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## **OLR Bill Analysis**

### **sHB 5024**

#### ***AN ACT CONCERNING VOTING RIGHTS.***

#### **SUMMARY:**

This bill allows eligible people to register to vote and cast a ballot on Election Day (i.e., the day of a regular state or municipal election). It establishes Election Day registration (EDR) procedures and eliminates the use of presidential ballots by current state residents since they may instead vote under the bill's EDR provisions. By February 1, 2014, the bill requires the secretary of the state to report to the Government Administration and Elections (GAE) Committee on EDR administration.

The bill requires the secretary of the state to establish and maintain an online system for (1) new voter registration applications and (2) changes to existing registrations. The system must be capable of (1) cross referencing and verifying information in other state or federal government databases and (2) importing applicants' signatures from those databases. The bill also establishes approval and confirmation procedures.

The State Elections Enforcement Commission (SEEC) is responsible for enforcing the bill's EDR and online voter registration system provisions. Toward that end, the bill requires the SEEC to investigate complaints alleging a violation of these provisions, and authorizes it to levy a civil penalty of up to \$2,000 against violators. In addition, anyone who fraudulently votes or registers under these provisions is guilty of perjury.

The bill also makes technical and conforming changes.

**EFFECTIVE DATE:** July 1, 2013, except the online voter registration system provisions are effective January 1, 2014.

## **EDR**

### ***Location and Officials***

The bill requires registrars of voters to designate a location for completing and processing EDR applications. The location must be one where registrars can access the statewide centralized voter registry system (CVRS).

The bill prohibits the same activities in or near the EDR location as the law prohibits in or near a polling place. This means no one can be within 75 feet of the entrance to the EDR location or in any hallway or other approach to it to solicit support for, or opposition to, a candidate or ballot question; loiter; peddle; or offer advertising material or circulars.

The bill authorizes registrars of voters to appoint one or more election officials to serve at these locations and delegate to these official(s) any of their responsibilities. The registrars must train and supervise the officials.

### ***Eligibility***

The bill permits anyone to register and vote in person on Election Day if he or she meets the eligibility requirements for voting in this state and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality.

By law, a person is eligible to register and vote if he or she is (1) a U.S. citizen, (2) age 18 or older, and (3) a bona fide resident of the municipality in which he or she applies for admission. Mentally incompetent people cannot be admitted as electors and people convicted of a felony and committed to the custody of the commissioner of correction forfeit their electoral rights while incarcerated.

### ***Application Procedures and Identification Requirements***

Under the bill, applicants must appear in person at the designated EDR location and declare under oath that they have not previously

voted in the election. They must complete the voter registration form and provide the same information the law requires anyone seeking to be an elector in this state to provide. This means they must provide their birth certificate, driver's license, or Social Security card. If this identification (ID) does not include proof of residential address, the bill requires an EDR applicant to also submit another form of ID showing his or her address. The additional ID may include a driver's learner's permit, utility bill due no later than 30 days after the election, or current college registration or fee statement.

The bill allows college students to present their student photo ID in lieu of the identification required by law.

### ***Checking Eligibility***

Registrars of voters must check the CVRS before admitting an applicant as an elector. If they determine an applicant is qualified to register, they must admit him or her and electoral privileges attach immediately.

If the registrars determine that the applicant is registered in another municipality but he or she wants to change his or her registration location, they must immediately notify the registrars in the municipality where the applicant is currently registered and request that they remove the elector's name from their official registry list. The election officials in that municipality must cross through the elector's name on the list and write "off" next to it. If the registrars are unable to immediately contact the registrars in the municipality where the applicant is currently registered, they must still permit the applicant to vote. But they cannot count the ballot unless they confirm that the applicant did not vote in the other municipality.

If the registrars learn that the applicant has already voted in the other municipality, they must deny him or her a ballot, cease the registration process, and review the matter. If the matter cannot be resolved on review, the registrars must report it to the SEEC for investigation.

### ***Voting Procedures***

Registrars of voters must give an EDR ballot and envelope to an applicant whom they admit as an elector and record the issuance. The elector must (1) declare under oath that he or she has not previously voted in the election and (2) sign the following affirmation, which must be printed on the back of the security envelope:

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.

The newly admitted elector must secretly mark the ballot in the presence of the registrars, place it in the EDR envelope, and deposit the envelope in a secured EDR ballot depository receptacle. The bill does not specify how registrars will identify ballots of voters who they were unable to confirm did not already vote in another municipality.

### ***Counting Procedures***

Under the bill, the law's procedures relating to the custody, control, and counting of absentee ballots must apply as nearly as possible to the custody, control, and counting of EDR ballots. Among other things, this means that at the time designated by registrars and noticed to election officials, registrars must transport the receptacle for ballot counting to the same area (district or central location) where absentee ballots are counted. It also means:

1. the election officials present at the location count the ballots;
2. a section of the head moderator's return must show the number of EDR ballots cast;
3. the registrars must seal a copy of the EDR vote tally in the depository envelope with the ballots and store the envelope with the other election results materials; and
4. the registrars must preserve the envelope for 180 days after the election, the same period of time the law requires other counted ballots to be preserved.

### ***Confirmation Procedures***

Registrars of voters must immediately send a registration confirmation notice by first-class mail to the residential address of each EDR applicant they admit. The envelope must have instructions for returning a confirmation notice that is not deliverable to the address shown. If the confirmation is returned as undelivered, the registrars must take other actions required by law to verify the address. However, they must take these actions immediately and cannot wait until the May 1<sup>st</sup> deadline that otherwise applies to verifying names on the registry. If the address cannot be verified, registrars must place the elector's name on the inactive list and remove it after four years, unless during this period the elector applies for restoration to the active list or votes.

### ***Report***

The secretary of the state must report to the GAE Committee by February 1, 2014 on any issues or concerns that arise during the

November 2013 municipal election with respect to EDR administration, including ballot security and privacy. In consultation with the SEEC, the secretary must interview registrars of voters, poll workers, and candidates from municipalities with small, medium, and large populations to determine the efficacy of EDR. The report must include observations, results, and ways to enhance ballot security and privacy.

### ***Presidential Ballots***

Current law allows unregistered Connecticut residents and former state residents who move to another state after its registration deadline to apply for a presidential ballot to vote for candidates for president and vice-president, but no other offices. The bill eliminates the provision allowing Connecticut residents to vote by presidential ballot, leaving the procedures in place for former state residents only. Under the bill, unregistered state residents would instead follow EDR procedures.

The application and voting procedures (which include the requirement to show current ID) remain the same as under existing law. The bill also eliminates the requirement for clerks to mail duplicate copies of presidential ballot applications to the appropriate state or local official in the municipality where the applicant resides or formally resided.

### **ONLINE VOTER REGISTRATION**

The bill requires the secretary of the state to establish and maintain an online voter registration system. In addition to new registrations, the system must permit a registered voter to apply to make changes online to his or her existing registration information. The bill does not set a deadline by which the secretary must establish the system.

### ***Eligibility***

An applicant may register to vote through the online voter registration system if his or her (1) registration information is verifiable and (2) signature is in a federal or state database and may be imported into the system. (The secretary must include the applicant's signature

as part of the application.) The applicant must also meet this state's eligibility requirements for registration.

***Required Information***

The bill requires the online application to contain the same information that the law requires for mail-in voter registration applications, except that the signature must be imported from another state agency's database. This means the application must contain the applicant's:

1. name;
2. bona fide residence, including street number, street address, apartment number if applicable, town, and zip code;
3. telephone number;
4. date of birth;
5. party affiliation, if any; and
6. Connecticut motor vehicle operator's license number or, if none, the last four digits of the applicant's Social Security number.

It must also indicate whether the applicant:

1. is registered as an elector in any other Connecticut town or in any other state, and if so, the applicant's last previous voting residence;
2. is a U.S. citizen; and
3. will be age 18 on or before Election Day.

***Verification and Approval***

The bill requires state agencies to provide information to the secretary of the state, upon her request, that she deems necessary to maintain the online voter registration system. It authorizes the secretary to use any state or federal government database, or another state's voter registration database, to cross reference and verify

applicants' information, but prohibits her from using the information she obtains for any other purpose.

For an online voter registration or change in registration to be approved, an applicant must click the box next to the following statement:

"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 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."

Upon approval of an application, the registrars of voters must send an acceptance notice according to procedures the law establishes for other voter registration approvals. This means the registrars must send the notice by first-class mail and the envelope must have instructions for returning it if it is not deliverable to the address shown.

### ***When Electoral Privileges Attach***

The bill aligns the deadlines for online registration applications with the deadlines that the law sets for mail-in registration applications. This means that for electoral privileges to attach by an upcoming primary or election, applicants must register by the 5<sup>th</sup> or 14<sup>th</sup> day preceding it, respectively. Otherwise, privileges attach the day after the primary or election as appropriate. Under these circumstances, the

bill authorizes registrars to contact applicants, by telephone or mail, to inform them of their options and the deadlines for registering in person.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/21/2012)