



House of Representatives

General Assembly

File No. 483

January Session, 2001

Substitute House Bill No. 5125

House of Representatives, April 26, 2001

The Committee on Government Administration and Elections reported through REP. KNOPP of the 137th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING VOTING TECHNOLOGY, THE STATE-WIDE
CENTRALIZED VOTER REGISTRATION SYSTEM AND THE
PREVENTION OF FRAUD IN THE USE OF PRESIDENTIAL BALLOTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The same type of voting machine shall be used
2 in all voting districts at all elections, primaries and referenda held
3 pursuant to title 9 of the general statutes and conducted by voting
4 machine, except (1) during any period in which a new type of voting
5 machine is being phased in, or (2) as provided in subsection (d) of this
6 section.

7 (b) The Secretary of the State shall not approve any new voting
8 machine for use at elections, primaries and referenda held pursuant to
9 title 9 of the general statutes unless such machine is a type of voting
10 machine approved by an act of the General Assembly, except as
11 provided in subsection (d) of this section. Before enacting legislation to
12 replace mechanical lever voting machines with a new type of voting

13 machine, the General Assembly shall take into account the report of
14 the commission on new voting technology established under section 17
15 of this act.

16 (c) Upon enactment of legislation approving a new type of voting
17 machine under subsection (b) of this section, the Secretary of the State
18 shall adopt regulations, in accordance with the provisions of chapter
19 54 of the general statutes, establishing (1) specifications and standards
20 for the machine and provisions for the use of the machine, including,
21 but not limited to, the adjustment of the machine in preparation for
22 voting, the process of voting and the canvass of votes cast and
23 certifications, (2) the application procedure for approval by the
24 Secretary of a new voting machine, including the application and
25 examination fee, which shall be not more than two thousand dollars,
26 and (3) the procedure for the review of such applications, including
27 examination of the machines, and approval of the applications, by the
28 Secretary. No voting machine shall be used at an election, primary or
29 referendum held pursuant to title 9 of the general statutes unless
30 approved by the Secretary. If a new type of voting machine is being
31 phased in, the Secretary shall determine the phase-in schedule for
32 municipalities.

33 (d) The Secretary may approve a new type of machine using optical
34 scanning technology for absentee ballots at any election, primary or
35 referendum. Said approval shall be in accordance with the provisions
36 of section 9-150d of the general statutes, as amended by this act, and
37 regulations which the Secretary shall adopt, in accordance with the
38 provisions of chapter 54 of the general statutes, which shall include
39 specifications, standards and procedures as required under subsection
40 (c) of this section.

41 (e) No voting machine that records votes by means of holes
42 punched in designated voting response locations may be used at any
43 election, primary or referendum held pursuant to title 9 of the general

44 statutes.

45 (f) Any voting machine company that has had its voting machine
46 approved and subsequently alters such machine in any way shall
47 provide the Secretary with notice of such alterations, including a
48 description of the alterations and a statement of the purpose of the
49 alterations. If any such alterations appear to the Secretary to materially
50 affect the accuracy, appearance or efficiency of the machine, or modify
51 the machine so that it can no longer be used at elections, primaries and
52 referenda held pursuant to title 9 of the general statutes, the company
53 shall, at the discretion of the Secretary, submit such alterations to the
54 Secretary for inspection and approval, at its own expense, before such
55 altered machines may be used.

56 Sec. 2. (NEW) (a) There is established an account to be known as the
57 "voting technologies account", which shall be a separate nonlapsing
58 account within the General Fund. The account may contain any
59 moneys required by law to be deposited in the account. Investment
60 earnings credited to the assets of said account shall become part of the
61 assets of said account. The moneys in said account shall be allocated
62 for the purposes of section 3 of this act.

63 (b) Notwithstanding the provisions of section 4-30a of the general
64 statutes, the State Treasurer shall transfer twenty million dollars of the
65 unappropriated surplus in the General Fund for the fiscal year ending
66 June 30, 2001, to the voting technologies account.

67 Sec. 3. (NEW) (a) The Secretary of the State shall establish a program
68 of grants to municipalities (1) for reconditioning or maintaining
69 existing mechanical lever voting machines for use until said machines
70 are replaced by a new type of voting machine, and (2) to defray the
71 costs of acquiring and installing any new type of voting machine
72 approved under section 1 of this act to replace existing mechanical
73 lever voting machines, including new voting machines for educational
74 purposes. No grant under subdivision (1) of this subsection shall

75 exceed, for each machine, five hundred dollars or the actual cost of
76 reconditioning or maintaining the machine, whichever is less.

77 (b) The Secretary may purchase a limited number of new or
78 reconditioned mechanical lever voting machines to extend the useful
79 life of voting machines currently used by municipalities until said
80 machines are replaced by a new type of voting machine.

81 Sec. 4. Section 9-242 of the general statutes is repealed and the
82 following is substituted in lieu thereof:

83 (a) A type of voting machine approved by an act of the General
84 Assembly or a voting machine approved by the Secretary of the State,
85 pursuant to section 1 of this act, shall be so constructed as to provide
86 facilities for voting for the candidates of at least nine different parties
87 or organizations. [It] The machine shall (1) permit voting in absolute
88 secrecy, [. It shall be provided] (2) be equipped with a lock by means of
89 which any illegal movement of the voting or registering mechanism is
90 absolutely prevented, [. Such machine shall] and (3) be so constructed
91 that an elector cannot vote for a candidate or on a proposition for
92 whom or on which [he] the elector is not lawfully entitled to vote.

93 (b) [It] The machine shall be so constructed as to prevent an elector
94 from voting for more than one person for the same office, except when
95 [he] the elector is lawfully entitled to vote for more than one person for
96 that office, and it shall afford [him] the elector an opportunity to vote
97 for only as many persons for that office as [he] the elector is by law
98 entitled to vote for, at the same time preventing [his] the elector from
99 voting for the same person twice. [It] The machine shall be so
100 constructed that all votes cast will be registered or recorded by the
101 machine.

102 (c) Notwithstanding the provisions of subsection (b) [, the Secretary
103 of the State may approve a voting machine which requires] of this
104 section, a type of voting machine approved by an act of the General

105 Assembly or a voting machine approved by the Secretary may require
106 the elector in the polls to place [his] the elector's ballot into the
107 recording device and which meets the voluntary performance and test
108 standards for voting systems adopted by the Federal Election
109 Commission on January 25, 1990, as amended from time to time, [and
110 regulations which the Secretary of the State may adopt in accordance
111 with the provisions of chapter 54,] provided the voting machine shall
112 (1) warn the elector of overvotes, (2) not record overvotes, and (3) not
113 record more than one vote of an elector for the same person for an
114 office.

115 Sec. 5. Section 9-150d of the general statutes is repealed and the
116 following is substituted in lieu thereof:

117 A voting machine approved by the Secretary of the State under
118 section 9-242 and subsection (d) of section 1 of this act may be used to
119 count absentee ballots in any municipality at an election, primary or
120 referendum, provided the registrars of voters of the municipality
121 approve the use of such machine and the Secretary of the State
122 prescribes specifications for (1) the security, testing, set-up, operation
123 and canvassing of the machine, (2) such absentee ballots, and (3) the
124 training of election officials in the use of the machine.

125 Sec. 6. (NEW) Notwithstanding the provisions of section 9-250 of the
126 general statutes and any other section of the general statutes, a type of
127 voting machine approved by an act of the General Assembly or a voting
128 machine approved by the Secretary of the State may be a machine on
129 which the names of political parties and party designations cannot be
130 arranged in columns or horizontal rows immediately adjacent to the
131 column or row occupied by the candidate or candidates of such political
132 party or organization. If such a voting machine is so approved, the
133 names of the candidates on such machine shall be presented to the
134 elector by office or position and each candidate's name shall be presented
135 once for the office, followed by the candidate's party designation or party

136 designations and the names shall be listed in the order of the parties
137 specified in section 9-249a of the general statutes.

138 Sec. 7. (NEW) If a voting machine approved pursuant to section 6 of
139 this act is used at a primary, the provisions of section 9-437 of the general
140 statutes shall apply to the voting machine, except that:

141 (1) The names of party-endorsed candidates for an office or the
142 position of town committee member shall be listed first under the
143 appropriate title in alphabetical order, each followed by an asterisk and
144 the words "Slate A".

145 (2) Below the name of a party-endorsed candidate, if any, for a state
146 office shall be placed the name of a candidate whose name has appeared
147 on a single certificate filed under subsection (a) of section 9-400 of the
148 general statutes, proposing two or more candidates and proposing one
149 candidate for each state office to be contested at such primary. The name
150 of such candidate shall be followed by the words "Slate B". If more than
151 one such full slate of two or more state offices is filed, the Secretary of the
152 State shall determine by lot, in a ceremony which shall be open to the
153 public, the order and precedence as to alphabetical designation on the
154 ballot of the slate on each such certificate. Below such full slates, if any,
155 all other candidates for state office shall be placed in alphabetical order
156 under the appropriate office title.

157 (3) Below the name of a party-endorsed candidate, if any, for a district
158 office shall be placed the names of all other candidates for such office in
159 alphabetical order.

160 (4) Below the names of party-endorsed candidates, if any, for a
161 municipal office shall be placed in alphabetical order the names of
162 candidates for such office whose names appeared on a single petition
163 proposing two or more candidates and proposing the full number of
164 candidates for each office to be contested at such primary as the party
165 may nominate at the primary. The name of each such candidate shall be

166 followed by the words "Slate B". If more than one petition proposing
167 such full slate is filed, the names on each such petition shall be placed in
168 alphabetical order and precedence as to order and alphabetical
169 designation of each such full slate shall be given to the candidates whose
170 names appear on the first such petition filed and so on in chronological
171 order. The provisions of section 9-437 of the general statutes shall apply
172 when such order of filing is simultaneous or is unable to be determined.
173 Below such full slates, if any, all other candidates for municipal office
174 shall be placed in alphabetical order under the appropriate office title.

175 (5) Below the names of party-endorsed candidates, if any, for town
176 committee shall be placed in alphabetical order the names of candidates
177 whose names have appeared on a single petition. The name of each such
178 candidate shall be followed by the words "Slate B". If more than one
179 petition is filed, the names on each such petition shall be placed in
180 alphabetical order and the order and precedence as to alphabetical
181 designation of each such slate shall be determined in accordance with
182 section 9-437 of the general statutes.

183 (6) In the case of a delegate primary, the slates shall be listed on the
184 ballot in the order prescribed by section 9-437 of the general statutes and
185 each slate shall be identified as it would have been identified pursuant to
186 section 9-437 of the general statutes on voting machines approved prior
187 to the effective date of this section.

188 (7) The position of the name of each candidate on the ballot shall be
189 determined as of the final time for filing candidacies specified in sections
190 9-400 and 9-405 of the general statutes and the provisions of section 9-437
191 of the general statutes relating to vacancies in candidacies thereafter
192 occurring shall apply.

193 Sec. 8. (NEW) (a) As used in sections 8 to 11, inclusive, of this act,
194 "state-wide centralized voter registration system" means a
195 computerized system containing voter registration information
196 prescribed by the Secretary of the State, which includes (1) information

197 contained in applications for admission as electors described in section
198 9-20 of the general statutes, (2) information needed to compile registry
199 lists and enrollment lists under sections 9-35 and 9-54 of the general
200 statutes, (3) information required by section 9-50a of the general
201 statutes, and (4) other information for use in complying with the
202 provisions of title 9 of the general statutes.

203 (b) The Secretary of the State shall continue to maintain a state-wide
204 centralized voter registration system. The Secretary shall, in
205 accordance with the provisions of sections 8 to 12, inclusive, of this act,
206 replace the state-wide centralized voter registration system in existence
207 on the effective date of this section with a new web-based system with
208 an enhanced application that allows for secure, digital communication
209 and transactions between municipalities and the system data base
210 residing with the state.

211 Sec. 9. (NEW) (a) The Secretary of the State and the Chief
212 Information Officer of the Department of Information Technology shall
213 continue the development of the new state-wide centralized voter
214 registration system and shall conduct a field test of the new system in
215 fourteen municipalities during the November 2001, municipal
216 elections for the purposes of verifying completion of the new system
217 and measuring its capacity. Not later than September 1, 2001, the
218 Secretary, in consultation with the Registrars of Voters Association of
219 Connecticut, shall select the fourteen municipalities to participate in
220 the test. Two of said municipalities shall have a population of more
221 than one hundred thousand; three shall have a population of more
222 than fifty thousand, but not more than one hundred thousand; six shall
223 have a population of more than twenty-five thousand, but not more
224 than fifty thousand; and three shall have a population of not more than
225 twenty-five thousand. No municipality shall participate in said test
226 unless the registrars of voters of the municipality approve such
227 participation.

228 (b) Not later than November 27, 2001, the registrars of voters of said
229 municipalities shall submit, in writing, to the Secretary of the State a
230 final detailed compilation of all connectivity and related issues
231 reported with the new state-wide centralized voter registration system
232 between September 1, 2001, and November 6, 2001, inclusive.

233 (c) Not later than November 27, 2001, the Chief Information Officer
234 shall submit, in writing, to the Secretary of the State a final detailed
235 report of all (1) connectivity issues, (2) mainframe performance issues,
236 and (3) mainframe capacity issues experienced with the new state-
237 wide centralized voter registration between September 1, 2001, and
238 November 6, 2001, inclusive.

239 (d) Not later than December 31, 2001, the Secretary of the State shall
240 submit to the joint standing committee of the General Assembly
241 having cognizance of matters relating to elections either (1) a
242 certification that documents in detail that the new state-wide
243 centralized voter registration system is fully operational, or (2) a notice
244 that the system is not ready to be certified and the estimated date on
245 which it will become fully operational. If the Secretary does not submit
246 said certification to said committee by December 31, 2001, the
247 Secretary shall submit the certification to said committee when the
248 system becomes fully operational. Before deciding to submit the
249 certification under this subsection, the Secretary shall take into account
250 the registrars' compilation under subsection (b) of this section, the
251 Chief Information Officer's report under subsection (c) of this section
252 and the recommendations of the State-Wide Centralized Voter
253 Registration System Advisory Board established under section 11 of
254 this act.

255 Sec. 10. (NEW) (a) Not later than February 1, 2003, or thirty days
256 after the Secretary of the State certifies under subsection (d) of section 9
257 of this act that the new state-wide centralized voter registration system
258 is fully operational, whichever is later, each registrar of voters shall

259 transmit to the office of the Secretary of the State all elector
260 information required by said office to complete said system. Each
261 registrar shall transmit such information in an electronic format
262 prescribed by the Secretary of the State. Registrars of voters may
263 transmit the information required under this subsection at any time
264 before said deadline.

265 (b) Upon certifying under subsection (d) of section 9 of this act that
266 the new state-wide centralized voter registration system is fully
267 operational, the Secretary shall establish a phase-in schedule that sets
268 forth the date when the registrars of voters of each municipality shall
269 be required to maintain all elector information on said system. Said
270 schedule shall begin on or after the deadline for the transmission of
271 information to the Secretary under subsection (a) of this section.

272 Sec. 11. (NEW) (a) There is established a State-Wide Centralized
273 Voter Registration System Advisory Board, consisting of the following
274 members:

275 (1) The president of the Registrars of Voters Association of
276 Connecticut;

277 (2) The chairperson of the legislative committee of the Registrars of
278 Voters Association of Connecticut;

279 (3) A registrar of voters of a municipality having a population of
280 seventy-five thousand or more, who shall be appointed by the speaker
281 of the House of Representatives;

282 (4) A registrar of voters of a municipality having a population of
283 less than seventy-five thousand, who shall be appointed by the
284 president pro tempore of the Senate;

285 (5) Two registrars of voters appointed by the Governor;

286 (6) The Chief Information Officer of the Department of Information

287 Technology, or the officer's designee;

288 (7) The chairperson of the State Elections Enforcement Commission,
289 or the chairperson's designee;

290 (8) The president of the Connecticut Town Clerks Association, Inc.,
291 or the president's designee; and

292 (9) The president of the League of Women Voters of Connecticut, or
293 the president's designee.

294 (b) Three or more of the registrars designated or appointed under
295 subsection (a) of this section shall be from municipalities that use the
296 state-wide centralized voter registration system.

297 (c) The president of the Registrars of Voters Association of
298 Connecticut shall serve as chairperson of the board. The office of the
299 Secretary of the State shall provide administrative support for the
300 board.

301 (d) The board shall (1) develop criteria for evaluating the field test
302 conducted under section 9 of this act, (2) evaluate said field test and
303 submit a report on the board's findings and recommendations to the
304 Secretary of the State and the joint standing committee of the General
305 Assembly having cognizance of matters relating to elections, and (3)
306 advise the Secretary of the State and the joint standing committee of
307 the General Assembly having cognizance of matters relating to
308 elections, regarding the on-going operation of the new state-wide
309 centralized voter registry system and measures that can be taken to
310 improve the system and make it easier for registrars of voters to use.

311 (e) All appointments to the board shall be made no later than thirty
312 days after the effective date of this section. The chairperson of the
313 board shall schedule the first meeting of the board, which shall be held
314 no later than sixty days after the effective date of this section.

315 Sec. 12. (a) For the purposes described in subsection (b) of this
316 section, the State Bond Commission shall have the power, from time to
317 time, to authorize the issuance of bonds of the state in one or more
318 series and in principal amounts not exceeding in the aggregate eighty-
319 six thousand eight hundred fifty dollars.

320 (b) On and after the date that the Secretary of the State certifies
321 under subsection (d) of section 9 of this act that the new state-wide
322 centralized voter registration system is fully operational, the proceeds
323 of the sale of said bonds, to the extent of the amount stated in
324 subsection (a) of this section, shall be used by the office of the Secretary
325 of the State to facilitate the participation of municipalities in the new
326 state-wide centralized voter registration system, including, but not
327 limited to, providing grants-in-aid to municipalities for the acquisition
328 of computers and computer printers and the installation of ISDN
329 telecommunication lines to carry out the purposes of section 10 of this
330 act. A grant-in-aid to any municipality under this subsection shall be in
331 an amount sufficient to enable the municipality to acquire one
332 computer and one computer printer. As used in this section, "state-
333 wide centralized voter registration system" has the meaning assigned
334 to it in section 8 of this act.

335 (c) All provisions of section 3-20 of the general statutes, or the
336 exercise of any right or power granted thereby, which are not
337 inconsistent with the provisions of this section are hereby adopted and
338 shall apply to all bonds authorized by the State Bond Commission
339 pursuant to this section, and temporary notes in anticipation of the
340 money to be derived from the sale of any such bonds so authorized
341 may be issued in accordance with said section 3-20 and from time to
342 time renewed. Such bonds shall mature at such time or times not
343 exceeding twenty years from their respective dates as may be provided
344 in or pursuant to the resolution or resolutions of the State Bond
345 Commission authorizing such bonds. None of said bonds shall be
346 authorized except upon a finding by the State Bond Commission that

347 there has been filed with it a request for such authorization which is
348 signed by or on behalf of the Secretary of the Office of Policy and
349 Management and states such terms and conditions as said commission,
350 in its discretion, may require. Said bonds issued pursuant to this
351 section shall be general obligations of the state and the full faith and
352 credit of the state of Connecticut are pledged for the payment of the
353 principal of and interest on said bonds as the same become due, and
354 accordingly and as part of the contract of the state with the holders of
355 said bonds, appropriation of all amounts necessary for punctual
356 payment of such principal and interest is hereby made, and the State
357 Treasurer shall pay such principal and interest as the same become
358 due.

359 Sec. 13. Subsection (a) of section 9-158c of the general statutes is
360 repealed and the following is substituted in lieu thereof:

361 (a) Not earlier than forty-five days before the election and not later
362 than the close of the polls on election day, each resident, or former
363 resident who desires to vote in a presidential election under sections 9-
364 158a to 9-158m, inclusive, may apply for a "presidential ballot" to the
365 municipal clerk of the town in which [he] the resident or former
366 resident is qualified to vote on the form prescribed in section 9-158d.
367 Application for a "presidential ballot" may be made in person or
368 absentee, in the manner provided for applying for an absentee ballot
369 under section 9-140, except as provided in said sections 9-158a to 9-
370 158m, inclusive. A resident or former resident applying for a
371 "presidential ballot" in person shall present to the clerk the resident's
372 or former resident's Social Security card or any other preprinted form
373 of identification which shows the name and the address, signature or
374 photograph of the resident or former resident.

375 Sec. 14. Subsection (a) of section 9-158d of the general statutes is
376 repealed and the following is substituted in lieu thereof:

377 (a) The application for a presidential ballot shall be [a form signed in

378 duplicate by the applicant under penalty of false statement in absentee
379 balloting, which] in the form of an affidavit executed in duplicate, and
380 sworn to or affirmed before an officer authorized to administer oaths,
381 and shall provide substantially as follows:

382 To the Town Clerk of the Town of Connecticut

383 I, the undersigned, [declare under penalty of false statement in
384 absentee balloting] swear or affirm that the following statements are
385 true:

386 1. I am a citizen of the United States.

387 2. I have not forfeited my electoral privileges because of conviction
388 of a disfranchising crime.

389 3. I was born on, and on the day of the next presidential election,
390 I shall be at least 18 years of age. Check and complete 4 or 5, whichever
391 applies:

392 4. RESIDENT. I am a bona fide resident of the above town, to which
393 I am making this application, and I reside at Street. I moved to said
394 town on the day of, 20... Before becoming a resident of said town,
395 I resided at Street, in the Town of County of, State of

396 5. FORMER RESIDENT. I am a former resident of the above town,
397 to which I am making this application, and resided at Street therein.
398 I moved from such town to my present town of residence on the
399 day of, 20.., being within thirty days before the date of the next
400 presidential election, and for that reason I cannot register to vote in
401 said presidential election in my present town of residence. I am now a
402 bona fide resident of the Town of, in the state of, now residing at
403 Street therein.

404 6. I hereby apply for a "presidential ballot" for the election to be held
405 on, 20... I have not voted and will not vote otherwise than by this

406 ballot at that election. I am not eligible to vote for electors of President
407 and Vice-President in any other town in Connecticut or in any other
408 state.

409 7. The said ballot is to be given to me personally mailed to me at
410 ... (bona fide mailing address)

411 Dated at ..., this ... day of ... 20...

412 ... (Signature of applicant)

413 Subscribed and sworn to or affirmed before me this ... day of ...
414 20...

415 ... (Signature and title of officer administering oath)

416 The oath administered in connection with any such application may
417 be administered by any officer empowered to administer oaths under
418 section 1-24 or any officer empowered to administer oaths under the
419 laws of any state or by any commissioned officer in the armed forces,
420 or any consul, vice consul or deputy consul representing the United
421 States in a foreign country, and shall be attested by such officer over
422 the officer's signature and title or statement of rank.

423 Sec. 15. Subsection (a) of section 9-158e of the general statutes is
424 repealed and the following is substituted in lieu thereof:

425 (a) Upon receipt of an application for a presidential ballot under
426 sections 9-158a to 9-158m, inclusive, and after checking the preprinted
427 form of identification presented by an applicant who applies in person,
428 the clerk, if satisfied that the application is proper and that the
429 applicant is qualified to vote under said sections, shall forthwith give
430 or mail to the applicant, as the case may be, a ballot for presidential
431 and vice-presidential electors for use at the election and instructions
432 and envelopes for its return. If the applicant has sworn on the

433 application that the applicant is a Connecticut resident, the clerk shall
434 include with the presidential ballot an application for admission as an
435 elector under section 9-23g and shall notify the applicant that the
436 applicant may cast said presidential ballot only if the applicant
437 completes the application for admission as an elector and returns it to
438 the clerk with the completed presidential ballot. At such time the
439 clerks shall also mail a duplicate of the application for a presidential
440 ballot to the appropriate official of (1) the state or the town in this state
441 in which the applicant last resided in the case of an applicant who is a
442 resident, or (2) the state or the town in this state in which the applicant
443 now resides in the case of an applicant who is a former resident.

444 Sec. 16. Section 9-158g of the general statutes is repealed and the
445 following is substituted in lieu thereof:

446 The voter shall sign the certification upon the inner envelope,
447 securely seal it, enclose it in an outer serially-numbered envelope, and
448 return it to the municipal clerk of the town in which [he] the voter is
449 qualified to vote. The clerk shall keep it in [his] the clerk's office until
450 delivered by [him] the clerk to the registrars of voters at the same time
451 and in the same manner as is provided for absentee ballots. If the ballot
452 is returned by a person other than the voter or the United States Postal
453 Service, the person delivering the ballot shall sign [his] the person's
454 name and address and the date and time of its delivery on the outer
455 envelope in the clerk's presence. The ballot, to be cast, shall be returned
456 so that it is received by the town clerk not later than the close of the
457 polls on the day of the election. If the applicant is a Connecticut
458 resident and the ballot is not accompanied by a completed application
459 for admission as an elector under section 9-23g, the clerk shall endorse
460 on the face of said outer envelope the word "rejected" and the ballot
461 shall not be counted. If the applicant returns the ballot in person, the
462 applicant shall present to the clerk the applicant's Social Security card
463 or any other preprinted form of identification which shows the name
464 and the address, signature or photograph of the applicant.

465 Sec. 17. (a) There is established a Blue Ribbon Commission on
466 Voting Technology and Procedures.

467 (b) The commission shall consist of the following members:

468 (1) One appointed by the speaker of the House of Representatives;

469 (2) One appointed by the president pro tempore of the Senate;

470 (3) One appointed by the majority leader of the House of
471 Representatives, who shall represent the Connecticut Town Clerks
472 Association, Inc.;

473 (4) One appointed by the majority leader of the Senate, who shall
474 represent the Registrars of Voters Association of Connecticut;

475 (5) One appointed by the minority leader of the House of
476 Representatives, who shall represent the Connecticut Town Clerks
477 Association, Inc.;

478 (6) One appointed by the minority leader of the Senate, who shall
479 represent the Registrars of Voters Association of Connecticut;

480 (7) The chairpersons and ranking members of the joint standing
481 committee of the General Assembly having cognizance of matters
482 relating to elections, or their designees;

483 (8) Two persons appointed by the Governor;

484 (9) The Secretary of the State, or the Secretary's designee;

485 (10) The chairperson of the State Elections Enforcement
486 Commission, or the chairperson's designee;

487 (11) The director of the Office of Protection and Advocacy for
488 Persons with Disabilities, or the director's designee;

489 (12) The president of the League of Women Voters of Connecticut,

490 or the president's designee; and

491 (13) The chairperson of each major party, as defined in section 9-372
492 of the general statutes.

493 (c) Any member of the commission appointed under subdivision
494 (1), (2), (7) or (8) of subsection (b) of this section may be a member of
495 the General Assembly.

496 (d) All appointments to the commission shall be made no later than
497 thirty days after the effective date of this section. Any vacancy shall be
498 filled by the appointing authority.

499 (e) The chairpersons of the joint standing committee of the General
500 Assembly having cognizance of matters relating to elections, or their
501 designees, shall serve as chairpersons of the commission. The
502 chairpersons of the commission shall schedule the first meeting of the
503 commission, which shall be held no later than sixty days after the
504 effective date of this section.

505 (f) The administrative staff of the joint standing committee of the
506 General Assembly having cognizance of matters relating to elections
507 shall serve as administrative staff of the commission.

508 (g) (1) The commission shall study (A) the use of a new type of
509 voting machine to replace mechanical lever voting machines at
510 primaries, elections and referenda held pursuant to title 9 of the
511 general statutes, and (B) the application deadline for presidential
512 ballots.

513 (2) Not later than October 1, 2002, the commission shall submit a
514 report on its findings and recommendations concerning a new type of
515 voting machine to the Secretary of the State and the joint standing
516 committee of the General Assembly having cognizance of matters
517 relating to elections, in accordance with the provisions of section 11-4a
518 of the general statutes. The report shall include findings and

519 recommendations concerning (A) the new type of voting machine that
520 the General Assembly should approve for use in all elections,
521 primaries and referenda held pursuant to title 9 of the general statutes,
522 (B) a plan and timetable for installing the recommended new voting
523 machines, (C) a plan and timetable for a pilot program and a phase-in
524 of new machines at two or more elections, primaries or referenda, (D)
525 the maintenance of the new machines, (E) the requirements for
526 necessary training and public information concerning the new
527 machines, (F) an estimate of the remaining useful life of existing
528 mechanical lever voting machines and an estimate of the costs of
529 maintaining such machines until a new type of voting machine is fully
530 operational, (G) the status of any pending federal legislation to provide
531 funding to the states for new voting technology, and (H) the criteria for
532 distributing grants-in-aid to municipalities pursuant to section 3 of this
533 act.

534 (3) Not later than February 1, 2002, the commission shall submit a
535 report on its findings and recommendations concerning the
536 application deadline for presidential ballots to the Secretary of the
537 State and the joint standing committee of the General Assembly having
538 cognizance of matters relating to elections, in accordance with the
539 provisions of section 11-4a of the general statutes. The report shall
540 include findings and recommendations that address both (A)
541 maintaining the current election day application deadline, including
542 improvements to current procedures to reduce the burden of said
543 deadline on town clerks and other election officials, and (B) changing
544 the deadline to an earlier date, including a determination of the best
545 date to maximize voter participation and facilitate election
546 administration.

547 (h) The commission shall terminate on the date that it submits the
548 final report under subsection (g) of this section or October 1, 2002,
549 whichever is earlier.

550 Sec. 18. Sections 9-241 and 9-242a of the general statutes are
551 repealed.

552 Sec. 19. This act shall take effect from its passage.

Statement of Legislative Commissioners:

In the second sentence of section 1(f), the phrase "to the Secretary" was inserted for clarity, and in section 8(b), the phrase "in existence on the effective date of this section" was substituted for "existing".

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Appropriation from the Projected Surplus, Significant Cost (Voting Technology Account), Minimal Revenue Gain, Potential Significant Future Cost

Affected Agencies: Office of Secretary of the State, Department of Information Technology, State Treasurer, Legislative Management, Office of Protection and Advocacy for Persons with Disabilities, State Elections Enforcement Commission

Municipal Impact: Potential Cost, STATE MANDATE

Explanation

State Impact:

The bill appropriates \$20 million from the estimated FY 01 surplus of the state's General Fund for a separate non-lapsing Voting Technologies Account (VTA). No funds for this purpose were included in sHB 6668, "AAC The State Budget For the Biennium Ending June 30, 2003, and Making Appropriations Therefor", as favorably reported by the Appropriations Committee on April 17, 2001. The VTA may contain money appropriated by the legislature as well as investment earnings.

Monies from this fund are to be used to: 1). provide grants up to

\$500 to municipalities to recondition and maintain mechanical lever voting machines; 2). provide grants to municipalities to defray the acquisition and installation costs for the replacement of new voting machines; and 3) provide funds for the Secretary of the State to purchase a limited number of new or reconditioned lever voting machines for use by the towns until the replacement machines are required. The Secretary of the State is responsible for making grants from this fund, and may incur minimal administrative costs. Any resulting costs incurred by the agency are not eligible expenditures from the VTA.

It is uncertain how many new and reconditioned lever voting machines the Secretary of the State would purchase. Any resulting costs from the purchase of voting machines would be funded from the VTA. Presently, there are 3,225 lever voting machines in the state of Connecticut.

The bill requires the Secretary of the State to adopt regulations designating a new type of voting machine for statewide use. It is anticipated the agency can adopt such regulations within existing budgetary resources. However, the agency may incur significant future costs to implement usage of a new type of voting machine, such costs may result from the need for additional computers, support equipment, supplies or training. The extent of these potential costs are indeterminate as the new type voting machine for statewide use will be determined by the Blue Ribbon Commission on Voting Technology and Procedures, as established by the bill. Any costs incurred by the Secretary of the State for this purpose are not eligible expenditures from the VTA as established by the bill.

Additionally, the bill increases the application and examination fee for voting machine companies seeking approval from the Secretary of the State from \$100 to \$2,000 which will result in a minimal revenue increase.

Section 12 authorizes the issuance of \$86,850 in General Obligation bonds to provide grants-in-aid to municipalities for the purchase of computers and computer printers and the installation of ISDN telecommunication lines. The estimate is based on the following information:

***Estimated Bonded Costs for Electronic
Voter Registration System***

Equipment (towns) 30 towns x \$2,532 for computer and printer	\$75,950
Equipment (Secretary of the State)	\$7,800
One time phone line installation by DOIT 30 towns x approximately \$100 per installation	\$3,100
Total	\$86,850

The interest cost to bond \$86,850 over 5 years is \$13,679, assuming a 5.25% interest rate. The 5-year amortization schedule is based on the federal tax law requirement that the bonds may not be issued for a longer term than the life of the equipment they are used to purchase.

It should be noted that SA 93-2 and SA 95-20 authorized a total of \$2,275,000 in bonding to the Secretary of the State to implement the electronic voter registration system. All of the funds were allocated and spent between FY 94 and FY 97 for: (1) the purchase of personal computers and printers, and telecommunication hookups for 139 towns, and (2) programming changes and computer equipment at the Secretary of the State’s Office. The remaining 30 towns chose not to participate in the program.

The bill requires the Secretary of the State to replace the current statewide voter registration system with a web based system. It is anticipated that the web based system will be a reconfiguration and

enhancement of the existing statewide voter registration system, which will result in significant future cost to bring the remaining 30 towns not participating in the system on line and make the system web based. However if the new web based system is a separate system that is not an enhancement or reconfiguration of the current statewide voter registration system the Secretary of the State will incur future costs in excess of \$3.0 million. The bill requires the Secretary of the State to develop this new system in conjunction with the chief information officer of the Department of Information Technology (DOIT) and have it completed by November 2001 and report when the system is fully operational. As is consistent with current practice, any costs incurred by DOIT for these purposes are billed to the Secretary of State.

The bill establishes a Centralized Voter Registration System Advisory Board. The Secretary of the State, chief information officer of the Department of Information Technology and the chairman of the State Elections Enforcement Commission or their designees may incur a minimal additional cost due to participation on the board which can be absorbed within existing appropriations. The bill requires the Office of the Secretary of the State to provide administrative support for the board, which will result in minimal cost to the agency, which can be handled within the existing budgetary resources.

The bill establishes a Blue Ribbon Commission on Voting Technology and Procedures. To the extent that members of the General Assembly are appointed to the commission, the Joint Committee on Legislative Management may incur a minimal cost. A total cost of less than \$2,000 may result from mileage reimbursement to legislators in traveling to and from commission meetings. Legislators are currently reimbursed 30 cents per mile. Considering that legislators may be traveling to the Capitol on other legislative business, any additional cost due to an increased number of reimbursed trips could be handled within the anticipated budgetary resources of the

department. In addition, as a result of the increased responsibilities to the legislative administrative staff assigned to the task force, a reallocation of workload may result.

The Secretary of the State, director of the Office of Protection and Advocacy for Persons with Disabilities, and the chairperson of the State Elections Enforcement Commission, or their designees may incur a minimal additional cost due to participation on the commission which can be absorbed within existing appropriations.

Municipal Impact:

The bill provides \$20 million from the surplus to the Voting Technology Account for grants to towns to recondition and maintain mechanical lever voting machines (up to \$500 or the actual cost, whichever is less); and to defray the acquisition and installation costs for the replacement of new voting machines.

It is uncertain how many of the 3,225 lever voting machines in the state would be reconditioned. If all 3,225 of the lever voting machines were reconditioned at the maximum of \$500, as established in the bill it would cost \$1.61 million and funding from the Voting Technology Account would be sufficient for this purpose.

It is uncertain how much the acquisition and installation costs for municipalities to replace the voting machines would be. The costs depend on the type of voting technology determined by the Blue Ribbon Commission on Voting Technology and Procedures and the specific vendors of such machines approved by the Secretary of the State. It is anticipated that funds in the Voting Technology Account will be sufficient to make grants to towns that will cover the costs of acquiring and installing the new voting machines. However, costs could exceed the \$20 million available in the Voting Technology

Account, resulting in a potentially significant cost to the municipalities. (It is uncertain how much of the available funds in the VTA will be used for other eligible expenditures from the account such as reconditioning existing lever machines or the acquisition of new lever machines by the Secretary of the State.)

The bill requires all registrars of voters to participate in the new web based voter registration system and transmit voter registration information to the Secretary of the State by February 1, 2003, or 30 days after the secretary certifies the system is fully operational, whichever is later, resulting in a state mandate. Funding has been provided to the municipalities for the necessary computer equipment and connectivity expenses for the statewide voter registration system, thus there is no fiscal impact to the municipalities.

OLR Bill Analysis

sHB 5125

**AN ACT CONCERNING VOTING TECHNOLOGY, THE STATE-WIDE
CENTRALIZED VOTER REGISTRATION SYSTEM AND THE
PREVENTION OF FRAUD IN THE USE OF PRESIDENTIAL
BALLOTS.**

SUMMARY:

This bill:

1. requires the General Assembly to approve a new type of voting machine, based on the report of a voting technology commission established by the bill, before the secretary of the state adopts regulations designating a new type of machine for statewide use;
2. establishes a voting technologies account to fund grants to municipalities and transfers \$20 million of the FY 2000-01 surplus to it;
3. bans the use of punch card voting machines at any election, primary, or referendum;
4. requires the secretary of the state to replace the current statewide centralized voter registration system with one that is web-based, test it, and report when it is fully operational;
5. requires all registrars of voters to maintain all elector information on the system when it becomes fully operational;
6. establishes a 10-member State-Wide Centralized Voter Registration System Advisory Board to provide advice and evaluate the system's development and operation;
7. authorizes up to \$86,850 in bonding to facilitate towns' participation in the system, including grants to municipalities for computers and printers to use the system;

8. requires (a) anyone applying for or returning a presidential ballot in person to present identification, (b) the presidential ballot application to be in the form of an affidavit to which the applicant swears or affirms, and (c) if the person is a Connecticut resident, that he register to vote; and
9. establishes an 18-member Blue Ribbon Commission on Voting Technology and Procedures to study (a) a new type of voting machine to replace the current mechanical lever machines and (b) the application deadline for presidential ballots.

EFFECTIVE DATE: Upon passage

VOTING MACHINES

New Machine Requirements

With certain exceptions, the bill requires all towns to use the same type of voting machine for all elections, primaries, and referenda where machines, rather than paper ballots, are used. It permits use of the current mechanical lever machines during any period when the new machine is being phased in and it allows absentee ballot counters to use optical scanning machines that the secretary has approved to count those ballots.

The bill authorizes use of a machine that utilizes a ballot format other than the rows and columns required by current law. It permits a ballot organized by office or position with each candidate's name followed by his party designation, listed in the order required by current law. It prescribes the ballot format and the order of slates' or candidates' names on ballots for a new type of machine for primary elections for state, district, and municipal offices and the positions of town committee and convention delegate.

Adoption Procedures

Under the bill, the Blue Ribbon Commission on Voting Technology and Procedures must recommend a new voting machine to the secretary of the state and the Government Administration and

Elections (GAE) Committee by October 1, 2002. Before any new voting machine can be used, the General Assembly must enact legislation approving a new type of machine. Then the secretary must adopt regulations establishing (1) the specifications and standards for the approved type only and the provisions for its setup and use and (2) the procedures vendors must follow for her review. She has the authority, but not the duty, to adopt such regulations under current law. Voting machine companies must apply to the secretary for her approval and no machine can be used without it. The bill raises the application and examination fee from \$100 to no more than \$2,000. Towns will be able to procure any new voting machine that she reviews, examines, and approves, as they can now. As under current law, a voting machine company that alters an approved machine must notify the secretary and obtain her approval for any substantial modifications before towns can use the altered machine.

The secretary must determine a schedule, if the use of a new type of machine is to be phased in.

Voting Technologies Account

The bill establishes a Voting Technologies Account as a separate, nonlapsing account in the General Fund to provide funding for a municipal grant program for voting machines. The program, established by the secretary of the state, allows towns to apply for grants to:

1. recondition and maintain the mechanical lever voting machines they have (up to \$500 per machine or the actual cost, whichever is less) and
2. defray the acquisition and installation costs for the new machines.

The bill authorizes the secretary to purchase an unspecified but limited number of new or reconditioned lever machines that towns can use until they must be replaced by the new type of machine.

The bill transfers \$20 million of the unappropriated FY 2000-01 General Fund surplus to the Voting Technologies Account. Money the legislature appropriates to the account as well as its investment

earnings are also included in the account.

Commission Duties

By October 1, 2002, the blue ribbon commission (see below) must report its findings and recommendations to the secretary and the GAE Committee. It must address:

1. the new type of voting machine that the legislature should approve;
2. a plan and installation schedule for them, including a pilot program and phase-in project over two elections, primaries, or referenda;
3. machine maintenance;
4. training and public education;
5. estimates of the remaining useful life of existing machines and the cost of their upkeep until a new type of machine is operational statewide;
6. the status of pending federal funding for new voting technology; and
7. distribution criteria for municipal aid for maintaining old machines and purchasing new ones.

STATEWIDE CENTRALIZED VOTER REGISTRY LIST

Development and Testing

The bill requires the secretary of the state to replace the current statewide centralized voter registration system, formerly known as ConnVeRS, with a web-based system. The enhanced system must allow for secure, digital communication and transactions between towns and the secretary's system. Information in the system must include the data necessary for (1) voter registration; (2) voter registry lists, both active and inactive; (3) lists of enrolled party members; (4)

lists of unaffiliated voters; (5) monthly registry list changes; and (6) other information officials need to comply with election laws.

The secretary must develop the system with the Department of Information Technology's (DOIT) chief information officer (CIO). It must be complete for the November 2001 municipal election. By September 1, the secretary, in consultation with the Registrars of Voters Association of Connecticut (ROVAC) must select 14 towns to conduct a field test during the November 2001 election to verify the system's completion and measure its capacity. The registrars in each of the 14 towns must agree to participate in the test and the towns fall into the following categories:

1. two with over 100,000 population;
2. three with populations between 50,000 and 100,000;
3. six with populations between 25,000 and 50,000; and
4. three with populations below 25,000.

By November 27 after the election, for the testing period between September 1 and November 6, 2001,

1. the participating registrars must report to the secretary in writing a detailed summary of connectivity and related issues and
2. the CIO must report to the secretary in writing a detailed summary of issues related to connectivity and mainframe performance and capacity.

The secretary has until December 31, 2001 to report to the GAE Committee on whether or not the system is fully operational. If she does not certify that the system is operational, she must estimate the date when it will be and submit the certification to the committee when it is. Her decision must be based on (1) the information she receives from the registrars and the CIO after the field test and (2) the advisory board's recommendations.

Implementation

The bill allows registrar of voters to begin transmitting required voter registration information electronically to the secretary at any time and all registrars must do so by February 1, 2003 or 30 days after the secretary certifies that the system is fully operational, whichever is later. After the transmission deadline, the secretary must establish a schedule for phasing in every town's participation in the statewide centralized system when they must maintain all voter information on the system.

The bill authorizes the State Bond Commission to issue up to \$86,850 in bonds for the secretary to use for municipalities' participation in the new system. After she certifies that it is fully operational, she can, among other things, provide grants-in-aid for computers and computer printers (one each per town) and the installation of ISDN telecommunication lines. The bonds are to be authorized and issued in accordance with current law.

Advisory Board

The bill establishes a 10-member State-Wide Centralized Voter Registration System Advisory Board. The board must develop the evaluation criteria for field testing the enhanced system, evaluate the field test and report its findings and recommendations to the secretary and GAE Committee, advise them on the system's on-going operation, and recommend improvements to the system that will make it easier for registrars to use.

The bill designates the following members to serve on the advisory board:

1. the president and legislative committee chairman of ROVAC;
2. a registrar of voters from a town with more than 75,000 people, appointed by the speaker of the House;
3. a registrar from a town with fewer than 75,000 people, appointed by the Senate president pro tempore;
4. two registrars appointed by the governor; and

5. the CIO of DOIT, the chairman of the State Elections Enforcement Commission, the president of the Connecticut Town Clerks Association, Inc., and the president of the League of Women Voters of Connecticut, or a designee that each may appoint.

At least three of the registrars on the board must be from towns that use the current statewide voter registration system. The ROVAC president serves as the chairman of the board, which receives administrative support from the Office of the Secretary of the State. The appointing authorities must name their members within 30 days after the bill's passage and the board must meet within 60 days of the bill's passage.

PRESIDENTIAL BALLOTS

The law allows a Connecticut resident or former resident to apply for and cast a presidential ballot (one on which only the candidates for U.S. president and vice president appear) between the 45th day before the election and the time the polls close on election day. The bill makes the application form an affidavit and requires an applicant to swear or affirm that the information contained in it is true. Execution of the affidavit is subject to the same penalty for false statement in absentee balloting that applies under current law. Violation is a class D felony, punishable by one to five years in prison, a fine of up to \$5,000, or both.

The applicant must swear or affirm to the truth of the application before anyone authorized to administer oaths in this or any other state; a commissioned officer in the armed forces; or a U.S. consul, vice consul, or deputy consul in a foreign country. A person applying in person at a town clerk's office must show his Social Security card or preprinted identification with his name and address, signature, or photograph. A presidential voter who returns a completed ballot in person must also show the town clerk the same type of proof of identity.

The bill requires applicants for presidential ballots who are Connecticut residents to register to vote in order for their ballot to be counted. Town clerks must include a mail-in voter registration

application with a mailed presidential ballot along with instructions that the ballot will not be counted unless a completed registration form is returned with it.

The blue ribbon commission (see below) must also study the question of the application deadline for presidential ballots. Currently, these ballots are counted if they are returned by the time the polls close on election day. By February 1, 2002, the commission must submit a report on its findings and recommendations to the secretary and the GAE Committee that addresses:

1. maintaining the current deadline and improving current procedures to reduce administrative burdens and
2. making the deadline earlier after determining the date that maximizes voter participation and facilitates the administrative process.

BLUE RIBBON COMMISSION

The bill establishes an 18-member Blue Ribbon Commission on Voting Technology and Procedures to study and report on issues relating to new voting machines and the use of the presidential ballot. Members are as follows:

1. one appointed by the Senate president pro tempore, one by the House speaker, and two by the governor, any of whom may be legislators;
2. two representatives of the Connecticut Town Clerks, Inc. one each appointed by the majority and minority leaders of the House;
3. two representatives of ROVAC, one each appointed by the majority and minority leaders of the Senate;
4. the chairmen and ranking members of the GAE Committee or their designees, who may be legislators;
5. the chairman of each major political party; and

6. the secretary of the state, chairman of the State Elections Enforcement Commission, director of the Office of Protection and Advocacy for Persons with Disabilities, the president of the League of Women Voters of Connecticut, or their designees.

Appointing authorities must name their appointments within 30 days of the bill's passage and must fill any vacancies. The GAE Committee chairmen, or their designees, must serve as the chairmen of the commission and schedule the first meeting within 60 days of the bill's passage. The GAE Committee's administrative staff must provide staffing services to the commission.

The commission terminates when it submits its final report or on October 1, 2002, whichever is sooner.

BACKGROUND

Related Bills

sSB 281, "An Act Concerning Voting Technology," requires the secretary of the state to designate new voting machines that a voting technology study commission recommends, provides funds for towns' expenses for them from a voting technologies account, and bans punch card machines.

sHB 6823, "An Act Concerning Election Day Registration," restricts the use of a presidential ballot to former Connecticut residents.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 15 Nay 5