



**Substitute Senate Bill No. 1311**

**Public Act No. 07-194**

**AN ACT CONCERNING THE INTEGRITY AND SECURITY OF THE VOTING PROCESS.**

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

Section 1. (NEW) (*Effective from passage*) (a) Not earlier than the fifteenth day after any election or primary and not later than two business days before the canvass of votes by the Secretary of the State, Treasurer and Comptroller, for any federal or state election or primary, or by the town clerk for any municipal election or primary, the registrars of voters shall conduct a manual audit of the votes recorded in not less than ten per cent of the voting districts in the state, district or municipality, whichever is applicable. Such manual audit shall be noticed in advance and be open to public observation. Any election official who participates in the administration and conduct of an audit pursuant to this section shall be compensated by the municipality at the standard rate of pay established by such municipality for elections or primaries, as the case may be.

(b) The voting districts subject to the audit described in subsection (a) of this section shall be selected in a random drawing by the Secretary of the State and such selection process shall be open to the public. The offices subject to the audit pursuant to this section shall be, (1) in the case of an election where the office of presidential elector is

***Substitute Senate Bill No. 1311***

on the ballot, all offices required to be audited by federal law, plus one additional office selected in a random drawing by the Secretary of the State, but in no case less than three offices, (2) in the case of an election where the office of Governor is on the ballot, all offices required to be audited by federal law, plus one additional office selected in a random drawing by the Secretary of the State, but in no case less than three offices, (3) in the case of a municipal election, three offices or twenty per cent of the number of offices on the ballot, whichever is greater, selected at random by the municipal clerk, and (4) in the case of a primary election, all offices required to be audited by federal law, plus one additional office, if any, but in no event less than twenty per cent of the offices on the ballot, selected in a random drawing by the municipal clerk.

(c) If a selected voting district has an office that is subject to recanvass or an election or primary contest pursuant to the general statutes, the Secretary shall select an alternative district, pursuant to the process described in subsection (b) of this section.

(d) The manual audit described in subsection (a) of this section shall consist of the manual tabulation of the paper ballots cast and counted by each voting machine subject to such audit. Once complete, the vote totals established pursuant to the manual tabulation shall be compared to the results reported by the voting machine on the day of the election or primary. The results of the manual tabulation shall be reported on a form prescribed by the Secretary of the State which shall include the total number of ballots counted, the total votes received by each candidate in question, the total votes received by each candidate in question on ballots that were properly completed by each voter and the total votes received by each candidate in question on ballots that were not properly completed by each voter. Such report shall be filed with the Secretary of the State who shall immediately forward such report to The University of Connecticut for analysis. The University of

***Substitute Senate Bill No. 1311***

Connecticut shall file a written report with the Secretary of the State regarding such analysis that describes any discrepancies identified. After receipt of such report, the Secretary of the State shall file such report with the State Elections Enforcement Commission.

(e) For the purposes of this section, a ballot that has not been properly completed will be deemed to be a ballot on which (1) votes have been marked by the voter outside the vote targets, (2) votes have been marked by the voter using a manual marking device that cannot be read by the voting machine, or (3) in the judgment of the registrars of voters, the voter marked the ballot in such a manner that the voting machine may not have read the marks as votes cast.

(f) Notwithstanding the provisions of section 9-311 of the general statutes, the Secretary of the State shall order a discrepancy recanvass of the returns of an election or primary for any office if a discrepancy, as defined in subsection (o) of this section, exists where the margin of victory in the race for such office is less than the amount of the discrepancy multiplied by the total number of voting districts where such race appeared on the ballot, provided in a year in which the Secretary of the State is a candidate for an office on the ballot and that office is subject to an audit as provided by this section, the State Elections Enforcement Commission shall order a discrepancy recanvass if a discrepancy, as defined by subsection (o) of this section, has occurred that could affect the outcome of the election or primary for such office.

(g) If The University of Connecticut report described in subsection (d) of this section indicates that a voting machine failed to record votes accurately and in the manner provided by the general statutes, the Secretary of the State shall require that the voting machine be examined and recertified by the Secretary of the State, or the secretary's designee. Nothing in this subsection shall be construed to prohibit the Secretary of the State from requiring that a voting machine

**Substitute Senate Bill No. 1311**

be examined and recertified.

(h) The audit report filed pursuant to subsection (d) of this section shall be open to public inspection and may be used as prima facie evidence of a discrepancy in any contest arising pursuant to chapter 149 of the general statutes or for any other cause of action arising from such election or primary.

(i) If the audit officials are unable to reconcile the manual count with the electronic vote tabulation and discrepancies, the Secretary of the State shall conduct such further investigation of the voting machine or tabulator malfunction as may be necessary for the purpose of reviewing whether or not to decertify the voting machine or machines in question or to order the voting machine to be examined and recertified pursuant to subsection (g) of this section. Any report produced by the Secretary of the State as a result of such investigation shall be filed with the State Elections Enforcement Commission and the commission may initiate such further investigation in accordance with subdivision (1) of subsection (a) of section 9-7b of the general statutes, as may be required to determine if any violations of the general statutes concerning election law have been committed.

(j) The individual paper ballots used at an election or primary shall be carefully preserved and returned in their designated receptacle in accordance with the requirements of section 9-266, 9-302 or 9-310 of the general statutes, whichever is applicable.

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

(l) After an election or primary, any voting machine may be kept locked for a period longer than that prescribed by sections 9-266, 9-310 and 9-447 of the general statutes, if such an extended period is ordered

***Substitute Senate Bill No. 1311***

by either a court of competent jurisdiction, the Secretary of the State or the State Elections Enforcement Commission. Either the court or the Secretary of the State may order an audit of such voting machine to be conducted by such persons as the court or the Secretary of the State may designate, provided the State Elections Enforcement Commission may order such an audit under the circumstances prescribed in subsection (f) of this section. If the machine utilized in such election or primary is an optical scan voting system, such order to lock such machine shall include the tabulator, memory card and all other components and processes utilized in the programming of such machine.

(m) The Secretary of the State may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, as may be necessary for the conduct of the manual tabulation of the paper ballots described in subsection (a) of this section and to establish guidelines for expanded audits when there are differences between the manual and machine counts.

(n) Notwithstanding any provision of the general statutes, the Secretary of the State shall have access to the code in any voting machine whenever any problem is discovered as a result of the audit described in subsection (a) of this section.

(o) As used in this section, "discrepancy" means any difference in vote totals between machine and manual counts in a voting district that exceeds one-half of one per cent of the lesser amount of the vote totals between machine and manual counts where such differences cannot be resolved through an accounting of ballots that were not marked properly in accordance with subsection (e) of this section, "state election" means "state election", as defined in section 9-1 of the general statutes, and "municipal election" means a municipal election held pursuant to section 9-164 of the general statutes.

**Substitute Senate Bill No. 1311**

Sec. 2. Section 9-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any elector or candidate who claims that he is aggrieved by any ruling of any election official in connection with any election for presidential electors and for a senator in Congress and for representative in Congress or any of them, held in his town, or that there was a mistake in the count of the votes cast at such election for candidates for such electors, senator in Congress and representative in Congress, or any of them, at any voting district in his town, or any candidate for such an office who claims that he is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election, may bring his complaint to any judge of the Supreme Court, in which he shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to the election, it shall be brought [within] not later than fourteen days [of] after the election or, if such complaint is brought in response to the manual tabulation of paper ballots authorized pursuant to section 1 of this act, such complaint shall be brought not later than seven days after the close of any such manual tabulation, and in either such circumstance, the judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five or less than three days from the making of such order, and shall cause notice of not less than three or more than five days to be given to any candidate or candidates whose election may be

**Substitute Senate Bill No. 1311**

affected by the decision upon such hearing, to such election official, to the Secretary of the State, to the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge, with two other judges of the Supreme Court to be designated by the Chief Court Administrator, shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judges may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judges shall thereupon, in the case they, or any two of them, find any error in the rulings of the election official, any mistake in the count of such votes or any violation of said sections, certify the result of their finding or decision, or the finding or decision of a majority of them, to the Secretary of the State before the first Monday after the second Wednesday in December. Such judges may order a new election or a change in the existing election schedule, provided such order complies with Section 302 of the Help America Vote Act, P.L. 107-252, as amended from time to time. Such certificate of such judges, or a majority of them, shall be final upon all questions relating to the rulings of such election officials, to the correctness of such count and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers so as to conform to such finding or decision.

Sec. 3. Section 9-324 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any elector or candidate who claims that such elector or candidate is aggrieved by any ruling of any election official in connection with any election for Governor, Lieutenant Governor, Secretary of the State, State Treasurer, Attorney General, State Comptroller or judge of probate, held in such elector's or candidate's town, or that there has

**Substitute Senate Bill No. 1311**

been a mistake in the count of the votes cast at such election for candidates for said offices or any of them, at any voting district in such elector's or candidate's town, or any candidate for such an office who claims that such candidate is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election or any candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, Attorney General or State Comptroller, who claims that such candidate is aggrieved by a violation of any provision of sections 9-700 to 9-716, inclusive, may bring such elector's or candidate's complaint to any judge of the Superior Court, in which such elector or candidate shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to the election, it shall be brought not later than fourteen days after the election or, if such complaint is brought in response to the manual tabulation of paper ballots authorized pursuant to section 1 of this act, such complaint shall be brought not later than seven days after the close of any such manual tabulation and, in either such circumstance, such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties



**Substitute Senate Bill No. 1311**

thereto, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judge may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall thereupon, in case such judge finds any error in the rulings of the election official, any mistake in the count of the votes or any violation of said sections, certify the result of such judge's finding or decision to the Secretary of the State before the fifteenth day of the next succeeding December. Such judge may order a new election or a change in the existing election schedule. Such certificate of such judge of such judge's finding or decision shall be final and conclusive upon all questions relating to errors in the rulings of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, unless the same is appealed from as provided in section 9-325.

Sec. 4. Subsection (a) of section 9-329a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any (1) elector or candidate aggrieved by a ruling of an election official in connection with any primary held pursuant to (A) section 9-423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who alleges that there has been a mistake in the count of the votes cast at such primary, or (3) candidate in such a primary who alleges that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such primary, may bring his complaint to any judge of the Superior Court for appropriate action. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the

**Substitute Senate Bill No. 1311**

complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such primary such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such primary it shall be brought, [within] not later than fourteen days after such primary, or if such complaint is brought in response to the manual tabulation of paper ballots, described in section 1 of this act, such complaint shall be brought, not later than seven days after the close of any such manual tabulation, to any judge of the Superior Court.

Sec. 5. Section 9-328 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any elector or candidate claiming to have been aggrieved by any ruling of any election official in connection with an election for any municipal office or a primary for justice of the peace, or any elector or candidate claiming that there has been a mistake in the count of votes cast for any such office at such election or primary, or any candidate in such an election or primary claiming that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election or primary, may bring a complaint to any judge of the Superior Court for relief therefrom. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election or primary, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to

***Substitute Senate Bill No. 1311***

such election or primary, it shall be brought [within] not later than fourteen days [of] after such election or primary, except that if such complaint is brought in response to the manual tabulation of paper ballots, authorized pursuant to section 1 of this act, such complaint shall be brought not later than seven days after the close of any such manual tabulation, to any judge of the Superior Court, in which he shall set out the claimed errors of the election official, the claimed errors in the count or the claimed violations of said sections. Such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election or nomination may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, he may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall thereupon, if he finds any error in the rulings of the election official or any mistake in the count of the votes, certify the result of his finding or decision to the Secretary of the State before the tenth day succeeding the conclusion of the hearing. Such judge may order a new election or primary or a change in the existing election schedule. Such certificate of such judge of his finding or decision shall be final and conclusive upon all questions relating to errors in the ruling of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, except that this section shall not affect the right of appeal to the Supreme Court and it shall

**Substitute Senate Bill No. 1311**

not prevent such judge from reserving such questions of law for the advice of the Supreme Court as provided in section 9-325. Such judge may, if necessary, issue his writ of mandamus, requiring the adverse party and those under him to deliver to the complainant the appurtenances of such office, and shall cause his finding and decree to be entered on the records of the Superior Court in the proper judicial district.

Sec. 6. (NEW) (*Effective from passage*) During the municipal election held in 2007, the Secretary of the State may utilize federal funds made available under the Help America Vote Act, P.L. 107-252 to reimburse any municipality subject to the manual tabulation described in section 1 of this act. Any such reimbursement shall be limited to the standard rate of pay for each poll worker involved in such manual tabulation, to the extent allowable under the Help America Vote Act, P.L. 107-252.

Sec. 7. Section 9-241 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person owning or holding an interest in any voting machine, as defined in subsection (w) of section 9-1, may apply to the Secretary of the State to examine such machine and report on its accuracy and efficiency. The Secretary of the State shall examine the machine and determine whether, in the Secretary's opinion, the kind of machine so examined (1) meets the requirements of section 9-242, (2) can be used at elections, primaries and referenda held pursuant to this title, and (3) in the case of an electronic voting machine examined by the Secretary after the Voting Technology Standards Board submits the report required under section 9-242c, complies with the standards adopted by said board under section 9-242c. If the Secretary of the State determines that the machine can be so used, such machine may be adopted for such use. No machine not so approved shall be so used. Each application shall be accompanied by a fee of one hundred dollars and the Secretary of the State shall not approve any machine until such

**Substitute Senate Bill No. 1311**

fee and the expenses incurred by the Secretary in making the examination have been paid by the person making such application. Any voting machine company that has had its voting machine approved and that subsequently alters such machine in any way shall provide the Secretary of the State with notice of such alterations, including a description thereof and a statement of the purpose of such alterations. If any such alterations appear to materially affect the accuracy, appearance or efficiency of the machine, or modify the machine so that it can no longer be used at elections, primaries or referenda held pursuant to this title, at the discretion of the Secretary of the State, the company shall submit such alterations for inspection and approval, at its own expense, before such altered machines may be used. The Secretary of the State may adopt regulations, in accordance with the provisions of chapter 54, concerning examination and approval of voting machines under this section. No voting machine that records votes by means of holes punched in designated voting response locations may be approved or used at any election, primary or referendum held pursuant to this title.

(b) The Secretary of the State may enter into an agreement with The University of Connecticut or a member of the Connecticut State University System to perform or assist in performing the following functions: (1) Any technical review, testing or research associated with the certification of voting equipment, (2) any technical review, testing or research associated with the decertification of voting equipment, (3) the development of standards for the use of voting equipment during any election, primary or referenda, (4) the development of standards to ensure the accuracy of voting equipment, (5) the development of standards and procedures for the security, set-up and storage of voting equipment, (6) the development of standards, procedures and oversight of post-election audits, (7) the development of standards for recanvass procedures to ensure the accuracy and reliability of any such recanvass, (8) the development of standards and procedures for the

**Substitute Senate Bill No. 1311**

testing, security and use of an election management system, (9) the development of standards and procedures for the programming of ballots and voting equipment, (10) research and analysis of data formats for ballot programming and election-related electronic data, and (11) the development of any other standards necessary to protect the integrity of voting equipment.

Sec. 8. Section 9-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) Within a week after the last session of the registrars of voters under section 9-17 before an election, the registrars of voters in each municipality shall submit in writing to the Secretary of the State a statement setting forth the total number of electors on the active and inactive registry list, the total number of electors enrolled on each active and inactive party enrollment list and the total number of unaffiliated electors on the active and inactive registry list in such municipality. They shall omit therefrom electors on the last-completed registry list or enrollment lists who have died, and they shall include therein electors who have acquired electoral or enrollment privileges since the last-completed registry list or enrollment lists were perfected. In municipalities divided into two voting districts which elect registrars of voters for each district, such information shall be so submitted by the registrars of voters of the first district. Such statement shall be deemed to be submitted within the time required if it is either (1) postmarked by the United States Postal Service not earlier than eight o'clock p.m. on the day of such last session of the registrars and not later than midnight on the seventh day following such last session, or (2) delivered by hand or by electronically transmitted facsimile to the office of the Secretary of the State not earlier than the first day following, and not later than four-thirty o'clock p.m. on the seventh day following, such last session.]

[(b)] (a) After the last session of the registrars of voters under section

**Substitute Senate Bill No. 1311**

9-17 before each election, the registrars of voters in each municipality shall submit in writing to the Secretary of the State a statement setting forth the total number of names of new electors added to the registry list, and the total number of names of former electors removed from the registry list, in such municipality during the period between the two most recent such last sessions. Such statement shall be submitted annually at a time to be determined by the Secretary of the State. In municipalities divided into two voting districts that elect registrars of voters for each district, such statement shall be so submitted by the registrars of voters of the first district.

(b) Not later than a week after the last session of the registrars of voters before an election under section 9-17, the Secretary of the State shall issue a report on the total number of electors on the active and inactive registry list, the total number of electors enrolled on each active and inactive party enrollment list and the total number of unaffiliated electors on the active and inactive registry list in such municipality, as reported by the registrars of voters on the state-wide centralized voter registration system. The Secretary shall omit from such report electors on the last-completed registry list or enrollment lists who have died, but shall include electors who have acquired electoral or enrollment privileges since the last-completed registry list or enrollment lists were perfected.

Sec. 9. (NEW) (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Secretary of the State, upon receipt of a written request from a certified candidate in any election or primary that is received by the Secretary of the State not later than thirty days prior to such primary or election, and after consultation with the registrars of voters, shall appoint election or primary day polling place observers as requested who shall be electors of the state, including without limitation an observer who accompanies and observes the election or primary moderator. Such polling place

***Substitute Senate Bill No. 1311***

observers shall record the names and other identifying information of individuals involved in any irregularities or violations and report this information to the Secretary of the State or the Secretary's designee who shall forward all such information to the State Elections Enforcement Commission and all candidates whose names appear on the ballot. During any such primary or election, observers shall immediately report any irregularities or violations of law and the names and other identifying information of any electors who are not allowed to vote to the Secretary of the State, or the Secretary's designee, who shall inform the relevant registrar of voters and the moderator and require immediate and appropriate corrective action.

(b) The Secretary of the State shall establish suitable duties, responsibilities and a curriculum, training program and certification process for such polling place observers. Such training program and certification process shall include, without limitation, procedures for counting and recording absentee ballots, the use of voting machines, voting when a name does not appear on a voting list and the duties of a moderator in the conduct of a primary and election. Once certified, the Secretary shall assign each polling place observer to a specific polling place or polling places. Once assigned, the polling place observer shall have the ability to enter and leave the assigned polling places at any time during election or primary day. If at any such time an observer becomes disruptive to the orderly process of voting, the moderator shall have the ability to remove such observers from the polling place. No candidate or member of the immediate family of a candidate shall be appointed as a polling place observer for a polling place on which such candidate may appear on the ballot.

(c) Any observer who wilfully, knowingly or recklessly interferes with the orderly process of voting shall be subject to the provisions of section 9-366 of the general statutes.

(d) The Secretary may adopt regulations, pursuant to chapter 54 of



**Substitute Senate Bill No. 1311**

the general statutes, to administer the program established pursuant to this section.

(e) Notwithstanding any provision of the general statutes, the registrars of voters of each municipality may appoint additional election officials on the day of, or on any day after, an election or primary, if, in the opinion of both registrars of voters, additional election officials are needed because (1) an election official appointed prior to the day of the election or primary is unable to serve as an election official for any reason, (2) it is necessary to accommodate the public convenience of the electors in any voting district, or (3) it is necessary to improve the administration of the election or primary. The registrars of voters shall file a written opinion with the municipal clerk indicating the reasons for the appointment of any such additional election officials.

(f) Not later than September 1, 2007, the Secretary of the State shall establish a code of ethics for polling place observers, registrars of voters and poll workers. Such code of ethics shall be conspicuously posted in each polling place and in the office of the registrars of voters.

(g) The Secretary of the State may establish a training program for instruction on such code of ethics and a training program concerning accessibility of polling places by persons with disabilities.

Sec. 10. Section 9-453n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any town clerk receiving any page of a nominating petition under sections 9-453a to 9-453s, inclusive, or section 9-216 shall complete such certifications as specified herein and shall file each such nominating petition page with the Secretary of the State within two weeks after it was so submitted to him. Any such town clerk who fails to so file such petition pages with the Secretary of the State by the time

**Substitute Senate Bill No. 1311**

required shall pay a late filing fee of fifty dollars.

Sec. 11. Section 9-50b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, "state-wide centralized voter registration system" means a computerized system designed and maintained by the Secretary of the State which includes: (1) Voter registration information prescribed by the Secretary, (2) information contained in applications for admission as electors described in section 9-20, (3) information needed to compile registry lists and enrollment lists under sections 9-35 and 9-54, (4) information required by section 9-50a, and (5) other information for use in complying with the provisions of this title.

(b) Not later than July 1, 2003, each registrar of voters shall transmit to the office of the Secretary of the State all elector information required by the office to complete the state-wide centralized voter registration system. Each registrar shall transmit such information in a format prescribed by the Secretary. Not later than September 1, 2003, each registrar of voters shall participate in the state-wide centralized voter registration system in the manner prescribed by the Secretary.

(c) The provisions of subsection (b) of this section shall not prohibit the registrars of voters of any municipality from maintaining a registry list for such municipality that is separate from the state-wide centralized voter registration system, provided (1) such separate registry list includes the same information as the registry list for such municipality in the state-wide centralized voter registration system, and (2) such registrars comply with the provisions of subsection (b) of this section and the Help America Vote Act, P.L. 107-252, as amended from time to time.

(d) After each election or primary, the registrars of voters shall

**Substitute Senate Bill No. 1311**

promptly update the state-wide centralized voter registration system and indicate whether the eligible voters on the official registry list for such election or primary voted and, if so, if they voted in person or by absentee ballot.

Sec. 12. Section 9-452 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

All minor parties nominating candidates for any elective office shall make such nominations and certify and file a list of such nominations, as required by this section, not later than the ~~[fifty-fifth]~~ sixty-second day prior to the day of the election at which such candidates are to be voted for. A list of nominees in printed or typewritten form shall be certified by the presiding officer of the committee, meeting or other authority making such nomination and shall be filed by such presiding officer with the Secretary of the State, in the case of state or district office or the municipal office of state representative, state senator or judge of probate, or with the clerk of the municipality, in the case of municipal office, not later than the ~~[fifty-fifth]~~ sixty-second day prior to the day of the election. The clerk of such municipality shall promptly verify and correct the names on any such list filed with him, or the names of nominees forwarded to him by the Secretary of the State, in accordance with the registry list of such municipality and endorse the same as having been so verified and corrected. For purposes of this section, a list of nominations shall be deemed to be filed when it is received by the secretary or clerk, as appropriate.

Sec. 13. Section 9-460 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

If any party has nominated a candidate for office, or, on and after November 4, 1981, if a candidate has qualified to appear on any ballot by nominating petition under a reserved party designation, in accordance with the provisions of this chapter, and such nominee

***Substitute Senate Bill No. 1311***

thereafter, but prior to [ten] twenty-four days before the opening of the polls on the day of the election for which such nomination has been made, dies, withdraws such nominee's name or for any reason becomes disqualified to hold the office for which such nominee has been nominated (1) such party or, on and after November 4, 1981, the party designation committee may make a nomination to fill such vacancy or provide for the making of such nomination as its rules prescribe, and (2) if another party that is qualified to nominate a candidate for such office does not have a nominee for such office, such party may also nominate a candidate for such office as its rules prescribe. No withdrawal, and no nomination to replace a candidate who has withdrawn, under this section shall be valid unless the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the Secretary of the State in the case of a state or district office or the office of state senator or state representative from any district, or with the municipal clerk in the case of a municipal office other than state senator or state representative. A copy of such candidate's letter of withdrawal to the municipal clerk shall also be filed with the Secretary of the State. No nomination to fill a vacancy under this section shall be valid unless it is certified to the Secretary of the State in the case of a state or district office or the office of state senator or state representative from any district, or to the municipal clerk in the case of a municipal office other than state senator or state representative, by the organization or committee making such nomination, at least [seven] twenty-one days before the opening of the polls on the day of the election, except as otherwise provided by this section. If a nominee dies within [ten] twenty-four days, but prior to twenty-four hours before the opening of the polls on the day of the election for which such nomination has been made, the vacancy may be filled in the manner prescribed in this section by two o'clock p.m. of the day before the election with the municipal clerk or the Secretary of the State, as the case may be. If a nominee dies within twenty-four hours before the opening of the polls and prior to the close of the polls

**Substitute Senate Bill No. 1311**

on the day of the election for which such nomination has been made, such nominee shall not be replaced and the votes cast for such nominee shall be canvassed and counted, and if such nominee receives a plurality of the votes cast, a vacancy shall exist in the office for which the nomination was made. The vacancy shall then be filled in a manner prescribed by law. A copy of such certification to the municipal clerk shall also be filed with the Secretary of the State. Such nomination to fill a vacancy due to death or disqualification shall include a statement setting forth the reason for such vacancy. If at the time such nomination is certified to the Secretary of the State or to the municipal clerk, as the case may be, the ballot labels have already been printed, the Secretary of the State shall direct the municipal clerk in each municipality affected to (A) have the ballot labels reprinted with the nomination thus made included thereon, (B) cause printed stickers to be affixed to the ballot labels so that the name of any candidate who has died, withdrawn or been disqualified is deleted and the name of any candidate chosen to fill such vacancy appears in the same position as that in which the vacated candidacy appeared, or (C) cause blank stickers to be so affixed if the vacancy is not filled.

Sec. 14. Section 3-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

After the adjournment of each General Assembly, the Secretary shall cause all the engrossed bills which have become laws to be bound, together with any engrossed amendments to the Constitution proposed by the General Assembly at such session and continued to the next assembly, in [one volume] suitable volumes, and shall also record such bills by the title and number in the public records of the state; and such [volume] volumes shall be the official record of the acts passed by the General Assembly at such session and of the amendments to the Constitution proposed at such session by said General Assembly.

**Substitute Senate Bill No. 1311**

Sec. 15. Section 9-395 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Forthwith upon the certification provided in section 9-391, the clerk of the municipality shall publish, in a newspaper having a general circulation in such municipality, the fact of such certification and that a list of the persons endorsed as candidates is on file in his office and copies thereof are available for public distribution. If, with respect to any office or position to be filled, the clerk of the municipality has failed to receive the certification of the name of any person as a party-endorsed candidate within the time limited in section 9-391, such fact shall be published by the clerk of the municipality. Together with such information, the clerk shall publish a notice that a primary will be held for the nomination by such political party of a candidate for the offices to be filled or for the election of members of the town committee, as the case may be, if a candidacy is filed in accordance with the provisions of sections 9-382 to 9-450, inclusive. Such notice shall specify the final date for the filing of such candidacy and the date of the primary, shall state where forms for petitions may be obtained and shall generally indicate the method of procedure in the filing of such candidacy. The Secretary of the State shall prescribe the form of such notice. The clerk shall forthwith publish any change in the party-endorsed candidates, listing such changes.

(b) In any year in which a state election is to be held, the notice described in subsection (a) of this section shall: (1) Be published not later than the seventy-sixth day preceding the day of the primary, (2) indicate that the certification provided in section 9-391 can be made, and (3) indicate that a list of persons endorsed as candidates will be on file in the clerk's office, as provided in subsection (a) of this section. The requirement contained in subsection (a) of this section to publish the fact that the clerk of the municipality has failed to receive the

**Substitute Senate Bill No. 1311**

certification of the name of any person as a party-endorsed candidate within the time limit in section 9-391, shall not apply to the notice required by this subsection.

Sec. 16. Section 9-453t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Notwithstanding any other provision of the general statutes or any special act, the nomination of a candidate by a major or minor party under this chapter, for any office shall disqualify such candidate from appearing on the ballot by nominating petition for the same office, unless (1) such petition is circulated by an existing minor party with the same party designation at the time of such nomination, and (2) the minor party is otherwise qualified to nominate candidates on the same ballot. Nothing in this section shall be construed to prohibit any candidate from appearing on the ballot as the nominee of two or more major or minor parties for the same office.

Sec. 17. Section 9-232e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Any person requesting a challenged ballot and entitled thereto shall announce his or her name to the official checkers. [who shall cross his name off the registry list and add it with his address to the end of the official list where it shall be designated "Challenged Ballot" and serially numbered] The registrars of voters or the assistant registrar of voters, as the case may be, shall write, in red ink, before the elector's name on the registry list the initials "CB". The challenged ballot shall be [an absentee] a regular ballot. After the voter has so announced his or her name, the moderator shall deliver to such voter a [challenged] regular ballot together with [an] a serially-numbered envelope marked "Challenged Ballot". [and serially numbered.] The challenged voter shall forthwith mark the ballot in the presence of the moderator in such manner that the moderator shall not know how the ballot is

**Substitute Senate Bill No. 1311**

marked. [He] The challenged voter shall then fold the ballot in the presence of the moderator so as to conceal the markings and deposit and seal it in the serially-numbered envelope. [He] The challenged voter shall then deliver such envelope to the moderator. The moderator shall retain all such envelopes in an envelope [prescribed by the Secretary of the State and] provided by the [municipal clerk which he shall seal] registrars of voters that shall be sealed immediately following the close of the polls. Such envelope shall be delivered to the head moderator who shall file the envelope with the municipal clerk. The municipal clerk shall retain such envelope until the time when such envelope may be destroyed.

Sec. 18. Section 9-233 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Prior to each election, the registrars of voters of each town [or voting district, as the case may be,] shall appoint, for each voting [machine] tabulator to be used at such election, at least one and not more than two electors of such town as a voting [machine] tabulator tender, unless the [municipality has] registrars of voters have established two shifts for election officials under the provisions of section 9-258a, as amended by this act, in which case the registrars shall appoint at least one [or] and not more than two electors to be voting [machine tender] tabulator tenders, for each voting [machine] tabulator, for each shift.

Sec. 19. Section 9-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

[Ballot labels] Ballots shall be printed in black ink, in plain clear type, and on clear white material of such size as will fit the [machine] tabulator, and shall be furnished by the [municipal clerk] registrar of voters. The size and style of the type used to print the name of a political party on a ballot [label] shall be identical with the size and style of the type used to print the names of all other political parties



**Substitute Senate Bill No. 1311**

appearing on such ballot. [label.] The name of each major party candidate for a municipal office, as defined in section 9-372, except for the municipal offices of state senator and state representative, shall appear on the ballot [label] as it appears on the registry list of the candidate's town of voting residence, except as provided in section 9-42a. The name of each major party candidate for a state or district office, as defined in section 9-372, or for the municipal office of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, subsection (b) of section 9-391, or section 9-400 or 9-409. The name of each minor party candidate shall appear on the ballot [label] as it appears on the registry list in accordance with the provisions of section 9-452. The name of each nominating petition candidate shall appear on the ballot as it is verified by the town clerk on the application filed under section 9-453b. The size and style of the type used to print the name of a candidate on a ballot [label] shall be identical with the size and style of the type used to print the names of all other candidates appearing on such ballot. [label.] Such ballot [labels] shall contain the names of the offices and the names of the candidates arranged thereon. [Three complete sets of such ballot labels printed on cardboard shall be furnished by the municipal clerk for each machine to be used in the election.] The names of the political parties and party designations shall be arranged on the [machines] ballots, either in columns or horizontal rows as set forth in section 9-249a, immediately adjacent to the column or row occupied by the candidate or candidates of such political party or organization. When two or more candidates are to be elected to the same office, the ballot [label] shall be printed in such manner as to indicate that the elector may vote for any two or such other number as he is entitled to vote for, provided in the case of a town adopting the provisions of section 9-204a, such ballot [label] shall indicate the maximum number of candidates who may be elected to such office from any party. If two or more [officers] candidates are to be elected to the same office for different terms, the term for which

**Substitute Senate Bill No. 1311**

each is nominated shall be printed on the official ballot as a part of the title of the office. If, at any election, one candidate is to be elected for a full term and another to fill a vacancy, the official ballot containing the names of the candidates in the foregoing order shall, as a part of the title of the office, designate the term which such candidates are severally nominated to fill. No column, under the name of any political party or independent organization, shall be printed on any official ballot, which contains more candidates for any office than the number for which an elector may vote for that office. [The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast for such position.]

Sec. 20. Section 9-257 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The room in which the election is held shall [have a railing separating] be separated from the part of the room to be occupied by the election officials and [the machine from the part of the room adjacent to the entrance thereof. A guard rail may be provided separating the machine from the election officials and the machine] the voting tabulator shall be placed, if possible, at least three feet from any wall or partition [or guard rail of the polling place] and at least four feet from the official checkers' table and the ballot clerks' table. [The exterior of the voting machine and every] Every part of the polling place shall be in plain view of the election officials. The [machine] tabulator shall be so placed that no person [outside the voting machine booth] from any part of the room or from any place outside the room can see or determine how the elector casts his or her vote. [and shall be so placed, as far as possible, as to be in view of the officials and the electors within the polling place from the beginning of the election.] The election officials shall be so stationed that no member thereof shall be concealed by the [machine] tabulator from the electors within the polling place. The moderator or some one designated by [him] the

**Substitute Senate Bill No. 1311**

moderator shall be stationed near the [machine] tabulator, shall regulate the admission of the [electors] elector's ballots thereto and shall always be in full view of the other election officials and the electors within the polling place.

Sec. 21. Section 9-258 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

[The] For municipalities with more than one voting district, the election officials of each polling place, [except voting machine mechanics] including voting tabulator technicians, shall be electors of the [town] state and shall consist of one moderator, at least one but not more than two official checkers, [two registrars of voters or] two assistant registrars of voters [, as the case may be,] of opposite political parties, each of whom shall be residents of the town, not more than two challengers if the registrars of voters have appointed challengers pursuant to section 9-232, and at least one and not more than two [voting machine tenders] ballot clerks and at least one but not more than two voting tabulator tenders for each voting [machine] tabulator in use at the polling place. A known candidate for any office shall not serve as an election official on election day or serve at the polls in any capacity, except that a municipal clerk or a registrar of voters, who is a candidate for the same office, may perform his or her official duties. If, in the opinion of the [municipal officials] registrar of voters, the public convenience of the electors in any voting district so requires, provision shall be made for an additional line or lines of electors at the polling place and, if more than one line of electors is established, at least one but not more than two additional official checkers and at least one but not more than two ballot clerks for each line of electors shall be appointed and, if more than one [machine] tabulator is used in a polling place, at least one and not more than two additional voting [machine] tabulator tenders shall be appointed for each additional machine so used. Head moderators, central counting moderators,

***Substitute Senate Bill No. 1311***

absentee ballot counters and voting [machine mechanics] tabulator technicians appointed pursuant to law shall also be deemed election officials. For municipalities with one voting district, the election officials of such polling place, except voting tabulator technicians, shall be electors of the town and shall consist of: One moderator, at least one, but not more than two official checkers, not more than two challengers if the registrars of voters have appointed challengers pursuant to section 9-232, at least one and not more than two voting tabulator tenders for each voting tabulator in use at the polling place and at least one but not more than two ballot clerks. Additionally, such election officials may consist of two registrars of voters of opposite political parties, or two assistant registrars of voters of opposite political parties, as the case may be, subject to the requirements of sections 9-259 and 9-439, who shall: (1) Be available by telephone and notify all registrars of voters' offices in the state of such telephone number, (2) be connected to the state-wide computerized registry list, and (3) have all voter card files in the polling place for reference. A known candidate for any office shall not serve as an election official on election day or serve at the polls in any capacity, except that a municipal clerk or a registrar of voters, who is a candidate for the same office, may perform his or her official duties. If, in the opinion of the registrar of voters, the public convenience of the electors in any voting district so requires, provision shall be made for an additional line or lines of electors at the polling place and, if more than one line of electors is established, at least one, but not more than two, additional official checkers for each line of electors shall be appointed and, if more than one tabulator is used in a polling place, at least one and not more than two additional voting tabulator tenders shall be appointed for each additional tabulator so used. Head moderators, central counting moderators, absentee ballot counters and voting tabulator technicians appointed pursuant to law shall be deemed to be election officials. No election official shall perform services for any party or candidate on election day nor appear at any political party

**Substitute Senate Bill No. 1311**

headquarters prior to eight o'clock p.m. on election day.

Sec. 22. Section 9-258a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Notwithstanding any provision of the general statutes, special acts or its charter, in each municipality [ by a majority vote of its legislative body,] the registrars of voters, or assistant registrar of voters, as the case may be may establish, except for unofficial checkers and the moderator, two shifts of election officials for each polling place. In each polling place for which two or more shifts of election officials have been provided in this section or section 9-235, the moderator shall keep a written record of the specific hours and time served at the polls by each election official. In each such polling place, all members of [both] second shifts, [who are required to sign returns,] including official checkers, [and] assistant registrars [ , if any,] and ballot clerks of [both] second shifts, shall be present at the closing of the polls and shall remain until all [returns have] paperwork has been executed.

Sec. 23. Section 9-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The moderator of the election in each municipality, voting district or ward shall appear at the office of the [municipal clerk] registrar of voters not later than eight o'clock p.m. of the day before the election and there receive from the [municipal clerk] registrar of voters the sample ballot, [labels, three complete sets of ballot labels and] all checklists and other supplies necessary to conduct the election that have not been delivered previously. [and make return thereof.] The moderator shall receive [a sealed envelope, and a receipt therefor, containing only the number two and number three election official] keys for each voting [machine] tabulator to be used in the polling place and sign a receipt for such. [Each such envelope shall bear the number of the machine to which the keys belong. The number four election

**Substitute Senate Bill No. 1311**

official key for each voting machine shall be available to the registrars for the use of the mechanics beginning at five fifteen a.m. on the day of the election. The supplies provided by the municipal clerk to the moderator shall include a number of paper ballots for the purposes of sections 9-263 and 9-264, which shall be equal to not less than one per cent of the number of electors who are eligible to vote in the voting district served by the moderator, or such other number as the municipal clerk and the registrars agree is sufficient to protect electors' voting rights.]

(b) On the morning of the election, the election officials shall meet at the room where the election is to be held at least forty-five minutes before the time for opening the polls. The moderator shall then cause the [three] sample ballot [labels] and [instruction cards] instructions to be posted and everything put in readiness for the commencement of voting at the hour of opening the polls. [The envelope containing the keys shall not be opened until at least one election official from each of two political parties is present at the polling place and has examined the envelope to see that it has not been opened. Before opening the envelope, all election officials present] The moderator and the registrars of voters, or the assistant registrars of voters, as the case may be, shall examine the [number of the seal of the machine and the number registered on the protective counter, if one is provided, and shall see if they are the same as the numbers written on the envelope containing the keys. If the numbers are found not to agree, the envelope shall not be opened until the mechanic in charge of the machine, or the registrars or one of the registrars under whose direction the machine was prepared under section 9-243, has been notified and such mechanic, registrars or registrar has appeared at the polling place for the purpose of reexamining such machine and has certified that it is properly arranged. If the numbers on the seal and the protective counter, if one is provided, are found to agree with the numbers on the envelope, the election officials shall proceed to open

**Substitute Senate Bill No. 1311**

the doors concealing the counters. The election officials, in the presence of the party watchers, shall compare the ballot labels on the machine with the sample ballot labels to see that they are correct, and, if the machine is not so labeled, set and adjusted and in order, they shall immediately label, set and adjust the same and place it in order, or cause it to be done, examine and see that all the counters in the machine are set at zero (000) and that the machine is otherwise in perfect order and make written report thereof as hereinbefore directed and they shall not thereafter permit the counters to be operated or moved except by electors in voting. If the machine is equipped with a device for printing totals of candidate and question counters, the doors concealing the counters shall not be opened. The election officials shall examine the printed record produced by the machine to see that each counter registers zero and shall allow watchers to examine the printed record. They shall also see that all necessary arrangements and adjustments are made for voting write-in ballots on the machine and that the machine and its attachments are properly set or adjusted so that the elector will be concealed while in the act of voting. There shall be printed directions for the guidance of the election officials before the polls are opened and when the polls are closed] numbers on the seals of the tabulator.

(c) The moderator's return which the moderator receives from the [municipal clerk for state elections] registrars of voters for all elections shall be in a form prescribed by the Secretary of the State. [There shall be printed on the moderators' returns a certificate, which shall be signed by the election officials] The moderator and the registrars of voters, or the assistant registrars of voters, as the case may be, before the polls are opened, [showing the] shall indicate on the return: (1) The delivery of the [keys in a sealed envelope;] tabulator; and (2) the [number] numbers on the [seal; the number registered on the protective counter, if one is provided; whether all of the counters are set at zero (000); whether the public counter is set at zero (000);

***Substitute Senate Bill No. 1311***

whether the ballot labels are properly placed in the machine; also] seals. Additionally, the moderator and the registrars of voters, or the assistant registrars of voters, as the case may be, shall produce a zero tape indicating that the public counter is set at zero (000). The seal on the tabulator shall remain unbroken. If the seal is broken, the registrars of voters shall be notified immediately and the tabulator tape shall be produced. If the tape does not show all zeros, the registrars of voters shall be notified immediately and the tabulator shall not be used.

(d) In addition to the requirements established in subsection (c) of this section, the return shall include a certificate, which shall be filled out after the polls have been closed [,] and which indicates that the [machine] tabulator has been locked against voting and remains sealed [; the number of electors as shown on the public counter; the number on the seal; the number registered on the protective counter, if one is provided, and that the voting machine is closed and locked] and that also indicates the number of electors as shown on the public counter along with the number on all the seals. The moderators' returns shall show the total number of votes cast for each office, the number of votes cast for each candidate [, as shown on his counter,] and the number of votes for persons not nominated, which shall be certified by the moderator [, checkers] and registrars of voters, or assistant registrars, as the case may be. [If any of the counters are not set at zero and the election officials are not able to set them at zero, the actual number registered or indicated on such counters shall be entered on such tally sheet, and, at the end of the election, that number shall be deducted from the number then shown on the counter to ascertain the true vote cast for the candidate to whom such counter belongs.]

[(d) The mechanic's seal on the machine shall not be broken until the officials have assembled on the morning of the election. The officials shall examine the seal before breaking it.]

Sec. 24. Section 9-261 of the general statutes is repealed and the



**Substitute Senate Bill No. 1311**

following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the official checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by section 9-23r, shall present to the official checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the official checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the official checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.

(b) In the event that an elector is present at the polling place but is unable to gain access to the polling place due to a temporary

**Substitute Senate Bill No. 1311**

incapacity, the elector may request that the ballot be brought to him or her. The registrars of voters or the assistant registrars of voters, as the case may be, shall take such ballot, along with a privacy sleeve to such elector. The elector shall show identification, in accordance with the provisions of this section. The elector shall forthwith mark the ballot in the presence of the election officials in such manner that the election officials shall not know how the ballot is marked. The elector shall place the ballot in the privacy sleeve. The election officials shall mark the elector's name on the official voter list as having voted and deliver such ballot and privacy sleeve to the voting tabulator where such ballot shall be placed into the tabulator, by the election official, for counting. The moderator shall record such activity in the moderator's diary.

[(b)] (c) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote, pursuant to section 9-431, an unaffiliated elector shall also announce to the separate table of the official checkers for unaffiliated electors the party in whose primary [he] the elector chooses to vote and the official checkers shall note such party when checking such elector's name on the checklist of unaffiliated electors, provided such choice shall not alter the elector's unaffiliated status.

[(c)] (d) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote or in which one party is holding a primary in which unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, the official checkers shall give to each elector checked a receipt provided by the [municipal clerk] registrar of voters, in a form prescribed by the Secretary of the State, specifying either (1) the party with which he is enrolled, if any, or (2) in the case of an unaffiliated elector, the party in whose primary he has so chosen to vote, and whether he is authorized to vote for only a partial ballot.

**Substitute Senate Bill No. 1311**

[(d)] (e) If not challenged by [any of the election officials] anyone lawfully present in the polling place, the elector shall be permitted to pass [the railing to the side where the machine is located] to the separated area to receive the ballot. The elector shall give any receipt [he] the elector has received to a [voting machine tender at the machine to which he is directed and the machine tender shall permit the elector] ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. [and, if applicable, on the separate voting machine with the partial ballot specified by the receipt.] The elector shall be permitted into the voting [machine] booth, and [he] shall then register his or her vote in secret. Having voted, [he] the elector shall immediately exit the voting [machine] booth and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting [machine] booth longer than [two minutes] the time necessary to complete the ballot, and, if [he] the elector refuses to leave such booth after [the lapse of that time, he] completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator. Not more than one elector at a time shall be permitted to [operate the machine or] be within the enclosed space which the elector occupies while [operating the machine] the elector completes his or her ballot, provided an elector may be accompanied within such enclosed space by one or more children who are fifteen years of age or younger and supervised by the elector, if the elector is the parent or legal guardian of such children. At least two additional electors, whose next turn it is to vote shall be permitted in the polling [place] area for the purpose of receiving [instruction before voting on the machine] a ballot. If any elector, after entering the voting [machine] booth, asks for further instruction concerning the manner of voting, [two] the election officials [of different political parties shall stand outside the voting machine booth and] shall give such instructions or directions to the elector; [as the two officials agree upon;] but no election official instructing or assisting an elector, except as provided in section 9-264, shall [open,

**Substitute Senate Bill No. 1311**

look inside or put his hand inside the curtain,] look at the ballot in such a way as to see the elector's markings or in any manner seek to influence any such elector in the casting of [his] the elector's vote.

Sec. 25. Section 9-262 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

During the entire period of an election, at least one of the election officials [, to be designated from time to time by the moderator,] shall be stationed [beside the entrance to] approximately three to four feet from the voting [machine booth] tabulator to regulate the [admission of electors thereto, and shall see that it is properly closed after an elector has entered it to vote. He] submission of the elector's ballot. The election officials shall also, at such intervals as [he deems] such officials deem proper or necessary, examine the [face of the machine] voting booth to ascertain whether it has been defaced or damaged and to detect the wrongdoer and repair the damage. After the opening of the polls, no election official shall allow any person other than the election officials to pass within the [railing to the part of the room] area where the [machine is] voting booths and voting tabulator are situated, except for the purpose of voting or except as provided in this part. [; and no such official shall permit more than one elector at a time to be in such part of the room.] No election official shall remain or permit any person to remain in any position or near any position that would permit him to see or ascertain how an elector votes. [or how he has voted.]

Sec. 26. Section 9-265 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) A write-in [ballot] vote for an office, cast for a person who has registered as a write-in candidate for the office pursuant to subsection (b) of section 9-175 or section 9-373a, shall be counted and recorded. Except as otherwise provided in this section, a write-in [ballot] vote

**Substitute Senate Bill No. 1311**

cast for a person who has not registered shall not be counted or recorded.

(b) Except as otherwise provided in this section, in the case of an office for which an elector may vote for only one candidate, a write-in [ballot] vote cast for a person nominated for that office by a major or minor party or by nominating petition shall be counted and recorded. In the case of an office for which an elector may vote for more than one candidate, a write-in [ballot] vote cast for a person nominated for that office by a major or minor party or by nominating petition shall not be counted or recorded.

(c) A write-in [ballot] vote for the office of Governor or Lieutenant Governor, cast for a person nominated for either of those offices by a major or minor party or by nominating petition, in conjunction with a write-in [ballot] vote for the other such office cast for a person nominated for either office by a different party or petition, shall not be counted or recorded for either office.

(d) Except as hereinafter provided, a write-in [ballot] vote for the office of President or Vice-President cast for a person nominated for such office by a major or minor party or by nominating petition shall be counted and recorded and deemed to be a vote for each of the duly-nominated candidates for the office of presidential elector represented by such candidate for President or Vice-President. A write-in [ballot] vote for the office of President or Vice-President, cast for a person nominated for either of such offices by a major or minor party or by nominating petition, in conjunction with a write-in [ballot] vote for the other such office cast for a person nominated for either office by a different party or petition, shall not be counted or recorded for either office.

(e) If the name of a person is written in for the office of Governor or Lieutenant Governor, or President or Vice-President, as the case may

**Substitute Senate Bill No. 1311**

be, and no name is written in for the other office, such write-in [ballot] vote shall be counted and recorded if it meets the other requirements of this section.

(f) A write-in [ballot] vote shall be cast in its appropriate place on the [voting machine] ballot. A write-in [ballot] vote for Governor and Lieutenant Governor, or for President and Vice-President, as the case may be, shall be written in a single space, provided that if only one name is written in the space it shall be deemed to be a vote for Governor, or for President, as the case may be, unless otherwise indicated. A write-in [ballot] vote shall be written upon the [paper contained in the receptacle or device provided in the voting machine for such purpose. The registrars of voters shall cause an adhesive label, provided by the Secretary of the State, upon which shall be imprinted the words "write-in slides", to be affixed to the upper left-hand corner of each voting machine, directly opposite the write-in slides. The registrars shall (1) lock all write-in slides if there are no registered write-in candidates for any office or (2) lock the write-in slides for multiple-opening offices if there are registered write-in candidates only for single opening offices] ballot.

(g) A write-in [ballot] vote which is not cast as provided in this section shall not be counted or recorded.

Sec. 27. Section 9-266 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

When the [machine] voting tabulator has been locked at the close of an election, [in the manner required by section 9-310,] the moderator shall [place all keys of the machine on a strong and sufficient string or wire and label the same with the make and number of the machine and the name of the municipality and the number of the ward or voting district therein at which used at such election, and] return [such] the keys for the tabulator to the [municipal clerk] registrars of voters with

**Substitute Senate Bill No. 1311**

the official returns. Except as provided in section 9-311, such [clerk] registrars of voters shall securely keep such keys and not permit the same to be taken, or any [voting machine] tabulator to be unlocked, for a period of fourteen days from the election, unless otherwise ordered by a court of competent jurisdiction, or by the State Elections Enforcement Commission. All [machines] tabulators shall be [boxed and] collected immediately on the day after election or as soon thereafter as possible, and shall be secured and stored in a place or places directed by the [board of selectmen] registrars of voters.

Sec. 28. Section 9-287 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Each ballot box used in any election shall be provided with a lock which shall be set and securely fastened in a mortise so as to be flush with the side or surface of such box and so arranged as to be locked and unlocked by means of a key. [The selectmen of each town shall provide the ballot boxes with such locks and keys; but, in any town in which the duties of selectmen, except as to the qualification and admission of electors, have been vested by law in other officials, the registrars shall provide such locks and keys] Such locks and keys shall be provided by the registrar of voters at the expense of the municipality.

Sec. 29. Section 9-289 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The [selectmen of each town, unless otherwise provided by law,] registrars of voters shall provide a suitable room or rooms or booths for holding all elections at which paper ballots are to be used and shall give public notice of the location thereof at least one week before the day of such elections. The number of rooms or booths shall be one for each one hundred and fifty names on the last-completed registry list of the town, except that in towns having more than fifteen hundred

**Substitute Senate Bill No. 1311**

names on such list there shall be one for each two hundred and fifty names. Such room or rooms or booths shall be supplied with necessary conveniences for electors to arrange their ballots. The interior of the rooms or booths shall be secure from outside observation, and such rooms or booths shall be located in or connected with the room where the ballot boxes shall be stationed. The [selectmen] registrars of voters shall provide the ballot box or boxes necessary for use at all such elections. Each such ballot box shall have an aperture in its lid for the purpose of depositing the ballots and shall be so constructed that, when the voting is completed, the aperture may be closed so that no ballots can afterward be put into the box without reopening it. In addition thereto, the [selectmen] registrars of voters shall prepare or cause to be prepared an additional box which shall be placed by the side of the ballot box, which box shall be constructed in the same manner as the ballot box, in which box all stubs torn or separated from the ballots at the time of voting shall at such time be deposited. Such boxes shall be marked respectively "ballots" and "stubs", in order to designate the boxes in which the ballots and stubs shall be deposited, respectively. Any expenses incurred in the execution of the requirements of this section shall be paid by the municipality.

Sec. 30. Section 9-290 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The [selectmen] registrars of voters shall provide, at the entrance into the enclosure prescribed by section 9-289, as amended by this act, a ballot [booth] table at which the elector shall obtain the elector's ballot. Each ballot [booth] table shall [be in charge of two ballot clerks, not of the same political party,] have at least one ballot clerk, but not more than two such clerks who shall be appointed by the registrars.

(b) In each primary, election or referendum, when an elector has entered the polling place, the elector shall (1) announce the elector's street address [, if any,] and name to the official checkers in a tone



***Substitute Senate Bill No. 1311***

sufficiently loud and clear to enable all the election officials present to hear the same, and (2) (A) present to the official checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (B) sign a statement under penalty of false statement, on a form prescribed by the Secretary of the State, that the elector is the person whose name appears on the official checklist. [Each] The official checker shall check the name of such elector on the official checklist. No political party shall have more than one challenger. The moderator may allow in the polling place any witnesses that may be required in the case of a challenge, provided the moderator shall not allow in more than one witness at a time.

(c) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote pursuant to section 9-431, an unaffiliated elector shall also announce to the separate table of official checkers for unaffiliated electors the party in whose primary the elector chooses to vote and the official checkers shall note such party when checking such elector's name on the checklist of unaffiliated electors. Such choice shall not alter the elector's unaffiliated status.

(d) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote or in which one party is holding a primary in which unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, the official checkers shall give to each elector checked a receipt provided by the [municipal clerk] registrar of voters, in a form prescribed by the Secretary of the State, specifying either (1) the party with which the elector is enrolled, if any, or (2) in the case of an unaffiliated elector, the party in whose primary the elector has chosen to vote and whether the elector is authorized to vote for only a partial ballot.

**Substitute Senate Bill No. 1311**

(e) If not challenged by any of the election officials, the elector shall be permitted to pass into the [railing to the side] area where the [ballot booth is] booths are located. The elector shall give any receipt the elector has received to a ballot clerk [at the ballot booth to which the elector is directed] and the ballot clerk shall give the elector a ballot and permit the elector to vote only in the primary of the party specified by the receipt. [and, if applicable, at the separate ballot booth with the partial ballot specified by the receipt. One of the] The ballot clerks shall deliver to such elector one official ballot, except that if any elector so defaces or injures any such ballot as to render it unfit for use, upon the return of such ballot to the ballot clerks, such clerks shall furnish the elector with another official ballot.

Sec. 31. Section 9-294 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The registrars of [each town] voters shall [designate and] appoint [two persons] at least one person but not more than two persons to serve during the hours the polls are open, who shall have charge of the [rooms or] voting booths herein provided for. Only one elector at a time shall be permitted to enter the same [room or] voting booth to prepare his or her ballot, unless the elector, from physical infirmity, requires assistance [, and the booth tenders shall see that the space is vacant before admitting an elector,] and no person, while an elector is in such [room or] booth, shall attempt to learn about or observe the ballot prepared by such elector. [No] The elector shall remain in the [room or] voting booth [,] only while preparing [his] the elector's ballot, [more than three minutes,] and [he] the elector shall thereupon [pass out and into the enclosure where the ballot box and stub box are placed and,] leave the voting booth under the direction of the [moderator,] polling place officials and shall deposit his or her ballot [upon] in the ballot or box. Each person who has received an official ballot from any ballot clerk [, and who, having passed into the

**Substitute Senate Bill No. 1311**

enclosure where the ballot box and the stub box are placed, fails to deposit the same upon the ballot box as prescribed, shall immediately, and before leaving such enclosure, deliver the same to the moderator; and any person, having received an official ballot from either of such ballot clerks, who fails to pass with the same into the enclosure in which such ballot box and stub box are placed, shall immediately, and before leaving the room or booth in which such ballot clerks are stationed, return the same to such ballot clerks] and who fails to deposit the ballot in the ballot box as prescribed shall immediately and before leaving such voting area deliver the unused ballot to such ballot clerks for spoiling.

Sec. 32. Section 9-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

[If any elector attempts to place in the box a ballot not folded within the booth as hereinbefore provided, the moderator or the box-tender in charge of the ballot box shall direct such elector to return to such booth for the purpose of folding his ballot.] If any ballot contains a greater number of names voted for [for] any office than is provided by law, it shall render such ballot void as to such office only. If any ballot contains any mark or device other than as hereinbefore provided, so that the same may be identified in such a manner as to indicate who cast the [same, or is folded otherwise than as delivered to the elector by the ballot clerk] ballot, the ballot shall not be counted, but shall be kept by the moderator and returned to the [municipal clerk] registrar of voters in [the ballot box in] a separate package from the ballots counted at such election; provided any extension of [a cross, plus or check] markings beyond the [square] area in which it is marked shall not invalidate a ballot if the elector's intent is clear and if it would not serve to identify the elector.

Sec. 33. Section 9-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

**Substitute Senate Bill No. 1311**

At [each regular or special state, municipal or ward election] all elections, the registrars of [each town or voting district, as the case may be,] voters shall appoint [a suitable elector residing therein,] at least one but not more than two electors for each ballot box, to be a box-tender or box-tenders. [, and one or two others, as may be necessary, to be substitute box-tenders for each box, respectively.] No person not so appointed shall have charge of any ballot box during the taking of any vote. [, and no known candidate for any office shall be moderator, or be put in charge of any box in which votes are cast for such office, or take part in the count thereof, except that candidates for registrar of voters may act as counters of votes cast in town elections. Any candidate who violates any provision of this section shall be fined not more than five hundred dollars.]

Sec. 34. Section 9-304 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Any person who fraudulently abstracts any vote from the ballot box used at any election, [within one hundred eighty days thereafter,] or who, at such election [or within one hundred eighty days thereafter,] fraudulently intermingles any vote or votes with the votes legally deposited in any such box, shall be fined not more than five hundred dollars and imprisoned not more than two years nor less than six months and shall be disfranchised.

Sec. 35. Section 9-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Any person, not expressly authorized thereto, who has [in his] possession of any official ballot, and any person who makes or has [in his] possession of any forged imitation of any official ballot, and any person who offers to anyone not authorized or permitted by law to have or receive an official ballot or who aids or knowingly permits any person to obtain possession of an official ballot, and any person who

**Substitute Senate Bill No. 1311**

offers to aid or knowingly permits anyone to obtain possession of an official ballot for the purpose of using the same for any purpose not prescribed by law, and any person not authorized who gives or offers to any person an official ballot, and any person who offers to another any forged imitation of any official ballot or offers to the box-tender, for the purpose of voting the same, any ballot not an official ballot, and any person who offers any elector while [he] the elector is in an election booth any ballot or places any ballot in such booth for the use of any elector or for any purpose, and any person, not by law authorized thereto, who receives any official ballot from any person not authorized by the provisions of this part to offer or give the same, and any person who receives an official ballot for the purpose of using the same for any other purpose or purposes than those expressly named by the provisions of this part, and any person who knowingly receives for the purpose of depositing the same in any ballot box any forged imitation of any official ballot, and any box-tender who knowingly deposits in any ballot box any ballot not an official ballot or any box-tender who knowingly deposits in any stub box any stub other than one torn or separated from a ballot offered by an elector while in the act of voting, and any person who imitates any official ballot or prints or causes to be printed any ballot authorized by this part in any manner other than as prescribed by the Secretary of the State, and any person who places upon any official ballot any mark or device for the purpose of enabling any person to identify the same as having been voted by [himself] the elector or by any particular person, or who alters or changes any ballot by erasing or removing any name or names therefrom, and any person who attempts to ascertain or observe the ballot being voted by any elector while such elector is in any booth or enclosure so as to ascertain how such elector has voted, except as provided in this part, and any person who, having received his or her official ballot, leaves the voting place without having either delivered it to the box-tender or the moderator or returned it to a ballot clerk, and any person who prints or causes to be printed upon any

**Substitute Senate Bill No. 1311**

official ballot the name of any person not a candidate of a party whose name is printed at the head of the column containing such party nominees or offers to any elector such ballot, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than five years or be both fined and imprisoned.

Sec. 36. Section 9-310 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

As soon as the count is completed [and ascertained as required in this chapter] and the moderator's return required under the provisions of section 9-259, as amended by this act, has been executed, [and a duplicate copy thereof placed in one of the machines,] the moderator shall [close and lock the counting compartments and seal the operating lever with a numbered metal seal, and the machine] place the sealed tabulator in the tabulator bag, and so seal the bag, and the tabulator shall remain so [locked] sealed against voting or being tampered with for a period of fourteen days, except as provided in section 9-311 or pursuant to an order issued by the State Elections Enforcement Commission. [When write-in ballots have been voted, the moderator shall remove from the machines the portions of paper on which such ballots were written, enclose them in a properly secured sealed package, endorsed "write-in ballots", with the municipality and the ward or voting district therein indicated thereon, and shall file such package with the clerk of such municipality.] If it is determined that a recanvass is required pursuant to section 9-311 or 9-311a, immediately upon such determination the [machines] tabulators, write-in ballots, absentee ballots, moderators' returns and all other notes, worksheets or written materials used at the election shall be impounded at the direction of the Secretary of the State. Such package shall be preserved for one hundred eighty days after such election and may be opened and its contents examined in accordance with section 9-311 or upon an order of a court of competent jurisdiction. At the end of one hundred

**Substitute Senate Bill No. 1311**

eighty days, unless otherwise ordered by the court, such package and its contents may be destroyed. Any person who unlocks the voting or operating mechanism of the [machine] tabulator or the counting compartment after it has been locked as above directed or breaks or destroys or tampers with the seal after it has been affixed as above directed or changes the indication of the counters on any voting [machine] tabulator within fourteen days after the election or within any longer period during which the [machine] tabulator is kept locked as ordered by a court of competent jurisdiction or by the State Elections Enforcement Commission in any special case, except as provided in section 9-311, shall be imprisoned for not more than five years. Any [machine] tabulator may be released in less than fourteen days, for use in another election, by order of a court, if there is no disagreement as to the returns from such machine and no order directing impoundment has been issued by the State Elections Enforcement Commission.

Sec. 37. Section 9-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Except as otherwise provided, the following terms, as used in this title and sections 3-124, 7-5, 7-6, 7-7, 7-17, 7-20, 7-39, 7-157, 7-214, 7-275, 7-295, 7-343, 7-407, 8-1, 8-5, 8-19, 10-219, 11-36, 13a-11, 30-10, 30-11, 45a-18, 45a-19 and 51-95 shall have the following meanings:

(a) "Ballot label" means [that portion of cardboard,] paper or other material [placed on the front of the voting machine,] containing the names of the candidates or a statement of a proposed constitutional amendment or other question or proposition to be voted on;

(b) "Board for admission of electors" means the board as composed under subsection (a) of section 9-15a;

(c) "Clerical error" means any error in the registry list or enrollment

**Substitute Senate Bill No. 1311**

list due to a mistake or an omission on the part of the printer or a mistake or omission made by the registrars or their assistants;

(d) "Election" means any electors' meeting at which the electors choose public officials by use of voting machines or by paper ballots as provided in sections 9-271 and 9-272;

(e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town;

(f) Repealed by P.A. 77-298, S. 14;

(g) "Municipal clerk" means the clerk of a municipality;

(h) "Municipal election" means the regularly recurring election held in a municipality at which the electors of the municipality choose public officials of such municipality;

(i) "Municipality" means any city, borough or town within the state;

(j) "Official ballot" means the official ballot [label] to be used at an election, or the official paper ballot to be used thereat in accordance with the provisions of sections 9-271 and 9-272;

(k) "Population" means the population according to the last-completed United States census;

(l) "Presidential electors" means persons elected to cast their ballots for President and Vice President of the United States;

(m) "Print" means methods of duplication of words by mechanical process, but shall not include typewriting;

(n) "Referendum" means (1) a question or proposal which is submitted to a vote of the electors or voters of a municipality at any



**Substitute Senate Bill No. 1311**

regular or special state or municipal election, as defined in this section, (2) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters, which meeting is not an election, as defined in subsection (d) of this section, and is not a town meeting, or (3) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters pursuant to section 7-7 or pursuant to charter or special act;

(o) "Regular election" means any state or municipal election;

(p) "Registrars" means the registrars of voters of the municipality;

(q) "Registry list" means the list of electors of any municipality certified by the registrars;

(r) "Special election" means any election not a regular election;

(s) "State election" means the election held in the state on the first Tuesday after the first Monday in November in the even-numbered years in accordance with the provisions of the Constitution of Connecticut;

(t) "State officers" means the Governor, Lieutenant Governor, Secretary of the State, Treasurer, Comptroller and Attorney General;

(u) "Voter" means a person qualified to vote at town and district meetings under the provisions of section 7-6;

(v) "Voting district" means any municipality, or any political subdivision thereof, having not more than one polling place in a regular election;

(w) "Voting [machine] tabulator" means a machine, including, but not limited to, a device which operates by electronic means, for the

**Substitute Senate Bill No. 1311**

registering and recording of votes cast at elections, primaries and referenda;

(x) "Write-in ballot" means a vote cast for any person whose name does not appear on the official ballot as a candidate for the office for which his name is written in;

(y) "The last session for admission of electors prior to an election" means the day which is the seventh day prior to an election.

Sec. 38. Section 9-238 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Except as provided in sections 9-271 and 9-272, voting machines shall be used at all elections held in any municipality, or in any part thereof, for voting and registering and counting votes cast at such elections for officers, and upon all questions or amendments submitted at such elections. The board of selectmen of each town, the common council of each city and the warden and burgesses of each borough shall purchase or lease, or otherwise provide, for use at elections in each such municipality a number of voting [machines] tabulators approved by the Secretary of the State, [sufficient to provide a voting machine for each nine hundred or fraction of nine hundred electors whose names are on the last-completed registry list of such municipality and, in municipalities divided into voting districts, a number of such voting machines sufficient to provide for each voting district a voting machine for each nine hundred or fraction of nine hundred electors whose names are on the last-completed registry list for such voting district. In determining such number of electors, such officials shall not count the names on such registry lists of seventy-five per cent of the electors who reside in institutions, as defined in section 9-159q. In addition, such officials in each municipality having less than five thousand electors as ascertained by the report filed with the Secretary of the State under section 9-238a shall, except as hereinafter

**Substitute Senate Bill No. 1311**

provided, provide for all elections in such municipality at least one additional voting machine, and such officials in each municipality having between five thousand and twenty-five thousand electors shall provide at least two additional voting machines therefor; and such officials in each municipality having between twenty-five thousand and fifty thousand electors shall provide at least three additional voting machines therefor, and such officials in each municipality of fifty thousand or more such electors shall provide at least four additional voting machines therefor. In any municipality having less than five thousand electors, in lieu of such additional voting machine, the foregoing officials may provide at least one thousand absentee ballots or a number equal to the number of names on the last-completed registry list in such municipality, whichever is smaller, for use as emergency paper ballots under section 9-263; provided in any such municipality which is divided into political subdivisions and in which the absentee ballots are not uniform throughout the municipality, such officials shall provide at least one thousand copies of such absentee ballots for each such political subdivision in which ballot labels differ, or a number equal to the number of names on the last-completed registry list in such political subdivision, whichever is smaller.] Different voting [machines] tabulators may be provided for different voting districts in the same municipality. Notwithstanding any provision of this subsection to the contrary, the registrars of voters of a municipality may determine the number of voting [machines] tabulators that shall be provided for use at any special election in such municipality, provided the registrars shall provide at least one voting [machine] tabulator in the municipality or, in a municipality divided into voting districts, at least one voting [machine] tabulator in each such district.

(b) Upon the purchase or lease of a voting [machine] tabulator for use in any municipality, the officials of such municipality purchasing or leasing the same shall forthwith send notification in writing to the

**Substitute Senate Bill No. 1311**

Secretary of the State of the name or make of such [machine] tabulator, the name of the person who manufactured the same, the name of the person from whom it was purchased or leased [,] and the date on which it was purchased or leased. [and its serial number. After October 1, 1970, no voting machine manufactured prior to January 1, 1927, shall be used at any election in this state and no voting machine manufactured after said date] No voting tabulator shall be used in an election [,] which, [voting machine,] in the opinion of the Secretary of the State, does not conform to the requirements of law, [or] is unsuitable for use in such election or does not comply with the voluntary performance and test standards for voting systems adopted by the Election Assistance Commission pursuant to the Help America Vote Act, P.L. 107-252, 43 USC 15481. When in any municipality the use of a voting [machine] tabulator at elections is discontinued because of its age or condition or because it is sold, or for any other reason, such officials shall send written notification to [said secretary] the Secretary of the discontinuance of such [machine] tabulator, of the time of and reason for such discontinuance and of the information required in connection with notification of original purchasing or leasing.

Sec. 39. Section 9-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

[In municipalities where there are registrars of voters for each voting district, the] The appointment of [such] absentee ballot counters shall be made by the registrars of [the first district] voters. [If there is no district so designated, such appointment shall be made by the registrars of the district in which the] The presiding officer for the purpose of declaring the result of the vote of the whole municipality is the moderator. Each person appointed to count absentee ballots shall participate in a training session at which the registrars of voters, [municipal clerk and] absentee ballot moderator or moderator of the polling place, as the case may be, shall review and study the absentee

**Substitute Senate Bill No. 1311**

counter's manual provided by the Secretary of the State under section 9-150a. Each elector so appointed shall be sworn to carry out faithfully the duties of his office and not to attempt to ascertain the manner in which any absentee elector has marked his absentee ballot. The registrars of voters shall ascertain the voting district in which each absentee elector is registered and shall apportion the envelopes according to voting districts among the appointed groups of electors, if there is more than one such group, in such manner that each group can conveniently count the votes apportioned to it.

Sec. 40. Section 9-272 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

If, owing to the number of candidates to be voted upon or owing to inability to obtain a sufficient number of voting [machines] tabulators, it is found impracticable to use voting [machines] tabulators at any election to be held in any municipality, or in one or more of the voting districts therein, [the municipal clerk and] the registrars of voters may discontinue the use of such [machines] tabulators for such election in any of the voting districts therein, and shall thereupon cause ballots to be procured and used at such election, as provided by this part, in each of the voting districts wherein the use of voting [machines] tabulators has been so discontinued.

Sec. 41. Section 9-12 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day

**Substitute Senate Bill No. 1311**

of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector.

(b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector. If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

Sec. 42. Subsection (d) of section 9-23g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) Except as otherwise provided in this subsection, the privileges of an elector for any applicant for admission under this section and section 9-23h shall attach immediately upon approval by the registrar, and the registrars shall enter the name of the elector on the registry list.

(2) Except as provided in subdivision (3) of this subsection, if a mailed application is postmarked, or if a delivered application is received in the office of the registrars of voters, after the fourteenth day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be. In such event, the registrars of voters may contact such applicant, either by telephone or mail, in order to inform such applicant of the effect of such late received mail-in application

**Substitute Senate Bill No. 1311**

and any applicable deadline for applying for admission in person.

(3) If an application is received after the fourteenth day before an election or after the fifth day before a primary by the Commissioner of Motor Vehicles or by a voter registration agency, the privileges of an elector shall not attach until the day after the election or primary, as the case may be, or on the day the registrar approves it, whichever is later.

(4) If on the day of an election or primary, the name of an applicant does not appear on the official check list, such applicant may present to the moderator at the polls either a notice of acceptance received through the mail or an application receipt that was previously provided to the applicant pursuant to section 9-19e, subsection (b) of section 9-19h, subsection (b) of this section or section 9-23n. If an applicant presents said notice or receipt, and either the registrars of voters find the original application or the applicant submits a new application at the polls, the registrar, or assistant registrar upon notice to and approval by the registrar, shall add such person's name and address to the official check list on such day and the person shall be allowed to vote if otherwise eligible to vote and the person presents to the checkers at the polling place a preprinted form of identification pursuant to subparagraph (A) of subdivision (2) of subsection (a) of section 9-261.

Sec. 43. Section 9-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Any elector whose name appears on any enrollment list or who has made application for enrollment may, at any time, make a written application, on an application form for admission as an elector, which shall be signed by such elector, to either registrar for erasure of his name from such list or for transfer of his name to the enrollment list of another party. If an elector makes an application for erasure, his name

**Substitute Senate Bill No. 1311**

shall be erased from said enrollment list and, if a municipality is having a primary in which unaffiliated electors are authorized to vote, under section 9-431, such elector's name shall be placed on the list of unaffiliated electors together with the date he is eligible to vote in a primary. If an elector makes an application for transfer, his name shall be transferred to the enrollment list of another party, together with the effective date of such transfer. Any elector whose name has been transferred from one enrollment list to another or who has applied for erasure or transfer of his name from an enrollment list shall not be entitled to participate or vote in a caucus or primary of any party, participate in the appointment of members to any board or commission that is political in nature, be appointed as a member of any board or commission that is political in nature or be entitled to the privileges accompanying enrollment in any party for a period of three months from the date of the filing of his application for transfer or for erasure. Any elector who removes his name from the registry list and from an enrollment list in accordance with the provisions of section 9-35b shall not be entitled to enroll in any political party or vote in any primary for three months after such removal. The registrars of voters shall state, on the notice of acceptance sent under sections 9-23g, as amended by this act, 9-19b and 9-19e, the date enrollment privileges take effect, if delayed.

Sec. 44. Section 9-452a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Not later than five days before a minor party holds a party meeting to nominate a candidate for public office, the presiding officer of such meeting shall give written notice of the date, time, location and purpose of the meeting to, in the case of a municipal office, the town clerk of the municipality served by such office, or in the case of a state office or district office, the Secretary of the State. Concomitantly, the presiding officer of such meeting shall cause the written notice of such



**Substitute Senate Bill No. 1311**

meeting to be published in a newspaper with a general circulation in the applicable town for such office. As used in this section, the terms "minor party", "state office", "district office" and "municipal office" have the meanings assigned to such terms in section 9-372.

Sec. 45. (*Effective from passage*) Notwithstanding any provision of the general statutes, any minor party whose party designation committee filed a certificate of changed party designation with the Secretary of the State on or before January 1, 1988, pursuant to section 1 of public act 87-472, shall file with the Secretary of the State a copy of the party rules regulating the manner of nominating a candidate of such party for any office to be printed on the official ballot and a copy of the party rules regulating the manner of selecting town committee members and delegates to conventions not later than sixty days after the effective date of this section.

Sec. 46. Section 9-446 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) If two or more candidates obtain the same number of votes at a primary held to nominate candidates for a state or district office, and a tie vote thereby occurs, any of such candidates, or the state chairman of the political party, may apply for a recanvass of the returns in the manner provided in section 9-445. If no such application is made, or if any such recanvass results in a tie vote, [the Secretary of the State, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes and the chairman of the state central committee of the party holding the primary of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The Secretary of the State shall execute a certificate attesting to the result of the dissolution of such tie vote, and the person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the

***Substitute Senate Bill No. 1311***

nominee of such party to such office] such primary shall stand adjourned for three weeks at the same hour at which the first primary was held. Ballot labels of the same form and description as described in section 9-437 shall be used in the primary on such adjourned day, and the primary shall be conducted in the same manner as on the first day, except that the votes shall be cast for such office only. Ballot labels for such primary shall be provided forthwith by the clerk of each municipality wherein such primary stands adjourned, and each such clerk shall furnish the Secretary of the State with an accurate list of all candidates to be voted for at such adjourned primary. The clerk of each municipality in the state or the district, whichever is applicable, wherein such primary so stands adjourned shall, at least three days prior to the day of such adjourned primary, give notice of the day, hours, place and purpose thereof by publishing such notice in a newspaper published in such municipality or having a circulation therein. No such primary shall be held if prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, and, in such event, the remaining candidate shall be deemed to be lawfully voted upon as the candidate for such office. No withdrawal shall be valid until the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the Secretary of the State. When such a primary is required to be held under the provisions of this section and prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, the Secretary of the State shall forthwith notify the municipal clerk of such fact, and shall forthwith direct the clerk that such primary shall not be held. In the case of a multiple-opening office only the names of those candidates whose votes are equal shall be placed on the ballot label of the adjourned primary. If such second primary results in a tie vote, the Secretary of the State, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes and the

***Substitute Senate Bill No. 1311***

chairperson of the state central committee of the party holding the primary of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The Secretary of the State shall execute a certificate attesting to the result of the dissolution of such tie vote, and the person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office.

(b) If two or more candidates obtain the same number of votes at a primary held to nominate candidates for a municipal office or to elect members of a town committee, or if two or more slates of candidates obtain the same number of votes at a primary held for justices of the peace, and a tie vote thereby occurs, any of such candidates, or the town chairman of the political party, may apply for a recanvass of the returns in the manner provided in section 9-445. If no such application is made, or if any such recanvass results in a tie vote, [the registrar, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes, and the chairman of the town committee of the party holding the primary, of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The registrar shall execute a certificate attesting to the result of the dissolution of such tie vote, and each person so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office or to have been elected as a member of the town committee, as the case may be] such primary shall stand adjourned for three weeks at the same hour at which the first primary was held. Ballot labels of the same form and description as described in section 9-437 shall be used in the primary on such adjourned day, and the primary shall be conducted in the same manner as on the first day, except that the votes shall be cast for such office only. Ballot labels for such primary shall be provided

***Substitute Senate Bill No. 1311***

forthwith by the clerk of the municipality wherein such primary stands adjourned, and such clerk shall furnish the Secretary of the State with an accurate list of all candidates to be voted for at such adjourned primary. The clerk of the municipality wherein such primary so stands adjourned shall, at least three days prior to the day of such adjourned primary, give notice of the day, hours, place and purpose thereof by publishing such notice in a newspaper published in such municipality or having a circulation therein. No such primary shall be held if prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, and, in such event, the remaining candidate shall be deemed to be lawfully voted upon as the candidate for such office. No withdrawal shall be valid until the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the municipal clerk. When such a primary is required to be held under the provisions of this section and prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, the Secretary of the State shall forthwith notify the municipal clerk of such fact, and shall forthwith direct the clerk that such primary shall not be held. In the case of a multiple-opening office only the names of those candidates whose votes are equal shall be placed on the ballot label of the adjourned primary. If such second primary results in a tie vote, the registrar, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes and the chairperson of the town committee of the party holding the primary of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The registrar shall execute a certificate attesting to the result of the dissolution of such tie vote, and the person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office.

***Substitute Senate Bill No. 1311***

Sec. 47. Section 9-263 of the general statutes is repealed. (*Effective October 1, 2007*)

Approved July 5, 2007