



DENISE W. MERRILL
SECRETARY OF THE STATE
CONNECTICUT

March 28, 2020

TO: Governor Lamont, Senate President Pro Tempore Looney, Speaker Aresimowicz, Majority Leader Duff, Majority Leader Ritter, Minority Leader Fasano, and Minority Leader Klarides,
CC: Representative Fox, Senator Flexer, Representative Walker, Senator Osten, Secretary McCaw, Town Clerks Association, Registrar of Voters Association

I am writing to you to make you aware of the resources my office and our local election officials in each of our 169 towns need in order to ensure that our presidential preference primary is conducted to the high standards that Connecticut voters expect and deserve. My number one priority is ensuring that our presidential preference primary is free, fair, and safe.

Viable options for vote by mail

Most pressing is my call for an executive order removing restrictive language from CGS 9-135 to allow any voters who are fearful of entering a polling place because of the coronavirus to ask for and receive a ballot they can mail in to vote in the June 2nd presidential preference primary. No voter should have to choose between jeopardizing their health and exercising their right to vote.

As you are aware, we are in a declared public health emergency due to the coronavirus, a contagious virus that passes through direct person-to-person contact. This crisis presents unique challenges to Connecticut election administration, as an overwhelming percentage of voters, as compared to other states, vote in-person at polling places instead of via mail (in a normal election roughly 6-8% of voters statewide can be expected to cast their ballots via mail). I asked for, and Governor Lamont issued, an executive order moving our April 28th presidential preference primary to June 2nd. This gave us some time to plan for how the coronavirus will affect that June 2nd primary and act accordingly.

In talking to my colleagues across the country, many of the states that have pushed back their primaries, including our neighbors in Rhode Island, have also expanded access to voting by mail, or even outright promoting it, as the best possible scenario to allow voters to cast ballot while also protecting the health and safety of voters and poll works alike.

We are in a unique situation. I am neither asking for a policy change to mail-in voting for all elections, nor am I requesting that the June 2nd presidential preference primary be conducted entirely by mail. The executive order I am requesting is narrowly tailored: to allow voters to vote by mail if they are concerned about entering polling places on June 2nd for the presidential preference primary due to the coronavirus.

Polls must remain open, but considering the challenges that all towns are currently facing to find poll workers, and Governor Lamont's recent executive order limiting public gatherings to five people, we must as a state do something to make voting on June 2nd feasible. Loosening the restrictions on mail-in voting will alleviate the problem at the polling places by shifting votes from in-person at the polling place to mailed ballots.

The workload will be manageable as roughly forty two percent of the state's voter are registered as unaffiliated voters or in third parties and are therefore ineligible to participate in the June 2nd presidential primary. Another roughly twenty percent are only eligible to vote in a Republican primary that has seen fairly low interest, and where low turnout is expected, regardless of voting method.

Time is of the essence to issue the executive order and start planning the logistics of the June 2nd presidential preference primary. Town Clerks will make their ballot order on or around April 28th, and mail-in ballots are statutorily required to be available to voters on May 12th. It is possible that the longer we wait, the harder it will be to reserve printing services.

State match required to access federal funds

There are federal funds available to help us with this unprecedented election event. The United States Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, a two trillion-dollar stimulus bill. Included in that bill is \$400 million to aid election administration in the face of the coronavirus. Connecticut's share is roughly \$6.46 million, which includes a mandatory twenty percent state match of roughly \$1.08 million. In order to unlock \$5.38 million in federal funding to combat the issues in election administration caused by the coronavirus, Connecticut must appropriate \$1,076,346 in funding specifically for the coronavirus response for elections.

Ballot access for primaries and minor parties and petitioning candidates in the general election

Finally, we have an urgent need to adjust our method of allowing candidates to petition on to both the August primary election ballot and the November general election ballot. As you know, there are processes in Title 9 for candidates to gather petition signatures in order to appear on the ballot for the primary and for the general election. Both of those processes require, by law, direct person to person contact in order to collect the signatures, the signatures to be delivered to registrars or town clerks in town halls that are now largely closed, verification by local election workers who are currently largely working from home, delivery to my office, and tabulation by workers in my office who are also largely working from home. Given the nature of the coronavirus, both petitioning processes present an opportunity for the virus to spread and are not feasible on the timeline required by statute. This is also a time-sensitive issue as petitioning candidates for the November election have had access to petition papers, and have been circulating those petitions, since January, and petitions for potential candidates in the August primary will be available in May.

My recommendation is to eliminate any path to ballot access via a petition process by executive order. Instead, for challengers in primaries, lower the delegate percentage to gain primary ballot access at the conventions to 5%, apply that to both multi-town and single-town districts, and have that be the only way to get on the primary ballot aside from being the endorsed candidate at a convention.

For the general election, my recommendation is to again eliminate any path to ballot access via petitions as a minor party or petitioning candidate for the November general election ballot. Instead, grant

automatic ballot access for all races in November to any third parties that already have statewide ballot access, currently the Green Party, the Independent Party, the Libertarian Party, and the Working Families Party.

These two changes would address the public health emergency and prevent petition gatherers from going door to door and potentially spreading coronavirus, while at the same time preserving Connecticut's democratic tradition of allowing challengers access to the primary and general election ballots.

Thank you for your attention to these critically important matters. Although we are in an emergency situation, I am heartened by our ability to work together across party and state and local lines. By partnering between state and local officials, and the leadership of the legislature, we can provide Connecticut with the best possible elections under the circumstances. Thank you for all of your hard work during this stressful time.