



Latino Policy & Politics Initiative
**Voting Rights
Project**

April 20, 2020

Governor Ned Lamont
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Re: COVID-19 Election Response

Dear Governor Lamont,

The UCLA Voting Rights Project requests that you utilize your emergency executive power to order the removal of the absentee ballot excuse requirement for voters through November 2020 in response to the COVID-19 pandemic. Doing so would allow all eligible voters in Connecticut to request a mail ballot for the August 11th and November 2020 General Election due to the COVID-19 pandemic. Additionally, we believe that your office must issue an order clarifying that Connecticut's existing absentee excuse language permits voters complying with the State's "Stay Safe, Stay Home" order, for fear of contracting or spreading the virus, to be eligible for receipt of an absentee ballot under either the illness or physical disability excuse.

Under Sec. 28-9(b)(1) of Connecticut law, the Governor may modify or suspend "any statute, regulation or requirement" that "is in conflict with . . . the protection of public health." You have already used this provision to move the Presidential Primary from April 28th to August 11th. As justification for modifying Connecticut's General Statutes, you stated that this order was for the purpose of "protect[ing] the health and safety of voters, poll workers, and the most vulnerable members" of Connecticut's population.¹

You have already recognized the importance of protecting public health while ensuring that all eligible voters are able to safely cast a ballot. In order to continue to protect voter health in Connecticut, your office must issue the removal of the absentee ballot excuse requirement. Connecticut has the strictest rules in the United States regarding the use of absentee ballots.² The spread of COVID-19 will further accelerate if Connecticut does not allow all eligible voters to vote by mail during these elections. Our own expert report, co-authored with a medical professor from the David Geffen School of Medicine at UCLA, found that because the novel coronavirus "is highly infectious and transmittable through human to human contact and indirect contact with contaminated surfaces, activities that limit such interactions is paramount to protecting health and human safety."³ Voting machines, identification cards, and other shared

¹ Executive Order, No. 7BB, April 12, 2020.

² Mark Pazniokas, *During Pandemic, Lamont Wants Vote-by-Mail Option*, CT. MIRROR (April 7, 2020), <https://ctmirror.org/2020/04/07/during-pandemic-lamont-wants-vote-by-mail-option>.

³ Cassandra DeWitt, Annabelle de St. Maurice and Michael Rios, *Voting and Infection Prevention of COVID-19*, UCLA (April 1, 2020), <https://latino.ucla.edu/wp-content/uploads/2020/04/UCLA-VBM-Health-Safety-Report-2.pdf>.

materials at polling locations are made out of plastic and metal compounds that are especially hazardous vectors for the virus.⁴ For that very reason, Connecticut Secretary of State Denise Merrill has recommended that your office use the governor's emergency powers to remove the restrictive absentee ballot language in Connecticut's absentee ballot statute.⁵ It is completely under your authority to modify the existing absentee ballot law to allow all eligible voters to be able to request a mail ballot.

In addition, or as an alternative to employing your power to suspend laws, you should issue a clarification of Connecticut's absentee voting law, as there is no provided definition of what qualifies as "his or her illness" or "physical disability" for purposes of receiving an absentee ballot under Chapter 145.⁶ Nor does Chapter 141 of the Connecticut election code provide a general definition of illness. Your clarification should provide that the definition includes people who are social distancing to avoid contracting or spreading COVID-19. This clarification is critical because violation of the law carries both civil and criminal penalties that will otherwise discourage mail voting.⁷ As COVID-19 becomes America's leading cause of death, fear of contracting or spreading the virus must qualify voters to cast mail ballots.⁸

Connecticut has an obligation to provide guidance to voters who will otherwise remain uncertain as to whether they must violate the law to stay healthy. There are important federal rights guarantees at stake. Please use your authority to protect the right to vote in your state. At the same time, you will be providing critical leadership to other states facing similar legal questions.

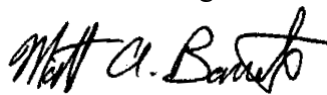
We are available to meet and discuss your COVID-19 election response plan. We have published several papers on vote-by-mail which include best practices. These are available at latino.ucla.edu/votingrights.

Thank you for your consideration.

Sincerely,



Chad W. Dunn
Director of Litigation



Dr. Matt Barreto
Faculty Director

⁴ *Id.*

⁵ Denise Merrill, *It's Time to Allow Voting By Mail*, HARTFORD COURANT (Mar 26, 2020), <https://www.courant.com/opinion/op-ed/hc-op-merrill-vote-by-mail-0329-20200329-2t5ah2quvba3joszxph2lrndei-story.html>.

⁶ See CT ST T.9, Ch. 145.

⁷ CT Gen Stat § 9-359 (2012).

⁸ Dan Keating and Chiqui Esteban, *Covid-19 is Rapidly Becoming American's Leading Cause of Death*, WASH. POST (April 16, 2020), <https://www.washingtonpost.com/outlook/2020/04/16/coronavirus-leading-cause-death/?arc404=true>.