



General Assembly

January Session, 2003

Raised Bill No. 6592

LCO No. 3869

Referred to Committee on Government Administration and
Elections

Introduced by:
(GAE)

***AN ACT CONCERNING IMPLEMENTATION AND ADMINISTRATION
OF THE "HELP AMERICA VOTE ACT".***

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

1 Section 1. (NEW) (*Effective January 1, 2004*) As used in sections 2, 4, 8
2 and 9 of this act "election for federal office" means an election for
3 electors of president and vice-president, an election or primary for
4 United States Senator and an election or primary for Representative in
5 Congress.

6 Sec. 2. (NEW) (*Effective January 1, 2004*) The moderator of the
7 election in each voting district shall appear at the office of the town
8 clerk not later than eight o'clock p.m. of the day before an election for
9 federal office. At such time, the town clerk shall provide a provisional
10 ballot packet to such moderator or moderators. Each packet shall
11 include: (1) The appropriate number of provisional ballots for federal
12 office provided by the Secretary of the State, which shall be equal to
13 not less than one per cent of the number of electors who are eligible to
14 vote in the voting district served by the moderator, or such other
15 number as the municipal clerk and the registrars agree is sufficient to

16 protect electors' voting rights, (2) the appropriate number of serially-
17 numbered envelopes prescribed by the Secretary, (3) a provisional
18 ballot inventory form, (4) a provisional ballot depository envelope, and
19 (5) other necessary forms prescribed by the Secretary.

20 Sec. 3. (NEW) (*Effective January 1, 2004*) The Secretary of the State
21 shall prescribe and provide to town clerks the provisional ballot which
22 shall be a ballot of candidates for federal office. The Secretary may
23 prescribe that the provisional ballot be the overseas ballot prepared
24 under section 9-158i of the general statutes.

25 Sec. 4. (NEW) (*Effective January 1, 2004*) (a) If an individual declares
26 that such individual is an elector in the town in which the individual
27 desires to vote and that the individual is eligible to vote in the primary
28 or election for federal office in the polling place, but the name of the
29 individual does not appear on the official registry list for such polling
30 place, and the registrars have determined that such name cannot be
31 restored under section 9-42 of the general statutes, as amended by this
32 act, or transferred from another polling place under section 9-35 of the
33 general statutes, as amended by this act, such individual may apply for
34 and be issued a provisional ballot.

35 (b) If the moderator decides that an elector, whose name appears on
36 the registry list and who has been challenged pursuant to sections 9-
37 232 to 9-232f, inclusive, of the general statutes is not eligible to vote in
38 the primary or election for federal office, such elector may apply for
39 and cast a provisional ballot upon the execution of a written
40 affirmation by the elector at the polling place affirming that the elector
41 is qualified to vote in the election or primary for federal office in the
42 polling place and has neither offered himself to vote nor voted in
43 person or by absentee ballot at said election or primary for federal
44 office at the polling place.

45 (c) Such application for provisional ballot shall be prescribed by the
46 Secretary of the State, executed before an election official and include a
47 written affirmation, under penalty of false statement in absentee

48 balloting pursuant to section 9-359a of the general statutes, which shall
49 be in the form substantially as follows:

50 AFFIRMATION: I, the undersigned, do hereby state, under
51 penalties of false statement, that:

52 1. I am an elector in the town indicated.

53 2. I am eligible to vote in the election or primary indicated for federal
54 office today in the town and polling place indicated.

55 3.a. My name does not appear on the official list of eligible voters for
56 the polling place indicated, and the polling place officials called the
57 registrars of voters and were told that my name did not appear on the
58 active registry list for this town for at least one of the four years
59 previous or on one of the preliminary active registry lists for this year;
60 or

61 b. The moderator decided that I am not eligible to vote for federal
62 office in the town indicated for the reason of disfranchisement, lack of
63 identity, lack of bona fide residence or failure to present the prescribed
64 identification required for new electors after January 1, 2003, indicated.

65 4. My residence address is located in the voting district that this
66 polling place serves.

67 5. I have not voted and I will not vote otherwise than by this ballot
68 in person or by absentee ballot at this election or primary for federal
69 office.

70 6. I apply for a provisional ballot for federal office.

71 Sec. 5. (NEW) (*Effective January 1, 2004*) Upon receipt of an
72 application for provisional ballot, the moderator shall provide the
73 applicant with a provisional ballot and a serially-numbered envelope
74 and shall make a record of such issuance on the provisional ballot
75 inventory form. The applicant shall forthwith mark the ballot in the

76 presence of a polling place official in such manner that the official shall
77 not know how the ballot is marked. The applicant shall then fold the
78 ballot in the presence of the polling place official so as to conceal the
79 markings and deposit and seal it in the serially-numbered envelope in
80 the manner prescribed by the Secretary of the State. The polling place
81 official shall provide such documentation to the elector so the elector
82 may later verify whether the elector's provisional ballot was counted,
83 and shall deposit the provisional ballot and envelope in the provisional
84 ballot depository envelope. The elector shall then immediately leave
85 the room. The registrars of voters shall provide a free access system
86 restricted to the elector who cast the ballot to verify if the provisional
87 ballot was counted, and if the ballot was not counted, the reason that
88 the ballot was not counted.

89 Sec. 6. (NEW) (*Effective January 1, 2004*) Immediately after the close
90 of the polls, the moderator shall seal the provisional ballot depository
91 envelope and deliver such envelope to the town clerk who shall
92 immediately deliver it to the registrars of voters of the town. The
93 registrars of voters shall forthwith verify the information contained
94 with each provisional ballot. If the registrars of voters determine that
95 the applicant is eligible to vote, they shall note their decision on the
96 outer envelope of the ballot and open and count the provisional ballot
97 in accordance with the provisions of sections 1 to 7, inclusive, of this
98 act and procedures prescribed by the Secretary of the State. If the
99 registrars of voters are unable to determine that the applicant is
100 eligible to vote or determine that the applicant is not eligible to vote,
101 the applicant's provisional ballot sealed envelope shall be marked
102 "rejected", along with the reason for such rejection, and signed by the
103 registrars of voters. The registrars of voters shall verify and count all
104 provisional ballots in their town not later than six days after the
105 election or primary. The registrars of voters shall forthwith prepare
106 and sign in duplicate a report showing the number of provisional
107 ballots received from electors, the number rejected and the number
108 counted, and showing the additional votes counted for each candidate
109 for federal office on the provisional ballots. The registrars of voters

110 shall file one report with the town clerk and shall seal one in the
111 depository envelope with the provisional ballots and file such
112 depository envelope with the town clerk. The depository envelope
113 shall be preserved by the town clerk for the period of time required to
114 preserve counted absentee ballots for federal elections. The head
115 moderator shall forthwith file a corrected return for federal offices
116 with the town clerk and the Secretary showing (1) the final votes after
117 any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, of the
118 general statutes, the votes on provisional ballots and the totals, and (2)
119 the number of provisional ballots received from electors, the number
120 rejected and the number counted, as reported by the registrars of
121 voters.

122 Sec. 7. (NEW) (*Effective January 1, 2004*) Except as otherwise
123 provided by the general statutes and sections 1 to 12, inclusive, of this
124 act, the provisions of the general statutes concerning procedures
125 relating to counting absentee ballots shall apply as nearly as may be, in
126 the manner prescribed by the Secretary of the State, to counting the
127 provisional ballots under sections 1 to 7, inclusive, of this act.

128 Sec. 8. (NEW) (*Effective January 1, 2004*) (a) The Secretary of the State
129 shall implement a single, uniform, official, centralized, interactive
130 computerized state-wide voter registration system within the state,
131 which shall be known as the Centralized Voter Registration System.
132 Said system shall be defined, maintained and administered at the state
133 level. The Secretary of the State may implement such enhancements,
134 changes or deletions to such system as the Secretary deems necessary
135 to comply with federal and state law. The Centralized Voter
136 Registration System shall serve as the single system for storing,
137 managing and producing the official registry list of eligible electors as
138 required by title 9 of the general statutes.

139 (b) Any election official in the state, including any local election
140 official, may obtain immediate electronic access to the information
141 contained in the Centralized Voter Registration System.

142 (c) At the time that a registrar of voters obtains any information
143 concerning an elector, the registrar shall electronically enter such
144 information into the Centralized Voter Registration System on an
145 expedited basis.

146 (d) The registrar of voters shall perform list maintenance with
147 respect to the Centralized Voter Registration System on a regular basis.
148 If an individual's name is to be removed from the official registry list,
149 such name shall be removed in accordance with the provisions of the
150 National Voter Registration Act of 1993, as amended from time to time,
151 and the provisions of chapter 143 of the general statutes. For the
152 purpose of removing the names of ineligible electors from the official
153 registry list, the Secretary of the State shall coordinate the
154 computerized Centralized Voter Registration System list with (1) the
155 receipt of a monthly list of all persons who during the preceding
156 calendar month have been convicted of a felony and committed to the
157 custody of the Commissioner of Correction for confinement in a
158 correctional institution or facility or a community residence, and (2)
159 the state agency records on death.

160 (e) Each application for admission as an elector under title 9 of the
161 general statutes shall include (1) a current driver's license number
162 issued by the state of Connecticut, or (2) the last four digits of the
163 applicant's Social Security number. If an applicant for admission as an
164 elector has not been issued a current and valid driver's license from the
165 Department of Motor Vehicles or a Social Security number, the
166 registrar of voters shall process the application using the unique
167 identification number automatically assigned to each applicant by the
168 Centralized Voter Registration System.

169 (f) The Secretary of the State and the Commissioner of Motor
170 Vehicles shall enter into an agreement to match information in the
171 Centralized Voter Registration System with information in the
172 database of the Department of Motor Vehicles to the extent required to
173 enable each such agency to verify the accuracy of the information

174 provided on applications for admission as electors.

175 (g) In addition to the information required in this subsection, the
176 registrars of voters, using the Centralized Voter Registration System,
177 shall keep a record of every registered voter who was checked as
178 having voted in person or by absentee ballot at each election for
179 federal office held within the registrars' town.

180 Sec. 9. (NEW) (*Effective January 1, 2004*) (a) On or after January 1,
181 2003, any person who is applying, by mail, to register to vote for the
182 first time in this state, or for the first time in a town that is not on the
183 Centralized Voter Registration System, may submit as part of such
184 voter registration application: (1) A copy of a current and valid photo
185 identification, (2) a copy of a current utility bill, bank statement,
186 government check, paycheck or government document that shows the
187 name and address of the voter, (3) a valid Connecticut motor vehicle
188 operator's license number, or (4) the last four digits of the individual's
189 Social Security number. Members of the armed forces and persons
190 entitled to use the federal post card application for absentee ballots
191 under section 9-153a of the general statutes, as amended by this act, are
192 not required to provide identification when registering by mail.

193 (b) If an individual submits such information pursuant to this
194 section as part of the individual's voter registration application and,
195 with respect to subdivision (3) or (4) of subsection (a) of this section,
196 the registrars of voters are able to match the information submitted
197 with an existing Connecticut identification record bearing the same
198 number, name and date of birth as provided, such individual shall not
199 be required to produce identification when voting in person or by
200 absentee ballot and may sign a statement as described in subparagraph
201 (B) of subdivision (2) of subsection (a) of section 9-261 of the general
202 statutes, as amended by this act, in lieu of presenting identification
203 when voting in person.

204 (c) Any additional documentation submitted as part of the voter
205 registration application pursuant to this section may be destroyed by

206 the registrars of voters after verification pursuant to the Help America
207 Vote Act, P.L. 107-252, as amended from time to time.

208 (d) If an individual described in subsection (a) of this section does
209 not submit the identification described in subsection (a) of this section
210 as part of the individual's application for admission as an elector,
211 when the individual has entered the polling place in an election for
212 federal office, the individual shall present: (1) A current and valid
213 photo identification, or (2) a copy of a current utility bill, bank
214 statement, government check, paycheck or other government
215 document that shows the name and address of the voter. If an
216 individual does not meet the requirements of this subsection in an
217 election for federal office, such individual may cast a provisional ballot
218 prescribed under sections 1 to 7, inclusive, of this act.

219 (e) If an individual described in subsection (a) of this section does
220 not submit the identification described in subsection (a) of this section
221 as part of the individual's application for admission as an elector, and
222 if the individual votes by absentee ballot in an election for federal
223 office, the individual shall enclose in the outer absentee ballot
224 envelope, and not in the inner envelope with the ballot: (1) A copy of a
225 current and valid photo identification, or (2) a copy of a current utility
226 bill, bank statement, government check, paycheck, or other
227 government document that shows the name and address of the voter.
228 If an individual does not meet the requirements of this subsection in an
229 election for federal office, such individual's absentee ballot shall be
230 treated as a provisional ballot for federal office only, pursuant to
231 sections 1 to 7, inclusive, of this act.

232 Sec. 10. (NEW) (*Effective January 1, 2004*) Notwithstanding the
233 provisions of section 9-250 of the general statutes and any other section
234 of the general statutes, the Secretary of the State may approve a voting
235 machine, in the manner provided by section 9-241 or 9-242 of the
236 general statutes, on which the names of political parties and party
237 designations cannot be arranged in columns or horizontal rows

238 immediately adjacent to the column or row occupied by the candidate
239 or candidates of such political party or organization. If such a voting
240 machine is approved, the names of the candidates on such machine (1)
241 shall be presented to the elector by office or position and each
242 candidate's name shall be presented once for the office, followed by the
243 candidate's party designation or designations, and (2) shall be listed in
244 the order of the parties specified in section 9-249a of the general
245 statutes.

246 Sec. 11. (NEW) (*Effective January 1, 2004*) If a voting machine
247 approved pursuant to section 10 of this act is used at a primary, the
248 provisions of section 9-437 of the general statutes, as amended by this
249 act, shall apply to the voting machine, except that:

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

254 (2) Below the name of a party-endorsed candidate, if any, for a state
255 office shall be placed the name of a candidate whose name has
256 appeared on a single certificate filed under subsection (a) of section 9-
257 400 of the general statutes, proposing two or more candidates and
258 proposing one candidate for each state office to be contested at such
259 primary. The name of such candidate shall be followed by the words
260 "Slate B". If more than one such full slate of two or more state offices is
261 filed, the Secretary of the State shall determine by lot, in a ceremony
262 which shall be open to the public, the order and precedence as to
263 alphabetical designation on the ballot of the slate on each such
264 certificate. Below such full slates, if any, all other candidates for state
265 office shall be placed in alphabetical order under the appropriate office
266 title.

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

270 (4) Below the names of party-endorsed candidates, if any, for a
271 municipal office shall be placed in alphabetical order under the
272 appropriate office title the names of candidates for such office whose
273 names appeared on a single petition proposing two or more candidates
274 and proposing the full number of candidates for each office to be
275 contested at such primary as the party may nominate at the primary.
276 The name of each such candidate shall be followed by the words "Slate
277 B". If more than one petition proposing such full slate is filed, the
278 names on each such petition shall be placed in alphabetical order
279 under the appropriate office title and precedence as to order and
280 alphabetical designation of each such full slate shall be given to the
281 candidates whose names appear on the first such petition filed and so
282 on in chronological order. The provisions of section 9-437 of the
283 general statutes, as amended by this act, shall apply when such order
284 of filing is simultaneous or is unable to be determined. Below such full
285 slates, if any, all other candidates for municipal office shall be placed in
286 alphabetical order under the appropriate office title.

287 (5) Below the names of party-endorsed candidates, if any, for town
288 committee shall be placed in alphabetical order the names of
289 candidates whose names have appeared on a single petition. The name
290 of each such candidate shall be followed by the words "Slate B". If
291 more than one petition is filed, the names on each such petition shall
292 be placed in alphabetical order and the order and precedence as to
293 alphabetical designation of each such slate shall be determined in
294 accordance with section 9-437 of the general statutes, as amended by
295 this act.

296 (6) In the case of a delegate primary, the slates shall be listed on the
297 ballot in the order prescribed by section 9-437 of the general statutes,
298 as amended by this act, and each slate shall be identified as it would
299 have been identified pursuant to section 9-437 of the general statutes,
300 as amended by this act, on machines approved prior to January 1,
301 2003.

302 (7) The position of the name of each candidate on the ballot shall be
303 determined as of the final time for filing candidacies specified in
304 sections 9-400 and 9-405 of the general statutes and the provisions of
305 section 9-437 of the general statutes, as amended by this act, relating to
306 vacancies in candidacies thereafter occurring shall apply.

307 Sec. 12. (NEW) (*Effective January 1, 2004*) There is established, within
308 the General Fund, a separate, nonlapsing account to be known as the
309 Help America Vote Act account. The account may contain (1) any
310 amounts appropriated or otherwise made available by the state to
311 carry out the activities for which the requirements payment is made to
312 the state pursuant to the Help America Vote Act, P.L. 107-252, as
313 amended from time to time; (2) the requirements payment made to the
314 state pursuant to said Help America Vote Act; (3) such other amounts
315 appropriated to the state pursuant to said Help America Vote Act; and
316 (4) any other moneys required by law to be deposited in the account.
317 Investment earnings credited to the assets of the account shall become
318 part of the assets of the account. The moneys in said account shall be
319 used by the state exclusively to carry out the activities and provisions
320 required by said Help America Vote Act.

321 Sec. 13. Section 9-7b of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective from passage*):

323 (a) The State Elections Enforcement Commission shall have the
324 following duties and powers:

325 (1) To make investigations on its own initiative or with respect to
326 statements filed with the commission by the Secretary of the State or
327 any town clerk, or upon written complaint under oath by any
328 individual, with respect to alleged violations of any provision of the
329 general statutes relating to any election or referendum, any primary
330 held pursuant to section 9-423, 9-424, 9-425 or 9-464 or any primary
331 held pursuant to a special act, and to hold hearings when the
332 commission deems necessary to investigate violations of any
333 provisions of the general statutes relating to any such election, primary

334 or referendum, and for the purpose of such hearings the commission
335 may administer oaths, examine witnesses and receive oral and
336 documentary evidence, and shall have the power to subpoena
337 witnesses under procedural rules the commission shall adopt, to
338 compel their attendance and to require the production for examination
339 of any books and papers which the commission deems relevant to any
340 matter under investigation or in question. In connection with its
341 investigation of any alleged violation of any provision of chapter 145,
342 or of any provision of section 9-359 or section 9-359a, the commission
343 shall also have the power to subpoena any municipal clerk and to
344 require the production for examination of any absentee ballot, inner
345 and outer envelope from which any such ballot has been removed,
346 depository envelope containing any such ballot or inner or outer
347 envelope as provided in sections 9-150a, as amended by this act, and 9-
348 150b and any other record, form or document as provided in section 9-
349 150b, in connection with the election, primary or referendum to which
350 the investigation relates. In case of a refusal to comply with any
351 subpoena issued pursuant to this subsection or to testify with respect
352 to any matter upon which that person may be lawfully interrogated,
353 the superior court for the judicial district of Hartford, on application of
354 the commission, may issue an order requiring such person to comply
355 with such subpoena and to testify; failure to obey any such order of the
356 court may be punished by the court as a contempt thereof. In any
357 matter under investigation which concerns the operation or inspection
358 of or outcome recorded on any voting machine, the commission may
359 issue an order to the municipal clerk to impound such machine until
360 the investigation is completed;

361 (2) To levy a civil penalty not to exceed (A) two thousand dollars
362 per offense against any person the commission finds to be in violation
363 of any provision of chapter 145, part V of chapter 146, part I of chapter
364 147, chapter 148, section 9-12, subsection (a) of section 9-17, section 9-
365 19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, as amended by
366 this act, 9-23h, as amended by this act, 9-23j to 9-23o, inclusive, 9-26, 9-
367 31a, 9-32, 9-35, as amended by this act, 9-35b, 9-35c, 9-40a, 9-42, as

368 amended by this act, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172,
369 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or
370 9-453o, or (B) two thousand dollars per offense or twice the amount of
371 any improper payment or contribution, whichever is greater, against
372 any person the commission finds to be in violation of any provision of
373 chapter 150. The commission may levy a civil penalty against any
374 person under subparagraph (A) or (B) of this subdivision only after
375 giving the person an opportunity to be heard at a hearing conducted in
376 accordance with sections 4-176e to 4-184, inclusive. In the case of
377 failure to pay any such penalty levied pursuant to this subsection
378 within thirty days of written notice sent by certified or registered mail
379 to such person, the superior court for the judicial district of Hartford,
380 on application of the commission, may issue an order requiring such
381 person to pay the penalty imposed and such court costs, state
382 marshal's fees and attorney's fees incurred by the commission as the
383 court may determine. Any civil penalties paid, collected or recovered
384 under subparagraph (B) of this subdivision for a violation of any
385 provision of chapter 150 applying to the office of the Treasurer shall be
386 deposited on a pro rata basis in any trust funds, as defined in section 3-
387 13c, affected by such violation;

388 (3) (A) To issue an order requiring any person the commission finds
389 to have received any contribution or payment which is prohibited by
390 any of the provisions of chapter 150, after an opportunity to be heard
391 at a hearing conducted in accordance with the provisions of sections 4-
392 176e to 4-184, inclusive, to return such contribution or payment to the
393 donor or payor, or to remit such contribution or payment to the state
394 for deposit in the General Fund, whichever is deemed necessary to
395 effectuate the purposes of chapter 150;

396 (B) To issue an order when the commission finds that an intentional
397 violation of any provision of chapter 150 has been committed, after an
398 opportunity to be heard at a hearing conducted in accordance with
399 sections 4-176e to 4-184, inclusive, which order may contain one or
400 more of the following sanctions: (i) Removal of a campaign treasurer,

401 deputy campaign treasurer or solicitor; or (ii) prohibition on serving as
402 a campaign treasurer, deputy campaign treasurer or solicitor, for a
403 period not to exceed four years;

404 (C) To issue an order revoking any person's eligibility to be
405 appointed or serve as an election, primary or referendum official or
406 unofficial checker or in any capacity at the polls on the day of an
407 election, primary or referendum, when the commission finds such
408 person has intentionally violated any provision of the general statutes
409 relating to the conduct of an election, primary or referendum, after an
410 opportunity to be heard at a hearing conducted in accordance with
411 sections 4-176e to 4-184, inclusive;

412 (4) To inspect or audit at any reasonable time and upon reasonable
413 notice the accounts or records of any campaign treasurer or principal
414 campaign treasurer, as required by chapter 150 and to audit any such
415 election, primary or referendum held within the state; provided, it
416 shall not audit any caucus, as defined in subdivision (1) of section 9-
417 372;

418 (5) To attempt to secure voluntary compliance, by informal methods
419 of conference, conciliation and persuasion, with any provision of
420 chapters 149 to 153, inclusive, or any other provision of the general
421 statutes relating to any such election, primary or referendum;

422 (6) To consult with the Secretary of the State, the Chief State's
423 Attorney or the Attorney General on any matter which the commission
424 deems appropriate;

425 (7) To refer to the Chief State's Attorney evidence bearing upon
426 violation of any provision of chapters 149 to 153, inclusive, or any
427 other provision of the general statutes pertaining to or relating to any
428 such election, primary or referendum;

429 (8) To refer to the Attorney General evidence for injunctive relief
430 and any other ancillary equitable relief in the circumstances of

431 subdivision (7) of this [section] subsection. Nothing in this subdivision
432 shall preclude a person who claims that he is aggrieved by a violation
433 of any provision of chapter 152 or any other provision of the general
434 statutes relating to referenda from pursuing injunctive and any other
435 ancillary equitable relief directly from the Superior Court by the filing
436 of a complaint;

437 (9) To refer to the Attorney General evidence pertaining to any
438 ruling which the commission finds to be in error made by election
439 officials in connection with any election, primary or referendum. Those
440 remedies and procedures available to parties claiming to be aggrieved
441 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
442 apply to any complaint brought by the Attorney General as a result of
443 the provisions of this subdivision;

444 (10) To consult with the United States Department of Justice and the
445 United States Attorney for Connecticut on any investigation pertaining
446 to a violation of this section, section 9-12, subsection (a) of section 9-17
447 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, as
448 amended by this act, 9-23h, as amended by this act, 9-23j to 9-23o,
449 inclusive, 9-26, 9-31a, 9-32, 9-35, as amended by this act, 9-35b, 9-35c, 9-
450 40a, 9-42, as amended by this act, 9-43, 9-50a, 9-56 or 9-59 and to refer
451 to said department and attorney evidence bearing upon any such
452 violation for prosecution under the provisions of the National Voter
453 Registration Act of 1993, P.L. 103-31, as amended from time to time;

454 (11) To inspect reports filed with the Secretary of the State and with
455 town clerks pursuant to chapter 150 and refer to the Chief State's
456 Attorney evidence bearing upon any violation of law therein if such
457 violation was committed knowingly and wilfully;

458 (12) To intervene in any action brought pursuant to the provisions
459 of sections 9-323, as amended by this act, 9-324, 9-328 and 9-329a upon
460 application to the court in which such action is brought when in the
461 opinion of the court it is necessary to preserve evidence of possible
462 criminal violation of the election laws;

463 (13) To adopt and publish regulations pursuant to chapter 54 to
464 carry out the provisions of section 9-7a, this section and chapter 150; to
465 issue upon request and publish advisory opinions in the Connecticut
466 Law Journal upon the requirements of chapter 150, and to make
467 recommendations to the General Assembly concerning suggested
468 revisions of the election laws;

469 (14) To the extent that the Elections Enforcement Commission is
470 involved in the investigation of alleged or suspected criminal
471 violations of any provision of the general statutes pertaining to or
472 relating to any such election, primary or referendum and is engaged in
473 such investigation for the purpose of presenting evidence to the Chief
474 State's Attorney, the Elections Enforcement Commission shall be
475 deemed a law enforcement agency for purposes of subdivision (3) of
476 subsection (b) of section 1-210, provided nothing in this section shall be
477 construed to exempt the Elections Enforcement Commission in any
478 other respect from the requirements of the Freedom of Information
479 Act, as defined in section 1-200;

480 (15) To enter into such contractual agreements as may be necessary
481 for the discharge of its duties, within the limits of its appropriated
482 funds and in accordance with established procedures; [and]

483 (16) To provide the Secretary of the State with notice and copies of
484 all decisions rendered by the commission in contested cases, advisory
485 opinions and declaratory judgments, at the time such decisions,
486 judgments and opinions are made or issued; and

487 (17) To adopt a uniform and nondiscriminatory administrative
488 complaint procedure in compliance with the Help America Vote Act,
489 P.L. 107-252, as amended from time to time. Such procedure shall
490 allow any person who believes that there is a violation of any
491 provision of Title III of P.L. 107-252 to file a complaint with the State
492 Elections Enforcement Commission. Any complaint filed under this
493 subdivision shall be in writing and notarized, signed and sworn by the
494 person filing the complaint. At the request of the complainant, there

495 shall be a hearing on the record. If the commission determines that
496 there is a violation of any provision of Title III of P.L. 107-252, the
497 commission shall provide the appropriate remedy. If the commission
498 determines there is no violation, the commission shall dismiss the
499 complaint and publish the results of the procedure. The commission
500 shall make a final determination with respect to a complaint prior to
501 the expiration of the ninety-day period beginning on the date the
502 complaint is filed, unless the complainant consents to a longer period
503 for making such determination. If the commission fails to meet the
504 applicable deadline under this subdivision with respect to a complaint,
505 the commission shall resolve the complaint within sixty days after the
506 expiration of such ninety-day period under an alternative dispute
507 resolution procedure established by the commission.

508 (b) In the case of a refusal to comply with an order of the
509 commission issued pursuant to subdivision (3) of subsection (a) of this
510 section, the superior court for the judicial district of Hartford, on
511 application of the commission, may issue a further order to comply.
512 Failure to obey such further order may be punished by the court as a
513 contempt thereof.

514 Sec. 14. Subsection (e) of section 9-23g of the general statutes is
515 repealed and the following is substituted in lieu thereof (*Effective*
516 *January 1, 2004*):

517 (e) A registration application filed under this section shall be
518 rejected if the application (1) has not been signed or dated by the
519 applicant or the authorized agent of the applicant pursuant to
520 subsection (b) of this section, (2) does not indicate the applicant's date
521 of birth or bona fide residence, (3) does not indicate United States
522 citizenship, provided the registrars of voters have contacted such
523 applicant to provide an opportunity to answer such question, or (4) is
524 determined by the Secretary of the State to be substantially defective.
525 No registration application filed under this section shall be rejected if
526 the application fails to provide the applicant's Social Security number

527 or the zip code of the applicant's bona fide residence.

528 Sec. 15. Section 9-23h of the general statutes is repealed and the
529 following is substituted in lieu thereof (*Effective January 1, 2004*):

530 The application provided for in section 9-23g, as amended by this
531 act, shall provide spaces for the following information for each
532 applicant: (1) Name, (2) bona fide residence, including street number,
533 street address, apartment number if applicable, town and zip code, (3)
534 telephone number, (4) date of birth, (5) whether the applicant is
535 registered as an elector in any other town in the state of Connecticut or
536 in any other state, and if so, the applicant's last previous voting
537 residence, (6) whether the applicant is a United States citizen, (7)
538 whether the applicant will be eighteen years of age on or before
539 election day, (8) party affiliation, if any, [and (8)] (9) the applicant's
540 signature and date of signature, and (10) the applicant's Connecticut
541 motor vehicle operator's license number or, if none, the last four digits
542 of the applicant's Social Security number. The spaces for the
543 applicant's telephone number and party affiliation shall indicate that
544 such information does not have to be provided. The spaces regarding
545 United States citizenship and whether the applicant will be eighteen
546 years of age on or before election day shall indicate that if the applicant
547 answers "No" to either question, the applicant may not complete the
548 voter registration form. No Social Security number on any such form
549 filed prior to January 1, 2000, may be disclosed to the public or to any
550 governmental agency. The application shall contain a notice that if the
551 applicant does not receive a notice of acceptance or rejection of the
552 application from the office of the registrars of voters for the
553 municipality in which the applicant resides, the applicant should
554 contact said office. The application shall also contain any other
555 information, questions or instructions prescribed by the Secretary of
556 the State.

557 Sec. 16. Subsections (d) and (e) of section 9-35 of the general statutes
558 are repealed and the following is substituted in lieu thereof (*Effective*

559 *January 1, 2004*):

560 (d) The registrars shall enter the names on such list by street and
561 number of the house, when the houses are numbered, so that there
562 shall be entered on the list first, the street, avenue or road; second, the
563 number of the house or residence in numerical order or, if the
564 registrars of any town find it more convenient, by odd and even
565 numbers in numerical order; and third, the names of the electors in
566 such house in alphabetical order. The names of any electors who
567 cannot be so listed shall be listed alphabetically in the voting district
568 wherein any such elector is a bona fide resident. The registrars of
569 voters may consecutively number the names on the registry list, [or]
570 may include voter identification numbers for the names on the registry
571 list, and may include a mark, as prescribed by the Secretary of the
572 State, next to the name of each first-time registrant on the system who
573 registers to vote on or after January 1, 2003, and does not provide
574 identification with his or her mail-in voter registration application as
575 provided in the Help America Vote Act, P.L. 107-252, as amended from
576 time to time, provided such list shall comply in all respects with the
577 requirements of law other than for the addition of such numbers and
578 marks. The registrars shall not use Social Security numbers for any
579 such voter identification numbers.

580 (e) In any case in which the registrars have obtained reliable
581 information of an elector's change of address within the municipality,
582 they shall enter the name of such elector on the registry list at the place
583 where the elector then resides, provided, if such reliable information is
584 the National Change of Address System of the United States Postal
585 Service, the registrar shall change the registry list and send the elector
586 a notice of the change by forwardable mail and a postage prepaid
587 preaddressed return form by which the elector may verify or correct
588 the address information. If during the canvass the registrars determine
589 that an elector has moved out of town and such elector has not
590 confirmed in writing that the elector has moved out of the town, the
591 registrars shall, not later than May first, send to the elector, by

592 forwardable mail, a notice required by the National Voter Registration
593 Act of 1993, P.L. 103-31, as amended from time to time, together with a
594 postage prepaid preaddressed return card on which the elector may
595 state the elector's current address. In the year of a presidential
596 preference primary, the registrars shall send such notice not earlier
597 than the date of such primary. If the registrar does not receive the
598 return card within thirty days after it is sent, the elector's name,
599 including the name of an elector who has not voted in two consecutive
600 federal elections, shall be placed on the inactive registry list for four
601 years. At the expiration of such period of time on the inactive registry
602 list, such name shall be removed from the registry list. If such elector
603 applies to restore the elector's name to the active registry list or votes
604 during such period, the elector's name shall be restored to the active
605 registry list. Such registrars shall retain a duplicate copy or record of
606 each such notice in their office or, if they do not have a permanent
607 office, in the office space provided under section 9-5a, and shall note
608 on such duplicate copy or record the date on which such notice was
609 mailed. In each municipality, any elector, upon change of residence
610 within the municipality, may cause the elector's registration to be
611 transferred to the elector's new address by presenting to the registrars
612 a signed request therefor, stating the elector's present address, the date
613 the elector moved to such address and the address at which the elector
614 was last registered. The registrars shall thereupon enter the elector's
615 name on the list at the elector's new residence; provided no transfer of
616 registration shall be made on the registry list on election day without
617 the consent of both registrars.

618 Sec. 17. Subsection (c) of section 9-42 of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective*
620 *January 1, 2004*):

621 (c) The registrars of voters shall cause the inactive registry list
622 compiled under section 9-35, as amended by this act, to be completed
623 and printed and deposited in the town clerk's office and shall provide
624 a sufficient number of copies for use in the polling place on election

625 day. If on election day the name of an elector appears on such inactive
626 registry list, including the name of an elector who has not responded
627 to a confirmation of voting residence notice under subsection (e) of
628 section 9-35, as amended by this act, and has not voted in two
629 consecutive federal elections, such name shall be added to the active
630 registry list upon written affirmation signed by the elector, under
631 penalties of false statement, before an election official at the polling
632 place, that such elector is still a bona fide resident of such town, and
633 upon the consent of both registrars or assistant registrars, as the case
634 may be, in the polls.

635 Sec. 18. Section 9-140a of the general statutes is repealed and the
636 following is substituted in lieu thereof (*Effective January 1, 2004*):

637 Each absentee ballot applicant shall sign the form on the inner
638 envelope provided for in section 9-137, which shall constitute a
639 statement under the penalties of false statement in absentee balloting.
640 Any absentee ballot applicant who is unable to write may cause his
641 name to be signed on the form by an authorized agent who shall, in the
642 space provided for the signature, write the name of the applicant
643 followed by the word "by" and his own signature. The failure of the
644 applicant or authorized agent to date the form shall not invalidate the
645 ballot. The ballot shall be inserted in the inner envelope, and the inner
646 envelope shall be inserted in the outer envelope, prior to the return of
647 the ballot to the municipal clerk. If an applicant is required to return
648 identification with the ballot pursuant to the Help America Vote Act,
649 P.L. 107-252, as amended from time to time, such identification shall be
650 inserted in the outer envelope so such identification can be viewed
651 without opening the inner envelope.

652 Sec. 19. Subsection (a) of section 9-140b of the general statutes is
653 repealed and the following is substituted in lieu thereof (*Effective*
654 *January 1, 2004*):

655 (a) An absentee ballot shall be cast at a primary, election or
656 referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a

657 designee of a person who applies for an absentee ballot because of
658 illness or physical disability, or (C) a member of the immediate family
659 of an applicant who is a student, so that it is received by the clerk of
660 the municipality in which the applicant is qualified to vote not later
661 than the close of the polls; (2) it is returned by the applicant in person
662 to the clerk by the day before a regular election, special election or
663 primary or prior to the opening of the polls on the day of a
664 referendum; (3) it is returned by a designee of an ill or physically
665 disabled ballot applicant, in person, to said clerk not later than the
666 close of the polls on the day of the election, primary or referendum; (4)
667 it is returned by a member of the immediate family of the absentee
668 voter, in person, to said clerk not later than the close of the polls on the
669 day of the election, primary or referendum; [or] (5) in the case of a
670 presidential or overseas ballot, it is mailed or otherwise returned
671 pursuant to the provisions of section 9-158g; or (6) it is returned with
672 the proper identification as required by the Help America Vote Act,
673 P.L. 107-252, as amended from time to time, if applicable, inserted in
674 the outer envelope so such identification can be viewed without
675 opening the inner envelope. A person returning an absentee ballot to
676 the municipal clerk pursuant to subdivision (3) or (4) of this subsection
677 shall present identification and, on the outer envelope of the absentee
678 ballot, sign his name in the presence of the municipal clerk, and
679 indicate his address, his relationship to the voter or his position, and
680 the date and time of such return. As used in this section, "immediate
681 family" means a dependent relative who resides in the individual's
682 household or any spouse, child or parent of the individual.

683 Sec. 20. Subsection (d) of section 9-150a of the general statutes is
684 repealed and the following is substituted in lieu thereof (*Effective*
685 *January 1, 2004*):

686 (d) If the statement on the inner envelope has not been signed as
687 required by section 9-140a, as amended by this act, such inner
688 envelope shall not be opened nor the ballot removed therefrom, and
689 such inner envelope shall be replaced in the opened outer envelope

690 which shall be marked "Rejected" and the reason therefor endorsed
691 thereon by the counters. If such statement is signed but the
692 identification required by the Help America Vote Act, P.L. 107-252, as
693 amended from time to time, is not included with the ballot so that the
694 identity of the elector is protected when such ballot is viewed, the
695 ballot shall be replaced in the opened inner envelope and such inner
696 envelope shall be replaced in the opened outer envelope which shall be
697 marked "Rejected" and the reason therefor endorsed thereon by the
698 counters.

699 Sec. 21. Section 9-153a of the general statutes is repealed and the
700 following is substituted in lieu thereof (*Effective January 1, 2004*):

701 (a) The form of absentee ballot application provided by any federal
702 department or agency, referred to in section 9-140, may be used only
703 by a person in any one of the following categories who is eligible to
704 vote and who expects to be unable to appear at his proper polling
705 place for any reason specified in section 9-135: (1) Members of the
706 armed forces, (2) the spouses and dependents of such members, (3)
707 members of religious groups or welfare agencies assisting members of
708 the armed forces, who are officially attached to and serving with the
709 armed forces, and their spouses and dependents, (4) civilian
710 employees of the United States in all categories serving outside the
711 territorial limits of the several states of the United States and the
712 District of Columbia and their spouses and dependents when residing
713 with or accompanying them, whether or not the employee is subject to
714 the civil service laws and the Federal Classification Act of 1949, and
715 whether or not paid from funds appropriated by the Congress, (5)
716 citizens of the United States temporarily residing outside of the
717 territorial limits of the several states of the United States and the
718 District of Columbia, and (6) overseas citizens qualified to vote under
719 the Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat.
720 924, 42 USC 1973ff et seq., as amended from time to time. Any such
721 person may apply for an absentee ballot in the manner provided in
722 [said] section 9-140, either on the form prescribed by the Secretary of

723 the State under [said] section 9-140, or on the application form
724 provided by any federal department or agency hereinbefore referred
725 to.

726 (b) The office of the Secretary of the State shall be the office
727 responsible for providing information regarding voter registration and
728 absentee ballot procedures to persons qualified to vote under the
729 Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924,
730 42 USC 1973ff et seq., as amended from time to time. The "Federal Post
731 Card Application" shall be accepted by the municipal clerks as a
732 request for absentee ballots for the two regularly scheduled general
733 elections following the effective date of this section. If a municipal
734 clerk rejects a voter registration request or absentee ballot application
735 from a person in a category in subsection (a) of this section, the
736 municipal clerk shall inform such person of the rejection and the
737 reason for the rejection. No municipal clerk may reject a voter
738 registration request or an absentee ballot application from a person in
739 a category in subsection (a) of this section on the grounds that such
740 request or application was an early submission. No member of the
741 armed forces, as defined in section 9-25a, shall be deemed to have lost
742 such member's residence in any town by reason of such member's
743 absence from the town due to active service in any branch of the armed
744 forces.

745 Sec. 22. Section 9-153e of the general statutes is repealed and the
746 following is substituted in lieu thereof (*Effective January 1, 2004*):

747 Persons in the following categories who, due to military or other
748 contingencies that preclude normal mail delivery, may apply for a
749 blank absentee ballot to vote for all offices being contested at a regular
750 election: (1) A member of the armed forces who is an elector or an
751 applicant for admission as an elector, or the member's spouse or
752 dependent if living where such member is stationed, [may apply
753 before a regular election for a blank absentee ballot to vote for all
754 offices being contested at the election] and (2) an elector or applicant

755 for admission as an elector who is living, or expects to be living or
756 traveling, before and on election day, outside the territorial limits of
757 the several states. The clerk shall make such ballots available for this
758 purpose beginning not earlier than ninety days before the election.
759 Application shall be made upon a form prescribed by the Secretary of
760 the State or on the federal postcard application form provided
761 pursuant to the Uniformed and Overseas Citizens Absentee Voting
762 Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time to time,
763 or any other applicable law and shall be issued only if the applicant
764 states that due to military contingencies the regular application
765 procedure, as set forth in section 9-140, cannot be followed. Upon
766 receipt of the application, the municipal clerk shall issue the ballot,
767 which shall be prescribed and printed by the Secretary of the State, and
768 a list of the offices to be voted upon indicating the number of
769 individuals for which each elector may vote. As soon as a complete list
770 of nominated candidates, including the party designations of such
771 candidates, and questions is available, the clerk shall send such list to
772 each applicant. If the list of candidates and questions is not available
773 when the ballot is issued, the clerk shall include a statement indicating
774 that such list shall be mailed as soon as it becomes available. The ballot
775 shall permit the elector to vote by writing in the names of specific
776 candidates and offices for which he is voting. The elector may also vote
777 on the questions in a manner prescribed by the Secretary of the State.
778 [If the military contingency no longer exists, application for an
779 additional ballot for all offices may be made pursuant to the provisions
780 of section 9-153b.]

781 Sec. 23. Subsection (a) of section 9-158e of the general statutes is
782 repealed and the following is substituted in lieu thereof (*Effective*
783 *January 1, 2004*):

784 (a) A person applying for a presidential ballot in person shall
785 present: (1) A current and valid photo identification, or (2) a copy of a
786 current utility bill, bank statement, government check, paycheck or
787 other government document that shows the name and address of the

788 voter. The application for a presidential ballot by mail shall be
789 accompanied by: (A) A copy of a current and valid photo
790 identification, or (B) a copy of a current utility bill, bank statement,
791 government check, paycheck or government document that shows the
792 name and address of the voter. Upon receipt of an application for a
793 presidential ballot under sections 9-158a to 9-158m, inclusive, the clerk,
794 if satisfied that the application is proper and that the applicant is
795 qualified to vote under said sections, shall forthwith give or mail to the
796 applicant, as the case may be, a ballot for presidential and vice-
797 presidential electors for use at the election and instructions and
798 envelopes for its return. At such time the clerks shall also mail a
799 duplicate of the application to the appropriate official of (1) the state or
800 the town in this state in which the applicant last resided in the case of
801 an applicant who is a resident, or (2) the state or the town in this state
802 in which the applicant now resides in the case of an applicant who is a
803 former resident.

804 Sec. 24. Section 9-232f of the general statutes is repealed and the
805 following is substituted in lieu thereof (*Effective January 1, 2004*):

806 The town clerk shall preserve such ballots in the sealed envelopes
807 for a period of one hundred eighty days after the election. However, in
808 the case of a contested election, either party to such action may request
809 the court to order that the sealed envelopes containing challenged
810 ballots be delivered to the board of admissions by the town clerk
811 together with any memorandum or remarks which were attached to
812 the election returns or required to be so attached. If so ordered, the
813 board of admissions shall then convene and consider each challenged
814 ballot and rule as to which ballots shall be counted. The results thereof
815 shall be added to the vote totals. Federal offices shall not be counted on
816 a challenged ballot that was issued to a person who was also issued a
817 provisional ballot.

818 Sec. 25. Section 9-236b of the general statutes is repealed and the
819 following is substituted in lieu thereof (*Effective January 1, 2004*):

820 (a) The Secretary of the State shall provide each municipality with
821 sufficient quantities of a poster size copy, at least eighteen by twenty-
822 four inches, of a Voter's Bill of Rights, which shall be posted
823 conspicuously at each polling place. The text of the Voter's Bill of
824 Rights shall be:

825 "VOTER'S BILL OF RIGHTS

826 Every registered voter in this state has the right to:

827 (1) Inspect a sample ballot before voting;

828 (2) Receive instructions concerning how to operate voting
829 equipment, on sample voting equipment before voting;

830 (3) Cast a ballot if the voter is in line when the polls are closing;

831 (4) Ask for and receive assistance in voting, including assistance in
832 languages other than English where required by federal or state law;

833 (5) Vote free from coercion or intimidation by election officials or
834 any other person; and

835 (6) Cast a ballot using voting equipment that accurately counts all
836 votes."

837 (b) In any municipality or voting district where federal or state law
838 requires ballots to be made available in a language or languages other
839 than English, the Voter's Bill of Rights shall also be made available in
840 such language or languages.

841 (c) Sample ballots shall be made available at all polling places, and
842 any voter shall be permitted to inspect a sample ballot before voting.

843 (d) Any voter standing in line at a polling place at the time when
844 polls are scheduled to close shall be permitted to vote.

845 (e) For use at elections for federal office, the Secretary of the State

846 shall prescribe and the municipal clerk shall provide for all polling
847 places in the municipality: (1) Instructions on how to cast a provisional
848 ballot, (2) instructions for mail-in registrants and first-time voters who
849 register to vote by mail on or after January 1, 2003, (3) general
850 information concerning voting rights under federal and Connecticut
851 laws, including information on the right of an individual to cast a
852 provisional ballot and instructions on how to contact the appropriate
853 officials if these rights are alleged to have been violated, and (4)
854 general information on federal and state laws concerning prohibitions
855 on acts of fraud and misrepresentation.

856 Sec. 26. Section 9-255 of the general statutes is repealed and the
857 following is substituted in lieu thereof (*Effective January 1, 2004*):

858 The board of selectmen or the municipal clerk shall provide for all
859 polling places using voting machines at least three sample ballot labels
860 which shall be arranged in the form of a diagram showing the entire
861 front of the voting machine as it will appear after the official ballot
862 labels are arranged for voting on election day or that portion thereof
863 which will contain the offices, party designations, names of candidates,
864 write-in slots and questions to be voted upon. On each such sample
865 ballot label shall be printed (1) instructions as to the use of the voting
866 machine, which instructions shall be approved by the Secretary of the
867 State, and (2) information concerning the date of the election and the
868 hours during which polling places will be open. Such sample ballot
869 labels shall be so posted inside the polling place as to be visible to
870 those within the polling place during the whole day of election. At
871 least one of such sample ballot labels shall be so posted as to be visible
872 to an elector being instructed on the demonstrator or spare voting
873 machine under section 9-260.

874 Sec. 27. Subsection (a) of section 9-261 of the general statutes is
875 repealed and the following is substituted in lieu thereof (*Effective*
876 *January 1, 2004*):

877 (a) In each primary, election or referendum, when an elector has

878 entered the polling place, [he] the elector shall [(1)] announce [his] the
879 elector's street address, if any, and [his] the elector's name to the
880 checkers in a tone sufficiently loud and clear as to enable all the
881 election officials present to hear the same. [and (2)] Each elector who
882 registered to vote by mail for the first time on or after January 1, 2003,
883 and has a "mark" next to the elector's name on the official registry list,
884 as required by section 9 of this act, shall present to the checkers, before
885 the elector votes, either a current and valid photo identification that
886 shows the elector's name and address or a copy of a current utility bill,
887 bank statement, government check, paycheck or other government
888 document that shows the name and address of the elector. Each other
889 elector shall (A) present to the checkers [his] the elector's Social
890 Security card or any other preprinted form of identification which
891 shows [his] the elector's name and either [his] the elector's address,
892 signature or photograph, or (B) sign a statement under penalty of false
893 statement, on a form prescribed by the Secretary of the State, that [he]
894 the elector is the elector whose name appears on the official checklist.
895 Each of the checkers shall check the name of such elector on the official
896 checklist.

897 Sec. 28. Section 9-323 of the general statutes is repealed and the
898 following is substituted in lieu thereof (*Effective January 1, 2004*):

899 Any elector or candidate who claims that he is aggrieved by any
900 ruling of any election official in connection with any election for
901 presidential electors and for a senator in Congress and for
902 representative in Congress or any of them, held in his town, or that
903 there was a mistake in the count of the votes cast at such election for
904 candidates for such electors, senator in Congress and representative in
905 Congress, or any of them, at any voting district in his town, or any
906 candidate for such an office who claims that he is aggrieved by a
907 violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-
908 364, 9-364a or 9-365 in the casting of absentee ballots at such election,
909 may bring his complaint to any judge of the Supreme Court, in which
910 he shall set out the claimed errors of such election official, the claimed

911 errors in the count or the claimed violations of said sections. In any
912 action brought pursuant to the provisions of this section, the
913 complainant shall send a copy of the complaint by first-class mail, or
914 deliver a copy of the complaint by hand, to the State Elections
915 Enforcement Commission. If such complaint is made prior to such
916 election, such judge shall proceed expeditiously to render judgment on
917 the complaint and shall cause notice of the hearing to be given to the
918 Secretary of the State and the State Elections Enforcement Commission.
919 If such complaint is made subsequent to the election, it shall be
920 brought within fourteen days of the election and such judge shall
921 forthwith order a hearing to be had upon such complaint, upon a day
922 not more than five nor less than three days from the making of such
923 order, and shall cause notice of not less than three nor more than five
924 days to be given to any candidate or candidates whose election may be
925 affected by the decision upon such hearing, to such election official, to
926 the Secretary of the State, to the State Elections Enforcement
927 Commission and to any other party or parties whom such judge deems
928 proper parties thereto, of the time and place for the hearing upon such
929 complaint. Such judge, with two other judges of the Supreme Court to
930 be designated by the Chief Court Administrator, shall, on the day fixed
931 for such hearing and without unnecessary delay, proceed to hear the
932 parties. If sufficient reason is shown, such judges may order any voting
933 machines to be unlocked or any ballot boxes to be opened and a
934 recount of the votes cast, including absentee ballots, to be made. Such
935 judges shall thereupon, in the case they, or any two of them, find any
936 error in the rulings of the election official, any mistake in the count of
937 such votes or any violation of said sections, certify the result of their
938 finding or decision, or the finding or decision of a majority of them, to
939 the Secretary of the State before the first Monday after the second
940 Wednesday in December. Such judges may order a new election,
941 which shall comply with Section 302 of the Help America Vote Act,
942 P.L. 107-252, as amended from time to time, or a change in the existing
943 election schedule. Such certificate of such judges, or a majority of them,
944 shall be final upon all questions relating to the rulings of such election

945 officials, to the correctness of such count and, for the purposes of this
946 section only, such claimed violations, and shall operate to correct the
947 returns of the moderators or presiding officers so as to conform to such
948 finding or decision.

949 Sec. 29. Subsection (j) of section 9-437 of the general statutes is
950 repealed and the following is substituted in lieu thereof (*Effective*
951 *January 1, 2004*):

952 (j) All ballot labels used at a primary shall be prepared by the clerk
953 of the municipality in which such primary is held and shall be printed
954 at the expense of the municipality. Each municipality shall provide for
955 all polling places:

956 (1) At least forty-eight hours before the primary, such clerk shall
957 have sample ballot labels for general distribution, which [sample
958 labels] shall be arranged in the form of a diagram showing the entire
959 front of the voting machine as it will appear after the official ballot
960 labels are arranged for voting on the day of the primary or that portion
961 thereof that will contain the offices or positions and names of
962 candidates to be voted upon. Each such sample ballot label shall also
963 include printed instructions approved by the Secretary of the State
964 concerning the use of the voting machine and information concerning
965 the date of the primary and the hours during which polling places will
966 be open. Such clerk shall have available for distribution such number
967 of sample ballot labels as he deems advisable, but in no event less than
968 three which shall be posted inside the polling place so as to be visible
969 to those within the polling place during the whole day of the primary.
970 At least one of such sample ballot labels shall be posted so as to be
971 visible to an elector being instructed on the demonstrator or spare
972 voting machine, pursuant to section 9-260. If paper ballots are used in
973 any primary, such sample paper ballots shall be overprinted with the
974 word "Sample";

975 (2) Instructions on how to cast a provisional ballot, as prescribed by
976 the Secretary of the State;

977 (3) Instructions for mail-in registrants and first-time voters who
 978 register to vote by mail on or after January 1, 2003, as prescribed by the
 979 Secretary of the State;

980 (4) General information concerning voting rights under federal and
 981 Connecticut laws, including information on the right of an individual
 982 to cast a provisional ballot and instructions on how to contact the
 983 appropriate officials if such rights are alleged to have been violated, as
 984 prescribed by the Secretary of the State; and

985 (5) General information on federal and state laws concerning
 986 prohibitions on acts of fraud and misrepresentation, as prescribed by
 987 the Secretary of the State.

This act shall take effect as follows:	
Section 1	<i>January 1, 2004</i>
Sec. 2	<i>January 1, 2004</i>
Sec. 3	<i>January 1, 2004</i>
Sec. 4	<i>January 1, 2004</i>
Sec. 5	<i>January 1, 2004</i>
Sec. 6	<i>January 1, 2004</i>
Sec. 7	<i>January 1, 2004</i>
Sec. 8	<i>January 1, 2004</i>
Sec. 9	<i>January 1, 2004</i>
Sec. 10	<i>January 1, 2004</i>
Sec. 11	<i>January 1, 2004</i>
Sec. 12	<i>January 1, 2004</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>January 1, 2004</i>
Sec. 15	<i>January 1, 2004</i>
Sec. 16	<i>January 1, 2004</i>
Sec. 17	<i>January 1, 2004</i>
Sec. 18	<i>January 1, 2004</i>
Sec. 19	<i>January 1, 2004</i>
Sec. 20	<i>January 1, 2004</i>
Sec. 21	<i>January 1, 2004</i>
Sec. 22	<i>January 1, 2004</i>
Sec. 23	<i>January 1, 2004</i>

Sec. 24	<i>January 1, 2004</i>
Sec. 25	<i>January 1, 2004</i>
Sec. 26	<i>January 1, 2004</i>
Sec. 27	<i>January 1, 2004</i>
Sec. 28	<i>January 1, 2004</i>
Sec. 29	<i>January 1, 2004</i>

Statement of Purpose:

To implement the Help America Vote Act in Connecticut.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]