



Senate

General Assembly

File No. 596

January Session, 2013

Substitute Senate Bill No. 4

Senate, April 24, 2013

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EARLY VOTING.

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

1 Section 1. (NEW) (*Effective January 1, 2014*) (a) As used in this
2 section, "election day" means the day on which a regular election, as
3 defined in section 9-1 of the general statutes, that is a state election, as
4 defined in section 9-1 of the general statutes, is held, and "early voting"
5 means voting in accordance with the provisions of this section.

6 (b) Notwithstanding any provision of chapter 146 of the general
7 statutes, each municipality shall provide an opportunity for electors
8 residing in such municipality to cast ballots in person starting the
9 eighth calendar day prior to election day in accordance with the
10 provisions of this section. Such electors shall be permitted to vote at
11 the town hall or other municipal office building, as provided in the
12 warning under section 9-225 of the general statutes, as amended by
13 this act.

14 (c) Election officials shall permit early voting during all hours in
15 which the town hall or other municipal office building being used for
16 early voting is open, and such voting shall also be allowed (1) until at
17 least eight o'clock p.m. on at least one day of such voting, and (2) on at
18 least one weekend day from nine o'clock a.m. to five o'clock p.m. Any
19 elector standing in line at the time that early voting closes for the day
20 shall be permitted to vote and no elector who is not in line at such time
21 shall be permitted to enter such line. Hours designated for voting in
22 accordance with this subsection shall be specified in the warning
23 under section 9-225 of the general statutes, as amended by this act.

24 (d) Each elector voting under this section shall be provided with the
25 ballot that he or she would be voting on if such elector were voting on
26 election day at the polling place assigned to the elector for voting on
27 election day. The registrars of voters shall ensure that a sufficient
28 number of ballots is available to accommodate each such elector
29 residing in any voting district of the municipality.

30 (e) After the elector has voted his or her ballot, the elector shall place
31 the ballot in a secured ballot depository receptacle. At the time
32 designated by the registrars of voters and noticed to election officials,
33 the registrars of voters shall transport such receptacle containing such
34 ballots to the area, either district or central, where absentee ballots are
35 counted and such ballots shall be counted by the election officials
36 present at such location. A section of the head moderator's return shall
37 show the number of such ballots received from electors. The registrars
38 of voters shall seal a copy of the vote tally for such ballots in a
39 depository envelope with such ballots and store such depository
40 envelope with the other election results materials. The depository
41 envelope shall be preserved by the registrars of voters for the period of
42 time required to preserve counted ballots for elections. The provisions
43 of the general statutes and regulations concerning procedures relating
44 to the custody, control and counting of absentee ballots shall apply as
45 nearly as possible, to the custody, control and counting of the ballots
46 under this section.

47 (f) Election officials for early voting shall be selected in the same
48 manner as provided under chapter 146 of the general statutes. Before
49 each period of early voting, the registrars of voters and certified head
50 moderator shall instruct the election officials in accordance with the
51 provisions of section 9-249 of the general statutes, as amended by this
52 act.

53 (g) The process of voting under section 9-261 of the general statutes
54 shall apply as nearly as possible to the process of early voting
55 conducted under this section.

56 (h) No person shall solicit on behalf of or in opposition to the
57 candidacy of another or himself or herself or on behalf of or in
58 opposition to any question being submitted at the election, or loiter or
59 peddle or offer any advertising matter, ballot or circular to another
60 person within a radius of seventy-five feet of any outside entrance in
61 use as an entry to the town hall or other municipal building used for
62 early voting during the hours of early voting or in any corridor,
63 passageway or other approach leading from any such outside entrance
64 to such location or in any room opening upon any such corridor,
65 passageway or approach.

66 (i) No ballot cast during the period of early voting pursuant to this
67 section shall be counted prior to the closing of the polls on election
68 day.

69 Sec. 2. (NEW) (*Effective January 1, 2014*) The Secretary of the State
70 and the registrars of voters of each municipality shall ensure that no
71 elector, as defined in section 9-1 of the general statutes, stands in line
72 to vote for longer than fifteen minutes for any election, as defined in
73 section 9-1 of the general statutes, or any primary, as defined in section
74 9-372 of the general statutes, without having an opportunity to cast his
75 or her ballot.

76 Sec. 3. Subsection (a) of section 9-225 of the general statutes is
77 repealed and the following is substituted in lieu thereof (*Effective*
78 *January 1, 2014*):

79 (a) The town clerk or assistant town clerk of each town shall warn
80 the electors therein to meet on the Tuesday following the first Monday
81 in November in the even-numbered years, at six o'clock a.m., or that
82 any such elector may participate in early voting in accordance with
83 section 1 of this act, which warning shall be given by publication in a
84 newspaper having a general circulation in such town, or towns in the
85 case of a joint publication under subsection (b) of this section, not more
86 than fifteen nor less than five days previous to [holding] the first day
87 of early voting for such election. The clerk in each town shall, in the
88 warning for such election, give notice of the time and the location of
89 the polling place in the town and the location and hours of early
90 voting, and in towns divided into voting districts, of the time and the
91 location of the polling place in each district, at which such election will
92 be held. The town clerk shall record each such warning.

93 Sec. 4. Subsection (a) of section 9-229 of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective*
95 *January 1, 2014*):

96 (a) The registrars of voters in the several towns and, in towns where
97 there are different registrars for different voting districts, the registrars
98 of voters in such districts shall appoint the moderators of regular and
99 special state and municipal elections in their respective towns or
100 districts. For the purpose of providing a reserve group of persons who
101 may serve as moderators, the registrars shall designate alternate
102 moderators from among those persons chosen as official checkers, or
103 tabulator tenders, in the following minimum numbers: In towns with
104 one or more but not exceeding three voting districts, one alternate
105 moderator; in towns with four or more but not exceeding eight voting
106 districts, two alternate moderators; in towns with more than eight
107 voting districts, a number of alternate moderators equal to one-fourth
108 of the number of voting districts rounded off to the nearest multiple of
109 four. In case the registrars fail to agree in the choice of a moderator or
110 alternate moderator, the choice shall be determined between such
111 registrars by lot. In the case of a primary, the registrar, as defined in
112 section 9-372, shall so appoint such moderators and alternate

113 moderators. Moderators and alternate moderators shall be appointed
114 at least twenty days before the election or primary, except that any
115 moderator and alternate moderator appointed to moderate early
116 voting in accordance with section 1 of this act shall be appointed at
117 least twenty days before the first day of early voting. The registrars
118 shall submit a list of the names of such moderators and alternate
119 moderators to the municipal clerk, which list shall be made available
120 for public inspection by such clerk. Each person appointed to serve as
121 moderator or alternate moderator shall be certified by the Secretary of
122 the State in accordance with the provisions of subsection (c) of this
123 section, except as provided in subsection (d) of this section or section 9-
124 436.

125 Sec. 5. Subsection (a) of section 9-249 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *January 1, 2014*):

128 (a) Before each election, the registrars of voters and the certified
129 head moderator shall instruct the election officials. [Any]
130 Notwithstanding any provision of the general statutes or [of] any
131 special act, [to the contrary notwithstanding,] election officials shall be
132 appointed at least twenty days before the election, except that any
133 election official appointed for early voting in accordance with section 1
134 of this act shall be appointed at least twenty days before the first day of
135 early voting and except as provided in section 9-229, as amended by
136 this act. The registrars of voters and the certified head moderator shall
137 instruct each election official who is to serve in a voting district in
138 which a voting tabulator is to be used in the use of the tabulator and
139 the election official's duties in connection therewith, and for the
140 purpose of giving such instruction, such instructors shall call such
141 meeting or meetings of the election officials as are necessary. Such
142 instructors shall, without delay, file a report in the office of the
143 municipal clerk and with the Secretary of the State, (1) stating that they
144 have instructed the election officials named in the report and the time
145 and place where such instruction was given, and (2) containing a
146 signed statement from each such election official acknowledging that

147 the official has received such instruction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	New section
Sec. 2	<i>January 1, 2014</i>	New section
Sec. 3	<i>January 1, 2014</i>	9-225(a)
Sec. 4	<i>January 1, 2014</i>	9-229(a)
Sec. 5	<i>January 1, 2014</i>	9-249(a)

Statement of Legislative Commissioners:

Deleted sentence regarding voting tabulator in section 1(g) for consistency.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
All Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

Section 1 of the bill delineates a process for voting prior to election day in state elections. Municipalities are anticipated to incur costs of less \$25,000, beginning in FY 15, to provide the means by which voters can cast ballots before election day in accordance with the provisions of the bill. The amount of costs incurred by municipalities will vary depending on the size and specific operational decision of each municipality.

Section 2 of the bill requires registrars of voters to ensure that no person stands in line to vote for more than 15 minutes during any election. Municipalities may incur significant additional costs to comply with this provision for all elections held after the January 1, 2014, effective date.

The cost to municipalities is dependent upon several factors including, but not limited to, the number of voters, voting machines, polling places, and required additional staff. It is anticipated that certain municipalities may incur costs exceeding \$100,000 to purchase additional voting machines, hire additional election day poll workers and police, and potentially open additional polling places. For

example, the cost to purchase a voting machine is approximately \$8,000 per unit. Large municipalities would most likely need more than 10 additional voting machines.

Sections 3 - 5 of the bill make technical changes related to voting prior to election day. There is no fiscal impact arising from these provisions of the bill.

The Out Years

The fiscal impact identified in FY 15 would continue into the future subject to inflation.

OLR Bill Analysis**sSB 4*****AN ACT CONCERNING EARLY VOTING.*****SUMMARY:**

This bill establishes early, in-person voting starting on the eighth day before regular state elections. Generally, it requires state election laws concerning (1) election official training; (2) absentee ballot custody, control, and counting; and (3) the voting process to apply as nearly as possible to early voting. It also institutes new procedures and requirements.

The bill requires the secretary of the state and registrars of voters to ensure that no elector stands in line to vote longer than 15 minutes for any state or municipal election or primary. It does not specify what happens if an elector waits for more than 15 minutes.

The bill also makes technical changes.

EFFECTIVE DATE: January 1, 2014 (see COMMENT)

LOCATION, VOTING HOURS, & NOTICE

Starting on the eighth day before a regular state election, the bill requires municipalities to allow early voting in the town hall or another municipal building. Election officials must permit early voting during all hours that the municipal office building is open (see COMMENT). During the eight-day period, they must also permit early voting (1) until at least 8:00 p.m. on one or more of the days and (2) on at least one weekend day from 9:00 a.m. until 5:00 p.m.

The bill requires town clerks to notice the early voting period, together with the regular election notice required by law. Rather than placing the notice in a general circulation newspaper between five and

15 days before the election, they must place it between five and 15 days before the early voting period.

ELECTION OFFICIALS

The bill requires early voting election officials to be selected according to, and subjected to, the same requirements that the law sets for officials who work on Election Day. This means that, among other things:

1. each election official must take an oath pledging to faithfully perform his or her duties;
2. moderators and alternate moderators must be certified by the secretary of the state;
3. registrars must appoint election officials, including head and alternate moderators, at least 20 days before the early voting period; and
4. registrars and head moderators must train other election officials before the early voting period.

Presumably, early voting election officials are moderators, official checkers, challengers, voting tabulator tenders, ballot clerks, and registrars of voters or assistant registrars. It is unclear whether they include unofficial checkers, whom by law, registrars may appoint up to 48 hours before an election.

PROCEDURES

The bill requires that state election laws concerning absentee ballots and the voting process apply as nearly possible to early voting procedures. In addition, it requires that:

1. electors receive the appropriate ballot for the voting district in which they vote;
2. registrars ensure there are a sufficient number of ballots to provide each elector with the appropriate ballot;

3. electors place their voted ballots in a secured ballot depository receptacle;
4. registrars transport the depository receptacle, at a time they designate and notice to election officials, to the place where absentee ballots are counted (district or central);
5. early voting ballots be counted at the designated location after the polls close on election day;
6. the head moderator's return shows the number of early voting ballots the municipality receives;
7. registrars seal a copy of the vote tally, together with the early voting ballots, in a depository envelope; and
8. registrars preserve the depository envelope for 180 days.

Finally, the bill prohibits the same activities in or near the early voting 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 building 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.

COMMENTS

Effective Date

The bill requires municipalities to hold early voting sessions for regular state elections occurring on and after January 1, 2014. However, the state constitution currently sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices (Article Third, § 8 and Article Fourth, § 1). With one exception, it requires electors to gather at a meeting on this day to elect General Assembly members and state officers (Article Third, § 9 and Article Fourth, § 4). Thus, it appears the state constitution would need to be amended before early voting could take place (see Related Bills).

Differential Voting Hours

The bill does not establish uniform statewide early voting hours and thus, may raise an issue under the equal protection clause (U.S. Const. amend. XIV, § 1 and Conn. Const. Article First, § 20). There may be significant variation among municipalities, depending on the buildings they use, in the number of hours electors may access early voting.

BACKGROUND**Related Bills**

HJ 36 (File 44), which passed the House, proposes a constitutional amendment to (1) eliminate the requirement for electors to gather on Election Day to cast votes for state officers and General Assembly members and (2) remove restrictions on absentee voting

sSB 729, favorably reported by the Government Administration and Elections Committee, establishes a municipal early voting pilot program.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 9 Nay 5 (04/05/2013)