



General Assembly

Substitute Bill No. 471

February Session, 2022



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, and
6 includes ranked-choice voting, cumulative voting and limited voting;

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

15 (B) "At-large method of election" does not include any alternative
16 method of election;

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

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

22 (4) "Language minority group" has the same meaning as provided in
23 52 USC 10503, as amended from time to time;

24 (5) "Legislative body" means the board of aldermen, council, board of
25 burgesses, board of education, district committee, association
26 committee or other similar body, as applicable, of a municipality;

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

31 (7) "Protected class" means a class of citizens who are members of a
32 race, color or language minority group, as referenced in 52 USC
33 10301(a), as amended from time to time; and

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

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

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

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

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

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

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

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

73 (B) Any use of race, color, language minority group or any
74 characteristic that serves as a proxy for race, color or language minority
75 group for the purpose of districting or redistricting shall presumptively
76 constitute a violation of subdivision (1) of this subsection, provided a
77 municipality may rebut this presumption by demonstrating that race,
78 color, language minority group or any characteristic that serves as a

79 proxy for race, color or language minority group was so used only to
80 the extent necessary to comply with the provisions of sections 1 to 8,
81 inclusive, of this act, the federal Voting Rights Act of 1965, P.L. 89-110,
82 as amended from time to time, the Constitution of Connecticut or the
83 Constitution of the United States.

84 (C) In determining whether racially polarized voting by protected
85 class electors in a municipality occurs or whether candidates or electoral
86 choices preferred by protected class electors would usually be defeated,
87 the superior court for the judicial district in which the municipality is
88 located (i) shall consider elections held prior to the filing of an action
89 pursuant to this section as more probative than elections conducted
90 after such filing, (ii) shall consider evidence concerning elections for
91 members of the legislative body of such municipality as more probative
92 than evidence concerning elections for other municipal officials, (iii)
93 shall consider statistical evidence as more probative than nonstatistical
94 evidence, (iv) in the case of evidence that two or more protected classes
95 of electors are politically cohesive in such municipality, may combine
96 electors of such protected classes, (v) shall not require evidence
97 concerning the intent of electors, elected officials or such municipality
98 to discriminate against protected class electors, (vi) shall not consider
99 evidence of explanations for voting patterns and election outcomes
100 other than racially polarized voting, including, but not limited to,
101 partisanship, (vii) shall not consider evidence that subgroups of
102 protected class electors have different voting patterns, (viii) shall not
103 consider evidence concerning whether protected class electors are
104 geographically compact or concentrated, but may use such evidence to
105 appropriately remedy a violation of subdivision (1) of this subsection,
106 and (ix) shall not consider evidence concerning projected changes in
107 population or demographics, but may use such evidence to
108 appropriately remedy a violation of said subdivision.

109 (c) (1) In determining whether, based on the totality of the
110 circumstances, the ability of protected class electors to elect candidates
111 of their choice or otherwise influence the outcome of elections is

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

143 (2) No item for consideration described in subdivision (1) of this
144 subsection shall be dispositive or required for a finding of the existence
145 of racially polarized voting. Evidence of such items concerning the state,

146 private actors or other surrounding municipalities may be considered,
147 but shall be less probative than evidence concerning the municipality
148 itself.

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

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

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

179 (f) (1) In the case of any proposal for a municipality to enact and
180 implement (A) a new method of election to replace such municipality's
181 at-large method of election with either a district-based method of
182 election or an alternative method of election, or (B) a new districting or
183 redistricting plan, the legislative body of such municipality shall act in
184 accordance with the provisions of subdivision (2) of this subsection if
185 any such proposal was made after the receipt of a notification letter
186 described in subsection (g) of this section or after the filing of a claim
187 pursuant to this section or the federal Voting Rights Act of 1965, P.L. 89-
188 110, as amended from time to time.

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

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

211 (C) In determining the sequence of elections in the event the members

212 of the legislative body of such municipality would be elected for
213 staggered terms under any such districting or redistricting plan or
214 plans, such legislative body shall give special consideration to the
215 purposes of sections 1 to 8, inclusive, of this act and take into account
216 the preferences expressed by electors in the districts.

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

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

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

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

242 (i) The municipality shall hold at least one public hearing on any

243 proposal to remedy any potential violation of the provisions of sections
244 1 to 8, inclusive, of this act, at which members of the public may provide
245 input regarding any such proposed remedies. In advance of such
246 hearing, the municipality shall conduct outreach to members of the
247 public, including to language minority communities, to encourage such
248 input.

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

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

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

273 (v) If the Secretary of the State denies the proposed remedy, (I) such
274 proposed remedy shall not be enacted or implemented, (II) the Secretary

275 shall set forth the objections to such proposed remedy and explain the
276 basis for such denial, and (III) the Secretary may recommend another
277 proposed remedy that the Secretary would approve.

278 (vi) If the Secretary of the State does not approve or reject such
279 proposed remedy within sixty days after the submission of such
280 proposed remedy by the municipality, the proposed remedy shall not
281 be enacted or implemented.

282 (D) A municipality that has passed a resolution described in
283 subparagraph (B) of this subdivision may enter into an agreement with
284 any party who sent a notification letter described in subdivision (1) of
285 this subsection providing that such party shall not file an action
286 pursuant to this section earlier than ninety days after entering into such
287 agreement. If such party agrees to so enter into such an agreement, such
288 agreement shall require that the municipality either enact and
289 implement a remedy that complies with the provisions of sections 1 to
290 8, inclusive, of this act or pass such a resolution and submit such
291 resolution to the Secretary of the State. If such party declines to so enter
292 into such an agreement, such party may file an action pursuant to this
293 section at any time.

294 (E) If, pursuant to the provisions of this subsection, a municipality
295 enacts or implements a remedy or the Secretary of the State approves a
296 proposed remedy, a party who sent a notification letter described in
297 subdivision (1) of this subsection may, not later than thirty days after
298 such enactment, implementation or approval, submit a claim for
299 reimbursement from such municipality for the costs associated with
300 producing and sending such notification letter. Such party shall submit
301 such claim in writing and substantiate such claim with financial
302 documentation, including a detailed invoice for any demography
303 services or analysis of voting patterns in such municipality. Upon
304 receipt of any such claim, such municipality may request additional
305 financial documentation if that which has been provided by such party
306 is insufficient to substantiate such costs. Such municipality shall
307 reimburse such party for reasonable costs claimed or for an amount to

308 which such party and such municipality agree, except that the
309 cumulative amount of any such reimbursements to all such parties other
310 than the Secretary of the State shall not exceed forty-three thousand
311 dollars, adjusted in accordance with any change in the consumer price
312 index for all urban consumers as published by the United States
313 Department of Labor, Bureau of Labor Statistics. If any such party and
314 such municipality fail to agree to a reimbursement amount, either such
315 party or such municipality may file an action for a declaratory judgment
316 with the superior court for the judicial district in which such
317 municipality is located for a clarification of rights.

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

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

337 Sec. 3. (NEW) (*Effective January 1, 2023*) (a) There is established in the
338 office of the Secretary of the State a state-wide database of information
339 necessary to assist the state and any municipality in (1) evaluating
340 whether and to what extent current laws and practices related to

341 election administration are consistent with the provisions of sections 1
342 to 8, inclusive, of this act, (2) implementing best practices in election
343 administration to further the purposes of said sections, and (3)
344 investigating any potential infringement upon the right to vote.

345 (b) The Secretary of the State shall designate an employee of the office
346 of the Secretary of the State to serve as manager of the state-wide
347 database. Such employee shall hold an advanced degree from an
348 accredited college or university and have expertise in demography,
349 statistical analysis and electoral systems. Such employee shall be
350 responsible for the operation of such state-wide database and shall
351 manage such staff as is necessary to implement and maintain such state-
352 wide database.

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

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

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

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

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

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

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

372 (7) Any other information the Secretary of the State deems advisable
373 to maintain in furtherance of the purposes of sections 1 to 8, inclusive,
374 of this act.

375 (d) All data, estimates or other information maintained in the state-
376 wide database shall be published on the Internet web site of the office of
377 the Secretary of the State and made available to members of the public
378 at no cost, provided no such data, estimate or other information may
379 identify any individual elector.

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

383 (f) At the time the Secretary of the State is prepared to commence
384 administration of the state-wide database established under this section,
385 the Secretary shall submit a report to the joint standing committee of the
386 General Assembly having cognizance of matters relating to elections, in
387 accordance with the provisions of section 11-4a of the general statutes,
388 certifying such fact. Not later than ninety days after such certification,
389 and every third year thereafter, the Secretary shall publish on the
390 Internet web site of the office of the Secretary of the State (1) a list of each
391 municipality required under section 4 of this act to provide assistance to
392 members of language minority groups, and (2) each language in which
393 such municipalities are so required to provide such assistance. The
394 Secretary shall also distribute such information to each municipality.

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

401 each district associated with any such polling place location.

402 (h) The office of the Secretary of the State may provide nonpartisan
403 technical assistance to municipalities, researchers and members of the
404 public seeking to use the resources of the state-wide database.

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

408 Sec. 4. (NEW) (*Effective January 1, 2023*) (a) A municipality shall
409 provide language-related assistance in voting and elections to a
410 language minority group in such municipality if the Secretary of the
411 State determines, based on information from the American Community
412 Survey, that:

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

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

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

426 (b) Whenever the Secretary of the State determines that a
427 municipality is required to provide language assistance to a particular
428 language minority group, such municipality shall provide voting
429 materials (1) in English, and (2) in the language of each such language
430 minority group of an equal quality to the corresponding English

431 materials, including registration or voting notices, forms, instructions,
432 assistance, ballots or other materials or information relating to the
433 electoral process, except that in the case of a language minority group
434 where the language of such language minority group is oral or
435 unwritten, including historically unwritten as may be the case for some
436 Native Americans, such municipality may provide only oral
437 instructions, assistance or other information relating to the electoral
438 process to such language minority group.

439 (c) In the case of any municipality described in this section, which
440 seeks to provide only English materials despite a determination by the
441 Secretary of the State under this section that such municipality is
442 required to provide language assistance to a particular language
443 minority group, such municipality may file an action for a declaratory
444 judgment in the superior court for the judicial district in which such
445 municipality is located for permission to provide only English materials.
446 Such court shall enter such declaratory judgment in the municipality's
447 favor if such court finds that the Secretary's determination was
448 unreasonable or an abuse of discretion.

449 (d) Any elector who is a member of a language minority group in a
450 municipality described in this section may file an action in the superior
451 court for the judicial district in which such municipality is located to
452 enforce the provisions of this section.

453 Sec. 5. (NEW) (*Effective January 1, 2024*) (a) The enactment or
454 implementation of a covered policy, as described in subsection (b) of this
455 section, by a covered jurisdiction, as described in subsection (c) of this
456 section, shall be subject to preclearance by the Secretary of the State or
457 the superior court for the judicial district in which such covered
458 jurisdiction is located.

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

- 462 (1) Districting or redistricting;
- 463 (2) Method of election;
- 464 (3) Form of government;
- 465 (4) Annexation, incorporation, dissolution, consolidation or division
466 of a municipality;
- 467 (5) Removal of individuals from registry lists or enrollment lists and
468 other activities concerning any such list;
- 469 (6) Admission of electors;
- 470 (7) Location or hours of any polling place or number of polling places;
- 471 (8) Assignment of districts to polling place locations;
- 472 (9) Assistance offered to protected class individuals; or
- 473 (10) Any additional subject matter the Secretary of the State may
474 identify for inclusion in this subsection, pursuant to a regulation
475 adopted by the Secretary in accordance with the provisions of chapter
476 54 of the general statutes, if the Secretary determines that any
477 qualification for admission as an elector, prerequisite to voting or
478 ordinance, regulation, standard, practice, procedure or policy
479 concerning such subject matter may have the effect of denying or
480 abridging the right to vote of any protected class elector.

481 (c) A covered jurisdiction includes:

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

489 vote or discrimination against any protected class;

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

493 (3) Any municipality in which during the prior ten years, based on
494 data from criminal justice information systems, as defined in section 54-
495 142q of the general statutes, the combined misdemeanor and felony
496 arrest rate of any protected class consisting of at least one thousand
497 citizens of voting age, or whose members comprise at least ten per cent
498 of the citizen voting age population of such municipality, has exceeded
499 the arrest rate of the entire citizen voting age population of such
500 municipality by at least twenty per cent; or

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

508 (d) (1) If a covered jurisdiction seeks preclearance from the Secretary
509 of the State for the adoption or implementation of any covered policy,
510 such covered jurisdiction shall submit, in writing, such covered policy
511 to the Secretary and may obtain such preclearance in accordance with
512 the provisions of this subsection.

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

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

520 after such receipt; and

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

529 (3) Prior to granting or denying such preclearance, the Secretary of
530 the State shall publish notice of the proceedings for making such
531 determination and shall provide an opportunity for any interested party
532 to submit written comments concerning the covered policy and such
533 determination.

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

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

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

548 (6) If the Secretary of the State does not grant or deny such
549 preclearance within the applicable time specified in subdivision (2) of
550 this subsection, such covered policy shall be deemed precleared and the

551 covered jurisdiction may enact and implement such covered policy.

552 (e) (1) If a covered jurisdiction seeks preclearance from the superior
553 court for the judicial district in which such covered jurisdiction is
554 located for the adoption or implementation of any covered policy, such
555 covered jurisdiction shall submit, in writing, such covered policy to such
556 court and may obtain such preclearance in accordance with the
557 provisions of this subsection, provided (A) such covered jurisdiction
558 shall also contemporaneously transmit to the Secretary of the State a
559 copy of such submission, and (B) failure to so provide such copy shall
560 result in an automatic denial of such preclearance. Notwithstanding the
561 transmission to the Secretary of a copy of any such submission, the court
562 shall exercise exclusive jurisdiction over such submission.

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

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

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

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

579 (f) If any covered jurisdiction enacts or implements any covered
580 policy without obtaining preclearance for such covered policy in
581 accordance with the provisions of this section, the Secretary of the State

582 or any party described in subsection (d) of section 2 of this act may file
583 an action in the superior court for the judicial district in which such
584 covered jurisdiction is located to enjoin such enactment or
585 implementation and seek sanctions against such covered jurisdiction for
586 violations of this section.

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

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

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

600 (C) Not later than ninety days after such submission, the Secretary of
601 the State shall decide whether such covered jurisdiction may further
602 implement such covered policy. Prior to making such decision, the
603 Secretary shall publish notice of the proceedings for making such
604 decision and shall provide an opportunity for any interested party to
605 submit written comments concerning the covered policy and such
606 decision.

607 (D) (i) The Secretary of the State shall deny further implementation
608 of such covered policy if it is determined that such covered policy is
609 likely to diminish the ability of protected class electors to participate in
610 the political process or elect their preferred candidates. For any such
611 denial, the Secretary shall set forth the objections to such covered policy
612 and explain the basis for such denial. No such denial may provide a

613 basis for the invalidation of any election held under such covered policy.

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

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

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

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

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

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

642 (3) Any person who obstructs, impedes or otherwise interferes with

643 access to any polling place or office of any election official or who
644 obstructs, impedes or otherwise interferes with any elector in any
645 manner that causes or will reasonably have the effect of causing any
646 delay in voting or the voting process, including the canvassing or
647 tabulation of ballots.

648 (c) Any aggrieved person, any organization whose membership
649 includes or is likely to include aggrieved persons, any organization
650 whose mission would be frustrated by a violation of this section, any
651 organization that would expend resources in order to fulfill such
652 organization's mission as a result of a violation of this section or the State
653 Elections Enforcement Commission may file an action pursuant to this
654 section in the superior court for the judicial district in which such
655 alleged violation occurred.

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

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

667 Sec. 7. (NEW) (*Effective January 1, 2023*) In any action or investigation
668 to enforce the provisions of sections 1 to 6, inclusive, of this act, the State
669 Elections Enforcement Commission may examine witnesses, receive
670 oral and documentary evidence, determine material facts and issue
671 subpoenas in accordance with the ordinary rules of civil procedure.

672 Sec. 8. (NEW) (*Effective January 1, 2023*) In any action to enforce the
673 provisions of sections 1 to 6, inclusive, of this act, the court may award

