



General Assembly

February Session, 2004

Raised Bill No. 5500

LCO No. 1909

01909_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

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 Section 9-323 of the general statutes is repealed and the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>

Statement of Purpose:

To require a court order for a new election to comply with provisional ballot provisions of the Help America Vote Act and make technical corrections to recent legislation implementing said 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.]