



General Assembly

Substitute Bill No. 5503

February Session, 2004

* _____ HB05503PD _____ 040704 _____ *

AN ACT CONCERNING REGISTRARS OF VOTERS AND THE REPAIR OF VOTING MACHINES ON ELECTION DAY.

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

1 Section 1. Section 9-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 (a) [In towns which do not have full-time registrars of voters with
4 regular office hours, the] The registrars of voters shall post, at the town
5 hall or municipal building in the town in which they serve, the hours
6 they are available to the public. Any change in the regular business
7 hours of the office of the registrars of voters, and any hours for said
8 office required under the general statutes for a specific day, shall be
9 posted at least ten days before such change or day.

10 (b) The registrars shall enter the name, residence, [place and] date
11 of birth and date of admission of each person admitted as an elector
12 [shall be entered by the town clerk] in the records of [such town] the
13 registrars' office, which shall be prima facie evidence that each such
14 person possesses the requisite qualifications of an elector. [In towns
15 which do have full-time registrars of voters with regular office hours,
16 such registrars] The registrars shall also enter such voter information
17 in the state-wide centralized voter registration system and shall
18 maintain such voter information for active electors in a fire-proof
19 cabinet in the registrars' office. The registrars shall file monthly in the

20 office of the town clerk [a record of each person admitted as an elector,
21 bearing the name, residence, place and date of birth and date of
22 admission of such person. For purposes of this section, full-time
23 registrars of voters include those registrars whose offices maintain
24 daily office hours] an updated list of active electors in the town.

25 [(b) The provisions of subsection (a) of this section shall not apply in
26 towns whose registrars maintain all applications for admission as an
27 elector on file as permanent records, in manual files or on microfilm,
28 pursuant to a retention schedule approved by the Public Records
29 Administrator, or maintain an inactive elector file as a permanent
30 record, by means of electronic data processing, pursuant to a retention
31 schedule approved by the Public Records Administrator.]

32 Sec. 2. Subsection (b) of section 9-23g of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective*
34 *January 1, 2005*):

35 (b) The Secretary of the State shall prescribe, and provide to
36 registrars of voters, town clerks and voter registration agencies, as
37 defined in section 9-23n, application forms and other materials
38 necessary to complete such application and admission process. The
39 Secretary of the State, registrars of voters and town clerks shall provide
40 a reasonable number of such forms and materials to any elector who
41 requests such forms and materials. The secretary shall also, in the
42 course of the secretary's elections duties, prepare instructions and
43 related materials describing procedures for such application and
44 admission process and shall provide the materials to registrars of
45 voters and town clerks. The application shall contain the information
46 required under section 9-23h, as amended. All statements of the
47 applicant shall be made under the penalties of perjury. The application
48 for admission as an elector shall include a statement that (1) specifies
49 each eligibility requirement, (2) contains an attestation that the
50 application meets each such requirement, and (3) requires the
51 signature of the applicant under penalty of perjury. Nothing in this
52 section or section 9-23h, as amended, shall require that the application

53 be executed in the state. An applicant who is unable to write may
54 cause the applicant's name to be signed on the application form by an
55 authorized agent who shall, in the space provided for the signature,
56 write the name of the applicant followed by the word "by" and the
57 agent's own signature. The completed application may be mailed or
58 returned in person to the office of the registrars of voters or the office
59 of the town clerk of the applicant's town of residence or a voter
60 registration agency. If the applicant entrusts the applicant's application
61 to another person or to such a voter registration agency for mailing or
62 return to the registrars of voters, such person or agency shall
63 immediately mail or return the application. Any such voter
64 registration agency shall also provide the applicant with an application
65 receipt, on which the agency shall record (A) the date that the agency
66 received the application, using an official date stamp bearing the name
67 of the agency, and (B) the party affiliation, if any, of the applicant. The
68 agency shall provide such receipt whether the application was
69 submitted in person or by mail. The town clerk shall promptly forward
70 any application which the town clerk receives to the registrars of
71 voters. Such application form shall be provided by or authorized by
72 the Secretary of the State.

73 Sec. 3. Section 9-168b of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2004*):

75 When in the written opinion of the registrars of any municipality,
76 the lack of an existing convenient or suitable polling place within the
77 lines of a particular voting district necessitates the designation of a
78 polling place in an adjacent district, such registrars may designate a
79 convenient and suitable polling place in a voting district adjacent
80 thereto, located as near as possible to the boundaries of the voting
81 district for which designated. A separate location from the existing
82 polling place for such adjacent district shall be designated, except that
83 a separate room within such existing polling place may be designated,
84 [with the approval of the legislative body of the municipality.] Such
85 written opinion and designation [, along with such approval if
86 necessary,] shall be filed with the municipal clerk not later than ninety

87 days before a regular election, or primary. Within ten days after such
88 filing, the municipal clerk shall cause notice of such filing to be
89 published in the newspaper having the greatest circulation in the
90 town. Such designation shall remain in effect for future elections and
91 primaries, until the registrars file a document with the municipal clerk
92 stating that the designation of such polling place in an adjacent district
93 is no longer necessary.

94 Sec. 4. Section 9-192 of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2004*):

96 Each registrar of voters immediately after his election shall appoint
97 a deputy registrar of voters to hold office during his pleasure and may,
98 at any time, fill any vacancy in said office. He shall file with the town
99 clerk a certificate of each such appointment and the town clerk shall
100 record the certificate with the records of town meetings. Each deputy
101 registrar of voters shall assist his principal when required, discharge
102 his duties in his absence or inability to act and, in case of the death,
103 removal or resignation of such principal, shall become registrar of
104 voters and appoint a deputy, and shall file with the town clerk a
105 certificate of such appointment, which shall be recorded with the
106 records of town meetings. If a vacancy exists in the office of registrar of
107 voters in consequence of a refusal or failure to accept the office or a
108 failure of the registrar to appoint a deputy registrar, the town
109 committee of the same political party as the registrar of voters who so
110 refused, failed to accept or failed to appoint, or other appointing
111 authority specified in local party rules shall fill such vacancy by the
112 appointment of some suitable person, who shall belong to the same
113 political party as the registrar of voters who so refused, failed to accept
114 or failed to appoint. Each registrar of voters in any town may, [from
115 time to time] as needed, appoint and employ not more than four
116 [permanent assistants] assistant registrars of voters for each voting
117 district therein, who shall serve at the pleasure of the registrar of
118 voters and assist such registrar in the performance of his duties, and,
119 for purposes of any admission session held pursuant to section 9-19b
120 or subsection (a) of section 9-19c, as many special assistants as are

121 necessary to carry out the duties of such session. Such registrar shall
122 file with the town clerk a certificate of each such appointment, which
123 shall be recorded with the records of the town, and shall appoint such
124 other assistants as are necessary for the performance of duties required
125 by sections 9-12 to 9-45, inclusive, as amended, on election day and the
126 six days preceding. Unless otherwise provided by subsection (b) of
127 section 9-19b, in the absence of either registrar of voters, his deputy or
128 any of his assistants, except special assistants, shall have all the powers
129 conferred, and may perform any of the duties imposed, upon such
130 registrar by any of the provisions of the statutes. Each deputy, assistant
131 or special assistant registrar shall be an elector of the municipality in
132 which he is appointed. [, provided any person who has served as an
133 assistant registrar of a municipality for three or more years may be an
134 elector of any municipality in the state.] Each deputy registrar shall
135 also, at the time of his appointment and during the six months
136 immediately preceding his appointment, be an enrolled member of the
137 same party as the registrar who makes such appointment.

138 Sec. 5. Subsection (e) of section 9-437 of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective July*
140 *1, 2004*):

141 (e) The names of candidates for town committee members which are
142 contained in one primary petition shall be placed in a separate row,
143 precedence as to row being given to the candidates whose names
144 appear in petitions in the order determined in accordance with this
145 subsection. Petitions filed by nine o'clock a.m. on the first business day
146 following the day on which petitions become available shall be given
147 precedence as to row based on the number of valid signatures filed, in
148 descending order from the greatest to the least. Petitions filed after
149 nine o'clock a.m. on the first business day following the day on which
150 petitions become available shall be given precedence as to row based
151 on the order in which they are filed, if such petitions are filed during
152 the regular business hours of the office of the registrars of voters or
153 during any different hours for said office required under the general
154 statutes. Such order of precedence shall be determined separately for

155 petitions proposing the full number of candidates which the party may
156 choose at the primary and for petitions proposing fewer than such full
157 number of candidates, and provided further that petitions proposing
158 such full number of candidates shall have precedence as to row over
159 petitions proposing fewer than such full number of candidates.

160 Sec. 6. Subsection (b) of section 9-246 of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective from*
162 *passage*):

163 (b) The mechanic or mechanics shall file a written report detailing
164 any repairs made to a machine on the day of an election. This report
165 shall certify (1) the number of the machine, (2) the time when the
166 problem occurred, [and] (3) a summary description of the work
167 performed, and (4) that no repairs were made to the machine, after any
168 vote was cast on the day of an election, that would affect the manner in
169 which votes were recorded on the machine.

170 Sec. 7. Section 9-263 of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective from passage*):

172 If any voting machine used in any voting district, during the time
173 the polls are open, becomes damaged so as to render it inoperative in
174 whole or in part, the moderator shall immediately give notice thereof
175 to the registrars of voters under whose direction the machine was
176 prepared under section 9-243 and such registrars, if possible, shall
177 substitute a perfect machine for the damaged machine, and, at the
178 close of the polls, the records of both machines shall be taken and the
179 votes shown on their counters shall be added together in ascertaining
180 and determining the result of the election. If no other machine is in use
181 in the polling place such registrars shall immediately permit the use by
182 the electors of emergency paper ballots provided by the municipal
183 clerk to the moderator pursuant to section 9-259. Such ballots shall be
184 received by the election officials and placed by them in a receptacle to
185 be provided therefor and counted with the votes registered on the
186 voting machine and the result declared in the same manner as if there
187 had been no accident to the voting machine. The emergency paper

188 ballot shall be an absentee ballot. Emergency paper ballots shall be cast
 189 in the following manner. The elector shall announce the elector's name
 190 to the checkers who shall cross the elector's name off the registry list
 191 and add it with the elector's address to the end of the official checklist
 192 where it shall be designated "Emergency Paper Ballot" or "EPB" and
 193 serially numbered. After the elector has so announced the elector's
 194 name, the moderator shall deliver to such elector an emergency paper
 195 ballot together with the serially numbered envelope. The elector shall
 196 forthwith mark the ballot in the presence of the moderator in such
 197 manner that the moderator shall not know how the ballot is marked.
 198 The elector shall then fold the ballot in the presence of the moderator
 199 so as to conceal the markings and deposit and seal it in the serially
 200 numbered envelope. The elector shall then deliver the envelope to the
 201 moderator who shall place it in a specially designated depository
 202 envelope. The emergency paper ballots thus received shall be counted
 203 at the next scheduled absentee ballot count in the same manner as
 204 other absentee ballots, provided no such ballot may be counted unless
 205 all provisions of this section have been complied with. Such ballots so
 206 counted shall be preserved by replacing them into the special
 207 depository envelopes along with a certificate signed by the moderator
 208 and registrars of voters setting forth the circumstances under which
 209 such emergency paper ballots were cast. Use of emergency paper
 210 ballots shall be discontinued immediately upon replacement or repair
 211 of at least one machine, provided no repair shall be made on a voting
 212 machine on which any vote was cast, unless such repair would not
 213 affect the manner in which votes are recorded on such machine, as
 214 provided in subsection (b) of section 9-246, as amended by this act.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>January 1, 2005</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>
Sec. 5	<i>July 1, 2004</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>

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GAE *Joint Favorable Subst.*

PD *Joint Favorable*