



General Assembly

**Substitute Bill No. 6435**

January Session, 2009

\*          HB06435APP          051909          \*

**AN ACT CONCERNING ELECTION DAY REGISTRATION AND  
PRESIDENTIAL BALLOT PROCEDURES.**

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

1       Section 1. (NEW) (*Effective from passage*) (a) As used in this section  
2       and section 9-261 of the general statutes, "election day" means the day  
3       on which a regular election, as defined in section 9-1 of the general  
4       statutes, is held.

5       (b) Notwithstanding the provisions of chapter 143 of the general  
6       statutes, a person who (1) is not an elector and does not have a  
7       pending application for admission as an elector under said chapter  
8       143, and (2) meets the eligibility requirements under subsection (a) of  
9       section 9-12 of the general statutes, may apply for admission as an  
10      elector on election day.

11      (c) Any such application shall be made in accordance with the  
12      provisions of section 9-20 of the general statutes, provided (1) on  
13      election day, the applicant shall appear in person at the location  
14      designated by the registrars of voters for election day registration, (2)  
15      an applicant who is a student enrolled at an institution of higher  
16      education may submit a current photo identification card issued by  
17      said institution in lieu of the identification required by section 9-20 of  
18      the general statutes, and (3) the applicant shall declare under oath that  
19      the applicant has not previously voted in the election. If the

20 information that the applicant is required to provide under section 9-  
21 20 of the general statutes and this section does not include proof of the  
22 applicant's residential address, the applicant shall also submit a United  
23 States passport, a military identification card, a learner's permit or a  
24 utility bill that has the applicant's name and current address and is due  
25 not later than thirty days after the election or, in the case of a student  
26 enrolled at an institution of higher education, a registration or fee  
27 statement from such institution that has the applicant's name and  
28 current address. The registrars shall check the state-wide centralized  
29 voter registration system before admitting an applicant as an elector, to  
30 determine whether the applicant is an elector in another municipality  
31 in the state. In the event such applicant is an elector in another  
32 municipality and such applicant states that he or she wants to change  
33 the municipality in which the applicant is an elector, the registrars of  
34 voters shall utilize the provisions of section 9-21 of the general statutes  
35 to effect such change. If the registrars determine that an applicant is  
36 qualified, and admit the applicant as an elector of the municipality  
37 after checking the state-wide centralized voter registration system to  
38 determine that the applicant is not already an elector, the registrars of  
39 voters shall provide the elector with a ballot and a privacy sleeve. The  
40 elector shall forthwith mark the ballot in the presence of the registrars  
41 of voters in such manner that the registrars of voters shall not know  
42 how the ballot is marked. The elector shall place the ballot in the  
43 privacy sleeve. The registrars of voters shall deliver such ballot and  
44 privacy sleeve to the voting tabulator where such ballot shall be placed  
45 into the tabulator by the election official for counting.

46 (d) (1) If the registrars are unable to determine that an applicant is  
47 qualified, for any reason, such applicant may apply for and be issued  
48 by the registrars of voters a verifiable ballot if the applicant declares  
49 under oath that the applicant has not previously voted in the election.  
50 Such application for a verifiable ballot shall be prescribed by the  
51 Secretary of the State, executed before an election official and include a  
52 written affirmation, under penalty of false statement in absentee  
53 balloting pursuant to section 9-359a of the general statutes, which shall

54 be in the form substantially as follows:

55 AFFIRMATION: I, the undersigned, do hereby state, under penalty  
56 of false statement in absentee balloting, that:

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

58 2. I am eligible to vote in the election indicated for today in the town  
59 and polling place indicated.

60 3. The registrars of voters were unable to determine my  
61 qualifications to be admitted as an elector.

62 4. My residence address is located in the voting district that this  
63 polling place serves.

64 5. I have not voted and I will not vote otherwise than by this ballot  
65 in person or by absentee ballot at this election.

66 6. I apply for a verifiable ballot.

67 (2) Upon receipt of an application for a verifiable ballot, the  
68 registrars of voters shall provide the applicant with a verifiable ballot  
69 and a numbered envelope and shall make a record of such issuance on  
70 the verifiable ballot inventory form. The applicant shall forthwith mark  
71 the ballot in the presence of the registrars of voters in such manner that  
72 the registrars of voters shall not know how the ballot is marked. The  
73 applicant shall then fold the ballot in the presence of the registrars of  
74 voters so as to conceal the markings and deposit and seal it in the  
75 numbered envelope in the manner prescribed by the Secretary of the  
76 State. The registrars of voters shall provide such documentation to the  
77 applicant so the applicant may later verify whether the applicant's  
78 verifiable ballot was counted, and shall deposit the verifiable ballot  
79 and envelope in the verifiable ballot depository envelope. The  
80 applicant shall then immediately leave the room. The registrars of  
81 voters shall provide a free access system restricted to the applicant  
82 who cast the ballot to verify if the verifiable ballot was counted, and if  
83 the ballot was not counted, the reason that the ballot was not counted.

84 (3) Immediately after the close of the polls, the registrars of voters  
85 shall forthwith verify the information contained with each verifiable  
86 ballot. In verifying any such verifiable ballot, the registrars of voters  
87 shall cause a notice of registration to be sent to the home address of  
88 such applicant. If such notice is returned to the registrars of voters as  
89 undeliverable, such applicant's verifiable ballot shall be marked  
90 "rejected", along with the reason for such rejection and signed by the  
91 registrars of voters. The registrars of voters shall verify and count all  
92 verifiable ballots in their town not later than six days after the election.  
93 The registrars of voters shall forthwith prepare and sign, in duplicate,  
94 a report showing the number of verifiable ballots received from  
95 applicants, the number rejected and the number counted, and showing  
96 the additional votes counted for each candidate for office on the  
97 verifiable ballots. The registrars of voters shall seal a report in the  
98 depository envelope with the verifiable ballots and store such  
99 envelope with other election results materials. The depository  
100 envelope shall be preserved by the registrars of voters for the period of  
101 time required to preserve counted ballots for elections. The head  
102 moderator shall forthwith file a corrected return for each office with  
103 the municipal clerk and the Secretary of the State showing (A) the final  
104 votes after any recanvass, pursuant to sections 9-311 to 9-311b,  
105 inclusive, of the general statutes, the votes on verifiable ballots and the  
106 totals, and (B) the number of verifiable ballots received from  
107 applicants, the number rejected and the number counted, as reported  
108 by the registrars of voters.

109 (4) The provisions of the general statutes concerning procedures  
110 relating to counting ballots shall apply as nearly as may be possible, in  
111 the manner prescribed by the Secretary of the State, to counting  
112 verifiable ballots under this section.

113 (e) Immediately after each election day, the registrars of voters shall  
114 send a confirmation to the residential address of each applicant who is  
115 admitted as an elector on election day under this section. Such  
116 confirmation shall be sent by first class mail with instructions on the  
117 envelope that it be returned if not deliverable at the address shown on

118 the envelope. If a confirmation is returned undelivered, the registrars  
119 shall refer the matter to the State Elections Enforcement Commission  
120 which shall immediately conduct an investigation.

121 Sec. 2. Section 9-158a of the general statutes is repealed and the  
122 following is substituted in lieu thereof (*Effective from passage*):

123 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, as  
124 amended by this act, and 9-307:

125 (1) "Federal election" means any general or special election or any  
126 primary held solely or in part for the purpose of selecting, nominating  
127 or electing any candidate for the office of President, Vice President,  
128 presidential elector, member of the United States Senate or member of  
129 the United States House of Representatives;

130 (2) "Former resident" means a person who was a bona fide resident  
131 of a town in this state and who has [~~removed~~] moved from that town  
132 to another state less than thirty days before the day of a presidential  
133 election and who for that reason is unable to register to vote in the  
134 election in [~~his~~] said person's present town or state of residence;

135 (3) "Overseas elector" means any person permitted to vote pursuant  
136 to subsection (b) of section 9-158b;

137 (4) "Presidential election" means an election at which electors of  
138 President and Vice-President are elected;

139 (5) "Resident" means a bona fide resident of a town in this state;

140 (6) "State" includes any of the several states, the District of  
141 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin  
142 Islands; and

143 (7) "United States" includes the several states, the District of  
144 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin  
145 Islands, but does not include American Samoa, The Canal Zone, the  
146 trust territory of the Pacific Islands or any other territory or possession

147 of the United States.

148 Sec. 3. Subsection (a) of section 9-158b of the general statutes is  
149 repealed and the following is substituted in lieu thereof (*Effective from*  
150 *passage*):

151 (a) Each citizen of the United States who is at least eighteen years of  
152 age, is a [resident or] former resident and [who] has not forfeited [his]  
153 such citizen's electoral privileges because of a disfranchising crime,  
154 may vote for presidential and vice-presidential electors, but for no  
155 other offices, in the town in this state in which [he resides, or] such  
156 citizen formerly resided in the manner provided in sections 9-158c to 9-  
157 158m, inclusive, as amended by this act.

158 Sec. 4. Subsection (a) of section 9-158c of the general statutes is  
159 repealed and the following is substituted in lieu thereof (*Effective from*  
160 *passage*):

161 (a) [(1)] Not earlier than forty-five days before the election and not  
162 later than the close of the polls on election day, each [resident, or]  
163 former resident who desires to vote in a presidential election under  
164 sections 9-158a to 9-158m, inclusive, as amended by this act, may apply  
165 for a "presidential ballot" to the [municipal clerk] registrars of voters of  
166 the town in which [he] such former resident is qualified to vote on the  
167 form prescribed in section 9-158d, as amended by this act. Application  
168 for a "presidential ballot" may be made in person or absentee, in the  
169 manner provided for applying for an absentee ballot under section 9-  
170 140, except as provided in said sections 9-158a to 9-158m, inclusive, as  
171 amended by this act.

172 [(2) A municipal clerk shall have the authority to designate a  
173 location in a municipal facility for the distribution, completion and  
174 processing of presidential ballot applications and the distribution,  
175 casting and return of presidential ballots under sections 9-158a to 9-  
176 158m, inclusive, on election day. Such municipal clerk may appoint  
177 one or more presidential ballot assistants to serve at such location, may  
178 delegate to such assistants any of the responsibilities assigned to

179 municipal clerks under said sections, and shall train and supervise  
180 such presidential ballot assistants.]

181 Sec. 5. Subsection (a) of section 9-158d of the general statutes is  
182 repealed and the following is substituted in lieu thereof (*Effective from*  
183 *passage*):

184 (a) The application for a presidential ballot shall be a form signed in  
185 duplicate by the applicant under penalty of false statement in absentee  
186 balloting, which shall provide substantially as follows:

187 To the [Town Clerk] Registrars of Voters of the Town of ...,  
188 Connecticut

189 I, the undersigned, declare under penalty of false statement in  
190 absentee balloting that the following statements are true:

191 1. I am a citizen of the United States.

192 2. I have not forfeited my electoral privileges because of conviction  
193 of a disfranchising crime.

194 3. I was born on ..., and on the day of the next presidential election,  
195 I shall be at least 18 years of age. [Check and complete 4 or 5,  
196 whichever applies:]

197 [4. RESIDENT. I am a bona fide resident of the above town, to  
198 which I am making this application, and I reside at ... Street. I moved  
199 to said town on the ... day of ..., 20... Before becoming a resident of  
200 said town, I resided at ... Street, in the Town of ... County of ..., State  
201 of ...]

202 [5.] 4. FORMER RESIDENT. I am a former resident of the above  
203 town, to which I am making this application, and resided at ... Street  
204 therein. I moved from such town to my present town and state of  
205 residence on the ... day of ..., 20., being within thirty days before the  
206 date of the next presidential election, and for that reason I cannot  
207 register to vote in said presidential election in my present town and

208 state of residence. I am now a bona fide resident of the Town of ..., in  
209 the state of ..., now residing at .... Street therein.

210 [6.] 5. I hereby apply for a "presidential ballot" for the election to be  
211 held on ..., 20... I have not voted and will not vote otherwise than by  
212 this ballot at that election. I am not eligible to vote for electors of  
213 President and Vice-President [in any other town in Connecticut or] in  
214 any other state.

215 [7.] 6. The said ballot is to be given to me personally mailed to me at  
216 .... (bona fide mailing address)

217 Dated at ..., this .... day of .... 20...

218 .... (Signature of applicant)

219 Sec. 6. Subsection (a) of section 9-158e of the general statutes is  
220 repealed and the following is substituted in lieu thereof (*Effective from*  
221 *passage*):

222 (a) A person applying for a presidential ballot in person shall  
223 present: (1) A current and valid photo identification, or (2) a copy of a  
224 current utility bill, bank statement, government check, paycheck or  
225 other government document that shows the name and address of the  
226 voter. The application for a presidential ballot by mail shall be  
227 accompanied by: (A) A copy of a current and valid photo  
228 identification, or (B) a copy of a current utility bill, bank statement,  
229 government check, paycheck or government document that shows the  
230 name and address of the voter. Upon receipt of an application for a  
231 presidential ballot under sections 9-158a to 9-158m, inclusive, as  
232 amended by this act, the [clerk] registrars of voters, if satisfied that the  
233 application is proper and that the applicant is qualified to vote under  
234 said sections, shall forthwith give or mail to the applicant, as the case  
235 may be, a ballot for presidential and vice-presidential electors for use  
236 at the election and instructions and envelopes for its return. At such  
237 time the [clerks] registrars of voters shall also mail a duplicate of the

238 application to the appropriate official of [(i) the state or the town in this  
239 state in which the applicant last resided in the case of an applicant who  
240 is a resident, or (ii)] the state [or the town in this state] in which the  
241 applicant now resides. [in the case of an applicant who is a former  
242 resident.]

243 Sec. 7. Section 9-158j of the general statutes is repealed and the  
244 following is substituted in lieu thereof (*Effective from passage*):

245 Upon receipt of an application for a "Presidential Ballot" by the  
246 registrars of voters or "Overseas Ballot" by the town clerk, the  
247 registrars of voters or town clerk, as applicable, shall forthwith [notify  
248 the registrars of voters of the applicant's name, with a notation  
249 designating him] designate the applicant as a person voting for  
250 presidential and vice-presidential electors or federal offices only. If the  
251 name of a presidential voter [who is a former resident] appears on the  
252 registry list, the registrars of voters or assistant registrars of voters, as  
253 the case may be, shall insert the letters "pf" in red ink within the  
254 margin preceding [his] the voter's name and address. The registrars of  
255 voters shall prepare a list of names and addresses of presidential  
256 voters and overseas electors whose names do not appear on the  
257 registry list, for each voting district, [which] if district counting is used.  
258 Such list shall accompany the official check list to be used at such  
259 election in such district. [The registrars shall insert the letters "pf" in  
260 the margin of such list of presidential voters preceding the name of  
261 each applicant who is a former resident.] If central counting is used,  
262 such list shall go to central counting.

263 Sec. 8. Section 9-158k of the general statutes is repealed and the  
264 following is substituted in lieu thereof (*Effective from passage*):

265 The [municipal clerk] registrars of voters shall file each duplicate  
266 application or other official information received by [him] such  
267 registrars of voters from another state, [or from another town in this  
268 state,] indicating that a person who formerly resided [or presently  
269 resides] in such town has made application to vote at a presidential

270 election in such other state, [or town,] and shall maintain an  
 271 alphabetical index of such information for a period of one hundred  
 272 eighty days after the election. The [clerk] registrars of voters shall  
 273 compare each such application or statement of information with  
 274 applications made under the provisions of sections 9-158a to 9-158m,  
 275 inclusive, as amended by this act, and, after the election, with the  
 276 names checked off as having voted on the check list for the election, to  
 277 ascertain that any such person has not voted more than once.  
 278 Whenever the record indicates that any person has applied for a  
 279 presidential ballot and indicated in [his] such person's application that  
 280 [he] such person is applying as a former resident, and there is record  
 281 evidence that such person has applied in another state [or town] as a  
 282 new resident, the applicant's ballot shall not be cast in [his] such  
 283 person's former town of residence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	9-158a
Sec. 3	<i>from passage</i>	9-158b(a)
Sec. 4	<i>from passage</i>	9-158c(a)
Sec. 5	<i>from passage</i>	9-158d(a)
Sec. 6	<i>from passage</i>	9-158e(a)
Sec. 7	<i>from passage</i>	9-158j
Sec. 8	<i>from passage</i>	9-158k

**GAE**      *Joint Favorable Subst.*

**PD**        *Joint Favorable*

**APP**      *Joint Favorable*