



Senate

General Assembly

File No. 709

January Session, 2019

Substitute Senate Bill No. 24

Senate, April 17, 2019

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AUTOMATIC VOTER REGISTRATION AT CERTAIN STATE AGENCIES.

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

1 Section 1. Subsection (b) of section 9-19h of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (b) (1) In addition to the requirements of subsection (a) of this
5 section, and except as provided in subdivision (2) of this subsection,
6 the Commissioner of Motor Vehicles, not later than January 1, 1994,
7 shall include an application for the admission of an elector with each
8 application form provided for a motor vehicle operator's license and a
9 motor vehicle operator's license renewal, which are issued under
10 subpart (B) of part III of chapter 246, and with each application form
11 provided for an identity card issued under section 1-1h. Such
12 application form for the admission of an elector [(1)] (A) shall be
13 subject to the approval of the Secretary of the State, [(2)] (B) shall not

14 include any provisions for the witnessing of the application, and [(3)]
15 (C) shall contain a statement that [(A)] (i) specifies each eligibility
16 requirement, [(B)] (ii) contains an attestation that the applicant meets
17 each such requirement, and [(C)] (iii) requires the signature of the
18 applicant under penalty of perjury. The Commissioner of Motor
19 Vehicles shall accept any such completed application for admission
20 which is submitted in person, [or by mail. The] by mail or through an
21 electronic system pursuant to subdivision (2) of this subsection. Except
22 as provided in said subdivision, the applicant shall state on such form,
23 under penalty of perjury, the applicant's name, bona fide residence
24 address, date of birth, whether the applicant is a United States citizen,
25 party enrollment, if any, prior voting address, if registered previously,
26 and that the applicant's privileges as an elector are not forfeited by
27 reason of conviction of a felony. No Social Security number on any
28 such application form for the admission of an elector filed prior to
29 January 1, 2000, may be disclosed to the public or to any governmental
30 agency. The commissioner shall indicate on each such form the date of
31 receipt of such application to ensure that any eligible applicant is
32 registered to vote in an election if it is received by the Commissioner of
33 Motor Vehicles by the last day for registration to vote in an election.
34 The commissioner shall provide the applicant with an application
35 receipt, on a form approved by the Secretary of the State and on which
36 the commissioner shall record the date that the commissioner received
37 the application, using an official date stamp bearing the words
38 "Department of Motor Vehicles". The commissioner shall provide such
39 receipt whether the application was submitted in person, [or] by mail
40 or through an electronic system pursuant to subdivision (2) of this
41 subsection. The commissioner shall forthwith transmit the application
42 to the registrars of voters of the applicant's town of residence. If a
43 registration application is accepted within five days before the last day
44 for registration to vote in a regular election, the application shall be
45 transmitted to the registrars of voters of the town of voting residence
46 of the applicant not later than five days after the date of acceptance.
47 The procedures in subsections (c), (d), (f) and (g) of section 9-23g
48 which are not inconsistent with the National Voter Registration Act of

49 1993, P.L. 103-31, as amended from time to time, shall apply to
50 applications made under this section. The commissioner is not an
51 admitting official and may not restore, under the provisions of section
52 9-46a, electoral privileges of persons convicted of a felony.

53 (2) On and after October 1, 2019, the Commissioner of Motor
54 Vehicles shall use an electronic system, approved by the Secretary of
55 the State, to effectuate the purposes of subdivision (1) of this
56 subsection regarding admission of applicants to be electors, except that
57 (A) any applicant that qualifies for such admission in accordance with
58 said subdivision shall be automatically admitted as an elector unless
59 such applicant declines such admission, and (B) the condition that an
60 applicant state and attest to meeting each eligibility requirement may
61 be waived for any such eligibility requirement verified independently
62 by said commissioner. The use of such electronic system shall comply
63 with the National Voter Registration Act of 1993, P.L. 103-31, as
64 amended from time to time. In the case of an individual already
65 admitted as an elector and who is also enrolled in a party, if use of
66 such electronic system results in such elector being removed from the
67 enrollment list of such party because such elector did not affirmatively
68 confirm an intent to continue enrollment in such party, such removal
69 shall be presumed unintentional and such elector shall be restored to
70 such list upon such elector's notification of such removal to the
71 registrar of voters of the town in which such elector resides.

72 Sec. 2. Subsection (b) of section 9-23n of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective*
74 *October 1, 2019*):

75 (b) [Voter registration agencies shall] (1) Except as provided in
76 subdivision (2) of this subsection, each voter registration agency shall
77 (A) distribute mail voter registration application forms, [(2)] (B) assist
78 applicants for [such assistance or services] service or assistance
79 provided by the agency in completing voter registration application
80 forms, except for applicants who refuse [such] assistance in completing
81 such forms, [(3)] (C) accept completed voter registration application

82 forms and provide each applicant with an application receipt, on
83 which the agency shall record the date that the agency received the
84 application, using an official date stamp bearing the name of the
85 agency, and ~~[(4)] (D)~~ immediately transmit all such applications to the
86 registrars of voters of the town of voting residence of the applicants.
87 The agency shall provide such receipt whether the application was
88 submitted in person, ~~[or] by mail~~ or through an electronic system
89 pursuant to subdivision (2) of this subsection. If a registration
90 application is accepted within five days before the last day for
91 registration to vote in a regular election, the application shall be
92 transmitted to the registrars of voters of the town of voting residence
93 of the applicant not later than five days after the date of acceptance.
94 ~~[The]~~ Except as provided in subdivision (2) of this subsection, the voter
95 registration agency shall indicate on the completed mail voter
96 registration application form, without indicating the identity of the
97 voter registration agency, the date of its acceptance by such agency, to
98 ensure that any eligible applicant is registered to vote in an election if
99 it is received by the registration agency by the last day for registration
100 to vote in an election. If a state-funded program primarily engaged in
101 providing services to persons with disabilities provides services to a
102 person with a disability at the person's home, the agency shall provide
103 such voter registration services at the person's home. The procedures
104 in subsections (c), (d), (f) and (g) of section 9-23g that are not
105 inconsistent with the National Voter Registration Act of 1993, P.L.
106 103-31, as amended from time to time, shall apply to applications
107 made under this section. Officials and employees of such voter
108 registration agencies are not admitting officials, as defined in section
109 9-17a, and may not restore, under the provisions of section 9-46a,
110 electoral privileges of persons convicted of a felony.

111 (2) On and after October 1, 2019, each voter registration agency shall
112 use an electronic system, approved by the Secretary of the State, to
113 effectuate the purposes of subdivision (1) of this subsection regarding
114 admission of applicants to be electors, except that any applicant that
115 qualifies for such admission in accordance with said subdivision shall
116 be automatically admitted as an elector unless such applicant declines

117 such admission. The use of such electronic system shall comply with
118 the National Voter Registration Act of 1993, P.L. 103-31, as amended
119 from time to time. In the case of an individual already admitted as an
120 elector and who is also enrolled in a party, if use of such electronic
121 system results in such elector being removed from the enrollment list
122 of such party because such elector did not affirmatively confirm an
123 intent to continue enrollment in such party, such removal shall be
124 presumed unintentional and such elector shall be restored to such list
125 upon such elector's notification of such removal to the registrar of
126 voters of the town in which such elector resides.

127 Sec. 3. Section 9-23o of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2019*):

129 A voter registration agency, as defined in section 9-23n, as amended
130 by this act, shall comply with the National Voter Registration Act of
131 1993, P.L. 103-31, as amended from time to time, and (1) shall
132 distribute with each application for service or assistance provided by
133 the agency, and with each recertification, renewal or change of address
134 form relating to such service or assistance, a mail voter registration
135 application form approved by the Secretary of the State, and (2) on and
136 after October 1, 2019, during each application for such service or
137 assistance and each recertification, renewal or change of address
138 relating to such service, shall automatically admit as an elector any
139 applicant that qualifies for such admission through an electronic
140 system pursuant to subdivision (2) of subsection (b) of said section,
141 unless the applicant declines to register to vote pursuant to the
142 provisions of the National Voter Registration Act of 1993, P.L. 103-31,
143 as amended from time to time. Such declination shall be in writing,
144 except in the case of an application for service or assistance provided
145 by a library, or a recertification, renewal or change of address form
146 relating to such library service or assistance. Such voter registration
147 agency shall provide each applicant to register to vote the same degree
148 of assistance with regard to the completion of the registration
149 application form as is provided by the agency with regard to the
150 completion of its own forms, unless the applicant refuses such

151 assistance.

152 Sec. 4. Section 9-23p of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective October 1, 2019*):

154 Each public institution of higher education shall (1) distribute mail
155 voter registration application forms, (2) on and after October 1, 2019,
156 automatically admit as an elector any applicant that qualifies for such
157 admission through an electronic system pursuant to subdivision (2) of
158 subsection (b) of section 9-23n, as amended by this act, and [(2)] (3)
159 assist applicants who request assistance in completing such voter
160 registration application forms or registering through such electronic
161 system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	9-19h(b)
Sec. 2	<i>October 1, 2019</i>	9-23n(b)
Sec. 3	<i>October 1, 2019</i>	9-23o
Sec. 4	<i>October 1, 2019</i>	9-23p

Statement of Legislative Commissioners:

In Section 2 (b)(1), "voter agency" was changed to "voter registration agency" for accuracy and consistency; and in Section 3 (2), "thereto" was changed to "to such service" for consistency.

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	Up to 150,000	Up to 30,000
Various State Agencies	GF - Cost	2,500	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Motor Vehicles (DMV), other voter registration agencies, and public higher education institutions to use a secretary of the state (SOS) approved electronic system to automatically admit qualified voter registration applicants as electors, unless they decline admission. The bill also requires that the electronic voter registration system complies with the National Voter Registration Act (NVRA), and makes various other changes.

Currently, DMV must already do this pursuant to a memorandum of understanding (MOU) between itself and SOS on May 16, 2016. The MOU established a method, process, and timeline for developing an automatic voter registration system.

In order to develop such system for certain agencies, it is anticipated the SOS will have to hire a consultant at a cost of up to \$150,000 in FY 20. The costs would be associated with the consultant modifying the existing online voter registration system to include the ability for applicants to sign using a signature pad and to set up signature kiosks at such agencies. A cost of up to \$30,000 is anticipated in FY 21 in

order to maintain the software of such application. In addition, each voter registration agency will need a kiosk that can accept electronic signatures from applicants at a cost of \$2,500 in FY 20 to each such agency.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the cost of maintaining the electronic voter registration system.

OLR Bill Analysis**sSB 24*****AN ACT CONCERNING AUTOMATIC VOTER REGISTRATION AT CERTAIN STATE AGENCIES.*****SUMMARY**

This bill requires the Department of Motor Vehicles (DMV) to use a secretary of the state-approved electronic system to automatically admit qualified voter registration applicants as electors, unless they decline admission. In practice, DMV must already do this pursuant to a memorandum of understanding (MOU) between the agencies (see BACKGROUND).

The bill also (1) establishes the same requirement for voter registration agencies and public higher education institutions and (2) requires that the electronic voter registration system comply with National Voter Registration Act (NVRA) requirements (see BACKGROUND).

By law, voter registration agencies are (1) public assistance offices, (2) offices providing state-funded programs to people with disabilities, (3) public libraries, and (4) any other offices the secretary of the state designates in accordance with the NVRA (see BACKGROUND).

The bill makes several conforming and technical changes.

EFFECTIVE DATE: October 1, 2019

SYSTEM REQUIREMENTS

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. Public higher education institutions must distribute mail voter registration application forms.

Starting October 1, 2019, the bill requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system to admit qualified voter registration applicants as electors. Applicants who qualify for admission must be automatically admitted, unless they opt out.

Under the bill, if the system removes the names of electors from a political party enrollment list because they do not affirmatively confirm their intent to continue party enrollment, the (1) removal must be presumed unintentional and (2) party enrollment must be restored if the electors notify the registrar of voters in the municipality where they reside.

Currently, under its MOU with the secretary of the state, DMV must use a system to electronically transmit voter registration applications to registrars of voters, and registrars must register applicants unless they are ineligible, decline registration, or do not attest to meeting all the eligibility requirements (see BACKGROUND). Other voter registration agencies must immediately transmit completed applications to the applicable registrars of voters.

Eligibility Verification

Under the bill, if DMV independently verifies an eligibility requirement, the commissioner may waive the requirement that the applicant state and attest to meeting that eligibility requirement. Currently, the MOU requires that the voter registration system provide a way for (1) applicants, as part of their voter registration application, to swear or affirm that they are U.S. citizens and meet all other voter eligibility requirements and (2) registrars of voters to verify eligibility.

(It is unclear whether registrars of voters (1) must verify eligibility before admitting applicants through the system or (2) may deny admission. It is also unclear whether applicants must attest to their eligibility pursuant to CGS § 9-20.)

BACKGROUND**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.

Under the MOU, Connecticut's AVR system must, among other things:

1. establish a schedule and method for DMV to electronically provide registrars of voters with the records of individuals who apply for or renew a DMV credential (i.e., driver's license or identity card);
2. allow individuals who submit DMV credential applications to change their voter registration status or record;
3. provide a way for records transmitted by the AVR system to constitute a completed voter registration application, and for registrars of voters to register applicants to vote unless an applicant is ineligible to vote, declines registration, or does not attest to meeting all voter eligibility requirements;
4. designate party preference as "unaffiliated" for a registrant who does not provide a preference; and
5. provide a way for applicants, as part of their voter registration application, to swear or affirm that they are U.S. citizens and meet all other voter eligibility requirements.

The AVR system must enable DMV to provide registrars of voters with certain information about applicants, including name; birthdate; driver's license or identification card number, or last four digits of the Social Security number; whether the individual affirmatively declined to register to vote; and political party preference.

The MOU prohibits DMV from electronically transmitting through the AVR system the records of individuals who (1) were issued a DMV credential but were not U.S. citizens at the time of issuance or (2) have a “drive only” license, indicating that they cannot establish their legal presence in the U.S. or may not have a Social Security number.

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 Bill

sHB 7160, reported favorably by the Government Administration and Elections Committee, authorizes DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system for voter registration purposes.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 4 (03/29/2019)