



General Assembly

**Raised Bill No. 5599**

January Session, 2013

LCO No. 1692



Referred to Committee on GOVERNMENT  
ADMINISTRATION AND ELECTIONS

Introduced by:  
(GAE)

**AN ACT CONCERNING PROVISIONAL BALLOTS FOR STATE AND MUNICIPAL OFFICES.**

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

1 Section 1. Section 9-232c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The moderator shall keep an accurate memorandum of the  
4 challenge which shall include (1) the name of the challenged voter; (2)  
5 [his] the challenged voter's registry list address; (3) the reason for the  
6 challenge; (4) the name and address of the challenger; (5) pertinent  
7 facts concerning the challenge; and (6) the result of the moderator's  
8 decision. The challenged voter shall also sign such memorandum and  
9 it shall be assigned the same number as the [challenged] provisional  
10 ballot.

11 Sec. 2. Section 9-232j of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective from passage*):

13 The moderator of the election in each voting district shall appear at

14 the office of the [town clerk] registrars of voters not later than eight  
15 o'clock p.m. of the day before an election [for federal office] or a  
16 primary. At such time, the [town clerk] registrars of voters shall  
17 provide a provisional ballot packet to such moderator or moderators.  
18 Each packet shall include: (1) The appropriate number of provisional  
19 ballots, [for federal office provided by the Secretary of the State,] which  
20 shall be equal to not less than one per cent of the number of electors  
21 who are eligible to vote in the voting district served by the moderator,  
22 or such other number as the [municipal clerk and the] registrars of  
23 voters agree is sufficient to protect electors' voting rights, (2) the  
24 appropriate number of serially-numbered envelopes prescribed by the  
25 Secretary, (3) a provisional ballot inventory form, (4) a provisional  
26 ballot depository envelope, and (5) other necessary forms prescribed  
27 by the Secretary.

28 Sec. 3. Section 9-232k of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective from passage*):

30 The Secretary of the State shall prescribe [and provide to town  
31 clerks] the provisional ballot which shall be [a] the regular ballot of  
32 candidates, [for federal office.] The Secretary may prescribe that the  
33 provisional ballot be the [overseas] ballot prepared under section [9-  
34 158i] 9-135b.

35 Sec. 4. Section 9-232l of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective from passage*):

37 (a) An individual may apply for and be issued a provisional ballot if  
38 (1) the individual appears at the polling place and declares that such  
39 individual is an elector in the town in which the individual desires to  
40 vote and that the individual is eligible to vote in the primary or  
41 election [for federal office] in the polling place, but the name of the  
42 individual does not appear on the official registry list for such polling  
43 place, and (2) the registrars determine that such name cannot be  
44 restored under section 9-42 or transferred from another polling place  
45 under section 9-35.

46 (b) If the moderator decides that an elector, whose name appears on  
47 the registry list and who has been challenged pursuant to [sections]  
48 section 9-232, [to 9-232f, inclusive,] is not eligible to vote in the primary  
49 or election, [for federal office,] such elector may apply for and cast a  
50 provisional ballot upon the execution of a written affirmation by the  
51 elector at the polling place affirming that the elector is qualified to vote  
52 in the election or primary [for federal office] in the polling place and  
53 has neither offered himself or herself to vote nor voted in person or by  
54 absentee ballot at said election or primary [for federal office] at the  
55 polling place.

56 (c) If a poll worker denies an individual the opportunity to cast a  
57 ballot for any reason for which a provisional ballot may be issued, a  
58 registrar of voters or a designee of a registrar of voters shall offer such  
59 individual a provisional ballot.

60 [(c)] (d) Such application for provisional ballot shall be prescribed  
61 by the Secretary of the State, executed before an election official and  
62 include a written affirmation, under penalty of false statement in  
63 absentee balloting pursuant to section 9-359a, which shall be in the  
64 form substantially as follows:

65 AFFIRMATION: I, the undersigned, do hereby state, under  
66 penalties of false statement, that:

67 1. I am an elector in the town indicated.

68 2. I am eligible to vote in the election or primary indicated [for  
69 federal office] today in the town and polling place indicated.

70 3.a. My name does not appear on the official list of eligible voters for  
71 the polling place indicated, and the polling place officials called the  
72 registrars of voters and were told that my name did not appear on the  
73 active registry list for this town for at least one of the four years  
74 previous or on one of the preliminary active registry lists for this year;  
75 or

76 b. The moderator decided that I am not eligible to vote [for federal  
77 office] in the town indicated for the reason of disfranchisement, lack of  
78 identity, lack of bona fide residence or failure to present the prescribed  
79 identification required for new electors after January 1, 2003, indicated.

80 4. My residence address is located in the voting district that this  
81 polling place serves.

82 5. I have not voted and I will not vote otherwise than by this ballot  
83 in person or by absentee ballot at this election or primary. [for federal  
84 office.]

85 6. I apply for a provisional ballot. [for federal office.]

86 Sec. 5. Section 9-232n of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective from passage*):

88 Immediately after the close of the polls, the moderator shall seal the  
89 provisional ballot depository envelope and deliver such envelope to  
90 the registrars of voters of the town. The registrars of voters shall  
91 forthwith verify the information contained with each provisional  
92 ballot. If the registrars of voters determine that the applicant is eligible  
93 to vote, they shall note their decision on the outer envelope of the  
94 ballot and open and count the provisional ballot in accordance with  
95 the provisions of sections [9-232i] 9-232j to 9-232o, inclusive, as  
96 amended by this act, and procedures prescribed by the Secretary of the  
97 State. If the registrars of voters are unable to determine that the  
98 applicant is eligible to vote or determine that the applicant is not  
99 eligible to vote, the applicant's provisional ballot sealed envelope shall  
100 be marked "rejected", along with the reason for such rejection, and  
101 signed by the registrars of voters. The registrars of voters shall verify  
102 and count all provisional ballots in their town not later than six days  
103 after the election or primary. The registrars of voters shall forthwith  
104 prepare and sign in duplicate a report showing the number of  
105 provisional ballots received from electors, the number rejected and the  
106 number counted, and showing the additional votes counted for each

107 candidate [for federal office] on the provisional ballots. The registrars  
108 of voters shall file one report with the town clerk and shall seal one in  
109 the depository envelope with the provisional ballots and file such  
110 depository envelope with the town clerk. The depository envelope  
111 shall be preserved by the town clerk for the period of time required to  
112 preserve counted absentee ballots, [for federal elections.] The head  
113 moderator shall forthwith file a corrected return [for federal offices]  
114 with the town clerk and the Secretary showing (1) the final votes after  
115 any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, the votes  
116 on provisional ballots and the totals, and (2) the number of provisional  
117 ballots received from electors, the number rejected and the number  
118 counted, as reported by the registrars of voters.

119 Sec. 6. Subsection (e) of section 9-236b of the general statutes is  
120 repealed and the following is substituted in lieu thereof (*Effective from*  
121 *passage*):

122 (e) For use at elections [for federal office] and primaries, the  
123 Secretary of the State shall prescribe and the [municipal clerk]  
124 registrars of voters shall provide for all polling places in the  
125 municipality: (1) Instructions on how to cast a provisional ballot, (2)  
126 instructions for mail-in registrants and first-time voters who register to  
127 vote by mail on or after January 1, 2003, (3) general information  
128 concerning voting rights under federal and Connecticut laws,  
129 including information on the right of an individual to cast a  
130 provisional ballot and instructions on how to contact the appropriate  
131 officials if these rights are alleged to have been violated, and (4)  
132 general information on federal and state laws concerning prohibitions  
133 on acts of fraud and misrepresentation.

134 Sec. 7. Subsections (d) and (e) of section 9-23r of the general statutes  
135 are repealed and the following is substituted in lieu thereof (*Effective*  
136 *from passage*):

137 (d) If an individual described in subsection (a) of this section does  
138 not submit the identification described in subsection (a) of this section

139 as part of the individual's application for admission as an elector,  
140 when the individual has entered the polling place in an election for  
141 federal office, the individual shall present: (1) A current and valid  
142 photo identification, or (2) a copy of a current utility bill, bank  
143 statement, government check, paycheck or other government  
144 document that shows the name and address of the voter. If an  
145 individual does not meet the requirements of this subsection in an  
146 election for federal office, such individual may cast a provisional ballot  
147 prescribed under sections [9-232i] 9-232j to 9-232o, inclusive, as  
148 amended by this act. For purposes of this section, "election for federal  
149 office" means an election for electors of President and Vice President, a  
150 presidential preference primary, an election or primary for United  
151 States Senator and an election or primary for Representative in  
152 Congress.

153 (e) If an individual described in subsection (a) of this section does  
154 not submit the identification described in subsection (a) of this section  
155 as part of the individual's application for admission as an elector, and  
156 if the individual votes by absentee ballot in an election for federal  
157 office, the individual shall enclose in the outer absentee ballot  
158 envelope, and not in the inner envelope with the ballot: (1) A copy of a  
159 current and valid photo identification, or (2) a copy of a current utility  
160 bill, bank statement, government check, paycheck, or other  
161 government document that shows the name and address of the voter.  
162 If an individual does not meet the requirements of this subsection in an  
163 election for federal office, such individual's absentee ballot shall be  
164 processed in accordance with the provisions of subdivision (2) of  
165 subsection (d) of section 9-150a, as amended by this act, and treated as  
166 a provisional ballot [for federal office only,] pursuant to sections [9-  
167 232i] 9-232j to 9-232o, inclusive, as amended by this act.

168 Sec. 8. Subsection (d) of section 9-150a of the general statutes is  
169 repealed and the following is substituted in lieu thereof (*Effective from*  
170 *passage*):

171 (d) (1) If the statement on the inner envelope has not been signed as

172 required by section 9-140a, such inner envelope shall not be opened or  
 173 the ballot removed therefrom, and such inner envelope shall be  
 174 replaced in the opened outer envelope which shall be marked  
 175 "Rejected" and the reason therefor endorsed thereon by the counters.  
 176 (2) If such statement is signed but the individual completing the ballot  
 177 is an individual described in subsection (a) of section 9-23r and has not  
 178 met the requirements of subsection (e) of section 9-23r, as amended by  
 179 this act, the counters shall replace the ballot in the opened inner  
 180 envelope, replace the inner envelope in the opened outer envelope and  
 181 mark "Rejected as an Absentee Ballot" and endorse the reason for such  
 182 rejection on the outer envelope, and the ballot shall be treated as a  
 183 provisional ballot [for federal offices only,] pursuant to sections [9-  
 184 232i] 9-232j to 9-232o, inclusive, as amended by this act.

185       Sec. 9. Subdivision (2) of subsection (a) of section 9-7b of the general  
 186 statutes is repealed and the following is substituted in lieu thereof  
 187 (*Effective from passage*):

188       (2) To levy a civil penalty not to exceed (A) two thousand dollars  
 189 per offense against any person the commission finds to be in violation  
 190 of any provision of chapter 145, part V of chapter 146, part I of chapter  
 191 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
 192 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,  
 193 9-23j to 9-23o, inclusive, 9-23r, as amended by this act, 9-26, 9-31a, 9-32,  
 194 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-  
 195 171, 9-172, [9-232i] 9-232j to 9-232o, inclusive, as amended by this act,  
 196 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to  
 197 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand dollars per  
 198 offense against any town clerk, registrar of voters, an appointee or  
 199 designee of a town clerk or registrar of voters, or any other election or  
 200 primary official whom the commission finds to have failed to  
 201 discharge a duty imposed by any provision of chapter 146 or 147, (C)  
 202 two thousand dollars per offense against any person the commission  
 203 finds to have (i) improperly voted in any election, primary or  
 204 referendum, and (ii) not been legally qualified to vote in such election,

205 primary or referendum, or (D) two thousand dollars per offense or  
 206 twice the amount of any improper payment or contribution, whichever  
 207 is greater, against any person the commission finds to be in violation of  
 208 any provision of chapter 155 or 157. The commission may levy a civil  
 209 penalty against any person under subparagraph (A), (B), (C) or (D) of  
 210 this subdivision only after giving the person an opportunity to be  
 211 heard at a hearing conducted in accordance with sections 4-176e to 4-  
 212 184, inclusive. In the case of failure to pay any such penalty levied  
 213 pursuant to this subsection within thirty days of written notice sent by  
 214 certified or registered mail to such person, the superior court for the  
 215 judicial district of Hartford, on application of the commission, may  
 216 issue an order requiring such person to pay the penalty imposed and  
 217 such court costs, state marshal's fees and attorney's fees incurred by  
 218 the commission as the court may determine. Any civil penalties paid,  
 219 collected or recovered under subparagraph (D) of this subdivision for  
 220 a violation of any provision of chapter 155 applying to the office of the  
 221 Treasurer shall be deposited on a pro rata basis in any trust funds, as  
 222 defined in section 3-13c, affected by such violation;

223 Sec. 10. Subdivision (2) of subsection (a) of section 9-7b of the  
 224 general statutes, as amended by section 12 of public act 12-56, is  
 225 repealed and the following is substituted in lieu thereof (*Effective*  
 226 *January 1, 2014*):

227 (2) To levy a civil penalty not to exceed (A) two thousand dollars  
 228 per offense against any person the commission finds to be in violation  
 229 of any provision of chapter 145, part V of chapter 146, part I of chapter  
 230 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
 231 section 9-19b, 9-19e, 9-19g to 9-19k, inclusive, 9-20, 9-21, 9-23a, 9-23g, 9-  
 232 23h, 9-23j to 9-23o, inclusive, 9-23r, as amended by this act, 9-26, 9-31a,  
 233 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170,  
 234 9-171, 9-172, [9-232i] 9-232j to 9-232o, inclusive, as amended by this act,  
 235 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to  
 236 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand dollars per  
 237 offense against any town clerk, registrar of voters, an appointee or



238 designee of a town clerk or registrar of voters, or any other election or  
239 primary official whom the commission finds to have failed to  
240 discharge a duty imposed by any provision of chapter 146 or 147, (C)  
241 two thousand dollars per offense against any person the commission  
242 finds to have (i) improperly voted in any election, primary or  
243 referendum, and (ii) not been legally qualified to vote in such election,  
244 primary or referendum, or (D) two thousand dollars per offense or  
245 twice the amount of any improper payment or contribution, whichever  
246 is greater, against any person the commission finds to be in violation of  
247 any provision of chapter 155 or 157. The commission may levy a civil  
248 penalty against any person under subparagraph (A), (B), (C) or (D) of  
249 this subdivision only after giving the person an opportunity to be  
250 heard at a hearing conducted in accordance with sections 4-176e to 4-  
251 184, inclusive. In the case of failure to pay any such penalty levied  
252 pursuant to this subsection within thirty days of written notice sent by  
253 certified or registered mail to such person, the superior court for the  
254 judicial district of Hartford, on application of the commission, may  
255 issue an order requiring such person to pay the penalty imposed and  
256 such court costs, state marshal's fees and attorney's fees incurred by  
257 the commission as the court may determine. Any civil penalties paid,  
258 collected or recovered under subparagraph (D) of this subdivision for  
259 a violation of any provision of chapter 155 applying to the office of the  
260 Treasurer shall be deposited on a pro rata basis in any trust funds, as  
261 defined in section 3-13c, affected by such violation.

262 Sec. 11. Section 9-232o of the general statutes is repealed and the  
263 following is substituted in lieu thereof (*Effective from passage*):

264 Except as otherwise provided by the general statutes, section 9-23r,  
265 as amended by this act, and sections [9-232i] 9-232j to 9-232o, inclusive,  
266 as amended by this act, the provisions of the general statutes  
267 concerning procedures relating to counting absentee ballots shall apply  
268 as nearly as may be, in the manner prescribed by the Secretary of the  
269 State, to counting the provisional ballots under sections [9-232i] 9-232j  
270 to 9-232o, inclusive, as amended by this act.

271        Sec. 12. Sections 9-232d to 9-232f, inclusive, and section 9-232i of the  
 272        general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-232c
Sec. 2	<i>from passage</i>	9-232j
Sec. 3	<i>from passage</i>	9-232k
Sec. 4	<i>from passage</i>	9-232l
Sec. 5	<i>from passage</i>	9-232n
Sec. 6	<i>from passage</i>	9-236b(e)
Sec. 7	<i>from passage</i>	9-23r(d) and (e)
Sec. 8	<i>from passage</i>	9-150a(d)
Sec. 9	<i>from passage</i>	9-7b(a)(2)
Sec. 10	<i>January 1, 2014</i>	9-7b(a)(2)
Sec. 11	<i>from passage</i>	9-232o
Sec. 12	<i>from passage</i>	Repealer section

**GAE**        *Joint Favorable*