



General Assembly

January Session, 2007

Raised Bill No. 1311

LCO No. 4728

04728 _____ GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

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:

1 Section 1. Subsection (b) of section 9-238 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) Upon the purchase or lease of a voting machine for use in any
5 municipality, the officials of such municipality purchasing or leasing
6 the same shall forthwith send notification in writing to the Secretary of
7 the State of the name or make of such machine, the name of the person
8 who manufactured the same, the name of the person from whom it
9 was purchased or leased, the date on which it was purchased or leased
10 and its serial number. After October 1, 1970, no voting machine
11 manufactured prior to January 1, 1927, shall be used at any election in
12 this state and no voting machine manufactured after said date shall be
13 used in an election, which voting machine, in the opinion of the
14 Secretary of the State, does not conform to the requirements of law,
15 [or] is unsuitable for use in such election or does not comply with the

16 voluntary performance and test standards for voting systems adopted
17 by the Election Assistance Commission pursuant to the Help America
18 Vote Act, P.L. 107-252, 42 USC 15481, as amended from time to time.
19 When in any municipality the use of a voting machine at elections is
20 discontinued because of its age or condition or because it is sold, or for
21 any other reason, such officials shall send written notification to said
22 secretary of the discontinuance of such machine, of the time of and
23 reason for such discontinuance and of the information required in
24 connection with notification of original purchasing or leasing.

25 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding the
26 provisions of section 9-311 of the general statutes, the Secretary of the
27 State may order a discrepancy recanvass, pursuant to said section 9-
28 311, of the returns of an election for district office, the municipal office
29 of state senator or state representative, a state office or the office of
30 presidential elector, if the Secretary has reason to believe that
31 discrepancies may have occurred that could affect the outcome of the
32 election.

33 (b) Not earlier than the fifteenth day after any federal or state
34 election and not later than two business days before the canvass of
35 votes for any federal or state election, the registrars of voters shall
36 conduct a manual audit of the votes recorded in not less than twenty
37 per cent of the voting districts in the state. Such manual audit shall be
38 noticed in advance and be open to public observation.

39 (c) The voting districts and offices subject to the audit described in
40 subsection (b) of this section shall be selected in a random drawing by
41 the Secretary of the State which shall be open to the public. The audit
42 shall include not less than one state office and not less than one district
43 office or municipal office of state senator or state representative. In
44 elections in which there are candidates for president, the office of
45 presidential elector shall be added to the audit in addition to the state
46 and district offices selected. The offices subject to the audit shall
47 include different candidates of not less than two major parties. In the

48 case that the Secretary of the State selects an office that is not contested
49 in a particular voting district, the Secretary shall select an alternative
50 office for that district at random.

51 (d) If a selected office is subject to recanvass or if any office in a
52 selected voting district is subject to an election contest pursuant to the
53 general statutes, the Secretary shall select an alternative office or
54 district, as the case may be.

55 (e) The manual audit shall consist of the manual tabulation of the
56 paper ballots cast and counted by each voting machine subject to the
57 audit. Once complete, the vote totals established pursuant to the
58 manual tabulation shall be compared to the results reported by the
59 voting machine on the day of the election. The results of the manual
60 tabulation shall be reported on a form prescribed by the Secretary of
61 the State which shall include the total number of ballots counted, the
62 total votes received by each candidate in question, the total votes
63 received by each candidate in question on ballots that were properly
64 completed by each voter and the total votes received by each candidate
65 in question on ballots that were not properly completed by each voter.
66 Such report shall be filed with the municipal clerk and Secretary not
67 later than three business days after the conclusion of the audit.

68 (f) If, in the opinion of the Secretary of the State, a voting system is
69 found to have failed to record votes accurately and, in the manner
70 provided by the general statutes, the Secretary may require that the
71 voting system be examined and recertified by the Secretary, or the
72 Secretary's designee.

73 (g) The audit report filed pursuant to this section shall be open to
74 public inspection and may be used as prima facie evidence of a
75 discrepancy in any contest arising pursuant to chapter 149 of the
76 general statutes or for any other cause of action arising from the
77 election.

78 (h) If the audit officials are unable to reconcile the manual count

79 with the electronic vote tabulation and discrepancies, the Secretary of
80 the State may conduct such further investigation of the voting machine
81 malfunction as may be necessary for the purpose of reviewing whether
82 or not to decertify the voting machine or machines and may order a
83 recanvass in accordance with the provisions of subsection (a) of this
84 section.

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

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

92 (k) After an election or primary, any voting machine may be kept
93 locked for a period longer than that prescribed by sections 9-266, 9-310
94 and 9-447 of the general statutes, if such an extended period is ordered
95 by either a court of competent jurisdiction or the Secretary of the State.
96 Either the court or the Secretary may order an audit of such voting
97 machines to be conducted by such persons as the court or the Secretary
98 may designate.

99 (l) The Secretary of the State may adopt regulations, in accordance
100 with the provisions of chapter 54 of the general statutes, for the
101 conducting of the manual tabulation of the paper ballots as described
102 in subsection (b) of this section.

103 (m) For the purposes of this section, "district office" and "state office"
104 shall have the same meanings as provided in section 9-372 of the
105 general statutes and a "ballot that has not been properly completed"
106 shall consist of a ballot: (1) On which votes have been marked by the
107 voter outside the vote targets, (2) on which votes have been marked by
108 the voter using a manual marking device that cannot be read by the
109 voting system, or (3) that in the judgment of the registrars of voters is

110 marked by the voter in such a manner that the voting machine may not
111 have read the marks as votes cast.

112 Sec. 3. Section 9-323 of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective from passage*):

114 Any elector or candidate who claims that he is aggrieved by any
115 ruling of any election official in connection with any election for
116 presidential electors and for a senator in Congress and for
117 representative in Congress or any of them, held in his town, or that
118 there was a mistake in the count of the votes cast at such election for
119 candidates for such electors, senator in Congress and representative in
120 Congress, or any of them, at any voting district in his town, or any
121 candidate for such an office who claims that he is aggrieved by a
122 violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-
123 364, 9-364a or 9-365 in the casting of absentee ballots at such election,
124 may bring his complaint to any judge of the Supreme Court, in which
125 he shall set out the claimed errors of such election official, the claimed
126 errors in the count or the claimed violations of said sections. In any
127 action brought pursuant to the provisions of this section, the
128 complainant shall send a copy of the complaint by first-class mail, or
129 deliver a copy of the complaint by hand, to the State Elections
130 Enforcement Commission. If such complaint is made prior to such
131 election, such judge shall proceed expeditiously to render judgment on
132 the complaint and shall cause notice of the hearing to be given to the
133 Secretary of the State and the State Elections Enforcement Commission.
134 If such complaint is made subsequent to the election, it shall be
135 brought [within] not later than fourteen days [of] after the election or if
136 such complaint is brought in response to the manual tabulation of
137 paper ballots authorized pursuant to section 2 of this act, such
138 complaint shall be brought not later than seven days after the close of
139 any such manual tabulation, and in either such circumstance, the judge
140 shall forthwith order a hearing to be had upon such complaint, upon a
141 day not more than five or less than three days from the making of such
142 order, and shall cause notice of not less than three or more than five

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

168 Sec. 4. Section 9-324 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective from passage*):

170 Any elector or candidate who claims that such elector or candidate
171 is aggrieved by any ruling of any election official in connection with
172 any election for Governor, Lieutenant Governor, Secretary of the State,
173 State Treasurer, Attorney General, State Comptroller or judge of
174 probate, held in such elector's or candidate's town, or that there has
175 been a mistake in the count of the votes cast at such election for

176 candidates for said offices or any of them, at any voting district in such
177 elector's or candidate's town, or any candidate for such an office who
178 claims that such candidate is aggrieved by a violation of any provision
179 of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the
180 casting of absentee ballots at such election or any candidate for the
181 office of Governor, Lieutenant Governor, Secretary of the State, State
182 Treasurer, Attorney General or State Comptroller, who claims that
183 such candidate is aggrieved by a violation of any provision of sections
184 9-700 to 9-716, inclusive, may bring such elector's or candidate's
185 complaint to any judge of the Superior Court, in which such elector or
186 candidate shall set out the claimed errors of such election official, the
187 claimed errors in the count or the claimed violations of said sections. In
188 any action brought pursuant to the provisions of this section, the
189 complainant shall send a copy of the complaint by first-class mail, or
190 deliver a copy of the complaint by hand, to the State Elections
191 Enforcement Commission. If such complaint is made prior to such
192 election, such judge shall proceed expeditiously to render judgment on
193 the complaint and shall cause notice of the hearing to be given to the
194 Secretary of the State and the State Elections Enforcement Commission.
195 If such complaint is made subsequent to the election, it shall be
196 brought not later than fourteen days after the election or if such
197 complaint is brought in response to the manual tabulation of paper
198 ballots authorized pursuant to section 2 of this act, such complaint
199 shall be brought not later than seven days after the close of any such
200 manual tabulation and, in either such circumstance, such judge shall
201 forthwith order a hearing to be had upon such complaint, upon a day
202 not more than five nor less than three days from the making of such
203 order, and shall cause notice of not less than three nor more than five
204 days to be given to any candidate or candidates whose election may be
205 affected by the decision upon such hearing, to such election official, the
206 Secretary of the State, the State Elections Enforcement Commission and
207 to any other party or parties whom such judge deems proper parties
208 thereto, of the time and place for the hearing upon such complaint.
209 Such judge shall, on the day fixed for such hearing and without

210 unnecessary delay, proceed to hear the parties. If sufficient reason is
 211 shown, such judge may order any voting machines to be unlocked or
 212 any ballot boxes to be opened and a recount of the votes cast, including
 213 absentee ballots, to be made. Such judge shall thereupon, in case such
 214 judge finds any error in the rulings of the election official, any mistake
 215 in the count of the votes or any violation of said sections, certify the
 216 result of such judge's finding or decision to the Secretary of the State
 217 before the fifteenth day of the next succeeding December. Such judge
 218 may order a new election or a change in the existing election schedule.
 219 Such certificate of such judge of such judge's finding or decision shall
 220 be final and conclusive upon all questions relating to errors in the
 221 rulings of such election officials, to the correctness of such count, and,
 222 for the purposes of this section only, such claimed violations, and shall
 223 operate to correct the returns of the moderators or presiding officers,
 224 so as to conform to such finding or decision, unless the same is
 225 appealed from as provided in section 9-325.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-238(b)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	9-323
Sec. 4	<i>from passage</i>	9-324

Statement of Purpose:

To authorize procedures intended to assure the integrity of the voting process.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]