AN ACT CONCERNING A STATE VOTING RIGHTS ACT.

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

Section 1. (NEW) (Effective January 1, 2022) As used in sections 2 to 8, inclusive, of this act:

(1) "At-large method of election" means a method of electing candidates to the legislative body of a municipality (A) in which all such candidates are voted upon by all electors of such municipality, (B) in which, for municipalities divided into districts, a candidate for any such district is required to reside in such district and all candidates for all districts are voted upon by all electors of such municipality, or (C) that combines the methods described in subparagraph (A) or (B) of this subdivision with a district-based method of election;

(2) "District-based method of election" means a method of electing candidates to the legislative body of a municipality in which, for municipalities divided into districts, a candidate for any such district is required to reside in such district and only the candidates for such district are voted upon by only the electors of such district;
(3) "Alternative method of election" means a method of electing candidates to the legislative body of a municipality other than an at-large method of election or a district-based method of election;

(4) "Legislative body" means the board of alderman, council, board of burgesses, board of education, district committee, association committee or other similar body, as applicable, of a municipality;

(5) "Municipality" means any town, city or borough, whether consolidated or unconsolidated, any school district, any district, as defined in section 7-324 of the general statutes or any other district authorized under the general statutes;

(6) "Protected class" means a group consisting of members of a race, color or language minority group, as described in Section 203 of the federal Voting Rights Act of 1965, P.L. 89-110, as amended from time to time; and

(7) "Racially polarized voting" means voting in which there is a difference between the candidate or electoral choice preferred by protected class electors and the candidate or electoral choice preferred by all other electors.

Sec. 2. (NEW) (Effective January 1, 2022) (a) (1) No qualification for eligibility to be an elector or other prerequisite to voting, statute, ordinance, regulation or other law regarding the administration of elections, or any related standard, practice, procedure or policy may be enacted or implemented in a manner that results in the denial or abridgement of the right to vote for any protected class individual.

(2) Any impairment of the ability of protected class electors to elect candidates of their choice or otherwise influence the outcome of elections, based on the totality of the circumstances, shall constitute a violation of subdivision (1) of this subsection.

(3) In determining whether a violation of subdivision (1) of this subsection has occurred, the superior court for the judicial district in which the municipality is located may consider the extent to which
protected class electors (A) have been elected to office in the state or the
municipality in which such violation is alleged, and (B) vote at lower
rates than all other electors in the state or the municipality in which such
violation is alleged.

(b) (1) No method of election may have the effect of impairing the
ability of protected class electors to elect candidates of their choice or
otherwise influence the outcome of elections as a result of abridging the
right to vote for such electors or diluting the vote of such electors.

(2) (A) The following shall constitute a violation of subdivision (1) of
this subsection:

(i) Any municipality that employs an at-large method of election and
in which (I) voting patterns of protected class electors are racially
polarized, or (II) based on the totality of the circumstances, the ability of
such electors to elect candidates of their choice or otherwise influence
the outcome of elections is impaired;

(ii) Any municipality that employs a district-based method of election
or an alternative method of election, in which the candidates or electoral
choices preferred by protected class electors would usually be defeated
and (I) voting patterns of protected class electors are racially polarized,
or (II) based on the totality of the circumstances, the ability of such
electors to elect candidates of their choice or otherwise influence the
outcome of elections is impaired;

(B) Any use of race, color, language minority group or any
characteristic that serves as a proxy for race, color or language minority
group for the purpose of districting or redistricting shall presumptively
constitute a violation of subdivision (1) of this subsection, provided a
municipality may rebut this presumption by demonstrating that race,
color, language minority group or any characteristic that serves as a
proxy for race, color or language minority group was so used only to
the extent necessary to comply with the provisions of sections 1 to 8,
inclusive, of this act, the federal Voting Rights Act of 1965, P.L. 89-110,
as amended from time to time, the Constitution of Connecticut or the
Constitution of the United States.

(C) In determining whether voting patterns of protected class electors in a municipality are racially polarized or whether candidates or electoral choices preferred by protected class electors would usually be defeated, the superior court for the judicial district in which the municipality is located shall find that (i) elections held prior to the filing of an action pursuant to this section are more probative than elections conducted after such filing, (ii) evidence concerning elections for members of the legislative body of such municipality are more probative than evidence concerning elections for other municipal officials, (iii) statistical evidence is more probative than nonstatistical evidence, (iv) in the case of evidence that two or more protected classes of electors are politically cohesive in such municipality, electors of such protected classes may be combined, (v) evidence concerning the intent of electors, elected officials of such municipality to discriminate against protected class electors is not required, (vi) evidence of explanations for voting patterns and election outcomes other than racially polarized voting, including, but not limited to, partisanship is not to be considered, (vii) evidence that subgroups of protected class electors have different voting patterns is not to be considered, (viii) evidence concerning whether protected class electors are geographically compact or concentrated is not to be considered, but may be used to appropriately remedy such violation, and (ix) evidence concerning projected changes in population or demographics is not to be considered, but may be used to appropriately remedy such violation.

(c) (1) In determining whether, based on the totality of the circumstances, the ability of protected class electors to elect candidates of their choice or otherwise influence the outcome of elections is impaired, the superior court for the judicial district in which a municipality is located may consider (A) the history of discrimination in the municipality or state, (B) the extent to which protected class electors have been elected to office in the municipality, (C) the use of any qualification for eligibility to be an elector or other prerequisite to voting, statute, ordinance, regulation or other law regarding the...
administration of elections, or any related standard, practice, procedure or policy by the municipality that may enhance the dilutive effects of the method of election in such municipality, (D) the denial of access of protected class electors or candidates to election administration or campaign finance processes that determine which candidates will receive access to the ballot or financial or other support in a given election in the municipality, (E) the extent to which protected class individuals in the municipality make expenditures, as defined in section 9-601b of the general statutes, at lower rates than all other individuals in such municipality, (F) the extent to which protected class electors in the state or municipality vote at lower rates than all other electors, (G) the extent to which protected class individuals in the municipality are disadvantaged in areas such as education, employment, health, criminal justice, housing, land use or environmental protection, (H) the extent to which protected class individuals in the municipality are disadvantaged in other areas that may hinder their ability to participate effectively in the political process, (I) the use of overt or subtle racial appeals in political campaigns in the municipality, (J) a significant lack of responsiveness by elected officials of the municipality to the particularized needs of protected class individuals, and (K) whether the municipality has a compelling policy justification for employing its particular method of election or its particular ordinance, regulation or other law regarding the administration of elections, or any related standard, practice, procedure or policy.

(2) No item for consideration described in subdivision (1) of this subsection shall be dispositive or required for a finding of the existence of racially polarized voting. Evidence of such items concerning the state, private actors or other surrounding municipalities may be considered, but shall be less probative than evidence concerning the municipality itself.

(d) Any aggrieved person, any organization whose membership includes or is likely to include aggrieved persons, any organization whose mission would be frustrated by a violation of this section, any organization that would expend resources in order to fulfill such
organization's mission as a result of a violation of this section or the
Attorney General may file an action pursuant to this section in the
superior court for the judicial district in which such municipality is
located.

(e) (1) Notwithstanding any provision of title 9 of the general statutes,
whenever the superior court for the judicial district in which a
municipality is located finds a violation of any provision of this section,
such court shall order appropriate remedies that are tailored to address
such violation in such municipality, including, but not limited to, (A) a
district-based method of election, (B) an alternative method of election,
(C) new or revised districting or redistricting plans, (D) elimination of
staggered elections so that all members of the legislative body are
elected at the same time, (E) increasing the size of the legislative body,
(F) additional voting hours, (G) additional polling locations, (H)
ordering of special elections, (I) requiring expanded opportunities for
admission of electors, (J) requiring additional elector education, or (K)
the restoration or addition of persons to registry lists.

(2) Such court may only order a remedy if such remedy will not
diminish the ability of protected class electors to participate in the
political process and elect their preferred candidates or otherwise
influence the outcome of elections. Such court shall consider remedies
proposed by any parties to an action filed pursuant to this section and
by other interested persons who are not such parties. In considering a
proposed remedy by a municipality, such court shall not give any
deferece or priority to such remedy.

(f) (1) In the case of any proposal for a municipality to enact and
implement (A) a new method of election to replace such municipality’s
at-large method of election with either a district-based method of
election or an alternative method of election, or (B) a new districting or
redistricting plan, the legislative body of such municipality shall act in
accordance with the provisions of subdivision (2) of this subsection if
any such proposal was made after the receipt of a notification letter
described in subsection (g) of this section or after the filing of a claim
pursuant to this section or the federal Voting Rights Act of 1965, P.L. 89-110, as amended from time to time.

(2) (A) Prior to drawing a draft districting or redistricting plan or plans of the proposed boundaries of the districts, the municipality shall hold at least two public hearings, within a period of not more than thirty days of each other, at which members of the public may provide input regarding the composition of such districts. In advance of such hearings, the municipality may conduct outreach to members of the public, including to language minority communities, to explain the districting or redistricting process and to encourage such input.

(B) After all such draft districting or redistricting plans are drawn, the municipality shall publish and make available for public dissemination at least one such plan and include the potential sequence of elections in the event the members of the legislative body of such municipality would be elected for staggered terms under such plan. The municipality shall hold at least two public hearings, within a period of not more than forty-five days of each other, at which members of the public may provide input regarding the content of such plan or plans and, if applicable, such potential sequence of elections. Such plan or plans shall be published at least seven days prior to consideration at each such hearing. If such plan or plans are revised at or following any such hearing, the municipality shall publish and make available for public dissemination such revised plan or plans at least seven days prior to any adoption of such revised plan or plans.

(C) In determining the sequence of elections in the event the member of the legislative body of such municipality would be elected for staggered terms under any such districting or redistricting plan or plans, such legislative body shall give special consideration to the purposes of the provisions of sections 1 to 8, inclusive, of this act and take into account the preferences expressed by electors in the districts.

(g) (1) Prior to filing an action against a municipality pursuant to this section, any party described in subsection (d) of this section shall send by certified mail return receipt requested a notification letter to the clerk
of such municipality asserting that such municipality may be in violation of the provisions of sections 1 to 8, inclusive, of this act.

(2) (A) No such party may file an action pursuant to this section earlier than fifty days after sending such notification letter to such municipality.

(B) Prior to receiving a notification letter, or not later than fifty days after any such notification letter is sent to a municipality, the legislative body of such municipality may pass a resolution (i) affirming such municipality's intention to enact and implement a remedy for a potential violation of the provisions of sections 1 to 8, inclusive, of this act, (ii) setting forth specific measures such municipality will take to facilitate approval and implementation of such a remedy, and (iii) providing a schedule for the enactment and implementation of such a remedy. No party described in subsection (d) of this section may file an action pursuant to this section earlier than ninety days after passage of any such resolution by such legislative body.

(C) If, under the laws of the state, the legislative body of a municipality lacks authority to enact or implement a remedy identified in any such resolution within ninety days after the passage of such resolution, or if such municipality is a covered jurisdiction as described in section 5 of this act, such legislative body may take the following measures upon such passage:

(i) The municipality shall hold at least one public hearing on any proposal to remedy any potential violation of the provisions of sections 1 to 8, inclusive, of this act, at which members of the public may provide input regarding any such proposed remedies. In advance of such hearing, the municipality may conduct outreach to members of the public, including to language minority communities, to encourage such input.

(ii) The legislative body of such municipality may approve any such proposed remedy that complies with the provisions of sections 1 to 8, inclusive, of this act and submit such proposed remedy to the Attorney
(iii) Notwithstanding any provision of title 9 of the general statutes, the Attorney General shall, not later than sixty days after submission of such proposed remedy by such municipality, approve or reject such proposed remedy in accordance with the provisions of this clause. The Attorney General may only approve such proposed remedy if the Attorney General concludes (I) such municipality may be in violation of the provisions of sections 1 to 8, inclusive, of this act, (II) the proposed remedy would address any such potential violation, (III) the proposed remedy is unlikely to violate the Constitution of Connecticut or any federal law, (IV) the proposed remedy will not diminish the ability of protected class electors to participate in the political process and elect their preferred candidates to office, and (V) implementation of the proposed remedy is feasible.

(iv) Notwithstanding any provision of title 9 of the general statutes, if the Attorney General approves the proposed remedy, such proposed remedy shall be enacted and implemented immediately. If the municipality is a covered jurisdiction as described in section 5 of this act, such municipality shall not be required to obtain preclearance for such proposed remedy.

(v) If the Attorney General denies the proposed remedy, (I) such proposed remedy shall not be enacted or implemented, (II) the Attorney General shall set forth the objections to such proposed remedy and explain the basis for such denial, and (III) the Attorney General may recommend another proposed remedy that he or she would approve.

(vi) If the Attorney General does not approve or reject such proposed remedy within sixty days after the submission of such proposed remedy by the municipality, the proposed remedy shall not be enacted or implemented.

(D) A municipality that has passed a resolution described in subparagraph (B) of this subdivision may enter into an agreement with any party who sent a notification letter described in subdivision (1) of
this subsection providing that such party shall not file an action pursuant to this section earlier than ninety days after entering into such agreement. If such party agrees to so enter into such an agreement, such agreement shall require that the municipality either enact and implement a remedy that complies with the provisions of sections 1 to 8, inclusive, of this act or pass such a resolution and submit such resolution to the Attorney General. If such party declines to so enter into such an agreement, such party may file an action pursuant to this section at any time.

(E) If, pursuant to the provisions of this subsection, a municipality enacts or implements a remedy or the Attorney General approves a proposed remedy, a party who sent a notification letter described in subdivision (1) of this subsection may, not later than thirty days after such enactment, implementation or approval, submit a claim for reimbursement from such municipality for the costs associated with producing and sending such notification letter. Such party shall submit such claim in writing and substantiate such claim with financial documentation, including a detailed invoice for any demography services or analysis of voting patterns in such municipality. Upon receipt of any such claim, such municipality may request additional financial documentation if that which has been provided by such party is insufficient to substantiate such costs. Such municipality shall reimburse such party for reasonable costs claimed or for an amount to which such party and such municipality agree, except that the cumulative amount of any such reimbursements to all such parties other than the Attorney General shall not exceed forty-three thousand dollars, adjusted in accordance with any change in the consumer price index for all urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics. If any such party and such municipality fail to agree to a reimbursement amount, either such party or such municipality may file an action for a declaratory judgment with the superior court for the judicial district in which such municipality is located for a clarification of rights.

(F) (i) Notwithstanding the provisions of this subsection, a party
described in subsection (d) of this section may file an action pursuant to this section during the one hundred twenty days prior to a regular election held in a municipality and may seek, through such action, preliminary relief for such regular election. Not later than the filing of such action, such party shall send a notification letter described in subdivision (1) of this subsection to such municipality. In the event any such action is withdrawn or dismissed as being moot as a result of such municipality’s enactment or implementation of a remedy, or the approval by the Attorney General of a proposed remedy, any such party may only submit a claim for reimbursement in accordance with the provisions of subparagraph (E) of this subdivision.

(ii) In the case of preliminary relief sought by a party described in subsection (d) of this section pursuant to subparagraph (F)(i) of this subdivision, the superior court for the judicial district in which such municipality is located may grant such relief if it is determined that (I) such party is more likely than not to succeed on the merits, and (II) it is possible to implement an appropriate remedy that would resolve the violation alleged under this section for such election.

Sec. 3. (NEW) (**Effective January 1, 2022**) (a) There is established at The University of Connecticut a state-wide database of information necessary to assist the state and any municipality in (1) evaluating whether and to what extent current laws and practices related to election administration are consistent with the provisions of sections 1 to 8, inclusive, of this act, (2) implementing best practices in election administration to further the purposes of the provisions of said sections, and (3) investigating any potential infringement upon the right to vote.

(b) There shall be a director of the state-wide database who shall be responsible for the operation of such state-wide database. Such director shall be a member of the faculty of The University of Connecticut with doctoral level expertise in demography, statistical analysis and electoral system and shall be appointed by the Governor. Such director may employ such staff as is necessary to implement and maintain such state-wide database.
The state-wide database shall maintain in electronic format, at a minimum, the following data and records for no fewer than the prior twelve years:

(1) Estimates of total population, voting age population and citizen voting age population by race, color and language minority group, broken down annually to the district level for each municipality, based on information from the United States Census Bureau, including from the American Community Survey, or information of comparable quality collected by a similar governmental agency;

(2) Election results at the district level for each state-wide election and each election in each municipality;

(3) Contemporaneous registry lists and voter history files for each election in each municipality;

(4) Contemporaneous maps, descriptions of boundaries and other similar items, whether in paper or electronic format, for each election district;

(5) Polling place locations, including, but not limited to, lists of districts associated with such polling locations;

(6) Districting or redistricting plans for each election in each municipality; and

(7) Any other information the director of the state-wide database deems advisable to maintain in furtherance of the purposes of sections 1 to 8, inclusive, of this act.

(d) All data, estimates or other information maintained in the state-wide database shall be published on the Internet web site of The University of Connecticut and made available to members of the public at no cost, provided no such data, estimate or other information may identify any individual elector.

(e) Any estimate concerning race, color or language minority group
prepared pursuant to this section shall be so prepared using the most advanced, peer-reviewed and validated methodologies.

(f) Not later than February 28, 2022, and every third year thereafter, the director of the state-wide database shall publish on the Internet web site of The University of Connecticut (1) a list of each municipality required under section 4 of this act to provide assistance to members of language minority groups, and (2) each language in which such municipalities are so required to provide such assistance. The director shall also submit such information to the Secretary of the State, who shall distribute such information to each municipality.

(g) Upon the certification of election results and the completion of the voter history file after each election, each municipality shall transmit, in electronic format, copies of (1) such election results at the district level, (2) contemporaneous registry lists, (3) voter history files, (4) maps, descriptions of boundaries and other similar items, and (5) lists of polling place locations and lists, descriptions or other information for each district associated with any such polling place location.

(h) The director of the state-wide database and the staff employed thereby may provide nonpartisan technical assistance to municipalities, researchers and members of the public seeking to use the resources of the state-wide database.

(i) In any action filed pursuant to section 2 of this act, there shall be a rebuttable presumption that the data, estimates or other information maintained by the state-wide database is valid.

Sec. 4. (NEW) (Effective January 1, 2022) (a) A municipality shall provide language-related assistance in voting and elections to a language minority group in such municipality if the director of the state-wide database determines, based on information from the American Community Survey that:

(1) More than two per cent of the citizens of voting age of such municipality are members of a single language minority group and
speak English "less than very well" according to said survey;

(2) More than four thousand of the citizens of voting age of such municipality are members of a single language minority group and speak English "less than very well" according to said survey; or

(3) In the case of a municipality that contains any portion of a Native American reservation, more than two per cent of the Native American citizens of voting age on such Native American reservation are members of a single language minority group and speak English "less than very well" according to said survey. As used in this subdivision, "Native American" includes any person recognized by the United States Census Bureau as "American Indian".

(b) Whenever the director of the state-wide database determines that a municipality is required to provide language assistance to a particular protected class, such municipality shall provide voting materials (1) in English, and (2) in the language of each such protected class of an equal quality to the corresponding English materials, including registration or voting notices, forms, instructions, assistance, ballots or other materials or information relating to the electoral process, except that in the case of a protected class where the language of such protected class is oral or unwritten, including historically unwritten as may be the case for some Native Americans, such municipality may only provide oral instructions, assistance or other information relating to the electoral process to such protected class.

(c) In the case of any municipality described in this section, which municipality seeks to only provide English materials despite a determination by the director of the state-wide database under this section that such municipality is required to provide language assistance to a particular protected class, such municipality may file an action for a declaratory judgment in the superior court for the judicial district in which such municipality is located for permission to only provide English materials. Such court shall enter such declaratory judgment in the municipality's favor if such court finds that such director's determination was unreasonable or an abuse of discretion.
Sec. 5. (NEW) (Effective January 1, 2023) (a) The enactment or implementation of a covered policy, as described in subsection (b) of this section, by a covered jurisdiction, as described in subsection (c) of this section, shall be subject to preclearance by the Attorney General or the superior court for the judicial district in which such covered jurisdiction is located.

(b) A covered policy includes any new or modified qualification for admission as an elector, prerequisite to voting, statute, ordinance, regulation, standard, practice, procedure or policy concerning:

1. Districting or redistricting;
2. Method of election;
3. Form of government;
4. Annexation, incorporation, dissolution, consolidation or division of a municipality;
5. Removal of individuals from registry lists or enrollment lists and other activities concerning any such list;
6. Admission of electors;
7. Number, location or hours of any polling place;
8. Assignment of districts to polling place locations;
9. Assistance offered to protected class individuals; or
10. Any additional subject matter the Attorney General may identify for inclusion in this subsection, pursuant to a regulation adopted by the Attorney General in accordance with the provisions of chapter 54 of the general statutes, if the Attorney General determines that any qualification for admission as an elector, prerequisite to voting, statute, ordinance, regulation, standard, practice, procedure or policy concerning such subject matter may have the effect of denying or abridging the right to vote of any protected class elector.
(c) A covered jurisdiction includes:

(1) Any municipality that, within the prior twenty-five years, has been subject to any court order or government enforcement action based upon a finding of any violation of the provisions of sections 1 to 8, inclusive, of this act, the federal Voting Rights Act of 1965, P.L. 89-110, as amended from time to time, any state or federal civil rights law, the fifteenth amendment to the United States Constitution or the fourteenth amendment to the United States Constitution concerning the right to vote or discrimination against any protected class;

(2) Any municipality that, within the prior five years, has failed to comply with such municipality’s obligations to provide data or information to the state-wide database pursuant to section 3 of this act;

(3) Any municipality in which during the prior ten years, based on data from criminal justice information systems, as defined in section 54-142q of the general statutes, the combined misdemeanor and felony arrest rate of any protected class consisting of at least one thousand citizens of voting age, or whose members comprise at least ten per cent of the citizen voting age population of such municipality, exceeds the arrest rate of the entire citizen voting age population of such municipality by at least twenty per cent; or

(4) Any municipality in which during the prior ten years, based on data from the United States Census Bureau, the dissimilarity index of any protected class consisting of at least two thousand five hundred citizens of voting age, or whose members comprise at least ten per cent of the citizen voting age population of such municipality, exceeds fifty per cent with respect to white, non-Hispanic, citizens of voting age within such municipality.

(d) (1) A covered jurisdiction may submit, in writing, to the Attorney General any covered policy it seeks to adopt or implement and may obtain therefrom preclearance to so adopt and implement such covered policy in accordance with the provisions of this subsection.
(2) When the Attorney General receives any such submission of a covered policy:

(A) In the case of any covered policy concerning the location of polling places, the Attorney General shall grant or deny preclearance not later than thirty days after such receipt, except that if the Attorney General grants such preclearance the Attorney General may do so preliminarily and reserve the right to subsequently deny such preclearance not later than sixty days after such receipt; and

(B) In the case of any other covered policy, the Attorney General shall grant or deny such preclearance not later than sixty days after such receipt, except that in the case of any such covered policy described in this subparagraph that concerns the implementation of a district-based method of election or an alternative method of election, districting or redistricting plans or a change to a municipality's form of government, the Attorney General may extend, up to two times, and by ninety days each such time, the time by which to grant or deny such preclearance.

(3) Prior to granting or denying such preclearance, the Attorney General shall publish notice of the proceedings for making such determination and shall provide an opportunity for any interested party to submit written comments concerning the covered policy and such determination.

(4) The Attorney General may grant preclearance to a covered policy only if it is determined that such covered policy will not diminish the ability of protected class electors to participate in the electoral process or elect their preferred candidates, and upon such grant the covered jurisdiction may enact and implement such covered policy.

(5) (A) If the Attorney General denies preclearance to a covered policy, (i) such covered policy shall not be enacted or implemented, and (ii) the Attorney General shall set forth the objections to such covered policy and explain the basis for such denial.

(B) Any denial under subparagraph (A) of this subdivision may be
appealed, in accordance with the provisions of chapter 54 of the general statutes, to the superior court for the judicial district in which the covered jurisdiction is located. Any such appeal shall be privileged with respect to assignment for trial.

(6) If the Attorney General does not grant or deny such preclearance within the applicable time specified in subdivision (2) of this subsection, such covered policy shall be deemed precleared and the covered jurisdiction may enact and implement such covered policy.

(e) (1) A covered jurisdiction may submit, in writing, to the superior court for the judicial district in which such covered jurisdiction is located any covered policy it seeks to adopt or implement and may obtain therefrom preclearance to so adopt and implement such covered policy in accordance with the provisions of this subsection, provided (A) such covered jurisdiction shall also contemporaneously provide to the Attorney General a copy of such submission, and (B) failure to so provide such copy shall result in an automatic denial of such preclearance.

(2) Except as provided in subparagraph (B) of subdivision (1) of this subsection, when such court receives any such submission of a covered policy, such court shall grant or deny such preclearance not later than sixty days after such receipt.

(3) Such court may grant preclearance to a covered policy only if it is determined that such covered policy will not diminish the ability of protected class electors to participate in the electoral process or elect their preferred candidates, and upon such grant the covered jurisdiction may enact and implement such covered policy.

(4) (A) If such court denies preclearance to a covered policy, or does not grant or deny such preclearance within sixty days, such covered policy shall not be enacted or implemented.

(B) Any denial under subparagraph (A) of this subdivision may be appealed in accordance with the ordinary rules of appellate procedure.
Any such appeal shall be privileged with respect to assignment for appeal.

(f) If any covered jurisdiction enacts or implements any covered policy without obtaining preclearance for such covered policy in accordance with the provisions of this section, the Attorney General or any party described in subsection (d) of section 2 of this act may file an action in the superior court for the judicial district in which such covered jurisdiction is located to enjoin such enactment or implementation and seek sanctions against such covered jurisdiction for violations of this section.

(g) (1) For a period of one hundred twenty days after the effective date of this section, the Attorney General may, in accordance with the provisions of subdivision (2) of this subsection, conduct a look-back review and deny preclearance to any covered policy that was previously enacted by a covered jurisdiction.

(2) (A) The Attorney General may only initiate a look-back review of any covered policy that was enacted or implemented by a covered jurisdiction on or after January 1, 2022, and prior to January 1, 2023.

(B) A look-back review is initiated when the Attorney General provides notice to a covered jurisdiction of the Attorney General's decision to review a covered policy enacted or implemented by such covered jurisdiction. Such covered jurisdiction shall submit, in writing, such covered policy not later than thirty days after receipt of such notice.

(C) Not later than ninety days after such submission, the Attorney General shall decide whether such covered jurisdiction may further implement such covered policy. Prior to making such decision, the Attorney General shall publish notice of the proceedings for making such decision and shall provide an opportunity for any interested party to submit written comments concerning the covered policy and such decision.

(D) (i) The Attorney General shall deny further implementation of
such covered policy if it is determined that such covered policy is likely
to diminish the ability of protected class electors to participate in the
political process or elect their preferred candidates. For any such denial,
the Attorney General shall set forth the objections to such covered policy
and explain the basis for such denial. No such denial may provide a
basis for the invalidation of any election held under such covered policy.

(ii) Any denial under subparagraph (D)(i) of this subdivision may be
appealed, in accordance with the provisions of chapter 54 of the general
statutes, to the superior court for the judicial district in which the
covered jurisdiction is located. Any such appeal shall be privileged with
respect to assignment for trial.

(E) The Attorney General may adopt regulations, in accordance with
the provisions of chapter 54 of the general statutes, to effectuate the
purposes of this section.

Sec. 6. (NEW) (Effective January 1, 2022) (a) No person, whether acting
under color of law or otherwise, may engage in acts of intimidation,
deception or obstruction that affect the right of electors to exercise their
electoral privileges.

(b) The following shall constitute a violation of subsection (a) of this
section:

(1) Any person who uses or threatens to use any force, violence,
restraint, abduction or duress, who inflicts or threatens to inflict any
injury, damage, harm or loss, or who in any other manner practices
intimidation that causes or will reasonably have the effect of causing
any elector to (A) vote or refrain from voting in general, (B) vote for or
against any particular candidate or question, (C) apply or not apply for
admission as an elector, or (D) apply or not apply for an absentee ballot;

(2) Any person who uses any deceptive or fraudulent device,
contrivance or communication that impedes, prevents or otherwise
interferes with the electoral privileges of any elector or that causes or
will reasonably have the effect of causing any elector to (A) vote or
refrain from voting in general, (B) vote for or against any particular
candidate or question, (C) apply or not apply for admission as an
elector, or (D) apply or not apply for an absentee ballot; or

(3) Any person who obstructs, impedes or otherwise interferes with
access to any polling place or office of any election official or who
obstructs, impedes or otherwise interferes with any elector in any
manner that causes or will reasonably have the effect of causing any
delay in voting or the voting process, including the canvassing or
tabulation of ballots.

(c) Any aggrieved person, any organization whose membership
includes or is likely to include aggrieved persons, any organization
whose mission would be frustrated by a violation of this section, any
organization that would expend resources in order to fulfill such
organization's mission as a result of a violation of this section or the
Attorney General may file an action pursuant to this section in the
superior court for the judicial district in which such violation occurred.

(d) (1) Notwithstanding any provision of title 9 of the general statutes,
whenever such court finds a violation of any provision of this section,
such court shall order appropriate remedies that are tailored to address
such violation, including, but not limited to, providing for additional
time to vote at an election, primary or referendum.

(2) Any person who violates the provisions of this section, or who
aids in the violation of any of such provisions, shall be liable for any
damages awarded by such court, including, but not limited to, nominal
damages for any such violation and compensatory or punitive damages
for any such willful violation.

Sec. 7. (NEW) (Effective January 1, 2022) In any action or investigation
to enforce the provisions of sections 1 to 6, inclusive, of this act, the
Attorney General may examine witnesses, receive oral and
documentary evidence, determine material facts and issue subpoenas in
accordance with the ordinary rules of civil procedure.
Sec. 8. (NEW) (Effective January 1, 2022) In any action to enforce the provisions of sections 1 to 6, inclusive, of this act, the court may award reasonable attorneys' fees and litigation costs, including, but not limited to, expert witness fees and expenses, to the party that filed such action, other than the state or any municipality, and that prevailed in such action. In the case of a party against whom such action was filed and who prevailed in such action, the court shall not award such party any costs unless such court finds such action to be frivolous, unreasonable or without foundation.

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

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<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Status</th>
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<tbody>
<tr>
<td>Sec. 1</td>
<td>January 1, 2022</td>
<td>New section</td>
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<tr>
<td>Sec. 2</td>
<td>January 1, 2022</td>
<td>New section</td>
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<tr>
<td>Sec. 3</td>
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<td>Sec. 4</td>
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<td>Sec. 5</td>
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<td>Sec. 7</td>
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<tr>
<td>Sec. 8</td>
<td>January 1, 2022</td>
<td>New section</td>
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</tbody>
</table>

Statement of Purpose:
To afford mechanisms for the challenge of certain election administration laws, practices or procedures that may impair the electoral rights of certain protected classes of individuals.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LESSER, 9th Dist.

S.B. 820