



General Assembly

**Amendment**

January Session, 2009

LCO No. 6755

**\*HB0643506755HDO\***

Offered by:

REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. O'BRIEN, 24<sup>th</sup> Dist.  
REP. DREW, 132<sup>nd</sup> Dist.  
REP. REEVES, 143<sup>rd</sup> Dist.  
REP. GROGINS, 129<sup>th</sup> Dist.

REP. CARUSO, 126<sup>th</sup> Dist.  
REP. O'ROURKE, 32<sup>nd</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. FONTANA, 87<sup>th</sup> Dist.  
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REP. REED, 102<sup>nd</sup> Dist.

To: Subst. House Bill No. 6435

File No. 553

Cal. No. 373

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this  
4 section, "election day" means the day on which a regular election, as  
5 defined in section 9-1 of the general statutes, primary or referendum is  
6 held.

7 (b) Notwithstanding the provisions of chapter 143 of the general  
8 statutes, a person who (1) is not an elector, and (2) meets the eligibility  
9 requirements under subsection (a) of section 9-12 of the general

10 statutes, may apply for admission as an elector on election day.

11 (c) (1) The registrars of voters shall have the authority to designate a  
12 location for the completion and processing of election day registration  
13 applications, and counting of the election day registration ballots on  
14 election day. Such registrars of voters may appoint one or more  
15 election officials to serve at such location and may delegate to such  
16 election officials any of the responsibilities assigned to the registrars of  
17 voters. The registrars of voters shall train and supervise such election  
18 day registration election officials. Any such location designated by the  
19 registrars of voters shall comply with section 9-168d of the general  
20 statutes and shall provide the same opportunity for access and  
21 participation, including privacy and independence, for all voters.

22 (2) No person shall solicit in behalf of or in opposition to the  
23 candidacy of another or himself or in behalf of or in opposition to any  
24 question being submitted at the election, primary or referendum, or  
25 loiter or peddle or offer any advertising matter, ballot or circular to  
26 another person within a radius of seventy-five feet of any outside  
27 entrance in use as an entry to the registrars of voters designated  
28 location for election day registration balloting or in any corridor,  
29 passageway or other approach leading from any such outside entrance  
30 to such registrars of voters designated location or in any room opening  
31 upon any such corridor, passageway or approach.

32 (d) Any such application shall be made in accordance with the  
33 provisions of section 9-20 of the general statutes, provided (1) on  
34 election day, the applicant shall appear in person at the location  
35 designated by the registrars of voters for election day registration, (2)  
36 an applicant who is a student enrolled at an institution of higher  
37 education may submit a current photo identification card issued by  
38 said institution in lieu of the identification required by section 9-20 of  
39 the general statutes, and (3) the applicant shall declare under oath that  
40 the applicant has not previously voted in the election, primary or  
41 referendum, as applicable. If the information that the applicant is  
42 required to provide under section 9-20 of the general statutes and this

43 section does not include proof of the applicant's residential address,  
44 the applicant shall also submit identification that shows the applicant's  
45 bona fide residence address, including, but not limited to, a United  
46 States passport, a learner's permit or a utility bill that has the  
47 applicant's name and current address and is due not later than thirty  
48 days after the election, primary or referendum, as applicable or, in the  
49 case of a student enrolled at an institution of higher education, a  
50 registration or fee statement from such institution that has the  
51 applicant's name and current address. The registrars of voters shall  
52 check the state-wide centralized voter registration system before  
53 admitting an applicant as an elector. If the registrars of voters  
54 determine that an applicant is qualified to register as an elector, the  
55 registrars of voters shall admit the applicant as an elector and  
56 privileges shall attach immediately.

57 (e) Notwithstanding the provisions of section 9-21 of the general  
58 statutes, in the event such applicant is an elector in another  
59 municipality and such applicant states that he or she wants to change  
60 the municipality in which the applicant is an elector, the registrars of  
61 voters shall immediately notify the registrars of voters in such other  
62 municipality that such elector is changing the municipality in which  
63 the applicant is an elector. The registrars of voters in the other  
64 municipality shall immediately notify the election officials in such  
65 municipality to remove such elector from the official voter list of such  
66 municipality. Such election officials shall cross through the elector's  
67 name on such official voter list and mark "off" and remove such  
68 elector's name from the official voter list for such municipality. If it is  
69 found that such applicant already voted in such other municipality,  
70 the registrars of voters of such other municipality shall immediately  
71 notify the registrars of voters of the municipality in which such elector  
72 now seeks to register. In such event, such elector shall not receive an  
73 election day registration ballot from the registrars of voters of the  
74 municipality in which such elector now seeks to register. For any such  
75 elector, the election day registration process shall cease in the  
76 municipality in which such elector now seeks to register and such

77 matter shall be reviewed by the registrars of voters in the municipality  
78 in which such elector now seeks to register. After completion of such  
79 review, if a resolution of the matter can not be made, such matter shall  
80 be reported to the State Elections Enforcement Commission which  
81 shall conduct an investigation of the matter.

82 (f) If the applicant is admitted as an elector, the registrars of voters  
83 shall provide the elector with an election day registration ballot and  
84 security envelope, subject to the provisions of section 9-59, of the  
85 general statutes and shall make a record of such issuance. The elector  
86 shall fill out an affirmation on the envelope for an election day  
87 registration ballot and shall declare under oath that the applicant has  
88 not previously voted in the election, primary or referendum, as  
89 applicable. The affirmation shall be in the form substantially as  
90 follows:

91 AFFIRMATION: I, the undersigned, do hereby state, under  
92 penalties of false

93 statement, (perjury) that:

94 1. I am the person admitted here as an elector in the town indicated  
95 (or)

96 2. I am eligible to vote in the election, primary or referendum  
97 indicated for today in the town indicated.

98 3. The information on my voter registration card is correct and  
99 complete.

100 4. I reside at the address that I have given to the registrars of voters.

101 5. If previously registered at another location, I have provided such  
102 address to the registrars of voters and hereby request cancellation of  
103 such prior registration.

104 6. I have not voted and I will not vote otherwise than by this ballot  
105 in person or by absentee ballot at this election, primary or referendum.

106 7. I apply for an election day registration ballot.

107 (g) The elector shall forthwith mark the election day registration  
108 ballot in the presence of the registrars of voters in such a manner that  
109 the registrars of voters shall not know how the election day  
110 registration ballot is marked. The elector shall place the election day  
111 registration ballot in the election day registration ballot envelope  
112 provided, and deposit such envelope in a secured election day  
113 registration ballot depository receptacle. The registrars of voters shall  
114 transport such receptacle to the area where such election day  
115 registration ballots shall be counted. At the time designated by the  
116 registrars of voters and noticed to election officials, the election day  
117 registration ballots issued pursuant to this section shall be delivered to  
118 the area, either district or central, where such election day registration  
119 ballots shall be counted by the election officials present at such  
120 location. A section of the head moderators return shall show the  
121 number of election day registration ballots received from electors. The  
122 registrars of voters shall seal a copy of the votes cast on election day  
123 registration ballots in the depository envelope with the election day  
124 registration ballots and store such election day registration envelope  
125 with the other election results materials. The election day registration  
126 depository envelope shall be preserved by the registrars of voters for  
127 the period of time required to preserve counted ballots for elections.

128 (h) The provisions of the general statutes and regulations  
129 concerning procedures relating to the custody, control and counting of  
130 absentee ballots shall apply as nearly as possible, to the custody,  
131 control and counting of election day registration ballots under this  
132 section.

133 (i) After the acceptance of an election day registration, the registrars  
134 of voters shall forthwith send a registration confirmation notice to the  
135 residential address of each applicant who is admitted as an elector on  
136 election day under this section. Such confirmation shall be sent by first  
137 class mail with instructions on the envelope that it be returned if not  
138 deliverable at the address shown on the envelope. If a confirmation

139 notice is returned undelivered, the registrars of voters shall investigate  
140 and shall take the necessary action in accordance with sections 9-35 or  
141 9-43 of the general statutes, as applicable.

142 Sec. 2. Section 9-158a of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

146 (1) "Federal election" means any general or special election or any  
147 primary held solely or in part for the purpose of selecting, nominating  
148 or electing any candidate for the office of President, Vice President,  
149 presidential elector, member of the United States Senate or member of  
150 the United States House of Representatives;

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

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

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

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

161 (6) "State" includes any of the several states, the District of  
162 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin  
163 Islands; and

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

168 of the United States.

169 Sec. 3. Subsection (a) of section 9-158b of the general statutes is  
170 repealed and the following is substituted in lieu thereof (*Effective*  
171 *October 1, 2009*):

172 (a) Each citizen of the United States who is at least eighteen years of  
173 age, is a [resident or] former resident and [who] has not forfeited [his]  
174 such citizen's electoral privileges because of a disfranchising crime,  
175 may vote for presidential and vice-presidential electors, but for no  
176 other offices, in the town in this state in which [he resides, or] such  
177 citizen formerly resided in the manner provided in sections 9-158c to 9-  
178 158m, inclusive, as amended by this act.

179 Sec. 4. Subsections (a) and (b) of section 9-158c of the general  
180 statutes are repealed and the following is substituted in lieu thereof  
181 (*Effective October 1, 2009*):

182 (a) [(1)] Not earlier than forty-five days before the election and not  
183 later than the close of the polls on election day, each [resident, or]  
184 former resident who desires to vote in a presidential election under  
185 sections 9-158a to 9-158m, inclusive, as amended by this act, may apply  
186 for a "presidential ballot" to the [municipal clerk] registrars of voters of  
187 the town in which [he] such former resident is qualified to vote on the  
188 form prescribed in section 9-158d, as amended by this act. Application  
189 for a "presidential ballot" may be made in person or absentee, in the  
190 manner provided for applying for an absentee ballot under section 9-  
191 140, except as provided in said sections 9-158a to 9-158m, inclusive, as  
192 amended by this act.

193 [(2)] A municipal clerk shall have the authority to designate a  
194 location in a municipal facility for the distribution, completion and  
195 processing of presidential ballot applications and the distribution,  
196 casting and return of presidential ballots under sections 9-158a to 9-  
197 158m, inclusive, on election day. Such municipal clerk may appoint  
198 one or more presidential ballot assistants to serve at such location, may  
199 delegate to such assistants any of the responsibilities assigned to

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

202 (b) Each overseas elector who desires to vote in a federal election  
203 under subsection (b) of section 9-158b may apply for an overseas ballot  
204 not earlier than (1) the forty-fifth day preceding a federal election  
205 which is a general election or a general election held in conjunction  
206 with a special election, and (2) the thirtieth day preceding a federal  
207 election which is a primary or a federal election which is a special  
208 election not held in conjunction with a general election. Application  
209 shall be made to the [town clerk] registrars of voters of the  
210 municipality in which [he] the elector is so qualified to vote on a form  
211 prescribed in subsection (b) of section 9-158d.

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

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

218 To the [Town Clerk] Registrars of Voters of the Town of ...,  
219 Connecticut

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

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

223 2. I have not forfeited my electoral privileges because of conviction  
224 of a disfranchising crime.

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

228 [4. RESIDENT. I am a bona fide resident of the above town, to

229 which I am making this application, and I reside at ... Street. I moved  
230 to said town on the ... day of ..., 20... Before becoming a resident of  
231 said town, I resided at ... Street, in the Town of ... County of ..., State  
232 of ....]

233 [5.] 4. [FORMER RESIDENT.] I am a former resident of the above  
234 town, to which I am making this application, and resided at ... Street  
235 therein. I moved from such town to my present town and state of  
236 residence on the ... day of ..., 20., being within thirty days before the  
237 date of the next presidential election, and for that reason I cannot  
238 register to vote in said presidential election in my present town and  
239 state of residence. I am now a bona fide resident of the Town of ..., in  
240 the state of ..., now residing at ... Street therein.

241 [6.] 5. I hereby apply for a "presidential ballot" for the election to be  
242 held on ..., 20... I have not voted and will not vote otherwise than by  
243 this ballot at that election. I am not eligible to vote for electors of  
244 President and Vice-President [in any other town in Connecticut or] in  
245 any other state.

246 [7.] 6. The said ballot is to be given to me personally mailed to me at  
247 ... (bona fide mailing address)

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

249 ... (Signature of applicant)

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

253 (a) A person applying for a presidential ballot in person shall  
254 present: (1) A current and valid photo identification, or (2) a copy of a  
255 current utility bill, bank statement, government check, paycheck or  
256 other government document that shows the name and address of the  
257 voter. The application for a presidential ballot by mail shall be

258 accompanied by: (A) A copy of a current and valid photo  
259 identification, or (B) a copy of a current utility bill, bank statement,  
260 government check, paycheck or government document that shows the  
261 name and address of the voter. Upon receipt of an application for a  
262 presidential ballot under sections 9-158a to 9-158m, inclusive, as  
263 amended by this act, the [clerk] registrars of voters, if satisfied that the  
264 application is proper and that the applicant is qualified to vote under  
265 said sections, shall forthwith give or mail to the applicant, as the case  
266 may be, a ballot for presidential and vice-presidential electors for use  
267 at the election and instructions and envelopes for its return. [At such  
268 time the clerks shall also mail a duplicate of the application to the  
269 appropriate official of (i) the state or the town in this state in which the  
270 applicant last resided in the case of an applicant who is a resident, or  
271 (ii) the state or the town in this state in which the applicant now  
272 resides in the case of an applicant who is a former resident.]

273 Sec. 7. Section 9-158f of the general statutes is repealed and the  
274 following is substituted in lieu thereof (*Effective October 1, 2009*):

275 (a) The voter, after marking his or her presidential ballot so as to  
276 express his or her choice, shall fold it so as to conceal the markings,  
277 and enclose it in an inner envelope furnished by the [town clerk]  
278 registrars of voters for such purpose. The envelope shall have  
279 imprinted upon its back a statement which shall be signed by the  
280 voter. The failure of the voter to date the statement shall not invalidate  
281 the ballot. Such statement shall be substantially as follows:

282 Certification of Presidential Voter

283 I, the undersigned, do hereby state under the penalties of false  
284 statement in absentee balloting that:

285 (1) I am qualified to vote for Presidential and Vice-Presidential  
286 electors in the town of .... Connecticut, at the presidential election to be  
287 held on November ...., 20...

288 (2) I have not applied, nor do I intend to apply, for a ballot to vote  
289 for Presidential and Vice-Presidential electors at said election from any  
290 other town, city, county or state, and

291 (3) I have not voted, and I will not vote otherwise than by this ballot  
292 in said presidential election.

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

294 ... (Signature of voter)

295 (b) The overseas elector, after marking his or her overseas ballot so  
296 as to express his or her choice, shall fold it so as to conceal the  
297 markings and enclose it in an inner envelope furnished by the [town  
298 clerk] registrar of voters for such purpose. The envelope shall have  
299 imprinted upon its back a statement which shall be signed by the  
300 elector. The failure of the elector to date the statement shall not  
301 invalidate the ballot. The statement shall be substantially as follows:

302 Certification of Overseas Elector

303 I, the undersigned, do hereby state under the penalties of false  
304 statement in absentee balloting that:

305 (1) I am qualified to vote for candidates for federal office in the town  
306 of ..., Connecticut, at the federal election to be held on ..., 20...

307 (2) I have not applied, nor do I intend to apply, for a ballot to vote  
308 for candidates for federal office at said election from any other town,  
309 city or county in Connecticut or in any other state or election district of  
310 any state or territory or any territory or possession of the United States.

311 (3) I have not voted, and I will not vote otherwise than by this ballot  
312 in said federal election.

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

314 .... (Signature of overseas elector)

315 Sec. 8. Section 9-158g of the general statutes is repealed and the  
316 following is substituted in lieu thereof (*Effective October 1, 2009*):

317 The voter shall sign the certification upon the inner envelope,  
318 securely seal it, enclose it in an outer serially-numbered envelope, and  
319 return it to the [municipal clerk] registrars of voters of the town in  
320 which [he] the voter is qualified to vote. [The clerk shall keep it in his  
321 office until delivered by him to the registrars of voters at the same time  
322 and in the same manner as is provided for absentee ballots.] If the  
323 ballot is returned by a person other than the voter or the United States  
324 Postal Service, the person delivering the ballot shall sign his or her  
325 name and address and the date and time of its delivery on the outer  
326 envelope in the [clerk's] registrars of voters' presence. The ballot, to be  
327 cast, shall be returned so that it is received by the [town clerk]  
328 registrars of voters not later than the close of the polls on the day of the  
329 election, primary or referendum.

330 Sec. 9. Section 9-158h of the general statutes is repealed and the  
331 following is substituted in lieu thereof (*Effective October 1, 2009*):

332 The [clerk] registrars of voters shall prepare and keep open to public  
333 inspection a list of all persons who have applied under sections 9-158a  
334 to 9-158m, inclusive, to vote as presidential voters or overseas electors  
335 with their names, voting addresses and application dates together with  
336 the serial number of the return envelopes issued, and shall maintain an  
337 alphabetical index of the list for a period of one hundred eighty days  
338 after the election or primary.

339 Sec. 10. Section 9-158i of the general statutes is repealed and the  
340 following is substituted in lieu thereof (*Effective October 1, 2009*):

341 The Secretary of the State shall prepare, print and distribute to the  
342 [town clerk] registrars of voters in each town in this state, a sufficient

343 number of ballots and other necessary forms to be used by the persons  
344 eligible to vote for the offices of presidential electors or federal offices  
345 under the provisions of sections 9-158a to 9-158m, inclusive. The words  
346 "Presidential Ballot" or "Overseas Ballot" shall appear on each such  
347 ballot and no such ballot shall afford any opportunity to vote for any  
348 office or officer except presidential electors or federal offices. The  
349 Secretary of the State may make any changes in any forms prescribed  
350 by, or provided for, in said sections which, in the opinion of the  
351 secretary, are necessary to cause said forms to conform to the  
352 provisions of applicable federal law.

353 Sec. 11. Section 9-158j of the general statutes is repealed and the  
354 following is substituted in lieu thereof (*Effective October 1, 2009*):

355 [Upon receipt of an application for a "Presidential Ballot" or  
356 "Overseas Ballot" the town clerk shall forthwith notify the registrars of  
357 voters of the applicant's name, with a notation designating him as a  
358 person voting for presidential and vice-presidential electors or federal  
359 offices only. If the name of a presidential voter who is a former  
360 resident appears on the registry list, the registrars shall insert the  
361 letters "pf" in the margin preceding his name. The registrars shall  
362 prepare a list of names and addresses of presidential voters and  
363 overseas electors whose names do not appear on the registry list, for  
364 each voting district, which list shall accompany the check list to be  
365 used at such election in such district. The registrars shall insert the  
366 letters "pf" in the margin of such list of presidential voters preceding  
367 the name of each applicant who is a former resident.]

368 (a) Upon receipt of a "Presidential Ballot", the registrars of voters  
369 shall insert the letters "pf" in the margin preceding the elector's name  
370 and address.

371 (b) Upon receipt of an "Overseas Ballot", the registrars of voters  
372 shall compile a list of those electors whose names do not appear on the  
373 registry list for each voting district. Such list shall accompany the  
374 official check list to be used at such election, primary or referendum

375 where such ballots shall be counted in the district or central counting.

376 Sec. 12. Section 9-158l of the general statutes is repealed and the  
377 following is substituted in lieu thereof (*Effective October 1, 2009*):

378 Any person wilfully making a false statement on any statement  
379 required by sections 9-158a to 9-158m, inclusive, to be made in the  
380 form of an affidavit or a statement under penalties of false statement in  
381 absentee balloting, shall be subject to the penalties imposed by law for  
382 such statements. If any public official wilfully refuses or neglects to  
383 perform any of the duties prescribed by sections [9-140b, 9-140c and] 9-  
384 158a to 9-158m, inclusive, or violates any of the provisions of said  
385 sections, [he] such official shall be subject to the penalties imposed by  
386 law.

387 Sec. 13. Section 9-158k of the general statutes is repealed. (*Effective*  
388 *October 1, 2009*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	9-158a
Sec. 3	<i>October 1, 2009</i>	9-158b(a)
Sec. 4	<i>October 1, 2009</i>	9-158c(a) and (b)
Sec. 5	<i>from passage</i>	9-158d(a)
Sec. 6	<i>from passage</i>	9-158e(a)
Sec. 7	<i>October 1, 2009</i>	9-158f
Sec. 8	<i>October 1, 2009</i>	9-158g
Sec. 9	<i>October 1, 2009</i>	9-158h
Sec. 10	<i>October 1, 2009</i>	9-158i
Sec. 11	<i>October 1, 2009</i>	9-158j
Sec. 12	<i>October 1, 2009</i>	9-158l
Sec. 13	<i>October 1, 2009</i>	Repealer section