



**Substitute Senate Bill No. 55**

**Public Act No. 05-188**

**AN ACT CONCERNING VOTER REGISTRATION, CERTAIN NOMINATING PROCEDURES, CAMPAIGN ACCOUNTABILITY, A VOTER GUIDE, PUSH POLLING AND ELECTRONIC VOTING MACHINES.**

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

Section 1. (NEW) (*Effective July 1, 2005*) The Secretary of the State, within available appropriations and in consultation with registrars of voters and nonprofit organizations promoting voter registration, shall provide or arrange for voter registration services for new citizens at each naturalization ceremony held in the state by the federal Bureau of Citizenship and Immigration Services for twenty-five or more new citizens.

Sec. 2. Subsection (a) of section 9-23r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or after January 1, 2003, any person who is applying, by mail, to register to vote for the first time in this state may submit as part of such voter registration application: (1) A copy of a current and valid photo identification, (2) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter, (3) a valid Connecticut motor vehicle

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operator's license number, or (4) the last four digits of the individual's Social Security number. Members of the armed forces and persons entitled to use the federal post card application for absentee ballots under section 9-153a are not required to provide identification when registering by mail. No information submitted as part of a voter registration application under this subsection shall be subject to disclosure under the Freedom of Information Act pursuant to chapter 14, except for the name, address, date of birth and telephone number of the applicant.

Sec. 3. Subdivision (1) of section 9-450 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(1) In the case of nominations for representatives in Congress and judges of probate in probate districts composed of two or more towns, provided for in sections 9-212 and 9-218, if the writs of election are issued by the Governor on or before the twenty-first day of May in an even-numbered year and the election is to be held on the day of the state election in such year, the state central committee or other authority of each party shall, not later than the twenty-fourth day of May in such year, publish notice of the date for the selection of delegates to the state or district convention to designate the party-endorsed candidate for the office to be filled. Such selection shall be made not earlier than the fifty-sixth day after publication of such notice and not later than the fifth day before the convention. If such writs of election are issued after the twenty-first day of May in such year, or if the election is to be held on any day other than the day of the state election, the day scheduled for the election shall be not earlier than the ninety-first day following the day on which such writs of election are issued. The state central committee or other authority of each party shall, not later than the eighty-fourth day preceding the day of the election, publish notice of the day for the selection of delegates

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to the state or district convention to designate the party-endorsed candidate for the office to be filled, which day shall be not earlier than the twenty-eighth day following such publication and not later than the fifty-sixth day preceding the day of the election. The selected delegates to such convention shall be certified to the town clerks not later than the twenty-first day preceding the day of such primary. The state or district convention shall be convened not earlier than the fifth day following such primary and closed not later than the forty-ninth day preceding the day of the election. Contesting candidacies for nomination to the office to be filled shall be filed not later than four o'clock p.m. on the fifth day following the close of such convention. The Secretary of the State shall fix the day for the primary of each party for the nomination to the office to be filled, which day shall be not earlier than the twenty-first day following the close of such convention and not later than the twenty-first day preceding the day of the election.]

(1) In the case of a vacancy in the office of representative in Congress or judge of probate in a probate district composed of two or more towns, provided for in sections 9-212 and 9-218, the day named for the election shall be not earlier than the sixty-third day following the day on which the Governor issues writs of election. If such a vacancy occurs between the one hundred twenty-fifth day and the sixty-sixth day before the day of a regular state election, the Governor shall issue such writs on the sixty-third day before the day of such state election, ordering an election to be held on the day of such state election. If such a vacancy occurs after the sixty-sixth day before the day of a regular state election but before the Wednesday following the first Monday of January of the succeeding year, the Governor shall not issue such writs and no election shall be held under sections 9-212 and 9-218 and this subdivision, unless the position vacated is that of member-elect, in which case the Governor shall issue such writs and an election shall be held as provided in said sections and this

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subdivision. The delegates to the district convention held for the purpose of nominating a candidate for the office of representative in Congress or judge of probate in a probate district, as the case may be, for the last state election shall be the delegates for the purpose of selecting a candidate to fill such vacancy. If a vacancy occurs in the delegation from any town, political subdivision or district, such vacancy may be filled by the town committee of the town in which the delegate resided. Nominations by political parties pursuant to this section may be made and certified at any time after the vacancy in the office of representative in Congress or judge of probate and not later than the thirty-fifth day before the day of the election. No primary shall be held for the nomination of any political party to fill any vacancy in the office of representative in Congress or judge of probate and the party-endorsed candidate so selected shall be deemed, for the purposes of chapter 153, the person certified by the Secretary of the State under section 9-444 as the nominee of such party.

Sec. 4. Section 9-333w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following: [(1)] (A) In the case of such an individual, the name and address of such individual; [(2)] (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or [(3)] (C) in the case of a party committee, the name of the

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committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate.

(b) In addition to the requirements of subsection (a) of this section:

(1) No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for television advertising or Internet video advertising, which promotes the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless at the end of such advertising there appears simultaneously, for a period of not less than four seconds, (A) a clearly identifiable photographic or similar image of the candidate making such expenditure, (B) a clearly readable printed statement (i) identifying said candidate, and (ii) indicating that said candidate has approved the advertising, and (C) a simultaneous, personal audio message, in the following form: "I am .... (candidate's name) and I approved this message";

(2) No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for radio advertising or Internet audio advertising, which promotes the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the advertising ends with a personal audio statement by the candidate making such expenditure (A) identifying said candidate and the office said candidate is seeking, and (B) indicating that said candidate has approved the advertising in the following form: "I am .... (candidate's name) and I approved this message".

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[(b)] (c) No business entity, organization, association, committee, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-333g, shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following: (1) In the case of a business entity, organization or association, the name of the entity, organization or association and the name of its chief executive officer; (2) in the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it appears on the certification filed in accordance with subsection (d) of section 9-333g, and the name and address of its agent.

[(c)] (d) The provisions of subsections (a), [and] (b) and (c) of this section do not apply to (1) any editorial, news story, or commentary published in any newspaper, magazine or journal on its own behalf and upon its own responsibility and for which it does not charge or receive any compensation whatsoever, (2) any banner, (3) political paraphernalia including pins, buttons, badges, emblems, hats, bumper stickers or other similar materials, or (4) signs with a surface area of not more than thirty-two square feet.

[(d)] (e) The campaign treasurer of a candidate committee which sponsors any written, typed or other printed communication for the purpose of raising funds to eliminate a campaign deficit of that committee shall include in such communication a statement that the funds are sought to eliminate such a deficit.

[(e)] (f) The campaign treasurer of an exploratory committee or candidate committee established by a candidate for nomination or

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election to the office of Treasurer which committee sponsors any written, typed or other printed communication for the purpose of raising funds shall include in such communication a statement concerning the prohibitions set forth in subsection (n) of section 1-84, subsection (f) of section 9-333n and subsection (f) of section 9-333o.

[(f)] (g) In the event a campaign treasurer of a candidate committee is replaced pursuant to subsection (c) of section 9-333d, nothing in this section shall be construed to prohibit the candidate committee from distributing any printed communication subject to the provisions of this section that has already been printed or otherwise produced, even though such communication does not accurately designate the successor campaign treasurer of such candidate committee.

Sec. 5. (NEW) (*Effective January 1, 2006*) (a) Not later than October first in each year in which a state election, as defined in section 9-1 of the general statutes, is to be held, the Secretary of the State, in consultation with the State Elections Enforcement Commission and within available appropriations, shall prepare a voter guide for such state election and shall publish such voter guide on the Internet.

(b) The voter guide shall contain:

(1) The date of the state election and the hours the polls will be open;

(2) The name, party affiliation and contact information of each candidate who is nominated or qualifies as a petitioning candidate for election to the office of President of the United States, Vice-President of the United States, senator in Congress, representative in Congress, Governor, Lieutenant Governor, Attorney General, State Treasurer, State Comptroller, Secretary of the State, State Senator or State Representative at the state election. As used in this section, "contact information" means any or all of the following information received by

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the Secretary of the State in the course of the secretary's elections duties or by the Federal Election Commission: A candidate's campaign mailing address, telephone number, facsimile number, electronic mail address and web site. The voter guide may provide contact information for a candidate for the office of President of the United States, Vice-President of the United States, senator in Congress or representative in Congress by an electronic link to such information on the Federal Election Commission's web site;

(3) The following three maps produced pursuant to the most recent decennial reapportionment of General Assembly and Connecticut congressional districts: One map showing the boundaries of state senatorial districts, one map showing the boundaries of state house of representatives districts and one map showing the boundaries of state congressional districts;

(4) A description of each office to be filled at the state election;

(5) An absentee ballot application in printable format;

(6) Instructions regarding voting by absentee ballot;

(7) Information on the procedure for registering to vote;

(8) A voter registration application in printable format;

(9) The full text of each proposed constitutional amendment that will appear on the ballot at the state election;

(10) The explanatory text as to the content and purpose of each such proposed constitutional amendment, which is prepared by the Office of Legislative Research pursuant to section 2-30a of the general statutes; and

(11) The text of the Voter's Bill of Rights set forth in section 9-236b of the general statutes.



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(c) The Secretary of the State, in consultation with the State Elections Enforcement Commission, may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the purposes of this section. Such regulations shall not authorize the inclusion of any information in the voter guide in addition to that required in subsection (b) of this section.

Sec. 6. (*Effective from passage*) (a) As used in this section, "push poll" means a paid telephone survey, or series of similar telephone surveys, that reference a candidate or group of candidates other than in a basic preference question, and in which:

(1) A list or directory is used, exclusively or in part, to select respondents belonging to a particular subset or combination of subsets of the population, based on demographic or political characteristics such as race, sex, age, ethnicity, party affiliation or similar types of characteristics;

(2) The survey fails to make demographic inquiries on factors such as age, household income or status as a likely voter sufficient to allow for the tabulation of results based on a relevant subset of the population consistent with standard polling industry practices;

(3) The pollster or polling organization does not collect or tabulate the survey results;

(4) The survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and

(5) The survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

The term "push poll" does not include any survey supporting a particular candidate that fails to reference another candidate or candidates other than in a basic preference question.

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(b) The State Elections Enforcement Commission shall conduct a study of the use of push polling in campaigns in the state. Not later than February 1, 2006, said commission shall submit a report on its findings and conclusions, including any recommended legislation, to the joint standing committee of the General Assembly having cognizance of matters relating to elections, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 7. Section 9-242 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A voting machine approved by the Secretary of the State shall be so constructed as to provide facilities for voting for the candidates of at least nine different parties or organizations. It shall permit voting in absolute secrecy. It shall be provided with a lock by means of which any illegal movement of the voting or registering mechanism is absolutely prevented. Such machine shall be so constructed that an elector cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote.

(b) It shall be so constructed as to prevent an elector from voting for more than one person for the same office, except when he is lawfully entitled to vote for more than one person for that office, and it shall afford him an opportunity to vote for only as many persons for that office as he is by law entitled to vote for, at the same time preventing his voting for the same person twice. It shall be so constructed that all votes cast will be registered or recorded by the machine.

(c) Notwithstanding the provisions of subsection (b) of this section, the Secretary of the State may approve a voting machine which requires the elector in the polls to place his ballot into the recording device and which meets the voluntary performance and test standards for voting systems adopted by (1) the Federal Election Commission on January 25, 1990, as amended from time to time, or (2) the Election

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Assistance Commission pursuant to the Help America Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time to time, whichever standards are most current at the time of the Secretary of the State's approval, and regulations which the Secretary of the State may adopt in accordance with the provisions of chapter 54, provided the voting machine shall [(1)] (A) warn the elector of overvotes, [(2)] (B) not record overvotes, and [(3)] (C) not record more than one vote of an elector for the same person for an office.

(d) Any direct recording electronic voting machine approved by the Secretary of the State for an election or primary held on or after July 1, 2005, shall be so constructed as to:

(1) (A) Contemporaneously produce an individual, permanent, paper record containing all of the elector's selections of ballot preferences for candidates and questions or proposals, if any, prior to the elector's casting a ballot, as set forth in this subsection, and (B) produce at any time after the close of the polls a voting machine generated, individual, permanent, paper record of each such elector's selections of ballot preferences for candidates and questions or proposals, if any. Both the contemporaneously produced paper record and the voting machine generated paper record of each elector's selections of ballot preferences shall include a voting machine generated unique identifier that can be matched against each other and which preserves the secrecy of the elector's ballot as set forth in subdivision (4) of this subsection;

(2) Provide each elector with an opportunity to verify that the contemporaneously produced, individual, permanent, paper record accurately conforms to such elector's selection of ballot preferences, as reflected on the electronic summary screen, and to hear, if desired, an audio description of such electronic summary screen, for the purpose of having an opportunity to make any corrections or changes prior to casting the ballot. If an elector makes corrections or changes prior to

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casting the ballot, the voting machine shall void such contemporaneously produced paper record, contemporaneously produce another paper record containing such corrections or changes and provide the elector with another opportunity to verify ballot preferences in accordance with the provisions of this subdivision. As used in this section, "electronic summary screen" means a screen generated by a direct recording electronic voting machine that displays a summary of an elector's selections of ballot preferences for candidates and questions or proposals, if any, at an election or primary;

(3) Provide that a ballot shall be deemed cast on the voting machine at the time that an elector's contemporaneously produced, individual, permanent, voter-verified paper record, containing all of the elector's final selections of ballot preferences, is (A) deposited inside a receptacle designed to store all such paper records produced by such voting machine on the day of the election or primary, and (B) the elector's selection of ballot preferences is simultaneously electronically recorded inside the voting machine for the purpose of (i) being electronically tabulated immediately after the polls are closed on the day of the election or primary, and (ii) producing, on such other day as required under section 8 of this act, a voting machine generated, individual, permanent, paper record of each such elector's selections of ballot preferences for candidates and questions or proposals, if any;

(4) Except as otherwise provided in subdivision (1) of section 8 of this act, secure the secrecy of each such elector's ballot by making it impossible for any other individual to identify the elector in relationship to such elector's selection of ballot preferences at the time that the elector (A) selects ballot preferences; (B) verifies the accuracy of the electronic summary screen by comparing it to the contemporaneously produced, individual, permanent, paper record or the audio description of such electronic summary screen, prior to

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casting a ballot; (C) makes corrections or changes by reselecting ballot preferences and verifies the accuracy of such preferences in accordance with the provisions of subdivision (2) of this subsection prior to casting a ballot; and (D) casts the ballot; and at the time that all electors' ballots are canvassed, recanvassed or otherwise tallied to produce a final count of the vote for candidates and questions or proposals, if any, whether through the electronic vote tabulation process or through the manual count process of each elector's contemporaneously produced, individual, permanent, voter-verified paper record, as set forth in section 8 of this act; and

(5) (A) Be accessible to blind or visually impaired persons by providing each elector, if desired by the elector, an audio description of the contemporaneously produced individual, permanent, paper record containing all of the elector's selections of ballot preferences, in addition to an audio description of the electronic summary screen.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the Secretary the State may approve an electronic voting machine that does not comply with the provisions of said subparagraph if (i) the Secretary determines that there are no electronic voting machines available for purchase or lease at the time of such approval that are capable of complying with said subparagraph (A), (ii) the electronic voting machine complies with the provisions of subdivisions (1) to (4), inclusive, of this subsection, and (iii) the person applying to the Secretary for approval of the electronic voting machine agrees to include a provision in any contract for the sale or lease of such voting machines that requires such person, upon notification by the Secretary that modifications to such machines that would bring the machines into compliance said subparagraph (A) are available, to (I) so modify any electronic voting machines previously sold or leased under such contract in order to comply with said subparagraph (A), and (II) provide that any electronic voting machines

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sold or leased after receipt of such notice comply with said subparagraph (A).

Sec. 8. (NEW) (*Effective from passage*) The following procedures shall apply to any election or primary in which one or more direct recording electronic voting machines are used:

(1) Any elector who requires assistance by reason of blindness, disability, or inability to read or write shall have the right to request assistance inside the voting booth by a person of the elector's choice in accordance with 42 USC 1973aa-6, as amended from time to time, or section 9-264 of the general statutes.

(2) A canvass of the votes shall take place inside the polling place immediately following the close of the polls on the day of the election or primary in accordance with the requirements of chapter 148 of the general statutes. With respect to direct recording electronic voting machines, any such canvass shall be an electronic vote tabulation of all of the votes cast on each such voting machine for each candidate and question or proposal, and the moderator shall attach a printout of such electronic vote tabulation to the tally sheets. The moderator shall then add together all of the votes recorded on each voting machine in use at the polling place, whether or not such voting machines were direct recording electronic voting machines, to produce a cumulative count within the polling place of all candidates and any questions or proposals appearing on the ballot in the election or primary. Any member of the public shall have a right to be present in the polling place to observe the canvass of the votes beginning as soon as the polls are declared closed by the moderator and continuing throughout the canvass of the votes of each voting machine until the final canvass of all of the votes cast on all of the voting machines in use in the polling place are added together for each candidate and question or proposal and publicly announced and declared by the moderator.

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(3) If a recanvass of the votes is required pursuant to chapter 148 of the general statutes, the recanvass officials shall, in addition to the other requirements of said chapter, conduct a manual tally of the individual, permanent, voter-verified, paper records contemporaneously produced by each direct recording electronic voting machine used within the geographical jurisdiction that is subject to such recanvass. The manual tally conducted for the recanvass shall be limited to the particular candidates and questions or proposals that are subject to recanvass. If the manual tabulation of such contemporaneously produced paper records does not reconcile with the electronic vote tabulation of a particular direct recording electronic voting machine or machines, such contemporaneously produced paper records shall be considered the true and correct record of each elector's vote on such electronic voting machine or machines and shall be used as the official record for purposes of declaring the official election results or for purposes of any subsequent recanvass, tally or election contest conducted pursuant to chapters 148 to 153, inclusive, of the general statutes. If any of the contemporaneously produced individual, permanent, voter-verified paper records are found to have been damaged in such manner as they are unable to be manually tallied with respect to the ballot positions that are the subject of the recanvass, each such damaged record shall be matched against the voting machine generated, individual, permanent, paper record produced by the voting machine bearing the identical machine-generated unique identifier as the damaged record and, in such instance, shall be substituted as the official record for purposes of determining the final election results or for purposes of any subsequent recanvass, tally or election contest.

(4) Notwithstanding the provisions of section 9-311 of the general statutes, the Secretary of the State may order a discrepancy recanvass under said section of the returns of an election or a primary for a district office, a state office or the office of elector of President and

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Vice-President of the United States, if the Secretary has reason to believe that discrepancies may have occurred that could affect the outcome of the election or primary. Any such discrepancy recanvass may be conducted of the returns in any or all voting districts in (A) the district in which an election or primary is held, in the case of an election or primary for a district office, or (B) the state, in the case of an election or primary for a state office or the office of elector of President and Vice-President of the United States or a presidential preference primary, whichever is applicable. As used in this subdivision, "district office" and "state office" have the same meanings as provided in section 9-372 of the general statutes.

(5) Not later than five business days after each election in which a direct recording electronic voting machine is used, the registrars of voters or their designees, representing at least two political parties, shall conduct a manual audit of the votes recorded on at least two direct recording electronic voting machines used in each assembly district. Not later than five business days after a primary in which a direct recording electronic voting machine is used, the registrar of voters of the party holding the primary shall conduct such a manual audit by designating two or more individuals, one of whom may be the registrar, representing at least two candidates in the primary. The machines audited under this subdivision shall be selected in a random drawing that is announced in advance to the public and is open to the public. All direct recording electronic voting machines used within an assembly district shall have an equal chance of being selected for the audit. The Secretary of the State shall determine and publicly announce the method of conducting the random drawing, before the election. The manual audit shall consist of a manual tabulation of the contemporaneously produced, individual, permanent, voter-verified, paper records produced by each voting machine subject to the audit and a comparison of such count, with respect to all candidates and any questions or proposals appearing on the ballot, with the electronic vote



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tabulation reported for such voting machine on the day of the election or primary. Such audit shall not be required if a recanvass has been, or will be, conducted on the voting machine. Such manual audit shall be noticed in advance and be open to public observation. A reconciliation sheet, on a form prescribed by the Secretary of the State, that reports and compares the manual and electronic vote tabulations of each candidate and question or proposal on each such voting machine, along with any discrepancies, shall be prepared by the audit officials, signed and forthwith filed with the town clerk of the municipality and the Secretary of the State. If any contemporaneously produced, individual, permanent, voter-verified, paper record is found to have been damaged, the same procedures described in subdivision (3) of this section for substituting such record with the voting machine generated, individual, permanent, paper record produced by the voting machine bearing the identical machine generated unique identifier as the damaged record shall apply and be utilized by the audit officials to complete the reconciliation. The reconciliation sheet shall be open to public inspection and may be used as prima facie evidence of a discrepancy in any contest arising pursuant to chapter 149 of the general statutes. If the audit officials are unable to reconcile the manual count with the electronic vote tabulation and discrepancies, the Secretary of the State shall conduct such further investigation of the voting machine malfunction as may be necessary for the purpose of reviewing whether or not to decertify the voting machine or machines and may order a recanvass in accordance with the provisions of subdivision (4) of this section.

(6) The individual, permanent, voter-verified, paper records contemporaneously produced by any direct recording electronic voting machine in use at an election or primary held on or after the effective date of this section shall be carefully preserved and returned in their designated receptacle in accordance with the requirements of section 9-266, 9-302 or 9-310 of the general statutes, whichever is

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applicable, and may not be opened or destroyed, except during recanvass or manual audit as set forth in this section, for one hundred eighty days following an election or primary that does not include a federal office, pursuant to section 9-310 of the general statutes, or for twenty-two months following an election or primary involving a federal office, pursuant to 42 USC 1974, as amended from time to time.

(7) Nothing in this section shall preclude any candidate or elector from seeking additional remedies pursuant to chapter 149 of the general statutes.

(8) After an election or primary, any voting machine may be kept locked for a period longer than that prescribed by sections 9-266, 9-310 and 9-447 of the general statutes, if such an extended period is ordered by either a court of competent jurisdiction or the State Elections Enforcement Commission. Either the court or said commission may order an audit of such voting machines to be conducted by such persons as the court or said commission may designate.

Approved July 1, 2005