
OLR Bill Analysis

sHB 7160

AN ACT INCREASING VOTER ACCESS.

SUMMARY

This bill makes various unrelated changes affecting elections, including Election Day Registration (EDR), special elections, voter registration, and state and local redistricting data. Principally, it does the following:

1. by January 1, 2020, requires specified education officials, in consultation with the secretary of the state, to develop standards for awarding academic credit to high school or college students who volunteer in connection with elections or primaries;
2. designates the Tuesday after the first Monday in November (Election Day) as a legal holiday, and eliminates February 12 (Lincoln's Birthday) as a legal holiday;
3. authorizes individuals who are in line by 8:00 p.m. at an EDR location to vote, not only register, after they complete the voter registration process and are admitted as electors;
4. authorizes registrars of voters to apply to the secretary of state to designate additional EDR locations;
5. for certain vacancies, lifts the prohibition on holding special elections on a weekend and authorizes the governor to deliver writs of election electronically;
6. authorizes the Department of Motor Vehicles (DMV) and voter registration agencies, and requires public higher education institutions, to use a secretary of the state-approved electronic voter registration system that complies with the National Voter Registration Act (NVRA);

7. requires the secretary of the state to develop and implement a system that individuals may use to submit electronic signatures in order to sign certain elections-related documents; and
8. creates a process to adjust U.S. Census population data to count inmates at their addresses prior to incarceration, instead of at the prison address, and requires that the adjusted data be used in determining General Assembly districts and changing municipal voting districts.

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the provision on adjusting census data is effective July 1, 2019.

§ 1 — ACADEMIC CREDIT FOR VOLUNTEERING

The bill requires certain education and elections officials, in consultation with the secretary of the state, to develop standards for awarding academic credit to high school and college students who volunteer in connection with elections or primaries.

Specifically, by January 1, 2020, the education commissioner, in consultation with the secretary of the state, local or regional education officials, and local election officials must develop standards for awarding academic credit to high school students. The commissioner must designate the local or regional education officials; and the secretary must designate the local election officials.

By the same date, the Connecticut State Colleges and Universities president, in consultation with the secretary of the state, UConn, Office of Higher Education, and local election officials, must develop standards for awarding academic credit to college students. The secretary must designate the local election officials.

For both high school and college volunteers, the standards must include the following:

1. amount of credit to be awarded,

2. documentation required to obtain the credit,
3. curriculum or other performance measures,
4. procedures for applying to local election officials to volunteer,
5. period during which volunteer service may be performed, and
6. minimum hours of volunteer service required for credit.

The bill requires that student volunteers work at least eight hours on the day of a primary or election and be appointed as one of the polling place officials required by state law.

Beginning March 1, 2020, students who perform volunteer service in accordance with the standards are eligible to receive credit through their local or regional board of education, the Board of Regents for Higher Education, or UConn, whichever applies.

§ 2 — ELECTION DAY HOLIDAY

The bill designates Election Day, which is the Tuesday after the first Monday in November of each year, as a legal state holiday. It also removes the designation of Lincoln’s Birthday, which is February 12 of each year, as a legal state holiday.

By law, full-time permanent state employees receive paid time off on legal holidays (CGS § 5-254). Legal state holidays are also bank and credit union holidays, during which time, bank and credit union transactions are generally suspended (CGS § 36a-23). When a legal holiday (other than those in December or January) falls on a weekday, local and regional boards of education may either close public schools in their jurisdiction, or hold a suitable educational program in observance.

§§ 3 & 4 — ELECTION DAY REGISTRATION

Hours

Under the bill, individuals who are in line for EDR by 8:00 p.m. may vote, not only register, after they complete the voter registration process and are admitted as electors. Currently, EDR applicants may

not vote unless they are admitted as electors by the 8:00 p.m. deadline. By law, individuals admitted as electors before the day of an election may vote if they are in the line at their polling place by 8:00 p.m.

The bill also requires registrars of voters to appoint a municipal police or election official to mark the end of the EDR line, starting at 8:00 p.m., in order to stop individuals from entering the line after such time. Existing law establishes the same requirement for non-EDR lines at polling places.

Locations

Existing law requires registrars of voters to designate one location in the municipality for completing and processing EDR applications. The location must be one where registrars can check applicants' eligibility by accessing the statewide centralized voter registration system (CVRS).

The bill authorizes registrars of voters to apply to the secretary of the state, in a form and manner she prescribes, to designate additional EDR locations. Under the bill, registrars must apply to the secretary at least 90 days before the election. Presumably, any additional EDR location must have CVRS access.

§§ 5-8 — SPECIAL ELECTIONS FOR CERTAIN VACANCIES

Existing law requires the governor to order a special election to fill a vacancy in certain offices, depending on when the vacancy occurs, by issuing writs of election. It establishes a timeframe for issuing the writs and holding the election.

The bill lifts the prohibition on holding a special election on a weekend to fill a vacancy in the following offices:

1. U.S. Senator and senator-elect,
2. U.S. Representative and representative-elect,
3. member and member-elect of the General Assembly, and
4. probate judge.

For special elections to fill vacancies in these offices, current law generally requires the governor to convey the writs of election to a state marshal, who must transmit them to the town clerks or assistant clerks. The bill also gives the governor the option of delivering the writs electronically to the appropriate clerks. By law, town clerks must notice special elections upon receiving the writs.

§ 9-14 — ELECTRONIC SYSTEMS

Electronic System for Registering Voters (§§ 9-14)

By law, the DMV commissioner must include a voter registration application as part of each motor vehicle driver's license application or renewal, or identity card application. Similarly, voter registration agencies must include a voter registration application with each service or assistance application, recertification, renewal, or change of address (see BACKGROUND). Public higher education institutions must distribute mail voter registration application forms.

The bill authorizes DMV and voter registration agencies, and requires public higher education institutions, to use a secretary of the state-approved electronic system to register qualified voter registration applicants as electors. The bill additionally authorizes DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes. Under the bill, any such electronic system must comply with NVRA requirements (see BACKGROUND).

Procedures at DMV. Under the bill, if DMV uses a secretary of the state-approved electronic system to register voters, the commissioner may waive the requirement that applicants state and attest to meeting all eligibility criteria, as long as DMV can verify any such criteria independently. (It is unclear whether applicants must attest to their eligibility pursuant to CGS § 9-20.) The system may include a way to electronically transmit applicants' signatures on file with the DMV commissioner to the secretary of the state.

E-Signature System (§ 11)

The bill requires the secretary of the state to develop and implement a system through which individuals may submit electronic signatures

in order to sign elections-related forms and applications, other than those for campaign finance purposes. The bill gives the secretary the discretion to include in the system any form or application. When an individual uses the new e-signature system to sign a form or application, it is deemed to have the original signature.

Under the bill, individuals may use the e-signature system to electronically submit signatures when using the secretary of the state's existing online voter registration system. By law, the online voter registration system permits (1) registered voters to apply to change their registration information or (2) new applicants to apply to register to vote.

§ 15 — ADJUSTING U.S. CENSUS POPULATION DATA

The bill creates a process to adjust U.S. Census population data to count inmates at their addresses before incarceration instead of at their prison address. The adjusted data must be the basis for determining state General Assembly districts and municipal voting districts.

The bill's process requires the:

1. Department of Correction (DOC) to provide the Office of Policy and Management (OPM) secretary with a list of inmates and their residential or other addresses before incarceration;
2. secretary to ask federal agencies for a similar list for federal prisons in Connecticut;
3. OPM to adjust the census population counts so inmates, to the extent possible based on the DOC and federal reports, are represented as residing at their addresses before incarceration and not at their prison address; and
4. secretary to prepare and publish the adjusted data and notify municipalities that they must use it for changing municipal voting districts.

The bill prohibits using residences at unknown geographic locations

within the state to determine the average population for any set of districts.

DOC Report to OPM

The bill requires DOC to determine the residential street or other address of everyone committed to DOC custody on or after January 1, 2020. DOC must keep the addresses in an electronic record that at least contains each inmate's last-known residential street or other address before incarceration.

By May 1 of each year when the federal decennial census is taken and the U.S. Census Bureau counts inmates as residents of the town in which they are incarcerated, the bill requires DOC to provide the OPM secretary, in a form the secretary prescribes, with:

1. a unique identifier for each inmate under DOC's jurisdiction on the date when the decennial census reports population;
2. the street address of the prison where the person is incarcerated at the time of the report;
3. the residential or other address of the person before incarceration, if known;
4. information about whether the person is age 18 or older;
5. the person's race and whether he or she is of Hispanic or Latino origin, if known; and
6. other information the secretary may legally request.

The bill prohibits including the inmate's name or anything else that might identify the inmate. The bill makes the information confidential and prohibits its disclosure, except to OPM or as aggregated by census block for the bill's purposes.

OPM Request to Federal Prison Authorities

By May 1 in each year that the decennial census is taken and the U.S. Census Bureau counts inmates as residents of the towns in which

they are incarcerated, the bill requires the OPM secretary to ask each agency operating a federal facility in Connecticut incarcerating inmates convicted of crimes to report the same information as DOC.

OPM Reassignment of Inmate Addresses

For each person included in a DOC or federal agency report, the bill requires the OPM secretary to determine the geographic units (census blocks) in the census that contain the person's (1) correctional facility and (2) residential or other address. When the inmate's non-prison address is known and in Connecticut, OPM must adjust the population counts of geographic units reported in the census to represent the inmate as residing at his or her non-prison address when the census reports population, and not at the prison address.

For inmates with unknown or out-of-state addresses or residing in federal prisons for which a report was not provided, the bill requires OPM to ensure that these inmates are not counted in the geographic unit of the inmate's prison. Instead, they must be counted as part of a state unit not tied to a specific geographical determination in the way that someone with an unknown state of residency is counted (such as military and federal government personnel stationed abroad).

OPM Publication of Adjusted Data

The bill requires the OPM secretary to prepare and publish the adjusted data within 30 days after the U.S. Census Bureau publishes redistricting data for the state. Under federal law, the census must publish this data for each state within one year of Census Day. (During the last cycle, Connecticut received this data on March 9, 2011.)

BACKGROUND

NVRA

The NVRA (P.L. 103-31) generally requires states to offer eligible citizens the opportunity to register to vote by:

1. applying as part of a motor vehicle driver's license application or renewal;

2. sending a mail-in application; or
3. applying in person at a designated voter registration agency, including offices providing public assistance or services to individuals with disabilities.

The requirements apply to federal elections, but in practice, states, including Connecticut, have extended the procedures to state and local elections.

Voter Registration Agencies

The NVRA requires covered states to designate as voter registration agencies (1) all offices that provide federal or state public assistance, (2) all offices that provide state-funded programs primarily engaged in providing services to individuals with disabilities, and (3) Armed Forces recruitment offices. States must also designate additional voter registration agencies, which may include (1) state or local offices like public libraries or schools, fishing and hunting license bureaus, or unemployment compensation offices or (2) with their agreement, federal or nongovernmental offices (52 USC § 20506).

Generally, all voter registration agencies must:

1. distribute the National Mail Voter Registration Form;
2. provide an “information form” on the voter-registration process;
3. help applicants complete the registration application, unless they refuse assistance; and
4. accept completed voter registration applications and transmit them to the appropriate state election official within a prescribed timeframe.

Those agencies that provide public assistance or services to individuals with disabilities must include the National Mail Voter Registration Form, or an equivalent form that they design, with each application, recertification, renewal, or change of address form related to the assistance or services. Those providing in-home services to

individuals with disabilities must provide the above-listed registration services in such an individual's home.

Related Bills

sSB 24, reported favorably by the Government Administration and Elections Committee, requires that DMV, voter registration agencies, and public higher education institutions use a secretary of the state-approved electronic system to automatically admit qualified voter registration applicants as electors, unless they decline admission.

sSB 1046, reported favorably by the Government Administration and Elections Committee, (1) requires that municipalities complete and process EDR applications in each polling place and (2) also authorizes individuals who are in line for EDR by 8:00 p.m. to vote, not only register, after they complete the voter registration process and are admitted as electors.

sSB 1049, reported favorably by the Government Administration and Elections Committee, also requires the secretary of the state to develop and implement a system for individuals submitting electronic signatures to sign certain elections-related documents.

HB 6059, reported favorably by the Government Administration and Elections Committee, also authorizes registrars of voters to apply to the secretary of state to designate additional EDR locations.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 5 (04/01/2019)