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## **OLR Bill Analysis**

### **SB 1049**

#### ***AN ACT CONCERNING MODERN ELECTIONS.***

#### **SUMMARY**

This bill makes various changes affecting election administration. Principally, it does the following:

1. requires the secretary of the state to develop and implement a system for individuals submitting electronic signatures to sign certain elections-related documents;
2. requires the secretary to develop an online system that individuals may use to register to distribute absentee ballot applications;
3. requires that specified types of elections-related litigation be brought in Hartford Superior Court;
4. gives candidates the ability to correct endorsement certificates and certificates of candidacies for nomination, under certain circumstances;
5. requires that Election Day Registration (EDR) locations be certified to the secretary of the state, and authorizes the secretary to require registrars of voters to appoint additional election officials or alter the EDR plan;
6. eliminates the requirement that registrars of voters check the centralized voter registration system (CVRS) and administer the cross-check procedure before admitting an EDR applicant as an elector; and
7. requires the secretary of the state to notify municipalities when they erroneously implement redistricting plans and requires

them to take corrective measures.

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage

## **§§ 1 & 2 — ONLINE SYSTEMS**

### ***Electronic Signatures***

The bill requires the secretary of the state to develop and implement a system through which individuals may submit electronic signatures to sign elections-related forms and applications, other than those for campaign finance purposes. The bill gives the secretary the discretion to include or exclude any form or application. Under the bill, when an individual uses the system to sign a form or application, it is deemed to have the original signature.

### ***Registering to Distribute Absentee Ballot Applications***

The bill requires the secretary of the state to develop an online system through which individuals may register to distribute absentee ballot applications for a primary, election, or referendum. Current law requires these individuals to register directly with town clerks.

For all registrants, the system must (1) provide a unique identifier that must appear on the applications they distribute and (2) transmit their information to the appropriate town clerk. Town clerks must then provide registrants with the absentee ballot applications.

## **§§ 3-7 — ELECTION LITIGATION**

This bill requires that specified types of elections-related litigation be brought in the Superior Court for the Hartford judicial district, rather than in any other state Superior Court. The requirement applies to the following cases:

1. an elector or candidate claiming aggrievement by an election official's ruling or a mistake in the vote count in connection with (a) an election for a state constitutional office, probate judge, or municipal office or (b) a primary (see below);

2. any such candidate claiming aggrievement by a violation of laws on fraud or other prohibited acts, including those related to absentee ballots; and
3. a candidate for state constitutional office claiming aggrievement by a violation of the laws on the Citizens' Election Program.

The bill's provisions on primaries apply to those held for offices voted on at state elections (including presidential preference primaries) or municipal elections, as well as those held pursuant to a Special Act.

### **§§ 8-11 — CORRECTING CERTAIN CERTIFICATES**

The bill gives candidates the ability to correct endorsement certificates and certificates of candidacies for nomination, under certain circumstances. Specifically, if a timely-filed certificate contains an error or omission that would invalidate it, the candidate or an individual authorized to act on his or her behalf may correct the issue by appearing in person at the secretary of the state's office, with certain exceptions. The bill prohibits candidates from correcting certificates that are not timely filed or properly attested, or signed, as may be required by law.

Under the bill, the candidate or authorized individual must appear at the secretary's office and correct the certificate by amending it. If the candidate or individual does not correct the certificate, it is deemed invalid and the party is deemed to have neither made nor certified the endorsement or candidacy for nomination, whichever applies.

The bill (1) authorizes the secretary of the state to amend certificates in order to correct errors or omissions she deems harmless and (2) requires her to maintain a record of any amendment she makes. The bill specifies that it does not require the secretary to affirmatively attempt to identify errors or omissions.

#### ***Deadlines***

Table 1 shows the deadlines for filing and correcting certificates under existing law and the bill, respectively.

**Table 1: Deadlines for Filing and Correcting Certificates**

<b><i>Candidates for</i></b>	<b><i>Certificate</i></b>	<b><i>Filing Deadline Under Existing Law</i></b>	<b><i>Correction Deadline Under the Bill</i></b>
Major party candidates for state, district, or municipal offices voted on at a state election	Endorsement certificate	14 days after close of the convention, town committee meeting, or caucus, as applicable	19 days after the close of the convention, town committee meeting, or caucus, as applicable
Major party candidates for state or district offices	Certificates of candidacy for nomination	14 days after close of the convention	19 days after the close of the convention, town committee meeting, or caucus, as applicable
Minor party candidates for state, district, or municipal offices voted on at a state election	Certificates of nomination	62 days before the election	57 days before the election

**§ 12 — EDR*****Location Certification***

The bill requires that registrars of voters certify, in writing, EDR locations 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.

***Cross-Check Elimination***

The bill eliminates the requirement that, before admitting EDR applicants as electors, registrars of voters (1) check the CVRS and (2) administer the cross-check procedure. Instead, it requires registrars to admit applicants whom they determine satisfy the requirements for admission as electors; electoral privileges attach immediately.

Under existing law and the bill, a person is generally eligible to register and vote 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 as an elector. EDR applicants must declare under oath that they have not previously voted in the election.

Currently, under the cross-check procedure, if registrars determine that an applicant is registered in another municipality but he or she wants to change his or her registration location, they must immediately notify the registrars in the municipality where the applicant is currently registered and request that they remove the elector's name from their official registry list. If the applicant has already voted in the other municipality, the registrars of that municipality must immediately notify the registrars of the municipality where the elector wants to register. The registrars must deny the applicant a ballot, cease the registration process, and review the matter. If the matter cannot be resolved on review, the registrars must report it to the State Elections Enforcement Commission for investigation.

**§ 13 — REDISTRICTING**

The bill requires the secretary of the state, upon the adoption of a redistricting plan following the decennial U.S. Census, to request any statistical and voting district information she deems necessary to ensure the plan's effective implementation. The secretary must request the information from the authority adopting or determining the plan, which under the state constitution, is the General Assembly, reapportionment commission, or Connecticut Supreme Court (see BACKGROUND).

Under the bill, the secretary must notify the registrars of voters in any municipality that errs in implementing the plan, and require that they take measures to correct the error. The registrars of voters must immediately correct the error and certify in writing to the secretary when the error has been corrected.

## **BACKGROUND**

### ***Redistricting Authority***

The Connecticut Constitution establishes the state's redistricting process. Generally, the process requires a bipartisan legislative committee to prepare the redistricting plan and the General Assembly to approve it. If the General Assembly does not timely approve the plan, a reapportionment commission, consisting of legislators and one state elector, is formed to do the job. The Connecticut Supreme Court has the authority to compel the commission to complete its task or the court can draw the district boundaries itself, if the commission fails to do so (Conn. Const. Art. III., § 6).

### ***Related Bills***

HB 6059, reported favorably by the Government Administration and Elections Committee, also requires that registrars of voters certify EDR locations to the secretary of the state at least 31 days before the election.

sHB 7160, 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.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 16    Nay 0    (04/01/2019)