



Senate

General Assembly

File No. 458

February Session, 2012

Substitute Senate Bill No. 437

Senate, April 17, 2012

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CHANGES TO ELECTIONS LAWS.

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

1 Section 1. (NEW) (*Effective from passage*) Whenever a complaint is
2 made, in writing, to the State Elections Enforcement Commission that
3 a registrar of voters of any town is guilty of misconduct, wilful and
4 material neglect of duty or incompetence in the conduct of such
5 registrar's office, said commission shall investigate the charges as the
6 commission deems proper and shall, if of the opinion that the evidence
7 obtained warrants such action, prepare a statement, in writing, of the
8 charges against such registrar of voters, together with a citation in the
9 name of the state, commanding such registrar of voters to appear
10 before a judge of the Superior Court at a date named in such citation
11 and show cause, if any, why such registrar should not be removed
12 from office as provided in this section. Said commission shall cause a
13 copy of such statement and citation to be served by the proper officer
14 upon the defendant not later than ten days before the date of

15 appearance named in such citation, and the original statement and
16 citation, with the return of the officer on such statement and citation,
17 shall be returned to the clerk of the superior court for the judicial
18 district within which such town is situated. To carry out the provisions
19 of this section, the commission shall have power to summon witnesses,
20 require the production of necessary books, papers and other
21 documents and administer oaths to witnesses. Upon the day named in
22 such citation for the appearance of such registrar of voters, or upon
23 any adjourned day fixed by the judge before whom such proceedings
24 are pending, the commission shall appear and conduct the hearing on
25 behalf of the state. If, after a full hearing of all the evidence offered by
26 the commission and by and in behalf of the defendant, the judge is of
27 the opinion that the evidence presented warrants the removal of such
28 registrar of voters, the judge shall cause to be prepared a written order
29 to that effect, which shall be signed by the judge and lodged with the
30 clerk of the superior court for the judicial district in which the
31 defendant resides. Such clerk of the superior court shall cause a
32 certified copy of such order to be served forthwith upon such registrar
33 of voters, and upon such service the office held by such registrar of
34 voters shall become vacant and the vacancy shall be filled in the
35 manner provided in section 9-192 of the general statutes. Any
36 witnesses summoned and any officer making service under the
37 provisions of this section shall be allowed and paid by the state the
38 same fees as are allowed by law in criminal prosecutions.

39 Sec. 2. Subsection (a) of section 9-7b of the 2012 supplement to the
40 general statutes is amended by adding subdivision (19) as follows
41 (*Effective from passage*):

42 (NEW) (19) To carry out an investigation of a registrar of voters in
43 accordance with the provisions of section 1 of this act.

44 Sec. 3. Subsection (a) of section 9-7a of the 2012 supplement to the
45 general statutes is repealed and the following is substituted in lieu
46 thereof (*Effective from passage*):

47 (a) There is established, within the Office of Governmental

48 Accountability established under section 1-300, a State Elections
49 Enforcement Commission to consist of five members, not more than
50 two of whom shall be members of the same political party and at least
51 one of whom shall not be affiliated with any political party. (1) Of the
52 members first appointed [hereunder] under this subsection, one shall
53 be appointed by the minority leader of the House of Representatives
54 and shall hold office for a term of one year from July 1, 1974; one shall
55 be appointed by the minority leader of the Senate and shall hold office
56 for a term of three years from said July first; one shall be appointed by
57 the speaker of the House of Representatives and shall hold office for a
58 term of one year from said July first; one shall be appointed by the
59 president pro tempore of the Senate and shall hold office for a term of
60 three years from said July first; [,] and one shall be appointed by the
61 Governor, provided [that] such member shall not be affiliated with any
62 political party, and shall hold office for a term of five years from said
63 July first, except members appointed on or after July 1, 2011. (2) On
64 and after July 1, 2011, the first member appointed by each office holder
65 described in this subsection shall be appointed for a term of two years
66 and nine months from July first of the year of appointment, provided if
67 the first member appointed by an office holder on or after July 1, 2011,
68 is an appointment to fill a vacancy, such appointment shall be only for
69 the unexpired term of the member whom he or she shall succeed, and
70 the next member appointed by that office holder shall be appointed for
71 a term of two years and nine months from July first of the year of that
72 member's appointment. After the initial appointments for full terms
73 made on or after July 1, 2011, members shall be appointed for terms of
74 three years from [July] April first in the year of their appointment and
75 shall be appointed by the person holding the same office as was held
76 by the person making the original appointment, provided any person
77 chosen to fill a vacancy shall be appointed only for the unexpired term
78 of the member whom he or she shall succeed. [On and after July 1,
79 2011, no] No member serving on July 1, 2011, may serve more than one
80 additional consecutive term and no member appointed after said date
81 may serve more than two consecutive terms, except that any such
82 member, [serving on said date] at the expiration of the member's final

83 term, may serve until a successor is appointed and has qualified. All
84 appointments shall be made with the consent of the state Senate and
85 House of Representatives. No person who has served within the
86 previous three years as a public official, other than as a member of the
87 State Elections Enforcement Commission, or who has served within
88 the previous three years as a political party officer, shall be appointed
89 to membership on the commission. For purposes of this subsection, the
90 term "public official" means an individual who holds or has held a
91 state, district or municipal office as defined in section 9-372 but shall
92 not include a justice of the peace or a notary public and the term
93 "political party officer" means an officer or member of a national
94 committee of a political party, state central or town committee, or any
95 person employed by any such committee for compensation. The
96 commission shall elect one of its members to serve as chairperson and
97 another member to serve as vice-chairperson. Each member of the
98 commission shall be compensated at the rate of two hundred dollars
99 per day for any day on which he participates in a regular commission
100 meeting or hearing, and shall be paid by the state for his reasonable
101 expenses, including necessary stenographic and clerical help.

102 Sec. 4. Subsection (a) of section 9-45 of the general statutes is
103 repealed and the following is substituted in lieu thereof (*Effective July*
104 *1, 2012*):

105 (a) The Commissioner of Correction shall, on or before the fifteenth
106 day of each month, transmit to the Secretary of the State a list of all
107 persons who, during the preceding calendar month, have been
108 convicted in the Superior Court of a felony and committed to the
109 custody of the Commissioner of Correction for confinement in a
110 correctional institution or facility or a community residence. Such lists
111 shall include the names, birth dates and addresses of such persons,
112 with the dates of their conviction and the crimes of which such persons
113 have been convicted. The Secretary of the State shall transmit such lists
114 to the registrars of the towns in which such convicted persons resided
115 at the time of their conviction and to the registrars of any towns where
116 the secretary believes such persons may be electors. The registrars of

117 such towns shall compare the same with the list of electors upon their
118 registry lists and, after written notice mailed [by certified mail to each
119 of the persons named at the last-known place of address of] to each
120 such person, in care of the Department of Correction, shall erase such
121 names from the registry lists in their respective towns or voting
122 districts.

123 Sec. 5. Section 9-6 of the 2012 supplement to the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective*
125 *October 1, 2012*):

126 (a) Each registrar of voters or, in the absence of a registrar, the
127 deputy registrar of voters, and each municipal clerk or, in the absence
128 of a municipal clerk, one of the assistant municipal clerks shall be
129 compensated by the municipality which the registrar or clerk
130 represents, as provided [for] in this section, for attending two
131 conferences a year for town clerks and registrars of voters which may
132 be called by the Secretary of the State for the purpose of discussing the
133 election laws [,] or procedures or matters related [thereto] to such laws
134 or procedures, including, but not limited to, compliance with the
135 provisions of section 9-322a, as amended by this act.

136 (b) Each such official shall be compensated by the municipality at
137 the rate of thirty-five dollars per day for attending each such
138 conference, plus mileage to and from such conference at a rate per mile
139 determined by the municipality, but not less than twenty cents per
140 mile, computed from the office of such official or, if [he] such official
141 has no office, from [his] such official's home to the place where such
142 conference is being held.

143 Sec. 6. Section 9-169g of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2012*):

145 (a) The town clerk of any municipality (1) which is divided between
146 two or more assembly districts, two or more senatorial districts or two
147 or more congressional districts, or (2) which is not divided between
148 any such districts but is divided into two or more voting districts for

149 General Assembly or congressional elections, shall submit to the
150 Secretary of the State a street map of the municipality which indicates
151 the boundary lines of the voting districts established by the
152 municipality in accordance with sections 9-169, 9-169a and 9-169d. The
153 town clerk shall submit such map to the [secretary in a printed or
154 electronic format prescribed by the secretary] Secretary (A) not later
155 than thirty days after any such division first takes effect, and (B) not
156 later than thirty days after any change in any such division takes effect.
157 Each town clerk shall submit such map in electronic format, when
158 possible, but may submit such map in printed format when electronic
159 submission is not possible.

160 (b) The Secretary of the State shall make such maps available to the
161 General Assembly, for use by the General Assembly in carrying out its
162 responsibilities under (1) Article XXVI of the Amendments to the
163 Constitution of Connecticut, or any subsequent corresponding state
164 constitutional provision, with regard to the redistricting of assembly,
165 senatorial and congressional districts, and (2) Public Law 94-171,
166 concerning the establishment of a plan identifying the geographic
167 areas for which specific tabulations of population are desired in the
168 decennial census of the United States.

169 (c) Any town clerk who fails to comply with the provisions of
170 subsection (a) of this section shall be fined twenty dollars.

171 Sec. 7. Section 9-322a of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2012*):

173 (a) Not later than twenty-one days following each regular state
174 election, the town clerk of each town divided into voting districts shall
175 file with the Secretary of the State a consolidated listing, in tabular
176 format, as prescribed by the Secretary of the State, of the official
177 returns of each such voting district for all offices voted on at such
178 election, including the total number of votes cast for each candidate,
179 the total number of names on the registry list, and the total number of
180 names checked as having voted, in each such district. The town clerk
181 of such town shall certify that he or she has examined the lists

182 transmitted under this section to determine whether there are any
 183 discrepancies between the total number of votes cast for a candidate at
 184 such election in such town, including for any recanvass conducted
 185 pursuant to section 9-311 or 9-311a, and the sum of the votes cast for
 186 the same candidate in all voting districts in such town. In the case of
 187 any such discrepancy, the town clerk shall notify the head moderator
 188 and certify that such discrepancy has been rectified. Each listing filed
 189 under this section shall be retained by the Secretary of the State not
 190 less than ten years after the date of the election for which it was filed.

191 (b) Each town clerk shall electronically file the consolidated listing
 192 required under subsection (a) of this section, provided the town has
 193 provided the town clerk with access to a computer. Nothing in this
 194 subsection shall be construed to require a town to purchase a
 195 computer.

196 (c) Any town clerk who fails to comply with the provisions of this
 197 section shall be fined twenty dollars.

198 Sec. 8. Subdivision (2) of subsection (a) of section 9-159q of the
 199 general statutes is repealed and the following is substituted in lieu
 200 thereof (*Effective from passage*):

201 (2) "Designee" means an elector of the same town and political party
 202 as the appointing registrar of voters which elector (A) is not an
 203 employee of the institution at which supervised voting is conducted,
 204 and (B) did not solicit qualifying contributions under chapter 157 for
 205 any candidate on the ballot during the election cycle in which any such
 206 candidate is seeking nomination or election to office.

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>	9-7b(a)
Sec. 3	<i>from passage</i>	9-7a(a)
Sec. 4	<i>July 1, 2012</i>	9-45(a)
Sec. 5	<i>October 1, 2012</i>	9-6

Sec. 6	<i>October 1, 2012</i>	9-169g
Sec. 7	<i>October 1, 2012</i>	9-322a
Sec. 8	<i>from passage</i>	9-159q(a)(2)

GAE *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 13 \$	FY 14 \$
Various Municipalities	Savings	Minimal	Minimal

Explanation

There is a potential savings to various municipalities associated with the requirement to submit district maps and election results electronically. Municipalities which currently submit these documents by mail would incur minimal savings associated with reduced printing and mailing expenses.

The bill makes several other changes which have no fiscal impact.

The Out Years

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

OLR Bill Analysis**sSB 437****AN ACT CONCERNING CHANGES TO ELECTIONS LAWS.****SUMMARY:**

This bill changes election laws affecting registrars of voters, State Elections Enforcement Commission (SEEC) members, submissions of local voting district returns and maps, and supervised absentee balloting designees. Generally, it:

1. establishes a process for removing registrars of voters from office;
2. modifies the restriction on SEEC commissioners serving consecutive terms and changes the terms' start date from July 1 to April 1;
3. requires registrars of voters to mail notices (but not by certified mail) to newly convicted felons at the Department of Correction, rather than their last-known address, indicating that they will be removed from the voter registry list (§ 4);
4. requires town clerks to submit local voting district returns and maps electronically, when possible; and
5. prohibits individuals from serving as supervised absentee balloting designees at an optional session if, during the current election cycle, they solicited qualifying contributions for a candidate who is on the ballot and participating in the Citizens' Election Program (§ 8) (see BACKGROUND).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the (1) provision on

mailing notices to convicted felons is effective July 1, 2012 and (1) provisions on electronic submission of voting district returns and maps are effective October 1, 2012.

REGISTRARS OF VOTERS (§§ 1, 2)

The bill establishes a process for removing registrars of voters from office that is similar to existing law's process for removing town clerks from office (CGS § 7-22).

Under the bill, the SEEC must investigate written complaints as it deems proper against registrars of voters for misconduct, willful and material neglect of duty, or incompetence in office. It must prepare a written statement charging the registrar, if in its opinion the evidence warrants such action. The statement must include a citation commanding the registrar to appear in Superior Court on a specified date to show cause why he or she should not be removed from office. The registrar must be served with a copy of the statement and citation by a proper officer at least 10 days before the court date. Original copies go to the Superior Court clerk in the judicial district where the town is located.

The SEEC must represent the state in court. If after a full hearing the judge orders removal from office, the clerk must cause the registrar to be served with a certified copy of the order. When the order is served, the office becomes vacant. By law, the deputy registrar fills the vacancy and appoints a new deputy.

To carry out these provisions, the bill authorizes the SEEC to summon witnesses, receive documentary evidence, and administer oaths.

SEEC COMMISSIONERS (§ 3)

The bill lifts the current restriction on SEEC commissioners serving consecutive terms. It thus authorizes commissioners serving on July 1, 2011 to serve one additional consecutive term and those appointed after that date to serve up to two consecutive terms. The law, unchanged by the bill, allows commissioners to serve after their final

term expires until a successor is appointed.

The bill also changes the start and end dates of commissioners' terms so that they run from April 1 to March 31, rather than from July 1 to June 30. To align terms with these new dates, the bill requires that the first member appointed by each appointing authority (e.g., the governor and legislative leaders) on or after July 1, 2011 serve for two years and nine months, rather than the three-year term otherwise prescribed by law, with one exception. Vacancy appointments continue to serve for the term's unexpired portion.

VOTING DISTRICT ELECTION RETURNS AND MAPS (§§ 6, 7)

By law, town clerks divided between two or more legislative or Congressional districts or with more than one voting district must file with the secretary of the state (1) election returns for each voting district in a specified tabular format no later than 21 days following a regular state election and (2) local voting district maps no later than 30 days after any boundary change. (Moderators are responsible for submitting town-wide returns to the secretary by midnight on Election Day or 6:00 PM the next day.) Currently, clerks may submit voting district returns and maps in electronic or hard copy form.

The bill requires town clerks with access to a computer to file local voting district returns electronically. It similarly requires town clerks to submit voting district maps in electronic form, when possible. It establishes a \$20 fine for town clerks who fail to comply with existing law's filing deadlines and the bill's electronic filing requirements.

Finally, the bill requires the secretary of the state to include in her biannual training conferences for registrars of voters and town clerks information on how to file voting district returns electronically.

BACKGROUND

Supervised Absentee Voting

Under state absentee voting laws, registrars of voters or their designees can supervise absentee voting at nursing homes and other residential care and mental health facilities. Patients at these facilities

need not submit absentee ballot applications when a supervised session is scheduled. The sessions are optional or mandatory, depending on the number of patients who are registered voters; if at least 20 patients are registered voters in the town, the registrars must conduct a session.

Registrars or their designees together deliver the ballots and jointly supervise voters while they fill out their ballots. The voter has the right to complete his or her ballot in secret, but registrars observe the process and are available to provide assistance if asked. In that case, both parties' registrars jointly render assistance.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/29/2012)