



# House of Representatives

General Assembly

**File No. 697**

January Session, 2019

Substitute House Bill No. 7321

*House of Representatives, April 17, 2019*

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING ELECTIONS AND SECURITY.***

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

1 Section 1. Section 9-241 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any person owning or holding an interest in any voting  
4 tabulator, as defined in subsection (w) of section 9-1, as amended by  
5 this act, may apply to the Secretary of the State to examine such  
6 tabulator and report on its accuracy and efficiency. The Secretary of the  
7 State shall examine the tabulator and determine whether, in the  
8 Secretary's opinion, the kind of tabulator so examined (1) meets the  
9 requirements of section 9-242, (2) can be used at elections, primaries  
10 and referenda held pursuant to this title, and (3) complies with  
11 applicable standards for electronic voting tabulators. If the Secretary of  
12 the State determines that the tabulator can be so used, such tabulator  
13 may be adopted for such use. No tabulator not so approved shall be so  
14 used. Each application shall be accompanied by a fee of one hundred

15 dollars and the Secretary of the State shall not approve any tabulator  
16 until such fee and the expenses incurred by the Secretary in making  
17 the examination have been paid by the person making such  
18 application. Any voting tabulator company that has had its voting  
19 tabulator approved and that subsequently alters such tabulator in any  
20 way shall provide the Secretary of the State with notice of such  
21 alterations, including a description thereof and a statement of the  
22 purpose of such alterations. If any such alterations appear to materially  
23 affect the accuracy, appearance or efficiency of the tabulator, or modify  
24 the tabulator so that it can no longer be used at elections, primaries or  
25 referenda held pursuant to this title, at the discretion of the Secretary  
26 of the State, the company shall submit such alterations for inspection  
27 and approval, at its own expense, before such altered tabulators may  
28 be used. The Secretary of the State may adopt regulations, in  
29 accordance with the provisions of chapter 54, concerning examination  
30 and approval of voting tabulators under this section. No voting  
31 tabulator that records votes by means of holes punched in designated  
32 voting response locations may be approved or used at any election,  
33 primary or referendum held pursuant to this title.

34 (b) The Secretary of the State shall appoint an individual to serve in  
35 a cybersecurity role within the office of the Secretary of the State. Such  
36 individual shall perform or assist in performing any technical review,  
37 testing or research associated with (1) the use of voting systems, and  
38 (2) the development of any other standards necessary to protect the  
39 integrity of the voting process.

40 [(b)] (c) The Secretary of the State may enter into an agreement with  
41 The University of Connecticut or a member of the Connecticut State  
42 University System to perform or assist in performing the following  
43 functions: (1) Any technical review, testing or research associated with  
44 the certification of voting equipment, (2) any technical review, testing  
45 or research associated with the decertification of voting equipment, (3)  
46 the development of standards for the use of voting equipment during  
47 any election, primary or referenda, (4) the development of standards to  
48 ensure the accuracy of voting equipment, (5) the development of

49 standards and procedures for the security, set-up and storage of voting  
50 equipment, (6) the development of standards, procedures and  
51 oversight of post-election audits, (7) the development of standards for  
52 recanvass procedures to ensure the accuracy and reliability of any such  
53 recanvass, (8) the development of standards and procedures for the  
54 testing, security and use of an election management system, (9) the  
55 development of standards and procedures for the programming of  
56 ballots and voting equipment, (10) research and analysis of data  
57 formats for ballot programming and election-related electronic data,  
58 and (11) the development of any other standards necessary to protect  
59 the integrity of voting equipment.

60       Sec. 2. (NEW) (*Effective from passage*) (a) Whenever voter registration  
61 information maintained under title 9 of the general statutes by the  
62 Secretary of the State or any registrar of voters is provided pursuant to  
63 any provision of the general statutes, disclosure of a voter's date of  
64 birth shall be limited to only the year of birth, unless such voter  
65 registration information is requested and used for a governmental  
66 purpose, as determined by the Secretary, in which case the voter's  
67 complete date of birth shall be provided. As used in this section,  
68 "governmental purpose" includes, but is not limited to, jury  
69 administration.

70       (b) Notwithstanding any provision of the general statutes, any  
71 motor vehicle operator's license number, identity card number, Social  
72 Security number and any other unique identifier used for the purpose  
73 of generating a voter registration record, or added to such record for  
74 compliance with the requirements of the Help America Vote Act, P.L.  
75 107-252, as amended from time to time, shall be confidential and shall  
76 not be disclosed to any person.

77       (c) Notwithstanding any provision of the general statutes, if a voter  
78 submits to the Secretary of the State a signed statement that  
79 nondisclosure of such voter's name from the official registry list is  
80 necessary for the safety of such voter or the family of such voter, the  
81 name and address of such voter on his or her voter registration record

82 shall be confidential and shall not be disclosed, except that an election,  
83 primary or referendum official may view such information on the  
84 official registry list when such list is used by any such official at a  
85 polling place on the day of an election, primary or referendum.

86 Sec. 3. Subsection (w) of section 9-1 of the general statutes is  
87 repealed and the following is substituted in lieu thereof (*Effective from*  
88 *passage*):

89 (w) "Voting tabulator" means a machine, including, but not limited  
90 to, a device [which operates] and any accompanying instrument, such  
91 as a memory card, that operate by electronic means, for the registering  
92 and recording of votes cast at elections, primaries and referenda;

93 Sec. 4. Subsection (a) of section 9-238 of the general statutes is  
94 repealed and the following is substituted in lieu thereof (*Effective from*  
95 *passage*):

96 (a) Except as provided in section 9-272, voting tabulators shall be  
97 used at all elections held in any municipality, or in any part thereof, for  
98 voting and registering and counting votes cast at such elections for  
99 officers, and upon all questions or amendments submitted at such  
100 elections. The board of selectmen of each town, the common council of  
101 each city and the warden and burgesses of each borough shall  
102 purchase or lease, or otherwise provide, for use at elections in each  
103 such municipality (1) a number of voting tabulators approved by the  
104 Secretary of the State, and (2) two memory cards programmed for each  
105 such tabulator. Different voting tabulators may be provided for  
106 different voting districts in the same municipality. Notwithstanding  
107 any provision of this subsection to the contrary, the registrars of voters  
108 of a municipality [may determine the number of voting tabulators that  
109 shall be provided for use at any special election in such municipality,  
110 provided the registrars shall provide at least one voting tabulator in  
111 the municipality or, in a municipality divided into voting districts,]  
112 shall use at least one voting tabulator in each [such] voting district.

113 Sec. 5. Section 9-247 of the general statutes is repealed and the

114 following is substituted in lieu thereof (*Effective from passage*):

115 (a) The registrars of voters shall, before the day of the election, cause  
116 test ballots to be inserted in each tabulator to ensure that each  
117 tabulator is prepared and read and cause each other voting system  
118 approved by the Secretary of the State for use in the election,  
119 including, but not limited to, voting devices equipped for individuals  
120 with disabilities that comply with the provisions of the Help America  
121 Vote Act, P.L. 107-25, as amended from time to time, to be put in order  
122 in every way and set and adjust the same so that it shall be ready for  
123 use in voting when delivered at the polling place. Such registrars of  
124 voters shall cause each voting system to be in order and set and  
125 adjusted, to be delivered at the polling place, together with all  
126 necessary furniture and appliances that go with the same, at the room  
127 where the election is to be held, and to be tested and operable not later  
128 than one hour prior to the opening of the polling place.

129 (b) (1) Upon completion of the requirements set forth in subsection  
130 (a) of this section and in regulations adopted by the Secretary of the  
131 State pursuant to section 9-241, 9-242 or 9-242a relating to preparation  
132 of any voting system, the registrars of voters shall submit for security  
133 analysis one of the two memory cards programmed for each voting  
134 tabulator, as provided in subdivision (2) of subsection (a) of section 9-  
135 238, as amended by this act, to any entity with which the Secretary  
136 may have entered into an agreement pursuant to subsection (c) of  
137 section 9-241, as amended by this act.

138 (2) In the case of a voting tabulator subject to audit pursuant to  
139 section 9-320f, after the completion of such audit and the conclusion of  
140 the period prescribed in sections 9-266 and 9-310 during which such  
141 voting tabulator shall be locked, sealed, secured and stored, the  
142 registrars of voters shall submit for security analysis the remaining  
143 memory card programmed for such voting tabulator to any entity with  
144 which the Secretary may have entered into an agreement pursuant to  
145 subsection (c) of section 9-241, as amended by this act.

146 Sec. 6. Subsection (a) of section 9-404b of the general statutes is

147 repealed and the following is substituted in lieu thereof (*Effective from*  
148 *passage*):

149 (a) The petition form for candidacies for nomination to state or  
150 district office shall be prescribed and provided by the Secretary of the  
151 State, and signatures shall be obtained only on such form or on  
152 duplicate petition pages produced in accordance with the provisions of  
153 section 9-404a. Such form shall include, at the top of the form and in  
154 bold print, the following:

155 WARNING

156 IT IS A CRIME TO SIGN THIS PETITION

157 IN THE NAME OF ANOTHER PERSON

158 WITHOUT LEGAL AUTHORITY TO DO SO

159 AND YOU MAY NOT SIGN THIS PETITION

160 IF YOU ARE NOT AN ELECTOR.

161 The form shall include a statement of instructions to persons using the  
162 form and shall indicate the date and time by which it shall be filed and  
163 the person with whom it shall be filed. The form shall (1) provide  
164 spaces for the names and addresses of the candidates, the offices to  
165 which nomination is sought and the political party holding the  
166 primary, [and shall] (2) provide lines for the signatures, street  
167 addresses, dates of birth and the printing of the names of enrolled  
168 party members supporting the person or persons on behalf of whose  
169 candidacy the petition is used, and (3) include a statement that any  
170 such enrolled party member is not required to complete the line for  
171 date of birth.

172 Sec. 7. Subsection (a) of section 9-410 of the general statutes is  
173 repealed and the following is substituted in lieu thereof (*Effective from*  
174 *passage*):

175 (a) The petition form for candidacies for nomination to municipal



This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-241
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	9-1(w)
Sec. 4	<i>from passage</i>	9-238(a)
Sec. 5	<i>from passage</i>	9-247
Sec. 6	<i>from passage</i>	9-404b(a)
Sec. 7	<i>from passage</i>	9-410(a)

**Statement of Legislative Commissioners:**

In Section 1(b), "cyber security" was changed to "cybersecurity" for consistency; in Section 5(b), "pursuant to section 9-241, 9-242 or 9-242a" was inserted before "relating to preparation" for accuracy and "has entered" was changed to "may have entered" for accuracy.

**GAE**      *Joint Favorable Subst.*



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:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Secretary of the State	GF - Cost	None	104,364
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	None	42,988

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes various changes concerning election security, including confidentiality of certain voter registration information.

Specifically, the bill: 1) requires the Secretary of the State (SOS) to appoint an individual to serve in a cybersecurity role within the office, 2) limits disclosure of certain voter registration information, 3) makes certain unique identifiers used for voter registration purposes confidential and prohibits their disclosure, 4) prohibits certain disclosures from the official voter registry list, 5) requires municipalities to provide two programmed memory cards for each voting tabular and to submit one for security analysis before each election, and in the case of a tabulator subject to a post-election audit, to submit the second memory card for security analysis, and 6) makes various other changes.

The SOS will require \$104,364 in FY 21 to hire a cyber security

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

individual, with associated fringe benefit costs of \$42,988. While this bill is effective upon passage, it is anticipated that SOS will not require funding for this position in FY 20 as they will use federal Help America Vote Act funds. No impact is anticipated to municipalities as the requirement for two programmed memory cards is current practice.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis**

**sHB 7321**

***AN ACT CONCERNING ELECTIONS AND SECURITY.***

**SUMMARY**

This bill makes various changes concerning election security, including the confidentiality of certain voter registration information. Principally, the bill does the following:

1. limits disclosure of a voter's date of birth, to year of birth, unless provided for a governmental purpose as determined by the secretary of the state;
2. generally prohibits disclosing from the official voter registry list the name and address of a voter who certifies that nondisclosure is necessary for safety reasons;
3. conforms law to current practice by making unique identifiers, such as driver's license or Social Security numbers, used for voter registration purposes confidential and prohibiting their disclosure; and
4. requires that municipalities (a) provide two programmed memory cards for each voting tabulator and (b) submit one to UConn for security analysis before each election and, in the case of a tabulator subject to post-election audit, the other after the audit.

The bill requires the secretary of the state to appoint an individual to serve in a cyber security role within her office. The appointee must perform or assist in any technical review, testing, or research associated with (a) using voting systems and (b) developing any other standards necessary to protect the integrity of the voting process (§ 1).

The bill also requires that primary petition forms include a statement indicating that party members signing the petition need not complete the line for date of birth (§§ 6 & 7).

Lastly, the bill makes technical changes.

EFFECTIVE DATE: Upon passage

## **§ 2 — VOTER REGISTRATION INFORMATION**

The bill limits disclosure of a voter's date of birth maintained under state election law to year of birth, unless the information is requested and used for a governmental purpose, as determined by the secretary of the state. In that case, the complete birth date must be provided. The bill specifies that "governmental purpose" includes jury administration. (The bill does not specify a process for making this determination.)

The bill makes a voter's name and address confidential and prohibits their disclosure from the voter registry list if the voter submits a signed statement to the secretary of the state indicating that nondisclosure is necessary for the safety of the voter or his or her family. Under the bill, primary, election, or referendum officials may view the voter's information on the official registry list at the polling place during any primary, election, or referendum. (The bill does not establish procedures for submitting the signed statements or protecting the voter's information. It is also unclear whether such a voter's information could be provided for a governmental purpose.)

The bill conforms law to current practice by making unique identifiers that generate voter registration records, or are added to these records pursuant to the federal Help America Vote Act, confidential and prohibiting their disclosure (see BACKGROUND). Under the bill, "unique identifiers" include motor vehicles license numbers, identity card numbers, and Social Security numbers.

## **§§ 3-5 — VOTING TABULATOR MEMORY CARDS**

The bill requires municipalities to purchase, lease, or otherwise

provide two programmed memory cards for each voting tabulator. By law, registrars of voters must use at least one tabulator for each voting district. The bill also expands the definition of “voting tabulator” under state election laws to include accompanying instruments, such as memory cards.

Under the bill, registrars of voters must submit one of the two memory cards for security analysis before each election to the entity with which the secretary of state has contracted to review, test, and certify voting equipment, (currently, the University of Connecticut). They must do so after testing the voting tabulators. (The bill does not specify procedures or deadlines for the entity to follow when performing the analysis.)

Following the election, for any voting tabulator subject to a post-election audit, the bill requires registrars to submit the second memory card for security analysis. They must do so after the audit and period during which tabulators remain locked and sealed (14 days, or longer pursuant to an order by a court or the State Elections Enforcement Commission).

**BACKGROUND**

***Unique Identifiers***

The Freedom of Information Commission has consistently declined to order disclosure of social security numbers, employee identification numbers, and drivers' license numbers (see for example Docket #FIC 2014-032 and Docket #FIC 2014-438).

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 4 (03/29/2019)