



House of Representatives

General Assembly

File No. 894

January Session, 2009

Substitute House Bill No. 6440

House of Representatives, May 4, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN REVISIONS TO ELECTIONS RELATED STATUTES.

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

1 Section 1. Subsection (e) of section 9-23r of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (e) If an individual described in subsection (a) of this section does
5 not submit the identification described in subsection (a) of this section
6 as part of the individual's application for admission as an elector, and
7 if the individual votes by absentee ballot in an election for federal
8 office, the individual shall enclose in the outer absentee ballot
9 envelope, and not in the inner envelope with the ballot: (1) A copy of a
10 current and valid photo identification, or (2) a copy of a current utility
11 bill, bank statement, government check, paycheck, or other
12 government document that shows the name and address of the voter.
13 If an individual does not meet the requirements of this subsection in an
14 election for federal office, such individual's absentee ballot shall be

15 processed in accordance with the provisions of subdivision (2) of
16 subsection (d) of section 9-150a and treated as a provisional ballot [for
17 federal office only,] pursuant to sections 9-232i to 9-232o, inclusive.

18 Sec. 2. Section 9-36 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective from passage*):

20 The list for which provision is made in section 9-35 shall be termed
21 the preliminary registry list and such list shall be [completed, certified
22 by such registrars and deposited in the town clerk's office, at least
23 thirty-one days before the regular election, and shall be on file in such
24 office] available in the office of the registrars of voters for public
25 inspection [until the next preliminary registry list has been completed
26 and filed. In each municipality having a population of more than five
27 thousand, a certified copy of such preliminary registry list for each
28 voting district therein shall be completed, reproduced, certified by the
29 registrars and posted in such municipality for public inspection on or
30 before the Saturday of the fifth week before each regular election,] and
31 copies shall be made available for distribution by the registrars of
32 voters. Whenever the registrars of voters are not in their office, such
33 list shall be placed outside of the office for public inspection. The
34 registrars of voters shall, upon request, give to [a] any candidate for
35 election [to the General Assembly] a copy of the preliminary registry
36 list for each voting district [included in the General Assembly district]
37 for which such person is a candidate.

38 Sec. 3. Section 9-37 of the general statutes is repealed and the
39 following is substituted in lieu there of (*Effective from passage*):

40 [Each registrar shall keep a copy of the preliminary registry list for
41 his use in revision. Such registrars shall give notice in such list of the
42 times and places at which they will hold one or more sessions during
43 the period between the Saturday of the fifth week before the regular
44 election and the Saturday of the fourth week before the regular
45 election, for the revision and correction of such list which, when
46 completed, shall be termed the "final registry list" for such election. In
47 each municipality having a population of more than five thousand,

48 they shall also give notice of such times and places by publication in a
49 newspaper circulating in such municipality and by posting the same
50 on the signpost therein, if any, and at the office of the town clerk at
51 least five days before the first of such sessions. The number of sessions
52 shall be fixed by the registrars of each municipality. The registrars
53 shall also hold sessions, of which no public notice need be given, for
54 the purpose of correcting such preliminary list, and for the purpose of
55 adding to such list the names of persons entitled to be registered
56 thereon, on each day they are in session for the admission of electors
57 pursuant to section 9-17, and they may also hold sessions for revision
58 and correction of the registry list on any other day, except during the
59 period of six days preceding any regular election. On the fourteenth
60 day before a primary, the registrars shall hold an additional session to
61 hear such requests for adding names to the registry list, in accordance
62 with the procedure provided in this section, and the registrars shall
63 publish notice of such sessions in a newspaper having general
64 circulation in such municipality at least five days before such sessions.
65 Nothing in this section shall require that such publication be in the
66 form of a legal advertisement.] The registrars of voters shall be
67 available before all elections for revisions and corrections of the
68 preliminary list which, when completed, shall be termed "the final
69 registry list" for such election. In each municipality, availability of the
70 registrars of voters shall be the posted office hours in such
71 municipality for the registrars of voters.

72 Sec. 4. Section 9-38 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective from passage*):

74 The registrars of voters in all towns shall [, on the second Friday
75 preceding a regular election, deposit in the town clerk's office the final
76 registry list arranged as provided in section 9-35 and certified by them
77 to be correct, and shall retain a sufficient number of copies to be used
78 by them at such election for the purpose of checking the names of
79 those who vote. They shall place on such final list, in the order
80 provided in section 9-35, the names of all persons who have been
81 admitted as electors. In each municipality said registrars shall also

82 cause to be prepared and printed and deposited in the town clerk's
83 office a supplementary or updated list containing the names and
84 addresses of electors to be transferred, restored or added to such list
85 prior to the fourth day before such election, provided in municipalities
86 having a population of less than twenty-five thousand, such additional
87 names may be inserted in writing in such final list. Such final registry
88 list and supplementary or updated list deposited in the town clerk's
89 office shall be on file in such office for public inspection for a period of
90 two years, and any elector may make copies thereof] produce a final
91 registry list arranged in accordance with the provisions of section 9-35
92 and certified by such registrars of voters to be correct. Such final
93 registry list and a supplementary or updated list that contains the
94 names and addresses of electors to be transferred, restored or added to
95 such list, shall be on file in the municipal clerk's office not later than
96 the day before election day and shall be available in the registrars of
97 voters' office for public inspection. Whenever the registrars of voters
98 are not in their office, such list shall be placed outside of the office for
99 public inspection.

100 Sec. 5. Section 9-39 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective from passage*):

102 The registrars of voters of each municipality shall print copies of the
103 final registry list for distribution in such municipality and in all the
104 voting districts located therein. [, provided nothing in sections 9-12 to
105 9-45, inclusive, shall require the printing of more than one final
106 registry list for any voting district in any one year. With each printing
107 such registrars shall retain at least two copies of such lists and such
108 copies shall be available for public use in the office of the registrars for
109 a period of two years.] The registrars shall, upon request, give to [a]
110 any candidate for election [to the General Assembly] a copy of the final
111 registry list for each voting district [included in the General Assembly
112 district] for which such person is a candidate and shall maintain such
113 list, either on paper or in electronic format, for a period of two years.

114 Sec. 6. Section 9-42 of the general statutes is repealed and the

115 following is substituted in lieu thereof (*Effective from passage*):

116 (a) If it appears at any time that the name of an elector who was
117 formerly admitted or registered as an elector in a town and who is a
118 bona fide resident of such town has been omitted from the active
119 registry list compiled under section 9-35 by clerical error, the registrars
120 of voters shall add such name to such list; provided no name shall be
121 added to the active registry list on election day [, under the authority
122 conferred by this section,] without the consent of both registrars of
123 voters.

124 (b) If it appears at any time that the name of an elector who was
125 formerly admitted or registered as an elector in a town and who is a
126 bona fide resident of such town has been omitted from the active
127 registry list, the registrars of voters shall, upon [a written request]
128 submission of a new application for voter registration signed by the
129 elector under penalties of false statement, [to the registrar stating that
130 such elector is still a bona fide resident of such town and is not an
131 elector of any other town,] add such name to [such] the supplementary
132 list, provided no name shall be added to the active registry list on
133 election day [, pursuant to this section,] without the consent of both
134 registrars of voters.

135 (c) The registrars of voters shall cause the inactive registry list
136 compiled under section 9-35 to be completed and printed and
137 [deposited in the town clerk's office and] available to the public. The
138 registrars of voters shall provide [a sufficient number of] copies for use
139 in the polling place on election day. If on election day the name of an
140 elector appears on such inactive registry list, including the name of an
141 elector who has not responded to a confirmation of voting residence
142 notice under subsection (e) of section 9-35 and has not voted in two
143 consecutive federal elections, such name shall be added to the [active
144 registry] supplementary list upon [written affirmation] submission of a
145 new application for voter registration signed by the elector, under
146 penalties of false statement, before an election official at the polling
147 place [, that such elector is still a bona fide resident of such town,] and

148 upon the consent of both registrars of voters or assistant registrars of
149 voters, as the case may be, in the polls.

150 (d) The name of no elector shall be added to the active registry list
151 under the provisions of this section, unless [his] the elector's name [or
152 some name intended for his name] was on the active registry list for at
153 least one of the four years previous, [or on one of the preliminary
154 active registry lists for the year in which the registrars are in session.]

155 Sec. 7. Section 9-50a of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective from passage*):

157 The registrars of voters of each town shall [, on a monthly basis,]
158 compile a list of (1) all persons whose names were added, restored,
159 removed or erased from the active and inactive registry lists, [during
160 the preceding month,] (2) all electors who changed either their names
161 or addresses, [during such period] and (3) all persons sent notices
162 required under the National Voter Registration Act of 1993, P.L. 103-
163 31, as amended from time to time, and all persons who have replied to
164 such notices. Such list shall include, but not be limited to, each such
165 person's or elector's (A) name, (B) former name, [if changed during
166 such period,] (C) address, [including zip code,] (D) former address,
167 [including zip code, if changed during such period,] (E) voting district,
168 and (F) party affiliation, if any. The registrars shall make each such list
169 available to the public in accordance with the provisions of section 1-
170 210.

171 Sec. 8. Subsection (d) of section 9-50b of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective from*
173 *passage*):

174 (d) [After] Not later than sixty days after each election or primary,
175 the registrars of voters shall [promptly] update the state-wide
176 centralized voter registration system and indicate whether the eligible
177 voters on the official registry list for such election or primary voted
178 and, if so, if they voted in person or by absentee ballot.

179 Sec. 9. Section 9-55 of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective from passage*):

181 (a) The registrars of voters shall cause to be printed [at least once
182 during the calendar year a sufficient number of copies of complete,
183 corrected enrollment lists certified by them as correct, provided a
184 supplementary or updated list shall be printed within one week after a
185 session held on the fourteenth day before a primary] a complete
186 enrollment list and shall make such list available to the public upon
187 request.

188 (b) If a political party authorizes unaffiliated electors to vote in a
189 primary, under section 9-431, and a notice of primary is published, the
190 registrars shall cause a list of all unaffiliated electors eligible to vote in
191 the primary to be printed [within one week after the session held on
192 the fourteenth day] before such primary. If unaffiliated electors are
193 authorized to vote in only one party's primary and are authorized to
194 vote for all offices to be contested at the primary, the registrars may
195 print the list of unaffiliated electors in combination with such party's
196 enrollment list, indicating party affiliation where applicable.

197 (c) If the legislative body of the municipality votes to eliminate
198 separate enrollment lists under section 9-54 and:

199 (1) Notices of primaries are published for two parties to be held on
200 the same day, the registrars of voters shall print complete separate
201 enrollment lists [within one week after the enrollment session held on
202 the fourteenth day before the primary] and, if unaffiliated electors are
203 authorized to vote in the primary, the registrars of voters shall print a
204 separate list of unaffiliated electors as provided in subsection (b) of this
205 section; or

206 (2) A notice of primary is published for one party in which
207 unaffiliated electors are authorized to vote for some but not all offices
208 to be contested at the primary, the registrars of voters shall print a
209 complete separate enrollment list and a separate list of unaffiliated
210 electors as provided in subsection (b) of this section; or

211 (3) A notice of primary is published for only one party and (A)
212 unaffiliated electors are not authorized to vote, or (B) unaffiliated
213 electors are authorized to vote for all offices to be contested at the
214 primary, a registry list may be used as a checklist at the primary and
215 the registrars of voters shall [, within one week after the session held
216 on the fourteenth day before such primary,] print a supplementary or
217 updated list indicating those electors who have become eligible to vote
218 in the primary since the printing of the registry list.

219 (d) Whenever a list is required by this section to be printed, [within
220 one week after the session held on the fourteenth day before the
221 primary,] a supplement to such list shall be compiled by the registrars
222 of voters of persons who after such date and prior to twelve o'clock
223 noon of the last business day before the primary become eligible to
224 vote in such primary. The registrars of voters may combine such
225 separate compilation with the foregoing printed list [either by inserting
226 the names in writing or] by reprinting the list or incorporating the
227 supplementary [or updated list into a single printed] list.

228 (e) The registrars of voters shall [file one copy of each such list with
229 the town clerk which copy shall be] make available for public use such
230 list in the office of the [town clerk] registrars of voters until the
231 printing of the next completed [, corrected] enrollment list; and they
232 shall deliver to the chairman of the town committee of each political
233 party [five] copies of each such list for each voting district in the town.
234 Whenever the registrars of voters are not in their office, such list shall
235 be placed outside of the office for public inspection. Upon request the
236 registrars of voters shall give one complete set of such lists to each
237 candidate for nomination for any office or for election as a town
238 committee member. They shall deliver a sufficient number of copies
239 thereof to the moderator of each primary. [With each printing the
240 registrars shall retain at least six copies of each such list and such
241 copies shall be available for public use in the office of the registrars
242 until the printing of the next complete, corrected enrollment list.] No
243 petition brought under the provisions of section 9-63 shall operate to
244 delay the completion and printing of such lists. If the petition of any

245 elector is granted after any such list has been completed, the [registrar
246 or assistant registrar] registrars of voters or assistant registrars of
247 voters, as the case may be, shall issue to such elector a certificate
248 showing that the elector is entitled to the privileges accompanying
249 enrollment in the political party named in the elector's petition.

250 Sec. 10. Subsections (e) to (h), inclusive, of section 9-140c of the
251 general statutes are repealed and the following is substituted in lieu
252 thereof (*Effective from passage*):

253 (e) Ballots received not later than eleven o'clock a.m. on such last
254 day before the election, primary or referendum shall be delivered by
255 the clerk to the registrars not earlier than ten o'clock a.m. and not later
256 than twelve o'clock noon on the day of the election or primary and at
257 twelve o'clock noon on the day of a referendum. [for counting,
258 provided that the registrars may at their discretion direct the clerk to
259 retain for later delivery as many of such ballots as they deem necessary
260 to preserve the secrecy of ballots to be counted at later times as
261 provided in this section.] If central counting has been designated
262 pursuant to section 9-147a, the clerk shall also deliver to the registrars
263 at this time the duplicate checklist provided for in subsection (b) of this
264 section, for the use of the absentee ballot counters pursuant to
265 subsection (i) of this section.

266 (f) Absentee ballots timely received by the clerk after eleven o'clock
267 a.m. of such last day before an election, primary or referendum shall be
268 sorted into voting districts by the clerk and retained by him separately
269 until delivered [at the times provided in this section] to the registrars
270 of voters for checking. [and counting.]

271 (g) Any or all of such ballots received after eleven o'clock a.m. of
272 such last day before an election, primary or referendum and before six
273 o'clock p.m. on the day of the election, primary or referendum shall,
274 upon request of the registrars, be delivered to the registrars by the
275 municipal clerk at six o'clock p.m. on the day of the election, primary
276 or referendum for checking. [and counting.]

277 (h) Absentee ballots received after six o'clock p.m. and any ballots
278 received prior to six which were not delivered earlier shall be
279 delivered to the registrars at the close of the polls for checking. [and
280 counting] Although absentee ballots shall be checked by the registrars
281 of voters at various times throughout the election, primary or
282 referendum day, absentee ballots may be counted at one single time
283 during such day.

284 Sec. 11. Section 9-150a of the general statutes is repealed and the
285 following is substituted in lieu thereof (*Effective from passage*):

286 (a) [Not earlier than ten o'clock a.m. and not later than twelve
287 o'clock noon on the day of the election or primary and not earlier than
288 twelve o'clock noon on the day of a referendum the] The absentee
289 ballot counters shall proceed to the polling places for which they have
290 been assigned ballots or to the central counting location at the times
291 designated by the registrars of voters.

292 (b) At the time each group of ballots is delivered to them pursuant
293 to section 9-140c, the counters shall perform any checking of such
294 ballots required by subsection (i) of said section and shall then proceed
295 as hereinafter provided.

296 (c) Except with respect to ballots marked "Rejected" pursuant to said
297 section 9-140c or other applicable law, the counters shall remove the
298 inner envelopes from the outer envelopes, shall note the total number
299 of absentee ballots received and shall report such total to the
300 moderator. They shall similarly note and separately so report the total
301 numbers of presidential ballots and overseas ballots received pursuant
302 to sections 9-158a to 9-158m, inclusive.

303 (d) (1) If the statement on the inner envelope has not been signed as
304 required by section 9-140a, such inner envelope shall not be opened or
305 the ballot removed therefrom, and such inner envelope shall be
306 replaced in the opened outer envelope which shall be marked
307 "Rejected" and the reason therefor endorsed thereon by the counters.
308 (2) If such statement is signed but the individual completing the ballot

309 is an individual described in subsection (a) of section 9-23r and has not
310 met the requirements of subsection (e) of section 9-23r, the counters
311 shall replace the ballot in the opened inner envelope, replace the inner
312 envelope in the opened outer envelope and mark "Rejected as an
313 Absentee Ballot" and endorse the reason for such rejection on the outer
314 envelope, and the ballot shall be treated as a provisional ballot [for
315 federal offices only,] pursuant to sections 9-232i to 9-232o, inclusive.

316 (e) The counters shall then remove the absentee ballots from the
317 remaining inner envelopes.

318 (f) Before the ballots are counted, all opened outer and inner
319 envelopes from which such ballots have been removed, and all outer
320 envelopes marked "Rejected" as required by law, shall be placed and
321 sealed by the counters, separately by voting district, in depository
322 envelopes prescribed by the Secretary of the State and provided by the
323 municipal clerk. The counters shall seal such depository envelopes by
324 wrapping them lengthwise and sideways with nonreusable tape,
325 endorse on each such envelope their names, the voting district and the
326 time of the count, and deliver such envelopes to the moderator.

327 (g) The counters shall then count such ballots as provided in this
328 section. The moderator shall supervise the counting.

329 (h) The Secretary of the State shall provide a procedure manual for
330 counting absentee ballots. The manual shall include a description of
331 the steps to be followed in receiving, handling, counting and
332 preserving absentee ballots. Facsimile ballots shall be printed in the
333 manual, illustrating potential variations in ballot markings along with
334 the correct interpretation to be given in each situation illustrated.

335 (i) (1) Except as otherwise provided in this section the provisions of
336 section 9-265 shall apply to write-in votes on absentee ballots at
337 elections.

338 (2) Votes cast by absentee ballot at a primary may be counted only
339 for candidates whose names appear on the ballot [label] on primary

340 day, and no write-in vote shall be counted except as provided in
341 subdivision (3) of this subsection.

342 (3) If a write-in vote on an absentee ballot is cast for a candidate for
343 any office whose name appears on the ballot [label] for that office on
344 election or primary day, such candidate's name shall be deemed to
345 have been checked on such ballot and, except as otherwise provided in
346 subsection (j) of this section, one vote shall be counted and recorded
347 for such candidate for such office.

348 (4) Except as otherwise provided in said section 9-265, if the name of
349 a registered write-in candidate for an office is written in for such office
350 on an absentee ballot it shall be deemed validly written in for purposes
351 of subsection (j) of this section.

352 (j) In the counting of absentee ballots the intent of the voter shall
353 govern, provided the following conclusive presumptions, where
354 applicable, shall prevail in determining such intent:

355 (1) If the names of more candidates for an office than the voter is
356 entitled to vote for are checked or validly written in, then the vote cast
357 for that office shall be deemed an invalid overvote.

358 (2) If the name of a candidate who has vacated his candidacy is
359 checked such vote shall not be counted.

360 (3) On an absentee ballot on which candidates' names are printed, a
361 vote shall be deemed cast only for each candidate whose name is
362 individually checked or validly written in, except as otherwise
363 provided in this subsection. If a party designation is circled, checked,
364 underscored or similarly marked in any manner, or written in, no vote
365 shall be deemed cast or cancelled for any candidate by virtue of such
366 marking or writing.

367 (k) If the intent of an absentee voter is difficult to ascertain due to
368 uncertain, conflicting or incorrect ballot markings which are not clearly
369 addressed in this section or in the procedure manual for counting
370 absentee ballots provided by the Secretary of the State, the absentee

371 ballot counters shall submit the ballot and their question to the
372 moderator. They shall then count the ballot in accordance with the
373 moderator's decision as to the voter's intent, if such intent is
374 ascertainable. A ballot or part of a ballot on which the intent is
375 determined by the moderator to be not ascertainable, shall not be
376 counted. The moderator shall endorse on the ballot the question and
377 his decision.

378 (l) No absentee ballot shall be rejected as a marked ballot unless, in
379 the opinion of the moderator, it was marked for the purpose of
380 providing a means of identifying the voter who cast it.

381 (m) After the absentee ballots have been so counted they shall be
382 placed by the counters, separately by voting district, in depository
383 envelopes prescribed by the Secretary of the State and provided by the
384 municipal clerk. Any notes, worksheets, or other written materials
385 used by the counters in counting such ballots shall be endorsed by
386 them with their names, the date and the time of the count and shall
387 also be placed in such depository envelopes together with the ballots,
388 and with the separate record of the number of votes cast on such
389 ballots for each candidate as required by section 9-150b. Such
390 depository envelopes shall then be sealed, endorsed and delivered to
391 the moderator by the counters in the same manner as provided in
392 subsection (f) of this section.

393 Sec. 12. Section 9-153e of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective from passage*):

395 A member of the armed forces who is an elector or an applicant for
396 admission as an elector, or the member's spouse or dependent if living
397 where such member is stationed, may apply before a regular election
398 for a blank absentee ballot to vote for all offices being contested at the
399 election. The clerk shall make such ballots available for this purpose
400 beginning not earlier than [ninety days before] the first business day of
401 January of the year of such election. Application shall be made upon a
402 form prescribed by the Secretary of the State or on the federal postcard
403 application form provided pursuant to the Uniformed and Overseas

404 Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as
405 amended from time to time, or any other applicable law and shall be
406 issued only if the applicant states that due to military contingencies the
407 regular application procedure, as set forth in section 9-140, cannot be
408 followed. Upon receipt of the application, the municipal clerk shall
409 issue the ballot, which shall be prescribed and printed by the Secretary
410 of the State, and a list of the offices to be voted upon indicating the
411 number of individuals for which each elector may vote. As soon as a
412 complete list of nominated candidates, including the party
413 designations of such candidates, and questions is available, the clerk
414 shall send such list to each applicant. If the list of candidates and
415 questions is not available when the ballot is issued, the clerk shall
416 include a statement indicating that such list shall be mailed as soon as
417 it becomes available. The ballot shall permit the elector to vote by
418 writing in the names of specific candidates and offices for which he is
419 voting. The elector may also vote on the questions in a manner
420 prescribed by the Secretary of the State. If the military contingency no
421 longer exists, application for an additional ballot for all offices may be
422 made pursuant to the provisions of section 9-153b.

423 Sec. 13. Subsection (a) of section 9-172b of the general statutes is
424 repealed and the following is substituted in lieu thereof (*Effective from*
425 *passage*):

426 (a) In each municipality or political subdivision in which a special
427 election or referendum is to be held, the registrars of voters shall
428 prepare a supplementary or updated list of the names and addresses of
429 those persons who acquired voting privileges after the completion of
430 the revised registry list and prior to the day of such special election or
431 referendum. In each such municipality or political subdivision, not
432 later than the day before such special election or referendum, such
433 registrars of voters shall cause to be completed and printed [and
434 deposited in the town clerk's office] such list arranged as provided in
435 section 9-35 and certified by them to be correct, and shall retain a
436 sufficient number of copies to be used by them at such election or
437 referendum for the purpose of checking the names of those who vote,

438 provided the names of any persons who acquired such voting
439 privileges within thirty days before such special election or
440 referendum may be inserted on such printed list in writing.

441 (b) In the case of a special election or referendum, no person
442 admitted as an elector on the day of the special election or referendum
443 shall be entitled to vote in that election.

444 Sec. 14. Subsection (f) of section 9-229a of the general statutes is
445 repealed and the following is substituted in lieu thereof (*Effective from*
446 *passage*):

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

451 Sec. 15. Section 9-232c of the general statutes is repealed and the
452 following is substituted in lieu thereof (*Effective from passage*):

453 The moderator shall keep an accurate memorandum of the
454 challenge which shall include (1) the name of the challenged voter; (2)
455 his registry list address; (3) the reason for the challenge; (4) the name
456 and address of the challenger; (5) pertinent facts concerning the
457 challenge; and (6) the result of the moderator's decision. The
458 challenged voter shall also sign such memorandum and it shall be
459 assigned the same number as the [challenged] provisional ballot.

460 Sec. 16. Section 9-232i of the general statutes is repealed and the
461 following is substituted in lieu thereof (*Effective from passage*):

462 As used in this section and [sections] section 9-23r, [and 9-232l,]
463 "election for federal office" means an election for electors of President
464 and Vice-President, an election or primary for United States Senator
465 and an election or primary for Representative in Congress.

466 Sec. 17. Section 9-232j of the general statutes is repealed and the
467 following is substituted in lieu thereof (*Effective from passage*):

468 The moderator of the election in each voting district shall appear at
469 the office of the [town clerk] registrar of voters not later than eight
470 o'clock p.m. of the day before an election. [for federal office.] At such
471 time, the [town clerk] registrars of voters shall provide a provisional
472 ballot packet to such moderator or moderators. Each packet shall
473 include: (1) The appropriate number of provisional ballots [for federal
474 office provided by the Secretary of the State,] which shall be equal to
475 not less than one per cent of the number of electors who are eligible to
476 vote in the voting district served by the moderator, or such other
477 number as the [municipal clerk and the] registrars of voters agree is
478 sufficient to protect electors' voting rights, (2) the appropriate number
479 of serially-numbered envelopes prescribed by the Secretary, (3) a
480 provisional ballot inventory form, (4) a provisional ballot depository
481 envelope, and (5) other necessary forms prescribed by the Secretary.

482 Sec. 18. Section 9-232k of the general statutes is repealed and the
483 following is substituted in lieu thereof (*Effective from passage*):

484 The Secretary of the State shall prescribe [and provide to town
485 clerks] the provisional ballot which shall be [a] the regular ballot of
486 candidates. [for federal office.] The Secretary may prescribe that the
487 provisional ballot be the [overseas] ballot prepared under section [9-
488 158i] 9-135b.

489 Sec. 19. Section 9-232l of the general statutes is repealed and the
490 following is substituted in lieu thereof (*Effective from passage*):

491 (a) An individual may apply for and be issued a provisional ballot if
492 (1) the individual appears at the polling place and declares that such
493 individual is an elector in the town in which the individual desires to
494 vote and that the individual is eligible to vote in the primary or
495 election [for federal office] in the polling place, but the name of the
496 individual does not appear on the official registry list for such polling
497 place, and (2) the registrars determine that such name cannot be
498 restored under section 9-42 or transferred from another polling place
499 under section 9-35.

500 (b) If the moderator decides that an elector, whose name appears on
501 the registry list and who has been challenged pursuant to [sections]
502 section 9-232 [to 9-232f, inclusive,] is not eligible to vote in the primary
503 or election, [for federal office,] such elector may apply for and cast a
504 provisional ballot upon the execution of a written affirmation by the
505 elector at the polling place affirming that the elector is qualified to vote
506 in the election or primary [for federal office] in the polling place and
507 has neither offered himself or herself to vote nor voted in person or by
508 absentee ballot at said election or primary [for federal office] at the
509 polling place.

510 (c) Such application for provisional ballot shall be prescribed by the
511 Secretary of the State, executed before an election official and include a
512 written affirmation, under penalty of false statement in absentee
513 balloting pursuant to section 9-359a, which shall be in the form
514 substantially as follows:

515 AFFIRMATION: I, the undersigned, do hereby state, under
516 penalties of false statement, that:

517 1. I am an elector in the town indicated.

518 2. I am eligible to vote in the election or primary indicated [for
519 federal office] today in the town and polling place indicated.

520 3.a. My name does not appear on the official list of eligible voters for
521 the polling place indicated, and the polling place officials called the
522 registrars of voters and were told that my name did not appear on the
523 active registry list for this town for at least one of the four years
524 previous or on one of the preliminary active registry lists for this year;
525 or

526 b. The moderator decided that I am not eligible to vote [for federal
527 office] in the town indicated for the reason of disfranchisement, lack of
528 identity, lack of bona fide residence or failure to present the prescribed
529 identification required for new electors after January 1, 2003, indicated.

530 4. My residence address is located in the voting district that this

531 polling place serves.

532 5. I have not voted and I will not vote otherwise than by this ballot
533 in person or by absentee ballot at this election or primary. [for federal
534 office.]

535 6. I apply for a provisional ballot. [for federal office.]

536 Sec. 20. Section 9-232n of the general statutes is repealed and the
537 following is substituted in lieu thereof (*Effective from passage*):

538 Immediately after the close of the polls, the moderator shall seal the
539 provisional ballot depository envelope and deliver such envelope to
540 the registrars of voters of the town. The registrars of voters shall
541 forthwith verify the information contained with each provisional
542 ballot. If the registrars of voters determine that the applicant is eligible
543 to vote, they shall note their decision on the outer envelope of the
544 ballot and open and count the provisional ballot in accordance with
545 the provisions of sections 9-232i to 9-232o, inclusive, and procedures
546 prescribed by the Secretary of the State. If the registrars of voters are
547 unable to determine that the applicant is eligible to vote or determine
548 that the applicant is not eligible to vote, the applicant's provisional
549 ballot sealed envelope shall be marked "rejected", along with the
550 reason for such rejection, and signed by the registrars of voters. The
551 registrars of voters shall verify and count all provisional ballots in their
552 town not later than six days after the election or primary. The
553 registrars of voters shall forthwith prepare and sign in duplicate a
554 report showing the number of provisional ballots received from
555 electors, the number rejected and the number counted, and showing
556 the additional votes counted for each candidate [for federal office] on
557 the provisional ballots. The registrars of voters shall file one report
558 with the town clerk and shall seal one in the depository envelope with
559 the provisional ballots and file such depository envelope with the town
560 clerk. The depository envelope shall be preserved by the town clerk for
561 the period of time required to preserve counted absentee ballots. [for
562 federal elections.] The head moderator shall forthwith file a corrected
563 return [for federal offices] with the town clerk and the Secretary

564 showing (1) the final votes after any recanvass, pursuant to sections 9-
565 311 to 9-311b, inclusive, the votes on provisional ballots and the totals,
566 and (2) the number of provisional ballots received from electors, the
567 number rejected and the number counted, as reported by the registrars
568 of voters.

569 Sec. 21. Subsection (e) of section 9-236b of the general statutes is
570 repealed and the following is substituted in lieu thereof (*Effective from*
571 *passage*):

572 (e) For use at elections [for federal office] and primaries, the
573 Secretary of the State shall prescribe and the [municipal clerk]
574 registrars of voters shall provide for all polling places in the
575 municipality: (1) Instructions on how to cast a provisional ballot, (2)
576 instructions for mail-in registrants and first-time voters who register to
577 vote by mail on or after January 1, 2003, (3) general information
578 concerning voting rights under federal and Connecticut laws,
579 including information on the right of an individual to cast a
580 provisional ballot and instructions on how to contact the appropriate
581 officials if these rights are alleged to have been violated, and (4)
582 general information on federal and state laws concerning prohibitions
583 on acts of fraud and misrepresentation.

584 Sec. 22. Section 9-247a of the general statutes is repealed and the
585 following is substituted in lieu thereof (*Effective from passage*):

586 No candidate, as defined in section 9-601, [or] member of the
587 immediate family, as defined in section 1-79, of a candidate or business
588 entity that a candidate is a member of in any capacity shall transport,
589 prepare, repair or maintain a voting [machine] tabulator. No provision
590 of this section shall prohibit [(1)] a member of the immediate family of
591 a candidate from serving as a moderator, [or (2) a candidate for the
592 office of registrar of voters or a member of the immediate family of
593 such a candidate from serving as a voting machine mechanic.]

594 Sec. 23. Section 9-250 of the general statutes is repealed and the
595 following is substituted in lieu thereof (*Effective from passage*):

596 Ballots shall be printed in [black ink, in] plain clear type [,] and on
597 [clear white] material of such size as will fit the tabulator, and shall be
598 furnished by the registrar of voters. The size and style of the type used
599 to print the name of a political party on a ballot shall be identical with
600 the size and style of the type used to print the names of all other
601 political parties appearing on such ballot. The name of each major
602 party candidate for a municipal office, as defined in section 9-372,
603 except for the municipal offices of state senator and state
604 representative, shall appear on the ballot as it appears on the registry
605 list of the candidate's town of voting residence, except as provided in
606 section 9-42a. The name of each major party candidate for a state or
607 district office, as defined in section 9-372, or for the municipal office of
608 state senator or state representative shall appear on the ballot as it
609 appears on the certificate or statement of consent filed under section 9-
610 388, subsection (b) of section 9-391, or section 9-400 or 9-409, as
611 amended by this act. The name of each minor party candidate shall
612 appear on the ballot as it appears on the registry list in accordance
613 with the provisions of section 9-452. The name of each nominating
614 petition candidate shall appear on the ballot as it is verified by the
615 town clerk on the application filed under section 9-453b. The size and
616 style of the type used to print the name of a candidate on a ballot shall
617 be identical with the size and style of the type used to print the names
618 of all other candidates appearing on such ballot. Such ballot shall
619 contain the names of the offices and the names of the candidates
620 arranged thereon. The names of the political parties and party
621 designations shall be arranged on the ballots, either in columns or
622 horizontal rows as set forth in section 9-249a, immediately adjacent to
623 the column or row occupied by the candidate or candidates of such
624 political party or organization. [When two or more candidates are to be
625 elected to the same office, the] The ballot shall be printed in such
626 manner as to indicate [that] how many candidates the elector may vote
627 for, [any two or such other number as he is entitled to vote for,]
628 provided in the case of a town adopting the provisions of section 9-
629 204a, such ballot shall indicate the maximum number of candidates
630 who may be elected to such office from any party. If two or more

631 candidates are to be elected to the same office for different terms, the
632 term for which each is nominated shall be printed on the official ballot
633 as a part of the title of the office. If, at any election, one candidate is to
634 be elected for a full term and another to fill a vacancy, the official ballot
635 containing the names of the candidates in the foregoing order shall, as
636 a part of the title of the office, designate the term which such
637 candidates are severally nominated to fill. No column, under the name
638 of any political party or independent organization, shall be printed on
639 any official ballot, which contains more candidates for any office than
640 the number for which an elector may vote for that office.

641 Sec. 24. Section 9-253 of the general statutes is repealed and the
642 following is substituted in lieu thereof (*Effective from passage*):

643 When a major or minor party is entitled to nominate two or more
644 candidates for a particular office, the order of the names of its
645 candidates for such office appearing on the [voting machine ballot
646 label] ballot shall be determined by the registrars of voters by lot in a
647 ceremony which shall be open to the public, except as hereinafter
648 provided. When such a candidate is nominated for the same office by
649 more than one party, his name shall appear on each appropriate row
650 on the [voting machine ballot label in the same column in which it
651 appears under the foregoing provision in either (1) the party row of the
652 party with which he is enrolled, or (2) the first party row on which his
653 name is to appear if such candidate is an unaffiliated elector] ballot in
654 the order that such candidate's name was drawn for each political
655 party. The registrars of voters shall provide at least five days' public
656 notice for each ceremony held under this section. The ballot order of
657 nominating petition candidates for multiple-opening offices shall be as
658 prescribed in section 9-453r.

659 Sec. 25. Section 9-254 of the general statutes is repealed and the
660 following is substituted in lieu thereof (*Effective from passage*):

661 Each municipal clerk shall, not later than the one hundred eightieth
662 day prior to the day of any regular municipal election, file with the
663 Secretary of the State, on a form approved by said secretary, a list of

664 the offices to be filled at such election and the terms thereof and the
665 number of candidates for which each elector may vote. Said secretary
666 shall, within seventy days from the date of receipt of such list, return a
667 copy of such list to the municipal clerk. Each municipal clerk shall,
668 within ten days after the receipt of the returned list, mail a copy
669 thereof to the chairman of the town committee of each major political
670 party within the municipality.

671 Sec. 26. Section 9-258 of the general statutes is repealed and the
672 following is substituted in lieu thereof (*Effective from passage*):

673 For municipalities with more than one voting district, the election
674 officials of each polling place [, including voting tabulator technicians,]
675 shall be electors of the state and shall consist of one moderator, at least
676 one but not more than two official checkers, two assistant registrars of
677 voters of opposite political parties, each of whom shall be residents of
678 the town, not more than two challengers if the registrars of voters have
679 appointed challengers pursuant to section 9-232, and at least one and
680 not more than two ballot clerks and at least one but not more than two
681 voting tabulator tenders for each voting tabulator in use at the polling
682 place. A known candidate for any office shall not serve as an election
683 official on election day or serve at the polls in any capacity, except that
684 a municipal clerk or a registrar of voters, who is a candidate for the
685 same office, may perform his or her official duties. If, in the opinion of
686 the registrar of voters, the public convenience of the electors in any
687 voting district so requires, provision shall be made for an additional
688 line or lines of electors at the polling place and, if more than one line of
689 electors is established, at least one but not more than two additional
690 official checkers and at least one but not more than two ballot clerks
691 for each line of electors shall be appointed and, if more than one
692 tabulator is used in a polling place, at least one and not more than two
693 additional voting tabulator tenders shall be appointed for each
694 additional machine so used. Head moderators, central counting
695 moderators [,] and absentee ballot counters [and voting tabulator
696 technicians] appointed pursuant to law shall also be deemed election
697 officials. For municipalities with one voting district, the election

698 officials of such polling place [, except voting tabulator technicians,]
699 shall be electors of the town and shall consist of: One moderator, at
700 least one, but not more than two official checkers, not more than two
701 challengers if the registrars of voters have appointed challengers
702 pursuant to section 9-232, at least one and not more than two voting
703 tabulator tenders for each voting tabulator in use at the polling place
704 and at least one but not more than two ballot clerks. Additionally, such
705 election officials may consist of two registrars of voters of opposite
706 political parties, or two assistant registrars of voters of opposite
707 political parties, as the case may be, subject to the requirements of
708 sections 9-259 and 9-439, [who shall: (1) Be available by telephone and
709 notify all registrars of voters' offices in the state of such telephone
710 number, (2) be connected to the state-wide computerized registry list,
711 and (3) have all voter card files in the polling place for reference]
712 provided the registrars of voters or their designees are in their office. A
713 known candidate for any office shall not serve as an election official on
714 election day or serve at the polls in any capacity, except that a
715 municipal clerk or a registrar of voters, who is a candidate for the same
716 office, may perform his or her official duties. If, in the opinion of the
717 registrar of voters, the public convenience of the electors in any voting
718 district so requires, provision shall be made for an additional line or
719 lines of electors at the polling place and, if more than one line of
720 electors is established, at least one, but not more than two, additional
721 official checkers for each line of electors shall be appointed and, if
722 more than one tabulator is used in a polling place, at least one and not
723 more than two additional voting tabulator tenders shall be appointed
724 for each additional tabulator so used. Head moderators, central
725 counting moderators, absentee ballot counters and voting tabulator
726 technicians appointed pursuant to law shall be deemed to be election
727 officials. No election official shall perform services for any party or
728 candidate on election day nor appear at any political party
729 headquarters prior to eight o'clock p.m. on election day.

730 Sec. 27. Section 9-265 of the general statutes is repealed and the
731 following is substituted in lieu thereof (*Effective from passage*):

732 (a) A write-in vote for an office, cast for a person who has registered
733 as a write-in candidate for the office pursuant to subsection (b) of
734 section 9-175 or section 9-373a, shall be counted and recorded. Except
735 as otherwise provided in this section, a write-in vote cast for a person
736 who has not registered shall not be counted or recorded.

737 (b) Except as otherwise provided in this section, in the case of an
738 office for which an elector may vote for only one candidate, a write-in
739 vote cast for a person nominated for that office by a major or minor
740 party or by nominating petition shall be counted and recorded. In the
741 case of an office for which an elector may vote for more than one
742 candidate, a write-in vote cast for a person nominated for that office by
743 a major or minor party or by nominating petition shall [not] be
744 counted [or] and recorded if it can be determined which candidate
745 such vote should be attributed to.

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

752 (d) Except as hereinafter provided, a write-in vote for the office of
753 President or Vice-President cast for a person nominated for such office
754 by a major or minor party or by nominating petition shall be counted
755 and recorded and deemed to be a vote for each of the duly-nominated
756 candidates for the office of presidential elector represented by such
757 candidate for President or Vice-President. A write-in vote for the office
758 of President or Vice-President, cast for a person nominated for either of
759 such offices by a major or minor party or by nominating petition, in
760 conjunction with a write-in vote for the other such office cast for a
761 person nominated for either office by a different party or petition, shall
762 not be counted or recorded for either office.

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

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

768 (f) A write-in vote shall be cast in its appropriate place on the ballot.
769 A write-in vote for Governor and Lieutenant Governor, or for
770 President and Vice-President, as the case may be, shall be written in a
771 single space, provided that if only one name is written in the space it
772 shall be deemed to be a vote for Governor, or for President, as the case
773 may be, unless otherwise indicated. A write-in vote shall be written
774 upon the ballot.

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

777 Sec. 28. Section 9-311 of the general statutes is repealed and the
778 following is substituted in lieu thereof (*Effective from passage*):

779 (a) If, within three days after an election, it appears to the moderator
780 that there is a discrepancy in the returns of any voting district, such
781 moderator shall forthwith within said period summon, by written
782 notice delivered personally, the recanvass officials, consisting of [the
783 mechanic or mechanics,] at least two checkers of different political
784 parties and at least two absentee ballot counters of different political
785 parties who served at such election, and the registrars of voters [and
786 the clerk] of the municipality in which the election was held and such
787 other officials as may be required to conduct such recanvass. Such
788 written notice shall require [such] the clerk or registrars of voters, as
789 the case may be, to bring with [him] them the depository envelopes
790 required by section 9-150a, as amended by this act, the package of
791 write-in ballots provided for in section 9-310, the absentee ballot
792 applications, the list of absentee ballot applications, the registry list
793 and the moderators' returns and shall require such recanvass officials
794 to meet at a specified time not later than the fifth business day after
795 such election to recanvass the returns of a voting [machine] tabulator
796 or voting [machines] tabulators or absentee ballots or write-in ballots
797 used in such district in such election. If any of such recanvass officials

798 are unavailable at the time of the recanvass, the registrar of voters of
799 the same political party as that of the recanvass official unable to
800 attend shall designate another elector having previous training and
801 experience in the conduct of elections to take his place. Before such
802 recanvass is made, such moderator shall give notice, in writing, to the
803 chairman of the town committee of each political party which
804 nominated candidates for the election, and, in the case of a state
805 election, not later than twenty-four hours after a determination is made
806 regarding the need for a recanvass to the Secretary of the State, of the
807 time and place where such recanvass is to be made; and each such
808 chairman may send [two] representatives to be present at such
809 recanvass. Such representatives may observe, but no one other than a
810 recanvass official may take part in the recanvass. If any irregularity in
811 the recanvass procedure is noted by such a representative, he shall be
812 permitted to present evidence of such irregularity in any contest
813 relating to the election.

814 (b) The moderator shall determine the place or places where the
815 recanvass shall be conducted and, if such recanvass is held before the
816 [machines] tabulators are boxed and collected in the manner required
817 by section 9-266, the moderator may either require that such recanvass
818 of such [machines] tabulators be conducted in each place where the
819 [machines] tabulators are located, or he may require that they be
820 removed to one central place, where such recanvass shall be
821 conducted. All recanvassing procedures shall be open to public
822 observation. Such recanvass officials shall, in the presence of such
823 moderator and [clerk] registrars of voters, make a record of the
824 number on the seal and the number on the protective counter, if one is
825 provided, on each voting machine specified by such moderator. Such
826 [clerk] registrars of voters in the presence of such moderator shall turn
827 over the keys of each such [machine] tabulator to such recanvass
828 officials, and such recanvass officials, in the presence of such [clerk]
829 registrars of voters and moderator, shall immediately proceed to [open
830 the counter compartment of each such machine and, without
831 unlocking such machine against voting,] recanvass the vote cast
832 thereon, and shall then open the package of absentee ballots and

833 recanvass the vote cast thereon. In the course of the recanvass of the
834 absentee ballot vote the recanvass officials shall check all outer
835 envelopes for absentee ballots against the inner envelopes for such
836 ballots and against the registry list to verify postmarks, addresses and
837 registry list markings and also to determine whether the number of
838 envelopes from which absentee ballots have been removed is the same
839 as the number of persons checked as having voted by absentee ballot.
840 The write-in ballots shall also be recanvassed at this time. All of the
841 recanvass officials shall use the same forms for tallies and returns as
842 were used at the original canvass and the absentee ballot counters shall
843 also sign the tallies.

844 (c) The votes shall be announced and recorded in the manner
845 prescribed in section 9-309 on return forms provided by the [municipal
846 clerk] registrars of voters and appended thereto shall be a statement
847 signed by the moderator indicating the time and place of the recanvass
848 and the names, addresses, titles and party affiliations of the recanvass
849 officials. The write-in ballots shall be replaced in a properly secured
850 sealed package. Upon the completion of such recanvass, [such
851 machine] any tabulator used in such recanvass shall be locked and
852 sealed, the keys thereof shall immediately be returned to such [clerk]
853 registrars of voters and such [machine] tabulator shall remain so
854 locked until the expiration of fourteen days after such election or for
855 such longer period as is ordered by a court of competent jurisdiction.
856 The absentee ballots shall be replaced in their wrappers and be
857 resealed by the moderator in the presence of the recanvass officials.
858 Upon the completion of such recanvass, such moderator and at least
859 two of the recanvass officials of different political parties shall
860 forthwith prepare and sign such return forms which shall contain a
861 written statement giving the result of such recanvass for each
862 [machine] tabulator and each package of absentee ballots whose
863 returns were so recanvassed, setting forth whether or not the original
864 canvass was correctly made and stating whether or not the
865 discrepancy still remains unaccounted for. Such return forms
866 containing such statement shall forthwith be filed by the moderator in
867 the office of such clerk. If such recanvass reveals that the original

868 canvass of returns was not correctly made, such return forms
869 containing such statement so filed with the clerk shall constitute a
870 corrected return. In the case of a state election, a recanvass return shall
871 be made in duplicate on a form prescribed and provided by the
872 Secretary of the State, and the moderator shall file one copy with the
873 Secretary of the State and one copy with the town clerk not later than
874 ten days after the election. Such recanvass return shall be substituted
875 for the original return and shall have the same force and effect as an
876 original return.

877 (d) As used in this section, (1) "moderator" means, in the case of
878 municipalities not divided into voting districts, the moderator of the
879 election and, in the case of municipalities divided into voting districts,
880 the head moderator of the election, and (2) "registrars of voters", in a
881 municipality where there are different registrars of voters for different
882 voting districts, means the registrars of voters in the voting district in
883 which, at the last-preceding election, the presiding officer for the
884 purpose of declaring the result of the vote of the whole municipality
885 was moderator.

886 Sec. 29. Subsections (a) to (d), inclusive, of section 9-320f of the
887 general statutes are repealed and the following is substituted in lieu
888 thereof (*Effective from passage*):

889 (a) Not [earlier than the fifteenth day after any election or primary
890 and not] later than [two] the tenth business [days before the canvass of
891 votes by the Secretary of the State, Treasurer and Comptroller, for any
892 federal or state election or primary, or by the town clerk for any
893 municipal election or primary] day after any election or primary, the
894 registrars of voters shall conduct a manual audit of the votes recorded
895 in not less than ten per cent of the voting districts in the state, district
896 or municipality, whichever is applicable. Such manual audit shall be
897 noticed in advance and be open to public observation. Any election
898 official who participates in the administration and conduct of an audit
899 pursuant to this section shall be compensated by the municipality at
900 the standard rate of pay established by such municipality for elections

901 or primaries, as the case may be.

902 (b) The voting districts subject to the audit described in subsection
903 (a) of this section shall be selected in a random drawing by the
904 Secretary of the State, provided no more than three districts in any one
905 municipality shall be selected, and such selection process shall be open
906 to the public. The offices subject to the audit pursuant to this section
907 shall be, (1) in the case of an election where the office of presidential
908 elector is on the ballot, all federal offices [required to be audited by
909 federal law,] plus at least one additional office selected in a random
910 drawing by the Secretary of the State, but in no case less than three
911 offices, (2) in the case of an election where the office of Governor is on
912 the ballot, all federal offices [required to be audited by federal law,]
913 plus at least one additional office selected in a random drawing by the
914 Secretary of the State, but in no case less than three offices, (3) in the
915 case of a municipal election, three offices or twenty per cent of the
916 number of offices on the ballot, whichever is greater, selected at
917 random by the municipal clerk, and (4) in the case of a primary
918 election, all federal offices [required to be audited by federal law,] plus
919 at least one additional office, if any, but in no event less than twenty
920 per cent of the offices on the ballot, selected in a random drawing by
921 the municipal clerk.

922 (c) If a selected voting district has an office that is subject to
923 [recanvass or] an election or primary contest pursuant to the general
924 statutes, the Secretary shall select an alternative district, pursuant to
925 the process described in subsection (b) of this section. If a selected
926 district has an office that is subject to recanvass, such recanvass shall
927 be conducted by counting each ballot included in such recanvass
928 manually. Such manual recanvass shall also satisfy the requirements of
929 the manual audit, as provided in this section. The ballots subject to
930 such recanvass shall not be subject to an additional audit pursuant to
931 this section. The registrars of voters shall comply with any procedures
932 adopted by the Secretary of the State to ensure the reliability and
933 accuracy of voting tabulators, including, but not limited to, procedures
934 for the shipment of memory cards to the Secretary of the State, or the

935 secretary's designee, for review. Any municipality that fails to comply
936 with such procedures may be subject to and required to conduct, at the
937 municipality's expense, a full hand count of all ballots used in an
938 election or primary in order to ensure accuracy and reliability. Such
939 full hand count shall be ordered at the discretion of the Secretary of the
940 State.

941 (d) The manual audit described in subsection (a) of this section shall
942 consist of the manual tabulation of the paper ballots cast and counted
943 by each voting [machine] tabulator subject to such audit. Once
944 complete, the vote totals established pursuant to the manual tabulation
945 shall be compared to the results reported by the voting [machine]
946 tabulator on the day of the election or primary. The results of the
947 manual tabulation shall be reported on a form prescribed by the
948 Secretary of the State which shall include the total number of ballots
949 counted, the total votes received by each candidate in question, the
950 total votes received by each candidate in question on ballots that were
951 properly completed by each voter and the total votes received by each
952 candidate in question on ballots that were not properly completed by
953 each voter. Such report shall be filed with the Secretary of the State
954 who shall immediately forward such report to The University of
955 Connecticut for analysis, provided The University of Connecticut has
956 entered into an agreement with the Secretary of the State pursuant to
957 section 9-241. The University of Connecticut shall file a written report
958 with the Secretary of the State regarding such analysis that describes
959 any discrepancies identified. After receipt of such report, the Secretary
960 of the State shall file such report with the State Elections Enforcement
961 Commission.

962 Sec. 30. Section 9-409 of the general statutes is repealed and the
963 following is substituted in lieu thereof (*Effective from passage*):

964 Petition forms for candidacies for nomination to municipal office or
965 for election as members of town committees shall be available from the
966 registrar beginning on the day following the making of the party's
967 endorsement of a candidate or candidates for such office or position, or

968 beginning on the day following the final day for the making of such
969 endorsement under the provisions of section 9-391, whichever comes
970 first. Any person who requests a petition form shall give his name and
971 address and the name, address and office or position sought of each
972 candidate for whom the petition is being obtained, and shall file a
973 statement signed by each such candidate that he consents to be a
974 candidate for such office or position. In the case of the municipal
975 offices of state senator, [and] state representative or judge of probate,
976 each such candidate shall include on the statement of consent his name
977 as he authorizes it to appear on the ballot. Upon receiving such
978 information and statement, the registrar shall type or print on a
979 petition form the name and address of each such candidate, the office
980 sought and the political party holding the primary. The registrar shall
981 give to any person requesting such form one or more petition pages,
982 suitable for duplication, as the registrar deems necessary. If the person
983 is requesting the form on behalf of an indigent candidate or a group of
984 indigent candidates listed on the same petition, the registrar shall give
985 the person a number of petition pages determined by the registrar as at
986 least two times the number needed to contain the required number of
987 signatures for a candidacy for nomination to municipal office or a
988 number of petition pages determined by the registrar as at least five
989 times the number needed to contain the required number of signatures
990 for a candidacy for election as a town committee member. An original
991 petition page filled in by the registrar may be duplicated by or on
992 behalf of the candidate or candidates listed on the page and signatures
993 may be obtained on such duplicates. The duplicates may be filed in the
994 same manner and shall be subject to the same requirements as original
995 petition pages. All information relative to primary petitions shall be a
996 public record.

997 Sec. 31. Section 9-435 of the general statutes is repealed and the
998 following is substituted in lieu thereof (*Effective from passage*):

999 Except as provided in sections 9-418 and 9-419, if in any
1000 municipality, within the time specified in section 9-405, a candidacy for
1001 nomination by a political party to any municipal office or for election

1002 as a town committee member is filed with the registrar, in conformity
1003 with the provisions of sections 9-405 to 9-412, inclusive, and section 9-
1004 414, by or on behalf of any person other than party-endorsed
1005 candidates, the registrar shall forthwith after the deadline for
1006 certification of party-endorsed candidates notify the clerk of such
1007 municipality that a primary is to be held by such party for the
1008 nomination of such party to such office or for the election by such
1009 party of town committee members, as the case may be. Such notice
1010 shall include a list of all the proposed candidates, those endorsed as
1011 well as those filing candidacies, together with their addresses and the
1012 titles of the offices or positions for which they are candidates. In the
1013 case of a primary for justices of the peace, such notice shall also contain
1014 the complete ballot label designation of each slate pursuant to
1015 subsection (h) of section 9-437. The clerk of the municipality shall
1016 thereupon cause such notice to be published forthwith in a newspaper
1017 having a general circulation in such municipality, together with a
1018 statement of the date upon which the primary is to be held, the hours
1019 during which the polls shall be open and the location of the polls. [,
1020 and shall send a copy of such notice to the Secretary of the State and
1021 record the same.] The clerk of the municipality shall also file such
1022 notice with the Secretary of the State not later than three business days
1023 after receipt of such notice from the registrar of voters. The clerk shall
1024 forthwith publish any change in the proposed candidates, listing such
1025 changes.

1026 Sec. 32. Section 9-436 of the general statutes is repealed and the
1027 following is substituted in lieu thereof (*Effective from passage*):

1028 (a) Voting [machines] tabulators shall be used at each primary,
1029 provided, (1) if, because of the number of offices and positions to be
1030 voted upon at a primary, there is an insufficient number of vertical
1031 columns on any [machine] ballot to be used in a municipality, the vote
1032 in such municipality at such primary for such offices or positions as
1033 the Secretary of the State determines shall be taken by paper ballots,
1034 and (2) if, because of the number of candidates for any office or
1035 position to be voted upon at a primary, there is an insufficient number

1036 of horizontal rows with respect to such office or position on any
1037 [machine] ballot to be used in the municipality, the vote in such
1038 municipality at such primary for such office or position shall be taken
1039 by paper ballots. More than one voting [machine] tabulator may be
1040 used in any voting district if the registrar so prescribes. The registrar
1041 shall furnish a number of voting [machines] booths sufficient to
1042 provide a voting [machine] booth for each [twenty-four] five hundred
1043 or fraction of [twenty-four] five hundred electors eligible to vote at
1044 such primary in the municipality or voting district, as the case may be,
1045 and other necessary equipment. In each polling place in which a party
1046 has authorized unaffiliated electors, pursuant to section 9-431, to vote
1047 for some but not all offices to be contested at the primary, a separate
1048 voting [machine] tabulator shall be used for such unaffiliated electors
1049 and the registrar shall separately furnish one voting [machine] booth
1050 for each [twenty-four] five hundred or fraction of [twenty-four] five
1051 hundred enrolled party members and one voting [machine] booth for
1052 each [twenty-four] five hundred or fraction of [twenty-four] five
1053 hundred unaffiliated electors authorized to vote at such primary in
1054 such district. In determining such number of electors, enrolled party
1055 members or unaffiliated electors, the registrar shall not count the
1056 names on the enrollment or registry lists of seventy-five per cent of
1057 such electors, unaffiliated electors or enrolled party members who
1058 reside in institutions, as defined in section 9-159q. The registrar may
1059 provide more than the minimum number of voting [machines] booths
1060 required by this section.

1061 [(b) The registrar shall appoint a suitable mechanic or mechanics to
1062 prepare, adjust and place the voting machines for use at the primary
1063 under the direction of the registrar. A voting machine mechanic shall
1064 be deemed a primary official but need not be an elector of any town.]

1065 [(c)] (b) Each [machine] tabulator shall be so arranged that the
1066 elector may vote for as many persons for nomination or election to
1067 each office or position as there are persons to be nominated or elected,
1068 as the case may be, and no more, and so that the elector may vote for
1069 individual candidates; provided the vote for justices of the peace shall

1070 be by slate, as provided in section 9-443.

1071 [(d)] (c) The registrar shall appoint from among the enrolled party
1072 members in the municipality or political subdivision holding the
1073 primary, as the case may be, to serve in each polling place, the primary
1074 polling place officials, who shall consist of one moderator, at least one,
1075 but not more than two official checkers, not more than two challengers
1076 if he deems it necessary, and at least one and not more than two ballot
1077 clerks and at least one but not more than two voting [machine]
1078 tabulator tenders for each [machine] tabulator in use at such primary
1079 and, in towns with two or more voting districts at least one and not
1080 more than two assistant registrars. [provided (1) in the case of a
1081 political subdivision holding a primary, if no enrolled party member
1082 who resides in the political subdivision and who is a certified
1083 moderator consents to serve as a moderator, the registrar may appoint
1084 any enrolled party member who resides in the municipality and is a
1085 certified moderator to be moderator, (2) in the case of either a
1086 municipality or a political subdivision holding a primary, if no
1087 enrolled party member can be found or no such person consents to
1088 serve as a moderator, the registrar may appoint any elector who
1089 resides in the municipality and is a certified moderator to be
1090 moderator, (3) in the case of a political subdivision holding a primary,
1091 if an insufficient number of enrolled party members who reside in the
1092 political subdivision consent to serve as checkers, challengers, voting
1093 machine tenders or assistant registrars, the registrar may appoint any
1094 enrolled party member who resides in the municipality to be a checker,
1095 challenger, voting machine tender or assistant registrar and (4) in the
1096 case of either a municipality or a political subdivision holding a
1097 primary, if a sufficient number of enrolled party members cannot be
1098 found or do not consent to serve in a position described in subdivision
1099 (3) of this subsection, the registrar may appoint any elector who
1100 resides in the municipality to any such position.] If unaffiliated electors
1101 are authorized under section 9-431 to vote for some but not all of the
1102 offices to be contested at the primary, the registrar shall appoint two
1103 additional checkers to check the list of unaffiliated electors who are
1104 authorized to vote on the separate [machines] tabulators. If unaffiliated

1105 electors are authorized under section 9-431 to vote in the primary of
1106 either of two parties in the same polling place, whether for some or for
1107 all offices to be contested at the primary, each such registrar shall
1108 appoint two additional checkers to check the list of unaffiliated
1109 electors who are authorized to vote in either such primary.

1110 [(e)] (d) The registrar shall designate one of the moderators so
1111 appointed by the registrar to be head moderator or shall appoint as
1112 head moderator an elector who is not also moderator of a polling place
1113 and who shall be deemed a primary official. The registrar may also
1114 appoint a deputy head moderator to assist the head moderator in the
1115 performance of his duties. A deputy head moderator shall also be
1116 deemed to be a primary official. Each registrar's appointments of
1117 primary polling place officials, except moderators of polling places,
1118 and of designees to conduct supervised voting of absentee ballots
1119 pursuant to sections 9-159q and 9-159r shall be divided equally, as
1120 nearly as may be, between designees of the party-endorsed candidates
1121 and designees of one or more of the contestants, provided, if a party-
1122 endorsed candidate is a member of a party other than the one holding
1123 the primary, such primary officials, except voting [machine] tabulator
1124 mechanics, shall be enrolled party members of the party holding the
1125 primary. Names of designees and alternate designees for such
1126 positions shall be submitted in writing by party-endorsed candidates
1127 and contestants to the registrar not later than ten days before the
1128 primary, except that names of designees and alternate designees for
1129 the position of moderator shall be so submitted not later than twenty-
1130 one days before the primary and, if such lists are not so presented, all
1131 such appointments shall be made by the registrar but in the above-
1132 mentioned proportion. The registrar shall notify all such candidates
1133 and contestants of their right to submit a list of designees under this
1134 section. Notwithstanding any other provision of this section, the
1135 registrar shall appoint as moderators only persons who are certified to
1136 serve as moderators or alternate moderators pursuant to section 9-229,
1137 unless there is an insufficient number of such persons who are enrolled
1138 members of the registrar's party in the municipality or political
1139 subdivision holding the primary, in which case the registrar may

1140 appoint a new moderator in accordance with section 9-229, but only to
1141 the extent of such insufficiency. Primary central counting moderators
1142 and absentee ballot counters shall also be deemed primary officials. No
1143 primary official shall perform services for any candidate at the primary
1144 on primary day.

1145 [(f)] (e) If paper ballots are required for the vote on any office or
1146 position in a municipality, in consultation with the registrars of voters,
1147 the clerk of the municipality shall print a paper ballot for use in such
1148 primary for nomination to such office or election to such position. The
1149 Secretary of the State shall prescribe the form of such paper ballot. The
1150 Secretary of the State may prescribe general rules for the use of paper
1151 ballots in any primary, including the duties of officials at the polls with
1152 regard to the same, the marking of the same and the counting of the
1153 same. The procedure to be followed when paper ballots are so used
1154 shall conform, as nearly as may be, to the procedure applicable to
1155 voting [machines] tabulators provided in this chapter and to the law
1156 governing the use of paper ballots in regular elections and such rules
1157 shall have the force and effect of law. Chapter 54 shall not apply to
1158 rules made pursuant to this section.

1159 [(g)] (f) The provisions of section 9-258 concerning additional lines
1160 of electors at a polling place, and of section 9-258a concerning two
1161 shifts of officials at a polling place, shall apply to a primary. Except as
1162 otherwise provided in this chapter, the provisions of the general
1163 statutes relating to the use of voting [machines] tabulators at regular
1164 elections shall apply as nearly as may be to the use of voting
1165 [machines] tabulators at primaries.

1166 Sec. 33. Subsections (a) and (b) of section 9-453i of the general
1167 statutes are repealed and the following is substituted in lieu thereof
1168 (*Effective from passage*):

1169 (a) Each page of a nominating petition proposing a candidate for an
1170 office to be filled at a regular election shall be submitted to the
1171 appropriate town clerk or to the Secretary of the State not later than
1172 four o'clock p.m. on the [ninetieth] one-hundred-tenth day preceding

1173 the day of the regular election.

1174 (b) Each page of a nominating petition proposing a candidate for an
1175 office to be filled at a special election, except petitions filed under
1176 [section] sections 9-216 and 9-450, shall be submitted to the appropriate
1177 town clerk or to the Secretary of the State not later than four o'clock
1178 p.m. on the seventieth day prior to such election, unless (1) such
1179 special election is held in conjunction with a regular election, and (2)
1180 the writ of such special election is issued at least fourteen days before
1181 the final day for the filing of primary petitions for municipal offices to
1182 be filled at such regular election pursuant to section 9-405, in which
1183 case the deadline for submitting such nominating petition pages shall
1184 be the same as the deadline for such submission in connection with
1185 such regular election as provided in subsection (a) of this section.

1186 Sec. 34. Subsection (b) of section 9-453o of the general statutes is
1187 repealed and the following is substituted in lieu thereof (*Effective from*
1188 *passage*):

1189 (b) Except as otherwise provided in this subsection, the Secretary of
1190 the State shall approve every nominating petition which contains
1191 sufficient signatures counted and certified on approved pages by the
1192 town clerks. In the case of a candidate who petitions under a reserved
1193 party designation the secretary shall approve the petition only if it
1194 meets the signature requirement and if a statement endorsing such
1195 candidate is filed with the secretary by the party designation
1196 committee not later than four o'clock p.m. on the [fifty-fifth] sixty-
1197 second day before the election. In the case of a candidate who petitions
1198 under a party designation which is the same as the name of a minor
1199 party the secretary shall approve the petition only if it meets the
1200 signature requirement and if a statement endorsing such candidate is
1201 filed in the office of the secretary by the chairman or secretary of such
1202 minor party not later than four o'clock p.m. on the [fifty-fifth] sixty-
1203 second day before the election. No candidate shall be qualified to
1204 appear on any ballot by nominating petition unless the candidate's
1205 petition is approved by the secretary pursuant to this subsection.

1206 Sec. 35. Section 9-460 of the general statutes is repealed and the
1207 following is substituted in lieu thereof (*Effective from passage*):

1208 If any party has nominated a candidate for office, or, on and after
1209 November 4, 1981, if a candidate has qualified to appear on any ballot
1210 by nominating petition under a reserved party designation, in
1211 accordance with the provisions of this chapter, and such nominee
1212 thereafter, but prior to [twenty-four] thirty-eight days before the
1213 opening of the polls on the day of the election for which such
1214 nomination has been made, dies, withdraws such nominee's name or
1215 for any reason becomes disqualified to hold the office for which such
1216 nominee has been nominated (1) such party or, on and after November
1217 4, 1981, the party designation committee may make a nomination to fill
1218 such vacancy or provide for the making of such nomination as its rules
1219 prescribe, and (2) if another party that is qualified to nominate a
1220 candidate for such office does not have a nominee for such office, such
1221 party may also nominate a candidate for such office as its rules
1222 prescribe. No withdrawal, and no nomination to replace a candidate
1223 who has withdrawn, under this section shall be valid unless the
1224 candidate who has withdrawn has filed a letter of withdrawal signed
1225 by such candidate with the Secretary of the State in the case of a state
1226 or district office or the office of state senator, [or] state representative
1227 or judge of probate from any district, or with the municipal clerk in the
1228 case of a municipal office other than state senator, [or] state
1229 representative or judge of probate. A copy of such candidate's letter of
1230 withdrawal to the municipal clerk shall also be filed with the Secretary
1231 of the State. No nomination to fill a vacancy under this section shall be
1232 valid unless it is certified to the Secretary of the State in the case of a
1233 state or district office or the office of state senator, [or] state
1234 representative or judge of probate from any district, or to the
1235 municipal clerk in the case of a municipal office other than state
1236 senator, [or] state representative or judge of probate, by the
1237 organization or committee making such nomination, at least [twenty-
1238 one] thirty-five days before the opening of the polls on the day of the
1239 election, except as otherwise provided by this section. [If a nominee
1240 dies within twenty-four days, but prior to twenty-four hours before the

1241 opening of the polls on the day of the election for which such
1242 nomination has been made, the vacancy may be filled in the manner
1243 prescribed in this section by two o'clock p.m. of the day before the
1244 election with the municipal clerk or the Secretary of the State, as the
1245 case may be.] If a nominee dies within [twenty-four hours] thirty-eight
1246 days before the opening of the polls and prior to the close of the polls
1247 on the day of the election for which such nomination has been made,
1248 such nominee shall not be replaced and the votes cast for such
1249 nominee shall be canvassed and counted, and if such nominee receives
1250 a plurality of the votes cast, a vacancy shall exist in the office for which
1251 the nomination was made. The vacancy shall then be filled in a manner
1252 prescribed by law. A copy of such certification to the municipal clerk
1253 shall also be filed with the Secretary of the State. Such nomination to
1254 fill a vacancy due to death or disqualification shall include a statement
1255 setting forth the reason for such vacancy. If at the time such
1256 nomination is certified to the Secretary of the State or to the municipal
1257 clerk, as the case may be, the ballot labels have already been printed,
1258 the Secretary of the State shall direct the municipal clerk in each
1259 municipality affected to (A) have the ballot labels reprinted with the
1260 nomination thus made included thereon, (B) cause printed stickers to
1261 be affixed to the ballot labels so that the name of any candidate who
1262 has died, withdrawn or been disqualified is deleted and the name of
1263 any candidate chosen to fill such vacancy appears in the same position
1264 as that in which the vacated candidacy appeared, or (C) cause blank
1265 stickers to be so affixed or have the name of such candidate otherwise
1266 blacked if the vacancy is not filled.

1267 Sec. 36. (NEW) (*Effective from passage*) The Secretary of the State, or
1268 the secretary's designee, shall be allowed access to each polling place
1269 within the state during any municipal, state or federal election or
1270 primary for the purpose of reviewing each polling place for
1271 compliance with state and federal law. In the event that the Secretary
1272 of the State's name appears on the ballot at any such election, a
1273 designee of the Secretary of the State shall be allowed such access in
1274 lieu of the Secretary of the State.

1275 Sec. 37. (NEW) (*Effective from passage*) The registrar of voters of each
1276 municipality shall, not later than thirty-one days prior to each
1277 municipal, state or federal election or primary, notify the Secretary of
1278 the State of the polling places that will be used for such election or
1279 primary. Such notice shall detail the name, address and corresponding
1280 federal, state and municipal districts associated with each polling place
1281 used for such election or primary.

1282 Sec. 38. Section 9-190 of the general statutes is repealed and the
1283 following is substituted in lieu thereof (*Effective from passage*):

1284 Any town divided into two voting districts may, by vote of its
1285 legislative body, provide for the election of two registrars of voters for
1286 each voting district instead of two registrars of voters for the entire
1287 town. Each registrar of voters shall reside in the town and district for
1288 which he is elected. Any special act to the contrary notwithstanding, in
1289 each municipality in which registrars of voters are elected, no elector
1290 shall vote for more than one registrar of voters for the voting district in
1291 which the elector resides, or, as the case may be, for the municipality at
1292 large. The candidate having the highest number of votes and the
1293 candidate having the next highest number of votes for the office of
1294 registrar of voters, who does not belong to the same political party as
1295 the candidate having the highest number, shall be declared elected
1296 registrars of voters for the municipality or district, provided, if the
1297 candidate for registrar of voters of a major party is not one of the
1298 registrars so elected, such candidate of such major party shall also be
1299 declared elected registrar of voters. For purposes of this section, a
1300 major party shall be one having the largest or next largest total number
1301 of enrolled party members in the state, as determined by the latest
1302 enrollment records in the office of the Secretary of the State submitted
1303 in accordance with the provisions of section 9-65. The term of office of
1304 all registrars of voters for voting districts in office on [January 7, 1995]
1305 January 5, 2009, shall expire on [January 8, 1997, and on November 5,
1306 1996, two registrars shall be elected for each municipality with more
1307 than two voting districts which previously elected registrars of voters
1308 for voting districts] January 3, 2011. All registrars of voters shall run

1309 for a four-year term. Such office shall be placed on the ballot at the
1310 presidential election in November, 2012, and every four years
1311 thereafter.

1312 Sec. 39. Section 9-190a of the general statutes is repealed and the
1313 following is substituted in lieu thereof (*Effective from passage*):

1314 [Any provision of any special act to the contrary notwithstanding,
1315 the registrars of voters in each municipality which elects registrars of
1316 voters shall be elected at the state election to be held in 1964, and
1317 biennially thereafter, to hold office for the term of two years from the
1318 Wednesday following the first Monday of the January next succeeding
1319 their election until the Wednesday following the first Monday of the
1320 third January succeeding their election.] The term of office for all
1321 registrars of voters in office on January 5, 2009, shall expire on January
1322 3, 2011. In November, 2012, at the presidential election, the office of
1323 registrar of voters shall appear on the ballot and such office shall be for
1324 a term of four years.

1325 Sec. 40. (NEW) (*Effective from passage*) Notwithstanding any
1326 provision of the general statutes, the registrars of voters shall ensure
1327 that each voting booth is placed in a location that is in plain view of all
1328 election officials and electors waiting to vote provided there shall be
1329 not less than three feet between each such voting booth. Each voting
1330 booth shall be situated so that no person outside such booth can
1331 determine how an individual utilizing such booth voted.

1332 Sec. 41. (NEW) (*Effective from passage*) The voting tabulator shall be
1333 placed not less than three feet from any wall, partition or guardrail and
1334 not less than four feet from the checkers' table. The registrars of voters
1335 shall place a guardrail or other marking device around such tabulator
1336 to prevent electors waiting in line from encroaching upon an elector
1337 who is submitting their ballot into the tabulator. Such guardrail or
1338 other marking device shall be placed not less than three feet from the
1339 tabulator and shall be arranged in a manner to prevent electors from
1340 determining the votes cast on any ballot submitted into the tabulator.

1341 Sec. 42. (NEW) (*Effective from passage*) The registrars of voters shall
 1342 either ensure that each ballot clerk offer every elector a privacy sleeve
 1343 into which the ballot can be inserted and fully shielded from view or,
 1344 in the alternative, place such privacy sleeve in every voting booth for
 1345 the elector's use. No elector shall be required to accept a privacy sleeve.

1346 Sec. 43. Sections 9-232d to 9-232f, inclusive, and section 9-242c of the
 1347 general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-23r(e)
Sec. 2	<i>from passage</i>	9-36
Sec. 3	<i>from passage</i>	9-37
Sec. 4	<i>from passage</i>	9-38
Sec. 5	<i>from passage</i>	9-39
Sec. 6	<i>from passage</i>	9-42
Sec. 7	<i>from passage</i>	9-50a
Sec. 8	<i>from passage</i>	9-50b(d)
Sec. 9	<i>from passage</i>	9-55
Sec. 10	<i>from passage</i>	9-140c(e) to (h)
Sec. 11	<i>from passage</i>	9-150a
Sec. 12	<i>from passage</i>	9-153e
Sec. 13	<i>from passage</i>	9-172b(a)
Sec. 14	<i>from passage</i>	9-229a(f)
Sec. 15	<i>from passage</i>	9-232c
Sec. 16	<i>from passage</i>	9-232i
Sec. 17	<i>from passage</i>	9-232j
Sec. 18	<i>from passage</i>	9-232k
Sec. 19	<i>from passage</i>	9-232l
Sec. 20	<i>from passage</i>	9-232n
Sec. 21	<i>from passage</i>	9-236b(e)
Sec. 22	<i>from passage</i>	9-247a
Sec. 23	<i>from passage</i>	9-250
Sec. 24	<i>from passage</i>	9-253
Sec. 25	<i>from passage</i>	9-254
Sec. 26	<i>from passage</i>	9-258
Sec. 27	<i>from passage</i>	9-265
Sec. 28	<i>from passage</i>	9-311

Sec. 29	<i>from passage</i>	9-320f(a) to (d)
Sec. 30	<i>from passage</i>	9-409
Sec. 31	<i>from passage</i>	9-435
Sec. 32	<i>from passage</i>	9-436
Sec. 33	<i>from passage</i>	9-453i(a) and (b)
Sec. 34	<i>from passage</i>	9-453o(b)
Sec. 35	<i>from passage</i>	9-460
Sec. 36	<i>from passage</i>	New section
Sec. 37	<i>from passage</i>	New section
Sec. 38	<i>from passage</i>	9-190
Sec. 39	<i>from passage</i>	9-190a
Sec. 40	<i>from passage</i>	New section
Sec. 41	<i>from passage</i>	New section
Sec. 42	<i>from passage</i>	New section
Sec. 43	<i>from passage</i>	Repealer section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Cost	Minimal	Minimal

Explanation

This bill authorizes provisional ballots for use in state and municipal elections and primaries and sets guidelines for their use and also requires them in place of challenge ballots. Under current law, the Secretary of the State must supply provisional ballots to towns. The bill now requires the towns to print their own provisional ballots which will result in a minimal cost.

This bill also changes the required number of primary day poll workers. It gives the registrar of voters discretion to appoint one or two official checkers, instead of requiring two, and gives them the same authority concerning ballot clerks. There is a possible savings to municipalities who choose to employ one official checker and ballot clerk instead of two.

The bill limits to three the number of districts per municipality that may be selected in the random drawing and included in the audit by the Secretary of the State. Under current law, there is no limit.

The bill requires the registrars of voters to comply with any procedure the Secretary of the State adopts to ensure the reliability and accuracy of voting tabulators. If a municipality fails to comply, it may be subject to a full hand count at its own expense.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 6440

***AN ACT CONCERNING CERTAIN REVISIONS TO ELECTIONS
RELATED STATUTES.***

SUMMARY:

This bill makes changes affecting voter registry lists, the conduct of elections, voting equipment, election officials, and post-election procedures. It eliminates most obsolete processing deadlines and duplication requirements for voter registry lists

Concerning the conduct of elections, the bill, among other things (1) extends the use of provisional ballots to state and municipal elections and primaries and eliminates challenged ballots; (2) allows active duty members of the military to apply for absentee ballots in January of an election year; (3) requires absentee ballots to be counted only after the polls close; (4) requires registrars of voters to notify the secretary of the state of each polling place's location before each primary or election; and (5) codifies existing regulations that protect voter privacy at the polling place.

The bill establishes four-year terms of office for registrars of voters (§ 39). It removes several election-related duties from town clerks and transfers them to registrars of voters, including those concerning recanvassing. The bill establishes a deadline by which town clerks must file a notice of a primary for municipal office candidates and town committee members. They must do so within three days of receiving the notice from the registrars (§ 31). It eliminates the requirement that town clerks submit to the secretary of the state a list of offices that will be filled at regular state elections, but retains the requirement for municipal elections (§ 25).

The bill makes changes affecting recanvass and audit procedures,

including specifying that a district that is subject to a recanvass may not also be subject to an audit. It limits to three the number of districts per municipality that may be selected in the random drawing and included in the audit.

The bill makes several technical changes to reflect the change from lever voting machines to optical scan voting tabulators. For example, it removes references to voting “machine,” replacing them with voting “tabulator” and similarly replaces “ballot label” with “ballot.” It eliminates obsolete references to “voting tabulator technicians” and “machine mechanics” (see BACKGROUND).

It also makes a technical change by eliminating the obsolete Voting Technology Standards Board, which was established to develop standards for electronic voting systems and required to complete its work by January 2006.

EFFECTIVE DATE: Upon passage

§§ 2-9 & 13 — VOTER REGISTRY LISTS

The bill makes several changes affecting the completion, distribution, and retention of the preliminary, final, and supplementary voter registry lists as a result of the centralized voter registration system (CVRS). Primarily, it eliminates most (1) deadlines associated with completing these lists because they are updated on an ongoing basis and (2) printing, copying, and availability and distribution requirements.

For example, it:

1. eliminates the deadline by which the preliminary registry list must be complete and instead requires it to be available to the public in or outside the registrars’ office on an ongoing basis;
2. requires the registrars, upon request, to give any candidate, not just one for legislative office, a copy of the preliminary or final list for each voting district in which the candidate is running for

office;

3. eliminates the requirement for registrars to notice and hold sessions to correct the preliminary list before primaries and elections, and instead requires them to be available and post their office hours before all elections to make corrections;
4. extends the deadlines by which the registrars must file the final and supplementary (i.e., updated) lists with town clerks from the second Friday, and three days, respectively, before a regular election, to the preceding day;
5. removes the requirement that the registrars compile a list of changes to the active and inactive registry lists on a monthly basis;
6. requires the registrars to print the complete and corrected enrollment list only upon request, rather than requiring them to make several copies; and
7. requires the registrars to maintain each final registry list for two years on paper or electronically.

CVRS

The bill establishes a firm deadline by which registrars of voters must update the CVRS after each election or primary, indicating whether each eligible voter voted and if so, whether in person or by absentee ballot. Under the bill, they must do so no later than 60 days after the election or primary rather than “promptly” afterward, as they must under current law.

Restoration of Name to the Supplemental List

The bill amends the process for restoring an elector’s name to the voter registry list. In most cases it requires (1) electors to submit a voter registration card, rather than a written request, to restore their names and (2) registrars to restore omitted names to the supplementary, rather than the active, list.

By law, the registrars of voters must restore the name of a voter that has been omitted to the active list if the omission results from clerical error. Under current law, they must also restore the name to the active list if:

1. it appears the elector was formerly on the active registry list or registered in the town and the individual submits a written request, signed under penalty of false statement, stating he or she is eligible to vote in that town or
2. on Election Day, an elector whose name appears on the inactive list submits a written request, signed under penalty of false statement, stating he or she is still a bona fide town resident.

Under the bill, the registrars must restore the name to the supplemental list when the omission does not appear to be clerical in nature or when the name is on the inactive list. In those cases, the elector must submit a new voter registration application.

The law, unchanged by the bill, gives registrars the option to restore a name to the active registry on Election Day if both registrars consent.

BALLOTS

§§ 1, 11, & 15-21 — Provisional Ballots

The bill (1) authorizes provisional ballots for use in state and municipal elections and primaries under the same circumstances as they are currently authorized for use in federal elections and primaries (2) requires them in place of challenge ballots.

By law, the secretary of the state prescribes the provisional ballot format. The bill authorizes these ballots to have the same format as absentee (i.e., regular) rather than overseas ballots. It eliminates the requirement for the secretary to provide them to towns. Under the bill, towns print provisional ballots as they currently print regular and absentee ballots.

The bill allows an individual to apply for and receive a provisional

ballot to vote for candidates for state or municipal office when he or she:

1. appears at the polling place claiming to be eligible to vote but his or her name does not appear on the official registry list and the registrars determine that it cannot be immediately restored or transferred from another polling place,
2. is the subject of a challenge and the moderator decides he or she is not eligible to vote, or
3. registered by mail without the necessary identification and appears at a polling place or applies for an absentee ballot for the first time after registering without proper identification.

These provisions already apply to candidates for federal office.

The bill eliminates challenged ballots, and the procedures for casting and counting them, replacing them with provisional ballots. However, it maintains the right of (1) individuals to challenge voters and (2) challenged voters to request a ballot and vote.

Instructions. Current law requires the secretary to prescribe, and town clerks to provide, certain information for polling places during an election for federal office. The bill transfers the clerks' responsibility to the registrars of voters and covers primaries and elections for municipal and state offices. The information must include instructions on how to cast a provisional ballot, as well as instructions for mail-in registrants and first-time voters and information concerning voting rights.

§§ 10-12 — Absentee Ballots

Counting Procedure. The bill removes the registrars' option to count absentee ballots several times throughout the day of a primary, election, or referendum. To reflect the switch to the new optical scan voting machines, it instead provides that they be counted once after the polls close, at a time the registrars designate, and according to the

procedure the law specifies. Registrars may nonetheless check absentee ballots (by making a notation on the official checklist used at the primary, election, or referendum) at various times throughout the day.

Military Voters. The bill allows certain members of the military and their families to apply for blank absentee ballots earlier than they may currently do so. Blank absentee ballots show only the contested offices and voters fill in the name of the candidates they vote for. It requires town clerks to make absentee blank ballots available on the first business day in January of an election year to armed forces members (i.e., those in active service) and their dependent family members living with them. Under current law, the blank ballots are available 90 days before the election.

§§ 23-24 & 32 — Ballot Form and Layout

When a candidate is cross-endorsed in a race where political parties may make more than one nomination for the same office (e.g., a board of education), the bill eliminates a requirement that the candidate's name appear in the same column for each party. The law, unchanged by the bill, requires registrars of voters to determine by lot the order of names as they will appear on the ballot. Under the bill, when a candidate is cross-endorsed, the order of his or her name on each party row is determined by lot.

The bill eliminates the requirement that ballots be printed in black ink and on clear white material (i.e., paper) (see BACKGROUND). It requires town clerks to consult with the registrars of voters when they print ballots for use in a primary or election.

§ 27 — Write-In Votes

The bill authorizes write-in votes for candidates running in an election when political parties can nominate more than one candidate for a particular office. Current law prohibits write-in votes for these major and minor party candidates and petitioning candidates under all circumstances. The bill allows write-ins to be counted and recorded if it can be determined to whom they should be attributed.

§§ 22, 32, 36-37, & 40-42 — POLLING PLACES & VOTING EQUIPMENT

The bill makes several changes based on the new voting equipment, including requiring registrars to furnish voting booths, rather than lever voting machines, based on the number of electors in the district. Specifically, for a primary they must provide one voting booth for every 500 electors (or fraction thereof), rather than one voting machine for every 2,400 electors (or fraction thereof).

It also prohibits business entities of which candidates are members from having contact with voting tabulators. Specifically, it prohibits them from transporting, preparing, repairing, or maintaining a tabulator.

§ 36 — Access by the Secretary of the State

The bill specifies that the secretary of the state, or her designee, must be allowed access to each polling place during a municipal, state, or federal election or primary to review it for compliance with state and federal law. If the secretary is a candidate in that election, only her designee must be allowed access.

§ 37 — Location

The bill requires the registrars to notify the secretary of the state no later than 31 days before each municipal, state, or federal election or primary of the polling places that the town will use. The notice must provide the name, address, and corresponding federal, state, and municipal districts associated with each polling place.

§§ 40-42 — Voter Privacy

The bill codifies several voter privacy arrangements currently in regulation. To prevent anyone from seeing how an elector is voting, the bill requires registrars of voters to ensure that:

1. voting booths are in plain view of all election officials and electors, with at least three feet between booths, and situated so that no person outside the booth can determine how someone is voting;

2. voting tabulators are at least (a) three feet from any wall, partition, or guardrail and (b) four feet from the checkers' table;
3. a guardrail or other marking device surrounds the tabulator from a distance of at least three feet; and
4. each ballot clerk (a) offers each elector a privacy sleeve into which he or she can insert his or her ballot or (b) places a privacy sleeve into each voting booth.

ELECTION OFFICIALS

§ 32 — Primary Day Poll Workers

The bill changes the required number of primary day poll workers. It gives the registrar of voters discretion to appoint one or two official checkers, instead of requiring two, and gives them the same authority concerning ballot clerks. They already have this discretion with respect to general elections.

§§ 17, 26, & 38-39 — Registrars of Voters

The bill establishes four-year terms of office for registrars of voters. Under the bill, the office will be on the ballot at the November 2012 presidential election, and every four years thereafter. It specifies that registrars who are in office on January 2009 will serve only until January 2011. But under current law, registrars whose terms begin in 2011 may serve a two-year term (until January 2013) or a four-year term (until January 2015), depending on the town. Those serving four-year terms would not then coincide with the four-year terms established by the bill. Under the bill, registrars who are on the ballot in November 2012 will serve until January 2017.

The bill eliminates a requirement that registrars who are at the polling place during polling hours (1) be available by telephone and notify all registrars of voters' offices in the state of their phone number, (2) be connected to the CVRS, and (3) have all voter-card files in the polling place for reference. It instead specifies that either the registrars or their designees must be in their office.

§ 14 — Polling Place Observers

The bill eliminates the requirement that the secretary of the state establish a code of ethics for polling place observers. It maintains the requirement that she establish a code for registrars of voters and poll workers.

§§ 33-35 — NOMINATIONS

The bill establishes earlier deadlines for certain procedures associated with the petitioning process. Specifically, it requires:

1. nominating petitions to be filed with the appropriate town clerk or the secretary of the state by 4:00 p.m. on the 110th, rather than the 90th, day before a regular election and
2. party endorsements for candidates petitioning under a minor party or reserved party designation to be filed with the secretary of the state by 4:00 p.m. on the 62nd, rather than the 55th, day before the election.

It appears the bill includes an incorrect reference to the process for filling vacancies for U.S. Senator or Representative in Congress (§ 33).

Vacancies

The bill changes the period of time during which political parties may fill vacancies for nominated candidates before an election. Under current law, a primary may be held if a candidate dies, withdraws, or becomes disqualified to hold office 25 days or more before the election. The bill extends this period to 39 days before an election. The bill requires vacancy nominations to be certified with the secretary of the state or town clerk by the 35th, rather than the 21st, day before the election. The law requires state and district office candidates, including all candidates for state senator or state representative, to file with the secretary of the state. Other municipal office candidates file with their town clerk. The bill specifies that candidates for judge of probate file with the secretary of the state.

The bill removes the authority of parties to fill vacancies that occur

because a candidate dies between 24 days and 24 hours before an election. It instead prohibits parties from filling a vacancy that occurs within 38 days before the election because a nominee has died. The bill does not specify what happens when a candidate withdraws or becomes disqualified within this period.

§§ 28-29 — POST-ELECTION PROCEDURES

By law, election officials must recanvass an election when there is a discrepancy, close vote, or tie vote. After each election and primary, the registrars of voters must randomly select districts to audit manually.

Recanvass

The bill establishes a deadline by which moderators notify the secretary of the state of a recanvass. It requires them to do so no later than 24 hours after determining one is needed. It transfers most responsibilities town clerks have with respect to a recanvass to the registrars of voters, including maintaining possession of the voting tabulator keys. It also allows the moderator to use as many other recanvass officials as necessary, other than the checkers, absentee ballot counters, and registrars who serve under current law.

Manual Audit

By law, registrars of voters must conduct a manual audit of at least 10% of the voting districts in the state, district, or municipality, whichever is applicable, selected through a random drawing. The registrars must give advance notice of the audit, which must be open to the public.

Exemption. The bill exempts a voting district from the manual audit if it also has an office that is subject to a recanvass, as long as the recanvass is conducted manually. It also exempts such a district from any expanded audit. An expanded audit occurs when (1) the University of Connecticut (UConn) reports that a system failed to record votes accurately and in the manner provided by law or (2) the registrars are unable to reconcile any discrepancies between their

manual count and the electronic tabulation.

Deadline. The bill changes the deadline for conducting a manual audit, making it the same for every federal, state, and municipal election and primary. The bill requires the registrars to conduct each audit no later than 10 business days after the election or primary.

Under current law, they conduct the audit between the 15th day after the election or primary and two days before the deadline for the canvass of votes, which differs by office as Table 1 shows.

Table 1: Canvass Deadlines by Office

Office	Canvass Deadline	CGS §
Federal office	The last Wednesday of November	9-315
Statewide office	Within 30 days of the election	9-318
Legislator and judge of probate	During the month of November	9-319
Municipal office	Within 10 days after the election	9-320

Process. The bill limits to three the number of districts per municipality that may be selected in the random drawing and included in the audit. Under current law, there is no limit.

For federal and state elections, the bill authorizes the secretary of the state to audit additional offices. Under current law, the elective offices subject to the audit in the selected districts are:

1. in a presidential or gubernatorial election, 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 fewer than three offices and
2. in a primary election, all offices required to be audited by federal law, plus one additional office, if any, but at least 20% of the offices on the ballot, selected in a random drawing by the town clerk.

Under the bill, more than one additional office may be included in each audit.

Audit Report and Agreement with UConn. The bill specifies that the secretary of the state must have an agreement with UConn, as provided by law, for the state to continue using the university to analyze the audit results (see BACKGROUND).

By law, the registrars must compare their results to those reported by the machine, reporting on the total number of ballots counted, the total votes each candidate for the audited offices received, and the total number of votes broken down by whether the ballot was properly completed. The registrars must file their report with the secretary of the state.

Current law requires the secretary of the state to immediately forward the registrars' reports to UConn for analysis. The university must describe any discrepancies it finds in a written report to the secretary.

Compliance. The bill requires the registrars of voters to comply with any procedures the secretary of the state adopts to ensure the reliability and accuracy of voting tabulators, including those for shipping memory cards to her or her designee for review. If a municipality fails to comply, it may be subject to a full hand count of all the ballots from the election or primary, or required to conduct one, at its own expense. The secretary has the discretion to order a full hand count.

BACKGROUND

Machine Mechanics and Technicians

The optical scan voting tabulator self-tests before it is used. If a tabulator jams or otherwise malfunctions, the tabulator tender notifies the appropriate election official who replaces it (Conn. Agencies Reg. §§ 9-242a-9 and -16). Voting tabulator technicians, formerly machine mechanics, do not repair the machines and in practice, several towns do not have the position.

Ballots

According to the Office of the Secretary of the State, it is the general

practice to print regular ballots on white paper and absentee ballots on yellow paper. If there is a mistake on a ballot and it requires reprinting, the reprint will usually be on a different color. In addition, the office sometimes prints demonstration ballots in red ink.

Agreement with UConn

PA 07-194 authorized the secretary of the state to enter into an agreement with UConn or a member of the Connecticut State University System, solely or with others, to develop standards, procedures, and oversight of post-election audits, among other things. The secretary currently has a contract with UConn for this service.

Related Bills

sSB 909, favorably reported by the Government Administration and Elections Committee on March 20, also repeals the Voting Technology Standards Board and updates terms to reflect the new voting technology.

sHB 5825, favorably reported by the Government Administration and Elections Committee on March 25, also authorizes provisional ballots for use in state and municipal elections and primaries under the same circumstances as the law authorizes for their use in federal elections and primaries.

Legislative History

On April 15, the House referred the bill (File 576) to the Judiciary Committee, which reported a substitute on April 21 eliminating a provision in the original bill that allowed Election Day poll workers in single-district towns, like those in multi-district towns, and primary day poll workers in all towns, to be state electors rather than requiring them to be town residents.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 15 Nay 0 (03/25/2009)

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/21/2009)