



General Assembly

Amendment

January Session, 2003

LCO No. 6715

HB0637006715HD0

Offered by:

REP. O'ROURKE, 32nd Dist.

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To: Subst. House Bill No. 6370

File No. 500

Cal. No. 335

**"AN ACT CONCERNING ELECTION DAY AND EXTENDED VOTER
REGISTRATION AND THE DUTIES OF REGISTRARS OF
VOTERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 9-17 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) For the purposes of this section, "primary day" means the day
6 that a primary for state, district and municipal offices is being held in
7 accordance with section 9-423, and "election day" means the day of
8 each regular election. (1) The registrars of voters of each town shall
9 hold sessions to examine the qualifications of electors and admit those
10 found qualified on the dates and at the times set forth in this section.
11 Such sessions shall be held on the following days during the hours
12 indicated, except as provided in subdivision (2) of this subsection:

| | Day | Hours |
|-----|---------------------------|-------------------------------|
| T1 | | |
| T2 | Fourteenth day | |
| T3 | before primary day | any two hours between |
| T4 | | 5:00 p.m. and 9:00 p.m. |
| T5 | <u>Primary day.....</u> | <u>6:00 a.m. to 8:00 p.m.</u> |
| T6 | Saturday of third week | |
| T7 | before election day | 10:00 a.m. to 2:00 p.m. |
| T8 | Fourteenth day | |
| T9 | before election day | 9:00 a.m. to 8:00 p.m. |
| T10 | <u>Election day.....</u> | <u>6:00 a.m. to 8:00 p.m.</u> |

13 The session of the registrars of voters on the fourteenth day before
 14 election day shall be the last regular session for the admission of
 15 electors prior to an election, as defined in subsection (y) of section 9-1.
 16 (2) No town having a population of less than twenty-five thousand
 17 persons shall be required to hold sessions for admission of electors on
 18 the fourteenth day before primary day. (3) The sessions on primary
 19 day and election day shall be held in accordance with the provisions of
 20 section 2 of this act.

21 (b) Notwithstanding the provisions of subsection (a), the registrars
 22 of voters shall hold a limited session on the last week day before each
 23 regular election from nine o'clock a.m. to twelve o'clock noon for the
 24 purpose of admitting only those persons whose qualifications as to
 25 age, citizenship or residence in the municipality were attained after the
 26 last session for the admission of electors prior to an election. The
 27 registrars shall enter the names of those electors admitted at such
 28 limited session on the proper list, with their residences by street and
 29 numbers, if any, before one o'clock p.m. of such last week day before
 30 the election.

31 (c) In addition to the sessions held pursuant to subsections (a) and
 32 (b) of this section, the registrars of voters in each town shall hold one
 33 session each year, between the first of January and the last day of the
 34 school year, at each public high school in such town, for the admission

35 of persons who are eligible for admission under subsection (a) or (b) of
36 section 9-12, provided, in the case of a public high school in a regional
37 school district, such session shall be held on a rotating basis by the
38 registrars of voters for each town which is a member of the regional
39 school district. The registrars of voters need not give notice of this
40 session by publication in a newspaper.

41 Sec. 2. (NEW) (*Effective from passage*) The registrars of voters shall
42 examine the qualifications of electors at the session held on the day
43 that a primary for state, district and municipal offices is being held in
44 accordance with section 9-423 of the general statutes or the day of a
45 regular election, pursuant to section 9-17 of the general statutes, as
46 amended by this act, or on the day that a presidential preference
47 primary is held under section 9-464 of the general statutes, and admit
48 those found qualified in accordance with the provisions of section 9-20
49 of the general statutes, as amended by this act, except that:

50 (1) Each applicant for admission shall present to the registrars a
51 preprinted form of identification that shows the applicant's name and
52 residence within the municipality in which the applicant is applying. If
53 the applicant does not have a preprinted form of identification that
54 includes a photograph of the applicant, the registrars shall provide for
55 a photograph of the applicant to be taken;

56 (2) (A) In addition to the application for admission as an elector
57 submitted to the registrars of voters, the applicant shall also submit a
58 statement substantially as follows, which the applicant shall sign
59 under oath or affirmation:

60 I swear or affirm that:

61 1. I meet the eligibility requirements to be an elector as indicated on
62 today's application for admission as an elector;

63 2. I have not registered or voted this day in any other election
64 jurisdiction; and

96 sufficient time passes to ensure delivery of the confirmation by the
97 United States Postal Service; and

98 (6) If the registrars admit an applicant as an elector and, upon
99 subsequent investigation in accordance with the National Voter
100 Registration Act of 1993, P.L. 103-31, cannot validate the applicant, the
101 registrars shall place the name of the applicant on the inactive registry
102 list and forward such name to the State Elections Enforcement
103 Commission.

104 Sec. 3. (NEW) (*Effective from passage*) The Secretary of the State, in
105 cooperation with the Registrars of Voters Association of Connecticut,
106 shall train persons to train registrars of voters concerning the
107 provisions of section 9-17 of the general statutes, as amended by this
108 act, and section 2 of this act. After receiving such training, registrars of
109 voters shall train their deputies and assistants and other election
110 officials concerning said provisions.

111 Sec. 4. Section 9-158a of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective from passage*):

113 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, and
114 9-307:

115 (1) "Federal election" means any general or special election or any
116 primary held solely or in part for the purpose of selecting, nominating
117 or electing any candidate for the office of President, Vice President,
118 presidential elector, member of the United States Senate or member of
119 the United States House of Representatives;

120 (2) "Former resident" means a person who was a bona fide resident
121 of a town in this state and who has [removed] moved from that town
122 to another state less than thirty days before the day of a presidential
123 election and who for that reason is unable to register to vote in the
124 election in [his] said person's present [town or] state of residence;

125 (3) "Overseas elector" means any person permitted to vote pursuant

126 to subsection (b) of section 9-158b;

127 (4) "Presidential election" means an election at which electors of
128 President and Vice-President are elected;

129 (5) "Resident" means a bona fide resident of a town in this state;

130 (6) "State" includes any of the several states, the District of
131 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin
132 Islands; and

133 (7) "United States" includes the several states, the District of
134 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin
135 Islands, but does not include American Samoa, The Canal Zone, the
136 trust territory of the Pacific Islands or any other territory or possession
137 of the United States.

138 Sec. 5. Subsection (a) of section 9-158b of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective from*
140 *passage*):

141 (a) Each citizen of the United States who is at least eighteen years of
142 age, is a [resident or] former resident and [who] has not forfeited [his]
143 said citizen's electoral privileges because of a disfranchising crime,
144 may vote for presidential and vice-presidential electors, but for no
145 other offices, in the town in this state in which [he resides, or] said
146 citizen formerly resided in the manner provided in sections 9-158c to 9-
147 158m, inclusive, as amended by this act.

148 Sec. 6. Subsection (a) of section 9-158c of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective from*
150 *passage*):

151 (a) Not earlier than forty-five days before the election and not later
152 than the close of the polls on election day, each [resident, or] former
153 resident who desires to vote in a presidential election under sections 9-
154 158a to 9-158m, inclusive, as amended by this act, may apply for a
155 "presidential ballot" to the municipal clerk of the town in which [he]

156 said former resident is qualified to vote on the form prescribed in
157 section 9-158d, as amended by this act. Application for a "presidential
158 ballot" may be made in person or absentee, in the manner provided for
159 applying for an absentee ballot under section 9-140, except as provided
160 in said sections 9-158a to 9-158m, inclusive, as amended by this act.

161 Sec. 7. Subsection (a) of section 9-158d of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective from*
163 *passage*):

164 (a) The application for a presidential ballot shall be a form signed in
165 duplicate by the applicant under penalty of false statement in absentee
166 balloting, which shall provide substantially as follows:

167 To the Town Clerk of the Town of ..., Connecticut

168 I, the undersigned, declare under penalty of false statement in
169 absentee balloting that the following statements are true:

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

171 2. I have not forfeited my electoral privileges because of conviction
172 of a disfranchising crime.

173 3. I was born on ..., and on the day of the next presidential election,
174 I shall be at least 18 years of age. [Check and complete 4 or 5,
175 whichever applies:]

176 [4. RESIDENT. I am a bona fide resident of the above town, to
177 which I am making this application, and I reside at ... Street. I moved
178 to said town on the ... day of ..., 20... Before becoming a resident of
179 said town, I resided at ... Street, in the Town of ... County of ..., State
180 of ...]

181 [5.] 4. FORMER RESIDENT. I am a former resident of the above
182 town, to which I am making this application, and resided at ... Street
183 therein. I moved from such town to my present town of residence on
184 the ... day of ..., 20.., being within thirty days before the date of the

185 next presidential election, and for that reason I cannot register to vote
186 in said presidential election in my present town of residence. I am now
187 a bona fide resident of the Town of ..., in the state of ..., now residing
188 at Street therein.

189 [6.] 5. I hereby apply for a "presidential ballot" for the election to be
190 held on ..., 20... I have not voted and will not vote otherwise than by
191 this ballot at that election. I am not eligible to vote for electors of
192 President and Vice-President [in any other town in Connecticut or] in
193 any other state.

194 [7.] 6. The said ballot is to be given to me personally mailed to me at
195 (bona fide mailing address)

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

197 Sec. 8. Subsection (a) of section 9-158e of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective from*
199 *passage*):

200 (a) Upon receipt of an application for a presidential ballot under
201 sections 9-158a to 9-158m, inclusive, as amended by this act, the clerk,
202 if satisfied that the application is proper and that the applicant is
203 qualified to vote under said sections, shall forthwith give or mail to the
204 applicant, as the case may be, a ballot for presidential and vice-
205 presidential electors for use at the election and instructions and
206 envelopes for its return. At such time the clerks shall also mail a
207 duplicate of the application to the appropriate official of [(1) the state
208 or the town in this state in which the applicant last resided in the case
209 of an applicant who is a resident, or (2)] the state [or the town in this
210 state] in which the applicant now resides. [in the case of an applicant
211 who is a former resident.]

212 Sec. 9. Section 9-158j of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective from passage*):

214 Upon receipt of an application for a "Presidential Ballot" or

215 "Overseas Ballot" the town clerk shall forthwith notify the registrars of
216 voters of the applicant's name, with a notation designating [him] the
217 applicant as a person voting for presidential and vice-presidential
218 electors or federal offices only. If the name of a presidential voter [who
219 is a former resident] appears on the registry list, the registrars shall
220 insert the letters "pf" in the margin preceding [his] the voter's name.
221 The registrars shall prepare a list of names and addresses of
222 presidential voters and overseas electors whose names do not appear
223 on the registry list, for each voting district, which list shall accompany
224 the check list to be used at such election in such district. The registrars
225 shall insert the letters "pf" in the margin of such list of presidential
226 voters preceding the name of each applicant, [who is a former
227 resident.]

228 Sec. 10. Section 9-158k of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective from passage*):

230 The municipal clerk shall file each duplicate application or other
231 official information received by [him] such clerk from another state, [or
232 from another town in this state,] indicating that a person who formerly
233 resided [or presently resides] in such town has made application to
234 vote at a presidential election in such other state, [or town,] and shall
235 maintain an alphabetical index of such information for a period of one
236 hundred eighty days after the election. The clerk shall compare each
237 such application or statement of information with applications made
238 under the provisions of sections 9-158a to 9-158m, inclusive, as
239 amended by this act, and, after the election, with the names checked
240 off as having voted on the check list for the election, to ascertain that
241 any such person has not voted more than once. Whenever the record
242 indicates that any person has applied for a presidential ballot and
243 indicated in [his] such person's application that [he] such person is
244 applying as a former resident, and there is record evidence that such
245 person has applied in another state [or town] as a new resident, the
246 applicant's ballot shall not be cast in [his] such person's former town of
247 residence.

248 Sec. 11. Section 9-1 of the general statutes is repealed and the
249 following is substituted in lieu thereof (*Effective from passage*):

250 Except as otherwise provided, the following terms, as used in this
251 title and sections 3-124, 7-5, 7-6, 7-7, 7-17, 7-20, 7-39, 7-157, 7-214, 7-275,
252 7-295, 7-343, 7-407, 8-1, 8-5, 8-19, 10-219, 11-36, 13a-11, 30-10, 30-11, 45a-
253 18, 45a-19 and 51-95 shall have the following meanings:

254 (a) "Ballot label" means that portion of cardboard, paper or other
255 material placed on the front of the voting machine, containing the
256 names of the candidates or a statement of a proposed constitutional
257 amendment or other question or proposition to be voted on;

258 (b) "Board for admission of electors" means the board as composed
259 under subsection (a) of section 9-15a;

260 (c) "Clerical error" means any error in the registry list or enrollment
261 list due to a mistake or an omission on the part of the printer or a
262 mistake or omission made by the registrars or their assistants;

263 (d) "Election" means any electors' meeting at which the electors
264 choose public officials by use of voting machines or by paper ballots as
265 provided in sections 9-271 and 9-272;

266 (e) "Elector" means any person possessing the qualifications
267 prescribed by the Constitution and duly admitted to, and entitled to
268 exercise, the privileges of an elector in a town;

269 (f) Repealed by P.A. 77-298, S. 14;

270 (g) "Municipal clerk" means the clerk of a municipality;

271 (h) "Municipal election" means the regularly recurring election held
272 in a municipality at which the electors of the municipality choose
273 public officials of such municipality;

274 (i) "Municipality" means any city, borough or town within the state;

275 (j) "Official ballot" means the official ballot label to be used at an

276 election, or the official paper ballot to be used thereat in accordance
277 with the provisions of sections 9-271 and 9-272;

278 (k) "Population" means the population according to the last-
279 completed United States census;

280 (l) "Presidential electors" means persons elected to cast their ballots
281 for President and Vice President of the United States;

282 (m) "Print" means methods of duplication of words by mechanical
283 process, but shall not include typewriting;

284 (n) "Referendum" means (1) a question or proposal which is
285 submitted to a vote of the electors or voters of a municipality at any
286 regular or special state or municipal election, as defined in this section,
287 (2) a question or proposal which is submitted to a vote of the electors
288 or voters, as the case may be, of a municipality at a meeting of such
289 electors or voters, which meeting is not an election, as defined in
290 subsection (d) of this section, and is not a town meeting, or (3) a
291 question or proposal which is submitted to a vote of the electors or
292 voters, as the case may be, of a municipality at a meeting of such
293 electors or voters pursuant to section 7-7 or pursuant to charter or
294 special act;

295 (o) "Regular election" means any state or municipal election;

296 (p) "Registrars" means the registrars of voters of the municipality,
297 who shall be the administrators of elections held in the municipality;

298 (q) "Registry list" means the list of electors of any municipality
299 certified by the registrars;

300 (r) "Special election" means any election not a regular election;

301 (s) "State election" means the election held in the state on the first
302 Tuesday after the first Monday in November in the even-numbered
303 years in accordance with the provisions of the Constitution of
304 Connecticut;

305 (t) "State officers" means the Governor, Lieutenant Governor,
306 Secretary of the State, Treasurer, Comptroller and Attorney General;

307 (u) "Voter" means a person qualified to vote at town and district
308 meetings under the provisions of section 7-6;

309 (v) "Voting district" means any municipality, or any political
310 subdivision thereof, having not more than one polling place in a
311 regular election;

312 (w) "Voting machine" means a machine, including but not limited
313 to, a device which operates by electronic means, for the registering and
314 recording of votes cast at elections, primaries and referenda;

315 (x) "Write-in ballot" means a vote cast for any person whose name
316 does not appear on the official ballot as a candidate for the office for
317 which his name is written in;

318 (y) "The last session for admission of electors prior to an election"
319 means the day which is the fourteenth day prior to an election.

320 Sec. 12. Section 9-23 of the general statutes is repealed and the
321 following is substituted in lieu thereof (*Effective October 1, 2003*):

322 (a) [In towns which do not have full-time registrars of voters with
323 regular office hours, the] The registrars of voters shall post, at the town
324 hall or municipal building in the town in which they serve, the hours
325 they are available to the public.

326 (b) The registrars shall enter the name, residence, [place and] date
327 of birth and date of admission of each person admitted as an elector
328 [shall be entered by the town clerk] in the records of [such town] the
329 registrars' office, which shall be prima facie evidence that each such
330 person possesses the requisite qualifications of an elector. [In towns
331 which do have full-time registrars of voters with regular office hours,
332 such registrars] The registrars shall also enter such voter information
333 in the state-wide centralized voter registration system and shall
334 maintain such voter information for active electors in a fire-proof

335 cabinet in the registrars' office. The registrars shall file monthly in the
336 office of the town clerk [a record of each person admitted as an elector,
337 bearing the name, residence, place and date of birth and date of
338 admission of such person. For purposes of this section, full-time
339 registrars of voters include those registrars whose offices maintain
340 daily office hours] an updated list of active electors in the town.

341 [(b) The provisions of subsection (a) of this section shall not apply in
342 towns whose registrars maintain all applications for admission as an
343 elector on file as permanent records, in manual files or on microfilm,
344 pursuant to a retention schedule approved by the Public Records
345 Administrator, or maintain an inactive elector file as a permanent
346 record, by means of electronic data processing, pursuant to a retention
347 schedule approved by the Public Records Administrator.]

348 Sec. 13. Section 9-23a of the general statutes is repealed and the
349 following is substituted in lieu thereof (*Effective from passage*):

350 (a) Except as provided in subsection (b) of this section and section 2
351 of this act, no person admitted as an elector after twelve o'clock noon
352 on the last business day before a primary shall be permitted to vote in
353 such primary.

354 (b) An applicant for admission or enrollment under section 9-26
355 shall be entitled to vote in a primary if he files his application for
356 admission or enrollment with the town clerk before the day of the
357 primary and is otherwise eligible to vote in the primary.

358 Sec. 14. Subsection (b) of section 9-23g of the general statutes is
359 repealed and the following is substituted in lieu thereof (*Effective from*
360 *passage*):

361 (b) The Secretary of the State shall prescribe, and provide to
362 registrars of voters, town clerks and voter registration agencies, as
363 defined in section 9-23n, application forms and other materials
364 necessary to complete such application and admission process. The
365 Secretary of the State, registrars of voters and town clerks shall provide

366 a reasonable number of such forms and materials to any elector who
367 requests such forms and materials. The secretary shall also, in the
368 course of the secretary's elections duties, prepare instructions and
369 related materials describing procedures for such application and
370 admission process and shall provide the materials to registrars of
371 voters and town clerks. The application shall contain the information
372 required under section 9-23h. All statements of the applicant shall be
373 made under the penalties of perjury. The application for admission as
374 an elector shall include a statement that (1) specifies each eligibility
375 requirement, (2) contains an attestation that the application meets each
376 such requirement, and (3) requires the signature of the applicant under
377 penalty of perjury. Nothing in this section or section 9-23h shall
378 require that the application be executed in the state. An applicant who
379 is unable to write may cause the applicant's name to be signed on the
380 application form by an authorized agent who shall, in the space
381 provided for the signature, write the name of the applicant followed
382 by the word "by" and the agent's own signature. The completed
383 application may be mailed or returned in person to the office of the
384 registrars of voters or the office of the town clerk of the applicant's
385 town of residence or a voter registration agency. If the applicant
386 entrusts the applicant's application to another person or to such a voter
387 registration agency for mailing or return to the registrars of voters,
388 such person or agency shall immediately mail or return the
389 application. Any such person who returns the application for the
390 applicant between the twenty-eighth day and the fourteenth day,
391 inclusive, before an election shall print such person's name, residential
392 address and telephone number and sign a statement indicating that
393 such person is returning the application for the applicant. Any such
394 voter registration agency shall also provide the applicant with an
395 application receipt, on which the agency shall record the date that the
396 agency received the application, using an official date stamp bearing
397 the name of the agency. The agency shall provide such receipt whether
398 the application was submitted in person or by mail. The town clerk
399 shall promptly forward any application which the town clerk receives
400 to the registrars of voters. Such application form shall be provided by

401 or authorized by the Secretary of the State.

402 Sec. 15. (Effective from passage) (a) Not later than February 1, 2004, the
403 Secretary of the State, in consultation with the State Elections
404 Enforcement Commission and registrars of voters, shall submit a
405 report, in accordance with the provisions of section 11-4a of the general
406 statutes, to the joint standing committee of the General Assembly
407 having cognizance of matters relating to elections on the
408 implementation of the provisions of section 2 of this act.

409 (b) Said report shall include, but not be limited to: (1) A review and
410 assessment of said sections with regard to the elections held in
411 November, 2003, including (A) the implementation of the new voter
412 identification requirements, (B) the experience of voters and election
413 officials at polling places and voter registration sites, the length of the
414 lines at polling places and voter registration sites and the ability of
415 registrars of voters, moderators and election officials to implement the
416 new voter registration procedures, (C) a summary of the number of
417 voters participating in the elections, the number of individuals
418 utilizing the election day registration option, and the number of people
419 experiencing delays or difficulty in complying with new voter
420 identification procedures, and (D) other issues pertinent to the conduct
421 of the elections, and (2) recommendations for administrative changes
422 or amendments to said sections to address issues raised by the report.

423 (c) Not later than December 31, 2003, registrars of voters shall
424 submit to the Secretary of the State any information required by the
425 Secretary for the completion of the report in accordance with
426 subsection (a) of this section."

| | |
|--|---------------------|
| This act shall take effect as follows: | |
| Section 1 | <i>from passage</i> |
| Sec. 2 | <i>from passage</i> |
| Sec. 3 | <i>from passage</i> |
| Sec. 4 | <i>from passage</i> |
| Sec. 5 | <i>from passage</i> |

| | |
|---------|------------------------|
| Sec. 6 | <i>from passage</i> |
| Sec. 7 | <i>from passage</i> |
| Sec. 8 | <i>from passage</i> |
| Sec. 9 | <i>from passage</i> |
| Sec. 10 | <i>from passage</i> |
| Sec. 11 | <i>from passage</i> |
| Sec. 12 | <i>October 1, 2003</i> |
| Sec. 13 | <i>from passage</i> |
| Sec. 14 | <i>from passage</i> |
| Sec. 15 | <i>from passage</i> |