

League of Women Voters of Connecticut

IMPACT ON ISSUES 2015 – 2017

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Election Laws

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CAMPAIGN FINANCE REFORM

[LWVCT Position: Adopted 1975; affirmed 2005; review & update authorized at 2015 Convention]

The League of Women Voters of Connecticut believes that the goals of a campaign finance system should:

- ensure the public's right to know;
- combat corruption and undue influence;
- enable candidates to compete more equitably for public office.

To achieve these goals, we support the following measures for campaign reform:

Limitations

The League believes that there should be limitations on the size of individual contributions and on overall expenditures by a candidate. These limits should be realistic and reasonable; high enough to be enforceable, but not so low as to affect candidates adversely. Cash contributions should be limited to small amounts.

Disclosure

We support full and timely disclosure of all contributions prior to elections and of expenditures by a stated deadline. We realize that provisions must be made for campaign deficits, but there must be

safeguards against contributions pledged orally in advance, to be fulfilled after the election in order to circumvent prior disclosure.

Enforcement

No system, however complete or well-meaning, is effective if it is unenforceable. The establishment of a bipartisan elections commission with investigatory and subpoena powers is essential to any campaign reform. Strong penalties should be provided for violators.

Length of Campaigns

The length of campaigns should be shortened, but enough time should be provided to allow full discussion of the issues and for adequate visibility of all candidates.

Funding

The League believes that partial public financing of campaigns for qualified State offices — Constitutional, Senate and House — will enable candidates to run for office regardless of personal financial resources. It can also aid in removing the undue influence of large-scale money. The League also recognizes the need for new sources of state funds to provide for such financing.

This position applies to all state elections including primaries.

Background and Action:

For over a decade, the LWVCT has worked in coalition with many other groups supporting bills establishing a comprehensive public financing system with spending limits for state-wide campaigns. The 2004 session was an extremely difficult one for the legislature, preoccupied with the ethics hearing on Governor Rowland and several key members of his staff. The coalition championed a bill to tighten laws concerning contributions from political committees, lobbyists and large contractors. It included provisions to treat purchases of ads in ad books as contributions and prohibited political committees from funding communications identifying or advocating for or against candidates in the last thirty days of campaigning. The House debated a bill authorizing municipalities to establish programs for public financing of local campaigns. After an intense debate, the bill was referred to the Finance Committee and died at the end of the session.

Immediately after being sworn in, Governor Rell convened a meeting of organizations supporting campaign finance reform. She requested attending organizations to present her with proposals for a legislative package that would be likely to pass in the next session. The LWVCT sent a detailed proposal including reforms debated during the 2004 session (limits on contributions from political committees, lobbyists, large state contractors, limits on issue advocacy and promotional ads, ad books advertising, more timely reporting requirements and adequate funding for the enforcement agencies) and support for partial or full public funding of campaigns.

At the beginning of the 2005 session, this proposal was forwarded to the leadership and chairs of the Government Administration and Elections Committee and copies were sent to the entire

legislature. A coalition consisting of the LWVCT, Common Cause, CCAG, Democracy Works and others adopted a strong platform of reforms centered on the public financing of campaigns. The Governor's Fairness Proposal did not include public financing of campaigns. The House and Senate each proposed campaign finance reform bills, each containing some elements of public financing of campaigns. The coalition lobbied both chambers and the leadership in the hope of consolidating the two versions into an omnibus bill. Just before the end of the session, the Governor abandoned her opposition to public financing and urged the legislature to take action during the session. The LWVCT and the coalition lobbied strenuously for passage of a consolidated bill that would reconcile the elements of the House and Senate versions. At the end of the session, each chamber passed its own version of the bill and there was no agreement before the session adjourned. No campaign finance legislation emerged from the 2005 regular session.

As several critical bills did not pass during the regular session, a special session was called for June 21, but the agenda did not include CFR. The LWVCT and the coalition lobbied the leadership and the Governor to include CFR. Instead, the Governor formed a bi-partisan working group to deal with the issue of campaign finance. The LWVCT lobbied the Governor and the leadership to include civic groups such as the LWVCT as members of the working group. This did not happen, but the LWVCT specialist attended all working group sessions.

Work on a comprehensive campaign finance reform bill that included public financing of campaigns continued throughout the fall of 2005 following the report of the bi-partisan working group. LWVCT members actively lobbied for CFR, writing letters and responding to action alerts with e-mails and phone calls. LWVUS president Kay Maxwell joined the President, Public Issues Vice-President, and Election Laws Specialist at the Capitol to lobby legislative leaders and the Governor's staff during the month of November. Shortly thereafter, legislative leadership, surrounded by good government advocates including the President of the LWVCT, announced plans to call a special session to pass a comprehensive campaign finance reform bill. Some LWVCT members came to the Capitol on the date of the vote to lobby their representatives in person; others responded to last minute requests to lobby recalcitrant representatives by phone and e-mail shortly before the vote. In the end, a comprehensive bill that bans lobbyist and state contractor contributions and provides a voluntary system of public financing of campaigns (the Citizens' Election Program) was passed and signed into law by the Governor in early December, 2005.

Like all landmark legislation that begins with a rejection of the status quo and then improves over time, the campaign finance law passed in December was not perfect. The LWVCT identified three areas for concern and advocacy in 2006: the "non-severability" clause, the "organization expenditure" provision and the limitations on minor party and petitioning candidates. The "non-severability" clause was the major concern since a successful court challenge on any provision would have invalidated the entire law. In dramatic fashion, the legislature passed a "fix" for the non-severability clause minutes before the end of the legislative session. The law, PA 06-137, also limits organization expenditures in certain situations and provides more favorable terms for minor party and petitioning candidates seeking public financing.

Throughout the CFR "fight," the LWVCT worked closely with its lobbyists, Judith Blei & Associates, and its coalition partners. One partner credited the LWVCT with providing the "extra muscle" necessary to win the 30-year fight for public financing.

Following the 2006 legislative session, the focus in the campaign finance reform area shifted to protection and implementation of the new law. During the early part of the 2007 session, a law was passed that made several changes to the state contractor bans and administrative requirements. The State Elections Enforcement Commission, which is responsible for implementation of the law, requested several other changes designed to ease the administrative burden, clarify the requirements and help the SEEC in its enforcement activities. The LWVCT testified in favor of some of the proposed changes and against other suggested changes. The SEEC's requested changes did not pass. A coalition partner attributed the lack of success to conflicts among legislators and general fatigue with the subject of campaign finance reform.

Several lawsuits were filed challenging the constitutionality of the lobbyist bans and the limitations on minor parties and candidates. In 2008, the bans were upheld by a federal district court. The court's decision was appealed. Following a bench trial in March 2009, the district court ruled on August 27, 2009 that the Citizens' Election Program, which provides public financing for campaigns, unconstitutionally burdens the First Amendment rights of minor parties and issued an injunction enjoining the State Elections Enforcement Commission and the Attorney General from operating and enforcing the Citizens' Election Program. The court granted the state a stay in order to give the Attorney General time to file an emergency appeal.

During the 2008 and 2009 regular sessions, the LWVCT supported and testified on a number of bills designed to expand the enforcement powers of the State Elections Enforcement Commission and to "tweak" the rules and procedures related to the Citizens' Election Program. In 2008, a bill passed and was signed into law which expands the State Elections Enforcement Commission's authority to issue cease and desist orders, makes changes to the registration forms for PACs, expands the law granting individuals the right to incur legal expenses to contest/maintain the results of elections, subjects party candidate listings to attribution laws, repeals a requirement that certain mailings bear a photograph of the candidate, "tweaks" the contractor and lobbyist bans, establishes grant application deadlines and a corresponding schedule of payments from the Citizens' Election Fund, and allows participating candidates to spend supplemental grant money immediately upon receiving it. Bills introduced in 2009 to further "tweak" the system and expand the enforcement powers of the SEEC died, as the legislature focused its efforts on the budget crisis.

The November 2008 general election witnessed the first statewide rollout of the Citizens' Election Program. Approximately 75% of the candidates running for the General Assembly in November elected to participate in the public financing program. Despite this success, the Citizens' Election Program came under serious attack during the 2009 regular session. Several bills were introduced to significantly reduce the public financing grants available to eligible candidates under the program and a bill was introduced to eliminate the program in its entirety and to reverse the bans on lobbyist and state contractor contributions. The LWVCT opposed these bills, none of which were successful.

Given the state's dire fiscal situation, the Citizens' Election Fund, which holds money to be used for public financing during election years, proved to be a tempting target for legislators looking for money to fill the budget shortfall. Through budget cuts, transfers and rescissions, the Citizens' Election Program was reduced by approximately \$21 million. In light of the dire fiscal situation, the LWVCT recognized that all state programs likely would require reductions, but opposed any further cuts or transfers from the Fund.

The LWVCT defended this program vigorously by actions such as testifying at public hearings, sending letters to the Governor, the Appropriations Committee and legislative leadership, participating in press conferences and writing letters to the editor.

In preparation for the 2010 legislative session, in December 2009 the League started another round of advocacy to protect the Citizens' Election Program. The LWVCT participated in a press conference with its coalition partners urging preservation of the remaining balance of the Citizen Election Fund and a "fix" of the law in response to the U.S. District court's ruling. LWVCT also worked with the CT News Service (the service the LWVCT contracted with to increase our visibility) to collaborate on radio news stories spotlighting the need to preserve the 2005 campaign finance reforms.

During January 2010, the Second Circuit Court of Appeals heard oral arguments on the constitutionality of Connecticut's 2005 campaign finance reforms. (A lower court previously upheld the lobbyist bans, but declared the Citizens' Election Program, which provides public financing of campaigns, unconstitutional.) The Second Circuit's work was complicated by the US Supreme Court's ruling in the case of *Citizens United v. FEC*, which overturned 100 years of campaign finance reforms on free speech grounds and created a new constitutional right allowing corporations to spend tremendous sums of money on elections.

During February and March, the League met with the House co-chair of the Government Administration and Elections Committee, and Senate leadership to discuss a "fix" for the Citizens' Election Program. The League worked with its coalition partners to put pressure on legislators to find a constitutional "fix" for the Citizens' Election Program through action alerts, letters to the editor, press releases, educational forums and meetings with legislators.

Two bills, one proposed by the Governor and the other by the GAE Committee, were introduced to "fix" the Citizens' Election Program (HB 5021 and HB 5022). The League testified in support of both bills. A special committee was established to reconcile competing bills/approaches to the "fix." Negotiations focused on key points relating to the size of grants, minor parties, and matching funds. Both bills died.

Despite our vigorous opposition, the legislature continued to raid the Citizens' Election Fund in 2010 as a means of dealing with the ongoing fiscal crisis. During April, the legislature cut \$10,000,000 from the Citizens' Election Program as part of HB 5545, *AAC Deficit Mitigation for the Fiscal Year Ending June 30, 2010*. At the urging of advocates (including the League), this cut was delayed to January, 2011 so as not to interfere with funding for the 2010 state elections. The legislature cut another \$5,000,000 on the last day of the legislative session as part of SB 494 AA Making Adjustments to State Expenditures for the Fiscal Year Ending June 30, 2011.

To buy the legislature time in the event of an adverse court ruling, the House and Senate passed HB 5544, *AAC The Citizens' Election Fund*, on an emergency basis. The bill extended the period before the campaign finance law reverts back to the pre-2005 law from 7 to 30 days (in most cases) in the event a court prohibited the expenditure of funds from the Citizens' Election Fund. The Governor signed the bill (PA 10-2). With just moments to spare on the last day of the legislative session, the House and Senate passed SJR 48, which would call them into a special session for the limited purpose of dealing with any issues growing out of the anticipated Second Circuit Court ruling.

A campaign finance bright spot during the 2010 session was the passage of *An Act Concerning Independent Expenditures* in response to the Supreme Court's ruling in the Citizens' United case. The Governor signed the bill (PA 10-187). Connecticut's law requires organizations, like corporations and unions that make expenditures supporting or opposing candidates, to file reports with the state and disclose who paid for campaign advertisements. It includes "stand by your ad" provisions that require a CEO of a sponsoring organization to appear in any televised or videotaped campaign ad and acknowledge approval of its content. Written communications must include the names of the entity and the CEO. Certain organizations must also list their top five contributors.

In July, the legislature was called into special session in response to the two important decisions handed down by Second Circuit Court of Appeals. The Court ruled that the Citizens' Election Program does not violate the First and Fourteenth Amendment rights of third party and petitioning candidates, but struck down as unconstitutional the lobbyist contribution ban, the lobbyist solicitation ban and the so-called "trigger provisions" which provide additional public funds for participating candidates when their non-participating opponents or third parties spend over a certain limit.

In response to the rulings, the legislature passed SB 551 *An Act Concerning Clean Elections*. Among other things, the bill made changes to the Citizens' Election Program affecting opposition status, grants, spending limits, and matching funds. Most notably, the bill eliminated the matching grant (i.e. "trigger") provisions and doubled available funding for qualifying gubernatorial candidates from \$3 million to \$6 million. The bill also eliminated the reversion clause (replacing it with a severability clause) and addressed issues related to lobbyist and state contractor contributions and the soliciting and bundling of campaign contributions. Governor Rell opposed the increased funding level for gubernatorial races and vetoed the bill citing the state's ever-burgeoning deficit. In August, the legislature overrode the veto and the bill became law (PA 10-1). The Second Circuit's rulings were appealed to the US Supreme Court, which denied certiorari.

The 2011 legislative session opened with continuing grave concern regarding the state's severe budget deficit. Governor Malloy, the newly elected governor, proposed a budget that would cut the funding for the Citizens' Election Fund nearly in half. The Governor's proposed budget also included steep cuts to the budget of the State Elections Enforcement Commission (the agency that oversees the Citizens' Election Program). In tandem with the budget proposal, the Governor proposed consolidating the SEEC, the Office of State Ethics, the Freedom of Information Commission, the Judicial Review Council and the State Contracting Standards Board into a new Office of Governmental Accountability. The League strongly opposed both proposals. The departmental consolidation, now known as the Office of Government Accountability, passed as part of the Budget Implementer bill that was signed into law (PA 11-48). The new law also included changes to the state election laws on campaign finance. Among other things, the law makes scheduling revisions for the Citizens' Election Program, expands the list of goods and services that are not considered campaign contributions, eliminates mandatory audits of publicly financed campaigns and creates a system for random audits, and makes changes to the reporting requirements for organization and excess expenditures.

During the 2011 session, the League supported SB 945, *AAC Electronic Filing Of Campaign Reports*, which proposed lowering the threshold for electronic filing of campaign finance reports

and extended the electronic filing requirement to certain individuals and committees. The bill was voted out of the GAE Committee but died in the Revenue, Finance and Bonding Committee.

In 2012, the legislature decided that it could and must do more to protect Connecticut elections from the influence of special interests. In February, the Government Administration and Elections Committee introduced HB 5528, *AAC Changes to the Public Financing and Other Election Laws*. The bill would have expanded the reporting and disclaimer requirements for independent expenditures by, among other things, (1) requiring organizations to identify sources of funds used for campaign spending including all donors who give \$1000 or more in the aggregate, (2) requiring organizations to disclose all transfers ensuring that individual and corporate donors couldn't hide behind conduits, intermediaries or front groups, (3) strengthening "stand by your ad" provisions by requiring organizations to list their top 5 donors and to provide a link to a website that lists the names and addresses of all donors, and (4) requiring corporations to report political spending to shareholders and obtain board approval for campaign related disbursements over \$4000. The bill also would have raised various contribution limits, clarified the rules on coordination and increased penalties for knowing and willful campaign finance violations.

The League testified in support of the disclosure provisions, but raised concerns regarding the across-the-board doubling or near doubling of contribution limits for the Citizens' Election Program. In its testimony, the League opposed a provision that would have allowed participating CEP candidates to raise unlimited funds when outspent by non-participating candidates. A substitute bill was voted out of the GAE Committee that stripped the provision allowing participating CEP candidates to raise unlimited funds and substituted in its place a provision increasing the grant for gubernatorial candidates from \$6 million to \$9 million.

After clearing the Appropriations Committee, HB 5528 eventually died on the House calendar. However, many of its provisions (sometimes in revised form) were included in an e-cert bill, HB 5556, *AAC Changes to the Campaign Finance Laws and Other Election Laws*, which was introduced in the House on May 5. Coupled with the disclosure provisions were new provisions to allow military and overseas voters to return completed absentee ballots by fax or email. In comments sent to legislators, the League supported the disclosure provisions contained in HB 5556. However, we voiced concerns about the lack of provisions in the bill to ensure the security of overseas ballots returned by fax or email. We also noted that we were not offering any specific comments on provisions relating to other changes to the campaign finance laws and the Citizens' Election Program due to a lack of time to properly review them – a shortcoming of the emergency certification process and a concern generally to the League. HB 5556 passed the House and Senate on May 8. The Governor vetoed the bill, citing concerns over the constitutionality of some of its provisions.

As it has done in past years, the League also testified in support of a bill to lower the threshold and expand the universe for mandatory electronic filing of campaign finance reports. The bill died on the House calendar.

In 2013, Connecticut's historic 2005 campaign finance reforms again came under serious threat. The League submitted written testimony in opposition to a bill that would eliminate cost-of-living adjustments under the Citizens' Election Program (HB 5897). We also submitted testimony in

opposition to a bill that would dispense with weekly campaign financial statements in the last month before an election (HB 6289), a bill that would permit state contractors to make campaign contributions in a manner similar to lobbyists (SB 1127) and two bills that would have made it easier for state central committees to raise more money by increasing maximum contributions (SB 1120) and permitting the use of ad books (SB 1126).

Near the end of March, the League submitted testimony in support of SB 5, *AAC Changes to the Campaign Finance Laws and Other Election Laws*. This bill was a modified version of the disclosure bill which passed in 2012, but was vetoed by the Governor. The League supported the expanded disclosure provisions, but opposed the doubling or near doubling of campaign contribution limits.

At the end of the session, the legislature's commitment to positive campaign finance reform took an abrupt turn for the worse. Arguing that in a post-Citizens United world it was necessary to rewrite the campaign finance laws to combat the Super PAC money that flooded the state prior to the 2012 elections, the House passed an omnibus campaign finance bill, HB 6580, *AAC Independent Expenditures and Changes to Other Campaign Finance Laws and Election Laws*, in the middle of the night without time for public review or comment. While the bill contained some of the provisions that the League had earlier testified against (including raising contribution limits and allowing the use of ad books by state central committees), we were blind-sided by provisions in the bill that weakened the reporting, disclaimer and attribution requirements for independent expenditures adopted in 2010, allowed political parties to make unlimited "organization expenditures" on behalf of candidates participating in the Citizens' Election Program (including running negative ads against a candidate's opponent), permitted a degree of coordination between political candidates and Super PACs by allowing candidates receiving public financing to help political committees raise money which could later be used on their behalf in the form of independent expenditures (essentially creating a parallel system of campaign financing) and eliminated criminal penalties for knowing and willful campaign finance violations, among other things. Despite the League's attempts to de-rail it, the bill passed the Senate (again in the middle of the night. One tiny bright spot in an otherwise dismal bill was the omission of a provision lifting the ban on state contractor contributions. There were no sweeps of the Citizen's Election Fund in 2013.

Prior to passage of the bill, the LWVCT sent action alerts and messages to legislators asking them to vote against the bill. We also lobbied senators in person, asked local leagues to contact targeted senators, and urged the Governor to veto the bill. The Governor signed the bill into law (P. A. 13-180). The League followed up its advocacy after the session ended with a news story and letter to the editor. Local leagues also raised concerns with their legislators. As of this writing, we are still digesting the massive changes made by the bill and considering next steps.

Finally, the League submitted testimony in support of HB 6633, *AAC Campaign Finance Law and Prior Bad Acts*. This bill would prohibit persons who are convicted of certain crimes from serving as campaign treasurers or receiving a grant from the Citizens' Election Fund. While the League supported the bill in concept, we raised concerns regarding the breadth of the bill and the potential for unintended consequences. A variation of the bill was included in HB 6580.

Two campaign finance issues of national scale popped up here in CT in 2014, a statewide election year where attention was focused on the gubernatorial race. A challenge to effective CT campaign finance regulation surfaced in a federal injunctive action, Democratic Governors' Association v. Brandi, which sought to bar prospectively the State Elections Enforcement Commission from examining any facts as to whether impermissible “coordination” existed in connection with the DGA’s plan to fund expenditures that would support the Malloy gubernatorial campaign. Members of the DGA are as the name states – Democratic Governors who fundraise for the Association, which in turn spends money in support of the election of Democratic governors.

Under the *Citizens United* decision, only amounts spent which are truly independent of a candidate or his/her campaign can qualify as the “independent expenditures” that may be unlimited in amount. LWVCT joined Common Cause of CT and CT Citizens Action Group in an *amici* brief filed by the Campaign Legal Center, a Washington, D.C.-based nonpartisan, nonprofit organization. *Amici* asserted that the SEEC—the state agency charged with enforcing our hard-won campaign finance laws—is entitled to make reasonable inquiry into the existence of coordination.

The court denied the DGA’s request for a preliminary injunction and partially dismissed the DGA’s challenge to our state’s campaign finance law; and the DGA dropped the suit. LWVCT expressed its appreciation to the Campaign Legal Center for their pro bono work on behalf of our trio of CT “watchdog groups,” and we are pleased that that CT’s disclosure and coordination laws for campaign finance survived this assault.

Shortly before the November 2014 election, a different campaign finance issue surfaced when the State Democratic party sought to use funds in its “federal party” account to pay for a mailing which the SEEC alleged was a campaign mailer supporting the incumbent governor’s re-election campaign. CT campaign finance law bans state contractors from making contributions to a candidate seeking office in the branch of government (legislative or executive) with which the contractor holds a contract, and bans state contractors from making contributions to party committees and certain political committees. The state’s requirements, which are stricter than federal law, were instituted as a reaction to political corruption scandals plaguing the state. The SEEC charged the state party with attempting to use its federal party account as an end-run around state law. The SEEC administrative action was ongoing in 2015.

2015 began with calls from legislators and the media for campaign finance reform, after the flood of outside money into the 2014 state election. More than 60 campaign finance bills were introduced, including measures that would have gutted the Citizens’ Election Program.

The League identified reform as a high priority and called on the legislature to:

- Restore prior limits on campaign contributions by individuals, and on contribution amounts permitted by state party committees for organizational expenses.
- Enact requirements to disclose the *sources of funding* for all groups that devote large sums to “independent expenditures.”

- Support state enforcement of the rules governing "coordination," so that outside groups which are permitted unlimited independent spending do not coordinate their efforts with the political candidates.
- Support continued funding for state legislative candidates under the Citizens' Election Program, but demand limits on political party funding for candidates who receive these grants.

The State Elections Enforcement Commission proposed significant reforms to address problems in maintaining clean CT elections arising since the *Citizens United* decision and the passage of PA 13-180, which had weakened certain disclosure and the ability to distinguish for enforcement purposes between independent expenditures and spending coordinated with candidates. The GAE Committee bill, *SB 1126: AAC Revisions to Campaign Finance Laws*, incorporated many of the SEEC proposals. After a public hearing, the watered-down substitute bill would have restored some reforms which had been in place until 2013, and it addressed the newer channels used to funnel unlimited amounts of money into election campaigns.

Substitute SB 1126 would create a category of "coordinated spenders," to clarify whose expenditures are deemed to be made with the consent, coordination or consultation, or at the request or suggestion of the candidate, and would be treated as campaign contributions subject to reporting and limits. Groups for whom a candidate has served as fundraiser would be included as coordinated spenders unless certain restrictions are followed. The coordinated spender provisions would address the back door methods used today to support or oppose candidates, using unlimited funds, such as common fundraising, collaborative messaging—including candidates providing photo or video footage for use in the outside groups' political advertising-- or common staffing.

The Substitute Bill would limit the applicability of the coordinated spender provisions to candidate and candidate committees (excluding political and party committees from the coordinated spender language). It would clarify that anyone who participates in coordination is covered even if the candidate is an incumbent or another person who has not yet filed, but eventually files as a candidate in the current election cycle.

Also, the Substitute Bill would codify the ability to create "independent expenditure political committees" that will make only IEs; such groups could receive unlimited contributions from individuals, businesses and associations. Loopholes in disclosure required from independent spenders would be closed, expanding the current requirement that IE-makers disclose their top 5 donors to also require that 501(c)(4) organizations and groups that receive money from many sources and who are among the top 5 donors to the IE-maker, also disclose the names of their own top five donors.

Other provisions of SB 1126 would close loopholes allowing persons to delay declaration of candidacy so as to avoid disclosure of early contributors; would exempt from the definition of contributions or expenditures those communications that constitute debates or promote candidate debates and are made by the debate sponsor; would simplify current law by removing language regarding presumptions of coordination that were the subject of litigation in 2014; would remove aggregate contribution limits for individuals, in order to comply with the U.S. Supreme Court

McCutcheon decision; and would potentially increase maximum penalties for failing to file IE reports.

Additionally, the Substitute Bill would include a cap of \$250,000 on organizational expenditures by state party committees per candidate for state senate and representative (in contrast to much lower limits included in the Raised Bill). Citizen Election Program grants to eligible participating candidates who are unopposed would be reduced to 20% of a full grant.

The League supported the Raised Bill in testimony submitted to the GAE Committee; issued advocacy alerts and urged members to contact their legislators to support campaign finance reform. The Substitute Bill was voted out of the GAE Committee but languished and died in the Senate.

In special session, the budget implementer (*SB 1502*) was adopted, which transferred \$7.75 million from the Citizens' Election Fund to the General Fund for FY 2017.

National Advocacy

In spring 2009, the LWVCT also participated in a press conference introducing the federal Fair Elections Now Act, which would allow federal candidates to run for office using small donations and limited public financing. The bill, which was introduced in the House of Representatives by Connecticut Representative John Larsen, had the support of the entire 2009 Connecticut congressional delegation. It did not pass in the 2009, nor the following year. It was reintroduced in 2011 session.

In fall 2010, the LWVCT wrote to Senators Dodd and Lieberman at the request of LWVUS encouraging them to vote in favor of the DISCLOSE Act, which attempts to address concerns arising out of the Supreme Court's decision in *Citizens' United v. FEC*. Senator Dodd responded that he was leaving the Senate; all future requests should be addressed to Senators Lieberman and Blumenthal. Senator Lieberman responded that had he been present he would have voted for cloture, but would have voted against the bill because of amendments made in the House. The bill failed to gain enough votes in the Senate to end debate and was never called for a vote.

ELECTION LAWS

[LWVCT Position: Adopted in 1983; amended 2005; amended 2007]

The League of Women Voters of Connecticut believes that the political process must be open to all citizens and that the right to vote with confidence in the election process and with adequate information with which to make informed decisions must be guaranteed for all. To achieve these goals, the LWVCT supports the following:

Registration Processes

- expanded opportunities for the registration of potential voters via the Internet and through use of off-site, off-hour registration sessions, increased use of Mail-in applications and applications submitted through various state agencies;
- instruction by state and local officials on proper voter registration procedures for those distributing voter registration applications;
- implementation of Election Day Registration (EDR) for all federal, state and local elections with adequate safeguards to protect against fraud;
- maintenance of an accurate, reliable, state-wide electronic, centralized voter registration system and accurate local voter lists;
- adequate training, compensation, and assistance for registrars and adequate training for their designees;
- outreach to potential voters, such as high school students and new citizens, by town and state elections officials.

Election Procedures

- sufficient funding and adequate personnel for state agencies to supervise and enforce election laws;
- expanded and unbiased public education in voting machine use, and expanded opportunity for unbiased ballot information at the polls;
- assistance to voters for whom English is not their primary language;
- mandatory training and supervision of all election workers to assure uniform compliance with federal and state laws;
- adoption of procedures to minimize voter inconvenience;
- identification of voters at polls to prevent fraud;
- instruction from the Office of the Secretary of the State to all election workers regarding the use of Presidential and Provisional ballots, ballot questions and referenda on Constitutional Amendments;
- impartial voter education by the Office of the Secretary of the State and local elections officials, where appropriate, regarding ballot questions and referenda;
- assurance that absentee voting privileges are available to all;
- stronger measures to protect the absentee ballot from fraud and undue influence.

Voting Technology (based on the LWVUS position)

- implementation of voting systems that are secure, accurate, recountable and accessible (SARA) in order to ensure the integrity of, and voter confidence in, elections;

- **consideration of a broad range of options that meet SARA criteria and keep pace with evolving technology;**
- **use of voting systems and procedures that provide fairness to all voters, including the disabled and those who do not speak English as their primary language.**

Funding

Adequate funding and support for state agencies responsible for supervising elections, enforcing election laws, and assuring the integrity of voting technology are fundamental to protecting citizens' right to vote and having their votes counted.

Reviewing Connecticut's election laws must be a continuing activity, in light of the evolving technology in voting systems, new legislation and regulations, and the needs of the public.

Background and Action:

Advocacy prior to 2005

In 2004, the LWVCT testified in support of a re-submitted Election Day Registration bill which would also mandate training of registrars and town clerks. The LWVCT also worked in coalition to support other reform bills, such as an expanded Voter's Bill of Rights, a bill for permanent funding of the "good government" commissions and compliance with HAVA. The Voter Bill of Rights and the permanent funding bill passed; the EDR bill passed all committees, but at the end of the session, it was referred to the Government Administration and Elections (GAE) Committee again where it died. A bill requiring that all electronic voting machines have a voter-verified paper trail was debated during the session but died.

In December 2004, the GAE Committee held public hearings on voter registration and voting procedures during the presidential election. The LWVCT submitted a report on the compliance with the existing voter registration procedures and problems encountered during the presidential election including lack of training of election workers and uneven application of election laws. This was followed by a presentation to the leadership of the LWVCT Election Laws reform agenda. These initiatives included EDR, mandatory voter registration at all naturalization ceremonies, improved training of all registrars and poll workers, and a requirement that the Secretary of the State certify electronic voting equipment that is secure, accurate, recountable and accessible. The LWVCT expressed its concern about the Request for Proposal (RFP) by the Secretary of the State, urging the broadening of the eligibility to companies that developed a direct recording electronic (DRE) technology. The LWVCT was represented at the five regional GAE Committee hearings on Campaign Finance Reform, Ethics and Election Reform, especially as it concerned EDR. Testimony was repeated as the bill made its way through the various committees. Calls to Action were also issued. The LWVCT and the coalition supported the substitute language to the omnibus elections reform bill, responding to the concerns of registrars of voters. Ultimately, despite intensive efforts by the coalition, EDR did not pass. It had the support of all relevant committees, the Secretary of the State and the leadership of ROVAC (Registrars of Voters

Association of CT). It was left to die because of the opposition of the rank-and-file registrars. Enacted into law were certain provisions setting the standards for DREs (including a voter-verified paper audit trail) and creating new voting and campaign procedures, mandating the preparation of an on-line voters' guide, requiring the Secretary of the State to provide voter registration services at certain naturalization ceremonies and a new study on push polling. Despite the hard work by the LWVCT and coalition partners, EDR did not pass in the 2004 session.

Advocacy from 2005 and onward

Election reform has been an area of intense activity over the past several years. The LWVCT has been aided in this area by the efforts of our lobbyists, Judith Blei and Associates, and by the unflagging dedication of our members to these issues. The Election Laws Specialist testifies on relevant bills, works with legislators and executive branch personnel on issues of importance to the LWVCT and provides a presence at the Capitol. Members have answered action alerts, written letters and personally lobbied their representatives. At the 2007 Convention, the delegates approved updates to the position and again voted to make Election Laws a LWVCT priority. At the 2009 Convention, the delegates again voted to make Election Laws a LWVCT priority and to undertake a study regarding election law timelines, ballot access procedures and United States Senate vacancies. A study group was formed, conducted research and interviews, and wrote reports. In 2009, the legislature changed the method of filling US senate vacancies. After completing its work, the study group concluded that there was not a sufficient basis for amending an existing position or creating a new position and the study was abandoned. At the 2011 Convention, the delegates again voted to make Election Laws a LWVCT priority and amended the LWVCT's position on voting technology to be consistent with the change to the position at the national level. At the 2013 Convention, the delegates voted once again to make Election Laws the LWVCT priority.

Over the years, LWVCT has worked closely with the Secretary of the State (SOTS) and her office on election-related matters, and LWVCT was represented on the SOTS Election Performance Task Force.

Action has also been taken on LWVUS Action Alerts related to election reform, as requested by LWVUS.

Voting Technology

The Help America Vote Act (HAVA) requires the state to use voting machines which meet certain requirements regarding accessibility and reliability during all federal elections. During the fall of 2005, League members from around the state attended the voting machine demonstrations put on by the Secretary of the State's office. The LWVCT conducted an informal survey of their reactions, sent a letter to the Secretary of the State, Governor and GAE leadership regarding our concerns, and issued a press statement on the matter. Among other things, the LWVCT called for the Voting Technology Standards Board to be convened immediately and for the SOTS to lease, not purchase, the voting machines required to meet the HAVA requirements for the 2006 elections.

The Voting Technology Standards Board was convened in December 2005, quickly issued a report and disbanded. During the 2006 session, the LWVCT advocated for the re-authorization of the

Voting Technology Standards Board. The bill fell victim to the clock, as time ran out on the legislative session. Also during the 2006 session, the LWVCT opposed a bill that would have required full-faced ballots for direct recording electronic voting machines. After heavy lobbying by the LWVCT, the bill's sponsor agreed not to bring the bill up for a vote before the full legislature during that session.

The SOTS initially selected a direct recording electronic machine for the HAVA mandate. However, after problems surfaced with the vendor and certification, the SOTS reversed herself. Ultimately, the SOTS chose optical scan machines to replace the state's lever machines, which do not meet the HAVA requirements. Twenty-five communities were selected to pilot the machines during the 2006 elections. Audits of the new machines were conducted in 17 randomly selected districts.

All municipalities were required to use the new optical scan voting machines during the 2007 elections. The LWVCT believes that manual, random audits are essential to ensuring the integrity of the machines and instilling voter confidence in the new machines. During the 2007 session, the LWVCT worked closely and successfully with the Secretary of the State's office on the passage of a law which requires random, manual audits of voting machines after each election. The LWVCT was also proactive in the rollout of the new voting technology. Prior to the 2007 elections, the LWVCT created "Stop, Look and Listen," a statewide voter education program regarding the new machines. The LWVCT conducted a series of regional training sessions for local League volunteers on effective voter outreach on the new voting machines. About 60 local League volunteers reached approximately 2,400 people at scheduled informational meetings with countless others informed by LWVCT cable access broadcasts, community events and voter registration drives and via our newsletter.

The LWVCT was also a founding member of the Connecticut Citizen Election Audit Coalition. The Coalition was formed to organize citizens to observe the audits. The purpose of the observations is to demonstrate citizen interest in the process, increase citizen involvement in elections, provide feedback to the Secretary of the State and the legislature on the process and its contribution to confidence in our elections, and provide members of the public with information necessary to determine their confidence in our elections. To date, LWVCT has participated in ten audit observations. Additionally, in late 2010, the Connecticut Citizen Election Audit Coalition conducted a citizen recount of the ballots cast in the gubernatorial race in Bridgeport, in conjunction with the Connecticut Post and with the cooperation with the City of Bridgeport. This recount was organized in response to many concerns raised by the media, voters, and candidates regarding the accuracy of Bridgeport's reported vote counts in light of the need to hand-count thousands of ballots, mostly photocopies, after the polls closed. Following each audit observation, the Coalition issues a report detailing its observations and recommendations. The reports are posted on the CT Election Audit website at www.ctelectionaudit.org.

LWVCT is no longer a member of the Citizen Election Audit Coalition, but we encourage our members to volunteer.

During the 2008 and 2009 regular sessions, bills were introduced to establish an independent audit board, require separate entities to program and test election hardware, and to require the Secretary

of the State to establish/refine audit procedures, among other things. The LWVCT testified in favor of these provisions. Although these bills made it out of committee, all of them ultimately died.

In 2010, the LWVCT testified against a bill that would have substituted audits using different voting tabulators for the current system of hand-counted post-election audits. The bill died in the GAE Committee. In 2011, the LWVCT opposed bills that would have (1) have permitted audits to be performed either manually or using an independent machine rather than a tabulator, (2) exempted municipalities who successfully completed a post-election audit from participating in another audit for ten years and (3) provided a four year exemption period for small towns after an audit. All three bills died in committee.

At the 2010 LWVUS Convention, transparency was added as a fifth criterion to the national position on voting technology. The LWVCT position was amended at its 2011 Convention to reflect the addition. The League now supports voting systems that are secure, accurate, recountable, accessible and transparent (SARAT).

In 2013, the League again opposed a bill that would have eliminated the requirement that registrars conduct audits manually, reduced the minimum percentage of voting districts to be audited and prohibited more than 3 districts in a municipality from being audited. The bill was successfully voted out of the GAE Committee, but died at the end of the session.

In 2014, LWVCT supported a bill that would permit use of electronic auditing equipment as a demonstration project. (*HB 5492*, passed the House, died on the Senate Calendar.) And again, the League opposed a bill that would have substituted machine-based audits using existing tabulators for manual audits. (*SB 348*, amended substitute bill passed the Senate, died in the House.” The 2015 elections revision legislation discussed below (*SB 1051*; PA 15-224) also included language allowing the use of electronic equipment for post-election audits, under appropriate guidelines, which LWVCT supported. (*SB 1042*)

Multiple bills have been introduced in recent years on “overvoting.” In 2013, the League opposed two bills that would have treated multiple votes for a single, cross-endorsed candidate as an overvote, requiring an elector to fill out a new ballot or give up the right to vote for that candidate. (The state’s current tabulator technology treats multiple votes for cross-endorsed candidates as a single vote.) Both bills died in committee. LWVCT opposed similar bills in 2015 (*SB 601* and *HB 6950*), which also died in committee.

Election Administration

The LWVCT’s participation in the “Stop, Look and Listen” program and the audit coalition helped inform its advocacy efforts. The LWVCT’s primary concern regarding both the rollout of the new voting technology and the audits was the lack of consistency exhibited across the state. To address these concerns, the LWVCT supports the creation of an independent audit board, “professionalization” of registrars, the adoption of clear statutory and regulatory guidelines, and expansion of the investigatory and enforcement powers of the State Elections Enforcement

Commission. During the 2008 and 2009 regular sessions, bills were introduced to establish an independent audit board, require separate entities to program and test election hardware, address privacy in the voting process, amend the Voter's Bill of Rights, require the Secretary of the State to establish/refine audit procedures, require the Secretary of the State to establish a certification program for registrars, and expand the powers of the State Elections Enforcement Commission, among other things. The LWVCT was generally supportive of these bills and testified in favor of many of the provisions. Most of these bills made it out of committee; however, all of them ultimately died.

Bills were introduced in 2010 to expand the authority of the SEEC, make a violation of the "Voter's Bill of Rights" subject to penalty, allow the Secretary of the State access to polling places on Election Day, address the issues of voter privacy, and extend prohibitions on transporting, preparing, repairing and maintain a voting machine to business entities affiliated with a candidate. In 2010, bills were also introduced to require each polling place to comply with the requirements for assisting electors with disabilities and to extend the use of provisional ballots, currently available for federal elections, to all elections. The LWVCT testified in support of these bills generally; all of the bills died.

In 2011, with the election of the former House Majority Leader as Secretary of the State, the appointment of the Co-chair of the GAE Committee as Deputy Secretary of the State, and the scandal surrounding the 2010 election in Bridgeport where several polling places ran out of ballot, election reform efforts fared better. A law was passed establishing procedures to address issues that may arise at polling places. The law requires registrars of voters to (1) develop a municipal emergency contingency plan, for example, ballot shortage solutions and (2) certify to the Secretary the number of ballots they order for each polling place. In the absence of a certification or a waiver, the law requires registrars to order one ballot for each registered voter. Registrars must also certify polling place locations and provide moderator contact information. The law authorizes the Secretary to access polling places (unless she is a candidate) to review them for election law compliance and to disqualify moderators under certain circumstances.

A second bill was passed in 2011 that made changes to election laws affecting voter registration lists, the conduct of primaries and elections, election officials, voting equipment and polling places, post-election procedures and certain campaign finance forms. Among other things, the law prohibits businesses affiliated with a candidate from transporting, preparing, repairing or maintaining voting tabulators, codifies in law voter privacy practices currently in regulation, requires the Secretary of the State to recommend a method for online voting for military personnel stationed out of state and requires moderators to attribute "unknown" votes for cross-endorsed candidates based on a formula. The bill also expanded the investigatory powers of the SEEC to allow it to conduct investigations based on statements that registrars of voters file alleging election violations, not just allegations that the Secretary of the State or town clerks file. The LWVCT supported both election reform bills passed in 2011, with the exception of the original provisions related to "unknown" votes for cross-endorsed candidates (changed in the final bill) and the provisions regarding online voting for military personnel (see below).

In 2011, the LWVCT also submitted testimony in favor of a bill extending the use of provisional ballots to state and municipal elections. The bill passed the House, but was never taken up by the Senate. The LWVCT also supported a bill addressing issues related to the number of polling

places and moderators for primaries, hiring of poll workers, and preparation of ballots. The bill died in the GAE Committee.

In 2012 and 2013, the League again testified in favor of extending the use of provisional ballots to state and municipal elections. Although the bills were successfully reported out of committee, they died at the end of the session.

In 2012, the League supported in written testimony a bill that would have established a process for removing registrars of voters from office, among other things. A substitute bill was voted out of the GAE Committee, but died at the end of the session. In 2013, the League testified in favor a bill to prohibit persons who have been convicted of or pled guilty to certain felonies from being certified as moderators. The bill passed both chambers and was signed into law by the Governor (P.A. 13-21).

In 2013, the League submitted testimony on a variety of bills dealing with election administration. We supported bills to require towns to provide Internet service to the offices of the registrars of voters, to provide greater ease in voting for individuals with disabilities, to permit election officials and their staff to vote by absentee ballot, to allow municipalities to reduce the number of polling places for primaries, to require election officials to identify and correct any errors in an election return within 7 days of the election and to make adjustments to the provisions concerning appointment of members to the State Elections Enforcement Commission. We also supported a provision to make any declaratory ruling, instruction or opinion issued by the Secretary of the State binding upon registrars of voters and town clerks and enforceable by the State Elections Enforcement Commission, a long time goal of the League. We supported in concept two bills allowing towns to check voters in electronically but raised concerns over a lack of standards or procedures. We also testified in favor of a bill to ensure that any persons convicted of a felony and committed to custody are informed of their eligibility to have their electoral privileges restored. Finally, the League supported a bill to require the Secretary of the State to review and consider certain election administration functions performed by municipalities for the purpose of regional consolidation. The League opposed a bill to provide that each poll worker be trained only once during a calendar year. All of these bills died.

These and similar election administration issues resurfaced in 2014 and 2015. The League again supported a bill in 2014 that would (1) require towns to provide Internet services to the offices of registrars of voters, (2) make declaratory rulings, instructions and opinions of the SOTS binding on registrars, and (3) require posting of voter ID requirements near the checkers at Election Day polling places. (HB 5480, passed the House, died in the Senate.) Also, the League conceptually supported electronic voter check-in systems, but again questioned the lack of standards and adequate procedures. (SB 441, died in committee referral, but provision permitting electronic check-in with some safeguards was included in the budget implementer bill PA 14-217.)

After a 2014 state election marred by poll issues—including several Hartford polling places that did not open on time, delaying voters for more than 90 minutes—calls for reform of CT's election administration increased. The Secretary of the State's Office identified systemic weaknesses in CT's locally-administered elections, where municipally-elected dual registrars have operated with near autonomy.

The SOTS legislative ideas were incorporated into a GAE Committee bill *SB 1051: Strengthening the State's Elections*. The lightning rod in SB 1051 was the proposed change from the current method of selecting registrars of voters through municipal election of two registrars, one from each major party, to a new system of appointed registrars. The bill also included a program for training, examination and certification of registrars of voters and poll workers; consistency in voter registration deadlines; updating the election reporting process; required posting of acceptable forms of identification for voters in all polling places; and enabling language to permit municipalities to work together in the election process.

LWVCT convened a small special committee to review the lengthy proposal within the short time frame before a public hearing; and our Election Laws Specialist conducted research on election administration practices nationwide, as well as the specific proposals in the bill.

The League submitted testimony noting CT's singular status in having a dual system of registrars of voters selected to run based on party affiliation, and we suggested the time was ripe for reform of local election administration. The League recommended creation of a blue ribbon commission with appropriate representation, in order to develop a consensus on how to adapt the current problem-plagued local election administration. Our testimony supported adoption of the other measures outlined in the bill.

A substitute bill, as amended by the Senate, dropped the change to appointed registrars but included the provisions for mandatory training, examination and certification of registrars and deputy registrars; coordination of all voter registration deadlines; a voters' bill of rights; creation of a two-phase election reporting process and authorization of voluntary regionalization of election functions. The final bill also provides new procedures for the removal and replacement of a registrar by trial, and establishes consequences for registrars failing to attain or maintain certification. All registrars and deputy registrars will now be required to complete training and certification. (PA 15-224)

The core issue of local election administration was to be referred to a Task Force under the GAE Committee's bill *SB 1083: AA Establishing a Task Force to Study Ways to Regionalize, Professionalize and Enhance the Efficiency of Election Administration*. The League requested that the task force include members of the general public who were not elected officials, as well as members of the academic community who could contribute best practices research. (Passed in the Senate, after removing representation for the public and for a voter participation organization; died on the House Calendar.)

Surprise election laws changes were added to the Budget Implementer (*SB 1502*) during the Special Session, without public notice. Sections 451-453 establish regional election monitors for each of the nine planning regions in the state (COGs), with specified qualifications, to represent, consult with and act on behalf of the SOTS before and during each election, primary, canvass and audit. Section 454 requires that regulations, declaratory rulings, instructions and opinions of the SOTS be executed and carried out; and authorizes SOTS to order any registrar or moderator to correct an irregularity or impropriety related to its conduct. Although the public had no

opportunity to review or comment on these changes, the League had previously supported enhancing the authority of the SOTS to issue binding rulings and regulations.

Another measure, *HB 6900: AAC Election Administration*, established requirements for candidates. The Raised Bill which went to public hearing also included language eliminating discretionary supervised balloting. Under CT law, if a town clerk receives 20 or more absentee ballot applications from people living in the same building, then the registrars of voters are empowered with discretion to choose to conduct supervised absentee balloting at that location. LWVCT submitted comments to the GAE Committee requesting the rationale for eliminating discretionary supervised balloting in the interests of protection from undue influence. The SOTS testimony at the public hearing provided this rationale, and the League did not offer further comment. The general language of the existing law does not provide rules for permitting discretionary supervised balloting, which may not be appropriate for many larger apartment buildings; and can lead to situations in which building residents are disenfranchised. The GAE Substitute Bill, *Special Act: AA Establishing a Task Force Concerning Candidate Committees*, replaced HB 6900 in its entirety and simply established the task force on candidate committees; it passed both houses (Special Act 15-15).

Voter Registration

In 2008, a representative of the LWVCT spoke at a press conference in strong support for federal legislation that would require the Secretary of Veterans Affairs to permit VA offices and facilities to be designated as voter registration agencies in accordance with the National Voter Registration Act and to allow nonpartisan organizations to provide voter registration assistance. The legislation was sponsored by Connecticut Congressman Chris Murphy and quickly passed the House of Representatives. The ban on non-partisan voter registration drives was ultimately lifted by the VA.

Also in 2008, the General Assembly adopted a resolution to amend the State Constitution to allow 17 year old citizens who will turn 18 on or before the day of a regular election to vote in its primary. The LWVCT supported the amendment. The question was placed on the November ballot and passed.

In 2010, the LWVCT opposed a provision in a bill which would have extended the period of time for attachment of party privileges for voters who change parties. A substitute bill was voted out of the GAE Committee which eliminated this provision. The bill subsequently died.

In 2012, the League once again supported efforts to bring Election Day Registration to the state. The EDR bill that passed and was signed into law (HB 5024, *AAC Voting Rights*, P.A. 12-56) requires the Secretary of the State to establish and maintain an online voter registration system, a long overdue reform. The new online voter registration system went into effect January 1, 2014.

In 2015, one bill was introduced that would have required each person who assists others in registering to vote to file a statement with the SOTS, severely handicapping third party voter registration efforts. (*SB 829 AAC Persons Who Assist Others in Registering as Electors*) The League opposed the bill, and it died in committee.

Expanding Voting Opportunities

Election Day Registration

In 2007, passing some form of Election Day Registration was again a LWVCT priority. The LWVCT worked closely with Democracy Works on education efforts (focus groups, a public forum and presentations at the Convention of the Registrars of Voters Association of Connecticut) and with legislative leaders and the Secretary of the State's office on crafting a bill. The initial bill called for full EDR. When it became apparent that there would be stiff resistance to passage of full EDR, a voluntary pilot program was suggested. Although a number of towns were willing to participate in the pilot, concerns were raised about the constitutionality of the program. Neither the SOTS nor the Attorney General were willing to give assurances in that regard. Finally, a statewide demonstration project was suggested for the 2008 presidential preference primary. The bill passed the Senate, but was never called in the House.

The LWVCT, together with other good government groups, again advocated for the passage of Election Day Registration during the 2009 regular session. A bill was introduced and passed in the House. However, despite agreement on the language of the bill among the various stakeholders (e.g. registrars, town clerks, good government groups, the State Elections Enforcement Commission and the Secretary of the State), the bill was never brought up for a vote in the Senate, ostensibly because of the number of hostile amendments that had been filed on it.

In 2010, a bill was introduced to establish a pilot program to permit same day registration for municipal primaries. The bill was successfully voted out of the Government Administration and Elections Committee, but died in the Appropriations Committee despite its relatively small fiscal impact and the concerted efforts of the LWVCT and its coalition partners.

In 2011, research and outreach by the Office of the Secretary of the State (SOTS), including the formation of an Election Performance Task Force, led the SOTS to work actively for certain election laws changes, including election day registration (EDR). During the fall of 2011, LWVCT and local Leagues assisted the SOTS in sponsoring community meetings around the state to inform CT residents about current election law issues.

During the 2012 legislative session, the League submitted testimony on multiple election law bills, including an EDR bill which passed both chambers and was signed into the law by the Governor (P.A. 12-56). The law permits anyone to register and vote in person on Election Day if he or she meets the eligibility requirements for voting in this state and (1) is not already an elector or (2) is registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality. The act requires registrars of voters to designate one location (where registrars can access the statewide centralized voter registration system) for completing and processing EDR applications. The law became applicable with the November 2013 election. As required by the law, SOTS issued a Report on the Administration of Election Day Registration (Feb. 1, 2014), which noted that 2900 residents used EDR for the 2013 election, with the top municipalities being New Haven and New Britain. Of those residents using EDR,

775 were registered Democrats, 618 were Republicans, 1445 were Unaffiliated and 62 were registered with a minor party.

Absentee Ballots (see also below, under Other Voter Issues)

A resolution proposing an amendment to the State Constitution to remove restrictions on the categories of citizens who can vote by absentee ballot was also introduced in 2007. The resolution died on the Senate calendar.

Concerned about voter disenfranchisement, the LWVCT submitted a statutory proposal in 2008 to create a “permanent absentee ballot status” for voters unable to get to the polls. Although the LWVCT’s proposal died in committee, a more limited proposal was included in the 2008 Secretary of the State’s bill. That bill passed the Senate, but was never called in the House. A bill to establish a system for the automatic mailing of absentee ballots to persons who are permanently disabled and unable to go to the polls was again introduced in 2009. The bill, which the LWVCT supported, passed the Senate as time ran out in the regular session.

During the 2009 session, resolutions were introduced to remove the restrictions on absentee voting from the State Constitution, thereby permitting so-called “no excuse” absentee voting, a form of early voting. The LWVCT testified in favor of these amendments. Two resolutions were voted out of the GAE Committee, but died on House and Senate calendars, respectively. Resolutions were again introduced in 2011 to remove restrictions on absentee voting from the State Constitution. The LWVCT testified in favor of these resolutions, one of which received a favorable vote in the GAE Committee. In a strategic move, the resolution was never called for a vote in the House.

In 2011, a provision making electors with permanent physical disabilities eligible for permanent absentee ballot status passed with LWVCT support as part of an omnibus election-related bill. Under the law, until they are removed from the permanent absentee ballot list, such electors receive an absentee ballot application for each election in which they are eligible to vote.

In 2012, the General Assembly passed and the Governor signed a follow up bill to the 2011 bill. The 2012 act removes the requirement that the permanently disabled fill out an absentee ballot application for every election and instead allows them to confirm their residency once a year and receive their absentee ballot automatically for every election in which they are eligible to vote.

Early Voting

The 2013 session saw the introduction of two early voting bills. While the League supports early voting in concept, we were unable to support these bills due to concerns over the details (or lack thereof) of the early voting systems being proposed and the failure to address fundamental issues related to security, privacy and cost. We also questioned whether an early voting statute was premature given the need to address the constitutional issues related to absentee ballots and

Election Day voting. (See *Absentee Ballots* above) Both bills were successfully voted out of committee, but died at the end of the session.

In 2012 and again in 2013, the League submitted testimony in favor a *Resolution Approving an Amendment to the State Constitution to Grant Increased Authority to the General Assembly Regarding Election Administration*. The Connecticut Constitution still limits the circumstances under which electors can seek and receive absentee ballots, and according to an opinion issued by then Attorney General Richard Blumenthal, it also prohibits early voting. The resolution would remove those barriers and leave it up to the legislature to decide whether and under what circumstances to allow no-excuse absentee ballots and/or early voting. The League asked its members to take action on this issue. Having passed the House and Senate twice, in 2012 and 2013, the resolution appeared on the ballot in 2014.

Voter Service Outreach

In July 2013, LWVCT began a Voter Service Outreach effort, with representatives from local Leagues around the state, to inform and engage CT residents about the significant changes to our election laws that became effective with the November municipal elections — Election Day Registration (EDR) and Permanent Absentee Ballots (PAB) for persons with physical disabilities. The committee prepared and published pamphlets for public distribution explaining EDR and PAB, and developed guides for local Leagues and volunteers to use in communicating with the public on the election law changes. Voter Service Outreach also alerted local Leagues and the public regarding additional election law changes for 2014 — Online Voter Registration and Military Online Voting.

LWVCT conducted an extensive educational and advocacy effort for the November 2014 ballot question on removing barriers in the State Constitution to early and absentee voting. The campaign theme of “Pass the Amendment: Start the Conversation” was designed to highlight that an amendment was required to so that the state legislature could consider and determine whether and how to permit expanded absentee ballots and/or early voting, and that a clear majority of states has adopted one or more forms of early voting, including voting by mail. The ballot question did not pass, but the issue of expanding voting opportunities is not likely to rest. A committee of League members from the Greater Hartford area has collected the research material and empirical information relating to Early Voting, for future League use.

Other Voter Issues

Photo ID

In 2007, the LWVCT and its coalition partners were successful in defeating several amendments to an Election Day Registration bill that would have required voters to produce a photo ID at the polls in order to exercise the right to vote. Photo ID amendments were also placed on various bills during the 2008 regular session. The LWVCT lobbied actively against the amendments. The

sponsors did not call the photo ID amendment on the one bill that passed; time ran out before the other bills could be called. Consequently, there was no debate on photo ID requirements in either chamber in 2008. Two bills requiring the presentation of photo identification in order to vote were referred to the GAE Committee in 2011. Neither bill received a public hearing. The LWVCT remains ever vigilant on this issue.

Voter Intimidation and Interference

In 2012, the League supported a bill initiated by the Governor to increase the penalties for voter intimidation and interference, making them Class C or D felonies. The bill passed both the House and the Senate and was signed into law by the Governor (P.A. 12-193).

Voter Fraud

2014 saw the introduction of a bill that would have expanded the offence of “attempt to commit a crime” to include attempted fraudulent voting. LWVCT raise concerns that the bill language would mandate draconian penalties when not every improper voting attempt is a criminal matter. (HB 5568, died in committee.)

Absentee Ballots

In 2005, Public Act 05-235 was passed and signed into law, creating new requirements for the distribution of applications for absentee ballots. The LWVCT believes that this law has had a chilling effect on the distribution of absentee ballots. During the 2007 regular session, a bill was introduced that would have eliminated the pre-registration requirement for distributors of applications for absentee ballots. The LWVCT testified in favor of the bill, but felt that the changes to the law should go even further. The bill died in the GAE Committee. During the 2009 session, a bill was again introduced that would have repealed the requirement of pre-registering with the town clerk, as well as have eliminated the requirement of maintaining and filing a list of the people who receive absentee ballot applications. The LWVCT testified in favor of the bill. An amended version of the bill (minus the provisions dealing with the distribution of absentee ballots) passed the House, but died on the Senate calendar.

Military and Overseas Voters

In 2009, the Pew Center on the States issued a report, entitled *No Time To Vote: Challenges Facing America's Overseas Military Voters*, which found that overseas military voters from Connecticut did not have enough time to vote under current Connecticut law. The report noted that “[o]verseas military voters from Connecticut can fax their ballot request—but the state requires the ballots to be transmitted to and from voters by postal mail. Because the time needed for ballots to travel by mail takes longer than the time Connecticut provides in its process, the state’s military voters abroad would need 13 additional days to have enough time to vote.”

http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Fact_Sheets/Improving_elections/NT_TV_Connecticut.pdf. The report suggested a number of steps that Connecticut could take to remedy this situation including sending out blank ballots earlier and accepting completed ballots later, allowing electronic transmission of blank ballots, and expanding the use of federal write-in absentee ballots for state and local elections. A bill was introduced during the 2009 regular session

to remedy the overseas ballot situation by requiring the Secretary of the State to work with the State Elections Enforcement Commission and the United States Department of Defense to ensure that overseas military voters could use a secure fax, email or other electronic transmission to receive and submit (1) the official postcard form that contains an absentee voter registration application and absentee ballot application for voting in federal elections and (2) a state absentee ballot. The Secretary of the State also included a provision in her bill to allow active duty members of the military to apply for absentee ballots in January of an election year. The LWVCT, which supports secure electronic transmission of the federal postcard application form (both ways) and any absentee ballot *to* the voter, testified in favor of the 2009 bill. At the same time, LWVCT raised concerns about issues related to privacy, voter fraud and undue influence in connection with the transmission of a completed ballot *from* the overseas voter to the town clerk's office and called upon the Secretary of the State to look carefully and thoughtfully at measures which can ease the transmission of the completed ballot while preserving privacy and preventing fraud and undue influence. Regretfully, both the 2009 bill and the Secretary of the State's bill died.

In 2010, the LWVCT testified in support of a bill to conform state statutes to the federal Military and Overseas Voter Empowerment (MOVE) Act by allowing for transmission of applications for absentee ballots and ballots by electronic means, subject to certain safeguards. The bill died during the regular session, but was subsequently passed in special session.

In 2011, the LWVCT opposed a bill that would have allowed online voting by military personnel stationed out of state. Although the bill died in the GAE Committee, a provision requiring the Secretary of the State to recommend an online voting method for military personnel stationed out of state passed as part of an omnibus election bill. Under the law, the Secretary must (1) look at what other states have done to reduce potential fraud and (2) determine whether any such system may be appropriate for Connecticut, and report her progress to the GAE Committee by January 1, 2012. The LWVCT has serious concerns regarding the security and privacy of online voting. In October 2011 the Secretary of the State hosted a public forum with a panel of nationally known experts to discuss and debate this very contentious topic. This event was open to all members of the public and was hosted by John Dankosky, WNPR News Director and Host of "Where We Live."

In 2012, a provision to allow military and overseas voters to return completed absentee ballots by fax or email passed as part of a campaign finance bill. While the League supported some of the campaign finance reforms, we raised concerns about the lack of provisions in the bill to ensure the security of overseas ballots returned by fax or emails. The Governor vetoed the bill on other grounds.

The 2013 session saw the introduction of two bills to permit voters who are members of the armed forces serving overseas to return their ballots by electronic means. While the League supports measures to ensure that military voters have sufficient time to vote, we again voiced concerns over the security and confidentiality of the ballot in our written testimony to the GAE Committee. Our bottom line: We believe the state should not adopt Internet based voting or allow for electronic transmission of a completed ballot (by fax or email) unless the systems are able to meet the League's SARAT criteria (secure, accurate, recountable, accessible and transparent) and can reliably address concerns regarding the risks of identity theft, fraud, voter disenfranchisement, undue influence and lack of confidentiality. Both bills were successfully voted out of committee.

One died at the end of the session. A modified version of the second bill passed both chambers and was signed into law by the Governor (P.A. 13-185). The act requires the Secretary of the State by October 1, 2013, in consultation with the Military Department, to select a method for members of the armed forces stationed abroad to return their voted overseas absentee ballots, giving due consideration to ballot security and privacy and ensuring that the municipality receives the ballot before the polls close.

Again, in the 2014 legislative session, LWVCT opposed a Joint Resolution that would have allowed active duty military personnel stationed overseas to waive the right to a secure ballot in order to vote by alternative methods permitted under state law. (SJ 24, died in committee.)

Electoral College/National Popular Vote

During the 2007 session, two “bills” were introduced that would have provided for election of the president by popular vote rather than by the Electoral College. Neither bill passed. In 2008 and 2009, bills were introduced to make Connecticut a signatory to “The Agreement Among the States to Elect the President by National Popular Vote.” The LWVCT did not testify on these bills at that time due to a lack of position at the national level. At the 2008 LWVUS Convention, delegates adopted a study of the National Popular Vote Compact, which was completed in 2009. The LWVUS Board determined that no consensus was reached. At the 2010 LWVUS Convention, the delegates adopted a position supporting the use of the National Popular Vote Compact as one acceptable way to achieve the goal of direct popular vote for the election of the president. In 2011, a bill making Connecticut a signatory to the national Popular Vote Compact was again introduced. The LWVCT submitted testimony in favor of the bill, submitted a letter to the editor on NPV and urged legislators to take up the bill prior to the end of the session. The bill was successfully voted out of the GAE Committee, but died on the House calendar despite heavy lobbying by the LWVCT and its coalition partners.

Bills to make Connecticut a signatory to the National Popular Vote Compact were introduced again in 2013 and 2014. The League submitted written testimony in support of the bills and sent out member action alerts and E-News asking members to encourage their legislators to take up the bill and vote in favor of it. The 2013 bill was successfully voted out of the GAE Committee, but died at the end of the session when the Senate re-committed it to the committee. The 2014 bill again was voted out of the GAE Committee but died on the House Calendar.

ETHICS

[LWVCT Position: Adopted 2004; affirmed 2015]

The League of Women Voters of Connecticut believes that the public should have confidence in the integrity of its government. Government officials and employees should be held accountable for carrying out their duties in both an effective and an ethically responsible manner.

To these ends, the LWVCT supports actions to:

- 1. Reform, strengthen, and clarify Connecticut's codes of ethics as they apply to public officials, public employees, and lobbyists.**
- 2. Ensure the existence of strong, effective, independent watchdog agencies, such as the State Ethics Commission, Freedom of Information Commission, and the State Elections Enforcement Commission; support the allocation of resources necessary for these commissions to fulfill their responsibilities.**
- 3. Require a transparent, competitive, and clearly defined state contract selection process.**
- 4. Promote the establishment of municipal ethics commissions and municipal ethics codes as applied to municipal public officials, municipal public employees, and municipal lobbyists.**

Background and Action

The 2004 session was dominated by concerns over ethics lapses in Hartford, Bridgeport and Waterbury. The Government Administration and Elections (GAE) Committee held early meetings requesting input on several ethics bills, including the composition and funding of the State Ethics Commission, its investigatory and penalty assessment powers, campaign contributions by state contractors, municipal ethics boards and codes, and corrupt officials. Several passed: funding of the Ethics Commission and expansion of its membership passed as did bills strengthening laws concerning gifts by state contractors. The LWVCT recommended and the leadership appointed Helen Pearl as the community representative on the Ethics Commission as of July 1, 2004.

In August 2004, at Governor Rell's invitation, the LWVCT presented proposals for additional campaign finance reform and ethics legislative package, making a strong connection between ethics and campaign finance reform.

During the 2005 session, the LWVCT supported the bills reforming the state contracting process, and several other bills concerning the recovery of funds by the Attorney General, revocation of state pension benefits for those found guilty of ethics transgressions, and confidentiality of municipal ethics complaints. We supported, in principle only, the reorganization of the Ethics Commission and to have it receive all necessary resources. The proposed reorganization of the Ethics Commission was opposed by the Commission members and several articles in the press criticized the LWVCT as being inactive on ethics reform. A strongly-worded explanation of our support for "a strong, effective, independent watchdog agency" and for increasing citizen involvement in the process was published in the Hartford Courant. Ultimately, the legislature acted to replace the current Ethics Commission with a new Office of State Ethics, effective October 1, 2005. The legislature passed an omnibus bill to reform corrupt contracting practices by large majorities and the Governor was on record as strongly supporting this bill, but she unexpectedly

vetoed the legislation after the July special session. At the same time, the Governor issued an executive order mandating many of the reforms included in the vetoed bill. The legislature decided against an attempt to override the veto.

In 2006, two ethics provisions, a “revolving door” provision that prohibits the Governor from accepting employment from any state contractor for a period of one year after he/she leaves office and a prohibition on accepting honorariums by the Governor’s spouse, were included in PA 06-137. State contracting reform and municipal ethics bills died.

During the 2007 session, a bill passed that requires certain public officials and state employees to identify their outside employers in their annual statements of financial interests. The bill also establishes a task force to study the Office of State Ethics’ recommendations regarding a municipal code of ethics. Another bill, which would have established a municipal code of ethics and regulated municipal lobbyists, died on the House calendar.

At the beginning of the regular session, the LWVCT was hopeful that 2008 would be the year of significant ethics reforms at the state level. The LWVCT testified in favor of several different ethics bills. During the regular session, the House and Senate passed competing versions of an ethics bill. The bill died in the House as time ran out on the last day of the session.

During a June 2008 special session, the legislature finally passed an ethics bill that the Governor signed into law. Among other things, the new law (P.A. 08-3) requires legislators to undergo mandatory ethics training and permits state courts to reduce or revoke pensions of state and municipal officials and employees who commit certain crimes related to their employment.

During the 2009 regular session, the LWVCT testified in favor of a bill that would have established a model code of ethics and required each municipality to adopt a code of ethics containing certain minimum standards. The bill was favorably voted out of two committees, but never taken up by the full legislature. A bill that would have required municipal lobbyists to register with the Office of State Ethics and wear badges while lobbying died in committee.

During the 2010 and 2011 regular sessions, the LWVCT testified in favor of bills to expand and clarify the authority of the Office of State Ethics (OSE), to make changes to the Citizen’s Ethics Advisory Board and State Code of Ethics for lobbyists and public officials, and to increase the reporting requirements for lobbyists. These bills were successfully voted out of committee, but died in the House.

In 2011, the LWVCT also testified in favor of a Senate bill to create a legislative code of ethics, together with a procedure for convening a legislative ethics committee to decide complaints by a General Assembly member alleging misconduct by another member. The bill was successfully voted out of two committees, but was never taken up by the full Senate.

In 2012, the League presented testimony on a variety of ethics-related bills, including two bills to revise the State Codes of Ethics. Neither bill passed.

A bill to revise the State Codes of Ethics was introduced again in 2013 at the behest of the OSE. The League submitted testimony in support of the bill, which passed both chambers and was signed into law by the Governor in July (P.A. 13-244). The new law expands the exemption for gifts to the state to include goods or services that support participation by a public official or a state employee at certain events, increases and clarifies the authority of the Citizen's Ethics Advisory Board, reconfigures board members' terms of office, and requires a public official or state employee act with specific intent before he or she may be found to violate the Code of Ethics for counseling, authorizing, or otherwise sanctioning actions that the Code prohibits. It also expands the grounds for contractor disqualification and revises certain financial and OSE reporting requirements.

In 2011, the Office of State Ethics underwent a major transformation when it was downsized and consolidated with the state's other watchdog agencies in the Office of Governmental Accountability (OGA) as part of Governor Malloy's reorganization of state government. Under the reorganization plan, the OGA, with an executive administrator appointed by the Governor as its head, provides consolidated personnel, payroll, affirmative action, administrative and business office functions, including information technology associated with these functions, for nine state agencies. The nine agencies are: the Office of State Ethics (OSE), the State Elections Enforcement Commission (SEEC), the Freedom of Information Commission (FOIC), the Judicial Review Council, the State Contracting Standards Board, the Judicial Selection Commission, the Board of Firearms Permit Examiners, the Office of Child Advocate, and the Office of Victim Advocate. Each agency retains its current independent decision-making authority, including decisions on budgetary issues and employing necessary staff.

The LWVCT strongly opposed the Governor's original plan which would have given the Governor sole discretion to appoint the executive administrator and allowed him to reduce agency budgets by repealing laws put in place during the Rowland era to insulate the OSE, SEEC and FOIC from political pressure from a single individual. Among other things, the LWVCT believed that the plans as originally proposed would have compromised the independence of the watchdog agencies with respect to transgressions by the executive branch, created problems of public perception and lead to internal conflicts among the agencies. The plan was modified during the legislative process to provide for input from the agencies on the appointment and termination of the executive administrator and to preserve agency control over budgets.

In 2013, the Governor proposed consolidating the legal and investigative functions of the watchdog agencies within a newly created Office of Hearings within the OGA and eliminating some of the safeguards put in place when the OGA was created. Under the Governor's proposal, the legal staff of the SEEC, OSE and FOIC would have been transferred to the Office of Hearings which, in turn, would have been responsible for investigating and prosecuting complaints and providing advisory opinions and staff assistance to the SEEC, OSE and FOIC. As part of the reorganization, the power to hire and fire legal staff would have been transferred from the individual agencies to the executive administrator. The Governor's proposal also eliminated the ability of the watchdog agencies to fire the executive administrator and allowed the Governor to make changes to the budgets of these agencies along the lines proposed in 2011.

The Governor's proposal was the impetus for the creation of a new coalition, CT Advocates for Accountable Government. Coalition members, including the League, submitted testimony in opposition to the Governor's plan and worked with the press to highlight their concerns. The proposal died in committee.

Proposed centralization of watchdog agency functions was again on the legislative agenda in 2014, with a proposal to establish a Central Office of Administrative Hearings to hear contested cases involving state agencies including the FOIC, SEEC and OSE. LWVCT submitted testimony noting that the potential for conflicts of interest, political pressure and undue influence in administrative hearings with the proposed changes would be real and significant. The League also noted that adding another office within the OGA could have a negative impact on resources, process flow, efficiency and the enforcement authority of the watchdog agencies. The bill (HB 5481) died in Committee.

In 2015, LWVCT supported legislative proposals initiated by the Office of State Ethics, including minor changes to the State Code of Ethics (adopted, PA 15-15), and other revisions relating to the Citizen's Ethics Advisory Board and Code of Ethics provisions on payment or reimbursement for expenses (HB 6670; reported favorably out of the GAE Committee; died on the House Calendar. A bill to establish a mandatory municipal ethics code raised concerns that the uniform and broad spectrum of activities and conflicts of interest prohibited would have a disparate negative impact on the smaller towns and deter people from holding public office. LWVCT supported a substitute bill that would have established a task force to study municipal ethics (SB 847, reported favorably out of the GAE Committee; died on the Senate Calendar.)

Action was also taken on LWVUS Calls to Action, as requested.

GENERAL ASSEMBLY

[LWVCT Position: Adopted 1982, affirmed in 2013]

The League of Women Voters of Connecticut supports continued improvement in the structure and procedures of the General Assembly in order to maintain its effectiveness as an independent and responsive branch of the state government. It should have the means to make independent judgments in fiscal and budgetary matters and to insure that the intent of its adopted legislation is pursued efficiently by agencies of the executive branch. To these ends, we support the following objectives:

- **annual sessions of limited length; increased use of the interim between sessions for preliminary consideration of legislation and for oversight to evaluate existing legislation and its implementation;**
- **four-year staggered terms for state senators;**
- **compensation for legislators commensurate with the requirements of legislative service and sufficient to insure that any eligible citizen may**

serve without undue regard to his/her financial status. The League would emphasize the need for fiscal responsibility as well.

- **continued improvement in the organization and procedures of the General Assembly to provide an orderly flow of legislation with full and open consideration by committees and on the floor of the General Assembly and a public hearing scheduling plan to promote full participation of committee members by minimizing conflicts. We encourage each legislator to use discretion regarding the number of bills he/she proposes and to seek opportunities to co-sponsor bills;**
- **uniform adherence to public hearing procedures that give priority to the public's convenience, allow for ample public comment on any legislation which will later go before the General Assembly, and assure such comments an adequate audience by committee members.**

Background and Action:

In advance of the 2004 legislative session, the LWVCT contacted all legislators to urge support for a proposal to streamline legislative operations and to request appointment of a League representative to a committee to propose procedural changes. Issues under consideration were: improvements to the procedures at committee hearings, legislation debated at closed meetings or caucuses, scheduling of committee hearings and of votes on legislation passed by committees, and lack of public parking at the Capitol. A subcommittee under the Joint Committee of Legislative Management was formed to look at a variety of procedural and access issues. The LWVCT was not granted a seat on the committee but our specialist attended the various meetings and presented a written proposal for changes to the committee. Kevin Sullivan was the principal proponent of the revisions; when he became Lt. Governor, the impetus for the reforms was gone.

Ultimately, the committee recommended minor changes; a minority (Republican) report pushed for further improvements but that report was not implemented. However, access by the public to the LOB parking garage has been much improved.

Other activity included action on several bills designed to strengthen the Ethics laws concerning gifts, financial disclosures, contracting procedures, funding of the “good government” agencies and whistleblower complaints. Most of these bills passed. With the investigations of Governor Rowland, Ethics became a major issue. After the adoption of a specific position on Ethics at Council 2004, many of the activities previously reported under this position have been addressed in the Ethics section.

From 2005 to the present, we have seen a slight improvement in the scheduling of committee and public hearings, and somewhat better parking availability. The LWVCT supported a trial expansion of public parking by converting an existing government employee lot into a public lot; although the trial period worked well for the public, it reverted back to government use. However, the basement of the LOB parking garage was made available to the public.

Hoping to capitalize on the legislature's concern regarding ethics in 2008, the LWVCT submitted statutory proposals intended to foster transparency in government by requiring (1) a public hearing whenever a bill or amendment creates an exception to an existing statute and (2) printing of "strike all amendments" at least 2 days in advance of passage. A bill containing these proposals was voted out of the GAE Committee, but died in the Judiciary Committee. In 2009, the LWVCT submitted these proposals both as statutory and potential rule changes to the House and Senate leadership but neither approach succeeded.

In 2009, the LWVCT also testified in support of a constitutional amendment to extend the terms of senators from two years to four years. The text of the amendment was substantially revised during the committee process; the amendment was never taken up by the full legislature.

In 2010 and 2011, the LWVCT submitted an election laws priorities statement to the legislature that included reference to the above "transparency" proposals but again no changes were made by the legislature.

Prior to the start of the 2013 legislative session, the League sent a letter to leadership encouraging the General Assembly to adopt rules to bring greater transparency to the legislative process. We also reached out to other organizations asking them to join our "Sunlight on Legislation (SOL) Initiative." Several organizations indicated that they were interested in joining our initiative. The League plans to use the 2013 legislative experience to "build our case" for greater transparency, develop a comprehensive strategy, educate the public and recruit additional members.

LWVCT has continued to advocate for greater transparency in the legislative process in the 2014 and 2015 sessions. Members of the public seeking to offer testimony at public hearings during the 2015 session found some high profile hearings dominated by Committee member questioning, with the public largely consigned to "after-hours" participation. The budget implementer bill for 2015-2017, adopted in special session and described as a 686 page everything but the kitchen sink bill (CTMirror.org), included substantive provisions that were not subject to a public hearing.

INTERNET AND MEDIA

[LWVCT Position: Adopted 2008]

A Neutral Internet: "Net Neutrality"

The LWVCT believes that a free and open Internet is increasingly important to the protection of individual liberties – freedom of speech, freedom of the press, and freedom of association – guaranteed by the U.S. Constitution and by the Connecticut Constitution. The League also believes that net neutrality protections are essential for political discourse, dissemination of news, and democratic participation. Therefore, the League of Women Voters of Connecticut supports the LWVUS position to protect the open, neutral, nondiscriminatory nature of the Internet. To further this position, the LWVCT

supports efforts by the State of Connecticut to protect the open, neutral, nondiscriminatory nature of the Internet.

Universal High Speed Internet Access for Connecticut

The League of Women Voters of Connecticut supports making high speed Internet access available to all Connecticut residents, without charge, through schools, libraries, and other secure public buildings. High speed affordable Internet access is an essential service that should be readily available to all Connecticut residents and businesses. State and local government policies should support broadband, wireless, and other means of high speed Internet deployment throughout the state.

Efficient, high speed access to the Internet for all Connecticut residents- regardless of geographic location or neighborhood demographics-is a necessity for assuring equal access to local and state government, for maintaining openness and transparency in government activities, for communicating with legislative leaders, for engaging in political discourse, for competing in the global marketplace, and for assuring that voters receive the information they need to participate in our democracy.

Community Access and Public Affairs TV:

Public, Educational, and Governmental (PEG) TV & the Connecticut Network (CT-N)

The League of Women Voters of Connecticut believes that community access television channels – for public, educational, and governmental programming – must be adequately protected, promoted, and funded, regardless of the provider of TV/video services to Connecticut residents. Statewide public affairs programming, such as provided by The Connecticut Network (CT-N), must be adequately protected, promoted, and funded by the state legislature and available to all Connecticut residents, regardless of the provider of TV/video services. Government should provide opportunities for citizen participation in decisions regarding community access, or PEG, TV.

Access to the public airwaves through modem TV/video communication is essential to the public interest and to League of Women Voters' mission and purpose- to protect civil liberties, to ensure open, transparent government, and to promote the public's right to know. To protect the public interest, high

quality PEG transmission and PEG availability on basic service tiers are essential.

Background and Action:

At the 2006 LWVUS Convention, LWVCT proposed and caucused for a resolution to recognize a “Net Neutrality” position as based on League Principles. The Convention delegates adopted the Net Neutrality resolution but rejected another (also introduced by LWVCT) in support of community access television. Meanwhile, the Connecticut Dept. of Public Utility Control (DPUC) ruled that Internet Protocol Television (IPTV), such as AT&T’s U-verse service, is technically different from cable television (CATV) and so should be regulated differently. A federal judge ruled in contradiction to DPUC that IPTV is just like CATV. An appeal was filed.

In 2006-07, while LWVCT studied media issues, the General Assembly passed legislation that established the Connecticut Broadband Internet Coordinating Council (CBICC), consisting of academics, public officials and industry representatives, to study and advise the legislature on ways to increase high speed Internet availability in the state. Another bill, PA 07-253, revised statutes to incorporate IPTV regulation in the public utility statutes; in general it relaxed regulation of the industry. This bill also established two special funds, one for capital needs of PEG TV programming and production and another to defray property taxes in municipalities where IPTV is available.

In 2008, the LWVCT concurrence was still in process, but unintended consequences of PA 07-253 had come to light. Delivery of PEG programs by an IPTV service provider was found to be substandard in other states; however, problems were difficult to address in the new regulatory environment. PEG entities collectively tried to push legislation during the 2008 legislative session to correct this, but all proposals failed. The LWVCT monitored legislative initiatives in this area including the bill favored by PEG entities.

In April, 2008, the LWVCT achieved state concurrence on its media study positions on Net Neutrality, universal access to high speed Internet, and community access television. Activity concerning Net Neutrality has taken place in Congress, in federal courts, and in the Federal Communications Commission. Although the LWVUS position is not a national League priority, the LWVCT continues to monitor national events.

During the 2010-2011 biennium, the LWVCT continued to attend CBICC meetings and offer comments. Meetings continued to the end of 2011, months after the Council’s establishing legislation was repealed. Members discussed a state application for a federal grant (BTOP), the Internet needs of public entities (municipalities, state library, CT Education Network) and corporate needs for less regulation.

The LWVCT also participated in the Connecticut Academy of Science and Engineering (CASE) Broadband Study Committee. The Committee was tasked with creating guidelines for the development of a strategic plan for accessibility to broadband services in the state. The Committee’s report was issued for the 2012 legislative session; ironically, it is not available on the CASE website. No legislation followed its recommendations.

In 2013, bills were submitted by the telecommunication industry to relax regulation on landline and Voice over Internet Protocol (VoIP) telephone service. In oral testimony, industry representatives argued that this was needed so that they could devote more resources toward wireless broadband infrastructure. The line workers union and AARP opposed this effort, contributing to its defeat.

In the area of community access television, 2009-10 was dominated by budget deficits and our efforts spent in futilely defending a special fund for capital expenses from “sweeps” into the General Fund. These sweeps were executed again in December 2012 and built into the state budgets for FY2014 and FY2015. The popular capital grant program is on hiatus until the fund is replenished. The state budgets also completely drain the fund for municipal tax relief.

During the 2009-2012 legislative sessions, the LWVCT testified and advocated for good signal quality in PEG programming on any cable/video service and for a regulatory performance review of the industry. Although the latter concept was included in a bill that won bipartisan support and passage in the House in 2011, the bill died in the Senate. The LWVCT also testified in favor of a failed bill which provided incentives for satellite TV providers to carry the Connecticut Television Network (CT-N). In 2012, only performance review was proposed, failing again in the Senate. In 2013, no cable/video-related legislation emerged from committee.

In 2011, the Public Utility Regulatory Authority (which replaced DPUC) initiated a docket to consider performance of Community Access Providers (CAPs), entities officially designated to provide PEG access television programming. The LWVCT submitted written comments to the agency on this docket in October 2011, incidentally noting the need to review the industry’s role in PEG programming and the role of broadband Internet in this area. In the procedure following from that docket, only two CAP reviews — for Cox Communications and for Skye Cable XIII in the Waterbury-Comcast area — were begun in 2012 and continue as of this writing. There are over thirty CAPs in Connecticut.

There were two positive funding developments in 2014. The Bonding Bill implementing the Governor’s budget recommendations included \$3.23 million for “production and studio equipment” for CT-N, as well as \$3.5 million for PEGPETIA. And the budget adjustment bill for FY 15 increased the revenue intercept which funds the operation side of CT-N from \$2.5 million to \$3.5 million.

In 2015, LWVCT supported funding to explore building a public gigabit network in CT, to make faster internet access available and affordable to consumers. A new Office of Broadband Advocacy was established in the 2015-2017 budget implementer (*SB 1502*; PA 15-5), adopted in the June special session. Although the “special, nonlapsing” capital equipment fund for PEG TV stations escaped budgetary “sweeps” in the regular session, the account was completely cleaned out in the special session’s revenue bill (*HB 7061*; PA 15-244).

OPEN GOVERNMENT

CITIZEN’S RIGHT TO KNOW/CITIZEN PARTICIPATION

Protect the citizen's right to know and facilitate citizen participation in government decision making.

Background and Action:

During the 2008 regular session, the League testified in favor of two “good government” bills that would have made it easier for citizens to stay active and informed about their government. These bills would have required state agencies to publish their regulations on their websites and would have created an online citizen’s forum to receive suggestions about ways to improve state services. The bill dealing with publication of state agency regulations passed the Appropriations Committee, but was tabled for the House calendar where it died, presumably because of the deteriorating fiscal condition of the state. The electronic citizen’s forum bill died in the Appropriations Committee.

Also in 2008, as part of the Ethics bill passed during the special session, a provision was included requiring public agencies to post minutes of their meetings on available websites within 7 days. In response to an outcry from many local municipalities that the 7 day requirement was too onerous, bill SB 772 was introduced in 2009 to extend the amount of time that agencies have to comply with the law from 7 days to 14 days; that bill, which the LWVCT supported, died on the Senate calendar.

In 2008 and 2009, LWVCT submitted statutory proposals intended to foster transparency in government; in 2009 we also submitted the proposal as a rules change. In 2010 and 2011, LWVCT identified transparency among its election law priorities. Unfortunately efforts in this area were not successful. For more information, see the General Assembly “Background and Action” section.

In 2010 and 2011, the LWVCT again testified in favor of bills that would have required state agencies to publish their regulations on their websites. These bills died in the Senate. In 2011, the LWVCT also testified in favor of a bill that would have required any appropriation or revenue related bill to be posted on the General Assembly website 72 hours before a vote. The bill died in the GAE Committee.

In 2011, the LWVCT testified against a reorganization plan to consolidate the state’s five watchdog agencies (the Office of State Ethics, State Elections Enforcement Commission, Freedom of Information Commission, Judicial Review Council and State Contracting Standards Board) in the Office of Government Accountability. Although the bill on which the LWVCT testified died in the GAE Committee, a modified plan survived and became law as part of a bill implementing the budget for general government. For more information, see the Ethics “Background and Action” section.

In 2013, the independence of the watchdog agencies again came under attack when the Governor proposed consolidating the legal and investigative functions of these agencies within a newly created Office of Hearings, stripping the agencies of their budgetary authority, and backing away from compromises adopted as part of the creation of the Office of Governmental Accountability. The League and its coalition partners submitted testimony to the Appropriations Committee

opposing these changes. Fortunately, the legislature refused to go along with the Governor's proposals. For more information, see the *Ethics* "Background and Action" section.

In addition to fighting to preserve the independence and integrity of the watchdog agencies in 2013, the League also raised concerns in written testimony about a bill which would have exempted from the Freedom of Information Act's open meeting requirements certain negotiations between leaders of a public agency from different political parties, even if the leaders constituted a quorum of the agency. The bill was successfully voted out of the GAE Committee, but died at the end of the session.

PRIMARIES AND PARTIES

[LWVCT Position: Adopted 1983; affirmed in 2014 with update]

The League of Women Voters of Connecticut urges all political parties to make their process more accessible to the public.

We believe that:

- **only enrolled party members should be eligible to participate in their party's nominating processes but urge the parties to take steps to promote greater participation by members in primary voting and in the process of selecting their candidates;**
- **requirements for the placement of petitioning or minor party candidates on the ballot should not be made more restrictive than at present.**

Background and Action:

In 2004 the General Assembly adopted a new primary system. The LWVCT did not participate in the discussions as we felt our position did not adequately cover the proposals. During the 2008 regular session, a bill was introduced at the LWVCT's urging to allow voters who switch parties to retain the rights of the old party until new party privileges attach. During the 2009 session, a bill was introduced, again at the LWVCT's urging, to reduce the time of attachment of party privileges for electors who change parties from three months to one month. Both bills died.

Also, in 2008, the General Assembly passed a resolution proposing a constitutional amendment allowing 17 year olds who turn 18 before the next election to vote in the primary. The question was placed on the November ballot and passed. The LWVCT supported the amendment.

In 2010, the LWVCT opposed a provision in a bill which would have extended the period of time for attachment of party privileges for voters who change parties. A substitute bill was voted out of the GAE Committee which eliminated this provision. The bill subsequently died.

In 2013, the League opposed two bills that would treat multiple votes for a single, cross-endorsed candidate as an overvote, requiring an elector to fill out a new ballot or give up the right to vote for that candidate. (The state's current tabulator technology treats multiple votes for cross-

endorsed candidates as a single vote.) Both bills died in committee. We also opposed a bill, SB 1146, *AAC Cross-Endorsements*, which would have eliminated the cross-endorsement of candidates altogether. Although SB 1146 died at the end of the session, the omnibus campaign finance reform bill which passed (P.A. 13-180) contained a provision limiting the circumstances under which a candidate may be cross-endorsed by a minor party. Under the new law, a party endorsement for a candidate running for the municipal office of state senator or state representative (i.e., in single-town legislative districts) is valid or may be filed only when the candidate's name appears on the party's last-completed enrollment list within the senatorial or assembly district. In addition, the law prohibits a candidate from being cross-endorsed by a major or minor party unless a candidate for statewide office, belonging to the endorsing minor party, received at least 15,000 votes at the previous state election. For cross-endorsement purposes, statewide office candidates are those for governor, secretary of the state, treasurer, comptroller, and attorney general.

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After the 2009 Convention approved a study of 1) state procedures for certifying candidates for inclusion on the ballot, 2) the state election calendar timelines and 3) the methods for filling US senate vacancies; the legislature changed the method of filling US senate vacancies, and the study group concluded that there was not a sufficient basis for amending an existing position or creating a new position.

At the 2013 Convention, the delegates approved a re-study of Connecticut's primary system. A Primary Study Committee was appointed to look at the position in light of concerns about the greater percentage of unaffiliated voters in Connecticut and the low rate of voter turnout in state

primaries; and to review the primary systems used by other states and their levels of voter participation.

The Primary Study Committee concluded that:

- no primary system appears to be more effective than another in boosting voter turnout;
- only enrolled members should participate in a party's candidate selection process;
- parties should be urged to take steps to promote greater participation by their members in primary voting and in the process of selecting their candidates;
- reducing the time for acquiring party privileges for electors who change parties may increase participation in Connecticut's primary system;
- more information for voters about Connecticut's primary system, particularly for newly-registered unaffiliated voters, may increase voter participation;
- LWVCT should continue to monitor the impact of the current primary voting system and our state's ability to achieve adequate voter participation in the election process.

The 2014 Convention delegates reaffirmed the position with the language changes recommended by the Primary Study Committee based on the above conclusions.

CURRENTLY INACTIVE UNDER FOLLOWING POSITIONS

FISCAL POLICY

[LWVCT Position: Adopted 1981; amended and affirmed 2003; archived in part 2013]

The League of Women Voters of Connecticut supports the following components of the state's fiscal policy:

- 1. The state budget should be an effective policy-making tool of the state government. The budget should be based on uniform accounting and reporting procedures and should identify all money available to the state. Such budget should contain:**
 - **clearly stated goals accompanied by enough detail to enable priority setting among programs; financial data on past performance in meeting goals;**
 - **economic impact data and program costs.**
- 2. Bonds should be used only for long-term capital projects and never for current expenditures.**
- 3. The state should fund at least 50% of the Educational Cost Share grant, increased state funding for special education costs, and fully fund the PILOT (Payment in Lieu of Taxes) for state-owned properties.**

4. Should inadequate revenues be generated by the current state tax system to fund the budget, additional revenues should come from increasing the progressivity of the income tax.

Background and Action:

In 2004, several property tax reform and education funding bills were proposed, including a bill that would have eliminated the ECS funding cap and raised the foundation element of the ECS formula. The bill eliminating the ECS cap passed. The LWVCT provided testimony in favor of a bill providing for the maximization of federal funds and supported changes in the state revenue reporting. The bills did not pass. The 2004 budget produced a very modest surplus, thus no proposals for additional taxes were presented.

In 2005, the legislature was again facing a significant budget deficit and various tax increases were proposed. It appeared that the spending cap would be exceeded in this fiscal year, resulting in a call for a review of the legislation. The LWVCT submitted comments on various bills concerning the spending cap, maximization of federal funds and use of unappropriated surplus. The bills did not pass.

In 2008, 2009, 2010 and 2011, the state again faced significant budget deficits. Various spending cuts, tax increases and transfers from different funds were proposed, with several deficit mitigation and budget bills passing to deal with the shortfalls. In 2011, the state employee unions were asked to make significant concessions as part of the budget negotiation process. Also, in 2011, state government was substantially reorganized. The legislature consolidated 28 agencies and created five new agencies, thus reducing the total number of state agencies from 81 to 58 (a 28% reduction).

The 2012-2013 biennial budget included a mix of spending cuts, revenue increases, union concessions and savings from consolidation. Among other things, the 2013 budget act changes amounts transferred to and from the General Fund, eliminates the requirement that a portion of the sales, luxury, and real estate conveyance tax be allocated to the Municipal Revenue Sharing Account (leaving these funds in the General Fund) and allows the Connecticut Lottery to offer Keno games.

The LWVCT currently has no specialist in the areas of the Spending Cap or budgets. As a result, the LWVCT testifies and advocates against budget cuts to particular programs and specific tax/revenue increases under its various positions (e.g. cuts to the Citizens' Election Fund which provides public financing for campaigns, bus fare increases, cuts to education spending) and the consolidation of the state's five watchdog agencies in the Office of Governmental Accountability), but provides only limited comments on the overall budget process.

The LWVCT 2013 Convention voted to archive Sections 2 and 5 of the Fiscal Policy position.

INITIATIVE AND REFERENDUM

[LWVCT Position: Adopted in 1984; affirmed in 2013]

The League of Women Voters of Connecticut supports the current method of amending the State Constitution, with amendments proposed by the General Assembly and ratified by referendum and then the General Assembly. The League of Women Voters of Connecticut opposes the adoption of the initiative device to propose Constitutional amendments, direct initiative to propose laws, and the initiative and referendum device as a non-binding expression of public opinion.

The League of Women Voters of Connecticut believes that the incorporation of the following controls into any initiative and referendum plan is essential:

- **A provision for legal review of the initiative proposal;**
- **A time limit for the collection of signatures and a ban on payment for solicitation of signatures;**
- **Definitions of the qualifications of sponsors, circulators, and signers of petitions and a determination of a method for legal verification of signatures.**
- **Geographical distribution of signatures and a signature requirement high enough to discourage frivolous use.**
- **Full disclosure of contributions to initiative campaigns and limits on contributions if constitutional means can be found.**
- **Provision for statewide dissemination of printed material on ballot questions, including full text, explanatory information, pros and cons, and an estimate of the cost of the proposed change.**
- **Specification of the size of the vote necessary for passage.**

The League feels strongly that these requirements should be addressed through the statutes, while the constitutional amendment itself should contain only the broad outlines of an initiative and referendum proposal.

The League of Women Voters of Connecticut believes that a measure proposed by initiative and adopted by referendum should not be subject to gubernatorial veto, and that the voters should have the power, through a subsequent referendum, to amend or repeal such measures. We believe that ballot questions should be placed before the voters only at general elections, not at special elections. We feel strongly that improvements need to be made in the content and dissemination of information on ballot questions, and that the cost of printing and distributing such information be borne by the government.

Background and Action:

In the 2005 session, the LWVCT, under its Election Laws position, advocated for improvements in the dissemination of information regarding all election issues. In 2008, the LWVCT opposed the calling of a constitutional convention and actively urged voters to “vote no” on the ballot question. The League opposed the question because in general we were not convinced that there were urgent governance issues to justify the time, expense and energy of a constitutional convention and in particular we opposed the calling of a convention for purpose of adopting direct initiative and referendum via a constitutional amendment. This ballot measure failed.

In 2010 and 2011 resolutions were introduced to amend the State Constitution to allow for direct initiative and referendum. No public hearings were held and the resolutions died. The LWVCT continues to monitor this important policy area.

REDISTRICTING

[LWVUS Position: Apportionment]

Support apportionment of congressional districts and elected legislative bodies at all levels of government based substantially on population and fairness.

LWVCT Redistricting Guidelines:

- **The LWVCT goal is to reapportion the state legislature on the basis of population and fairness.**
- **The League supports contiguity and compactness of districts; districts substantially equal in population; integrity of political subdivisions; and preservation of community interests.**

Background and Action:

Based on the 2000 census, the Reapportionment Committee re-drew Connecticut’s six US Congressional districts into five, and state election districts were also re-districted.

Federal and state laws require that redistricting be reviewed based upon the most recent Federal Census. Following the 2010 census, several bills were introduced during the 2011 session dealing with redistricting issues. A senate resolution proposing a constitutional amendment to provide for a nonpartisan reapportionment redistricting commission was introduced, but received no legislative action. Public hearings were held on two bills dealing with the issue of how inmates are counted for purposes of redistricting, but died in committee. The LWVCT’s redistricting specialist monitored these bills and participated in conference calls on redistricting organized by LWVUS.

In 2010, a bipartisan Reapportionment Committee was charged with preparing the redistricting plan. The Committee was made up of eight legislators (two from each party's caucus in the Senate and House of Representatives). The committee members were: Senate President Pro Tempore Donald Williams (Co-chair), House Minority Leader Lawrence Cafero (Co-chair), Senator Majority Leader Martin Looney, Senate Minority Leader John McKinney, Senator Leonard

Fasano, Speaker of the House Christopher Donovan, Representative Sandy Nafis, and Representative Arthur O'Neill.

The Committee held public hearings across the state, one in each Congressional district. The League testified at the July 2011 hearing urging the Committee to create legislative districts that have equal population, respect minority representation, are contiguous and compact, and follow political and geographic boundaries. The final plan was to be presented and approved by the General Assembly by September 15, 2011.

The Committee failed to submit a plan to the General Assembly by September 15 deadline. As a result, a nine-member Reapportionment Commission was formed as required by state law. The 2011 Commission members were the same as the above Committee members with one addition. On November 3, 2011 the commission selected Kevin Johnston as its ninth member. The Commission's deadline for completing its work was November 30, 2011. The Commission met that deadline for drawing the lines of the state House and Senate districts, however, failed to reach an agreement on the Congressional maps. Connecticut's Constitution gives the state Supreme Court the option of forcing the Commission to do its job if it fails to meet its November 30 deadline or to draw the district boundaries itself. The Commission asked for an extension of time from the Supreme Court. On December 2, the Supreme Court granted the Commission the extension to complete its work.

Under the redrawn map, the number of state House and Senate seats will remain the same with 151 House seats and 36 Senate seats. Connecticut did not gain or lose any Congressional districts. The number will remain at 5.