



Senate

General Assembly

January Session, 2001

File No. 477

Senate Bill No. 281

Senate, April 26, 2001

The Committee on Government Administration and Elections reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING VOTING TECHNOLOGY.

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

- 1 Section 1. (a) There is established a commission to study the use of
2 new voting technology in this state. The commission shall submit a
3 report on its findings and recommendations in accordance with
4 subsection (g) of this section.
- 5 (b) The commission shall consist of the following members:
- 6 (1) One appointed by the speaker of the House of Representatives;
- 7 (2) One appointed by the president pro tempore of the Senate;
- 8 (3) One appointed by the majority leader of the House of
9 Representatives;
- 10 (4) One appointed by the majority leader of the Senate;

- 11 (5) One appointed by the Secretary of the State;
- 12 (6) One appointed by the State Elections Enforcement Commission;
- 13 (7) One appointed by the Secretary of the Office of Policy and
14 Management;
- 15 (8) The chairpersons and ranking members of the joint standing
16 committee of the General Assembly having cognizance of matters
17 relating to government administration and elections, or their
18 designees;
- 19 (9) Two appointed by the Registrars of Voters Association of
20 Connecticut, with each member from a different political party; and
- 21 (10) Two appointed by the Connecticut Town Clerks Association,
22 with each member from a different political party.
- 23 (c) Any member of the commission appointed under subdivision
24 (1), (2), (3), (4) or (8) of subsection (b) of this section may be a member
25 of the General Assembly.
- 26 (d) All appointments to the commission shall be made not later than
27 thirty days after the effective date of this section. Any vacancy shall be
28 filled by the appointing authority.
- 29 (e) The chairpersons of the joint standing committee of the General
30 Assembly having cognizance of matters relating to government
31 administration and elections, or their designees, shall serve as
32 chairpersons of the commission. The chairpersons shall schedule the
33 first meeting of the commission, which shall be held not later than
34 sixty days after the effective date of this section.
- 35 (f) The administrative staff of the joint standing committee of the
36 General Assembly having cognizance of matters relating to
37 government administration and elections shall serve as administrative

38 staff of the commission.

39 (g) Not later than January 1, 2002, the commission shall submit a
40 report on its findings and recommendations to the Secretary of the
41 State, and to the joint standing committee of the General Assembly
42 having cognizance of matters relating to elections in accordance with
43 the provisions of section 11-4a of the general statutes. The report shall
44 include (1) a recommendation on the type of voting technology that
45 the Secretary of the State should approve for use in all elections,
46 primaries and referenda held in this state pursuant to title 9 of the
47 general statutes, (2) a plan for installing and maintaining the
48 recommended voting technology, (3) a plan for providing necessary
49 training and public information concerning the voting technology, and
50 (4) criteria for distributing grants-in-aid pursuant to section 2 of this
51 act. The commission may not recommend the use of any voting
52 machine or technology that records votes by means of holes punched
53 in designated voting response locations. The commission shall
54 terminate on the date it submits the report or January 1, 2002,
55 whichever is earlier.

56 Sec. 2. The Secretary of the State shall provide grants-in-aid to
57 municipalities to defray the costs of acquiring, installing and
58 maintaining voting machines that are recommended by the
59 commission established in section 1 of this act and approved by the
60 Secretary of the State under sections 9-241 and 9-242 of the general
61 statutes, as amended by this act. The Secretary of the State shall
62 distribute the grants-in-aid based on the criteria established by the
63 commission in section 1 of this act.

64 Sec. 3. (NEW) (a) There is established an account to be known as the
65 "voting technologies account", which shall be a separate nonlapsing
66 account within the General Fund. The account may contain any
67 moneys required by law to be deposited in the account. The moneys in
68 said account shall be allocated for the purposes of providing grants-in-

69 aid pursuant to section 2 of this act.

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

74 Sec. 4. Section 9-241 of the general statutes is repealed and the
75 following is substituted in lieu thereof:

76 (a) All elections, primaries and referenda held pursuant to this title
77 shall be conducted by using the same type of voting machine at all
78 locations.

79 (b) The Secretary of the State shall approve a voting machine for use
80 at elections, primaries and referenda held pursuant to this title based
81 on the recommendations of the commission established in section 1 of
82 this act. The Secretary shall designate such machines by adopting
83 regulations in accordance with the provisions of chapter 54. The
84 regulations shall include a description of the voting machine,
85 specifications and standards for the machine and provisions for use of
86 the machine, including, but not limited to, the adjustment of the
87 machine in preparation for voting, process of voting, canvass of votes
88 cast and certifications.

89 (c) Any person owning or holding an interest in any voting
90 machine, as defined in subsection (w) of section 9-1, may apply to the
91 Secretary of the State to examine such machine and report on its
92 accuracy and efficiency. The Secretary of the State shall examine the
93 machine and determine whether, in [his] the Secretary's opinion, the
94 kind of machine so examined meets the requirements of section 9-242,
95 as amended by this act, and can be used at elections, primaries and
96 referenda [under] held pursuant to this title. If the Secretary of the
97 State determines that the machine can be so used and adopts
98 regulations under subsection (b) of this section, such machine [may be

99 adopted] shall be approved for such use. No machine not so approved
100 shall be so used. Each application shall be accompanied by a fee of one
101 hundred dollars and the Secretary of the State shall not [give his] make
102 such a determination or initiate the process for adopting said
103 regulations for approval of any machine until such fee and the
104 expenses incurred by [him] the Secretary in making the examination
105 have been paid by the person making such application. Any voting
106 machine company [which] that has had its voting machine approved
107 and [which] that subsequently alters such machine in any way [,] shall
108 provide the Secretary of the State with notice of such alterations,
109 including a description thereof and a statement of the purpose of such
110 alterations. If any such alterations appear to materially affect the
111 accuracy, appearance or efficiency of the machine, or modify the
112 machine so that it can no longer be used at elections, primaries or
113 referenda [under] held pursuant to this title, at the discretion of the
114 Secretary of the State, the company shall submit such alterations for
115 inspection and approval, at its own expense, and the Secretary shall
116 amend the regulations adopted under subsection (b) of this section
117 before such altered machines may be used. The Secretary of the State
118 may adopt regulations in accordance with the provisions of chapter 54
119 concerning examination [and approval] of voting machines under this
120 section.

121 (d) No voting machine that records votes by means of holes
122 punched in designated voting response locations may be used at any
123 election, primary or referendum under this title.

124 Sec. 5. Section 9-242 of the general statutes is repealed and the
125 following is substituted in lieu thereof:

126 (a) A voting machine approved pursuant to regulations adopted by
127 the Secretary of the State under subsection (b) of section 9-241, as
128 amended by this act, shall be so constructed as to provide facilities for
129 voting for the candidates of at least nine different parties or

130 organizations. [It] The machine shall (1) permit voting in absolute
131 secrecy, [. It shall be provided] (2) be equipped with a lock by means of
132 which any illegal movement of the voting or registering mechanism is
133 absolutely prevented, [. Such machine shall] and (3) be so constructed
134 that an elector cannot vote for a candidate or on a proposition for
135 whom or on which [he] the elector is not lawfully entitled to vote.

136 (b) [It] The machine shall be so constructed as to prevent an elector
137 from voting for more than one person for the same office, except when
138 [he] the elector is lawfully entitled to vote for more than one person for
139 that office, and it shall afford [him] the elector an opportunity to vote
140 for only as many persons for that office as [he] the elector is by law
141 entitled to vote for, at the same time preventing [his] the elector from
142 voting for the same person twice. [It] The machine shall be so
143 constructed that all votes cast will be registered or recorded by the
144 machine.

145 (c) Notwithstanding the provisions of subsection (b) of this section,
146 the Secretary of the State may [approve] adopt regulations under
147 subsection (b) of section 9-241, as amended by this act, approving a
148 voting machine [which] that requires the elector in the polls to place
149 [his] the elector's ballot into the recording device and which meets the
150 voluntary performance and test standards for voting systems adopted
151 by the Federal Election Commission on January 25, 1990, as amended
152 from time to time, [and regulations which the Secretary of the State
153 may adopt in accordance with the provisions of chapter 54,] provided
154 the voting machine shall (1) warn the elector of overvotes, (2) not
155 record overvotes, and (3) not record more than one vote of an elector
156 for the same person for an office.

157 Sec. 6. Section 9-242a of the general statutes is repealed.

158 Sec. 7. This act shall take effect from its passage.

GAE *Joint Favorable*

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 Cost

Affected Agencies: Office of the Secretary of the State, Legislative Management

Municipal Impact: Potential Cost

Explanation**State Impact:**

The bill appropriates \$20 million from the estimated FY 01 surplus of the state's General Fund to a separate non-lapsing account within the General Fund, known as the 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.

Monies from this fund are to be used to provide grants from the Secretary of the State to municipalities to defray the acquisition, installation and maintenance costs for the replacement of new voting machines as recommended by the Voting Technology Study Commission. It is anticipated the Secretary of the State may incur costs

to administer this fund, and resulting costs are not eligible expenditures from the VTA.

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 Voting Technology Study Commission, as established by the bill. Any costs incurred by the Secretary of the State for this purpose are not eligible expenditures from the VTA.

Additionally, companies seeking approval of voting machines must pay the Secretary of the State a \$100 application and examination fee. A minimal revenue gain may result as more companies would be seeking approval of voting machines using the type of technology approved by the Voting Technology Study Commission. The extent of the revenue gain cannot be determined as it is contingent on the number of companies seeking approval.

The bill establishes a Voting Technology Study Commission. 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 Voting Technology Study Commission, a reallocation of workload may result. The Secretary of the State, the State Elections Enforcement Commission and the Office of Policy and Management must appoint an individual to the commission. If these agencies appoint someone from their respective agencies, they 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 acquire, install and maintain new voting machines. It is uncertain how much the acquisition, installation and maintenance costs for municipalities to replace the voting machines would be. The costs depend on the type of voting technology determined by the Voting Technology Study Commission 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.

OLR BILL ANALYSIS

SB 281

AN ACT CONCERNING VOTING TECHNOLOGY.**SUMMARY:**

This bill:

1. establishes a Voting Technology Study Commission;
2. requires the secretary of the state to approve, based on the commission's recommendations, a new type of voter machine for uniform use statewide;
3. provides grants to towns to defray the costs of acquiring, installing, and maintaining the new voting machines;
4. establishes a voting technologies account; and
5. bans the use of punch card voting machines.

EFFECTIVE DATE: Upon passage

VOTING TECHNOLOGY STUDY COMMISSION***Purpose and Duties***

The bill establishes a 15-member Voting Technology Study Commission to study the use of new voting technology in the state. By January 1, 2002, it must report its findings and recommendations to the Government Administrative and Elections (GAE) Committee and the secretary of the state. The report must include:

1. a recommendation on the type of voting technology that the secretary should approve for use in all elections, primaries, and referenda held in the state;

2. a plan for its installation and maintenance;
3. a plan for providing training and public information related to the new voting equipment; and
4. criteria for distributing the grants the bill authorizes to towns.

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

Membership

Each of the following officials must appoint one commission member:

1. the House speaker and Senate president pro tempore,
2. the House and Senate majority leaders,
3. the secretary of the state,
4. the State Elections Enforcement Commission, and
5. the secretary of the Office of Policy and Management.

The Registrars of Voters Association of Connecticut and the Connecticut Town Clerks Association each appoint two members who must be from different political parties. The chairmen and ranking members of the GAE Committee or their designees also serve. The committee chairmen (or their designees) are the chairmen of the commission. The commission members that legislative leaders and GAE Committee members appoint can be legislators.

Appointing authorities must name their appointments within 30 days of the bill's passage and fill any commission vacancies. The first meeting must take place within 60 days of the bill's passage. The GAE Committee's administrative staff serve as staff to the commission.

SECRETARY'S APPROVAL

After the commission makes its recommendation and in accordance with it, the secretary of the state must approve a voting machine that must be used at all polling places for all elections, primaries, and referenda held in the state. The secretary must adopt regulations that set out the description, specifications, and standards for the machine and provisions for its use. The secretary has the authority under current law to adopt regulations and approve and certify voting machines.

GRANTS TO MUNICIPALITIES

The bill requires the secretary to distribute grants-in-aid to towns according to criteria that the commission establishes in its report. The purpose of the grants is to defray the costs of acquiring, installing, and maintaining the new voting machines.

VOTING TECHNOLOGIES ACCOUNT

The bill establishes this account as a separate, nonlapsing account in the General Fund to pay for the grants to towns for voting machines. It requires the state treasurer to transfer \$20 million of the FY 2000-01 surplus to this account.

PUNCH CARD MACHINES

The bill specifically bans the use of punch card machines in the state and prohibits the commission from recommending them or similar technology.

BACKGROUND

Related Bill

The GAE Committee gave a favorable report to 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," that includes voting technology provisions similar to those in this bill.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report
Yea 16 Nay 4