



General Assembly

Substitute Bill No. 5600

January Session, 2013



AN ACT CONCERNING REGISTRARS OF VOTERS, THE AUTHORITY OF THE SECRETARY OF THE STATE AND THE STATE ELECTIONS ENFORCEMENT COMMISSION AND THE POSTING OF REQUIREMENTS FOR VOTER IDENTIFICATION.

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

1 Section 1. Section 9-5a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each town shall (1) provide the registrars of voters with office
4 space, supplies and equipment, including facilities for the safe storage
5 of the official records of such registrars [~~Such records~~] of voters, and
6 (2) ensure that each registrar of voters may access the Internet and
7 correspond with the Secretary of the State using electronic mail.

8 (b) The official records of the registrars of voters of a town shall be
9 accessible to all registrars of voters in such town and [they] all of the
10 registrars of voters shall be [jointly] responsible for [their] the
11 safekeeping of such records.

12 Sec. 2. Section 9-3 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective from passage*):

14 The Secretary of the State, by virtue of the office, shall be the
15 Commissioner of Elections of the state, with such powers and duties

16 relating to the conduct of elections as are prescribed by law and, unless
17 otherwise provided by state statute, the secretary's regulations,
18 declaratory rulings, instructions and opinions, if in written form, shall
19 be presumed as correctly interpreting and effectuating the
20 administration of elections and primaries under this title, except for
21 [chapter 155] chapters 155 to 158, inclusive, and shall be executed,
22 carried out or implemented, as the case may be, provided nothing in
23 this section shall be construed to alter the right of appeal provided
24 under the provisions of chapter 54. Any such written instruction or
25 opinion shall be labeled as an instruction or opinion issued pursuant to
26 this section, as applicable, and any such instruction or opinion shall
27 cite any authority that is discussed in such instruction or opinion.

28 Sec. 3. Subdivision (2) of subsection (a) of section 9-7b of the general
29 statutes is repealed and the following is substituted in lieu thereof
30 (*Effective from passage*):

31 (2) To levy a civil penalty not to exceed (A) two thousand dollars
32 per offense against any person the commission finds to be in violation
33 of any provision of chapter 145, part V of chapter 146, part I of chapter
34 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
35 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
36 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-
37 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-
38 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-
39 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand
40 dollars per offense against any town clerk, registrar of voters, an
41 appointee or designee of a town clerk or registrar of voters, or any
42 other election or primary official whom the commission finds to have
43 failed to discharge a duty imposed by any provision of [chapter 146 or
44 147] title 9, except chapters 155 to 158, inclusive, (C) two thousand
45 dollars per offense against any person the commission finds to have (i)
46 improperly voted in any election, primary or referendum, and (ii) not
47 been legally qualified to vote in such election, primary or referendum,
48 or (D) two thousand dollars per offense or twice the amount of any

49 improper payment or contribution, whichever is greater, against any
50 person the commission finds to be in violation of any provision of
51 [chapter 155 or 157] chapters 155 to 158, inclusive. The commission
52 may levy a civil penalty against any person under subparagraph (A),
53 (B), (C) or (D) of this subdivision only after giving the person an
54 opportunity to be heard at a hearing conducted in accordance with
55 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such
56 penalty levied pursuant to this subsection within thirty days of written
57 notice sent by certified or registered mail to such person, the superior
58 court for the judicial district of Hartford, on application of the
59 commission, may issue an order requiring such person to pay the
60 penalty imposed and such court costs, state marshal's fees and
61 attorney's fees incurred by the commission as the court may
62 determine. Any civil penalties paid, collected or recovered under
63 subparagraph (D) of this subdivision for a violation of any provision of
64 chapter 155 applying to the office of the Treasurer shall be deposited
65 on a pro rata basis in any trust funds, as defined in section 3-13c,
66 affected by such violation;

67 Sec. 4. Subdivision (2) of subsection (a) of section 9-7b of the general
68 statutes, as amended by section 12 of public act 12-56, is repealed and
69 the following is substituted in lieu thereof (*Effective January 1, 2014*):

70 (2) To levy a civil penalty not to exceed (A) two thousand dollars
71 per offense against any person the commission finds to be in violation
72 of any provision of chapter 145, part V of chapter 146, part I of chapter
73 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
74 section 9-19b, 9-19e, 9-19g to 9-19k, inclusive, 9-20, 9-21, 9-23a, 9-23g, 9-
75 23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c,
76 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to
77 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436,
78 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand
79 dollars per offense against any town clerk, registrar of voters, an
80 appointee or designee of a town clerk or registrar of voters, or any
81 other election or primary official whom the commission finds to have

82 failed to discharge a duty imposed by any provision of [chapter 146 or
83 147] title 9, except chapters 155 to 158, inclusive, (C) two thousand
84 dollars per offense against any person the commission finds to have (i)
85 improperly voted in any election, primary or referendum, and (ii) not
86 been legally qualified to vote in such election, primary or referendum,
87 or (D) two thousand dollars per offense or twice the amount of any
88 improper payment or contribution, whichever is greater, against any
89 person the commission finds to be in violation of any provision of
90 [chapter 155 or 157] chapters 155 to 158, inclusive. The commission
91 may levy a civil penalty against any person under subparagraph (A),
92 (B), (C) or (D) of this subdivision only after giving the person an
93 opportunity to be heard at a hearing conducted in accordance with
94 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such
95 penalty levied pursuant to this subsection within thirty days of written
96 notice sent by certified or registered mail to such person, the superior
97 court for the judicial district of Hartford, on application of the
98 commission, may issue an order requiring such person to pay the
99 penalty imposed and such court costs, state marshal's fees and
100 attorney's fees incurred by the commission as the court may
101 determine. Any civil penalties paid, collected or recovered under
102 subparagraph (D) of this subdivision for a violation of any provision of
103 chapter 155 applying to the office of the Treasurer shall be deposited
104 on a pro rata basis in any trust funds, as defined in section 3-13c,
105 affected by such violation.

106 Sec. 5. Subsection (a) of section 9-261 of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective from*
108 *passage*):

109 (a) In each primary, election or referendum, when an elector has
110 entered the polling place, the elector shall announce the elector's street
111 address, if any, and the elector's name to the official checkers in a tone
112 sufficiently loud and clear as to enable all the election officials present
113 to hear the same. Each elector who registered to vote by mail for the
114 first time on or after January 1, 2003, and has a "mark" next to the

115 elector's name on the official registry list, as required by section 9-23r,
 116 shall present to the official checkers, before the elector votes, either a
 117 current and valid photo identification that shows the elector's name
 118 and address or a copy of a current utility bill, bank statement,
 119 government check, paycheck or other government document that
 120 shows the name and address of the elector. Each other elector shall (1)
 121 present to the official checkers the elector's Social Security card or any
 122 other preprinted form of identification which shows the elector's name
 123 and either the elector's address, signature or photograph, or (2) on a
 124 form prescribed by the Secretary of the State, write the elector's
 125 residential address and date of birth, print the elector's name and sign
 126 a statement under penalty of false statement that the elector is the
 127 elector whose name appears on the official checklist. Such form shall
 128 clearly state the penalty of false statement. A separate such form shall
 129 be used for each elector. If the elector presents a preprinted form of
 130 identification under subdivision (1) of this subsection, the official
 131 checkers shall check the name of such elector on the official checklist. If
 132 the elector completes the form under subdivision (2) of this subsection,
 133 the registrar of voters or the assistant registrar of voters, as the case
 134 may be, shall examine the information on such form and either instruct
 135 the official checkers to check the name of such elector on the official
 136 checklist or notify the elector that the form is incomplete or inaccurate.
 137 The provisions of this subsection describing requirements for
 138 identification shall be posted where the official checkers are located in
 139 each polling location, in a manner prescribed by the Secretary of the
 140 State.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-5a
Sec. 2	<i>from passage</i>	9-3
Sec. 3	<i>from passage</i>	9-7b(a)(2)
Sec. 4	<i>January 1, 2014</i>	9-7b(a)(2)
Sec. 5	<i>from passage</i>	9-261(a)

GAE *Joint Favorable Subst.*

PD *Joint Favorable*