

**Testimony of
J. Christian Adams**

Before the Connecticut General Assembly

For

**Government Administration and Elections Public Hearing
RE H.B. No. 6205**

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Co-Chairs Flexer and Fox, members of the Committee, thank you for the invitation to testify today.

I am the President and General Counsel of the Public Interest Legal Foundation, a non-partisan charity devoted to promoting election integrity and best practices for election officials. I served as an attorney in the Voting Section of the U.S. Department of Justice and brought cases related to the Voting Rights Act, National Voter Registration Act and Help America Vote Act. I also currently am a commissioner on the U.S. Commission on Civil Rights though I do not speak for the Commission on these issues.

The Public Interest Legal Foundation in recent years opted to develop a robust data analysis program with particular emphasis on voter registration list maintenance audit functions. In essence, the Foundation can see how well of a job states are doing to identify and timely remove registrants who are deceased, relocated, exist in duplicate (or worse), and may be claiming improper addresses as residences.

Our data findings are deployed in a variety of means, ranging from direct leads to voter registrars for potential follow-up maintenance, litigation claiming failures to follow federal and state list maintenance mandates, or – like in the case of Connecticut – demonstrate to courts through an *amicus* brief the potential problems of abandoning various absentee ballot regulations amid a pandemic, given the contemporary conditions of voter rolls.

In the aftermath of the 2020 Election, legislators must come to understand that the overall quality of an election experience relying heavily on mail balloting rests on the reliability of the voter registration lists. Vote by mail plus inaccurate registration lists equal problems.

In previous elections, bad or outdated data could be partially fixed at polling places. But when you push the public toward mail, ballots are blasted out to the address of record and there is no opportunity to cure most errors.

Connecticut should appreciate how well its previous demand-based absentee balloting system has served voters before the 2020 Election.

In July 2020, the Foundation had the opportunity to brief the court in a matter attempting to enjoin state executives from altering absentee ballot laws by

administrative decree.¹ We warned of flaws within the statewide voter registration list, namely:

--12,000 registrants matching against a verifiable federal death record; and

--470 examples of apparent duplication across state lines with voting credits in 2018.

In the past week, the Foundation completed an audit of Connecticut's roll as it stood in early 2021. This time, we looked for examples where the same person was registered more than once at the same address due to errors or variations of name spelling/hyphenation.

We found 2,625 highly likely duplicate sets in the current file. Even more concerning are the duplicate vote credits assigned throughout this dataset, numbering at 77 instances for the 2020 General Election. In 2018, that vote credit number was 8.²

What does this mean in practice? "J. Christian Adams" can register to vote in 2016. "John Christian Adams" may submit a second application at a different NVRA registration site – such as a health clinic - in 2020 when he is asked to register to vote as part of the receipt of various state services. Connecticut's registration system doesn't just fill in the first name four years later--it creates a second, fully eligible record.

If both versions of Mr. Adams are uniquely offered mail ballots, you begin to see how what seemed to be a clerical problem can mushroom into something far worse.

Connecticut isn't alone. This problem is emerging nationally as registrars have to contend with an increasing number of slightly different voter registration data inputs from individuals, third-party drives, and unrelated government entities.

Connecticut has benefitted from absentee voting for years thanks to the statutes designed by this body. Proper ballot destinations and chains of custody are well established and trackable.

¹ *Fay v. Merrill* PILF Brief of Amicus Curiae in Support of Plaintiff (July 2020), <https://publicinterestlegal.org/files/PILF-Amicus-Brief-Filed-7.17.20.pdf>

² PILF; *Critical Condition* (September 2020), https://publicinterestlegal.org/files/Report-Critical_Condition-Web-FINAL-FINAL.pdf

Historic data also show how the state’s previous demand-based absentee ballot system minimizes errors seen in other states.³ During the 2012, 2014, 2016, and 2018 Elections overall, 95 percent of absentee ballots were successfully returned by voters. Even better: 0.02 percent of those were rejected upon return. There is plenty of scholarship outlining how first-time, typically minority, voters face the greatest risks of mail ballot rejection.⁴ Mail ballots can disenfranchise voters because of errors and lost mail. The same cannot be said for in person voting.

Connecticut policy does not need a substantial overhaul. Flaws in the voter rolls have traditionally been mitigated at the polling place. Existing absentee voting systems balance access, administrative costs, and procedural transparency.

Thank you for the opportunity to appear.

Date: March 17, 2021
Respectfully submitted,
J. Christian Adams

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J. Christian Adams is the President and General Counsel of the Public Interest Legal Foundation. He is also a commissioner for the U.S. Commission on Civil Rights. PILF is dedicated to fostering election integrity and preserving the constitutional power of states in administering elections. He served from 2005 to 2010 in the Voting Section at the United States Department of Justice where he brought a wide range of election cases to protect racial minorities in South Carolina, Florida, and Texas. He litigates election law cases throughout the United States. He received the Department of Justice award for outstanding service and numerous other Justice Department performance awards. Prior to his time at the Justice Department, he served as General Counsel to the South Carolina Secretary of State. He has a law degree from the University of South Carolina School of Law. He is a member of the South Carolina and Virginia Bars.

³ U.S. Election Assistance Commission EAVS Survey Data 2012 - 2018

⁴ *The Washington Post*; More voting by mail would make the 2020 election safer for our health. But it comes with risks of its own. (April 6, 2020)