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## **OLR Bill Analysis**

### **sHB 7160 (as amended by House "A")\***

#### ***AN ACT INCREASING VOTER ACCESS.***

#### **SUMMARY**

This bill makes various unrelated changes affecting elections, including Election Day Registration (EDR), special elections, voter registration, and voting rights for parolees and felons confined in a community residence. Principally, it does the following:

1. authorizes registrars of voters to apply to the secretary of state to designate additional EDR locations;
2. for certain vacancies, authorizes the governor to deliver writs of election electronically;
3. conforms law with practice by requiring the Department of Motor Vehicles (DMV) to use a secretary of the state-approved electronic system that complies with the National Voter Registration Act (NVRA) to automatically transmit voter registration applications to registrars of voters for eligible applicants, unless they opt out;
4. authorizes voter registration agencies to use a secretary of the state-approved and NVRA-compliant electronic system to transmit voter registration applications, and requires public higher education institutions to use an electronic system for this purpose;
5. 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;
6. restores the electoral privileges (i.e., voting rights) of convicted felons on parole or special parole or who are confined in a

community residence; and

7. eliminates the current requirement that felons forfeit their electoral privileges if they are committed to confinement in an in-state or out-of-state community residence.

The bill also makes several technical and conforming changes.

\*House Amendment "A" eliminates provisions (1) requiring specified officials to develop standards for awarding academic credit to high school or college students who volunteer in connection with elections or primaries; (2) designating Election Day as a legal holiday; (3) authorizing individuals who are admitted electors under EDR but whose registrations are not processed until after 8:00 p.m., to vote as long as they are in line by 8:00 p.m.; and (4) lifting the prohibition on holding certain vacancy elections on a weekend.

It also (1) requires, rather than allows, DMV to use an electronic system to transmit voter registration applications and (2) adds the provisions concerning voting rights for parolees and felons who are committed to DOC custody for confinement in a community residence.

EFFECTIVE DATE: Upon passage, except that the provisions on parolees and felons in a community residence are effective July 1, 2019.

## **§ 1 — ELECTION DAY REGISTRATION**

### ***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 requires that the EDR location be certified in writing to the secretary of the state at least 31 days before the election. The certification must:

1. include the name, street address, and relevant contact

information for the EDR location;

2. list the name and address of any election official appointed to serve there;
3. provide a description of the location's design; and
4. provide a plan to effectively complete and process EDR applications.

After reviewing the certification, the secretary of the state may require the registrars of voters to (1) appoint additional election officials or (2) alter the design or plan.

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, and the secretary must make a decision on the application no later than 30 days after receiving it. Any additional EDR location must (1) have CVRS access and (2) comply with the above certification requirements.

### ***Investigating Unverifiable EDR Registrations***

By law, registrars of voters must send a registration confirmation notice to the residential address of each EDR applicant they admit. If the confirmation is returned as undelivered, and the address cannot be verified, registrars must place the elector's name on the inactive list and remove it after four years, unless during this period the elector applies for restoration to the active list or votes.

The bill establishes requirements for investigating EDR applicants whose registrations cannot be verified. Specifically, no later than five days after determining that such an applicant's residency cannot be verified because a registration confirmation notice was returned as undeliverable, registrars of voters must submit a report to the State Elections Enforcement Commission (SEEC), and SEEC must investigate the matter. The report must contain all the information that resulted in the registrars' determination. Registrars must submit a

copy of the report to the secretary of the state.

## **§§ 2-5 — 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. For the following offices, the bill gives the governor the option of delivering the writs electronically to the town clerks or assistant town clerks:

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 the office of member and member-elect of the General Assembly, the bill additionally gives the governor the option of delivering the writs by any other means he deems necessary to ensure that the appropriate town clerks receive them on the day of their issuance.

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. By law, town clerks must notice special elections upon receiving the writs.

## **§§ 6-11 — ELECTRONIC SYSTEMS**

### ***Electronic System for Registering Voters (§§ 6-11)***

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 requires DMV to use a secretary of the state-approved

electronic system to automatically submit the voter registration applications for qualified applicants to registrars of voters, unless such applicants opt out. In practice, DMV must already do this pursuant to a memorandum of understanding (MOU) between the agencies (see BACKGROUND). The bill also authorizes voter registration agencies to use a secretary of the state-approved and NVRA-compliant electronic system to transmit voter registration applications to registrars of voters. It requires public higher education institutions to use an electronic system for this purpose but does not specify whether it must be approved by the secretary or NVRA-compliant.

The bill additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the bill, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements (see BACKGROUND). If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

***DMV Procedures.*** Under the bill, DMV must use a secretary of the state-approved electronic system to transmit voter registration applications and 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 through documentary evidence presented by the applicant or by other official records. The system may provide for transmittal of applicants' signatures on file with the DMV commissioner to the secretary of the state.

If the DMV commissioner determines that an applicant for a motor vehicle driver's license or renewal, or for an identity card (i.e., "DMV credential") meets each eligibility requirement for admission as an elector (see BACKGROUND), the commissioner must use an electronic system to forthwith transmit a voter registration application for that

individual, unless he or she declines to apply for admission. The application must be transmitted to the registrars of voters in the municipality where the individual resides.

The bill prohibits the commissioner from processing voter registration applications using the electronic system if he determines that an individual applying for a DMV credential is not a U.S. citizen. If the commissioner cannot determine whether an individual applying for a DMV credential is a U.S. citizen, the applicant must attest to his or her citizenship before the commissioner may process the voter registration application through the electronic system.

### ***E-Signature System (§ 8)***

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.

## **§§ 12 & 13 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY**

### ***Forfeiture***

The bill makes several changes concerning the forfeiture and restoration of electoral privileges for individuals convicted of a felony. Concerning forfeiture, it eliminates a requirement that such individuals forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside Connecticut) for confinement in a

community residence.

The bill also specifies that if an individual forfeits his or her electoral privileges and later regains them, he or she must again forfeit the privileges if he or she returns to confinement in a correctional institution or facility from the following:

1. parole, special parole, or furlough, or
2. work release, release to a community residence, release under a zero-tolerance drug supervision program, home confinement for certain motor vehicle and drug offenses, or release to a community-based nursing home for palliative and end-of-life care.

### ***Restoration***

The bill allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates current law's requirements that such individuals also, as applicable (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The bill specifies that, on and after July 1, 2019, any convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the bill, the DOC commissioner must, within available appropriations, inform people who are on parole, special parole, or confined in a community residence as of July 1, 2019, of their right to become electors and how to have their privileges restored.

## **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).

Among other things, voter registration agencies must (1) distribute the National Mail Voter Registration Form and (2) accept completed voter registration applications and transmit them to the appropriate state election official within a prescribed timeframe.

### ***MOU***

Connecticut began implementing an automatic voter registration system pursuant to a May 16, 2016, MOU between the Office of the Secretary of the State and DMV. The MOU established a method, process, and timeline for developing the system, and required that it be fully implemented by August 7, 2018.

### ***Admission as an Elector***

By law, an individual is eligible for admission as an elector if he or she is (1) a U.S. citizen, (2) age 18 or older, and (3) a bona fide resident of the municipality in which he or she applies for admission. A 17-year-old who will turn age 18 by the day of the next regular election



may apply for admission and, if otherwise qualified, becomes an elector on his or her 18<sup>th</sup> birthday (CGS § 9-12).

A mentally incompetent individual cannot be admitted as an elector. An individual convicted of a felony and committed to any federal or state prison forfeits his or her electoral rights while incarcerated (CGS § 9-46).

**Related Bills**

sSB 24, reported favorably by the Government Administration and Elections (GAE) 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 GAE Committee, requires that municipalities complete and process EDR applications in each polling place.

sSB 1049, reported favorably by the GAE 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.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 5 (04/01/2019)

Appropriations Committee

Joint Favorable

Yea 29 Nay 15 (05/13/2019)