



General Assembly

February Session, 2012

Governor's Bill No. 5024

LCO No. 503

*00503 _____ *

Referred to Committee on Government Administration and Elections

Introduced by:

REP. DONOVAN, 84th Dist.

REP. SHARKEY, 88th Dist.

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

AN ACT CONCERNING VOTING RIGHTS.

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

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

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

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

13 (2) The registrars of voters may appoint one or more election
14 officials to serve at such location and may delegate to such election
15 officials any of the responsibilities assigned to the registrars of voters.
16 The registrars of voters shall supervise such election officials and train
17 such election officials to be election day registration election officials.

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

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

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

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

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

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

75 (f) If the applicant is admitted as an elector, the registrars of voters
76 shall provide the elector with an election day registration ballot and

77 security envelope, subject to the provisions of section 9-59 of the
78 general statutes, and shall make a record of such issuance. The elector
79 shall complete an affirmation imprinted upon the back of the envelope
80 for an election day registration ballot and shall declare under oath that
81 the applicant has not previously voted in the election. The affirmation
82 shall be in the form substantially as follows and signed by the voter:

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

85 1. I am the person admitted here as an elector in the town indicated.

86 2. I am eligible to vote in the election indicated for today in the town
87 indicated.

88 3. The information on my voter registration card is correct and
89 complete.

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

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

94 6. I have not voted in person or by absentee ballot and I will not
95 vote otherwise than by this ballot at this election.

96 7. I completed an application for an election day registration ballot
97 and received an election day registration ballot.

98 (Signature of voter)

99 (g) The elector shall forthwith mark the election day registration
100 ballot in the presence of the registrars of voters in such a manner that
101 the registrars of voters shall not know how the election day
102 registration ballot is marked. The elector shall place the election day
103 registration ballot in the election day registration ballot envelope
104 provided, and deposit such envelope in a secured election day

105 registration ballot depository receptacle. The registrars of voters shall
106 transport such receptacle to the area where such election day
107 registration ballots shall be counted. At the time designated by the
108 registrars of voters and noticed to election officials, the election day
109 registration ballots issued pursuant to this section shall be delivered to
110 the area, either district or central, where absentee ballots are counted
111 and such election day registration ballots shall be counted by the
112 election officials present at such location. A section of the head
113 moderators return shall show the number of election day registration
114 ballots received from electors. The registrars of voters shall seal a copy
115 of the votes cast on election day registration ballots in a depository
116 envelope with the election day registration ballots and store such
117 election day registration envelope with the other election results
118 materials. The election day registration depository envelope shall be
119 preserved by the registrars of voters for the period of time required to
120 preserve counted ballots for elections.

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

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

136 Sec. 2. (NEW) (*Effective July 1, 2013*) No person shall solicit in behalf

137 of or in opposition to the candidacy of another or himself or herself or
138 in behalf of or in opposition to any question being submitted at the
139 election, or loiter or peddle or offer any advertising matter, ballot or
140 circular to another person within a radius of seventy-five feet of any
141 outside entrance in use as an entry to the registrars of voters
142 designated location for election day registration balloting or in any
143 corridor, passageway or other approach leading from any such outside
144 entrance to such registrars of voters designated location or in any room
145 opening upon any such corridor, passageway or approach.

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

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

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

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

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

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

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

165 (6) "State" includes any of the several states, the District of

166 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin
167 Islands; and

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

173 Sec. 4. Subsection (a) of section 9-158b of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective July*
175 *1, 2013*):

176 (a) Each citizen of the United States who is at least eighteen years of
177 age, is a [resident or] former resident and who has not forfeited [his]
178 such citizen's electoral privileges because of a disfranchising crime,
179 may vote for presidential and vice-presidential electors, but for no
180 other offices, in the town in this state in which [he resides, or] such
181 citizen formerly resided in the manner provided in sections 9-158c to 9-
182 158m, inclusive, as amended by this act.

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

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

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

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

215 Sec. 6. Subsection (a) of section 9-158d of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective July*
217 *1, 2013*):

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

221 To the Town Clerk of the Town of, Connecticut

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

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

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

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

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

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

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

248 [7.] 6. The said ballot is to be given to me personally mailed to me at

249 ... (bona fide mailing address)

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

251 ... (Signature of applicant)

252 Sec. 7. Subsection (a) of section 9-158e of the general statutes is
253 repealed and the following is substituted in lieu thereof (*Effective July*
254 *1, 2013*):

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

275 Sec. 8. Section 9-158g of the general statutes is repealed and the
276 following is substituted in lieu thereof (*Effective July 1, 2013*):

277 The voter shall sign the certification upon the inner envelope,
278 securely seal it, enclose it in an outer serially-numbered envelope, and
279 return it to the municipal clerk of the town in which [he] the voter is
280 qualified to vote. [The clerk shall keep it in his office until delivered by
281 him to the registrars of voters at the same time and in the same manner
282 as is provided for absentee ballots.] If the ballot is returned by a person
283 other than the voter or the United States Postal Service, the person

284 delivering the ballot shall sign his or her name and address and the
285 date and time of its delivery on the outer envelope in the clerk's
286 presence. The ballot, to be cast, shall be returned so that it is received
287 by the town clerk not later than the close of the polls on the day of the
288 election.

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

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

300 Sec. 10. (NEW) (*Effective July 1, 2013*) Not later than February 1,
301 2014, the Secretary of the State shall report, in accordance with section
302 11-4a of the general statutes, to the joint standing committee of the
303 General Assembly having cognizance of matters relating to elections
304 on the administration of election day registration. Such report shall
305 address any issues or concerns regarding the administration of election
306 day registration during the November, 2013 election, including, but
307 not limited to, ballot security and privacy. The Secretary of the State, in
308 consultation with the State Elections Enforcement Commission, shall
309 conduct interviews with registrars of voters, poll workers and
310 candidates from municipalities with small, medium and large
311 populations in order to determine the efficacy of election day
312 registration and include any concomitant observations and results in
313 such report, including, but not limited to, ways in which ballot security
314 and privacy on primary day can be enhanced.

315 Sec. 11. (NEW) (*Effective January 1, 2014*) (a) The Secretary of the

316 State shall establish and maintain a system for online voter
317 registration. Such system shall also permit registered electors to apply
318 for changes to such elector's registration. An applicant may register to
319 vote through this system, provided the applicant's (1) registration
320 information if verifiable in the manner described in subsection (b) of
321 this section, and (2) signature is in a database described in said
322 subsection (b) and such signature may be imported into such system
323 for online voter registration.

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

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

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

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

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

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

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

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

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

365 (2) To levy a civil penalty not to exceed (A) two thousand dollars
366 per offense against any person the commission finds to be in violation
367 of any provision of chapter 145, part V of chapter 146, part I of chapter
368 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
369 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
370 9-23j to 9-23o, inclusive, as amended by this act, 9-23r, 9-26, 9-31a, 9-32,
371 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-
372 171, 9-172, 9-232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409,
373 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k, [or] 9-
374 453o, or section 10 of this act, (B) two thousand dollars per offense
375 against any town clerk, registrar of voters, an appointee or designee of
376 a town clerk or registrar of voters, or any other election or primary
377 official whom the commission finds to have failed to discharge a duty

378 imposed by any provision of chapter 146 or 147, (C) two thousand
379 dollars per offense against any person the commission finds to have (i)
380 improperly voted in any election, primary or referendum, and (ii) not
381 been legally qualified to vote in such election, primary or referendum,
382 or (D) two thousand dollars per offense or twice the amount of any
383 improper payment or contribution, whichever is greater, against any
384 person the commission finds to be in violation of any provision of
385 chapter 155 or 157. The commission may levy a civil penalty against
386 any person under subparagraph (A), (B), (C) or (D) of this subdivision
387 only after giving the person an opportunity to be heard at a hearing
388 conducted in accordance with sections 4-176e to 4-184, inclusive. In the
389 case of failure to pay any such penalty levied pursuant to this
390 subsection within thirty days of written notice sent by certified or
391 registered mail to such person, the superior court for the judicial
392 district of Hartford, on application of the commission, may issue an
393 order requiring such person to pay the penalty imposed and such
394 court costs, state marshal's fees and attorney's fees incurred by the
395 commission as the court may determine. Any civil penalties paid,
396 collected or recovered under subparagraph (D) of this subdivision for
397 a violation of any provision of chapter 155 applying to the office of the
398 Treasurer shall be deposited on a pro rata basis in any trust funds, as
399 defined in section 3-13c, affected by such violation;

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

402 The Secretary of the State shall be the chief state election official
403 responsible for coordination of state responsibilities under the
404 National Voter Registration Act of 1993, P.L. 103-31, as amended from
405 time to time, except that the State Elections Enforcement Commission
406 shall be responsible for the investigation of any complaint alleging a
407 violation of sections 9-7b, as amended by this act, and 9-12, subsection
408 (a) of section 9-17, sections 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21,
409 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, as amended by this act, 9-
410 26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, [and] 9-

411 59 and section 10 of this act and shall have the authority to enforce the
 412 provisions of said sections by use of its powers as prescribed in section
 413 9-7b, as amended by this act.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	New section
Sec. 3	<i>July 1, 2013</i>	9-158a
Sec. 4	<i>July 1, 2013</i>	9-158b(a)
Sec. 5	<i>July 1, 2013</i>	9-158c(a) and (b)
Sec. 6	<i>July 1, 2013</i>	9-158d(a)
Sec. 7	<i>July 1, 2013</i>	9-158e(a)
Sec. 8	<i>July 1, 2013</i>	9-158g
Sec. 9	<i>July 1, 2013</i>	9-158l
Sec. 10	<i>July 1, 2013</i>	New section
Sec. 11	<i>January 1, 2014</i>	New section
Sec. 12	<i>January 1, 2014</i>	9-7b(b)(2)
Sec. 13	<i>January 1, 2014</i>	9-23k
Sec. 14	<i>July 1, 2013</i>	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]