



State of Connecticut

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August 18, 2020

Governor Ned Lamont
Office of the Governor
210 Capitol Avenue
Hartford, CT 06106

Governor Lamont:

Connecticut needs you to stand up to protect people's right to vote. That is why I am asking you to issue an executive order banning Secretary Merrill from sending a mass mailing with absentee ballot applications for the general election in November.

Secretary Merrill has failed to successfully execute a new system to manage expanded absentee balloting in the August primary election through a third-party mail house. The system she took it upon herself to create was not in compliance with state statute and the third-party mail house hired missed multiple deadlines, delaying sending ballots and causing a long list of issues that put people's right to have their vote counted at risk. Instead of recognizing the issues early on, the Secretary of the State dismissed and ignored warnings. Based on Secretary Merrill's own statements that only 98% of voters who requested absentee ballots for the primary received them, and an estimated 300,000 requested ballots, an approximate 6,000 voters lost their right to vote absentee. Talk about disenfranchising voters.

Thousands of Connecticut residents were either unable to vote or their public health was put at risk as they headed to the polls after deliberately requesting an absentee ballot that was never delivered. We also know that approximately 100,000 ballots sent out (about one third of all sent out) were never completed and submitted to town halls although they were issued, meaning that many people who received their ballot likely received it too late to submit because they were already out of town, or they ended up voting in person putting themselves at risk when they previously made a decision to request an absentee ballot to protect their health.

Now, as the Secretary of the State acknowledges she has no plan to fix this broken system, she's pushing it off onto someone else to figure out. The Secretary of the State has told town clerks she will continue her plans to mail unsolicited absentee ballot applications to all voters for the general election but shift the burden of ballot fulfillment onto town clerks. It's a burden that town

clerks can't handle, and which the Connecticut Town Clerks Association has raised concerns about explaining that the sheer volume of applications will be an enormous undertaking for their small offices with little time to prepare. According to the Town Clerks Association President:

"This undertaking will be very similar to the Department of Labor in their effort to process thousands of unemployment claims this past spring for the residents of our state. This unilateral decision now confers onto TCs the task of processing thousands of absentee ballots applications with very little to time to prepare the resources needed to accomplish this colossal undertaking. Staff will need to be hired and trained on how to enter the data from each absentee ballot application and to select the correct district ballot while preparing the absentee ballot set for the voters. We will need to find office space large enough to allow for social distancing measures and is equipped with the infrastructure to handle several computers."

In order to correct the errors created by our Secretary of the State, our town clerks went above and beyond over the last few weeks to save the right to vote for tens of thousands of people when the Secretary of the State and her mail house failed in their job. Town clerks worked incredibly hard to help many people when they were put in impossible situations. The Secretary of the State's latest proposal clearly recognizes the failure of her primary system, and now her plan serves to only move the inevitable problem into the hands of the town clerks. As a result this new proposal only sets up our town clerks for failure, puts voter's rights at risk yet again, and is a blatant attempt by the Secretary of the State to shift the responsibility and blame away from herself should failures happen again through a flawed system that she created of her own volition. No one, not in the legislature or in your office, ever instructed her to mail absentee ballot applications to all voters. Rather, Republicans pushed strongly to allow the current system – that allows people to download an absentee ballot application online or request an absentee in person or over the phone – to remain the system in place as we expanded reasons for absentee ballot use to include the COVID-19 pandemic. The Secretary of the State's latest proposal does not correct the errors or set us up for a successful election, it shifts a problem elsewhere, putting the voting system at risk yet again.

You and I both support expanding people's ability to vote by absentee ballot during the general election amid the COVID-19 pandemic. Eliminating the Secretary of the State's mass mailing plans does not in any way eliminate the ability of anyone to vote by absentee ballot. What it does is put town halls back in charge of handling absentee ballot requests and distribution using the current state system, expanded to allow for anyone to access an absentee ballot because of the pandemic. Without Secretary Merrill's mass mailing, people can still request a ballot from their town hall or download one online. And thanks to the bipartisan legislation passed in July, anyone can now request an absentee ballot due to the pandemic, an expansion of reasons allowed to vote absentee. Our state should not be spending funds on a mass mailing, but rather these funds could be better used on education so people know how to access absentee ballots and so town halls have all the tools, training and resources to process every single request and ballot and count all votes.

The errors in the primary election, detailed below, demand that you take a stand and protect the state's current absentee ballot system by banning Secretary Merrill's hiring of a third-party mail house to run any part of the absentee ballot process for the general election in November. The

concerns raised by town clerks also demand that you ban the Secretary of the State from sending a mass mailing of absentee ballot applications creating an unmanageable situation for town clerks in which voters will be at risk for not receiving an absentee ballot they request.

The following provides a history of the issues that led to significant failures in the primary absentee ballot process resulting in thousands of people losing their right to vote or being put in harm's way.

- The Secretary of the State led people to believe she could handle creating a whole new system to process absentee ballots, but she was not candid with lawmakers and the public when that process started falling apart. People relied upon her promise to make this work, with many people waiting weeks for their ballots to come in the mail trusting that they would arrive on time, but they eventually did not. She took it upon herself to create this system, she was not instructed or asked to do it by the legislature or governor, and she ignored concerns and questions raised. On May 4, 2020, Secretary Merrill announced that she made the decision to spend federal dollars to hire a third-party mail house to send absentee ballot applications to every eligible voter for the August primary. Republicans raised concerns about this process which I voiced to your administration. Your response was to issue Executive Order 7QQ on May 20, 2020 to allow her plan to move forward.
- When lawmakers gathered for a special session in July to approve expanding absentee ballot access for the general election with strong bipartisan support, Republicans raised concerns about the third-party mail house system. We supported and voted to expand absentee ballot access during the pandemic. But we raised multiple issues regarding the mailing of absentee ballot applications to all voters through a third-party mail house and tried to amend the bill to remedy these concerns. Never did the Secretary of the State come forward at any time when we were approaching or in special session to share pertinent information with lawmakers about delays caused by the third-party mail house we are now aware were going on at the time. In fact, the only time lawmakers heard from the Secretary of the State was when she voiced her opposition to a bipartisan amendment advocated for by Representative Vincent Candelora in the House of Representatives which required mail houses to send voters their absentee ballot within 72 hours of receipt of their application. Perhaps her opposition should have been a warning sign that the mail house she hired was incapable of meeting this deadline. Her silence about any of the issues the primary absentee system was experiencing led some lawmakers and the public to believe everything was running smoothly when it was not. While Republicans tried to amend the absentee ballot bill to ban the third-party mailings, Democrats rejected these efforts, putting their faith and trust in the Secretary of the State and her hired third-party mail house. It's clear today that their trust was misplaced.
- Following that vote, and the rejection of the Republican amendment, we heard from town clerks detailing a long list of issues caused by the third-party mail house and lack of communication from the Secretary of the State's office. I asked the Secretary of the State questions about all these issues, including basic questions such as the dates of when ballots were mailed and to which towns they were sent. To date I still have not received any response to the questions I asked weeks ago on these issues. These issues include:

- **The mail house missing multiple statutorily required deadlines to send out ballots in July.** A significant delay in mailing of absentee ballots. State law required the mail house to send ballots out by July 21, 2020. Only after they failed to meet this deadline was notice sent to town clerks that the mailings were sent July 27, 2020. And only after people continued raising questions did the Secretary of the State indicate that only some ballots were mailed July 27, 2020, and the remainder would be sent “in the coming days.”
- **At least 20,000 ballots not being sent out by the mail house.** The mail house ending the processing of applications earlier than the August 3 date they were scheduled to shift the remaining requests to town halls. This led to 20,000 ballots not being sent out and an unmanageable number falling to the town clerks to scramble to send out. This includes massive numbers in Hartford and Bridgeport.
- **Reports that people received envelopes in the mail from the mail house with no ballot inside, leaving residents and town clerks scrambling to replace missing ballots last minute.**
- **People who are already out of town not receiving their absentee ballot in time to cast a vote because of these delays.**
- **The envelope labeling system from the third party mail house is not in compliance with state statute and significant issues reported by town clerks including:**
 - Confusing and conflicting instructions regarding the opening of outer absentee ballot envelopes issued by the mail house.
 - There is missing information from the inner envelopes including completely dropping the serial number from the inner envelope. Town clerks have said inner envelopes only contain the voter ID and barcode is present. There is information missing which is needed for processing the return.
 - An issue was discovered with scanning the returned absentee ballots back into CVRS. The barcode on the mail house envelope is set-up to read the serial number assigned to the envelope. However, CVRS is programmed to scan the voter ID number. When the barcode is scanned on the mail house envelope an error message will appear on the screen.
 - The only address on the inner envelope is the mailing address, therefore if you mailed the AB to an address within your city or town, it is safe to presume that is the voter's voting (residential) address; however, if the ballot was mailed to summer home, college student, etc., you are unable to ascertain from the envelope the voter's residential address.
 - The only instructions the voter will receive are printed on the inner envelope. And, the instructions refer to an outer "serial number" envelope that does not exist. (No separate sheet of instructions.)
 - There is no box for the designee to sign when delivering the ballot in person to the Town Clerk's office.

- **The mailing of ballots from the mail house included military voters whose ballots have already been previously sent to her or her earlier either by email or mail according to town clerks.**
- It has come to my attention that at a meeting that took place between the Secretary of the State and town clerks on Monday, August 17, 2020, Secretary Merrill informed town clerks that she is now planning to continue her mass mailing of absentee ballot applications to every voter but will require town clerks to fulfill all requests. Town clerks have raised the following concerns about this proposal:
 - The CTCA expressed concerns for the sheer volume of applications they stand to process leading up to the election. They described the undertaking as being very similar to the Department of Labor in their effort to process thousands of unemployment claims this past spring for the residents of our state.
 - Very little to time for town clerks to prepare the resources needed to accomplish this colossal undertaking.
 - Staff will need to be hired and trained on how to enter the data from each absentee ballot application and to select the correct district ballot while preparing the absentee ballot set for the voters.
 - Towns will need to find office space large enough to allow for social distancing measures and is equipped with the infrastructure to handle several computers.
 - Efficiencies are needed to make the CVRS workable as the most recent software update was specifically generated to facilitate the mail house data merges. For the November election, town clerks are insisting that labels are generated automatically. Based on the sheer volume of applications town clerks have said they cannot utilize a system with built-in inefficiencies that not only requires the user to enter the voter's unique information but also requires clicking on several options and then proceed to a new screen to select the ballot again and click on generate labels.
 - The Secretary of the State stated that each town could have up to 20 users assigned to CVRS. The CTCA expressed concerns about the ability of CVRS to handle increased number of users. On the evening that town clerks had to re-issue 20,000 absentee ballots the system was running very slow, the label printers were not functioning and the system was crashing for many users. These issues occurred with 2 to 5 users per town on the system simultaneously.
 - Town Clerks do not have a sufficient supply of absentee ballot envelopes for issuing absentee ballots to voters in November.
 - Town clerks have also questioned what funds cities and towns will receive to process the absentee ballot applications.

The above issues have already and will continue to put voters at risk for disenfranchisement. The extent of the problems related to the primary election is alarming considering that this was only a primary election, with a much smaller number of people eligible and planning to vote than in a general election. In the general election there will be more people eligible to vote, as 43% of registered voters in Connecticut are unaffiliated or registered with a minor party. In addition, a far greater number of people voting will be expected as voter turnout is always greater in a

presidential election year. The primary also took place at a time when mail houses were not inundated with elections in other states and national and local elections occurring with a large number of mail pieces being sent out. We can only imagine how much worse these delays may have been if this situation occurred during a general election when mail houses are spread thin and the potential for error multiplies enormously. And given the town clerks' concerns, we should be equally concerned with the ability of towns to handle an unmanageable task while multiple issues remain unresolved.

Connecticut should absolutely invest in getting the message out to people that they can vote by absentee ballot during the COVID-19 pandemic. We should inform people of the ways they can obtain a ballot by requesting one from their town halls and online. We should invest in the system run by our town clerks. But investing more in a third-party mail house system that failed in its primary test run would be foolish and irresponsible and put voting rights in jeopardy; and sending absentee ballot applications unsolicited to every single voter will only inundate town clerks with an unmanageable number of ballots. This will lead to the potential for many more people not receiving an absentee ballot when they truly need one either because they will be away, they are ill, or – as established by the legislature in a bipartisan vote – because they fear the risks of exposure to COVID-19.

I am asking that you as governor and leader of our state take a stand to protect voting rights and the expanded right to absentee ballots for all people during this pandemic which Republicans and Democrats voted to establish. Allowing the Secretary of the State to continue with an unsolicited mailing will put people's right to vote at risk. No one should have to risk their health to vote. And no one's vote should be at risk because they chose to vote absentee.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Len Fasano', with a stylized flourish at the end.

Len Fasano
Senate Republican Leader