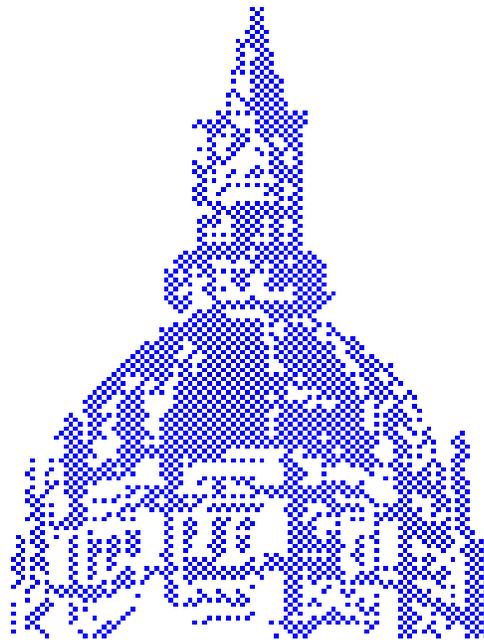


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

ELECTIONS



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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting elections enacted during the 2012 regular and special legislative sessions. Not all provisions of the acts are included here. The report does not cover special acts and public acts that were vetoed unless the veto was overridden.

Complete summaries of all 2012 public acts are available on OLR's webpage: <http://www.cga.state.ct.us/olr/publicactsummaries.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.state.ct.us/default.asp>.

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ABSENTEE VOTING

Election Officials and Poll Workers

State law allows people to vote by absentee ballot if, among other reasons, they are primary, election, or referendum officials working outside of their voting districts and their duties require them to be absent from their polling place during voting hours. New legislation specifies that town clerks, registrars of voters, and their staff are among the primary, election, and referendum officials who may vote by absentee ballot under this circumstance.

([PA 12-193](#), effective upon passage)

No Excuse Absentee Voting and Moderator's Returns

The legislature passed a resolution proposing a constitutional amendment to (1) remove restrictions on voting by absentee ballot and (2) permit a person to vote without appearing at a polling place on Election Day. The resolution also lifts the constitutional deadlines by which the lists of results (i.e., moderator's returns) for state officers and General Assembly members must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively). The statutory

deadlines remain in place (CGS § [9-314](#)).

Because the resolution did not pass by a three-fourths vote in each chamber, it will be referred to the 2013 legislative session, where it must again pass each chamber by a majority vote in order to appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

(**RA 12-1**, referred to the 2013 legislative session)

Permanent Absentee Ballot Status

By law, electors with permanent disabilities may apply to the registrars of voters for permanent absentee ballot status. To be eligible, an elector must file an application together with a doctor's certificate stating that he or she has a permanent disability and cannot appear in person at his or her polling place.

Under a new law, electors who have permanent absentee ballot status automatically receive an absentee ballot, rather than an application for one, for each election, primary, and referendum in the municipality in which they are eligible to vote.

([PA 12-57](#), effective January 1, 2013)

ELECTION AND PRIMARY ADMINISTRATION

Election Day Registration (EDR)

New legislation 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). The act (1) establishes EDR procedures and (2) eliminates the use of presidential ballots by current state residents who may instead vote under the act's EDR provisions. In addition, it authorizes the secretary of the state to enter into an agreement with other states to share information or data that will help maintain Connecticut's centralized voter registration system.

The SEEC is responsible for enforcing the act's EDR and online voter registration system provisions. Toward that end, the act 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.

([PA 12-56](#), effective July 1, 2013, except that the SEEC enforcement provisions are effective January 1, 2014)

Reconstituted School Boards

By law, the State Board of Education may authorize the education commissioner to reconstitute a local board of education in a low-achieving district. A new law makes several changes to this process.

The act requires the electoral process for the board to be suspended during the reconstitution period (by law, an initial three years with the option to extend for an additional two). It defines the "electoral process" as including (1) candidate nominations by political parties, (2) nominating petitions, (3) write-in candidacies, and (4) filling board vacancies.

The act requires the commissioner to notify the town clerk or clerks, as appropriate, and the secretary of the state at least 175 days before the end of a reconstituted board's term. When the secretary receives the notice, the electoral process begins according to municipal election law. If the notice is delivered before the time specified in law for party nominations for municipal offices, the office can be placed, with the approval of the local legislative body, on the ballot in a regular November election.

([PA 12-116, § 18](#), effective upon passage)

PENALTIES

Newly Classified Misdemeanors

New legislation creates a new class D misdemeanor punishable by up to 30 days in prison, a fine of up to \$250, or both. It classifies several election-related crimes as class D misdemeanors (and one as a class C misdemeanor) and thus, changes their maximum fine, prison term, or both, as Table 1 shows.

The act also eliminates as a criminal penalty up to three months in prison, a fine of up to \$50, or both for a registrar who knowingly makes false entries in vital records (§ 187).

Table 1: Classified Election-Related Misdemeanors

<i>Act §</i>	<i>Description</i>	<i>Penalty Under Prior Law</i>	<i>Penalty Under the Act</i>
52	Illegal removing or adding an unaffiliated elector's name to a party enrollment list	Up to 30 days in prison, up to \$200 fine, or both	D misdemeanor
53	Registrar's failure to erase name from registry list	Up to 30 days in prison, up to \$200 fine, or both	D misdemeanor
54	Certain activities prohibited within 75 foot radius of polling place	Up to 3 months in prison, up to \$50 fine, or both	D misdemeanor
55	Illegally voting at caucus	Up to 30 days in prison, up to \$200 fine, or both	D misdemeanor
56	Failure to appear as a witness in certain campaign finance hearings	Up to 30 days in prison, up to \$25 fine, or both	D misdemeanor
118	Certain primary or enrollment violations	Up to 60 days in prison, up to \$100 fine, or both	D misdemeanor

([PA 12-80](#), effective upon passage)

Penalties for Voter Intimidation

New legislation increases the maximum penalties for violating certain election laws related to influencing or intimidating voters, making them class C or D felonies, as Table 2 shows.

Table 2: Increased Penalties for Voter Intimidation

<i>Act §</i>	<i>Description</i>	<i>Penalty Under Prior Law</i>	<i>Penalty Under the Act</i>
§ 1	Circulating misleading instructions to any voter	A fine of up to \$500, up to five years in prison, or both	D felony
§ 2	Influencing or attempting to influence any voter to refrain from voting by force, threat, bribery, or corrupt, fraudulent, or deliberately deceitful means and with the intent to disenfranchise the voter	A fine of up to \$500 and three months to one year in prison	D felony
§ 3	Threatening, forcing, or bribing a voter; suppressing or destroying any vote; miscounting any vote; or falsely or wrongfully announcing results	A fine of up to \$1,000, up to one year in prison, or both	C felony
§ 4	An employer who, within 60 days before an election, school district election, or municipal or school district meeting, attempts to influence, threatens, or later retaliates against an employee in connection with the election or meeting	A fine of between \$100 and \$500, six months to one year in prison, or both	D felony
§ 5	Inducing or attempting to induce an elector to do anything that enables anyone to see or know how	Up to five years in prison	D felony

Act §	Description	Penalty Under Prior Law	Penalty Under the Act
	the elector or another person voted		
§ 501	Tampering with a voting tabulator, or defacing or destroying a ballot or any other device used to vote, with the intent to cause the voting equipment to incorrectly register votes	Up to five years in prison	C felony

([PA 12-193](#), effective July 1, 2012)

POLL WORKERS AND ELECTION OFFICIALS

Primary Polling Place Officials

A new law lifts the requirement that primary polling place officials (i.e., moderators, deputy head moderators, checkers, challengers, voting tabulator tenders, assistant registrars, and absentee ballot counters) reside in the municipality or political subdivision holding the primary. It thus allows registrars of voters to appoint state electors to these positions, which they could already do for elections. It also allows registrars to appoint a state elector, regardless of party enrollment, as a checker, challenger, voting tabulator tender, or assistant registrar if an insufficient number of party members consent to serve in the positions.

The law allows candidates in a primary to designate polling place officials by submitting their

names to the registrar of voters. Previously, candidates had to do this 10 days beforehand for polling place officials other than moderators. The act changes this deadline to 21 days before the primary. (The law, unchanged by the act, similarly requires the notice 21 days beforehand for a moderator.)

Finally, the act requires registrars to train prospective primary polling place officials on how to perform their duties. Prior law did not have such a training requirement.

([PA 12-49](#), effective upon passage)

VOTER REGISTRATION

Online Voter Registration

A new law 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. 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 applicant must also meet this state's eligibility requirements for registration.

The act 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 for any other purpose.

The act 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 5th or 14th day preceding it, respectively. Otherwise, privileges attach the day after the primary or election, as appropriate.

([PA 12-56](#), effective January 1, 2014)

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