



General Assembly

Amendment

January Session, 2023

LCO No. 8791



Offered by:

SEN. FLEXER, 29th Dist.

REP. BLUMENTHAL, 147th Dist.

To: Subst. Senate Bill No. 1226

File No. 610

Cal. No. 364

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

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

13 (B) "At-large method of election" does not include any alternative

14 method of election;

15 (3) "District-based method of election" means a method of electing
16 candidates to the legislative body of a municipality in which, for
17 municipalities divided into districts, a candidate for any such district is
18 required to reside in such district and candidates representing or
19 seeking to represent such district are voted upon by only the electors of
20 such district;

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

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

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

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

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

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

39 (10) "Divergent voting patterns" means voting in which the candidate
40 or electoral choice preferred by protected class members diverges from
41 the candidate or electoral choice preferred by electors who are not
42 protected class members; and

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

50 (b) In the construction of this section and sections 2 to 9, inclusive, of
51 this act, words and phrases that are not defined in subsection (a) of this
52 section, but that are used in the federal Voting Rights Act and
53 interpreted in relevant case law, including, but not limited to, "political
54 process" and "prerequisite to voting", shall be construed in a manner
55 consistent with such usage and interpretation.

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

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

68 (A) Results or will result in a disparity between such municipality's
69 protected class members and the other members of such municipality's
70 electorate in electoral participation, access to voting opportunities or
71 ability to participate in the political process; or

72 (B) Based on the totality of the circumstances, results in an
73 impairment of the opportunity or ability of such municipality's
74 protected class members to participate in the political process and elect

75 candidates of their choice or otherwise influence the outcome of
76 elections.

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

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

85 (i) Any municipality that employs an at-large method of election, in
86 which the candidates or electoral choices preferred by protected class
87 members would usually be defeated and in which (I) divergent voting
88 patterns occur and such at-large method of election results in a dilutive
89 effect on the vote of protected class members, or (II) based on the totality
90 of the circumstances, the opportunity or ability of protected class
91 members to elect candidates of their choice or otherwise influence the
92 outcome of elections is impaired; or

93 (ii) Any municipality that employs a district-based method of election
94 or an alternative method of election, in which the candidates or electoral
95 choices preferred by protected class members would usually be
96 defeated and in which (I) divergent voting patterns occur and such
97 district-based or alternative method of election results in a dilutive effect
98 on the vote of protected class members, or (II) based on the totality of
99 the circumstances, the ability of protected class members to participate
100 in the political process and elect candidates of their choice or otherwise
101 influence the outcome of elections is impaired.

102 (B) (i) In determining whether divergent voting patterns occur in a
103 municipality or whether a method of election in such municipality
104 results in a dilutive effect on the vote of protected class members, the
105 superior court for the judicial district in which such municipality is
106 located (I) shall consider elections held prior to the filing of an action

107 pursuant to this section as more probative than elections conducted
108 after such filing, (II) shall consider evidence concerning elections for any
109 municipal office in such municipality as more probative than evidence
110 concerning elections for other offices, but may still afford probative
111 value to evidence concerning elections for such other offices, (III) shall
112 consider statistical evidence as more probative than nonstatistical
113 evidence, (IV) in the case of claims brought on behalf of two or more
114 protected classes that are politically cohesive in such municipality, shall
115 combine members of such protected classes to determine whether
116 voting by such combined protected class members is divergent from
117 other electors and shall not require evidence that voting by each such
118 protected class's members is separately divergent from such other
119 electors, and (V) shall not require evidence concerning the intent of
120 electors, elected officials or such municipality to discriminate against
121 protected class members.

122 (ii) Evidence concerning the causes of, or reasons for, the occurrence
123 of divergent voting patterns shall not be deemed relevant to the
124 determination of whether divergent voting patterns occur or whether a
125 method of election results in a dilutive effect on the vote of protected
126 class members.

127 (c) (1) In determining whether, based on the totality of the
128 circumstances, an impairment of the right to vote for any protected class
129 member in a municipality, or of the opportunity or ability of protected
130 class members in a municipality to participate in the political process
131 and elect candidates of their choice or otherwise influence the outcome
132 of elections, has occurred, the superior court for the judicial district in
133 which such municipality is located may consider factors that include,
134 but are not limited to: (A) The history of discrimination in or affecting
135 the municipality or state; (B) the extent to which protected class
136 members have been elected to office in the municipality; (C) the use of
137 any qualification for eligibility to be an elector or other prerequisite to
138 voting, any statute, ordinance, regulation or other law regarding the
139 administration of elections, or any standard, practice, procedure or
140 policy, by the municipality that may enhance the dilutive effects of a

141 method of election in such municipality; (D) the extent of any history of
142 unequal access on the part of protected class members or candidates to
143 election administration or campaign finance processes that determine
144 which candidates will receive access to the ballot or financial or other
145 support in a given election for an office of the municipality; (E) the
146 extent to which protected class members in the municipality or state
147 have historically made expenditures, as defined in section 9-601b of the
148 general statutes, at lower rates than other individuals in such
149 municipality or state; (F) the extent to which protected class members in
150 the municipality or state vote at lower rates than other electors in the
151 municipality or state, as applicable; (G) the extent to which protected
152 class members in the municipality are disadvantaged, or otherwise bear
153 the effects of public or private discrimination, in areas that may hinder
154 their ability to participate effectively in the political process, such as
155 education, employment, health, criminal justice, housing,
156 transportation, land use or environmental protection; (H) the extent to
157 which protected class members in the municipality are disadvantaged
158 in other areas that may hinder their ability to participate effectively in
159 the political process; (I) the use of overt or subtle racial appeals in
160 political campaigns in the municipality or surrounding the adoption or
161 maintenance of a challenged practice; (J) the extent to which candidates
162 face hostility or barriers while campaigning due to their membership in
163 a protected class; (K) a significant or recurring lack of responsiveness on
164 the part of elected officials of the municipality to the particularized
165 needs of a community or communities of protected class members,
166 except that compliance with a court order shall not be considered to be
167 evidence of such responsiveness; and (L) whether the particular method
168 of election, ordinance, regulation or other law regarding the
169 administration of elections, standard, practice, procedure or policy was
170 designed to advance, and does materially advance, a valid state interest.

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

174 (d) Any individual aggrieved by a violation of this section, any

175 organization whose membership includes individuals aggrieved by
176 such a violation or the Secretary of the State may file an action alleging
177 a violation of this section in the superior court for the judicial district in
178 which such violation has occurred. Members of two or more protected
179 classes that are politically cohesive in a municipality may jointly file
180 such an action in such court.

181 (e) (1) Notwithstanding any provision of title 9 of the general statutes
182 and any special act, charter or home rule ordinance, whenever the
183 superior court for a judicial district finds a violation by a municipality
184 within such judicial district of any provision of this section, such court
185 shall order appropriate remedies that are tailored to address such
186 violation in such municipality and to ensure protected class members
187 have equitable opportunities to fully participate in the political process
188 and that can be implemented in a manner that will not unduly disrupt
189 the administration of an ongoing or imminent election. Such court shall
190 take into account the ability of officials who administer elections in such
191 municipality to implement any change to voting for an ongoing or
192 imminent election in a manner that is orderly and fiscally sound, and
193 shall not order any remedy that contravenes the Constitution of
194 Connecticut. Appropriate remedies may include, but need not be
195 limited to: (A) A district-based method of election; (B) an alternative
196 method of election; (C) new or revised districting or redistricting plans;
197 (D) elimination of staggered elections so that all members of the
198 legislative body are elected at the same time; (E) reasonably increasing
199 the size of the legislative body; (F) additional voting days or hours; (G)
200 additional polling places; (H) additional means of voting, such as voting
201 by mail, or additional opportunities to return ballots; (I) holding of
202 special elections; (J) expanded opportunities for admission of electors;
203 (K) additional elector education; (L) the restoration or addition of
204 individuals to registry lists; or (M) retaining jurisdiction for such period
205 of time as the court may deem appropriate, during which period no
206 qualification for eligibility to be an elector or prerequisite to voting, or
207 standard, practice or procedure with respect to voting, that is different
208 from that which was in effect at the time an action under subsection (d)

209 of this section was commenced shall be enforced unless the court finds
210 that such qualification, prerequisite, standard, practice or procedure
211 does not have the purpose, and will not have the effect, of impairing the
212 right to vote on the basis of protected class membership or in
213 contravention of the guarantees with respect to such right that are set
214 forth in sections 1 to 9, inclusive, of this act, provided, in any action
215 brought pursuant to chapter 149 of the general statutes, any remedy
216 ordered shall be consistent with the provisions of said chapter.
217 Notwithstanding the provisions of subparagraph (M) of this
218 subdivision, any such finding by the court shall not be a bar to any
219 subsequent action to enjoin enforcement of such qualification,
220 prerequisite, standard, practice or procedure.

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

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

243 (2) (A) Prior to drawing a draft districting or redistricting plan or
244 plans, or transitioning to a proposed district-based method of election
245 or alternative method of election, the municipality shall hold at least one
246 public hearing at which members of the public may provide input
247 regarding such draft or proposal, including, if applicable, the
248 composition of districts. Notice of each such hearing shall be published
249 at least three weeks prior to the date of such hearing. In advance of each
250 such hearing, the municipality shall conduct outreach to members of the
251 public, including to language minority groups, to explain the districting
252 or redistricting process and to encourage such input.

253 (B) After all such draft districting or redistricting plans are drawn, the
254 municipality shall publish and make available for public dissemination
255 at least one such plan and include the potential sequence of elections in
256 the event the members of the legislative body of such municipality
257 would be elected for staggered terms under such plan. The municipality
258 shall hold at least one public hearing at which members of the public
259 may provide input regarding the content of such plan or plans and, if
260 applicable, such potential sequence of elections. Such plan or plans shall
261 be published at least three weeks prior to consideration at each such
262 hearing. If such plan or plans are revised at or following any such
263 hearing, the municipality shall publish and make available for public
264 dissemination such revised plan or plans at least two weeks prior to any
265 adoption of such revised plan or plans.

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

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

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

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

292 (i) The municipality shall hold at least one public hearing on any
293 proposal to remedy any potential violation of the provisions of sections
294 1 to 9, inclusive, of this act, at which members of the public may provide
295 input regarding any such proposed remedies. In advance of each such
296 hearing, the municipality shall conduct outreach to members of the
297 public, including to language minority groups, to encourage such input.

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

302 (iii) Notwithstanding any provision of title 9 of the general statutes
303 and any special act, charter or home rule ordinance, the Secretary of the
304 State shall, not later than ninety days after submission of such proposed
305 remedy by such municipality, approve or reject such proposed remedy
306 in accordance with the provisions of this clause. The Secretary may

307 require that such municipality or any other party provide additional
308 information related to the submission of such proposed remedy. The
309 Secretary may only approve such proposed remedy if the Secretary
310 concludes (I) such municipality may be in violation of the provisions of
311 sections 1 to 9, inclusive, of this act, (II) the proposed remedy would
312 address any such potential violation, (III) the proposed remedy does not
313 violate the Constitution of Connecticut or any federal law, and (IV) the
314 proposed remedy can be implemented in a manner that will not unduly
315 disrupt the administration of an ongoing or imminent election.

316 (iv) Notwithstanding any provision of title 9 of the general statutes
317 and any special act, charter or home rule ordinance, if the Secretary of
318 the State approves the proposed remedy, such proposed remedy shall
319 be enacted and implemented immediately or, if immediate
320 implementation would unduly disrupt the administration of an ongoing
321 or imminent election, as soon as possible. If the municipality is a covered
322 jurisdiction as described in section 5 of this act, such municipality shall
323 not be required to obtain preclearance for such proposed remedy.

324 (v) If the Secretary of the State denies the proposed remedy, (I) such
325 proposed remedy shall not be enacted or implemented, (II) the Secretary
326 shall set forth the reasons for such denial, and (III) the Secretary may
327 recommend another remedy that the Secretary would approve.

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

332 (D) A municipality that has passed a resolution described in
333 subparagraph (B) of this subdivision may enter into an agreement with
334 any party who sent a notification letter described in subdivision (1) of
335 this subsection providing that such party shall not file an action
336 pursuant to this section earlier than ninety days after entering into such
337 agreement. If such party agrees to so enter into such an agreement, such
338 agreement shall require that the municipality either enact and

339 implement a remedy that complies with the provisions of sections 1 to
340 9, inclusive, of this act or pass such a resolution and submit such
341 resolution to the Secretary of the State. If such party declines to so enter
342 into such an agreement, such party may file an action pursuant to this
343 section at any time, subject to the provisions of subparagraph (A) of this
344 subdivision.

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

370 (F) (i) Notwithstanding the provisions of this subsection, a party
371 described in subsection (d) of this section may seek preliminary relief
372 for a regular election held in a municipality by filing an action pursuant

373 to this section during the one hundred twenty days prior to such regular
374 election. Not later than the filing of such action, such party shall send a
375 notification letter described in subdivision (1) of this subsection to such
376 municipality. In the event any such action is withdrawn or dismissed as
377 being moot as a result of such municipality's enactment or
378 implementation of a remedy, or the approval by the Secretary of the
379 State of a proposed remedy, any such party may only submit a claim for
380 reimbursement in accordance with the provisions of subparagraph (E)
381 of this subdivision.

382 (ii) In the case of preliminary relief sought pursuant to subparagraph
383 (F)(i) of this subdivision by a party described in subsection (d) of this
384 section, the superior court for the judicial district in which such
385 municipality is located shall grant such relief if such court determines
386 that (I) such party has shown a substantial likelihood of success on the
387 merits, and (II) it is possible to implement an appropriate remedy that
388 would resolve the violation alleged under this section prior to such
389 election in a manner that will not unduly disrupt such election.

390 Sec. 3. (NEW) (*Effective January 1, 2024*) (a) The Secretary of the State
391 shall establish a state-wide database of information necessary to assist
392 the state and any municipality in (1) evaluating whether and to what
393 extent current laws and practices related to election administration are
394 consistent with the provisions of sections 1 to 9, inclusive, of this act, (2)
395 implementing best practices in election administration to further the
396 purposes of said sections, and (3) investigating any potential
397 infringement upon the right to vote. The Secretary may enter into an
398 agreement with The University of Connecticut or a member of the
399 Connecticut State University System to perform or assist in performing
400 the functions described in this section.

401 (b) The Secretary of the State shall designate an employee of the office
402 of the Secretary of the State to serve as manager of the state-wide
403 database. Such employee shall possess an advanced degree from an
404 accredited college or university, or equivalent experience, and have
405 expertise in demography, statistical analysis and electoral systems. Such

406 employee shall be responsible for the operation of such state-wide
407 database and shall manage such staff as is necessary to implement and
408 maintain such state-wide database.

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

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

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

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

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

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

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

434 (d) Except for any data, information or estimates that identify
435 individual electors, the data, information or estimates maintained in the

436 state-wide database shall be published on the Internet web site of the
437 office of the Secretary of the State and made publicly available in
438 electronic format at no cost.

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

442 (f) At the time the Secretary of the State is prepared to commence
443 administration of the state-wide database established under this section,
444 the Secretary shall submit a report to the joint standing committee of the
445 General Assembly having cognizance of matters relating to elections, in
446 accordance with the provisions of section 11-4a of the general statutes,
447 certifying such fact.

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

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

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

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

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

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

480 (A) More than two per cent of the citizens of voting age of such
481 municipality speak a particular shared language other than English and
482 are limited English proficient individuals;

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

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

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

498 entity.

499 (c) Not later than January 15, 2024, and at least annually thereafter,
500 the Secretary of the State shall publish on the Internet web site of the
501 office of the Secretary of the State a list of (1) each municipality in which
502 assistance in voting and elections in a language other than English shall
503 be provided, and (2) each such language in which such assistance shall
504 be provided in each such municipality. The Secretary's determinations
505 under this section shall be effective upon such publication. The
506 Secretary shall distribute to each affected municipality the information
507 contained in such list.

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

513 (e) Whenever the Secretary of the State determines, pursuant to this
514 section, that language assistance shall be provided in a municipality,
515 such municipality shall provide competent assistance in each
516 designated language and shall provide related materials (1) in English,
517 and (2) in each designated language, including registration or voting
518 notices, forms, instructions, assistance, ballots or other materials or
519 information relating to the electoral process, except that in the case of a
520 language that is oral or unwritten, including historically unwritten as
521 may be the case for some Native Americans, such municipality may
522 provide only oral instructions, assistance or other information relating
523 to the electoral process in such language. All materials provided in a
524 designated language shall be of an equal quality to the corresponding
525 English materials. All provided translations shall convey the intent and
526 essential meaning of the original text or communication and shall not
527 rely solely on any automatic translation service. Whenever available,
528 language assistance shall also include live translation.

529 (f) The Secretary of the State shall adopt regulations, in accordance

530 with the provisions of chapter 54 of the general statutes, to establish a
531 review process under which the Secretary shall determine, upon receipt
532 of a request submitted under this subsection, whether a significant and
533 substantial need exists in a municipality for a language to be designated
534 for the provision of assistance in voting and elections whenever such a
535 need has not been found under subsection (b) of this section. Such
536 process shall include, at a minimum, (1) an opportunity for any elector,
537 organization whose membership includes or is likely to include electors,
538 organization whose mission would be frustrated by a municipality's
539 failure to provide such language assistance or organization that would
540 expend resources in order to fulfill such organization's mission as a
541 result of such a failure, to submit a request for the Secretary to consider
542 so designating a language in a municipality, (2) an opportunity for
543 public comment, and (3) that, upon receipt of any such request and
544 consideration of any such public comment, the Secretary may, in
545 accordance with the process for making such determination, so
546 designate any language in a municipality.

547 (g) Any individual aggrieved by a violation of this section, any
548 organization whose membership includes individuals aggrieved by
549 such a violation or the Secretary of the State may file an action alleging
550 a violation of this section in the superior court for the judicial district in
551 which such violation has occurred, except that no determination of the
552 Secretary under this section to designate a municipality or a language
553 for the provision of assistance shall constitute a violation of this section.

554 Sec. 5. (NEW) (*Effective January 1, 2024*) (a) In accordance with the
555 provisions of this section, the enactment or implementation of a covered
556 policy, as described in subsection (b) of this section, by a covered
557 jurisdiction, as described in subsection (c) of this section, shall be subject
558 to preclearance, as described in subsections (e) and (f) of this section, by
559 the Secretary of the State or the superior court for the judicial district in
560 which such covered jurisdiction is located.

561 (b) A covered policy shall include any new or modified qualification
562 for admission as an elector, prerequisite to voting or ordinance,

- 563 regulation, standard, practice, procedure or policy concerning:
- 564 (1) Method of election;
- 565 (2) Form of government;
- 566 (3) Annexation, incorporation, dissolution, consolidation or division
567 of a municipality;
- 568 (4) Removal of individuals from registry lists or enrollment lists and
569 other activities concerning any such list;
- 570 (5) Hours of any polling place, or location or number of polling places
571 or absentee ballot drop boxes;
- 572 (6) Assignment of voting districts to polling place or absentee ballot
573 drop box locations;
- 574 (7) Assistance offered to protected class members; or
- 575 (8) Districting or redistricting, provided the enactment or
576 implementation of a covered policy under this subdivision shall be
577 subject to preclearance only in a covered jurisdiction described in
578 subparagraph (B) of subdivision (2) of subsection (c) of this section.
- 579 (c) (1) A covered jurisdiction includes:
- 580 (A) Any municipality that, within the prior twenty-five years, has
581 been subject to any court order or government enforcement action based
582 upon a finding of any violation of the provisions of sections 1 to 9,
583 inclusive, of this act, the federal Voting Rights Act, any state or federal
584 civil rights law, the fifteenth amendment to the United States
585 Constitution or the fourteenth amendment to the United States
586 Constitution, which violation concerns the right to vote or a pattern,
587 practice or policy of discrimination against any protected class;
- 588 (B) Any municipality that, within the three immediately preceding
589 years, has failed to comply with such municipality's obligations to
590 provide data or information to the state-wide database pursuant to

591 section 3 of this act, except that inadvertent or unavoidable delays in
592 such compliance, if communicated to the Secretary of the State and
593 corrected within a reasonable time, shall not constitute such failure;

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

604 (D) Any municipality (i) that contains at least one thousand eligible
605 electors of any protected class, or in which members of any protected
606 class constitute at least ten per cent of the eligible elector population of
607 such municipality, and (ii) in which, during any of the prior ten years,
608 the percentage of electors of any such protected class in such
609 municipality that participated in any general election for any municipal
610 office is at least ten percentage points lower than the percentage of all
611 electors in the municipality that participated in such election; or

612 (E) On or after January 1, 2034, any municipality that, during any of
613 the prior ten years, was a covered jurisdiction that was found to have
614 enacted or implemented a covered policy for which preclearance was
615 required without obtaining preclearance for such covered policy
616 pursuant to the process described in subparagraph (G) of subdivision
617 (2) of subsection (e) of this section.

618 (2) (A) A municipality that is a covered jurisdiction under subdivision
619 (1) of this subsection shall be subject to preclearance for a covered policy
620 described in subdivision (1), (2), (3), (4), (5), (6) or (7) of subsection (b) of
621 this section.

622 (B) In addition to the preclearance requirement set forth in

623 subparagraph (A) of this subdivision, a municipality that is a covered
624 jurisdiction under subdivision (1) of this subsection shall be subject to
625 preclearance for a covered policy described in subdivision (8) of
626 subsection (b) of this section if, within the past twenty-five years, such
627 municipality:

628 (i) Has been subject to three or more court orders or government
629 enforcement actions based upon a finding of any violation of the
630 provisions of sections 1 to 9, inclusive, of this act, the federal Voting
631 Rights Act, any state or federal civil rights law, the fifteenth amendment
632 to the United States Constitution or the fourteenth amendment to the
633 United States Constitution, which violation concerns the right to vote or
634 a pattern, practice or policy of discrimination against any protected
635 class; or

636 (ii) Has been subject to any such court order or government
637 enforcement action that concerns districting or redistricting or method
638 of election.

639 (d) At least annually, the Secretary of the State shall determine which
640 municipalities are covered jurisdictions pursuant to subsection (c) of
641 this section and publish on the Internet web site of the office of the
642 Secretary of the State a list of such municipalities. A determination of
643 the Secretary as to coverage under this subsection shall be effective upon
644 such publication and may be appealed in accordance with the
645 provisions of chapter 54 of the general statutes. Any such appeal shall
646 be privileged with respect to assignment for trial.

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

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

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

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

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

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

679 (E) In any such determination, the Secretary shall state in writing
680 whether the Secretary is approving or rejecting the covered policy,
681 provided the Secretary may designate preclearance as "preliminary" and
682 subsequently approve or deny final preclearance not later than ninety
683 days after receipt of submission of such covered policy. A covered
684 policy for which preclearance is designated as "preliminary" may be
685 implemented on an interim basis, subject to the Secretary's subsequent

686 determination.

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

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

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

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

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

710 (i) For any covered policy concerning the location of polling places or
711 absentee ballot drop boxes, (I) the time period for public comment shall
712 be ten business days, and (II) the time period in which the Secretary shall
713 review the covered policy, including any public comment thereon, and
714 make a determination to grant or deny preclearance to such covered
715 policy, shall be not more than thirty days after the receipt of the
716 submission of such covered policy, except that the Secretary may invoke

717 an extension of not more than twenty days to make any determination
718 under subparagraph (I)(i)(II) of this subdivision; and

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

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

742 (K) Any denial of preclearance under this subdivision may be
743 appealed in accordance with the provisions of chapter 54 of the general
744 statutes. Any such appeal shall be privileged with respect to assignment
745 for trial.

746 (f) (1) If a covered jurisdiction seeks preclearance from the superior
747 court for the judicial district in which such covered jurisdiction is
748 located for the adoption or implementation of any covered policy, in lieu

749 of seeking such preclearance from the Secretary of the State pursuant to
750 subsection (e) of this section, such covered jurisdiction shall submit, in
751 writing, such covered policy to such court and may obtain such
752 preclearance in accordance with the provisions of this subsection,
753 provided (A) such covered jurisdiction shall also contemporaneously
754 transmit to the Secretary of the State a copy of such submission, and (B)
755 failure to so provide such copy shall result in an automatic denial of
756 such preclearance. Notwithstanding the transmission to the Secretary of
757 a copy of any such submission, the court shall exercise exclusive
758 jurisdiction over such submission. The covered jurisdiction shall bear
759 the burden of proof in the court's determination as to preclearance.

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

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

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

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

778 (6) Any denial of preclearance under this subsection may be appealed
779 in accordance with the ordinary rules of appellate procedure. Any
780 action brought pursuant to this subsection shall be privileged with

781 respect to assignment for trial or appeal, as applicable, including
782 expedited pretrial and other proceedings.

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

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

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

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

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

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

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

818 (c) (1) Any individual aggrieved by a violation of this section or any
819 organization whose membership includes individuals aggrieved by
820 such a violation may file an action alleging a violation of this section in
821 the superior court for the judicial district in which such violation has
822 occurred. Such an action may be filed irrespective of any action that may
823 be filed by the State Elections Enforcement Commission, the Attorney
824 General or the State's Attorney as a result of such a violation.

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

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

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

842 Sec. 7. (NEW) (*Effective July 1, 2023*) Any provision of the general
843 statutes, regulation adopted thereunder, special act, charter, home rule

844 ordinance or other state or municipal enactment relating to the right to
 845 vote shall be construed liberally in favor of (1) protecting the right to
 846 cast a ballot and make such ballot effective, (2) ensuring that qualified
 847 individuals seeking to be admitted as electors are not impaired in being
 848 so admitted, (3) ensuring electors are not impaired in voting, including,
 849 but not limited to, having their votes counted, (4) making the
 850 fundamental right to vote more accessible to qualified individuals, and
 851 (5) ensuring equitable access for protected class members to
 852 opportunities to be admitted as electors and to vote.

853 Sec. 8. (NEW) (*Effective July 1, 2023*) Nothing in the provisions of
 854 sections 1 to 7, inclusive, of this act shall be construed to affect the
 855 powers and duties of (1) the State Elections Enforcement Commission to
 856 attempt to secure voluntary compliance relating to any election, primary
 857 or referendum or pursue any other remedy authorized under sections
 858 9-7a and 9-7b of the general statutes, or (2) the Commission on Human
 859 Rights and Opportunities, as provided in chapter 814c of the general
 860 statutes.

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

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2023</i>	New section
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Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>January 1, 2024</i>	New section
Sec. 4	<i>January 1, 2024</i>	New section
Sec. 5	<i>January 1, 2024</i>	New section
Sec. 6	<i>July 1, 2023</i>	New section
Sec. 7	<i>July 1, 2023</i>	New section
Sec. 8	<i>July 1, 2023</i>	New section
Sec. 9	<i>July 1, 2023</i>	New section