



General Assembly

Amendment

January Session, 2023

LCO No. 7385



Offered by:

REP. MASTROFRANCESCO, 80th Dist.

SEN. SAMPSON, 16th Dist.

To: Subst. House Bill No. **5004**

File No. 350

Cal. No. 237

(As Amended)

"AN ACT IMPLEMENTING EARLY VOTING."

1 Strike section 1 in its entirety and substitute the following in lieu
2 thereof:

3 "Section 1. (NEW) (*Effective July 1, 2023*) (a) Any eligible elector may
4 vote prior to the day of a regular election or a primary in accordance
5 with the provisions of this section, during a period of early voting at
6 each regular election and each primary held on or after January 1, 2024.
7 Such period of early voting shall (1) consist of fourteen total days, at
8 such times as provided in subdivision (1) of subsection (c) of section 9-
9 174 of the general statutes, as amended by this act, and (2)
10 notwithstanding the provisions of section 9-2 of the general statutes,
11 commence on the fifteenth day prior to and conclude on the second day
12 prior to such regular election or such primary, except that such
13 commencing and concluding days shall be adjusted to exclude from
14 such fourteen total days any legal holiday under section 1-4 of the

15 general statutes.

16 (b) (1) The registrars of voters of each municipality shall designate a
17 location for the conduct of early voting, which location shall be the same
18 for the duration of the period of early voting except as otherwise
19 specified in this subdivision, provided (A) the registrars of voters have
20 access to the state-wide centralized voter registration system from such
21 location, and (B) such location is certified in writing to the Secretary of
22 the State not later than one hundred twenty days prior to the day of a
23 regular election or primary. The written certification under
24 subparagraph (B) of this subdivision shall provide (i) the name, street
25 address and relevant contact information associated with such location,
26 (ii) the number of election or primary officials to be appointed by the
27 registrars of voters to serve at such location and the roles of such
28 officials, and (iii) a description of the design of such location and a plan
29 for effective conduct of such early voting. The Secretary shall approve
30 or disapprove such written certification not later than ninety days prior
31 to the day of a regular election or primary. If the Secretary disapproves
32 such certification, the Secretary shall provide, in writing, the reasons for
33 such disapproval and shall issue an order for such corrective action as
34 the Secretary deems necessary, including, but not limited to, the
35 appointment of additional election or primary officials or the alteration
36 of such design or plan. After having received approval of such
37 certification or having complied with any order for corrective action to
38 the Secretary's satisfaction, as applicable, the registrars of voters shall
39 determine the site of such location designated for the conduct of early
40 voting at least thirty-one days prior to a regular election or primary.
41 Such location shall not be changed within such period, except, if the
42 municipal clerk and registrars of voters unanimously find that such
43 location has been rendered unusable within such period, such clerk and
44 registrars shall forthwith designate another location for the conduct of
45 early voting to be used in place of the location so rendered unusable and
46 shall give adequate notice that such location has been so changed. The
47 provisions of sections 9-168d and 9-168e of the general statutes shall
48 apply to such location designated for the conduct of early voting.

49 (2) In any municipality with a population of at least twenty thousand,
50 the legislative body shall hold a public hearing on whether to designate
51 any additional location in such municipality for the conduct of early
52 voting, which hearing shall be held not later than fifteen days prior to
53 the time for designating any such location set forth in subdivision (1) of
54 this subsection. The legislative body shall properly notice such public
55 hearing not later than ten days prior to such public hearing in a
56 newspaper having general circulation in such municipality and on the
57 Internet web site of the municipality. Not later than three days after the
58 conclusion of such public hearing, the legislative body shall determine
59 whether to designate any such additional location and shall notify the
60 Secretary of the State of such determination. If the legislative body
61 determines that any such additional location be designated, the
62 provisions of subdivision (1) of this subsection shall apply to any such
63 additional location. If the legislative body determines that no additional
64 location be designated, such legislative body shall include in such
65 notification to the Secretary a detailed explanation for such
66 determination. The Secretary shall take no action on any such
67 notification other than to preserve such notification as a public record
68 open to public inspection. For the purposes of this subdivision,
69 "population" means the estimated number of people according to the
70 most recent version of the State Register and Manual prepared pursuant
71 to section 3-90 of the general statutes.

72 (3) The registrars of voters shall appoint, for each day on which early
73 voting is conducted, a moderator and such other election or primary
74 officials to serve at each location designated for such conduct. The
75 moderator so appointed shall perform any duty required, and may
76 exercise any power authorized, under title 9 of the general statutes
77 related to such location. The registrars of voters may delegate to each
78 other election or primary official so appointed any of the responsibilities
79 assigned to the registrars of voters. The registrars of voters shall
80 supervise each such official and train each such official to be an early
81 voting election or primary official.

82 (c) Any elector who wishes to vote during a period of early voting at

83 an election or primary, and is eligible to so vote at such election or
84 primary, shall (1) appear in person at such times as provided in
85 subsection (c) of section 9-174 of the general statutes, as amended by this
86 act, at the location designated by the registrars of voters for early voting,
87 (2) identify such elector as required by subsection (a) of section 9-261 of
88 the general statutes, and (3) declare under oath that such elector has not
89 previously voted in such election or primary, as provided in subsection
90 (e) of this section.

91 (d) If the registrars of voters determine that an elector is eligible to
92 vote in the election or primary, the registrars of voters shall check the
93 state-wide centralized voter registration system before allowing such
94 elector to cast an early voting ballot as provided in subsection (e) of this
95 section.

96 (1) If the registrars of voters determine that the elector has not already
97 voted, or if there is no report that the elector has already voted, the
98 registrars shall allow such elector to vote.

99 (2) If the registrars of voters believe that the elector may have already
100 voted, such matter shall be reviewed by the registrars of voters. After
101 completion of such review, if a resolution of the matter cannot be made
102 and such elector claims to have neither in fact voted nor offered to vote
103 in person or by absentee ballot, such elector may request a challenged
104 ballot in accordance with section 9-232d of the general statutes and may
105 cast such challenged ballot in accordance with section 9-232e of the
106 general statutes. Such matter shall be reported to the State Elections
107 Enforcement Commission, which shall conduct an investigation of the
108 matter.

109 (e) If the elector is allowed to vote, the registrars of voters shall
110 provide such elector with an early voting ballot and early voting
111 envelope and shall make a record of such issuance. The elector shall
112 complete an affirmation printed upon the back of the early voting
113 envelope and shall declare under oath that the voter has not previously
114 voted in the election or primary. The affirmation shall be in the form

115 substantially as follows and signed by the voter:

116 AFFIRMATION: I, the undersigned, do hereby state, under penalty
117 of false statement (perjury), that:

118 1. I am the elector appearing in person to vote at an election or
119 primary prior to the day of such election or primary.

120 2. I am eligible to vote in the election or primary indicated for today.

121 3. I have identified myself to the satisfaction of the registrars of voters.

122 4. I have not voted in person or by absentee ballot and I will not vote
123 otherwise than by this ballot at this election or primary.

124 5. I have received an early voting ballot for the purpose of so voting.

125 (Signature of voter)

126 (f) The elector shall forthwith mark the early voting ballot in the
127 presence of the registrars of voters in such a manner that the registrars
128 of voters shall not know how the early voting ballot is marked. The
129 elector shall place the early voting ballot in the early voting ballot
130 envelope provided and deposit such envelope in a secured early voting
131 ballot depository receptacle. At the conclusion of each day during the
132 early voting period, the registrars of voters shall transport such
133 receptacle containing such day's early voting ballots to the municipal
134 clerk, who shall retain and securely store such ballots in as near a
135 manner as possible to that for the retention and secure storage of
136 absentee ballots, as provided in subsection (g) of this section, except
137 that, if such manner is not practicable, then such early voting ballots
138 shall be retained and securely stored as provided in an alternate plan
139 submitted by the registrars of voters to the Secretary of the State and
140 approved by the Secretary. On the day of the election or primary, the
141 early voting ballots shall be delivered to the registrars of voters for the
142 purpose of counting such ballots. A section of the head moderator's
143 return shall show the number of early voting ballots received from
144 electors. The registrars of voters shall seal a copy of the vote tally for

145 early voting ballots in a depository envelope with the early voting
146 ballots and store such early voting depository envelope with the other
147 election or primary results materials. The early voting depository
148 envelope shall be preserved by the registrars of voters for the period of
149 time required to preserve counted ballots for elections or primaries.

150 (g) Except as provided in section 2 of this act, the provisions of title 9
151 of the general statutes and any regulation adopted under said title
152 concerning procedures relating to the custody, control and counting of
153 absentee ballots shall apply, as nearly as possible, to the custody, control
154 and counting of early voting ballots under this section.

155 (h) (1) Except as provided in subdivision (2) of this subsection, no
156 person shall solicit on behalf of or in opposition to any candidate or on
157 behalf of or in opposition to any question being submitted at the election
158 or primary, or loiter or peddle or offer any advertising matter, ballot or
159 circular to another person within a radius of seventy-five feet of any
160 outside entrance in use as an entry to any location designated by the
161 registrars of voters for early voting or in any corridor, passageway or
162 other approach leading from any such outside entrance to any such
163 location or in any room opening upon any such corridor, passageway
164 or approach.

165 (2) A person, including any candidate or any campaign or party
166 employee or volunteer, may be within such radius of seventy-five feet
167 (A) only for purposes related to the performance of such person's official
168 duties or to the conduct of government business within such radius, (B)
169 only for as long as necessary to perform such duties or conduct such
170 business, and (C) provided such person is not engaged in any conduct,
171 including the display of any apparel or paraphernalia, that may be
172 construed as electioneering.

173 (i) The provisions of subsections (a) to (h), inclusive, of this section
174 shall not apply to any primary held for the purpose of choosing town
175 committee members."

176 Strike section 3 in its entirety and substitute the following in lieu

177 thereof:

178 "Sec. 3. Section 9-174 of the general statutes is repealed and the
179 following is substituted in lieu thereof (*Effective July 1, 2023*):

180 (a) Notwithstanding [the provisions of any general statute,] any
181 provision of the general statutes or any special act or municipal charter,
182 at any regular election, or at any special election held to fill a vacancy in
183 a state, district or municipal office, the polls on the day of such election
184 shall remain open for voting from six o'clock a.m. until eight o'clock p.m.
185 No elector shall be permitted to cast such elector's vote after the hour
186 prescribed for the closing of the polls in any election unless such elector
187 is in line at eight o'clock p.m. An election official or a police officer of the
188 municipality, who is designated by the moderator, shall be placed at the
189 end of the line at eight o'clock p.m. Such official or officer shall not allow
190 any electors who were not in such line at eight o'clock p.m. to enter such
191 line.

192 (b) Notwithstanding [the provisions of any general statute,] any
193 provision of the general statutes or any special act or municipal charter,
194 at any regular election, each location designated for [election day] same-
195 day election or same-day primary registration pursuant to subsection
196 (c) of section 9-19j, as amended by this act, shall, on election day or
197 primary day, as those terms are defined in said section, remain open for
198 [election day] registration and voting from six o'clock a.m. until eight
199 o'clock p.m. No applicant for [election day] same-day election or same-
200 day primary registration shall be admitted as an elector or permitted to
201 cast such applicant's vote after the hour prescribed for the closing of the
202 location designated for such purposes [in any regular] on election day
203 or primary day unless such applicant is in line at eight o'clock p.m. An
204 election or primary official or a police officer of the municipality, who is
205 appointed by the registrars of voters, shall be placed at the end of the
206 line at eight o'clock p.m. Such official or officer shall not allow any
207 applicants who were not in such line at eight o'clock p.m. to enter such
208 line.

209 (c) Notwithstanding any provision of the general statutes or any
210 special act or municipal charter, at any regular election and any primary
211 held on or after January 1, 2024, each location designated for the conduct
212 of early voting pursuant to subsection (b) of section 1 of this act or for
213 same-day election or same-day primary registration pursuant to
214 subsection (c) of section 9-19j, as amended by this act, shall, during the
215 early voting period, remain open from ten o'clock a.m. to six o'clock
216 p.m., except that such location shall remain open from eight o'clock a.m.
217 to eight o'clock p.m. on the last Tuesday and Thursday prior to the
218 election or primary. No voter shall be permitted to cast such voter's vote
219 after the hour prescribed for the closing of the location designated for
220 early voting at any election or primary under subdivision (1) or
221 subdivision (2) of this subsection unless such voter is in line at such
222 prescribed hour. An election or primary official or a police officer of the
223 municipality, who is appointed by the registrars of voters, shall be
224 placed at the end of the line at such prescribed hour. Such official or
225 officer shall not allow any voters who were not in such line at such
226 prescribed hour to enter such line."