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## **OLR Bill Analysis**

### **sSB 218 (File 109, as amended by Senate “A” and “B”)\***

#### ***AN ACT CONCERNING POLLING PLACES FOR PRIMARIES.***

#### **SUMMARY:**

This bill changes election laws affecting primary polling places, registrars of voters, submissions of local voting district returns and maps, and supervised absentee balloting designees. Generally, it:

1. authorizes registrars of voters to reduce the number of polling places for a primary, the location of which may be the same or different than the polling places for the election;
2. establishes a process for removing registrars of voters from office;
3. requires registrars of voters to mail notices (but not by certified mail as current law requires) 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;
5. prohibits individuals from serving as supervised absentee balloting designees at an optional or mandatory 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); and
6. requires electors who move within the same municipality and want to transfer their registration to their new address to submit to the registrars a new voter registration application, rather than

the signed request that is currently required (§ 10).

The bill also makes conforming and technical changes.

\*Senate Amendment A makes changes to notification requirements concerning primary polling place reductions and requires signs to be posted in any closed polling location; extends the supervised absentee balloting provision to mandatory sessions; and adds the provisions on (1) removing registrars from office, (2) voting district election returns and maps, and (3) voter registration applications.

\*Senate Amendment B specifies that registrars need not send notifications concerning primary polling place locations after an initial notification, provided the polling place remains the same.

EFFECTIVE DATE: Upon passage, except for the (1) provisions on mailing notices to convicted felons and voter registration applications, which are effective July 1, 2012 and (2) provisions on electronic submission of voting district returns and maps, which are effective October 1, 2012.

## **§ 1 — PROCEDURES FOR REDUCING PRIMARY POLLING PLACES**

The bill allows registrars of voters to reduce the number of polling places for a primary, the location of which may be the same or different than the polling places for the election. If the registrars reduce the number of polling places, they may similarly agree to reduce the number of moderators, provided there is at least one moderator per polling place. But the polling places for the primary must remain the same as those for the corresponding election if the registrars cannot agree on the changes or if any candidate objects.

The bill establishes procedures and a timeframe for reducing the number of primary polling places. Specifically:

1. at least 60 days before every primary, the registrars must designate the polling place(s), which may be fewer in number than were used at the last election or will be used at the

upcoming election;

2. between 45 and 60 days before the primary, the registrars must notify the secretary of the state and candidates of the change or changes;
3. by 4:00 p.m. on the 30<sup>th</sup> day before the primary, a candidate who objects to the change must notify the secretary of the state in writing of his or her objection (the secretary must keep the objection confidential);
4. the secretary must promptly notify the registrars and any other candidate in the primary of the objection, in which case the polling places remain the same as for the election; and
5. if there is no objection, registrars must notify by mail no later than 21 days before the primary, each elector whose polling place has changed for the upcoming primary.

If a polling place changes and the affected electors receive notification, the registrars of voters do not have to notify the electors for any subsequent primary as long as the polling location remains the same.

Finally, the registrars must make sure that a sign is posted in a closed primary polling place that would otherwise be open. The sign must provide electors with information redirecting them to the open polling place or places.

### **§§ 2 & 3 — REMOVING REGISTRARS OF VOTERS FROM OFFICE**

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 State Elections Enforcement Commission (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 it. The statement must include a citation in the name of the state 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. It requires witnesses summoned and officers making service to be paid the same fees as are allowed in criminal prosecutions.

#### **§§ 5 - 7 — VOTING DISTRICT ELECTION RETURNS AND MAPS**

By law, town clerks in towns 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 after 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 the 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    (03/12/2012)

Planning and Development Committee

Joint Favorable

Yea 18    Nay 1    (04/16/2012)