



General Assembly

Amendment

January Session, 2005

LCO No. 6064

SB0005506064SD0

Offered by:
SEN. DEFRONZO, 6th Dist.

To: Subst. Senate Bill No. 55 File No. 231 Cal. No. 213

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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11 repealed and the following is substituted in lieu thereof (*Effective from*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

13 (a) On or after January 1, 2003, any person who is applying, by mail,

14 to register to vote for the first time in this state may submit as part of
15 such voter registration application: (1) A copy of a current and valid
16 photo identification, (2) a copy of a current utility bill, bank statement,
17 government check, paycheck or government document that shows the
18 name and address of the voter, (3) a valid Connecticut motor vehicle
19 operator's license number, or (4) the last four digits of the individual's
20 Social Security number. Members of the armed forces and persons
21 entitled to use the federal post card application for absentee ballots
22 under section 9-153a are not required to provide identification when
23 registering by mail. No information submitted as part of a voter
24 registration application under this subsection shall be subject to
25 disclosure under the Freedom of Information Act pursuant to chapter
26 14, except for the name, address, date of birth and telephone number
27 of the applicant.

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29 repealed and the following is substituted in lieu thereof (*Effective from*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

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

48 each party shall, not later than the eighty-fourth day preceding the day
49 of the election, publish notice of the day for the selection of delegates
50 to the state or district convention to designate the party-endorsed
51 candidate for the office to be filled, which day shall be not earlier than
52 the twenty-eighth day following such publication and not later than
53 the fifty-sixth day preceding the day of the election. The selected
54 delegates to such convention shall be certified to the town clerks not
55 later than the twenty-first day preceding the day of such primary. The
56 state or district convention shall be convened not earlier than the fifth
57 day following such primary and closed not later than the forty-ninth
58 day preceding the day of the election. Contesting candidacies for
59 nomination to the office to be filled shall be filed not later than four
60 o'clock p.m. on the fifth day following the close of such convention.
61 The Secretary of the State shall fix the day for the primary of each
62 party for the nomination to the office to be filled, which day shall be
63 not earlier than the twenty-first day following the close of such
64 convention and not later than the twenty-first day preceding the day of
65 the election.]

66 (1) In the case of a vacancy in the office of representative in
67 Congress or judge of probate in a probate district composed of two or
68 more towns, provided for in sections 9-212 and 9-218, the day named
69 for the election shall be not earlier than the sixty-third day following
70 the day on which the Governor issues writs of election. If such a
71 vacancy occurs between the one hundred twenty-fifth day and the
72 sixty-sixth day before the day of a regular state election, the Governor
73 shall issue such writs on the sixty-third day before the day of such
74 state election, ordering an election to be held on the day of such state
75 election. If such a vacancy occurs after the sixty-sixth day before the
76 day of a regular state election but before the Wednesday following the
77 first Monday of January of the succeeding year, the Governor shall not
78 issue such writs and no election shall be held under sections 9-212 and
79 9-218 and this subdivision, unless the position vacated is that of
80 member-elect, in which case the Governor shall issue such writs and
81 an election shall be held as provided in said sections and this

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

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

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

116 any candidate, candidate committee or candidate's agent, the name of
117 such individual; or (B) in the case of a candidate committee, the name
118 of the candidate.

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

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

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

144 [(b)] (c) No business entity, organization, association, committee, or
145 group of two or more individuals who have joined solely to promote
146 the success or defeat of a referendum question and is required to file a
147 certification in accordance with subsection (d) of section 9-333g, shall

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

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

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

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

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

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

193 (b) The voter guide shall contain:

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

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

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

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

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

220 (6) Instructions regarding voting by absentee ballot;

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

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

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

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

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

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

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

240 preference question, and in which:

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

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

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

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

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

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

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

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

268 (a) A voting machine approved by the Secretary of the State shall be

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

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

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

297 (d) Any direct recording electronic voting machine approved by the
298 Secretary of the State for an election or primary held on or after July 1,
299 2005, shall be so constructed as to:

300 (1) (A) Contemporaneously produce an individual, permanent,

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

313 (2) Provide each elector with an opportunity to verify that the
314 contemporaneously produced, individual, permanent, paper record
315 accurately conforms to such elector's selection of ballot preferences, as
316 reflected on the electronic summary screen, and to hear, if desired, an
317 audio description of such electronic summary screen, for the purpose
318 of having an opportunity to make any corrections or changes prior to
319 casting the ballot. If an elector makes corrections or changes prior to
320 casting the ballot, the voting machine shall void such
321 contemporaneously produced paper record, contemporaneously
322 produce another paper record containing such corrections or changes
323 and provide the elector with another opportunity to verify ballot
324 preferences in accordance with the provisions of this subdivision. As
325 used in this section, "electronic summary screen" means a screen
326 generated by a direct recording electronic voting machine that displays
327 a summary of an elector's selections of ballot preferences for
328 candidates and questions or proposals, if any, at an election or
329 primary;

330 (3) Provide that a ballot shall be deemed cast on the voting machine
331 at the time that an elector's contemporaneously produced, individual,
332 permanent, voter-verified paper record, containing all of the elector's
333 final selections of ballot preferences, is (A) deposited inside a
334 receptacle designed to store all such paper records produced by such

335 voting machine on the day of the election or primary, and (B) the
336 elector's selection of ballot preferences is simultaneously electronically
337 recorded inside the voting machine for the purpose of (i) being
338 electronically tabulated immediately after the polls are closed on the
339 day of the election or primary, and (ii) producing, on such other day as
340 required under section 8 of this act, a voting machine generated,
341 individual, permanent, paper record of each such elector's selections of
342 ballot preferences for candidates and questions or proposals, if any;

343 (4) Except as otherwise provided in subdivision (1) of section 8 of
344 this act, secure the secrecy of each such elector's ballot by making it
345 impossible for any other individual to identify the elector in
346 relationship to such elector's selection of ballot preferences at the time
347 that the elector (A) selects ballot preferences; (B) verifies the accuracy
348 of the electronic summary screen by comparing it to the
349 contemporaneously produced, individual, permanent, paper record or
350 the audio description of such electronic summary screen, prior to
351 casting a ballot; (C) makes corrections or changes by reselecting ballot
352 preferences and verifies the accuracy of such preferences in accordance
353 with the provisions of subdivision (2) of this subsection prior to casting
354 a ballot; and (D) casts the ballot; and at the time that all electors' ballots
355 are canvassed, recanvassed or otherwise tallied to produce a final
356 count of the vote for candidates and questions or proposals, if any,
357 whether through the electronic vote tabulation process or through the
358 manual count process of each elector's contemporaneously produced,
359 individual, permanent, voter-verified paper record, as set forth in
360 section 8 of this act; and

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

366 (B) Notwithstanding the provisions of subparagraph (A) of this
367 subdivision, the Secretary the State may approve an electronic voting

368 machine that does not comply with the provisions of said
369 subparagraph if (i) the Secretary determines that there are no
370 electronic voting machines available for purchase or lease at the time
371 of such approval that are capable of complying with said
372 subparagraph (A), (ii) the electronic voting machine complies with the
373 provisions of subdivisions (1) to (4), inclusive, of this subsection, and
374 (iii) the person applying to the Secretary for approval of the electronic
375 voting machine agrees to include a provision in any contract for the
376 sale or lease of such voting machines that requires such person, upon
377 notification by the Secretary that modifications to such machines that
378 would bring the machines into compliance said subparagraph (A) are
379 available, to (I) so modify any electronic voting machines previously
380 sold or leased under such contract in order to comply with said
381 subparagraph (A), and (II) provide that any electronic voting machines
382 sold or leased after receipt of such notice comply with said
383 subparagraph (A).

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

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

392 (2) A canvass of the votes shall take place inside the polling place
393 immediately following the close of the polls on the day of the election
394 or primary in accordance with the requirements of chapter 148 of the
395 general statutes. With respect to direct recording electronic voting
396 machines, any such canvass shall be an electronic vote tabulation of all
397 of the votes cast on each such voting machine for each candidate and
398 question or proposal, and the moderator shall attach a printout of such
399 electronic vote tabulation to the tally sheets. The moderator shall then
400 add together all of the votes recorded on each voting machine in use at

401 the polling place, whether or not such voting machines were direct
402 recording electronic voting machines, to produce a cumulative count
403 within the polling place of all candidates and any questions or
404 proposals appearing on the ballot in the election or primary. Any
405 member of the public shall have a right to be present in the polling
406 place to observe the canvass of the votes beginning as soon as the polls
407 are declared closed by the moderator and continuing throughout the
408 canvass of the votes of each voting machine until the final canvass of
409 all of the votes cast on all of the voting machines in use in the polling
410 place are added together for each candidate and question or proposal
411 and publicly announced and declared by the moderator.

412 (3) If a recanvass of the votes is required pursuant to chapter 148 of
413 the general statutes, the recanvass officials shall, in addition to the
414 other requirements of said chapter, conduct a manual tally of the
415 individual, permanent, voter-verified, paper records
416 contemporaneously produced by each direct recording electronic
417 voting machine used within the geographical jurisdiction that is
418 subject to such recanvass. The manual tally conducted for the
419 recanvass shall be limited to the particular candidates and questions or
420 proposals that are subject to recanvass. If the manual tabulation of
421 such contemporaneously produced paper records does not reconcile
422 with the electronic vote tabulation of a particular direct recording
423 electronic voting machine or machines, such contemporaneously
424 produced paper records shall be considered the true and correct record
425 of each elector's vote on such electronic voting machine or machines
426 and shall be used as the official record for purposes of declaring the
427 official election results or for purposes of any subsequent recanvass,
428 tally or election contest conducted pursuant to chapters 148 to 153,
429 inclusive, of the general statutes. If any of the contemporaneously
430 produced individual, permanent, voter-verified paper records are
431 found to have been damaged in such manner as they are unable to be
432 manually tallied with respect to the ballot positions that are the subject
433 of the recanvass, each such damaged record shall be matched against
434 the voting machine generated, individual, permanent, paper record

435 produced by the voting machine bearing the identical machine-
436 generated unique identifier as the damaged record and, in such
437 instance, shall be substituted as the official record for purposes of
438 determining the final election results or for purposes of any
439 subsequent recanvass, tally or election contest.

440 (4) Notwithstanding the provisions of section 9-311 of the general
441 statutes, the Secretary of the State may order a discrepancy recanvass
442 under said section of the returns of an election for a district office, a
443 state office or the office of elector of President and Vice-President of
444 the United States, if the Secretary has reason to believe that
445 discrepancies may have occurred that could affect the outcome of the
446 election. Any such discrepancy recanvass may be conducted of the
447 returns in any or all voting districts in (A) the district in which an
448 election is held, in the case of an election for a district office, or (B) the
449 state, in the case of an election for a state office or the office of elector
450 of President and Vice-President of the United States or a presidential
451 preference primary, whichever is applicable. As used in this
452 subdivision, "district office" and "state office" have the same meanings
453 as provided in section 9-372 of the general statutes.

454 (5) Not later than five business days after each election in which a
455 direct recording electronic voting machine is used, the registrars of
456 voters or their designees, representing at least two political parties,
457 shall conduct a manual audit of the votes recorded on at least one
458 direct recording electronic voting machine used in each voting district.
459 Not later than five business days after a primary in which a direct
460 recording electronic voting machine is used, the registrar of voters of
461 the party holding the primary shall conduct such a manual audit by
462 designating two or more individuals, one of whom may be the
463 registrar, representing at least two candidates in the primary. The
464 machine or machines audited under this subdivision shall be selected
465 in a random drawing that is announced in advance to the public and is
466 open to the public. All direct recording electronic voting machines
467 used within a voting district shall have an equal chance of being
468 selected for the audit. The Secretary of the State shall determine and

469 publicly announce the method of conducting the random drawing,
470 before the election. The manual audit shall consist of a manual tally of
471 the contemporaneously produced, individual, permanent, voter-
472 verified, paper records produced by each voting machine subject to the
473 audit and a comparison of such count, with respect to all candidates
474 and any questions or proposals appearing on the ballot, with the
475 electronic vote tabulation reported for such voting machine on the day
476 of the election or primary. Such audit shall not be required if a
477 recanvass has been, or will be, conducted on the voting machine. Such
478 manual audit shall be noticed in advance and be open to public
479 observation. A reconciliation sheet, on a form prescribed by the
480 Secretary of the State, that reports and compares the manual and
481 electronic vote tabulations of each candidate and question or proposal
482 on each such voting machine, along with any discrepancies, shall be
483 prepared by the audit officials, signed and forthwith filed with the
484 town clerk of the municipality and the Secretary of the State. If any
485 contemporaneously produced, individual, permanent, voter-verified,
486 paper record is found to have been damaged, the same procedures
487 described in subdivision (3) of this section for substituting such record
488 with the voting machine generated, individual, permanent, paper
489 record produced by the voting machine bearing the identical machine
490 generated unique identifier as the damaged record shall apply and be
491 utilized by the audit officials to complete the reconciliation. The
492 reconciliation sheet shall be open to public inspection and may be used
493 as prima facie evidence of a discrepancy in any contest arising
494 pursuant to chapter 149 of the general statutes. If the audit officials are
495 unable to reconcile the manual count with the electronic vote
496 tabulation and discrepancies, the Secretary of the State shall conduct
497 such further investigation of the voting machine malfunction as may
498 be necessary for the purpose of reviewing whether or not to decertify
499 the voting machine or machines and may order a recanvass in
500 accordance with the provisions of subdivision (4) of this section.

501 (6) The individual, permanent, voter-verified, paper records
502 contemporaneously produced by any direct recording electronic

503 voting machine in use at an election or primary held on or after the
 504 effective date of this section shall be carefully preserved and returned
 505 in their designated receptacle in accordance with the requirements of
 506 section 9-266, 9-302 or 9-310 of the general statutes, whichever is
 507 applicable, and may not be opened or destroyed, except during
 508 recanvass or manual audit as set forth in this section, for one hundred
 509 eighty days following an election or primary that does not include a
 510 federal office, pursuant to section 9-310 of the general statutes, or for
 511 twenty-two months following an election or primary involving a
 512 federal office, pursuant to 42 USC 1974, as amended from time to time.

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

516 (8) After an election or primary, any voting machine may be kept
 517 locked for a period longer than that prescribed by sections 9-266, 9-310
 518 and 9-447 of the general statutes, if such an extended period is ordered
 519 by either a court of competent jurisdiction or the State Elections
 520 Enforcement Commission. Either the court or said commission may
 521 order an audit of such voting machines to be conducted by such
 522 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