



Substitute House Bill No. 5024

Public Act No. 12-56

AN ACT CONCERNING VOTING RIGHTS.

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

Section 1. (NEW) (*Effective July 1, 2013*) (a) As used in this section, "election day" means the day on which a regular election, as defined in section 9-1 of the general statutes, is held.

(b) Notwithstanding the provisions of chapter 143 of the general statutes, a person who (1) is (A) not an elector, or (B) an elector registered in a municipality who wishes to change his or her registration to another municipality pursuant to the provisions of subdivision (2) of subsection (e) of this section, and (2) meets the eligibility requirements under subsection (a) of section 9-12 of the general statutes, may apply for admission as an elector on election day pursuant to the provisions of this section.

(c) (1) The registrars of voters shall designate a location for the completion and processing of election day registration applications on election day, provided the registrars of voters have access to the state-wide centralized voter registration system from such location.

(2) The registrars of voters may appoint one or more election officials to serve at such location and may delegate to such election

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officials any of the responsibilities assigned to the registrars of voters. The registrars of voters shall supervise such election officials and train such election officials to be election day registration election officials.

(d) Any person applying to register on election day under the provisions of this section shall make application in accordance with the provisions of section 9-20 of the general statutes, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by said institution in lieu of the identification required by section 9-20 of the general statutes, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election. If the information that the applicant is required to provide under said section 9-20 and this section does not include proof of the applicant's residential address, the applicant shall also submit identification that shows the applicant's bona fide residence address, including, but not limited to, a learner's permit issued under section 14-36 of the general statutes or a utility bill that has the applicant's name and current address and that has a due date that is not later than thirty days after the election or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant's name and current address.

(e) If the registrars of voters determine that an applicant satisfies the application requirements set forth in subsection (d) of this section, the registrars of voters shall check the state-wide centralized voter registration system before admitting such applicant as an elector.

(1) If the registrars of voters determine that the applicant is not already an elector, the registrars of voters shall admit the applicant as an elector and the privileges of an elector shall attach immediately.

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(2) If the registrars of voters determine that such applicant is an elector in another municipality and such applicant states that he or she wants to change the municipality in which the applicant is an elector, notwithstanding the provisions of section 9-21 of the general statutes, the registrars of voters of the municipality in which such elector now seeks to register shall immediately notify the registrars of voters in such other municipality that such elector is changing the municipality in which the applicant is an elector. The registrars of voters in such other municipality shall notify the election officials in such municipality to remove such elector from the official voter list of such municipality. Such election officials shall cross through the elector's name on such official voter list and mark "off" next to such elector's name on such official voter list.

(A) If it is reported that such applicant already voted in such other municipality, the registrars of voters of such other municipality shall immediately notify the registrars of voters of the municipality in which such elector now seeks to register. In such event, such elector shall not receive an election day registration ballot from the registrars of voters of the municipality in which such elector now seeks to register. For any such elector, the election day registration process shall cease in the municipality in which such elector now seeks to register and such matter shall be reviewed by the registrars of voters in the municipality in which such elector now seeks to register. After completion of such review, if a resolution of the matter can not be made, such matter shall be reported to the State Elections Enforcement Commission which shall conduct an investigation of the matter.

(B) If there is no such report that such applicant already voted in the other municipality, the registrars of voters of the municipality in which the applicant seeks to register shall admit the applicant as an elector and the privileges of an elector shall attach immediately.

(f) If the applicant is admitted as an elector, the registrars of voters

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shall provide the elector with an election day registration ballot and election day registration envelope and shall make a record of such issuance. The elector shall complete an affirmation imprinted upon the back of the envelope for an election day registration ballot and shall declare under oath that the applicant has not previously voted in the election. The affirmation shall be in the form substantially as follows and signed by the voter:

AFFIRMATION: I, the undersigned, do hereby state, under penalty of false statement, (perjury) that:

1. I am the person admitted here as an elector in the town indicated.
2. I am eligible to vote in the election indicated for today in the town indicated.
3. The information on my voter registration card is correct and complete.
4. I reside at the address that I have given to the registrars of voters.
5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election.
7. I completed an application for an election day registration ballot and received an election day registration ballot.

.... (Signature of voter)

(g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day

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registration ballot is marked. The elector shall place the election day registration ballot in the election day registration ballot envelope provided, and deposit such envelope in a secured election day registration ballot depository receptacle. At the time designated by the registrars of voters and noticed to election officials, the registrars of voters shall transport such receptacle containing the election day registration ballots to the area, either district or central, where absentee ballots are counted and such election day registration ballots shall be counted by the election officials present at such location. A section of the head moderator's return shall show the number of election day registration ballots received from electors. The registrars of voters shall seal a copy of the vote tally for election day registration ballots in a depository envelope with the election day registration ballots and store such election day registration depository envelope with the other election results materials. The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.

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

(i) After the acceptance of an election day registration, the registrars of voters shall forthwith send a registration confirmation notice to the residential address of each applicant who is admitted as an elector on election day under this section. Such confirmation shall be sent by first class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. If a confirmation notice is returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43 of the general statutes, as applicable, notwithstanding the May first deadline in

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section 9-35 of the general statutes.

Sec. 2. (NEW) (*Effective July 1, 2013*) No person shall solicit in behalf of or in opposition to the candidacy of another or himself or herself or in behalf of or in opposition to any question being submitted at the election, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to the registrars' of voters designated location for election day registration balloting or in any corridor, passageway or other approach leading from any such outside entrance to such registrars' of voters designated location or in any room opening upon any such corridor, passageway or approach.

Sec. 3. Section 9-158a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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

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

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

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

(4) "Presidential election" means an election at which electors of

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President and Vice-President are elected;

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

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

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

Sec. 4. Subsection (a) of section 9-158b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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

Sec. 5. Subsections (a) and (b) of section 9-158c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) (1) Not earlier than forty-five days before the election and not later than the close of the polls on election day, each [resident, or] former resident who desires to vote in a presidential election under sections 9-158a to 9-158m, inclusive, as amended by this act, may apply for a "presidential ballot" to the municipal clerk of the town in which

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[he] such former resident is qualified to vote on the form prescribed in section 9-158d, as amended by this act. Application for a "presidential ballot" may be made in person or absentee, in the manner provided for applying for an absentee ballot under section 9-140, except as provided in said sections 9-158a to 9-158m, inclusive.

(2) A municipal clerk shall have the authority to designate a location in a municipal facility for the distribution, completion and processing of presidential ballot applications and the distribution, casting and return of presidential ballots under sections 9-158a to 9-158m, inclusive, as amended by this act, on election day. Such municipal clerk may appoint one or more presidential ballot assistants to serve at such location, may delegate to such assistants any of the responsibilities assigned to municipal clerks under said sections, and shall train and supervise such presidential ballot assistants.

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

Sec. 6. Subsection (a) of section 9-158d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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

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To the Town Clerk of the Town of ..., Connecticut

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

1. I am a citizen of the United States.

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

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

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

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

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

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

Dated at, this day of 20...

.... (Signature of applicant)

Sec. 7. Subsection (a) of section 9-158e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) A person applying for a presidential ballot in person shall present: (1) A current and valid photo identification, or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. The application for a presidential ballot by mail shall be accompanied by: (A) A copy of a current and valid photo identification, or (B) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter. Upon receipt of an application for a presidential ballot under sections 9-158a to 9-158m, inclusive, as amended by this act, the clerk, if satisfied that the application is proper and that the applicant is qualified to vote under said sections, shall forthwith give or mail to the applicant, as the case may be, a ballot for presidential and vice-presidential electors for use at the election and instructions and envelopes for its return. [At such time the clerks shall also mail a duplicate of the application to the appropriate official of (i) the state or the town in this state in which the applicant last resided in the case of an applicant who is a resident, or (ii) the state or the town in this state in which the applicant now resides in the case of an applicant who is a former resident.]

Sec. 8. Section 9-158l of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective July 1, 2013*):

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

Sec. 9. (NEW) (*Effective July 1, 2013*) Not later than February 1, 2014, the Secretary of the State shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to elections on the administration of election day registration. Such report shall address any issues or concerns regarding the administration of election day registration during the November 2013 election, including, but not limited to, ballot security and privacy. The Secretary of the State, in consultation with the State Elections Enforcement Commission, shall conduct interviews with registrars of voters, poll workers and candidates from municipalities with small, medium and large populations in order to determine the efficacy of election day registration during the November 2013 election and include any concomitant observations and results in such report, including, but not limited to, ways in which ballot security and privacy on election day can be enhanced.

Sec. 10. (NEW) (*Effective January 1, 2014*) (a) The Secretary of the State shall establish and maintain a system for online voter registration. Such system shall also permit a registered elector to apply for changes to such elector's registration. An applicant may register to vote through this system, provided the applicant's (1) registration

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information is verifiable in the manner described in subsection (b) of this section, and (2) signature is in a database described in said subsection (b) and such signature may be imported into such system for online voter registration.

(b) A state agency, upon the request of the Secretary of the State, shall provide any information to the Secretary that the Secretary deems necessary to maintain the system for online voter registration. The Secretary may cross reference the information input into the system by applicants with data or information contained in any state agency's database or a database administered by the federal government, or any voter registration database of another state, in order to verify the information submitted by applicants. The Secretary shall not use the information obtained from any such database except to verify information submitted by the applicant, provided the applicant's signature, if part of data contained in the state agency's database, shall be included as part of the applicant's information contained in the system for online voter registration.

(c) The submission of an online application shall contain all of the information that is required for an application under section 9-23h of the general statutes, except that a signature shall be obtained from another state agency's database pursuant to subsection (b) of this section.

(d) In order for an applicant's registration or change in registration to be approved, the applicant shall mark the box associated with the following statement included as part of the online application:

"By clicking on the box below, I swear or affirm all of the following under penalty of perjury:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of

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Connecticut.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State or my town's registrars of voters my signature that is on file with such agency and understand that such signature will be used by the Secretary of the State or my town's registrars of voters on this online application for admission as an elector as if I had signed this form personally."

(e) Upon approval of such application, the registrars of voters shall send a notice of approval pursuant to section 9-19b of the general statutes to the applicant.

(f) If an applicant registers to vote pursuant to the provisions of this section after the fourteenth day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be. In such event, the registrars of voters may contact such applicant, either by telephone or mail, in order to inform such applicant of the effect of such late received application and any applicable deadline for applying for admission in person.

Sec. 11. (NEW) (*Effective July 1, 2013*) (a) The Secretary of the State may enter into an agreement to share information or data with any other state in order to maintain the state-wide centralized voter registration system established pursuant to section 9-50b of the general statutes. If an agency of this state, another state or the federal government provides the Secretary with information or data to be used to maintain such system, the Secretary shall not use such information or data for any purpose except to maintain such system and shall

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ensure that such information or data is held confidential if such information or data, while in the possession of such other agency or state or federal government, as applicable, was required to be held confidential, except as provided for in subsection (b) of this section.

(b) The Secretary of the State may provide such information or data to a nonpartisan third-party vendor for the purpose of maintaining the state-wide centralized voter registration system established pursuant to section 9-50b of the general statutes, provided such vendor's activities are performed under the supervision of the Secretary and such vendor has entered into an agreement to protect the confidentiality of such information or data.

Sec. 12. Subdivision (2) of subsection (a) of section 9-7b of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

(2) To levy a civil penalty not to exceed (A) two thousand dollars per offense against any person the commission finds to be in violation of any provision of chapter 145, part V of chapter 146, part I of chapter 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, as amended by this act, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k, [or] 9-453o, section 1 of this act, section 2 of this act or section 10 of this act, (B) two thousand dollars per offense against any town clerk, registrar of voters, an appointee or designee of a town clerk or registrar of voters, or any other election or primary official whom the commission finds to have failed to discharge a duty imposed by any provision of chapter 146 or 147, (C) two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to

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vote in such election, primary or referendum, or (D) two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157. The commission may levy a civil penalty against any person under subparagraph (A), (B), (C) or (D) of this subdivision only after giving the person an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive. In the case of failure to pay any such penalty levied pursuant to this subsection within thirty days of written notice sent by certified or registered mail to such person, the superior court for the judicial district of Hartford, on application of the commission, may issue an order requiring such person to pay the penalty imposed and such court costs, state marshal's fees and attorney's fees incurred by the commission as the court may determine. Any civil penalties paid, collected or recovered under subparagraph (D) of this subdivision for a violation of any provision of chapter 155 applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section 3-13c, affected by such violation;

Sec. 13. Section 9-23k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

The Secretary of the State shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, except that the State Elections Enforcement Commission shall be responsible for the investigation of any complaint alleging a violation of sections 9-7b, as amended by this act, and 9-12, subsection (a) of section 9-17, sections 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, as amended by this act, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, [and] 9-59, section 1 of this act, section 2 of this act and section 10 of this act

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and shall have the authority to enforce the provisions of said sections by use of its powers as prescribed in section 9-7b, as amended by this act.

Sec. 14. Section 9-158k of the general statutes is repealed. (*Effective July 1, 2013*)