

February 14, 2023

Submitted via online portal

General Government A Subcommittee
Appropriations Committee, Connecticut General Assembly
Legislative Office Building, Room 2700
Hartford, CT 06106

Re: Budgetary Funding for the Connecticut Voting Rights Act

Dear Chairs Anwar and Ryan, Ranking Members Berthel and Chaleski, and Subcommittee Members:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) writes to encourage the General Government A Subcommittee to allocate \$1.95 million to the Secretary of the State (“SOTS”) for the Fiscal Year 2024-2025 Biennial Budget to enable the Secretary to implement and administer the John R. Lewis Voting Rights Act of Connecticut (“CTVRA”).

The allocation necessary to meet the CTVRA’s budgetary needs in full is described in detail in Section III below. At under \$2 million, it represents less than 0.004% of the overall \$50.5 billion proposed budget for the upcoming two-year cycle. Yet this modest investment can have profound benefits, both for Connecticut’s democracy and for the wellbeing of Connecticut communities.

I. Introduction

In brief, the CTVRA will make Connecticut a national leader in protecting the right to vote and promoting equal, inclusive democracy. This state has made great strides recently with respect to voting rights, but it has a troubling history of voting discrimination—including explicitly racist constitutional provisions regarding who can and cannot vote,¹ English-only literacy tests,² and discriminatory voter purges³—and continues to lag behind

¹ Mary M. Janicki, *OLR Research Report: The Rights to Vote and Hold Office* (Oct. 29, 1998), <https://www.cga.ct.gov/PS98/rpt%5Colr%5Chtm/98-R-1215.htm> (explaining that a “race restriction” in the Connecticut Constitution requiring voters to be white remained in place until 1876).

² Steve Thornton, *Literacy Tests and the Right to Vote*, ConnecticutHistory.org (Sept. 15, 2022), <https://connecticuthistory.org/literacy-tests-and-the-right-to-vote/> (detailing Connecticut’s discriminatory use of an English-only literacy test to disenfranchise Puerto Rican voters until stopped by federal legislation).

³ ACLU of Connecticut, *Voters in Hartford Still Need Federal Court’s Protection* (July 11, 2013), <https://www.acluct.org/en/press-releases/voters-in-hartford-still-need-federal-courts-protection> (describing the *Santa v. Cimiano* litigation, arising from a Hartford voter purge process in which Latino voters were twice as other voters to be removed from canvassing lists).

in several ways.⁴ By enacting and fully funding the CTVRA this session, Connecticut can turn the page on its discriminatory past and set a new national standard. In addition to addressing critical needs in Connecticut, the CTVRA will place this state at the forefront of a national movement, building on the success of similar laws in New York, Virginia, Oregon, Washington, and California,⁵ as well as efforts currently underway in Maryland and New Jersey.

The CTVRA will provide efficient ways for Connecticut’s voters of color to identify and resolve barriers to equal participation in local democracy. This comprehensive legislation will require local governments with recent records of discrimination to “preclear” certain voting changes *before* they can be implemented, preventing harm to voters. The CTVRA will also strengthen state-level protections against voter intimidation, deception, and obstruction; expand language assistance at the polls for voters with limited English proficiency; and promote transparency by creating a central, publicly accessible hub for election data and information.⁶

Last week, on February 6, 2023, the Government Administration and Elections (“GAE”) Committee voted to raise the CTVRA as a committee bill. We applaud the GAE Committee for taking this important step. And we encourage this Subcommittee to contribute meaningfully to the advancement of the CTVRA by allocating the necessary funding for SOTS to perform its proposed responsibilities under the bill.

II. Benefits of Equitable Voting Rights Protections

Funding the CTVRA is a sound investment in Connecticut’s future. Equitable voting rights protections, like those in the federal Voting Rights Act of 1965 (“federal VRA”) and other state-level voting rights acts, have had powerful effects in making the democratic process fairer, more equal, and more

⁴ Matt DeRienzo, *In Connecticut, voters face some of the biggest obstacles outside the South*, Center for Public Integrity (Oct. 6, 2020), <https://publicintegrity.org/politics/elections/us-polling-places/connecticut-voters-face-some-of-the-biggest-obstacles-outside-the-south/>.

⁵ See N.Y.S. Senate Bill S1046E / N.Y.S. Assembly Bill A6678E (enacted June 20, 2023); Va. House Bill 1890 (2021 Session); Ore. Rev. Stat. § 255.400 et seq.; Wash. Rev. Code Ann. § 29A.92.900 et seq.; Cal. Elec. Code, California Voting Rights Act of 2001, § 14027 (2002); see also Testimony of Professor J. Morgan Kousser Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties of the U.S. House Comm. on the Judiciary, Legislative Proposals to Strengthen the Voting Rights Act (Oct. 17, 2019), at 2, <https://docs.house.gov/meetings/JU/JU10/20191017/110084/HHRG-116-JU10-Wstate-KousserJ-20191017.pdf> (noting the “striking success of minorities in using the state-level California Voting Rights Act”).

⁶ For more detailed information on the CTVRA’s substantive provisions, please see [LDF’s testimony](#) from last year, when the bill was before the General Assembly as S.B. 471, or the [LDF](#) and [ACLU of Connecticut](#) websites.

inclusive. These effects include reducing racial turnout disparities,⁷ making government more responsive to the needs and legislative priorities of communities of color,⁸ and increasing diversity in government office,⁹ so that elected representatives more fully reflect the communities they serve.

There is also evidence that measures like those in the CTVRA can have powerful, downstream benefits in economic equality and health. For example, researchers have concluded that the federal VRA’s preclearance program, by making elected officials more accountable to Black voters, brought about improvements in governmental policy and hiring practices that “reduced the wage gap between [B]lack and white workers by around 5.5 percentage points” in covered counties.¹⁰ Recent analyses show that incremental improvements in diversity in local representation translate into more equitable educational and policy outcomes.¹¹ And Professor Thomas A. LaVeist of Tulane University, in a landmark study, identified the federal VRA as a causal factor in reducing infant mortality in Black communities where the law’s protections had led to fairer representation of Black voters’ preferred candidates.¹² For these reasons, the American Medical Association has recognized voting rights as a social determinant of health and declared support for “measures to facilitate safe and

⁷ Zachary L. Hertz, *Analyzing the Effects of a Switch to By-District Elections in California* (July 19, 2021), https://electionlab.mit.edu/sites/default/files/2021-07/hertz_2020.pdf.

⁸ Sophie Schllit & Jon C. Rogowski, *Race, Representation, and the Voting Rights Act*, 61 *Amer. J. of Pol. Sci.* 513 (July 2017).

⁹ Loren Collingwood & Sean Long, *Can States Promote Minority Representation? Assessing the Effects of the California Voting Rights Act*, 57 *Urban Affairs Rev.* 731, 757 (2021), https://www.collingwoodresearch.com/uploads/8/3/6/0/8360930/cvra_project.pdf; see Peite Lien et al., *The Voting Rights Act and the Election of Nonwhite Officials*, 40 *Pol. Sci. and Politics* 489 (July 2007); Paru R. Shah et al., *Are We There Yet? The Voting Rights Act and Black Representation on City Councils, 1981-2006*, 75 *J. Pol.* 993 (2013).

¹⁰ Abhay P. Aneja & Carlos F. Avenancio-León, *The Effect of Political Power on Labor Market Inequality: Evidence from the 1965 Voting Rights Act* 3, Wash. Center for Equitable Growth, Working Paper Series (Oct. 2020), <https://equitablegrowth.org/working-papers/the-effect-of-political-power-on-labor-market-inequality-evidence-from-the-1965-voting-rights-act/>; see also Abhay P. Aneja & Carlos F. Avenancio-León, *Disenfranchisement and Economic Inequality: Downstream Effects of Shelby County v. Holder*, 109 *AEA Papers & Proceedings* 161 (May 2019).

¹¹ See, e.g. Vladimir Kogan et al., *How Does Minority Political Representation Affect School District Administration and Student Outcomes*, EdWorkingPapers (June 19, 2020), <https://www.edworkingpapers.com/ai20-244> (discussing “evidence that increases in minority representation lead to cumulative achievement gains . . . among minority students”); Brett Fischer, *No Spending Without Representation: School Boards and the Racial Gap in Education Finance* (Mar. 20, 2020), <https://ssrn.com/abstract=3558239> (presenting “causal evidence that greater minority representation on school boards translates into greater investment in minority students”).

¹² Thomas A. LaVeist, *The Political Empowerment and Health Status of African-Americans: Mapping a New Territory*, 97 *Amer. J. of Sociology* 1080 (Jan. 1992).

equitable access to voting as a harm-reduction strategy to safeguard public health.”¹³

With a budgetary impact of less than \$2 million over the two-year budget cycle, the CTVRA is a modest investment—yet it can have significant, potentially transformative benefits for democracy and society in this state.

III. Detailed Information on the CTVRA’s Budgetary Needs

Two measures within the CTVRA’s suite of voting rights protections will require state-level budget allocations. As described below, these measures’ total budgetary needs are an estimated **\$1,948,226** over the two-year budget cycle.

A. Statewide database of election data

Section 3 of the CTVRA will establish a statewide, publicly accessible database of election information and demographic data, housed in the SOTS. This database will increase transparency regarding the functioning of local democracy, facilitate evidence-based decision-making in local election administration, and assist voters, community organizations, election officials, and others in identifying and resolving potential voting rights issues. Although the capital costs for the database’s creation should have no direct budgetary impact,¹⁴ the database’s administration and staffing by SOTS will require budgetary funding of approximately \$284,000 in the first year of its operation and approximately \$784,000 in the second year.

The CTVRA’s database responsibilities will be performed by a team of two new staff positions in SOTS: a Database Manager and a GIS Database Engineer. Estimated staffing costs for the database are:

- Database Manager
 - Salary: \$110,000
 - Fringe: \$44,583
- GIS Database Engineer
 - Salary: \$92,372
 - Fringe: \$37,438
- Subtotal: \$284,393

¹³ American Medical Association, *Support for Safe and Equitable Access to Voting H-440.805* (2022), <https://policysearch.ama-assn.org/policyfinder/detail/voting?uri=%2FAMADoc%2FHOD.xml-h-440.805.xml>; see also Anna K. Hing, *The Right to Vote, The Right to Health: Voter Suppression as a Determinant of Racial Health Disparities*, 12 *J. of Health Disparities Research & Practice* 48 (2019), <https://digitalscholarship.unlv.edu/jhdrp/vol12/iss6/5>.

¹⁴ Constructing the database is estimated to require \$4 million in one-time capital expenditures, which can be provided through bonding.

In addition, starting in the second year of the database's operation, software licensing will require an estimated budgetary allocation of \$500,000.

B. Preclearance

Section 5 of the CTVRA will create a "preclearance" program within the Office of the Secretary of the State, modeled on Section 5 of the federal Voting Rights Act of 1965—one of the most successful civil rights laws in American history. Through this program, a team of SOTS experts will review certain voting changes where appropriate to ensure that any changes that would have a discriminatory impact on Connecticut voters of color are identified in advance and prevented from going into effect. The preclearance program is projected to require budgetary funding to SOTS of approximately \$440,000 per year.

The CTVRA's preclearance program will be administered by a team of four new SOTS staff positions: a Deputy Elections Director, a Staff Attorney, an Elections Officer, and an Administrative Assistant. Estimated costs for those positions are:

- SOTS Staff Positions:
 - Deputy Elections Director
 - Staff Attorney
 - Elections Officer
 - Administrative Assistant
- Summary-Level Staffing Costs:
 - Salary: \$312,901
 - Fringe: \$126,819
- Subtotal: \$439,720

C. Combined Budgetary Needs for Database and Preclearance

Overall, the CTVRA's combined budgetary requirements for both the database and preclearance are an estimated \$1,948,226 to SOTS, consisting of \$724,113 in staffing costs in its first year, and \$1,224,113 in staffing and software licensing costs in its second year. These estimated costs are set forth by year below.

- Year 1: \$724,113
 - \$724,113 in staffing for new positions at SOTS
- Year 2: \$1,224,113
 - \$724,113 in staffing for new positions at SOTS
 - \$500,000 in software licensing for database
- **Total: \$1,948,226**

IV. Conclusion

In closing, we encourage this Subcommittee and the Connecticut General Assembly to fully fund the CTVRA, and thereby make a vital investment in equal democracy. As noted, there is a strong basis in evidence that the \$1.95 million required to implement the CTVRA's protections will provide substantial returns to this state, not only for Connecticut's democracy, but also for the wellbeing of Connecticut communities.

Thank you for the opportunity to provide this testimony. If you have any questions, or if more information on the CTVRA would be useful for this Subcommittee's consideration, please feel free to contact Steven Lance at slance@naacpldf.org or 347-947-0522.

Sincerely,

/s/ Steven Lance

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NAACP Legal Defense and Educational Fund, Inc.

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voting discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People ("NAACP") since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.