



Senate

General Assembly

File No. 231

January Session, 2005

Substitute Senate Bill No. 55

Senate, April 11, 2005

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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:

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

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9 repealed and the following is substituted in lieu thereof (*Effective from*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

11 (a) On or after January 1, 2003, any person who is applying, by mail,
12 to register to vote for the first time in this state may submit as part of
13 such voter registration application: (1) A copy of a current and valid
14 photo identification, (2) a copy of a current utility bill, bank statement,
15 government check, paycheck or government document that shows the
16 name and address of the voter, (3) a valid Connecticut motor vehicle
17 operator's license number, or (4) the last four digits of the individual's
18 Social Security number. Members of the armed forces and persons
19 entitled to use the federal post card application for absentee ballots
20 under section 9-153a are not required to provide identification when
21 registering by mail. No information submitted as part of a voter
22 registration application under this subsection shall be subject to
23 disclosure under the Freedom of Information Act pursuant to chapter
24 14.

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26 repealed and the following is substituted in lieu thereof (*Effective from*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

28 (1) In the case of nominations for representatives in Congress and
29 judges of probate in probate districts composed of two or more towns,
30 provided for in sections 9-212 and 9-218, if the writs of election are
31 issued by the Governor on or before the [twenty-first] first day of May
32 in an even-numbered year and the election is to be held on the day of
33 the state election in such year, the state central committee or other
34 authority of each party shall, not later than the [twenty-fourth] fourth
35 day of May in such year, publish notice of the date for the selection of
36 delegates to the [state or] district convention to designate the party-
37 endorsed candidate for the office to be filled. Such selection shall be
38 made [not earlier than the fifty-sixth day after publication of such
39 notice and] not later than the [fifth] day before the convention. If such
40 writs of election are issued after the [twenty-first] first day of May in
41 such year, or if the election is to be held on any day other than the day
42 of the state election, the day scheduled for the election shall be not
43 earlier than the [ninety-first] one hundred fiftieth day following the
44 day on which such writs of election are issued. The state central

45 committee or other authority of each party shall, not later than the
46 [eighty-fourth] one hundred forty-fifth day preceding the day of the
47 election, publish notice of the day for the selection of delegates to the
48 [state or] district convention to designate the party-endorsed candidate
49 for the office to be filled, which day shall be not earlier than the
50 [twenty-eighth] eighty-fifth day following such publication and not
51 later than the [fifty-sixth] eightieth day preceding the day of the
52 election. The selected delegates to such convention shall be certified to
53 the town clerks not later than the [twenty-first] seventy-ninth day
54 preceding the day of [such primary] the election. The [state or] district
55 convention shall be convened not earlier than the [fifth day following
56 such primary] seventy-fifth day preceding the day of the election and
57 closed not later than the [forty-ninth] seventieth day preceding the day
58 of the election. [Contesting candidacies] Petition forms for candidacies
59 for nomination by a political party shall be available from the Secretary
60 of the State beginning on the seventy-fifth day preceding the day of the
61 election. A candidacy for nomination to the office to be filled shall be
62 filed by submitting either (A) a certification that the candidate has
63 received at least fifteen per cent of the votes of the convention
64 delegates present and voting on any roll-call vote taken on the
65 endorsement of a candidate, or (B) primary petition pages, to the
66 Secretary of the State not later than four o'clock p.m. on the [fifth]
67 fourteenth day following the close of such convention. The Secretary of
68 the State shall fix the day for the primary of each party for the
69 nomination to the office to be filled, which day shall be not earlier than
70 the twenty-first day following the close of such convention and not
71 later than the twenty-first day preceding the day of the election.

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

74 (a) No individual shall make or incur any expenditure with the
75 cooperation of, at the request or suggestion of, or in consultation with
76 any candidate, candidate committee or candidate's agent, and no
77 candidate or committee shall make or incur any expenditure for any
78 written, typed or other printed communication, or any web-based,

79 written communication, which promotes the success or defeat of any
80 candidate's campaign for nomination at a primary or election or
81 solicits funds to benefit any political party or committee unless such
82 communication bears upon its face (1) the words "paid for by" and the
83 following: [(1)] (A) In the case of such an individual, the name and
84 address of such individual; [(2)] (B) in the case of a committee other
85 than a party committee, the name of the committee and its campaign
86 treasurer; or [(3)] (C) in the case of a party committee, the name of the
87 committee, and (2) the words "approved by" and the following: (A) In
88 the case of an individual, the name of such individual; (B) in the case of
89 a political committee, the name and title of its chairperson or campaign
90 treasurer; (C) in the case of a party committee, the name and title of its
91 chairperson; and (D) in the case of a candidate committee, the name of
92 the candidate.

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

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

107 (2) No candidate or candidate committee or exploratory committee
108 established by a candidate shall make or incur any expenditure for
109 radio advertising or Internet audio advertising, which promotes the
110 success of said candidate's campaign for nomination at a primary or
111 election or the defeat of another candidate's campaign for nomination

112 at a primary or election, unless the advertising ends with a personal
113 audio statement by the candidate making such expenditure (A)
114 identifying said candidate and the office said candidate is seeking, and
115 (B) indicating that said candidate has approved the advertising in the
116 following form: "I am ... (candidate's name) and I approved this
117 message";

118 (3) No political committee or party committee shall make or incur
119 any expenditure for television advertising or Internet video
120 advertising, which promotes the success or defeat of a candidate's
121 campaign for nomination at a primary or election, unless at the end of
122 such advertising there appears simultaneously, for a period of not less
123 than four seconds, (A) a clearly identifiable photographic or similar
124 image of the chairperson or campaign treasurer of the committee
125 making such expenditure, (B) a clearly readable printed statement (i)
126 identifying the name of the committee making the expenditure, and (ii)
127 indicating that said chairperson or campaign treasurer has approved
128 the advertising, and (C) a simultaneous, personal audio message, in
129 the following form: "I am ... (chairperson's or campaign treasurer's
130 name and title, and name of committee) and I approved this message";
131 and

132 (4) No political committee or party committee shall make or incur
133 any expenditure for radio advertising or Internet audio advertising,
134 which promotes the success or defeat of a candidate's campaign for
135 nomination at a primary or election, unless the advertising ends with a
136 personal audio statement by the chairperson or campaign treasurer of
137 the committee making the expenditure (A) identifying the name of
138 said committee, and (B) indicating that said chairperson or campaign
139 treasurer has approved the advertising in the following form: "I am ...
140 (chairperson's or campaign treasurer's name and title) and I approved
141 this message".

142 [(b)] (c) No business entity, organization, association, committee, or
143 group of two or more individuals who have joined solely to promote
144 the success or defeat of a referendum question and is required to file a

145 certification in accordance with subsection (d) of section 9-333g, shall
146 make or incur any expenditure for any written, typed or other printed
147 communication which promotes the success or defeat of any
148 referendum question unless such communication bears upon its face
149 the words "paid for by" and the following: (1) In the case of a business
150 entity, organization or association, the name of the entity, organization
151 or association and the name of its chief executive officer; (2) in the case
152 of a political committee, the name of the committee and the name of its
153 campaign treasurer; (3) in the case of a party committee, the name of
154 the committee; or (4) in the case of such a group of two or more
155 individuals, the name of the group as it appears on the certification
156 filed in accordance with subsection (d) of section 9-333g, and the name
157 and address of its agent.

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

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

171 [(e)] (f) The campaign treasurer of an exploratory committee or
172 candidate committee established by a candidate for nomination or
173 election to the office of Treasurer which committee sponsors any
174 written, typed or other printed communication for the purpose of
175 raising funds shall include in such communication a statement
176 concerning the prohibitions set forth in subsection (n) of section 1-84,
177 subsection (f) of section 9-333n and subsection (f) of section 9-333o.

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

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

191 (b) The voter guide shall contain:

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

194 (2) The name, party affiliation and contact information of each
195 candidate who is nominated or qualifies as a petitioning candidate for
196 election to the office of President of the United States, Vice-President of
197 the United States, senator in Congress, representative in Congress,
198 Governor, Lieutenant Governor, Attorney General, State Treasurer,
199 State Comptroller, Secretary of the State, State Senator or State
200 Representative at the state election. As used in this section, "contact
201 information" means any or all of the following information received by
202 the Secretary of the State in the course of the secretary's elections
203 duties or by the Federal Election Commission: A candidate's campaign
204 mailing address, telephone number, facsimile number, electronic mail
205 address and web site. The voter guide may provide contact
206 information for a candidate for the office of President of the United
207 States, Vice-President of the United States, senator in Congress or
208 representative in Congress by an electronic link to such information on
209 the Federal Election Commission's web site;

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

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

217 (5) An absentee ballot application in printable format;

218 (6) Instructions regarding voting by absentee ballot;

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

220 (8) A voter registration application in printable format;

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

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

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

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

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

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

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

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

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

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

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

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

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

266 (a) A voting machine approved by the Secretary of the State shall be
267 so constructed as to provide facilities for voting for the candidates of at
268 least nine different parties or organizations. It shall permit voting in

269 absolute secrecy. It shall be provided with a lock by means of which
270 any illegal movement of the voting or registering mechanism is
271 absolutely prevented. Such machine shall be so constructed that an
272 elector cannot vote for a candidate or on a proposition for whom or on
273 which he is not lawfully entitled to vote.

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

281 (c) Notwithstanding the provisions of subsection (b) of this section,
282 the Secretary of the State may approve a voting machine which
283 requires the elector in the polls to place his ballot into the recording
284 device and which meets the voluntary performance and test standards
285 for voting systems adopted by (1) the Federal Election Commission on
286 January 25, 1990, as amended from time to time, or (2) the Election
287 Assistance Commission pursuant to the Help America Vote Act of
288 2002, P.L. 107-252, 42 USC 15481-85, as amended from time to time,
289 whichever standards are most current at the time of the Secretary of
290 the State's approval, and regulations which the Secretary of the State
291 may adopt in accordance with the provisions of chapter 54, provided
292 the voting machine shall [(1)] (A) warn the elector of overvotes, [(2)]
293 (B) not record overvotes, and [(3)] (C) not record more than one vote of
294 an elector for the same person for an office.

295 (d) Any direct recording electronic voting machine approved by the
296 Secretary of the State for an election or primary held on or after July 1,
297 2005, shall be so constructed as to:

298 (1) (A) Contemporaneously produce an individual, permanent,
299 paper record containing all of the elector's selection of ballot
300 preferences for candidates and questions or proposals, if any, prior to
301 the elector's casting a ballot, as set forth in this subsection, and (B)

302 produce at any time after the close of the polls a voting machine self-
303 generated permanent paper record of each such elector's selection of
304 ballot preferences for candidates and questions or proposals, if any.
305 Both the contemporaneous individual paper record and the self-
306 generated paper record of each elector's selection of ballot preferences
307 shall include a machine generated unique identifier that can be
308 matched against each other and which preserves the secrecy of such
309 elector's ballot as set forth in subdivision (6) of this subsection;

310 (2) Provide each elector with an opportunity to verify that the
311 contemporaneously produced paper record accurately conforms to
312 such elector's selection of ballot preferences, as reflected on the screen
313 display or electronic summary, and to hear, if desired, an audio
314 description of such ballot display or screen summary, for the purpose
315 of having an opportunity to make any corrections or changes prior to
316 casting the ballot. In the event that the elector makes corrections or
317 changes prior to casting the ballot, the first paper record shall be
318 voided and another paper record shall be contemporaneously
319 produced and the elector shall be provided with another opportunity
320 to verify ballot preferences as described in this subsection;

321 (3) Be accessible to blind or visually impaired persons if it provides
322 electors with an audio description of the machine's electronic screen
323 display or electronic summary screen at the time that the elector
324 completes the selection of ballot preferences and casts the ballot as
325 provided in this subsection;

326 (4) Meet such additional standards of accessibility, consistent with
327 this subsection, included in regulations that the Secretary of the State
328 may adopt, in accordance with the provisions of chapter 54, and meet
329 the standards of accessibility enunciated by the Election Assistance
330 Commission pursuant to its implementation of the Help America Vote
331 Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time to
332 time;

333 (5) Provide that a ballot shall be deemed cast on the direct recording
334 electronic voting machine at the time that an elector's

335 contemporaneously produced individual, permanent, paper record,
336 containing all of the elector's final selection of ballot preferences, is (A)
337 deposited inside a receptacle designed to store all of the individual,
338 permanent, voter-verified paper records produced by such voting
339 machine on the day of the election or primary, and (B) the elector's
340 selection of ballot preferences is simultaneously electronically recorded
341 inside the voting machine for the purpose of (i) being electronically
342 tabulated immediately after the polls are closed, and (ii) producing, on
343 such other day as required under this subsection, a voting machine
344 self-generated, individual, permanent paper record of each such
345 elector's selection of ballot preferences for candidates and questions or
346 proposals, if any; and

347 (6) Except as otherwise provided in subdivision (1) of section 8 of
348 this act, secure the secrecy of each such elector's ballot by making it
349 impossible for any other individual to identify the elector in
350 relationship to such elector's selection of ballot preferences (A) at the
351 time that the elector is selecting ballot preferences; (B) at the time that
352 the elector is verifying the accuracy of the screen display or electronic
353 summary by comparing it to the paper record or audio description of
354 the ballot display or screen summary, as the case may be, prior to
355 casting a ballot; (C) while making corrections or changes by reselecting
356 ballot preferences and verifying the accuracy thereof in the same
357 manner as set forth in subdivision (2) of this subsection prior to casting
358 a ballot; (D) at the time that the elector casts the ballot; or (E) at the
359 time that all electors' ballots are canvassed, recanvassed or otherwise
360 tallied to produce a final count of the vote for candidates or
361 propositions, whether through the electronic vote tabulation process or
362 through the manual count process of each elector's individual,
363 permanent, voter-verified paper record, as set forth in section 8 of this
364 act.

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

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

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

392 (3) If a recanvass of the votes is required pursuant to chapter 148 of
393 the general statutes, the recanvass officials shall, in addition to the
394 other requirements of said chapter, conduct a manual tally of the
395 individual, permanent, voter-verified paper records
396 contemporaneously produced by each direct recording electronic
397 voting machine used within the geographical jurisdiction that is
398 subject to such recanvass. The manual tally conducted for the
399 recanvass shall be limited to the particular candidates and questions or
400 proposals that are subject to recanvass. If the manual tabulation of the
401 individual, permanent, voter-verified paper records does not reconcile

402 with the electronic vote tabulation of a particular direct recording
403 electronic voting machine or machines, the individual permanent
404 voter-verified paper records shall be considered the true and correct
405 record of each elector's vote on such voting machine or machines and
406 shall be used as the official record for purposes of declaring the official
407 election results or for purposes of any subsequent recanvass, tally or
408 election contest conducted pursuant to chapters 148 to 153, inclusive,
409 of the general statutes. If any of the contemporaneously produced
410 individual, permanent, voter-verified paper records are found to have
411 been damaged in such manner as they are unable to be manually
412 tallied with respect to the ballot positions that are the subject of the
413 recanvass, each such damaged record shall be matched against the
414 self-generated, individual, permanent paper record produced by the
415 voting machine bearing the identical machine-generated unique
416 identifier as the damaged record and, in such instance, shall be
417 substituted as the official record for purposes of determining the final
418 election results or for purposes of any subsequent recanvass, tally or
419 election contest. Notwithstanding the provisions of chapter 148 of the
420 general statutes, the Secretary of the State may order a discrepancy
421 recanvass for a state or district office, including a federal office, if the
422 Secretary has reason to believe that discrepancies may have occurred
423 that could affect the outcome of the election.

424 (4) Not later than five business days after each election in which a
425 direct recording electronic voting machine is used, the registrars of
426 voters or their designees, representing at least two political parties,
427 shall conduct a manual audit of the votes recorded on at least one
428 direct recording electronic voting machine used in each voting district.
429 Not later than five business days after a primary in which a direct
430 recording electronic voting machine is used, the registrar of voters of
431 the party holding the primary shall conduct such a manual audit by
432 designating two or more individuals, one of whom may be the
433 registrar, representing at least two candidates in the primary. The
434 machine or machines audited under this subdivision shall be selected
435 in a random drawing that is announced in advance to the public and is
436 open to the public. All direct recording electronic voting machines

437 used within a voting district shall have an equal chance of being
438 selected for the audit. The method of conducting the random drawing
439 may begin with a random number seed, use the last three digits of a
440 state lottery drawing determined in advance, use a random number
441 table recognized by statisticians as authoritative, or use any
442 combination of such methods or similar methods as may be
443 determined by the Secretary of the State in advance and publicly
444 announced. The manual audit shall consist of a manual tally of the
445 individual, permanent, voter-verified paper records produced by each
446 voting machine subject to the audit and a comparison of such count,
447 with respect to all candidates and any questions or proposals
448 appearing on the ballot, with the electronic vote tabulation reported
449 for such voting machine on the day of the election or primary. Such
450 audit shall not be required if a recanvass has been, or will be,
451 conducted on the voting machine. Such manual audit shall be noticed
452 in advance and be open to public observation. A reconciliation sheet,
453 on a form prescribed by the Secretary of the State, that reports and
454 compares the manual and electronic vote tabulations of each candidate
455 and question or proposal on each such voting machine, along with any
456 discrepancies, shall be prepared by the audit officials, signed and
457 forthwith filed with the town clerk of the municipality and the
458 Secretary of the State. If any contemporaneously produced individual,
459 permanent, voter-verified paper record is found to have been
460 damaged, the same procedures described in subdivision (3) of this
461 section for substituting such record with the self-generated, individual,
462 permanent paper record produced by the voting machine bearing the
463 identical machine-generated unique identifier as the damaged record
464 shall apply and be utilized by the audit officials to complete the
465 reconciliation. The reconciliation sheet shall be open to public
466 inspection and may be used as prima facie evidence of a discrepancy in
467 any contest arising pursuant to chapter 149 of the general statutes. If
468 the audit officials are unable to reconcile the manual count with the
469 electronic vote tabulation and discrepancies, the Secretary of the State
470 shall conduct such further investigation of the voting machine
471 malfunction as may be necessary for the purpose of reviewing whether

472 or not to decertify the voting machine or machines and may order a
 473 recanvass in accordance with the provisions of subdivision (3) of this
 474 section.

475 (5) The individual, permanent, voter-verified paper records
 476 produced by any direct recording electronic voting machine in use at
 477 an election or primary held on or after the effective date of this section
 478 shall be carefully preserved and returned in their designated receptacle
 479 in accordance with the requirements of section 9-266, 9-302 or 9-310 of
 480 the general statutes, whichever is applicable, and may not be opened
 481 or destroyed, except during recanvass or manual audit as set forth in
 482 this section, for one hundred eighty days following an election or
 483 primary that does not include a federal office, pursuant to section 9-
 484 310 of the general statutes, or for twenty-two months following an
 485 election or primary involving a federal office, pursuant to 42 USC 1974,
 486 as amended from time to time.

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

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

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>from passage</i>	9-23r(a)
Sec. 3	<i>from passage</i>	9-450(1)
Sec. 4	<i>January 1, 2006</i>	9-333w
Sec. 5	<i>January 1, 2006</i>	New section
Sec. 6	<i>from passage</i>	New section

Sec. 7	<i>from passage</i>	9-242
Sec. 8	<i>from passage</i>	New section

GAE *Joint Favorable Subst.*

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:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Secretary of the State	GF - Cost	See Below	See Below
Elect. Enforcement Com.	GF - Cost	Minimal	Minimal
Elect. Enforcement Com.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

The bill requires that the Secretary of the State (SOTS), in consultation with registrars of voters, provide or arrange for voter registration services at naturalization ceremonies for 25 or more new citizens. There are 3 naturalization ceremonies a month, held on the 1st, 2nd, and 3rd Friday in Hartford, New Haven, and Bridgeport respectively. This will not result in any cost to the state.

The bill expands the attribution law to include written web-based campaign communications by requiring the identity of the person who approved it be included. It is anticipated that the State Elections Enforcement Commission (SEEC) will require additional Other Expense funds of less than \$5,000 for revised publications, postage and other related costs. There will be a workload increase related to educating and advising candidates, political and party committees of the new expanded requirements of the attribution law. This additional workload can be handled within agency resources. An indeterminate number of new complaints filed with the SEEC is anticipated, which

will generate a potential minimal revenue gain from the penalties assessed for noncompliance.

This bill requires the SOTS, in consultation with the SEEC, to prepare and publish on the Internet a voter guide for each state election. The SOTS is not expected to incur costs to develop the Internet voter guide until FY 07, as the voter guide does not need to be completed until October 1, 2006. The SOTS will incur a workload increase and minimal costs in FY 07 to develop and host the Internet voter guide on its website. This is not expected to have a fiscal impact on the SEEC.

The bill requires the SEEC to conduct a study of push polling in Connecticut campaigns and by February 1, 2006 submit a report to the GAE committee on its findings, conclusions, and any recommended legislation. The additional workload and minimal printing and postage costs related to the survey can be handled within agency resources.

The bill also requires that direct recording electronic voting machines (DREs) approved by the SOTS for an election or primary held on or after July 1, 2005 meet minimum standards. Each DRE must produce an individual, permanent, voter-verifiable paper trail. It must permit voters to verify their ballot selections, and hear, if desired, an audio description of their ballot, and make corrections before casting the ballot. Individuals with disabilities, including the blind and visually impaired, must be provided the same accessibility to voting while maintaining voter privacy and ballot confidentiality. The ballot is considered cast on the DRE when the elector's paper record is deposited into a storage receptacle and the vote is simultaneously electronically recorded inside the voting machine.

If the DREs are compliant with the federal Help America Vote Act (HAVA), there will be no fiscal impact to the state. The SOTS states that these DREs aren't fully compliant with the HAVA. The bill requires that the voter verified paper receipt be used as the official record in any recount. HAVA requires that any voting machine and

component thereof that is used to count or record official ballots must be fully accessible. If the paper receipt is used as the official ballot, then the blind can't verify that the ballot reflects their voting intent, even if the machine gives an audio description. The SOTS believes that this segment of the DRE will not be compliant with HAVA and therefore federal funds cannot be used to purchase the printing portion of the machines. The printing piece of the machines is estimated to cost \$1 million.

The bill requires a manual audit of at least one randomly selected DRE per voting district. The audit must take place within five days of each election or primary. The registrars of voters or their designees representing at least two political parties are to conduct the audit. Depending upon the number of voting districts in the municipality, hourly employees may need to be compensated to conduct the audit.

OLR Bill Analysis

sSB 55

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

This bill modifies existing and creates new voting and campaign procedures. Generally, it

1. sets standards for direct recording electronic voting machines (DREs) and establishes procedures for elections and primaries that use them;
2. expands the campaign attribution law to cover radio, television, and Internet advertisements;
3. requires the secretary of the state to prepare and publish an online voter guide;
4. requires the secretary of the state to provide voter registration services at certain naturalization ceremonies;
5. exempts from disclosure certain voter registration information;
6. conforms nominating procedures for congressional and multitown judge of probate vacancies to the direct primary law; and
7. requires a study on push polling.

EFFECTIVE DATE: Upon passage, except (1) the voter registration at naturalization ceremonies provision is effective on July 1, 2005 and (2) changes in campaign attribution requirements and preparation of the voter guide are effective on January 1, 2006.

VOTING MACHINES (§§ 7 & 8)

The bill requires the secretary of the state to consider standards that the Election Assistance Commission (EAC) adopts pursuant to the federal Help America Vote Act ((HAVA) (P.L. 107-252)) or those that the Federal Election Commission (FEC) adopts, whichever are most current, when she approves voting machines for use in Connecticut (see BACKGROUND). Under current law, she is only required to consider the FEC's standards.

DRE Operations

The bill establishes requirements that DREs used in elections or primaries occurring on or after July 1, 2005 meet minimum standards. They must:

1. produce a contemporaneous individual, permanent, paper record of each voter's selections and a machine self-generated, permanent, paper record after the polls close, both with an identical unique identifier that can be matched against the other and that preserve the secrecy of each elector's ballot;
2. permit voters to verify their selections, through a paper record or an audio description, and make changes or corrections before casting their ballot;
3. void the first paper record and produce another in the event that an elector changes his ballot, and provide that person with another opportunity to verify his selections;
4. provide accessibility to blind or visually impaired individuals with a machine that has an audio capability for presenting the voter's selections;
5. meet additional standards of accessibility that the EAC establishes pursuant to HAVA and that the secretary of the state adopts in regulations;
6. provide that ballots are considered cast when (a) an elector's individual, permanent, voter-verified paper record is deposited into a receptacle designed to store the paper records and (b) his votes are simultaneously electronically recorded inside the voting machine; and

7. secure the secrecy of each elector's ballot while he is (a) selecting his ballot preferences, (b) verifying his vote, (c) changing or correcting his choices, and (d) casting his ballot, as well as during any canvass, recanvass, or tally of all electors' ballots whether manually or electronically.

Election Procedures When DREs Are Used

The bill establishes procedures and extends existing procedures that apply to elections and primaries in which DREs are used. The procedures:

1. allow individuals with disabilities to request assistance inside the voting booth (which they can do under current law);
2. require all votes, including those cast on DREs, to be tallied at the polling place immediately following the close of the polls;
3. allow any member of the public to observe the canvass of the votes (which they can do under current law);
4. require a manual recount of the individual, permanent, voter-verified paper records if a recanvass is needed for a particular candidate or question;
5. establish the individual, permanent, voter-verified paper records as the official record of each elector's vote if a manual recount does not reconcile with the electronic vote tabulation;
6. match any damaged individual, permanent, voter-verified paper records with the machine self-generated, permanent, paper records bearing the identical unique identifier and use them as the official records;
7. allow the secretary of the state to order a discrepancy recanvass for a federal, state, or local office if she has reason to believe that it could affect the outcome of the election;
8. require registrars of voters to conduct a manual audit, within five days after each election or primary, of at least one randomly selected DRE in each voting district;

9. require voter-verified paper records to be preserved in their designated receptacle for 180 days and 22 months following an election or primary involving state or federal offices, respectively;
10. stipulate that candidates and electors retain their rights to existing remedies in a contested election or primary; and
11. allow the court or the State Elections Enforcement Commission (SEEC) to order machines (a) locked for a period longer than that required by law or (b) audited.

DRE Audit Procedures

The bill requires a manual audit of at least one DRE per voting district, selected through random drawing, within five days of each election or primary. It designates the registrars of voters or their designees representing at least two political parties as the auditors after an election. After a primary, the registrars of voters of the affiliated party designate two or more people, one of whom may be the registrar, representing at least two candidates as the auditors. No audit is required if the machines are subject to a recanvass.

The random drawing must be announced in advance, open to the public, and use selection methods set out in the bill.

The audit consists of a manual tally of a machine's individual, permanent, voter-verified paper records compared with its electronic vote tabulation. If a voter-verified paper record is damaged, the audit officials must instead use the matching machine self-generated, permanent, paper record. The bill requires the officials to prepare a reconciliation sheet, comparing the tabulations and listing any discrepancies, and file it with the town clerk and the secretary of the state. The sheet is open to the public and may be used as prima facie evidence of a discrepancy in a contested election or primary. If the audit officials are unable to reconcile the manual count with the electronic vote tabulation and discrepancies, the secretary of the state must conduct an investigation and may order a recanvass.

CAMPAIGN ACCOUNTABILITY (§ 4)

By law, written, typed, and other printed political communications

paid for by people or committees cooperating with, in consultation with, or acting at the request of a candidate or his agent or committee to promote or defeat a candidate must include an attribution.

The bill expands the attribution law. It extends to written Internet-based campaign communications the requirement that they include the identity of the person who paid for it. This means, if the expenditure is made by (1) an individual, the person's name and address; (2) a party committee, the committee's name; and (3) other committees, the name of the committee and its campaign treasurer.

The bill expands the attribution for all communications by requiring them to include the identity of the person who approved it. The face of any printed literature must show "approved by" and, if the expenditure is made by (1) an individual, the person's name; (2) a candidate committee, the candidate's name; (3) a party committee, the name and title of the chairperson; or (4) a political committee (known as a PAC), the name and title of the chairperson or the treasurer. Like existing attribution requirements, the bill's provisions do not apply to (1) unsolicited, freely published newspaper, magazine, or journal editorials, news stories, or commentary; (2) banners; (3) political paraphernalia; or (4) signs under 32 square feet.

The bill also requires television and Internet video communications to show images and readable and personal messages of approval from the candidate or the person paying for the communication. Radio and Internet audio communications must include a personal, audio message from the person or committee responsible for it.

Table 1 shows the bill's new attribution requirements.

TABLE 1: ATTRIBUTION REQUIREMENTS

<i>Agent</i>	<i>Television/Internet Video</i>	<i>Radio/Internet Audio</i>
Candidate or his committee	<ul style="list-style-type: none"> ▪ Clearly identifiable image of the candidate ▪ Clearly readable statement identifying him and indicating that he approves the message ▪ Personal audio message stating "I am... (candidate's name) and I approved this message" 	<ul style="list-style-type: none"> ▪ Personal audio message by the candidate indicating his name, the office he is seeking, and his approval of the message by stating "I am...(candidate's name) and I approved this message"

Political or party committee	<ul style="list-style-type: none"> ▪ Clearly identifiable image of the committee chairperson or treasurer ▪ Clearly readable statement identifying the committee and indicating that the committee's campaign chairperson or treasurer approves the message ▪ Personal audio message stating "I am...(chairperson's or treasurer's name and title and committee's name) and I approved this message" 	<ul style="list-style-type: none"> ▪ Personal audio message by the chairperson or treasurer indicating the committee name and that he has approved the message by stating "I am...(chairperson's or treasurer's name and title) and I approved this message"
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VOTER GUIDE (§ 5)

The bill requires the secretary of the state, in consultation with the SEEC and within available appropriations, to prepare and publish on the Internet a voter guide for each state election. She must complete it by October 1 in each state election year.

The voter guide must include:

1. the date of the election and hours the polls will be open;
2. the name, party affiliation, and contact information of each candidate for the offices of U. S. President and vice-president, U.S. senator and representative, the six state constitutional offices, and the state legislature;
3. maps showing the current boundaries of congressional and state legislative districts;
4. a description of each office to be filled;
5. an absentee ballot application form in printable format with instructions on how to vote by absentee ballot;
6. a voter registration form in printable format with information on voter registration procedures;
7. the text of each proposed constitutional amendment, if any, and the explanatory text for it; and

8. the text of the Voter's Bill of Rights.

The bill authorizes the secretary of the state, in consultation with the SEEC, to adopt regulations that implement the preparation and publication of the voter guide but she cannot authorize the inclusion of information beyond what is specified in the bill.

VOTER REGISTRATION (§§ 1 & 2)

The bill requires the secretary of the state, within available appropriations and in consultation with registrars of voters and nonprofit organizations, to provide voter registration services at naturalization ceremonies for 25 or more people.

The bill exempts from disclosure under the Freedom of Information Act information submitted as part of a mail-in voter registration application. The law allows a person who applies by mail to register for the first time in Connecticut to submit as part of his 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 showing his name and address; (3) a valid Connecticut driver's license number; or (4) the last four digits of his Social Security number. A person who does not submit a form of identification with his registration application must do so when voting for the first time at a federal election, or cast a provisional ballot.

NOMINATING PROCEDURES (§ 3)

The bill conforms the nominating procedures for congressional and multitown judge of probate vacancies to the 2003 direct primary law. It (1) amends the endorsement and nomination deadlines, (2) requires the secretary of the state to make petition forms available for candidates for nomination starting 75 days before an election, and (3) requires candidacies to be filed with the secretary of the state no later than 4:00 PM on the 14th day following a convention. Candidacies can be filed by submitting either (1) a certification that the candidate received at least 15% of the delegates' votes at a convention or (2) primary petition pages. By law, petitioning candidates for a congressional district office must submit petitions signed by at least 2% of the enrolled members of their party in the district and petitioning candidates for multi-town judge of probate offices must submit signatures of at least 5% of the enrolled party members in the

district. Table 2 lists the bill's changes to the deadlines when the vacancy is to be filled at a regular state election. After the convention delegates are selected, the schedule corresponds to the regular election calendar.

TABLE 2: ENDORSEMENT DEADLINES FOR FILLING A VACANCY AT A STATE ELECTION

	<i>Current Law</i>	<i>The Bill</i>
Governor Issues Election Notice (Writs)	On or before May 21	On or before May 1
Notice for Delegate Selection	May 24	May 4
Delegate Selection	Between 56 days after publication of delegate selection notice and five days before the convention	The day before the convention

Table 3 shows the deadlines for filling a vacancy at a special election.

TABLE 3: ENDORSEMENT AND NOMINATION DEADLINES FOR FILLING A VACANCY AT A SPECIAL ELECTION

	<i>Current Law</i>	<i>The Bill</i>
Governor Issues Election Notice (Writs)	After May 21	After May 1
Election Date	At least 91 days after the election notice is issued	At least 150 days after the election notice is issued
Notice of District Convention	84 days before the election	145 days before the election
Delegate Selection	Between 28 days after publication of district convention notice and 56 days before the election	Between 85 days after publication of district convention notice and 80 days before the election
Certification of Delegates	21 days preceding the primary	79 days preceding the election
District Convention Date	Between 5 days after the primary and 49 days before the election	Between 75 and 70 days before the election

PUSH POLLING (§ 6)

The bill requires the SEEC to conduct a study of the use of push polling in Connecticut campaigns. By February 1, 2006, it must submit a report to the Government Administration and Elections Committee

on its findings, conclusions, and any recommended legislation.

The bill defines “push poll” as a paid telephone survey or series of surveys that are similar in nature and reference a candidate or group of candidates other than in a basic preference question. Additionally, in a push poll:

1. the polling organization uses a list or directory to select respondents based on demographic or political information such as race, age, sex, ethnicity, party affiliation, or like characteristics;
2. the survey fails to ask demographic questions such as age, household income, or status as a likely voter sufficient to tabulate 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 survey results;
4. the survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and
5. the survey’s primary purpose is to suppress or change the call recipient’s voting position.

BACKGROUND

Help America Vote Act

Congress passed HAVA in October of 2002 as a package of federally ordered election improvements. Under HAVA (§ 301), the technology and administration of every voting system used in federal elections must meet uniform and nondiscriminatory requirements. Beginning January 1, 2006, all voting systems must:

1. permit voters to verify their selections on their ballot, notify them of overvotes, and permit them to make changes or correct an error before casting the ballot;
2. produce a permanent paper record for the voting system that can be manually audited and is available as an official record for

recounts;

3. provide individuals with disabilities, including the blind and visually impaired, the same accessibility to voting while maintaining voter privacy and ballot confidentiality through the use of at least one DRE or properly equipped voting system at each polling place;
4. provide alternative language accessibility, as required by the Voting Rights Act of 1965; and
5. comply with the error rate standards in the federal voting system standards in effect on October 29, 2002.

Related Bill

sHB 6669, An Act Concerning Prevention of Absentee Voting Violation and Greater Accountability for Absentee Voting Compliance, which the Government Administration and Elections Committee reported favorably on March 23, establishes a voting technology standards board for electronic voting machines.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 19 Nay 1