AN ACT CONCERNING STATE VOTING RIGHTS IN RECOGNITION OF JOHN R. LEWIS.

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

Section 1. (NEW) (Effective July 1, 2023) As used in this section and sections 2 to 9, inclusive, of this act:

(1) "Alternative method of election" means a method of electing candidates to the legislative body of a municipality other than an at-large method of election or a district-based method of election, and includes, but is not limited to, proportional ranked-choice voting, cumulative voting and limited voting;

(2) (A) "At-large method of election" means a method of electing candidates to the legislative body of a municipality in which such candidates are voted upon by all electors of such municipality;

(B) "At-large method of election" does not include any alternative method of election;
(3) "District-based method of election" means a method of electing candidates to the legislative body of a municipality in which, for municipalities divided into districts, a candidate for any such district is required to reside in such district and candidates representing or seeking to represent such district are voted upon by only the electors of such district;

(4) "Federal Voting Rights Act" means the federal Voting Rights Act of 1965, 52 USC 10301 et seq., as amended from time to time;

(5) "Government enforcement action" means any denial of administrative or judicial preclearance by the state or federal government, pending litigation filed by a state or federal entity, final judgment or adjudication, consent decree or other similar formal action;

(6) "Legislative body" means the board of aldermen, council, board of burgesses, representative town meeting, board of education, district committee, association committee or other similar body, as applicable, of a municipality;

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

(8) "Organization" means a person other than an individual;

(9) "Protected class" means a class of citizens who are members of a race, color or language minority group, as referenced in the federal Voting Rights Act;

(10) "Racially polarized voting" means voting in which the candidate or electoral choice preferred by protected class members diverges from the candidate or electoral choice preferred by other electors; and

(11) "Vote" or "voting" includes any action necessary to cast a ballot and make such ballot effective in any election, primary or special election, including, but not limited to, admission as an elector,
application for an absentee ballot and any other action required by law
as a prerequisite to casting a ballot and having such ballot counted,
canvassed or certified properly and included in the appropriate totals of
votes cast with respect to candidates for election or nomination and to
referendum questions.

Sec. 2. (NEW) (Effective July 1, 2023) (a) (1) No qualification for
eligibility to be an elector or other prerequisite to voting may be
imposed, no ordinance, regulation or other law regarding the
administration of elections may be enacted, and no standard, practice,
procedure or policy may be applied, in a manner that results in an
impairment of the right to vote for any protected class member.

(2) It shall be a violation of subdivision (1) of this subsection for any
municipality to impose any qualification for eligibility to be an elector
or other prerequisite to voting, to enact any ordinance, regulation or
other law regarding the administration of elections or to apply any
standard, practice, procedure or policy that:

(A) Results or will result in a disparity, among such municipality's
protected class members, in electoral participation, access to voting
opportunities or ability to participate in the political process; or

(B) Based on the totality of the circumstances, results in an
impairment of the opportunity or ability of such municipality's
protected class members to participate in the political process and elect
candidates of their choice or otherwise influence the outcome of
elections.

(b) (1) No municipality shall employ any method of election that has
the effect, or is motivated in part by the intent, of impairing the
opportunity or ability of protected class members to participate in the
political process and elect candidates of their choice or otherwise
influence the outcome of elections as a result of diluting the vote of such
protected class members.

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

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

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

(B) In determining whether racially polarized voting by protected class members in a municipality occurs or whether candidates or electoral choices preferred by protected class members would usually be defeated, the superior court for the judicial district of Hartford (i) shall consider elections held prior to the filing of an action pursuant to this section as more probative than elections conducted after such filing, (ii) shall consider evidence concerning elections for any municipal office in such municipality as more probative than evidence concerning elections for other offices, but may still afford probative value to evidence concerning elections for such other offices; (iii) shall consider statistical evidence as more probative than nonstatistical evidence, (iv) in the case of claims brought on behalf of two or more protected classes that are politically cohesive in such municipality, shall combine members of such protected classes to determine whether voting by such combined protected class members is polarized from other electors and shall not require evidence that voting by each such protected class' members is separately polarized from such other electors, (v) shall not require evidence concerning the intent of electors, elected officials or such municipality to discriminate against protected class members, (vi)
shall not consider evidence of explanations for voting patterns and
election outcomes other than racially polarized voting, including, but
not limited to, partisanship, (vii) shall not consider evidence that
subgroups of protected class members have different voting patterns,
(viii) shall not consider evidence concerning whether protected class
members are geographically compact or concentrated, but may use such
evidence to appropriately remedy a violation of subdivision (1) of this
subsection, and (ix) shall not consider evidence concerning projected
changes in population or demographics, but may use such evidence to
appropriately remedy a violation of said subdivision.

(c) (1) In determining whether, based on the totality of the
circumstances, an impairment of the right to vote for any protected class
member, or of the opportunity or ability of protected class members to
participate in the political process and elect candidates of their choice or
otherwise influence the outcome of elections, has occurred, the superior
court for the judicial district of Hartford may consider factors that
include, but are not limited to: (A) The history of discrimination in or
affecting the municipality or state; (B) the extent to which protected class
members have been elected to office in the municipality; (C) the use of
any qualification for eligibility to be an elector or other prerequisite to
voting, any statute, ordinance, regulation or other law regarding the
administration of elections, or any standard, practice, procedure or
policy, by the municipality that may enhance the dilutive effects of a
method of election in such municipality; (D) the denial of protected class
members' or candidates' access to election administration or campaign
finance processes that determine which candidates will receive access to
the ballot or financial or other support in a given election in the
municipality; (E) the extent to which protected class members in the
municipality or state make expenditures, as defined in section 9-601b of
the general statutes, at lower rates than other individuals in such
municipality or state; (F) the extent to which protected class members in
the municipality or state vote at lower rates than other electors in the
municipality or state, as applicable; (G) the extent to which protected
class members in the municipality are disadvantaged, or otherwise bear
the effects of public or private discrimination, in areas such as education, employment, health, criminal justice, housing, transportation, land use or environmental protection; (H) the extent to which protected class members in the municipality are disadvantaged in other areas that may hinder their ability to participate effectively in the political process; (I) the use of overt or subtle racial appeals in political campaigns in the municipality or surrounding the adoption or maintenance of a challenged practice; (J) the extent to which candidates face hostility or barriers while campaigning due to their membership in a protected class; (K) a lack of responsiveness by elected officials of the municipality to the particularized needs of protected class members, including, but not limited to, the requests and proposals of protected class members, except that compliance with a court order shall not be considered to be evidence of such responsiveness; and (L) whether the particular method of election, ordinance, regulation or other law regarding the administration of elections, standard, practice, procedure or policy was designed to advance, and does materially advance, a valid and substantiated state interest.

(2) No particular combination or number of factors under subdivision (1) of this subsection shall be required for the court to determine the occurrence of an impairment under this subsection.

(3) Nothing in this subsection shall preclude any additional relevant factor from being considered by the court, provided the totality of the circumstances for consideration shall not include the following factors: (A) The total number or share of protected class members on whom the challenged qualification, prerequisite, standard, practice or procedure does not impose a material burden; (B) the degree to which use of the challenged qualification, prerequisite, standard, practice or procedure has a long history or was previously widespread; (C) the use of an identical or similar qualification, prerequisite, standard, practice or procedure in other municipalities or states; (D) the availability of other forms of voting to all electors, including protected class members, of the municipality that are unimpaired by the challenged qualification, prerequisite, standard, practice or procedure, unless such municipality
is simultaneously expanding such other forms of voting to eliminate any
disproportionate burden imposed by such challenged qualification,
prerequisite, standard, practice or procedure; and (E) unsubstantiated
defenses that the qualification, prerequisite, standard, practice or
procedure is necessary to address criminal activity.

(d) Any individual or organization aggrieved by a violation of this
section, any organization (1) whose membership includes or is likely to
include persons aggrieved by such a violation, (2) whose mission would
be frustrated by such a violation, or (3) that would expend resources in
order to fulfill such organization's mission as a result of such a violation,
or the Secretary of the State may file an action alleging a violation of this
section in the superior court for the judicial district of Hartford.
Members of two or more protected classes that are politically cohesive
in a municipality may jointly file such an action in such court.

(e) (1) Notwithstanding any provision of title 9 of the general statutes
and any special act, charter or home rule ordinance, whenever the
superior court for the judicial district of Hartford finds a violation by a
municipality of any provision of this section, such court shall order
appropriate remedies that are tailored to address such violation in such
municipality and ensure that protected class members have equitable
opportunities to fully participate in the political process, which
remedies may include, but not be limited to: (A) A district-based
method of election; (B) an alternative method of election; (C) new or
revised districting or redistricting plans; (D) elimination of staggered
elections so that all members of the legislative body are elected at the
same time; (E) reasonably increasing the size of the legislative body; (F)
additional voting days or hours; (G) additional polling locations; (H)
additional means of voting, such as voting by mail, or additional
opportunities to return ballots; (I) holding of special elections; (J)
expanded opportunities for admission of electors; (K) additional elector
education; (L) the restoration or addition of individuals to registry lists;
or (M) retaining jurisdiction for such period of time as the court may
deem appropriate, during which period no qualification for eligibility
to be an elector or prerequisite to voting, or standard, practice or
procedure with respect to voting, that is different from that in effect at the time an action under subsection (d) of this section was commenced shall be enforced unless the court finds that such qualification, prerequisite, standard, practice or procedure does not have the purpose, and will not have the effect, of impairing the right to vote on the basis of protected class membership or in contravention of the guarantees with respect to such right that are set forth in sections 1 to 9, inclusive, of this act. Notwithstanding the provisions of subparagraph (M) of this subdivision, any such finding by the court shall not be a bar to any subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice or procedure.

(2) Such court may only order a remedy if such remedy will not impair the ability of protected class electors to participate in the political process and elect their preferred candidates or otherwise influence the outcome of elections. Such court shall consider remedies proposed by any parties to an action filed pursuant to subsection (d) of this section and by other interested persons who are not such parties. The court shall not give deference or priority to a remedy proposed by a municipality simply because it has been proposed by such municipality. The court shall have authority to order that a municipality implement one or more remedies that may be inconsistent with the provisions of state or municipal law, where such inconsistent provisions would otherwise preclude the court from ordering an appropriate remedy.

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

(2) (A) Prior to drawing a draft districting or redistricting plan or
plans, or transitioning to a proposed alternative method of election, the
municipality shall hold at least two public hearings, within a period of
not more than thirty days of each other, at which members of the public
may provide input regarding such draft or proposal, including, if
applicable, the composition of districts. Notice of each such hearing
shall be published at least three weeks prior to the date of such hearing.
In advance of each such hearing, the municipality shall conduct
outreach to members of the public, including to language minority
groups, to explain the districting or redistricting process and to
encourage such input.

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

(C) In determining the sequence of elections in the event the members
of the legislative body of such municipality would be elected for
staggered terms under any such districting or redistricting plan or
plans, such legislative body shall give special consideration to the
purposes of sections 1 to 9, inclusive, of this act and take into account
the preferences expressed by electors in the districts.

(g) (1) Prior to filing an action against a municipality pursuant to
subsection (d) of this section, any party described in subsection (d) of
this section shall send by certified mail, return receipt requested, a
notification letter to the clerk of such municipality asserting that such municipality may be in violation of the provisions of sections 1 to 9, inclusive, of this act.

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

(B) Prior to receiving a notification letter, or not later than fifty days after any such notification letter is sent to a municipality, the legislative body of such municipality may pass a resolution (i) affirming such municipality’s intention to enact and implement a remedy for a potential violation of the provisions of sections 1 to 9, inclusive, of this act, (ii) setting forth specific measures such municipality will take to facilitate approval and implementation of such a remedy, and (iii) providing a schedule for the enactment and implementation of such a remedy. No party described in subsection (d) of this section may file an action pursuant to this section earlier than ninety days after passage of any such resolution by such legislative body.

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

(i) The municipality shall hold at least one public hearing on any proposal to remedy any potential violation of the provisions of sections 1 to 9, inclusive, of this act, at which members of the public may provide input regarding any such proposed remedies. In advance of such hearing, the municipality shall conduct outreach to members of the public, including to language minority groups, to encourage such input.

(ii) The legislative body of such municipality may approve any such proposed remedy that complies with the provisions of sections 1 to 9, inclusive, of this act and submit such proposed remedy to the Secretary
of the State.

(iii) Notwithstanding any provision of title 9 of the general statutes and any special act, charter or home rule ordinance, the Secretary of the State shall, not later than sixty days after submission of such proposed remedy by such municipality, approve or reject such proposed remedy in accordance with the provisions of this clause. The Secretary may only approve such proposed remedy if the Secretary concludes (I) such municipality may be in violation of the provisions of sections 1 to 9, inclusive, of this act, (II) the proposed remedy would address any such potential violation, (III) the proposed remedy is unlikely to violate the Constitution of Connecticut or any federal law, and (IV) implementation of the proposed remedy is feasible.

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

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

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

(D) A municipality that has passed a resolution described in subparagraph (B) of this subdivision may enter into an agreement with any party who sent a notification letter described in subdivision (1) of this subsection providing that such party shall not file an action
pursuant to this section earlier than ninety days after entering into such agreement. If such party agrees to so enter into such an agreement, such agreement shall require that the municipality either enact and implement a remedy that complies with the provisions of sections 1 to 9, inclusive, of this act or pass such a resolution and submit such resolution to the Secretary of the State. If such party declines to so enter into such an agreement, such party may file an action pursuant to this section at any time.

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

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

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

(G) Notwithstanding the provisions of this subsection, a party
described in subsection (d) of this section may file an action pursuant to
subsection (d) of this section without first sending a notification letter if
the action is commenced not later than one year after enactment of the
challenged practice or policy or if the prospect of obtaining relief
pursuant to this subsection is futile.

Sec. 3. (NEW) (Effective January 1, 2024) (a) There is established in the
office of the Secretary of the State a state-wide database of information
necessary to assist the state and any municipality in (1) evaluating
whether and to what extent current laws and practices related to
election administration are consistent with the provisions of sections 1
to 9, inclusive, of this act, (2) implementing best practices in election
administration to further the purposes of said sections, and (3)
investigating any potential infringement upon the right to vote.

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

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

(1) Estimates of total population, voting age population and citizen
voting age population by race, color and language minority group,
broken down annually to the voting district level for each municipality,
based on information from the United States Census Bureau, including
from the American Community Survey, or information of comparable
quality collected by a similar governmental agency, and accounting for
population adjustments pursuant to section 9-169h of the general
statutes, as applicable;

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

(3) Regularly updated registry lists, geocoded locations for each
elector and elector history files for each election in each municipality;

(4) Contemporaneous maps, descriptions of boundaries and other
similar items, which shall be provided as shapefiles or in a comparable
electronic format if an electronic format is available;

(5) Geocoded locations of polling places and absentee ballot drop
boxes for each election in each municipality, and a list or description of
the voting districts or geographic areas served by each such location;
and

(6) Any other information the Secretary of the State deems advisable
to maintain in furtherance of the purposes of sections 1 to 9, inclusive, of this act.

(d) Except for any data, information or estimates that identify individual electors, the data, information or estimates maintained in the state-wide database shall be published on the Internet web site of the office of the Secretary of the State and made publicly available at no cost.

(e) Any estimates prepared pursuant to this section, including estimates of eligible electors, shall be prepared using the most advanced, peer-reviewed and validated methodologies.

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

(g) Upon the certification of election results and the completion of the elector history file after each election, the entity responsible for administering elections in each municipality shall transmit to the Secretary of the State, in electronic format, copies of (1) such election results at the voting district level, (2) updated registry lists, (3) elector history files, (4) maps, descriptions of boundaries and other similar items, and (5) lists of polling place and absentee ballot drop box locations and lists or descriptions of the voting districts or geographic areas served by such locations.

(h) At least annually or upon the request by the Secretary of the State, the Criminal Justice Information Systems Governing Board established
under section 54-142q of the general statutes, or any other state entity identified by the Secretary as possessing data, statistics or other information that the office of the Secretary of the State requires to carry out its duties and responsibilities under title 9 of the general statutes, shall provide to the Secretary such data, statistics or information.

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

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

Sec. 4. (NEW) (Effective January 1, 2024) (a) The Secretary of the State shall designate one or more languages, other than English, for which assistance in voting and elections shall be provided in a municipality if the Secretary finds that a significant and substantial need exists for such assistance.

(b) (1) The Secretary of the State shall find that such significant and substantial need exists if, based on the best available data, which may include information from the United States Census Bureau's American Community Survey, or data of comparable quality collected by a governmental entity:

(A) More than two per cent of the citizens of voting age of such municipality, but in no instance fewer than one hundred such citizens, speak a language other than English and are limited English proficient individuals;

(B) More than four thousand of the citizens of voting age of such municipality speak a language other than English and are limited English proficient individuals; or

(C) In the case of a municipality that contains any part of a Native American reservation, more than two per cent of the Native American
citizens of voting age within such Native American reservation are
proficient in a language other than English and are limited English
proficient individuals. As used in this subdivision, "Native American"
includes any person recognized by the United States Census Bureau, or
this state, as "American Indian".

(2) As used in this section, "limited English proficient individual"
means an individual who does not speak English as such individual's
primary language and who speaks, reads or understands the English
language less than "very well", in accordance with United States Census
Bureau data or data of comparable quality collected by a governmental
entity.

(c) Not later than January 15, 2024, and at least annually thereafter,
the Secretary of the State shall publish on the Internet web site of the
office of the Secretary of the State a list of (1) each municipality in which
assistance in voting and elections in a language other than English shall
be provided, and (2) each such language in which such assistance shall
be provided in each such municipality. The Secretary shall distribute to
each affected municipality the information contained in such list.

(d) Each municipality described in subsection (c) of this section shall
provide assistance in voting and elections, including related materials,
in any language designated by the Secretary of the State under
subsection (a) of this section to electors in such municipality who are
limited English proficient individuals.

(e) Whenever the Secretary of the State determines, pursuant to this
section, that language assistance shall be provided in a municipality,
such municipality shall provide competent assistance in each
designated language and shall provide related materials (1) in English,
and (2) in each designated language, including registration or voting
notices, forms, instructions, assistance, ballots or other materials or
information relating to the electoral process, except that in the case of a
language that is oral or unwritten, including historically unwritten as
may be the case for some Native Americans, such municipality may
provide only oral instructions, assistance or other information relating

to the electoral process in such language. All materials provided in a
designated language shall be of an equal quality to the corresponding
English materials. All provided translations shall convey the intent and
essential meaning of the original text or communication and shall not
rely solely on any automatic translation service. Whenever available,
language assistance shall also include live translation.

(f) The Secretary of the State shall adopt regulations, in accordance
with the provisions of chapter 54 of the general statutes, to establish a
review process under which the Secretary shall determine whether a
significant and substantial need exists in a municipality for a language
to be designated for the provision of assistance in voting and elections.
Such process shall include, at a minimum, (1) an opportunity for any
elector, organization whose membership includes or is likely to include
electors, organization whose mission would be frustrated by a
municipality's failure to provide such language assistance or
organization that would expend resources in order to fulfill such
organization's mission as a result of such a failure, to request that the
Secretary consider so designating a language in a municipality, (2) an
opportunity for public comment, and (3) that, upon receipt of any such
request and consideration of any such public comment, the Secretary
may, in accordance with the process for making such determination, so
designate any language in a municipality.

(g) Any individual or organization aggrieved by a violation of this
section, any organization (1) whose membership includes or is likely to
include persons aggrieved by such a violation, (2) whose mission would
be frustrated by such a violation, or (3) that would expend resources in
order to fulfill such organization's mission as a result of such a violation,
or the Secretary of the State may file an action alleging a violation of this
section in the superior court for the judicial district of Hartford.

(h) In the case of any municipality described in this section, which
seeks to provide only English materials despite a determination by the
Secretary of the State under this section that such municipality is
required to provide language assistance in a language designated by the
Secretary, such municipality may file an action against the state in the
superior court for the judicial district of Hartford for a declaratory
judgment permitting such municipality to provide only English
materials. Such court shall enter such declaratory judgment in the
municipality's favor if such court finds that the Secretary's
determination was arbitrary and capricious or an abuse of discretion.

Sec. 5. (NEW) (Effective January 1, 2025) (a) The enactment or
implementation of a covered policy, as described in subsection (b) of this
section, by a covered jurisdiction, as described in subsection (c) of this
section, shall be subject to preclearance, as described in subsections (e)
and (f) of this section, by the Secretary of the State or the superior court
for the judicial district of Hartford.

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

(1) Districting or redistricting;

(2) Method of election;

(3) Form of government;

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

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

(6) Qualifications for inclusion on or restoration to registry lists or
enrollment lists;

(7) Hours of any polling place, or location or number of polling places
or absentee ballot drop boxes;

(8) Assignment of voting districts to polling place or absentee ballot
drop box locations;

(9) Assistance offered to protected class members; or

(10) Any additional subject matter the Secretary of the State may identify for inclusion in this subsection, pursuant to a regulation adopted by the Secretary in accordance with the provisions of chapter 54 of the general statutes, if the Secretary determines that any qualification for admission as an elector, prerequisite to voting or ordinance, regulation, standard, practice, procedure or policy concerning such subject matter may have the effect of diminishing the right to vote of any protected class member or have the effect of violating the provisions of sections 1 to 9, inclusive, of this act.

(c) A covered jurisdiction includes:

(1) Any municipality that, within the prior twenty-five years, has been subject to any court order or government enforcement action based upon a finding of any violation of the provisions of sections 1 to 9, inclusive, of this act, the federal Voting Rights Act, any state or federal civil rights law, the fifteenth amendment to the United States Constitution or the fourteenth amendment to the United States Constitution, which violation concerns the right to vote or discrimination against any protected class;

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

(3) Any municipality (A) that is not a school district, (B) that contains at least one thousand eligible electors of any protected class, or in which members of any protected class constitute at least ten per cent of the eligible elector population of such municipality, and (C) in which, during the prior ten years, based on data from criminal justice information systems, as defined in section 54-142q of the general statutes, the combined misdemeanor and felony arrest rate of any
protected class exceeds the combined misdemeanor and felony arrest rate of the entire population of such municipality by at least twenty per cent;

(4) Any municipality (A) that contains at least one thousand eligible electors of any protected class, or in which members of any protected class constitute at least ten per cent of the eligible elector population of such municipality, and (B) in which, during the prior ten years, the percentage of electors of any such protected class in such municipality that participated in any general election for any municipal office is at least ten percentage points lower than the percentage of all electors in the municipality that participated in such election; or

(5) Any municipality that, during the prior ten years, was found to have enacted or implemented a covered policy without obtaining preclearance for such covered policy pursuant to the process described in subparagraph (G) of subdivision (2) of subsection (e) of this section.

(d) At least annually, the Secretary of the State shall determine which municipalities are covered jurisdictions pursuant to subsection (c) of this section and publish on the Internet web site of the office of the Secretary of the State a list of such municipalities.

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

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

(A) As soon as practicable but not later than ten days after such receipt, the Secretary shall publish on the Internet web site of the office of the Secretary of the State such submission of a covered policy.

(B) Members of the public shall have an opportunity to comment on
such published submission within the time period set forth in subparagraph (I) of this subdivision. For the purposes of facilitating public comment on any such submission, the Secretary shall allow members of the public to sign up to receive notifications or alerts regarding submissions of covered policies for preclearance.

(C) The Secretary shall review such submission and any public comment thereon, and shall, within the time period set forth in subparagraph (I) of this subdivision, provide a report and determination as to whether preclearance of the covered policy should be granted or denied. Such time period shall run concurrently with the time period for public comment.

(D) The covered jurisdiction shall bear the burden of proof in any determination as to preclearance of a covered policy. The Secretary may request from a covered jurisdiction, at any time during the Secretary's review, additional information for the purpose of developing the Secretary's report and determination. Failure of such covered jurisdiction to timely comply with reasonable requests for such additional information may constitute grounds for the denial of preclearance. The Secretary shall publish on the Internet web site of the office of the Secretary of the State each such report and determination upon completion thereof.

(E) In any such determination, the Secretary shall state in writing whether the Secretary is approving or rejecting the covered policy, provided the Secretary may designate preclearance as "preliminary" and subsequently approve or deny final preclearance not later than sixty days after receipt of submission of such covered policy.

(F) (i) The Secretary shall deny preclearance to a submitted covered policy only if the Secretary determines that (I) such covered policy is more likely than not to diminish the opportunity or ability of protected class members to participate in the political process and elect candidates of their choice or otherwise influence the outcome of elections, or (II) such covered policy is more likely than not to violate the provisions of
sections 1 to 9, inclusive, of this act.

(ii) For any such denial, the Secretary shall interpose objections explaining the Secretary’s basis for such denial, and the covered policy shall not be enacted or implemented.

(G) If the Secretary grants preclearance to a submitted covered policy, the covered jurisdiction may immediately enact or implement such covered policy. A determination by the Secretary to so grant preclearance shall not be admissible in, or otherwise considered by, a court in any subsequent action challenging such covered policy.

(H) If the Secretary fails to deny or grant preclearance to a submitted covered policy within the time period set forth in subparagraph (I) of this subdivision, such covered policy shall be deemed precleared and the covered jurisdiction may enact or implement such covered policy.

(I) The time periods for review by the Secretary of the State of any submitted covered policy, for public comment and for any determination of the Secretary to grant or deny preclearance to such covered policy shall be as follows:

(i) For any covered policy concerning the location of polling places or absentee ballot drop boxes, (I) the time period for public comment shall be five business days, and (II) the time period in which the Secretary shall review the covered policy, including any public comment thereon, and make a determination to grant or deny preclearance to such covered policy, shall be not more than fifteen days after the receipt of the submission of such covered policy, except that the Secretary may invoke an extension of not more than twenty days to make any determination under subparagraph (I)(i)(II) of this subparagraph; and

(ii) For any other covered policy, (I) the time period for public comment shall be ten business days, except that, for any covered policy that concerns the implementation of a district-based method of election or an alternative method of election, districting or redistricting plans or a change to a municipality’s form of government, such time period shall
be twenty business days, and (II) the time period in which the Secretary shall review such other covered policy, including any public comment thereon, and make a determination to grant or deny preclearance to such other covered policy, shall be not more than sixty days after the receipt of the submission of such other covered policy, except that the Secretary may invoke up to two extensions of not more than ninety days apiece to make any determination under subparagraph (I)(ii)(II) of this subparagraph.

(J) The Secretary of the State may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish an expedited, emergency preclearance process under which the Secretary may address covered policies that are submitted during or immediately preceding an election as a result of any attack, disaster, emergency or other exigent circumstance. Any preclearance granted pursuant to the regulations adopted under this subparagraph shall be designated "preliminary" and the Secretary may subsequently approve or deny final preclearance not later than sixty days after receipt of submission of such covered policy.

(K) Any denial of preclearance under this subdivision may be appealed, in accordance with the provisions of chapter 54 of the general statutes, to the superior court for the judicial district of Harford. Any such appeal shall be privileged with respect to assignment for trial.

(f) (1) If a covered jurisdiction seeks preclearance from the superior court for the judicial district of Hartford for the adoption or implementation of any covered policy, in lieu of seeking such preclearance from the Secretary of the State pursuant to subsection (e) of this section, such covered jurisdiction shall submit, in writing, such covered policy to such court and may obtain such preclearance in accordance with the provisions of this subsection, provided (A) such covered jurisdiction shall also contemporaneously transmit to the Secretary of the State a copy of such submission, and (B) failure to so provide such copy shall result in an automatic denial of such preclearance. Notwithstanding the transmission to the Secretary of a
copy of any such submission, the court shall exercise exclusive jurisdiction over such submission. The covered jurisdiction shall bear the burden of proof in the court’s determination as to preclearance.

(2) The court shall grant or deny preclearance not later than sixty days after the receipt of submission of a covered policy.

(3) The court shall deny preclearance to a submitted covered policy only if such court determines that (A) such covered policy is more likely than not to diminish the opportunity or ability of protected class members to participate in the political process and elect candidates of their choice or otherwise influence the outcome of elections, or (B) such covered policy is more likely than not to violate the provisions of sections 1 to 9, inclusive, of this act.

(4) If the court grants preclearance to such covered policy, the covered jurisdiction may immediately enact or implement such covered policy. A determination by the court to grant preclearance to a covered policy shall not be admissible in, or otherwise considered by, a court in any subsequent action challenging such covered policy.

(5) If the court denies preclearance to a covered policy, or fails to make a determination within sixty days of receipt of submission of such covered policy, such covered policy shall not be enacted or implemented.

(6) Any denial of preclearance under this subsection may be appealed in accordance with the ordinary rules of appellate procedure. Any action brought pursuant to this subsection shall be privileged with respect to assignment for trial or appeal, as applicable, including expedited pretrial and other proceedings.

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

(h) The Secretary of the State may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to effectuate the purposes of this section. Any estimates prepared for the purpose of identifying covered jurisdictions under this section, including estimates of eligible electors, shall be prepared using the most advanced, peer-reviewed and validated methodologies.

Sec. 6. (NEW) (Effective July 1, 2023) (a) Notwithstanding the provisions of chapter 151 of the general statutes, a person, whether acting under color of law or otherwise, shall not engage in acts of intimidation, deception or obstruction that interfere with any elector's right to vote.

(b) A violation of subsection (a) of this section includes, but is not limited to, the following:

(1) Any person who uses or threatens to use any force, violence, restraint, abduction or duress, who inflicts or threatens to inflict any injury, damage, harm or loss, or who by any other conduct practices intimidation that causes or will reasonably have the effect of causing interference with any elector's right to vote;

(2) Any person who knowingly uses any deceptive or fraudulent device, contrivance or communication that causes or will reasonably have the effect of causing interference with any elector's right to vote; or

(3) Any person who obstructs, impedes or otherwise interferes with access to any polling place or any office or place of business of any election official or who obstructs, impedes or otherwise interferes with any elector or election official in a manner that causes or will reasonably have the effect of causing interference with any elector's right to vote or any delay in voting or the voting process.

(c) (1) Any individual or organization aggrieved by a violation of this
section, any organization (A) whose membership includes or is likely to include persons aggrieved by such a violation, (B) whose mission would be frustrated by such a violation, or (C) that would expend resources in order to fulfill such organization’s mission as a result of such a violation, may file an action alleging a violation of this section in the superior court for the judicial district of Hartford.

(2) In any action brought pursuant to subdivision (1) of this subsection, the complainant shall file a certification attached to the complaint indicating that (A) a copy of such complaint has been sent by first-class mail or delivered to the State Elections Enforcement Commission, or (B) a copy of such complaint will be so sent or delivered not later than the following business day.

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

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

Sec. 7. (NEW) (Effective July 1, 2023) Any provision of the general statutes, regulation adopted thereunder, special act, charter, home rule ordinance or other state or municipal enactment relating to the right to vote shall be construed liberally in favor of (1) protecting the right to cast a ballot and make such ballot effective, (2) ensuring that qualified individuals seeking to be admitted as electors are not impaired in being so admitted, (3) ensuring electors are not impaired in voting, including, but not limited to, having their votes counted, (4) making the fundamental right to vote more accessible to qualified individuals, and
(5) ensuring equitable access for protected class members to opportunities to be admitted as electors and to vote.

Sec. 8. (NEW) (Effective July 1, 2023) Nothing in the provisions of sections 1 to 7, inclusive, of this act shall be construed to affect the powers and duties of the State Elections Enforcement Commission to attempt to secure voluntary compliance relating to any election, primary or referendum or pursue any other remedy authorized under sections 9-7a and 9-7b of the general statutes.

Sec. 9. (NEW) (Effective July 1, 2023) In any action to enforce the provisions of sections 1 to 7, inclusive, of this act, the court shall award reasonable attorneys' fees and litigation costs, including, but not limited to, expert witness fees and expenses, to the party that filed such action, other than the state or any municipality, and that prevailed in such action. The party that filed such action shall be deemed to have prevailed when, as a result of litigation, the party against whom such action was filed has yielded much or all of the relief sought in such action. In the case of a party against whom such action was filed and who prevailed in such action, the court shall not award such party any costs unless such court finds such action to be frivolous, unreasonable or without foundation.

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

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<tr>
<th>Section</th>
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<tr>
<td>Sec. 1</td>
<td>July 1, 2023</td>
<td>New section</td>
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<tr>
<td>Sec. 2</td>
<td>July 1, 2023</td>
<td>New section</td>
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<td>Sec. 3</td>
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<tr>
<td>Sec. 9</td>
<td>July 1, 2023</td>
<td>New section</td>
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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.]