



General Assembly

February Session, 2022

***Raised Bill No. 471***

LCO No. 3399



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING ELECTIONS AND STATE VOTING RIGHTS.***

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

1 Section 1. (NEW) (*Effective January 1, 2023*) As used in this section and  
2 sections 2 to 8, inclusive, of this act:

3 (1) "Alternative method of election" means a method of electing  
4 candidates to the legislative body of a municipality other than an at-  
5 large method of election or a district-based method of election;

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

14 (3) "District-based method of election" means a method of electing

15 candidates to the legislative body of a municipality in which, for  
16 municipalities divided into districts, a candidate for any such district is  
17 required to reside in such district and candidates for such district are  
18 voted upon by only the electors of such district;

19 (4) "Language minority group" has the same meaning as provided in  
20 52 USC 10503, as amended from time to time;

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

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

28 (6) "Protected class" means a group consisting of members of a race,  
29 color or language minority group; and

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

34 Sec. 2. (NEW) (*Effective January 1, 2023*) (a) (1) No qualification for  
35 eligibility to be an elector or other prerequisite to voting, and no  
36 ordinance, regulation or other law regarding the administration of  
37 elections, or any related standard, practice, procedure or policy, may be  
38 enacted or implemented in a manner that results in the denial or  
39 abridgement of the right to vote for any protected class individual.

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

44 (3) In determining whether a violation of subdivision (1) of this

45 subsection has occurred, the superior court for the judicial district in  
46 which the municipality is located may consider the extent to which  
47 protected class electors (A) have been elected to office in the state or the  
48 municipality in which such violation is alleged, and (B) vote at lower  
49 rates than all other electors in the state or the municipality in which such  
50 violation is alleged.

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

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

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

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

69 (B) Any use of race, color, language minority group or any  
70 characteristic that serves as a proxy for race, color or language minority  
71 group for the purpose of districting or redistricting shall presumptively  
72 constitute a violation of subdivision (1) of this subsection, provided a  
73 municipality may rebut this presumption by demonstrating that race,  
74 color, language minority group or any characteristic that serves as a  
75 proxy for race, color or language minority group was so used only to  
76 the extent necessary to comply with the provisions of sections 1 to 8,

77 inclusive, of this act, the federal Voting Rights Act of 1965, P.L. 89-110,  
78 as amended from time to time, the Constitution of Connecticut or the  
79 Constitution of the United States.

80 (C) In determining whether racially polarized voting by protected  
81 class electors in a municipality occurs or whether candidates or electoral  
82 choices preferred by protected class electors would usually be defeated,  
83 the superior court for the judicial district in which the municipality is  
84 located (i) shall consider elections held prior to the filing of an action  
85 pursuant to this section as more probative than elections conducted  
86 after such filing, (ii) shall consider evidence concerning elections for  
87 members of the legislative body of such municipality as more probative  
88 than evidence concerning elections for other municipal officials, (iii)  
89 shall consider statistical evidence as more probative than nonstatistical  
90 evidence, (iv) in the case of evidence that two or more protected classes  
91 of electors are politically cohesive in such municipality, may combine  
92 electors of such protected classes, (v) shall not require evidence  
93 concerning the intent of electors, elected officials or such municipality  
94 to discriminate against protected class electors is not required, (vi) shall  
95 not consider evidence of explanations for voting patterns and election  
96 outcomes other than racially polarized voting, including, but not limited  
97 to, partisanship, (vii) shall not consider evidence that subgroups of  
98 protected class electors have different voting patterns, (viii) shall not  
99 consider evidence concerning whether protected class electors are  
100 geographically compact or concentrated, but may use such evidence to  
101 appropriately remedy such violation, and (ix) shall not consider  
102 evidence concerning projected changes in population or demographics,  
103 but may use such evidence to appropriately remedy such violation.

104 (c) (1) In determining whether, based on the totality of the  
105 circumstances, the ability of protected class electors to elect candidates  
106 of their choice or otherwise influence the outcome of elections is  
107 impaired, the superior court for the judicial district in which a  
108 municipality is located may consider (A) the history of discrimination  
109 in the municipality or state, (B) the extent to which protected class  
110 electors have been elected to office in the municipality, (C) the use of

111 any qualification for eligibility to be an elector or other prerequisite to  
112 voting, or any statute, ordinance, regulation or other law regarding the  
113 administration of elections, or any related standard, practice, procedure  
114 or policy, by the municipality that may enhance the dilutive effects of  
115 the method of election in such municipality, (D) the denial of access of  
116 protected class electors or candidates to election administration or  
117 campaign finance processes that determine which candidates will  
118 receive access to the ballot or financial or other support in a given  
119 election in the municipality, (E) the extent to which protected class  
120 individuals in the municipality make expenditures, as defined in section  
121 9-601b of the general statutes, at lower rates than all other individuals  
122 in such municipality, (F) the extent to which protected class electors in  
123 the municipality or state vote at lower rates than all other electors in the  
124 municipality or state, as applicable, (G) the extent to which protected  
125 class individuals in the municipality are disadvantaged in areas such as  
126 education, employment, health, criminal justice, housing, land use or  
127 environmental protection, (H) the extent to which protected class  
128 individuals in the municipality are disadvantaged in other areas that  
129 may hinder their ability to participate effectively in the political process,  
130 (I) the use of overt or subtle racial appeals in political campaigns in the  
131 municipality, (J) a significant lack of responsiveness by elected officials  
132 of the municipality to the particularized needs of protected class  
133 individuals, and (K) whether the municipality has a compelling policy  
134 justification for employing its particular method of election or its  
135 particular ordinance, regulation or other law regarding the  
136 administration of elections, or any related standard, practice, procedure  
137 or policy.

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

144 (d) Any aggrieved person, any organization whose membership

145 includes or is likely to include aggrieved persons, any organization  
146 whose mission would be frustrated by a violation of this section, any  
147 organization that would expend resources in order to fulfill such  
148 organization's mission as a result of a violation of this section or the  
149 Secretary of the State may file an action pursuant to this section in the  
150 superior court for the judicial district in which such municipality is  
151 located.

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

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

174 (f) (1) In the case of any proposal for a municipality to enact and  
175 implement (A) a new method of election to replace such municipality's  
176 at-large method of election with either a district-based method of  
177 election or an alternative method of election, or (B) a new districting or

178 redistricting plan, the legislative body of such municipality shall act in  
179 accordance with the provisions of subdivision (2) of this subsection if  
180 any such proposal was made after the receipt of a notification letter  
181 described in subsection (g) of this section or after the filing of a claim  
182 pursuant to this section or the federal Voting Rights Act of 1965, P.L. 89-  
183 110, as amended from time to time.

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

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

206 (C) In determining the sequence of elections in the event the members  
207 of the legislative body of such municipality would be elected for  
208 staggered terms under any such districting or redistricting plan or  
209 plans, such legislative body shall give special consideration to the  
210 purposes of sections 1 to 8, inclusive, of this act and take into account

211 the preferences expressed by electors in the districts.

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

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

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

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

237 (i) The municipality shall hold at least one public hearing on any  
238 proposal to remedy any potential violation of the provisions of sections  
239 1 to 8, inclusive, of this act, at which members of the public may provide  
240 input regarding any such proposed remedies. In advance of such  
241 hearing, the municipality may conduct outreach to members of the  
242 public, including to language minority communities, to encourage such



243 input.

244 (ii) The legislative body of such municipality may approve any such  
245 proposed remedy that complies with the provisions of sections 1 to 8,  
246 inclusive, of this act and submit such proposed remedy to the Secretary  
247 of the State.

248 (iii) Notwithstanding any provision of title 9 of the general statutes  
249 and any special act, charter or home rule ordinance, the Secretary of the  
250 State shall, not later than sixty days after submission of such proposed  
251 remedy by such municipality, approve or reject such proposed remedy  
252 in accordance with the provisions of this clause. The Secretary may only  
253 approve such proposed remedy if the Secretary concludes (I) such  
254 municipality may be in violation of the provisions of sections 1 to 8,  
255 inclusive, of this act, (II) the proposed remedy would address any such  
256 potential violation, (III) the proposed remedy is unlikely to violate the  
257 Constitution of Connecticut or any federal law, (IV) the proposed  
258 remedy will not diminish the ability of protected class electors to  
259 participate in the political process and elect their preferred candidates  
260 to office, and (V) implementation of the proposed remedy is feasible.

261 (iv) Notwithstanding any provision of title 9 of the general statutes  
262 and any special act, charter or home rule ordinance, if the Secretary of  
263 the State approves the proposed remedy, such proposed remedy shall  
264 be enacted and implemented immediately. If the municipality is a  
265 covered jurisdiction as described in section 5 of this act, such  
266 municipality shall not be required to obtain preclearance for such  
267 proposed remedy.

268 (v) If the Secretary of the State denies the proposed remedy, (I) such  
269 proposed remedy shall not be enacted or implemented, (II) the Secretary  
270 shall set forth the objections to such proposed remedy and explain the  
271 basis for such denial, and (III) the Secretary may recommend another  
272 proposed remedy that the Secretary would approve.

273 (vi) If the Secretary of the State does not approve or reject such  
274 proposed remedy within sixty days after the submission of such

275 proposed remedy by the municipality, the proposed remedy shall not  
276 be enacted or implemented.

277 (D) A municipality that has passed a resolution described in  
278 subparagraph (B) of this subdivision may enter into an agreement with  
279 any party who sent a notification letter described in subdivision (1) of  
280 this subsection providing that such party shall not file an action  
281 pursuant to this section earlier than ninety days after entering into such  
282 agreement. If such party agrees to so enter into such an agreement, such  
283 agreement shall require that the municipality either enact and  
284 implement a remedy that complies with the provisions of sections 1 to  
285 8, inclusive, of this act or pass such a resolution and submit such  
286 resolution to the Secretary of the State. If such party declines to so enter  
287 into such an agreement, such party may file an action pursuant to this  
288 section at any time.

289 (E) If, pursuant to the provisions of this subsection, a municipality  
290 enacts or implements a remedy or the Secretary of the State approves a  
291 proposed remedy, a party who sent a notification letter described in  
292 subdivision (1) of this subsection may, not later than thirty days after  
293 such enactment, implementation or approval, submit a claim for  
294 reimbursement from such municipality for the costs associated with  
295 producing and sending such notification letter. Such party shall submit  
296 such claim in writing and substantiate such claim with financial  
297 documentation, including a detailed invoice for any demography  
298 services or analysis of voting patterns in such municipality. Upon  
299 receipt of any such claim, such municipality may request additional  
300 financial documentation if that which has been provided by such party  
301 is insufficient to substantiate such costs. Such municipality shall  
302 reimburse such party for reasonable costs claimed or for an amount to  
303 which such party and such municipality agree, except that the  
304 cumulative amount of any such reimbursements to all such parties other  
305 than the Secretary of the State shall not exceed forty-three thousand  
306 dollars, adjusted in accordance with any change in the consumer price  
307 index for all urban consumers as published by the United States  
308 Department of Labor, Bureau of Labor Statistics. If any such party and

309 such municipality fail to agree to a reimbursement amount, either such  
310 party or such municipality may file an action for a declaratory judgment  
311 with the superior court for the judicial district in which such  
312 municipality is located for a clarification of rights.

313 (F) (i) Notwithstanding the provisions of this subsection, a party  
314 described in subsection (d) of this section may seek preliminary relief  
315 for a regular election held in a municipality by filing an action pursuant  
316 to this section during the one hundred twenty days prior to such regular  
317 election. Not later than the filing of such action, such party shall send a  
318 notification letter described in subdivision (1) of this subsection to such  
319 municipality. In the event any such action is withdrawn or dismissed as  
320 being moot as a result of such municipality's enactment or  
321 implementation of a remedy, or the approval by the Secretary of the  
322 State of a proposed remedy, any such party may only submit a claim for  
323 reimbursement in accordance with the provisions of subparagraph (E)  
324 of this subdivision.

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

332 Sec. 3. (NEW) (*Effective January 1, 2023*) (a) There is established in the  
333 office of the Secretary of the State a state-wide database of information  
334 necessary to assist the state and any municipality in (1) evaluating  
335 whether and to what extent current laws and practices related to  
336 election administration are consistent with the provisions of sections 1  
337 to 8, inclusive, of this act, (2) implementing best practices in election  
338 administration to further the purposes of said sections, and (3)  
339 investigating any potential infringement upon the right to vote.

340 (b) The Secretary of the State shall designate an employee of the office  
341 of the Secretary of the State to serve as director of the state-wide

342 database. Such employee shall have doctoral level expertise in  
343 demography, statistical analysis and electoral systems. Such employee  
344 shall be responsible for the operation of such state-wide database and  
345 shall manage such staff as is necessary to implement and maintain such  
346 state-wide database.

347 (c) The state-wide database shall maintain in electronic format the  
348 following data and records, at a minimum, for no fewer than the prior  
349 twelve years:

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

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

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

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

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

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

366 (7) Any other information the director of the state-wide database  
367 deems advisable to maintain in furtherance of the purposes of sections  
368 1 to 8, inclusive, of this act.

369 (d) All data, estimates or other information maintained in the state-  
370 wide database shall be published on the Internet web site of the office of

371 the Secretary of the State and made available to members of the public  
372 at no cost, provided no such data, estimate or other information may  
373 identify any individual elector.

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

377 (f) Not later than February 28, 2023, and every third year thereafter,  
378 the director of the state-wide database shall publish on the Internet web  
379 site of the office of the Secretary of the State (1) a list of each municipality  
380 required under section 4 of this act to provide assistance to members of  
381 language minority groups, and (2) each language in which such  
382 municipalities are so required to provide such assistance. The director  
383 shall also distribute such information to each municipality.

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

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

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

398 Sec. 4. (NEW) (*Effective January 1, 2023*) (a) A municipality shall  
399 provide language-related assistance in voting and elections to a  
400 language minority group in such municipality if the director of the state-  
401 wide database determines, based on information from the American

402 Community Survey, that:

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

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

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

416 (b) Whenever the director of the state-wide database determines that  
417 a municipality is required to provide language assistance to a particular  
418 language minority group, such municipality shall provide voting  
419 materials (1) in English, and (2) in the language of each such language  
420 minority group of an equal quality to the corresponding English  
421 materials, including registration or voting notices, forms, instructions,  
422 assistance, ballots or other materials or information relating to the  
423 electoral process, except that in the case of a language minority group  
424 where the language of such language minority group is oral or  
425 unwritten, including historically unwritten as may be the case for some  
426 Native Americans, such municipality may provide only oral  
427 instructions, assistance or other information relating to the electoral  
428 process to such language minority group.

429 (c) In the case of any municipality described in this section, which  
430 seeks to provide only English materials despite a determination by the  
431 director of the state-wide database under this section that such  
432 municipality is required to provide language assistance to a particular  
433 language minority group, such municipality may file an action for a

434 declaratory judgment in the superior court for the judicial district in  
435 which such municipality is located for permission to provide only  
436 English materials. Such court shall enter such declaratory judgment in  
437 the municipality's favor if such court finds that such director's  
438 determination was unreasonable or an abuse of discretion.

439 Sec. 5. (NEW) (*Effective January 1, 2024*) (a) The enactment or  
440 implementation of a covered policy, as described in subsection (b) of this  
441 section, by a covered jurisdiction, as described in subsection (c) of this  
442 section, shall be subject to preclearance by the Secretary of the State or  
443 the superior court for the judicial district in which such covered  
444 jurisdiction is located.

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

448 (1) Districting or redistricting;

449 (2) Method of election;

450 (3) Form of government;

451 (4) Annexation, incorporation, dissolution, consolidation or division  
452 of a municipality;

453 (5) Removal of individuals from registry lists or enrollment lists and  
454 other activities concerning any such list;

455 (6) Admission of electors;

456 (7) Number, location or hours of any polling place;

457 (8) Assignment of districts to polling place locations;

458 (9) Assistance offered to protected class individuals; or

459 (10) Any additional subject matter the Secretary of the State may  
460 identify for inclusion in this subsection, pursuant to a regulation

461 adopted by the Secretary in accordance with the provisions of chapter  
462 54 of the general statutes, if the Secretary determines that any  
463 qualification for admission as an elector, prerequisite to voting,  
464 ordinance, regulation, standard, practice, procedure or policy  
465 concerning such subject matter may have the effect of denying or  
466 abridging the right to vote of any protected class elector.

467 (c) A covered jurisdiction includes:

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

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

479 (3) Any municipality in which during the prior ten years, based on  
480 data from criminal justice information systems, as defined in section 54-  
481 142q of the general statutes, the combined misdemeanor and felony  
482 arrest rate of any protected class consisting of at least one thousand  
483 citizens of voting age, or whose members comprise at least ten per cent  
484 of the citizen voting age population of such municipality, exceeds the  
485 arrest rate of the entire citizen voting age population of such  
486 municipality by at least twenty per cent; or

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



493 within such municipality.

494 (d) (1) If a covered jurisdiction seeks preclearance from the Secretary  
495 of the State for the adoption or implementation of any covered policy,  
496 such covered jurisdiction shall submit, in writing, such covered policy  
497 to the Secretary and may obtain such preclearance in accordance with  
498 the provisions of this subsection.

499 (2) When the Secretary of the State receives any such submission of a  
500 covered policy:

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

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

515 (3) Prior to granting or denying such preclearance, the Secretary of  
516 the State shall publish notice of the proceedings for making such  
517 determination and shall provide an opportunity for any interested party  
518 to submit written comments concerning the covered policy and such  
519 determination.

520 (4) The Secretary of the State may grant preclearance to a covered  
521 policy only if it is determined that such covered policy will not diminish  
522 the ability of protected class electors to participate in the electoral  
523 process or elect their preferred candidates, and upon such grant the

524 covered jurisdiction may enact and implement such covered policy.

525 (5) (A) If the Secretary of the State denies preclearance to a covered  
526 policy, (i) such covered policy shall not be enacted or implemented, and  
527 (ii) the Secretary shall set forth the objections to such covered policy and  
528 explain the basis for such denial.

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

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

538 (e) (1) If a covered jurisdiction seeks preclearance from the superior  
539 court for the judicial district in which such covered jurisdiction is  
540 located for the adoption or implementation of any covered policy, such  
541 covered jurisdiction shall submit, in writing, such covered policy to such  
542 court and may obtain such preclearance in accordance with the  
543 provisions of this subsection, provided (A) such covered jurisdiction  
544 shall also contemporaneously transmit to the Secretary of the State a  
545 copy of such submission, and (B) failure to so provide such copy shall  
546 result in an automatic denial of such preclearance. Notwithstanding the  
547 transmission to the Secretary of a copy of any such submission, the court  
548 shall exercise exclusive jurisdiction over such submission.

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

553 (3) Such court may grant preclearance to a covered policy only if it is  
554 determined that such covered policy will not diminish the ability of

555 protected class electors to participate in the electoral process or elect  
556 their preferred candidates, and upon such grant the covered jurisdiction  
557 may enact and implement such covered policy.

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

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

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

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

578 (2) (A) The Secretary of the State may only initiate a look-back review  
579 of any covered policy that was enacted or implemented by a covered  
580 jurisdiction on or after January 1, 2023, and prior to January 1, 2024.

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

586 (C) Not later than ninety days after such submission, the Secretary of  
587 the State shall decide whether such covered jurisdiction may further  
588 implement such covered policy. Prior to making such decision, the  
589 Secretary shall publish notice of the proceedings for making such  
590 decision and shall provide an opportunity for any interested party to  
591 submit written comments concerning the covered policy and such  
592 decision.

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

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

605 (h) The Secretary of the State may adopt regulations, in accordance  
606 with the provisions of chapter 54 of the general statutes, to effectuate the  
607 purposes of this section.

608 Sec. 6. (NEW) (*Effective January 1, 2023*) (a) No person, whether acting  
609 under color of law or otherwise, may engage in acts of intimidation,  
610 deception or obstruction that affect the right of electors to exercise their  
611 electoral privileges.

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

614 (1) Any person who uses or threatens to use any force, violence,  
615 restraint, abduction or duress, who inflicts or threatens to inflict any  
616 injury, damage, harm or loss, or who in any other manner practices

617 intimidation that causes or will reasonably have the effect of causing  
618 any elector to (A) vote or refrain from voting, (B) vote for or against any  
619 particular candidate or question, (C) apply or not apply for admission  
620 as an elector, or (D) apply or not apply for an absentee ballot;

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

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

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

642 (d) (1) Notwithstanding any provision of title 9 of the general statutes  
643 and any special act, charter or home rule ordinance, whenever such  
644 court finds a violation of any provision of this section, such court shall  
645 order appropriate remedies that are tailored to address such violation,  
646 including, but not limited to, providing for additional time to vote at an  
647 election, primary or referendum.

648 (2) Any person who violates the provisions of this section, or who

649 aids in the violation of any of such provisions, shall be liable for any  
650 damages awarded by such court, including, but not limited to, nominal  
651 damages for any such violation and compensatory or punitive damages  
652 for any such wilful violation.

653 Sec. 7. (NEW) (*Effective January 1, 2023*) In any action or investigation  
654 to enforce the provisions of sections 1 to 6, inclusive, of this act, the  
655 Secretary of the State may examine witnesses, receive oral and  
656 documentary evidence, determine material facts and issue subpoenas in  
657 accordance with the ordinary rules of civil procedure.

658 Sec. 8. (NEW) (*Effective January 1, 2023*) In any action to enforce the  
659 provisions of sections 1 to 6, inclusive, of this act, the court may award  
660 reasonable attorneys' fees and litigation costs, including, but not limited  
661 to, expert witness fees and expenses, to the party that filed such action,  
662 other than the state or any municipality, and that prevailed in such  
663 action. In the case of a party against whom such action was filed and  
664 who prevailed in such action, the court shall not award such party any  
665 costs unless such court finds such action to be frivolous, unreasonable  
666 or without foundation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2023</i>	New section
Sec. 2	<i>January 1, 2023</i>	New section
Sec. 3	<i>January 1, 2023</i>	New section
Sec. 4	<i>January 1, 2023</i>	New section
Sec. 5	<i>January 1, 2024</i>	New section
Sec. 6	<i>January 1, 2023</i>	New section
Sec. 7	<i>January 1, 2023</i>	New section
Sec. 8	<i>January 1, 2023</i>	New section

**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.]*