



General Assembly

Amendment

February Session, 2008

LCO No. 6141

SB0044406141HDO

Offered by:

REP. CARUSO, 126th Dist.

REP. URBAN, 43rd Dist.

To: Subst. Senate Bill No. 444

File No. 424

Cal. No. 449

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING CERTAIN REVISIONS AND TECHNICAL
CHANGES TO THE ELECTION LAWS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) Within available
4 appropriations, there is established an Independent Elections Audit
5 Board that shall consist of six members, not more than two of whom
6 shall be members of the same political party and at least one of whom
7 shall not be affiliated with any political party. Of the members first
8 appointed, one shall have verifiable expertise in statistics, be appointed
9 by the minority leader of the House of Representatives and serve for a
10 term of one year from July 1, 2009; one shall have a verifiable elections
11 auditing background, be appointed by the minority leader of the
12 Senate and serve for a term of three years from July 1, 2009; one shall
13 have a detailed knowledge of state election law, be appointed by the

14 speaker of the House of Representatives and serve for a term of one
15 year from July 1, 2009; one shall have an interest in good government,
16 be appointed by the president pro tempore of the Senate and serve for
17 a term of three years from July 1, 2009, one shall have expertise in
18 election law, be appointed jointly by the majority leaders of the Senate
19 and the House of Representatives and serve a term of three years; and
20 one shall be appointed by the Governor, provided such member shall
21 not be affiliated with any political party, and shall hold office for a
22 term of four years from July 1, 2009. Thereafter, members shall be
23 appointed for terms of four years from July first in the year of their
24 appointment and shall be appointed by the person holding the same
25 office as was held by the person making the original appointment,
26 provided any person chosen to fill a vacancy shall be appointed only
27 for the unexpired term of the member whom he or she shall succeed.
28 All appointments shall be made with the consent of the state Senate
29 and House of Representatives, provided the initial appointees may
30 serve without confirmation from July 1, 2009, subject to approval at the
31 next regular session of the General Assembly. No person, who has
32 served within the previous three years as a public official, other than a
33 member of the State Elections Enforcement Commission, or who has
34 served within the previous three years as a political party officer, shall
35 be appointed to membership on the board. For purposes of this
36 subsection, (1) "public official" means an individual who holds or has
37 held a state, district or municipal office, as defined in section 9-372 of
38 the general statutes, but shall not include a justice of the peace or a
39 notary public, and (2) "political party officer" means an officer or
40 member of a national committee of a political party, or a state central
41 or town committee, or any person employed by any such committee
42 for compensation. The board shall elect one of its members to serve as
43 chairperson and another member to serve as vice-chairperson. Each
44 member of the board shall be compensated at the rate of two hundred
45 dollars per day for any day on which the member participates in a
46 regular board meeting, and shall be paid by the state for his or her
47 reasonable expenses, including necessary stenographic and clerical
48 help.

49 (b) The board may, subject to the provisions of chapter 67 of the
50 general statutes, employ such employees as may be necessary to carry
51 out the provisions of this section.

52 (c) Notwithstanding the provisions of section 5-266a and 5-266b of
53 the general statutes, no member or employee of the board shall (1) be a
54 candidate in any primary or election, (2) hold any elected public office,
55 (3) be a political party officer, as defined in subsection (a) of this
56 section, or (4) hold any office of any committee, as defined in section 9-
57 601 of the general statutes. The members and employees of the board
58 shall otherwise be subject to the provisions of sections 5-266a and 5-
59 266b of the general statutes.

60 (d) The board shall be within the State Elections Enforcement
61 Commission for administrative purposes only.

62 (e) Not later than December 1, 2009, the board shall develop
63 standards and procedures for conducting audits of elections and
64 primaries. In developing such standards and procedures, the board
65 shall be cognizant of the current level of science utilized in the area of
66 election auditing. Additionally, subject to any other provisions of law,
67 such standards and procedures shall enable any such audit to
68 commence within forty-eight hours of the time when state election
69 officials announce the final unofficial vote in each district in which
70 votes are cast in the election that is the subject of such audit. On or
71 before January 1, 2010, such standards and procedures shall be
72 presented to the joint standing committee of the General Assembly
73 having cognizance of matters relating to elections in addition to any
74 board recommendations for the repeal or amendment of existing audit
75 standards or procedures. Any audit standards and procedures
76 developed by the board pursuant to this subsection shall require
77 approval by the General Assembly and shall take effect not sooner
78 than December 31, 2010.

79 Sec. 502. (NEW) (*Effective from passage*) On and after October 1, 2009,
80 the Secretary of the State shall select an entity that shall be responsible

81 for the election-specific programming of any hardware, including all
82 memory cards and voting tabulators used in any optical scan voting
83 system utilized in the state. Concomitantly, the Secretary of the State
84 shall select a separate entity that shall be responsible for the testing of
85 such memory cards: (1) After such programming but prior to shipment
86 to registrars of voters, and (2) after the applicable election. Such testing
87 entity shall be located within the state. The Secretary of the State shall
88 implement procedures for the secure transport of such memory cards
89 to and from the entities described in this section.

90 Sec. 503. (NEW) (*Effective from passage*) The Secretary of the State
91 shall have oversight of all election recounts in the state.
92 Notwithstanding any provision of the general statutes, not later than
93 October 1, 2008, the Secretary of the State, in consultation with the
94 registrars of voters, shall establish a procedure for the recount of
95 ballots in any election that provides for the conduct of such recount to
96 consist of a combination of hand recounts and recount by use of voting
97 tabulators. Any such procedure shall only be utilized to conduct a
98 recount if the candidates for such office agree to the utilization of such
99 procedure rather than a recount performed by hand. The Secretary of
100 the State shall establish a recount team that shall consist of five
101 persons, except that in the case of a general election, such team shall
102 consist of two members from each party with candidates on the ballot.

103 Sec. 504. (NEW) (*Effective from passage*) Notwithstanding any
104 provision of the general statutes, the Secretary of the State may
105 authorize such registrar of voters to have printed a number of ballots
106 less than one hundred per cent of the number of electors on the last
107 completed enrollment list if the secretary determines such lesser
108 number will adequately accommodate the anticipated number of
109 voters for such election.

110 Sec. 505. Section 9-168d of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective from passage*):

112 (a) On or before July 1, 1980, each polling place shall be made

113 accessible to and usable by physically disabled persons by complying
114 with the following standards of accessibility: (1) Doors, entrances, and
115 exits used to gain access to or egress from the polling place shall have a
116 minimum width of thirty-one inches; (2) temporary ramps shall be
117 made available or curb cuts provided where necessary for accessibility
118 to the entrance; (3) any stairs necessarily used to enter the polling place
119 shall have a temporary handrail and ramp; (4) in the polling place, no
120 barrier shall impede the path of the physically disabled to the voting
121 booth.

122 (b) The registrars of voters in each town, or the legislative body of
123 the town, shall select as polling places only those sites which meet the
124 standards of accessibility required under the State Building Code, as
125 revised pursuant to section 29-269, if applicable, or this section. The
126 registrars of voters in each town shall file with the Secretary of the
127 State either: (1) A certification, as prescribed by the Secretary of the
128 State, that states that each polling place selected complies with the
129 provisions set forth in this subsection, or (2) an application for waiver,
130 as described in subsection (c) of this section.

131 (c) The registrars or such legislative body may select a site not
132 meeting such standards if no available site within the voting district or
133 town can reasonably be made accessible if an application for waiver is
134 filed with the Secretary of the State and approved by the Office of
135 Protection and Advocacy for Persons with Disabilities. An application
136 for waiver shall be filed at least sixty days prior to the date on which
137 the primary or election will be held. The Secretary of the State shall,
138 within seven days after receipt of any such application, refer the
139 application to said office of protection and advocacy. Said office shall,
140 within thirty days, review the application and inform the Secretary of
141 the State of its approval or disapproval. The Secretary of the State shall
142 notify the applicant for waiver of such approval or disapproval within
143 seven days after the secretary is so informed.

144 (d) Not later than sixty days prior to any election, each registrar of
145 voters shall file with the Secretary of the State an informal diagram of

146 the polling place to assure privacy and accessibility for voters. Such
147 layout shall create a zone of privacy for such voters. In the event that
148 the Secretary of the State rejects such plan and layout, the secretary
149 may approve a waiver from such requirement. Any such plan and
150 layout shall be subject to change on the day of any such election in the
151 event of an emergency, provided such registrar of voters shall certify,
152 in writing, to the secretary the nature of such emergency.

153 Sec. 506. Section 9-3 of the general statutes is repealed and the
154 following is substituted in lieu thereof (*Effective from passage*):

155 The Secretary of the State, by virtue of the office, shall be the
156 Commissioner of Elections of the state, with such powers and duties
157 relating to the conduct of elections as are prescribed by law and, unless
158 otherwise provided by state statute, the secretary's regulations,
159 declaratory rulings, instructions and opinions, if in written form, shall
160 be presumed as correctly interpreting and effectuating the
161 administration of elections and primaries under this title, except for
162 [chapter] chapters 155, 156 and 157, provided nothing in this section
163 shall be construed to alter the right of appeal provided under the
164 provisions of chapter 54. The Secretary, or the Secretary's designee,
165 may direct any election official on the day of an election or primary to
166 take action to comply with any regulation, declaratory ruling,
167 instruction or written opinion or refrain from taking any such action
168 that is contrary to any such regulation, declaratory ruling, instruction
169 or written opinion concerning the process of voting and conducting
170 any such election or primary. The Secretary shall report any alleged
171 noncompliance to the State Elections Enforcement Commission in
172 accordance with section 9-7b.

173 Sec. 507. Subdivisions (1) and (2) of subsection (a) of section 9-7b of
174 the general statutes, as amended by section 1 of public act 08-2, are
175 repealed and the following is substituted in lieu thereof (*Effective from*
176 *passage*):

177 (1) To make investigations on its own initiative or with respect to

178 statements filed with the commission by the Secretary of the State or
179 any town clerk, or upon written complaint under oath by any
180 individual, with respect to alleged violations of any provision of the
181 general statutes relating to any election or referendum, any primary
182 held pursuant to section 9-423, 9-425 or 9-464 of the 2008 supplement
183 to the general statutes or any primary held pursuant to a special act, or
184 with respect to alleged violations of regulations, written rulings or
185 opinions of the Secretary of the State that concern the administration of
186 any such election or primary and to hold hearings when the
187 commission deems necessary to investigate violations of any
188 provisions of the general statutes, or Secretary's regulations, rulings or
189 opinions relating to any such election, primary or referendum, and for
190 the purpose of such hearings the commission may administer oaths,
191 examine witnesses and receive oral and documentary evidence, and
192 shall have the power to subpoena witnesses under procedural rules the
193 commission shall adopt, to compel their attendance and to require the
194 production for examination of any books and papers which the
195 commission deems relevant to any matter under investigation or in
196 question. In connection with its investigation of any alleged violation
197 of any provision of chapter 145, or of any provision of section 9-359 or
198 section 9-359a, the commission shall also have the power to subpoena
199 any municipal clerk and to require the production for examination of
200 any absentee ballot, inner and outer envelope from which any such
201 ballot has been removed, depository envelope containing any such
202 ballot or inner or outer envelope as provided in sections 9-150a and 9-
203 150b and any other record, form or document as provided in section 9-
204 150b, in connection with the election, primary or referendum to which
205 the investigation relates. In case of a refusal to comply with any
206 subpoena issued pursuant to this subsection or to testify with respect
207 to any matter upon which that person may be lawfully interrogated,
208 the superior court for the judicial district of Hartford, on application of
209 the commission, may issue an order requiring such person to comply
210 with such subpoena and to testify; failure to obey any such order of the
211 court may be punished by the court as a contempt thereof. In any
212 matter under investigation which concerns the operation or inspection

213 of or outcome recorded on any voting [machine] tabulator or memory
214 card, the commission may issue an order to the [municipal clerk]
215 registrars of voters to impound such [machine] tabulator or memory
216 card until the investigation is completed;

217 (2) To levy a civil penalty not to exceed (A) two thousand dollars
218 per offense against any person the commission finds to be in violation
219 of any provision of chapter 145, part V of chapter 146, part I of chapter
220 147, chapter 148, section 7-9, section 9-12 of the 2008 supplement to the
221 general statutes, subsection (a) of section 9-17 of the 2008 supplement
222 to the general statutes, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-
223 21, 9-23a, 9-23g of the 2008 supplement to the general statutes, 9-23h, 9-
224 23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
225 9-42, 9-43, 9-50a, 9-56, 9-59 of the 2008 supplement to the general
226 statutes, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a
227 to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h,
228 inclusive, 9-453k or 9-453o, or any regulation adopted pursuant to said
229 chapters or sections by the Secretary of the State, (B) two thousand
230 dollars per offense against any town clerk, registrar of voters, an
231 appointee or designee of a town clerk or registrar of voters, or any
232 other election or primary official whom the commission finds to have
233 failed to discharge a duty imposed by any provision of chapter 146 or
234 147 or any regulation adopted by the Secretary of the State pursuant to
235 such chapters, provided the commission shall consider it an
236 aggravating factor that the Secretary directed such clerk, registrar,
237 appointee or designee thereof or election or primary official to take
238 such action or refrain from doing so and such person failed to comply
239 with such directive, (C) two thousand dollars per offense against any
240 person the commission finds to have (i) improperly voted in any
241 election, primary or referendum, and (ii) not been legally qualified to
242 vote in such election, primary or referendum, or (D) two thousand
243 dollars per offense or twice the amount of any improper payment or
244 contribution, whichever is greater, against any person the commission
245 finds to be in violation of any provision of chapter 155 or [sections 9-
246 700 to 9-716, inclusive] 157. The commission may levy a civil penalty

247 against any person under subparagraph (A), (B), (C) or (D) of this
248 subdivision only after giving the person an opportunity to be heard at
249 a hearing conducted in accordance with sections 4-176e to 4-184,
250 inclusive. In the case of failure to pay any such penalty levied pursuant
251 to this subsection within thirty days of written notice sent by certified
252 or registered mail to such person, the superior court for the judicial
253 district of Hartford, on application of the commission, may issue an
254 order requiring such person to pay the penalty imposed and such
255 court costs, state marshal's fees and attorney's fees incurred by the
256 commission as the court may determine. Any civil penalties paid,
257 collected or recovered under subparagraph (D) of this subdivision for
258 a violation of any provision of chapter 155 applying to the office of the
259 Treasurer shall be deposited on a pro rata basis in any trust funds, as
260 defined in section 3-13c, affected by such violation.

261 Sec. 508. Subsection (a) of section 9-236b of the general statutes is
262 repealed and the following is substituted in lieu thereof (*Effective from*
263 *passage*):

264 (a) The Secretary of the State shall provide each municipality with
265 sufficient quantities of a poster size copy, at least eighteen by twenty-
266 four inches, of a Voter's Bill of Rights, which shall be posted
267 conspicuously at each polling place. The text of the Voter's Bill of
268 Rights shall be:

269 "VOTER'S BILL OF RIGHTS

270 Every registered voter in this state has the right to:

271 (1) Inspect a sample ballot before voting;

272 (2) Receive instructions concerning how to operate voting
273 equipment, on sample voting equipment before voting;

274 (3) Cast a ballot if the voter is in line when the polls are closing;

275 (4) Ask for and receive assistance in voting, including assistance in
276 languages other than English where required by federal or state law;

277 (5) Vote free from coercion or intimidation by election officials or
278 any other person;

279 (6) Cast a ballot using voting equipment that accurately counts all
280 votes;

281 (7) Vote by provisional ballot if the individual registered to vote and
282 the individual's name is not on the voter list;

283 (8) Be informed of the process for restoring the individual's right to
284 vote if the individual was incarcerated for a felony conviction; [and]

285 (9) Vote independently and in privacy at a polling place, regardless
286 of physical disability; and

287 (10) Be informed of the different voting options available and have
288 the right to use the voting system of the individual's choice from the
289 systems available.

290 If any of your rights have been violated, you have the right to file an
291 official complaint with the State Elections Enforcement Commission at
292 (toll-free telephone number) or the United States Department of
293 Justice at (toll-free telephone number). In addition, before leaving
294 the polling place you may notify the moderator of the violation."

295 Sec. 509. (NEW) (*Effective from passage*) Notwithstanding any
296 provision of the general statutes, the registrars of voters shall ensure
297 that each voting booth is placed in a location that is in plain view of all
298 election officials and electors waiting to vote, provided, whenever
299 practicable, there shall be not less than three feet between each such
300 voting booth. Each voting booth shall be situated so that no person
301 outside such booth can determine how an individual utilizing such
302 booth voted.

303 Sec. 510. (NEW) (*Effective from passage*) Whenever practicable, the
304 voting tabulator shall be placed not less than three feet from any wall,
305 partition or guardrail and not less than four feet from the checkers'
306 table. The registrars of voters shall place a guardrail or other marking

307 device around such tabulator to prevent electors waiting in line from
308 encroaching upon an elector who is submitting his or her ballot into
309 the tabulator. Such guardrail or other marking device shall be placed
310 not less than three feet from the tabulator and shall be arranged in a
311 manner to prevent electors from determining the votes cast on each
312 ballot submitted into the tabulator.

313 Sec. 511. (NEW) (*Effective from passage*) The registrars of voters shall
314 either ensure that each ballot clerk offer every elector a privacy sleeve
315 into which the ballot can be inserted and fully shielded from view or,
316 in the alternative, place such privacy sleeve in every voting booth for
317 the elector's use. No elector shall be required to accept a privacy sleeve.

318 Sec. 512. Section 9-229a of the 2008 supplement to the general
319 statutes is repealed and the following is substituted in lieu thereof
320 (*Effective from passage*):

321 (a) Notwithstanding any provision of the general statutes, the
322 Secretary of the State, upon receipt of a written request from a certified
323 candidate in any election or primary that is received by the Secretary
324 of the State not later than thirty days prior to such primary or election,
325 and after consultation with the registrars of voters, shall appoint
326 election or primary day polling place observers as requested who shall
327 be electors of the state, including without limitation an observer who
328 accompanies and observes the election or primary moderator. Such
329 polling place observers shall record the names and other identifying
330 information of individuals involved in any irregularities or violations
331 and report this information to the Secretary of the State or the
332 Secretary's designee who shall forward all such information to the
333 State Elections Enforcement Commission and all candidates whose
334 names appear on the ballot. During any such primary or election,
335 observers shall immediately report any irregularities or violations of
336 law and the names and other identifying information of any electors
337 who are not allowed to vote to the Secretary of the State, or the
338 Secretary's designee, who shall inform the relevant registrar of voters
339 and the moderator and require immediate and appropriate corrective

340 action.

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

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

360 (d) The Secretary may adopt regulations, pursuant to chapter 54, to
361 administer the program established pursuant to this section.

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

372 clerk indicating the reasons for the appointment of any such additional
373 election officials. The registrars of voters shall provide certified
374 candidates in any such primary or election with the reason for
375 appointment of any such additional election officials.

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

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

383 Sec. 513. Subsection (a) of section 9-261 of the 2008 supplement to
384 the general statutes is repealed and the following is substituted in lieu
385 thereof (*Effective from passage*):

386 (a) In each primary, election or referendum, when an elector has
387 entered the polling place, the elector shall announce the elector's street
388 address, if any, and the elector's name to the official checkers in a tone
389 sufficiently loud and clear as to enable all the election officials present
390 to hear the same. Each elector who registered to vote by mail for the
391 first time on or after January 1, 2003, and has a "mark" next to the
392 elector's name on the official registry list, as required by section 9-23r,
393 shall present to the official checkers, before the elector votes, either a
394 current and valid photo identification that shows the elector's name
395 and address or a copy of a current utility bill, bank statement,
396 government check, paycheck or other government document that
397 shows the name and address of the elector. Each other elector shall (1)
398 present to the official checkers the elector's Social Security card or any
399 other preprinted form of identification which shows the elector's name
400 and either the elector's address, signature or photograph, or (2) on a
401 form prescribed by the Secretary of the State, write the elector's
402 residential address and date of birth, print the elector's name and sign
403 a statement under penalty of false statement that the elector is the

404 elector whose name appears on the official checklist. Such form shall
405 clearly state the penalty of false statement. A separate such form shall
406 be used for each elector. If the elector presents a preprinted form of
407 identification under subdivision (1) of this subsection, the official
408 checkers shall check the name of such elector on the official checklist in
409 ink. If the elector completes the form under subdivision (2) of this
410 subsection, the registrar of voters or the assistant registrar of voters, as
411 the case may be, shall examine the information on such form and
412 either instruct the official checkers to check the name of such elector on
413 the official checklist or notify the elector that the form is incomplete or
414 inaccurate.

415 Sec. 514. Section 9-310 of the 2008 supplement to the general statutes
416 is repealed and the following is substituted in lieu thereof (*Effective*
417 *from passage*):

418 As soon as the count is completed and the moderator's return
419 required under section 9-259 has been executed, the moderator shall
420 place all ballots in a tamper evident bag or bags and seal such bags.
421 Such bags shall remain sealed for a period of time until the Secretary of
422 the State determines such sealing is no longer needed for the purpose
423 of conducting any recanvass, audit or audit investigation, except as
424 provided in section 9-311 or pursuant to an order issued by the State
425 Elections Enforcement Commission. As soon as the count is completed
426 and the moderator's return required under the provisions of section 9-
427 259 of the 2008 supplement to the general statutes has been executed,
428 the moderator shall place the sealed tabulator with the sealed memory
429 card in the tabulator bag, and so seal the bag, and the tabulator shall
430 remain so sealed against voting or being tampered with for a period of
431 [fourteen days] time until the Secretary of the State determines that
432 such sealing is no longer needed for the purposes of conducting any
433 recanvass audit or audit investigation, except as provided in section 9-
434 311, as needed to conduct a recanvass, audit or audit investigation, or
435 pursuant to an order issued by the State Elections Enforcement
436 Commission. If it is determined that a recanvass is required pursuant
437 to section 9-311 or 9-311a, as amended by this act, immediately upon

438 such determination the tabulators, write-in ballots, absentee ballots,
439 moderators' returns and all other notes, worksheets or written
440 materials used at the election shall be impounded at the direction of
441 the Secretary of the State. Such package shall be preserved for one
442 hundred eighty days after such election and may be opened and its
443 contents examined in accordance with section 9-311 or upon an order
444 of a court of competent jurisdiction. At the end of one hundred eighty
445 days, unless otherwise ordered by the court, such package and its
446 contents may be destroyed. Any person who unlocks the voting or
447 operating mechanism of the tabulator or the counting compartment
448 after it has been locked as above directed or breaks or destroys or
449 tampers with [the] any seal after it has been affixed as above directed
450 or changes the indication of the counters on any voting tabulator
451 within [fourteen days] such period after the election or within any
452 longer period during which the tabulator is kept locked or ballots are
453 sealed as ordered by a court of competent jurisdiction or by the State
454 Elections Enforcement Commission in any special case, except as
455 provided in section 9-311, shall be imprisoned for not more than five
456 years. Any tabulator may be released in less than [fourteen days] such
457 period, for use in another election, by order of a court, if there is no
458 disagreement as to the returns from such machine and no order
459 directing impoundment has been issued by the State Elections
460 Enforcement Commission and it is not needed for an audit or an audit
461 investigation.

462 Sec. 515. Subsection (a) of section 9-320f of the 2008 supplement to
463 the general statutes is repealed and the following is substituted in lieu
464 thereof (*Effective January 1, 2010*):

465 (a) Not earlier than the fifteenth day after any election or primary
466 and not later than two business days before the canvass of votes by the
467 Secretary of the State, Treasurer and Comptroller, for any federal or
468 state election or primary, or by the town clerk for any municipal
469 election or primary, the registrars of voters shall conduct a manual
470 audit of the votes recorded in not less than ten per cent of the voting
471 districts in the state, district or municipality, whichever is applicable,

472 and shall include absentee ballots centrally counted in the municipality
473 where such election occurred. Such manual audit shall be noticed to
474 the public in advance and be open to public observation. Any election
475 official who participates in the administration and conduct of an audit
476 pursuant to this section shall be compensated by the municipality at
477 the standard rate of pay established by such municipality for elections
478 or primaries, as the case may be.

479 Sec. 516. Section 9-311a of the general statutes is repealed and the
480 following is substituted in lieu thereof (*Effective from passage*):

481 For purposes of this section, state, district and municipal offices
482 shall be as defined in section 9-372 except that the office of presidential
483 elector shall be deemed a state office. Forthwith after a regular or
484 special election for municipal office, or forthwith upon tabulation of
485 the vote for state and district offices by the Secretary of the State, when
486 at any such election the plurality of an elected candidate for an office
487 over the vote for a defeated candidate receiving the next highest
488 number of votes was either (1) less than a vote equivalent to [one-half
489 of] one per cent of the total number of votes cast for the office but not
490 more than two thousand votes, or (2) less than twenty votes, there
491 shall be a canvass of the returns of the voting machine or voting
492 machines and absentee ballots used in such election for such office
493 unless such defeated candidate or defeated candidates, as the case may
494 be, for such office file a written statement waiving this right to such
495 canvass with the municipal clerk in the case of a municipal office, or
496 with the Secretary of the State in the case of a state or district office. In
497 the case of state and district offices, the Secretary of the State upon
498 tabulation of the votes for such offices shall notify the town clerks in
499 the state or district, as the case may be, of the state and district offices
500 which qualify for an automatic canvass and shall also notify each
501 candidate for any such office. When a canvass is to be held the
502 municipal clerk shall promptly notify the moderator, as defined in
503 section 9-311, who shall proceed forthwith to cause a canvass of such
504 returns of the office in question in the same manner as is provided in
505 said section 9-311. In addition to the notice required under section 9-

506 311, the moderator shall before such recanvass is made give notice in
507 writing of the time when, and place where, such recanvass is to be
508 made to each candidate for a municipal office which qualifies for an
509 automatic recanvass under this section. Nothing in this section shall
510 preclude the right to judicial proceedings on behalf of a candidate
511 under any provision of chapter 149. For the purposes of this section,
512 "the total number of votes cast for the office" means in the case of
513 multiple openings for the same office, the total number of electors
514 checked as having voted in the state, district, municipality or political
515 subdivision, as the case may be. When a recanvass of the returns for an
516 office for which there are multiple openings is required by the
517 provisions of this section, the returns for all candidates for all openings
518 for the office shall be recanvassed. No one other than a recanvass
519 official shall take part in the recanvass. If any irregularity in the
520 recanvass procedure is noted by a candidate, he shall be permitted to
521 present evidence of such irregularity in any contest relating to the
522 election.

523 Sec. 517. (NEW) (*Effective from passage*) Notwithstanding any
524 provision of the general statutes, the Secretary of the State shall
525 establish a certification program for registrars of voters. Each such
526 registrar of voters shall be certified pursuant to such program not later
527 than December 31, 2010. Not later than January 1, 2009, the Secretary of
528 the State shall report to the joint standing committee of the General
529 Assembly having cognizance of matters relating to elections on the
530 establishment of such program, including, but not limited to, the
531 availability of state or federal funds for such program. At the time of
532 such report, the Secretary of the State shall also report on the efforts
533 made to increase public education on the optical scan voting system.

534 Sec. 518. Section 9-438 of the general statutes is repealed and the
535 following is substituted in lieu thereof (*Effective from passage*):

536 (a) In each municipality or voting district, the polling places for
537 primaries held under sections 9-382 to 9-450, inclusive, shall be the
538 same as those used for the election to be held unless such municipality

539 makes a change to such polling places pursuant to subsection (b) of
540 this section. When unaffiliated electors are authorized under section 9-
541 431 to vote in the primary of either of two parties, both parties shall
542 hold their primaries in the same room of each such polling place. On
543 the day of the primary, the polls shall remain open for voting from six
544 o'clock a.m. until eight o'clock p.m.

545 (b) Notwithstanding the provisions of subsection (a) of this section,
546 each municipality may, by a vote of its legislative body, alter the
547 number of polling locations used for primaries held under section 9-
548 382 to 9-450, inclusive. Any such change shall be made not later than
549 thirty-one days before such primary and shall only become effective if
550 proper notice is sent to all voters affected by such change not later than
551 fifteen days prior to any such primary. Such notice shall include
552 information about where the voter shall appear to vote for such
553 primary and where the voter shall appear to vote at the election
554 following such primary. For the purposes of this section, "legislative
555 body" shall mean the board of selectmen for any town with a town
556 meeting form of government.

557 Sec. 519. (NEW) (*Effective from passage*) Notwithstanding any
558 provision of the general statutes, two election officials of different
559 parties shall arrive where the ballots and tabulators have been stored
560 to receive the tabulator and a number of ballots sufficient for three
561 hours operation for their polling place from the registrars of voters, if
562 such ballots have not already been delivered to the polling place.
563 Nothing in this section shall prevent the election officials from
564 employing individuals who are not sworn election officials to assist in
565 the transportation of the voting tabulators and ballots as long as such
566 individuals are accompanied by and under the direct supervision of
567 the two election officials."