



# House of Representatives

General Assembly

**File No. 162**

February Session, 2004

House Bill No. 5500

*House of Representatives, March 22, 2004*

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING COMPLIANCE WITH THE FEDERAL HELP AMERICA VOTE ACT.**

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

1 Section 1. Section 9-323 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Any elector or candidate who claims that he is aggrieved by any  
4 ruling of any election official in connection with any election for  
5 presidential electors and for a senator in Congress and for  
6 representative in Congress or any of them, held in his town, or that  
7 there was a mistake in the count of the votes cast at such election for  
8 candidates for such electors, senator in Congress and representative in  
9 Congress, or any of them, at any voting district in his town, or any  
10 candidate for such an office who claims that he is aggrieved by a  
11 violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, as  
12 amended, 9-364, 9-364a or 9-365 in the casting of absentee ballots at

13 such election, may bring his complaint to any judge of the Supreme  
14 Court, in which he shall set out the claimed errors of such election  
15 official, the claimed errors in the count or the claimed violations of said  
16 sections. In any action brought pursuant to the provisions of this  
17 section, the complainant shall send a copy of the complaint by first-  
18 class mail, or deliver a copy of the complaint by hand, to the State  
19 Elections Enforcement Commission. If such complaint is made prior to  
20 such election, such judge shall proceed expeditiously to render  
21 judgment on the complaint and shall cause notice of the hearing to be  
22 given to the Secretary of the State and the State Elections Enforcement  
23 Commission. If such complaint is made subsequent to the election, it  
24 shall be brought within fourteen days of the election and such judge  
25 shall forthwith order a hearing to be had upon such complaint, upon a  
26 day not more than five nor less than three days from the making of  
27 such order, and shall cause notice of not less than three nor more than  
28 five days to be given to any candidate or candidates whose election  
29 may be affected by the decision upon such hearing, to such election  
30 official, to the Secretary of the State, to the State Elections Enforcement  
31 Commission and to any other party or parties whom such judge deems  
32 proper parties thereto, of the time and place for the hearing upon such  
33 complaint. Such judge, with two other judges of the Supreme Court to  
34 be designated by the Chief Court Administrator, shall, on the day fixed  
35 for such hearing and without unnecessary delay, proceed to hear the  
36 parties. If sufficient reason is shown, such judges may order any voting  
37 machines to be unlocked or any ballot boxes to be opened and a  
38 recount of the votes cast, including absentee ballots, to be made. Such  
39 judges shall thereupon, in the case they, or any two of them, find any  
40 error in the rulings of the election official, any mistake in the count of  
41 such votes or any violation of said sections, certify the result of their  
42 finding or decision, or the finding or decision of a majority of them, to  
43 the Secretary of the State before the first Monday after the second  
44 Wednesday in December. Such judges may order a new election or a  
45 change in the existing election schedule, provided such order complies  
46 with Section 302 of the Help America Vote Act, P.L. 107-252, as  
47 amended from time to time. Such certificate of such judges, or a

48 majority of them, shall be final upon all questions relating to the  
49 rulings of such election officials, to the correctness of such count and,  
50 for the purposes of this section only, such claimed violations, and shall  
51 operate to correct the returns of the moderators or presiding officers so  
52 as to conform to such finding or decision.

53 Sec. 2. Section 88 of public act 03-6 of the June 30 special session is  
54 repealed and the following is substituted in lieu thereof (*Effective from*  
55 *passage*):

56 Immediately after the close of the polls, the moderator shall seal the  
57 provisional ballot depository envelope and deliver such envelope to  
58 the registrars of voters of the town. The registrars of voters shall  
59 forthwith verify the information contained with each provisional  
60 ballot. If the registrars of voters determine that the applicant is eligible  
61 to vote, they shall note their decision on the outer envelope of the  
62 ballot and open and count the provisional ballot in accordance with  
63 the provisions of sections [55 to 61] 83 to 89, inclusive of [this act]  
64 public act 03-6 of the June 30 special session\* and procedures  
65 prescribed by the Secretary of the State. If the registrars of voters are  
66 unable to determine that the applicant is eligible to vote or determine  
67 that the applicant is not eligible to vote, the applicant's provisional  
68 ballot sealed envelope shall be marked "rejected", along with the  
69 reason for such rejection, and signed by the registrars of voters. The  
70 registrars of voters shall verify and count all provisional ballots in their  
71 town not later than six days after the election or primary. The  
72 registrars of voters shall forthwith prepare and sign in duplicate a  
73 report showing the number of provisional ballots received from  
74 electors, the number rejected and the number counted, and showing  
75 the additional votes counted for each candidate for federal office on  
76 the provisional ballots. The registrars of voters shall file one report  
77 with the town clerk and shall seal one in the depository envelope with  
78 the provisional ballots and file such depository envelope with the town  
79 clerk. The depository envelope shall be preserved by the town clerk for  
80 the period of time required to preserve counted absentee ballots for  
81 federal elections. The head moderator shall forthwith file a corrected

82 return for federal offices with the town clerk and the Secretary  
83 showing (1) the final votes after any recanvass, pursuant to sections 9-  
84 311 to 9-311b, inclusive, the votes on provisional ballots and the totals,  
85 and (2) the number of provisional ballots received from electors, the  
86 number rejected and the number counted, as reported by the registrars  
87 of voters.

88 Sec. 3. Subsection (a) of section 9-261 of the general statutes, as  
89 amended by section 101 of public act 03-6 of the June 30 special  
90 session, is repealed and the following is substituted in lieu thereof  
91 (*Effective from passage*):

92 (a) In each primary, election or referendum, when an elector has  
93 entered the polling place, the elector shall announce the elector's street  
94 address, if any, and the elector's name to the checkers in a tone  
95 sufficiently loud and clear as to enable all the election officials present  
96 to hear the same. Each elector who registered to vote by mail for the  
97 first time on or after January 1, 2003, and has a "mark" next to the  
98 elector's name on the official registry list, as required by section [91] 90  
99 of [this act] public act 03-6 of the June 30 special session, shall present  
100 to the checkers, before the elector votes, either a current and valid  
101 photo identification that shows the elector's name and address or a  
102 copy of a current utility bill, bank statement, government check,  
103 paycheck or other government document that shows the name and  
104 address of the elector. Each other elector shall (1) present to the  
105 checkers the elector's Social Security card or any other preprinted form  
106 of identification which shows the elector's name and either the elector's  
107 address, signature or photograph, or (2) on a form prescribed by the  
108 Secretary of the State, write the elector's residential address and date of  
109 birth, print the elector's name and sign a statement under penalty of  
110 false statement that the elector is the elector whose name appears on  
111 the official checklist. Such form shall clearly state the penalty of false  
112 statement. A separate such form shall be used for each elector. If the  
113 elector presents a preprinted form of identification under subdivision  
114 (1) of this subsection, the checkers shall check the name of such elector  
115 on the official checklist. If the elector completes the form under

116 subdivision (2) of this subsection, the assistant registrar of voters shall  
117 examine the information on such form and either instruct the checkers  
118 to check the name of such elector on the official checklist or notify the  
119 elector that the form is incomplete or inaccurate.

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>

**GAE**      *Joint Favorable*

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

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 05 \$</b>	<b>FY 06 \$</b>
Secretary of the State	GF - None	None	None
Elect. Enforcement Com.	GF - None	None	None
Judicial Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill provides technical changes to PA 03-6, the recent legislation passed by the General Assembly concerning the Help America Vote Act. These technical changes will have no fiscal impact to the Secretary of the State or the State Elections Enforcement Commission.

Any person may bring a complaint under current law when they are aggrieved by an election official’s ruling or in the casting of an absentee ballot. It is uncertain if specifying a person's right to bring a complaint in statute would affect the caseload of the Superior Court. Any potential impact is anticipated to be minor, however, and could be accommodated without additional appropriations to the Judicial Department.

**OLR Bill Analysis**

HB 5500

***AN ACT CONCERNING COMPLIANCE WITH THE FEDERAL HELP AMERICA VOTE ACT*****SUMMARY:**

This bill requires any new election held in response to a court order to comply with the federal Help America Vote Act's (HAVA) section on provisional voting and display of voting information. It also makes technical changes.

By law, any voter or candidate who claims that (1) he was aggrieved by an election official's ruling or in the casting of an absentee ballot or (2) votes were improperly counted during an election for federal office can file a complaint with a Supreme Court justice. This justice, plus two others designated by the chief court administrator, must review the claim. If a majority on this panel determines that the claim is valid, it may order a new election. HAVA requires election officials to permit a voter to cast a provisional ballot in an election for federal office if his name is not on the voter registry list for the polling place but he declares that he is eligible to vote. It also requires that certain voting information be posted at polling places.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Report

Yea 17    Nay 0