign a statement under certain penalties that they live in town.

REP. BEALS: Thank you.

REP. RAPOPORT: Representative Santiago.

REP. SANTIAGO: I just have one question, maybe two, concerning the inactive list. How is that going to be done in the Registrar's office, is that going to be a separate list that is going to be included in the active list or that is going to be just one list print out?

MARY YOUNG: This bill does not spell out whether it would be a separate printout in some way indicated on the list as an "I". The federal law says very clearly that you cannot take the name off the list whatsoever. The federal house report and the Federal Elections Commission said that we could have an inactive list, where they are put on an inactive list and each state would have an option as to whether it would be a printed out list or somehow just indicated as an "I", inactive.

This would leave flexibility as to how it would be done, but you have to have that information, the registrars at all times have to be able to produce an active list and an inactive list and some way indicate what is active and what is in active.

REP. SANTIAGO: But my concern is on election day, for example, when an individual comes out to vote, if that name will appear in the regular roster or a separate roster and how that individual who has been inactive for two years for one reason or another comes out to vote and then that automatically will put him on the active list, how would that be noticed in the registrar's office?

MARY YOUNG: Well, this is done now. I mean, for ten years we have had the restoration procedure in the polling place. Anyone who is on that list for the last four years can be restored in the polling

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place and it is done by the voter fills out a form, the registrar checks either with the office of the registrar or they have a list with them, whatever works out best in that particular community and the voter signs the statement and he is added to the list and then the statement is attached to the list and returned to the Registrars and at the end of the day the registrars have a list of all the names who were added on the list and at that point they would have to update their computer records to show that the person is now on the active list.

REP. SANTIAGO: I go back to my original question. What would be the procedure of an individual to come out to the poll who has been inactive for two years and what will the local registrar use to identify this individual as inactive and how will that individual be put back into the active, regardless of what the previous procedure?

MARY YOUNG: It will be done the same as the previous procedure and the previous procedure now is that it is done, I mean it has been done for ten years and have heard no complaints about it.

REP. SANTIAGO: (Inaudible)

MARY YOUNG: Each individual town has their own procedure to either have the list of inactive persons right at the polls or have the people at the polls call because every polling place must have a telephone that is used exclusively for communication with the registrars office to clear up any questions in regard to the eligibility of a person to vote.

So presently it is the option on the part of the registrar as to what information is actually in the polling place and which information is at the office and the person would either do it by telephone or check the list right at the polls. This bill does not change the present procedure.

REP. SANTIAGO: So it is the recommendation of the Secretary of State's office to continue with the present formula that they use?

MARY YOUNG: Yes.

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REP. SANTIAGO: A uniform formula.

MARY YOUNG: There is a regulation presently on the restoration procedure and it is spelled out in the moderator's handbook and I don't have them right here with me to actually read what they say as to what the procedure is.

REP. SANTIAGO: Okay. One quick question. Do I understand that the formula that they used for canvassing is just one...you could do that by phone calls and that would place the individual on the inactive list?

MARY YOUNG: Presently Connecticut allows four different methods of canvassing your list, canvass by mail, canvass by telephone, canvass in person or the National Change of Address System which is like the canvass by mail. Those are the four systems. Those systems are left in tact and if on the basis of any of those systems the registrar finds that the person is not there then the federal law in this bill requires that a very specific notice be sent to these people by forwardable mail with a return paid postage card for the voter to write back to say that there is a problem that notice must be sent and under this bill it must be given 30 days to the voter to return it. But then in addition the person at any time can restore his name back to the list.

So that notice must be sent and under federal law the name is not removed from the list, it is placed on an inactive list for at least two federal elections, but this draft provides that they are on the inactive list for four years, a straight four years from whenever that date is.

REP. SANTIAGO: Can I give you an example...somebody calls my house, I am not there or maybe the phone is broken or disconnected. What would be the second procedure to make sure that I am a resident of that address...are they required to do a second check?

MARY YOUNG: No. The federal law does not require a second check. In fact the federal law encourages that the National Change of Address System be used where you go to certain vendors of the post office,

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they keep all the changes of address and they notify you when anybody has moved and from that, on the basis of that notices would be sent out and the person would be put on the inactive list and under the federal law it is encouraging that system, the National Change of Address and it is only if the person notified the post office of the move that any of those changes would be given to the National Change of Address.

REP. SANTIAGO: So does this mean that a local registrar's office can only use one system, for example, telephone calling. That will place me on the inactive list?

MARY YOUNG: Well, the statute is the same as what we have now where the registrars have the option to use one of those systems. The federal law says that the state must use some system to check the list. It encourages the National Change of Address System and it provides that if you do use the National Change of Address System that any changes that you find on the basis of that that you send out a notice of removal and the person is on the inactive list for four years unless you get some information back from the voter or unless the voter shows up on election date and it is restored to the active list to vote.

REP. RAPOPORT: My very strong understanding of our current law is that the registrars are required to use two different, two of those four before they can purge anybody off the list. You seem to be saying you need only one and then they send the purge letter, I think that's not accurate unless I am understanding you wrong.

MARY YOUNG: This, the draft of this is that you only need one now. The reason that was put into the draft was that the federal government does not allow you to take a name off for four years. Under our present system the name comes off the list...under the new federal law the name cannot be taken off the list, it is placed on an inactive list for four years and is still on the list but in inactive status. So the federal law does not allow you to take your name off, so for a town to go

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through the expense of a double check and then not be able to take a name off the list for four years seemed like an extraordinary expense.

REP. RAPOPORT: So what you are saying is since that four year provision is in effect we are repealing the two mechanism procedure.

MARY YOUNG: Yes.

REP. RAPOPORT: Okay, I got it. Representative Fahrback, you had a question.

REP. FAHRBACH: When an individual applies for a drivers license now what is the procedure with...is it one application you fill out that has the voter registration form or is it a separate form that is handed to you?

MARY YOUNG: The present procedure is two forms. When you get a license renewal in the mail you get your license renewal plus you get another form which is a voter registration card and if you wish to bring the voter registration card back then you can fill it out and bring it to Motor Vehicle and it is mailed, the Motor Vehicle Department stamps it and mails it to the proper registrar of voter. In fact the voter fills out the back, registrar of votes and it is blank and they fill in the town and the Motor Vehicle Department pays for the mailing of that card.

Under this provision the federal law, when you read the federal statute I read it that it that it has to be a combined form because it does not allow the duplication of name or address, but the Federal Elections Commission bases their interpretation that it can be two forms, can continue to be two forms, on House Reports it says that that language about duplicating name and address only means that if you happen to have a combined form to begin with you can't make the person give it twice.

We have discussed with the Department of Motor Vehicles that our office has strongly urged that it be a combined form but everybody recognizes that under the present Federal Elections Commission interpretation it is not strictly required that there be a single form and I believe this draft

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does not change the two form system and I believe that the Motor Vehicle Department is thinking in terms of shortly after January 1st going into a one form system.

REP. FAHRBACH: The reason for my question is that I have a problem with Section 5 where an individual who is going in to change their address and moves to another town will have their name removed from the voter list. I mean we are talking about not requiring people to have to prove where they live, and not requiring people to take an oath, yet on the other hand an individual who is responsible, who goes in and changes their address on a driver's license because they are moving to another town will all of a sudden lose their ability to vote and won't know about it. And I have a problem with the Secretary of State's office doesn't want to do anything at the present time to address that because...

MARY YOUNG: Well, I am told by the Motor Vehicle Department that almost nobody changes their address until it is time to renew their license, they are telling me there are very few of these. But the federal law requires that if you do use a special form to change address, a little change of address form from the Motor Vehicle Department, that that will be for the purposes of the voter unless there is a little box at the bottom that says for voter registration purposes and the federal law requires that that be for voter registration purposes, change of address within the jurisdiction, whatever that state has, like the town registration.

So that was written into the law to conform to the federal requirement, but in most cases the person would be coming to renew their license and in that case they have the opportunity to re-register and many of them would be registered and many of them we find are duplicates, they are already voters but they see the voter card and they fill it out and file it. And anyone who does that, who fills out a new registration form they would be taken care of because they would be registering in a new town. Beyond that if do have a change of address and the change of address is forwarded to the registrars of voters the draft of this bill does not require the

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registrar to notify the individual because the federal law does not require the registrars to notify the individual.

But I know if I were a registrar I would notify the individual, I would notify the individual I have a change of address from the Motor Vehicle Department and enclosed is a mail in form, please fill it out and send it to your new town of residence. That is the way I would handle it and I think that is the way most registrars would handle it. But the problem with spelling out in the law all the notices, this draft spells out the notices that are absolutely required by federal law and any other kinds of notices that the registrars would send the federal law does not require, are left up to the option of the registrars and certainly we find this to remain next year if it is felt there is a need for this, but I think the registrars, they don't like to have people unhappy showing up to vote and they usually try to do whatever can be done to, under the circumstances, what they feel is cost effective to send out a notice.

REP. FAHRBACH: Well, I still have a problem with that because we are leaving it up to the discretion of the registrar to send out a notice or not and I think we ought to be consistent across the state and well, one other question here. Is it federal law that requires that the registrar remove the name from the voter list if they move to another town?

MARY YOUNG: Yes. And it doesn't require that there be any notice under the federal law.

REP. FAHRBACH: I still can't...

MARY YOUNG: Change of address must be made, however, under the Federal Elections Commission said it's out of the jurisdiction, then the person would be removed and that is considered a letter from the voter to the registrar saying I moved out of your town, is considered a direct notice to the registrar and on the basis of that, remove the name without any further notice.

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REP. FAHRBACH: Then I really have a problem with the Secretary of the State's office not wanting to address that and making sure that those responsible individuals who change their address the way they are required to by law are potentially losing their ability to vote if they don't know that their name is being taken off the voters list, so I have a problem with that.

REP. RAPOPORT: Ted. Go ahead.

SEN. LOVEGROVE: On the bottom of Page 1 of the testimony from Secretary Kezer, it says change of address for out of town the registrar may remove the voter. I think you just said that the registrar must remove the voter.

MARY YOUNG: Yes.

SEN. LOVEGROVE: Okay, shall in the legislation. Thank you.

REP. RAPOPORT: Let me ask a question, Mary, and then I will...I want to make sure that we have a full list in our minds of the new agencies that will be registering voters. Have you sort of compiled a list?

MARY YOUNG: No. There is no list whatsoever. This is the language of the federal law and of the House Report of the types of agencies that as a minimum must be designated as public assistance officers and as voter registration agencies. But, the Department of Social Services...section 1 and section 6, that's the federal language...but it does not...this draft does not spell out what that means in Connecticut.

The Department of Social Services would have to identify what those agencies are.

REP. RAPOPORT: Any agency that administers or provides services under the Food Stamp, Medicaid, WICK, AFDC programs, plus in Section 6, all offices that provide state programs for people with disabilities.

MARY YOUNG: Exactly.

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REP. RAPOPORT: So, that's the list. It's not libraries and it's not...there are other state agencies...but these are the...

MARY YOUNG: That's the full list as designated --

(cass 2) (cassettes 1 and 2 don't connect, small gap)

-- schools, well we do have registrars who do go out to the schools under another statute when they do that. And it is suggested agencies that give hunting licenses and so forth, we have town clerks who do that type of thing, but these are the only agencies that are defined.

REP. RAPOPORT: Representative San Angelo.

REP. SAN ANGELO: Thank you. Firstly, just to clarify in my own mind. There is no where in the process at this point that any identification is required of anyone that wants to register to vote. There is no requirement that frankly that they be a U.S. citizen or prove that they are a U.S. citizen all through the process and I guess the thing that concerns me most about this, it seems that this is going to be a mandate on the towns again, it seems that it is going to be a tremendous amount of work for our local registrars and I am wondering what the impact is going to be on them if the state is going to provide any funding for...I know many registrars across the state are part-time and I can't imagine how they are going to go through this process and the state, I don't see anything in this bill that is going to help them with funding. So would you elaborate on what the impact on the towns are going to be?

MARY YOUNG: Well, I am sure the registrars can give you a better idea of that. Actually it is the same voters who would be registering in a particular town, it's just that you get them throughout the year more and they are used to having voter cards come in that they have to deal with right now, we do have the state motor voter and they are dealing with those cards.

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Ideally if we do have a statewide registry list and if Motor Vehicle becomes more and more computerized, ideally I foresee in the near future that Motor Vehicle will be inputting the names and addresses for their purposes and that could just automatically electronically sent to the towns so there is less inputting for the towns for those keypunching and inputting that information.

So I see in the not too distant future that actually some of the work of the registrars will be done by some of these agencies.

REP. SAN ANGELO: It would seem you would have to have computer terminals in each one of these major agencies tied into either the Secretary of State's office or I would think that would have to be the central point, and I find it interesting, last Session we passed a bill to have people sign at the polls to verify their identification which seems like a total waste of time based upon....

MARY YOUNG: I don't think so. I think that was part of the whole package. I believe that it was felt that the federal motor voter we knew we were going to have to accept mail ins with no I.D., mail ins would be coming in, we would have to accept them. We are allowed under federal law, we are required to mail out to each person, we got your application form and you are a voter as of a certain date and if it comes back undeliverable there is a procedure under the federal law to send out a notice of removal, start the process of taking them off, or to challenge them at the polls.

So, that's the way that procedure would work. But then when the person shows up on election day the voter I.D., let's say you made somebody a voter by mail, when the person goes to vote, at that point, he is supposed to show some kind of I.D. or sign something to show that he is the person he says he is, so that there at the polls there is at least a check that this person does exist.

REP. SAN ANGELO: This bill, and perhaps you are the wrong person to ask, this bill has a municipal impact on it, so this is going through OFA now on

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this municipal impact statement? We are required now for any bill that affects municipalities to add a municipal impact statement to them?

MARY JENICKY: (Inaudible)

REP. SAN ANGELO: On the municipalities, is that correct? The requirement and I notice the comment about the machines at the polling location, and I guess now currently the machines in a particular polling area are based upon how many people vote in that area. Now with this massive new influx of new voters is that going to require new machines, how does that work?

MARY YOUNG: No, it is going to require fewer machines. What that reference to the number of machines is, presently we take a name off the list if we find the person doesn't live there, we take the person off the list. That is not allowed under federal law unless the voter signs something saying that he moved away or unless he registers to vote somewhere else. So, there...under the federal law there are a lot of names who are going to be left on the list for four years, because they are on the inactive list until at least two federal elections or under this bill would be four years and then they are dropped from the list altogether if they don't show up to be restored to the active list.

So the federal government realizes too that our lists are going to be inflated because normally states have a procedure to purge lists and this severe restrictions on purging...any information from a post office is suspect under this federal law and you cannot take anyone off the list on the basis of information from a post office until four years after the person doesn't vote. So you have an inflated list.

And there is a number of voting machines, one for each 900 voters, each town must provide one voting machine for each 900 voters. That is because, after 1,000 it can roll over, there are only three digits on the present machines that we have. The federal government suggests that the states that for administrative purposes they could consider these people who were on the inactive list they could consider them off the list for purposes of

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administrative purposes for the number of voting machines and the number of petition signatures, so that is what is written into this law because there will be an inflated list, larger than what we had had in the past for persons who are on the inactive list.

REP. SAN ANGELO: Okay, thank you.

REP. RAPOPORT: Further questions? (Inaudible - mic not on)

REP. SAN ANGELO: Okay, Mr. Chairman, so when we vote on this legislation that we keep in mind the impact that this is going to have on the municipalities because it does look to be a tremendous amount more work for many towns that have very small registrar offices and I think that the State should pick up some of that, whatever that impact is going to be, so I think it is something to look at within the bill.

REP. RAPOPORT: I think it's a point well taken. As I said, before we began this hearing, this is a major piece of legislation which is going to require major changes. We will hear more today and I am sure we will have a discussion in the Committee about how to best implement this, understanding that we have to implement something or something will be implemented over us. Okay. Thank you very much. I would ask Mary and T.K. to stick around if there are questions that arise from the public testimony. Thank you. The next speaker will be Dorothy Blanche.

DOROTHY BLANCHE: I am Dorothy Blanche, Election Law Specialist in the League of Women Voters in Connecticut. And we commend the Committee and all those that are responsible for drafting this bill to bring us into conformance with the National Voter Rights Bill and we recognize also that must be the responsibility of the implementation of this bill will be done under the Secretary of State's office and so our concerns about forms, languages, additional places of distribution are perhaps matters better addressed at that office.

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But there are areas that we feel need specific inclusion in this bill in order to have it comply and we may be wrong, but as we read through it these were the concerns that we had and I will do these very briefly.

The first one is the availability of registration forms. The proposed bills conforms to the act except there is a mention in the National Voter Registration Act that Armed Forces Recruiting offices have to be a place where voter registration takes place. This is not mentioned in this bill at all, and granted that Armed Forces recruiting offices are under federal jurisdictions. Voter registration is a state matter and it is the only methodology that we can use and the National Voter Act makes it clear that these forms must be included there. So we were concerned about that and maybe there is an explanation that we don't know.

In terms of the implementation of the bill there are two areas that we were concerned about that are not in the bill. The training of persons in the agencies and offices that are designated for voter registration is we feel critical. These persons are required to give assistance when necessary and simply making materials and forms available to them isn't adequate and it would seem to us that a statement in the proposed bill requiring the Secretary of State to provide this training could be included in Section 14.

And secondly, the electors oath is struck from all sections of this bill but is included in Section 15C stating that "if a person applies for admission as an elector in person to an admitting official, such admitting official may, at his discretion, administer the elector's oath." As this was new language that was not in the bill before we are concerned about the reasoning. It seems to us to be inconsistent and perhaps even in violation of the Equal Protection Clause of the 14th Amendment. It seems to us that registration seems to differ depending on where and who is doing it.

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The third thing that we were concerned about was the confidentiality of applicant information. There is a statement in the bill that we passed last year that provides for confidentiality so far as the Social Security numbers are concerned, but the National Voter Registration Act also mandates that a statement assuring wider confidentiality of information and a statement about absence of coercion in filling out the application be included in the voter registration form. We feel this could be included in the language of 14b.

Fourthly, the matter of evaluation. The Federal Election Committee has to report to the Congress biannually on the impact of the National Voter Registration Act of 1993. The state, we feel, should also provide in this bill a program evaluation and we would assume that the Secretary of State would be responsible for this and would supply the methodology.

So, just in summary briefly, we are recommending the inclusion of these five items, that deal with availability, implementation, confidentiality and evaluation.

REP. RAPOPORT: Thank you very much. Are there any questions from members of the Committee for Dorothy. Thank you very much. Janet, with your permission I am going to go back to Ron Thomas so he can do quick testimony on one of the other items. Okay? If you are going to do testimony on this, though, I would...

RON THOMAS: Me?

REP. RAPOPORT: You are on a different bill, right?

RON THOMAS: Yes. HB5315, I'm sorry, Ron Thomas, Legislative Associate with the Connecticut Conference of Municipalities. I apologize for not being here when you called. I was going to a couple of other Committee meetings. I just wanted to testify in support of HB5315, An Act Concerning the Sale of Surplus Personal Property by the Commissioner of Administrative Services.

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As you know it allows municipalities and transit districts to get sort of first option at the various pieces of state property. We think it is better, of course, than the legislation that exists now and we also like the fact that it doesn't necessarily have municipalities and transit districts competing against one another because basically the Commissioner, or as I understand it, offer a price and the municipality and the transit districts can meet this price before any sort of public auction. So that is my statement about that. I appreciate your time. Can I quickly make one small comment on this bill right here? It will take two seconds.

Thank you. I think we need to keep in mind the cumulative effect of some of the things that are being passed, some very worthwhile and noble legislation. Last year we were talking about a 7 day advance notice versus 14 days. The computerization bill from the previous year and that sort of thing and the impact that this bill will have on the overall functioning of town government. As you said I am sure we are going to be going on throughout this process, it is going to be a lengthy one, probably really won't be decided on until near the end of the Session, but I think we have to keep that impact, along with trying to do some public good in mind when deciding what to do. Thank you.

REP. RAPOPORT: Any questions? Thank you. The next speaker is Jan Murtha.

JAN MURTHA: Mr. Chairman, and members of the GAE Committee, I am here to speak about HB5394, An Act Concerning Implementation of the National Voter Registration Act of 1993. We realize that this bill has been put together by the Secretary of State's office to implement the changes reflected on the National Voter Registration Act. Some things about the bill we really like. Other things we have some questions about.

And our first recommendation would be to you that on Page 4, Line 116 through 122, that needs to be clarified or be studied as to how it will affect different circumstances. And I bring to your attention, if you remember correctly, Eugene

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Simiano, who testified a year ago regarding a case in Hartford in which if they took the petition as it came in on the signature they would have moved a State Representative out of his district into another district and that's just one case in point that I think we have to look into this particular area and many other situations similar to that. People with same names, etc. Hopefully we were able to correct that by using date of birth on the petitions which I hope we can still do.

The other is on Page 12 and Page 13. Page 12 would be Line 413 to 416, Page 13 would be Line 430 to 438 and it is our request that you leave in the section about requiring some form of identification. And the difference in the outside registrations outside of the registrars office itself is that you have an opportunity to verify...Page 12, Line 413 to 416 and again on Page 13, Line 430 to 438. That is the part that requires identifications when you go to the registrars office to become an elector. And again, as I repeat the difference is all outside registrations the registrar has an opportunity to send back via U.S. mail an acceptance if it is not delivered you have a recourse. When a person comes directly into the registrars office there is no recourse like that.

You immediately sign them up effective immediately or into the town clerk's office. So we are requesting that you leave that section in in the current language. We think it is most important that that be there. I think somebody asked a question about that earlier.

: (inaudible)

JAN MURTHA: I hope they are the good ones. On Page 31, Line 1051 to 1055, we would like to see you put in some additional language there, again, just to clarify and to allow the use of computers to be used as the duplicate.

We would like to add at this time that the changes in the canvass creates budgetary problems for us in our communities. As registrars currently we will do our canvass in this coming July's budget, most of us. And this bill is going to require us to

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start another one in January, which really means we are going to have two canvasses out of one budget that none of us are prepared for, so it is something that we would like you to take a look at.

We do have two suggestions for you. We feel that along with our association if we write National that you as our governing people could write also and some of our problems with the bill are the daily requirements are going to cause problems for part-time registrars, many who have other jobs and we would like to have seen under the National Voter Registration Act some funds be made available to assist the municipalities with registrars going from part-time to full-time. A lot of this bill is going to create registrars working a lot more hours which we don't object to, a lot of us, but it is going to mean that you are going to have to, if you are a part-time registrar, another job and there are some daily requirements that are in this bill that are going to have to be done.

And we do have one other comment. In going over some of the Act it just seems bizarre that agencies are going to be requested and required to ask a client or a person coming in for help whether it be Food Stamps or whatever, say, I am the receptionist and Miles you are my caseworker, I am going to have to ask you if you would like to register to vote. And then they are going to move to your desk and you are going to have to ask them the same question. Now, if they come back two hours later that same procedure is going to have to take place. I kind of think this rather borders on harassment of a person. I think it is something that perhaps you folks can handle with the National people perhaps better than we can, so it is something that we would like you to look into.

Other than that I think there are a lot of good things in this bill and some things that need a little work and some things we may have to try before we can correct some of the other things. I would be glad to answer any questions.

REP. PRELLI: Good afternoon Jan. Currently when somebody comes in to register to vote, into your office not any type of mail in card, they have to swear that everything they told you is correct and

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prove...under the new law do you see that they would, I understand that in the bill here that we are asking for an oath, but if we didn't have an oath would we have to have a special form for them to sign in? How would that work?

JAN MURTHA: I think the new bill is requiring that there be an affirmation and if left up to a local registrars office if they chose to give an oath they could, it's not mandatory. I can tell you from experience, in fact last year when we took off on the post card registration, we took off the mandated oath, we had people, it was reported to me around the state, that parents came down with their child and insisted that the registrar give them the oath because no one had given them an oath wherever they had registered and there are some people who like that, so that's why the Secretary chose in her wisdom to have that be in that particular part of the bill.

Also, there was another question that was put about earlier and I know some registrars do this now, you have a person who didn't have identification with them when they came to register. I gave them the mail in application card. They went out of the office, filled it out and sent it in. That kind of sounds a little bit ridiculous, but on the other hand, therefore, you have the, the registrar has the opportunity to send back the part through the mail on a postcard which they don't have again in their office to do, so again that goes back to why we would like to see some form of identification there.

And I would like to respond on that earlier. After our meeting earlier today we were very happy and delighted that both T.K. and Mary Young came because you can see this bill is loaded and we wanted some interpretation from the experts. And one of our registrars rightfully spoke up and said, what is in the bill that protects me as a registrar. And the bottom line is nothing. It is still your responsibility. So, you know, we are in a kind of precarious situation. We have to implement certain things, but if we put somebody on the list who shouldn't be there then it's our fault. So, you know, we are kind of in an awkward position.

REP. PRELLI: Let me just back up though. You say that you don't...because the oath is not required you don't ask for an oath. Are they required to sign similar to the motor voter coming in that everything they did was truthful so that we have the statement?

JAN MURTHA: It is my understanding that under the new section and Mary perhaps can relate to this if I do it incorrectly, is that there are five sections that are going to have to be affirmed by the person that is going to be the elector and then signed. Is that correct Mary? Bring the expert back. We are still trying to interpret this too.

MARY YOUNG: Presently under 1-25 we have an elector's oath and it talks about supporting the Constitution and so forth in the State of Connecticut and then it goes on to cite qualifications for voting, so presently our cards say, I solemnly swear that I will be true and faithful to the Constitution of the governance of the State of Connecticut and the United States. The statements made on my application are true and complete, that my privileges as an elector are forfeit by conviction of crime. So help me God. And that would be changed under the Federal law. Voter declaration, I swear or affirm that...new line, I am a U.S. Citizen, I live at the address above, I will be at least 18 years of age on or before the next election. My privileges as an elector are not forfeited by reason of the conviction of a felony. And then it says penalties of this are, whatever it is.

So it is basically the same type of a thing, except it doesn't talk in terms of a formal oath where you are swearing to be true and faithful to the Constitution of Connecticut and the United States.

REP. PRELLI: Mary, just before you go away. That's fine if the registrars still use the oath. Some type of oath. What happens if they don't use an oath when they come in.

MARY YOUNG: No, it's going to have to be on every application for admission form under federal law and under this draft it would have to have that same statement, voter declaration, I swear or

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affirm that, I am U.S. citizen, so on and so forth. So it is all the elements of our present oath, it is just not in a formal way and then this would be an additional formal oath that could be given.

REP. PRELLI: So the registrars are going to have to have a specific form that the person is to sign whenever they register rather than using their own?

REP. PRELLI: That's right. They have a form now, with the oath on it. The form that they will have instead of the oath being right on it it will have all those things that the voter will see when he signs and then in addition there is an option that that they can administer that formal elector's oath.

REP. RAPOPORT: In regard to Jan's testimony if I can. If Jan, on behalf of (inaudible) recommend that we keep the requirement of some form of I.D. for in office registration, would that be in direct conflict with the Federal law or is that something that the Secretary of State is recommending so as not to be redundant, you know, not to do something that is sort of no longer useful or would that be in violation?

MARY YOUNG: I recommended that it be deleted as being redundant that a voter could say well I don't want to give you the I.D. just give me the mail in card, I will fill that out. But certainly it can be left in as a slightly different procedure. Right now we have five different procedures for becoming a voter, there are five different application forms and I felt that all the exceptions on the five different procedures should be amended so that they could be one form, not taking them all out right away until we see how it works, but keep everything uniform so it could be all one kind of a form. But certainly that could be left in as a different procedure if they come in person, it could be left in and I don't think it would violate the federal law. The federal law has additional ways of becoming a voter, by mail and two agencies.

REP. RAPOPORT: Okay. Representative Beals.

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REP. BEALS: The way this is worded now, if I move within my town and then the next time I am at Motor Vehicles and I give them my new address they would automatically give it to my registrar and it would be changed on the voting list. But if I move to the next town they will simply notify my registrar that I have moved and my registrar will drop me. Do you think the registrars would have any problem if instead of just dropping me they dropped me from their list and forwarded that piece of paper that came from Motor Vehicles to the town where I moved?

JAN MURTHA: I think we have some questions regarding it. I think what we would prefer to do, Nancy, is wait until our statewide voter registry list got into effect and maybe we could come up with some drafting language that would take care of that at that time. I think that Mary has some problems with it.

MARY YOUNG: There is the problem of identity. You get this information and you are not sure you have the right person and to switch them into another town and register into another town automatically and that town never has a statement signed by that person as to what their residence is or as to what their, whether they are a citizen, what their birthdate is, the new town wouldn't have the birthdate, there would just be this name and address that they would put on their list, they don't have the back up to it.

REP. BEALS: Couldn't they be given a duplicate of whatever Motor Vehicles has?

MARY YOUNG: Motor Vehicles doesn't have much either. I have seen their change of address form. It is this big, it has name, address, it has no signature, nothing and it just says, I think it has a license I.D. number and I asked them and they said well the registrars would be able to look into that I.D. number and try to identify that person from the birthdate and so on and so forth so they could identify who it is. Not only in these proposals, in the Federal government to maybe tie the motor vehicle records...I don't know what the future will bring, but the registrars are going to

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have to identify that person and I see real problems with identifying a person, that that is the same person.

I see people moving from A to B to C to D and you have part of it but you don't have the whole story.

REP. BEALS: Thank you.

JAN MURTHA: I think there is something else in here but nobody has gone to yet, you notice I mention in part of my testimony of the requirements, the daily requirements, Mary has informed us in our meeting this morning that part of this bill is we are on a daily basis going to have to keep track of the number of applicants that have come in from different agencies, the number that we actually registered, the number there and we are going to have to do that on a daily basis. It is going to be a little bit horrendous initially.

In fact my comment, after I was eating was, I wonder how many of our senior registrars are going to retire at this point when they see this bill because it is quite cumbersome, really.

REP. RAPOPORT: Okay, thank you. Eric Lorenzini.  
(Inaudible - mic not on)

ERIC LORENZINI: Thank you, Mr. Chairman. My name is Eric Lorenzini. I am Director of Common Cause in Connecticut. Common Cause of Connecticut supports this bill. We have, in going over it, we have identified some areas where we think there is potential discrepancy between the bill and the national Voter Registration Act and in other areas there is not necessarily a conflict, but there are ways in which we might be able to word our state bill differently in order to provide for an efficient and effective system.

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The first point I would like to raise is in section 5 of the bill and this is dealing with change of addresses at the Department of Motor Vehicles. I agree with what Representative Fahrbach commented on earlier and Representative Beals concerning changes of address. It is obviously a real problem if someone fills out a change of address form at the Department of Motor Vehicles saying they would

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like to have this change of address serve as a change of address for their voter registration and then the next time they go to vote at their new address assuming that the address has been changed they find out they are not on the rolls. It seems that there needs to be some way of not only deleting them from the old address, but adding them to the new.

And we were thinking that the best way to do that would be for the DMV to send the form to the new address, the registrar in the new address and that registrar could add them and then forward it to the registrar at the old address who would delete them, but that could also work the other way. You could send it to the registrar in the old town, they could delete and then send maybe the person's original voter registration form along to the new one, but it just seems crazy to have this system where people think they are changing their address and it is not in fact happening, all it is doing is deleting them at one end.

Section 6 and 7 of the bill. It seems that these sections say the same things in different ways and I am not sure why they were made into two separate sections. There also appears some things to be missing. In the National Voter Registration Act that is, there is language concerning the non-partisanship of voter registration distance. It seems that that would be an appropriate place to add that into our state bill and then there is language in the National Voter Registration Act concerning a form, it says that all applicants through these public service agencies need to receive a form that has the question if you are not registered to vote where you live now would you like to apply to register here today and it would have a yes and a no check box along with four specific instruction statements that are listed in the National Voter Registration Act.

You could, that form could be either part of the public agencies own form, it could be amended to include those questions or it could be a separate form. It seems like the most efficient way would be to have it be part of the same form so that when someone got done filling out their application for benefits, whatever agency it was, they would see

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the question, would you like to register and they would check yes or no. If they checked yes they would be handed a voter registration application and provided assistance. If they needed it.

The National Voter Registration Act also has one of the instruction statements that is required is concerning a provision for public complaint. If someone feels that they have been pressured to register with certain political party or any other kind of abuse the form has to tell them where they can direct their complaint and we would recommend that the Election Enforcement Commission be the appropriate agency there.

It seems that there should be some system built into our state law to require some kind of reporting of the effectiveness of this act and one way to do it would be that each public agency that is doing the voter registration to periodically report how many people registered along with how many people they served during that general period and that information could be collected by the head of each agency and forwarded to the Secretary of State. There may be more efficient ways to do that but that seems like the way that would gather the most information, you would have it on a branch specific basis, so if there was any problems with a specific branch you would notice them.

Section 14b of the bill concerning the DMV, I have in my written testimony that the National Voter Registration Act would require a combined form. Looking at the Federal Elections Commission interpretation of that it appears that it is not required but we still feel that that is the preferable way to go and if the DMV can be, I don't know if it is realistic to require them to do that by January 1st, but if it is at all feasible that would be the way to go.

We would concur with the comments of Dorothy Blanche from the League concerning the oath. It doesn't seem to make sense to eliminate the oath everywhere except for people who apply in person and then on a discretionary basis. If we are going to eliminate it elsewhere we have to be consistent.

In the section of the bill dealing with canvass, Sections 23 and 24 as Mary Young stated earlier the recommended method of updating voter rolls in the National Voter Registration Act is the NCOA system of a post office and it seems this is the part of our bill that seems the most confusing. We have all these pieces that have built up over the years, all these different methods for canvassing and really the simplest way to do it is to switch to NCOA as the main vehicle for updating lists because 85% of people who move file a change of address form with the post office and so you are going to catch 85% of address changes that way plus with the motor voter bill in effect, you are going to get everyone who makes changes at the DMV or any of the agencies, the WICK office and everywhere else.

So just about everyone who makes an address change is going to be captured in one of those ways and it seems if you just do that plus if the registrars maybe monitor the obituaries for deaths, you are going to have a very good system for identifying who is not longer an active voter and move them off the active voter rolls.

And just sort of a miscellaneous thing that you might want to add to the bill, there is a requirement for confidentiality in the National Voter Registration Act. There probably ought to be a section in the state bill dealing with that. There is something about the agency's not stamping the form to indicate which agency it came from. I don't know if that is really what we want to do. There is nothing in the national Voter Registration Act that says that the people at the agencies, the internal actors who are dealing with the registrations can't know where it is coming from. The registrars can know which agency someone registered at, it's just the general public that that information can't be released to.

And then there is also nothing in the bill about who is responsible for any training that would go on at the agencies. The bill might want to specifically designate the Secretary of State as the person responsible for coordinating training and then there is also the question of Armed Forces Recruitment offices. The National bill requires the state to coordinate with the Secretary of

Defense on developing a registration system. So it seems that we ought to at least mention that in the state bill.

Those are the things that we have noticed and we would be glad to work with people on the details.

REP. RAPOPORT: Thank you Eric. Any questions? Okay, thank you very much. Representative Sawyer.

REP. SAWYER: Thank you, Mr. Chairman for allowing me to speak at the end. I would like to address you on the bill I brought forward to your Committee on the allocation of the bond proceeds for artwork in the construction or alteration of state buildings. Proposed HB5348.

I have thought the problem over very seriously in trying to keep our funding in this State within the spending cap that has been proposed. And one of the ideas that I thought would be an important one to look at is the spending of state money on artwork. I have always been a proponent of the arts and I will continue to be. This particular statute that we have on the books was passed in 1978 and it said that a minimum of 1% of the cost of construction of state buildings should be spent on artwork. I don't believe that at the time that was passed that anyone could have begun to guess the cost of construction in 1994.

My proposal is to reduce that 1% by half so it is 1/2 of 1% to be the minimum of the total estimated cost of construction to be spent on artwork. The best example I can give you today is the Department of Transportation's new building in Newington. The approximate cost of construction is \$43 million. 1% of that for artwork, of course, is \$430,000. I think the fiscal situation where are all I don't have to address that to all of you, but half of that, \$215,000 will be a significant amount of money to provide for art work for that particular building.

I think as we look at the growing costs in this State and we are trying to find the responsibility, the fiscal responsibility to manage our own budget and our own housekeeping that the time has come for this piece of legislation. Thank you.

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PAULINE R. KEZER  
Secretary of the State



TO: Members of the Government Administration and Elections Committee  
FROM: Pauline R. Kezer *Pauline R. Kezer*  
Secretary of the State  
DATE: February 22, 1994  
RE: HB 5394 - AN ACT CONCERNING THE IMPLEMENTATION OF THE NATIONAL  
VOTER REGISTRATION ACT OF 1993

Thank you for the opportunity to speak on the above referenced legislation. I support the legislation as drafted by the attorney for the elections division of the Office of the Secretary of the State which implements the requirements of the federal legislation. I would like to provide you with a brief summary and reasoning by topic of house bill 5394.

**Voter Registration - Sections 1-7 (excluding section 5)** implement requirements of the National Voter Registration Act (NVRA) including the following: which agencies must participate; that the Secretary of the State will be the chief election official in charge of administering the legislation; the distribution of, assistance in completing, and receiving of voter registration forms; and that the federal mail-in application must be accepted. These sections contain specific language from the NVRA.

**Oath - Sections 9-16 (excluding section 14), 20 and 21** delete the requirement that an oath be given. Under the federal law a citizen cannot be denied the right to vote in a federal election for failure to take an oath. In place of the oath the applicant must sign the form attesting that he/she meets the eligibility requirements for voter registration which will be listed on the form. Section 15 allows for the registrar to "offer" the oath to those who register to vote in person.

Section 32 repeals the "I" version of the oath since it can no longer be required.

**Department of Motor Vehicles -** Under the federal legislation, certain requirements are specifically made of the Department of Motor Vehicles. Section 5 mandates that a change of address for a CT license be forwarded to the registrar of voters, unless it is specified that the person does not wish the change to be used for voting purposes. If the change of address occurs within the municipality, the registrar must change the address. If the change of address is out of town, the registrar may remove the voter from the registry list and the voter must register in the new town.

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Section 14 amends a portion of the state "motor-voter" act. Much of this act already meets the federal standards with the exception of the oath (which cannot be required as discussed above) and that an application received by DMV prior to the voter registration deadline (fourteen days prior to an election), must be accepted irrespective of when it is received by the registrar of voters.

**Mail-in Registration** - Section 18 provides for the following: mail-in registration applications to be provided by the Office of the Secretary of the State; allows for organized groups to receive and return mail-in registration applications (as required under the federal legislation); and an attestation that the applicant meets the eligibility requirements for voter registration instead of an oath.

Section 19 deletes the requirement for certain information inconsistent with that to be provided on the federal mail-in registration application (specifically sex and birthplace). Any additional information required by the state cannot be used to prohibit an applicant from voting in a federal election. Simply deleting the requirement will maintain consistency and a single electorate.

**Political Affiliation** - Sections 17, 30 and 31 eliminate the requirement that a separate form be used for unaffiliated voters to enroll in a political party or for a voter to change his/her political affiliation. This is not required in the federal legislation, but encouraged by the Federal Elections Commission and supported by the Office of the Secretary of the State.

**Purging and List Maintenance** - Sections 8, 23-29 and 32 address the maintenance of the voter registration list as follows:

- A canvass must be completed ninety days prior to an election or primary, which is well before that currently required under Connecticut law. The legislation proposes that registrars of voters complete the canvass by May 1, allowing the voter thirty days to respond to a notice of removal from the registrar.

- No name may be purged on the basis of information from the canvass or the Post Office unless the voter confirms in writing that he has moved out of the jurisdiction. Such names may be put on an inactive list, but cannot be removed until the voter has not voted in 2 federal elections. Purging is allowed on the basis of information given by the voter to the Department of Motor Vehicles. This language meets the minimum requirements of the federal legislation, while retaining the uniform four year period during which restoration is currently allowed under CT law. Names may also be purged on the basis of cancellation notices received from the registrar of voters of another town where someone has registered.

- The federal legislation further requires that an updated record of notices of removal and the voters' responses be kept by the registrar of voters.

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**Inactive List** - In order to conform to federal law - where you cannot remove a voter from the active list on the basis of information from the Post Office or the canvass, section 8 codifies the use of an "inactive" list which is already used for all intents and purposes. This section also specifies that those names on the inactive list shall not be used for purposes of computing the number of voting machines required or the number of petition signatures required.

#### Summary

At this point, I believe the best way to implement the mandates of the National Voter Registration Act of 1993 is to meet the minimum requirements of the act, while retaining appropriate portions of CT law. The Federal Elections Commission continues to issue advisories on implementation of the law and I would prefer that we not restrict ourselves with too much statutory language. We have attempted to keep the best of what already exists in Connecticut law, and have only made changes absolutely required by the federal act. I urge your support of this legislation as proposed and look forward to working with you on its implementation as mandated by Congress.

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RAISED BILL 5394 - AN ACT CONCERNING THE IMPLEMENTATION OF THE  
NATIONAL VOTER REGISTRATION ACT OF 1993

I am Dorothy Blanche, Election Laws Specialist of the League of Women Voters of Connecticut speaking in regard to this proposed Bill. The League has long supported the Voting Rights Act and supports this proposed Bill implementing it in Connecticut. We appreciate too the detailed, careful work that has gone into the creation of this Bill and commend the GAE Committee and the state personnel who have drafted it.

We recognize also that much of the responsibility for the implementation of this Bill will be done under the Secretary of State office. Our concerns about forms, languages, additional places of distribution, etc., are matters better addressed at that Office. But there are some areas we feel need specific inclusion in this Bill in order to have it comply with the National Voter Registration Act of 1993. Specifically these areas are availability, implementation, confidentiality and evaluation.

1. AVAILABILITY OF REGISTRATION FORMS The proposed Bill conforms to NVR Act except in the case of Armed Forces Recruiting Offices. Granted these are under Federal jurisdiction, state voter registration is the only methodology and the NVR Act makes it clear ~~they~~ <sup>these forms</sup> must be included.

2. IMPLEMENTATION OF THE PROPOSED BILL There are two areas of concern:

a. Training of persons in the agencies and offices that are designated for voter registration is critical. These persons are required to give assistance when necessary. Simply making materials and forms available to them is not adequate. A statement in the proposed Bill requiring the Secretary of State to provide this training could be included in Section 14.

b. The Elector's Oath is struck from all sections of this Bill, but is included in section 15 c, stating that "If a person applies for admission as an elector in person to an admitting official, such admitting official may, at his discretion, administer the electors oath." As this is new language we are concerned about the reasoning. It is inconsistent and perhaps even in violation of the "Equal Protection" clause of the 14th Amendment. Registration seems to differ depending on where and who is doing it.

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3. CONFIDENTIALITY OF APPLICANT INFORMATION - A statement in the proposed Bill ensures applicant confidentiality so far as social security numbers are concerned. But the NVR Act also mandates that a statement assuring wider confidentiality of information and an absence of coercion in filling out the application be included on the voter registration form. This could be included in the language of 14 B.

4. EVALUATION - The Federal Election Committee has to report to Congress biennially on the impact of the NVR Act of 1993. The state should also provide in this Bill for program evaluation. We would assume the Secretary of State would be responsible and would supply the methodology.

In summary we are recommending the inclusion of these five items dealing with Availability, Implementation, Confidentiality and Evaluation.

Thank you and we look forward to working with you.



Dorothy Blanche  
Election Laws Specialist

2/22/1994  
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