



General Assembly

Amendment

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LCO No. 8764



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) "Racially polarized voting" 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 and
86 in which (I) racially polarized voting occurs and such at-large method
87 of election results in a dilutive effect on the vote of protected class
88 members, or (II) based on the totality of the circumstances, the
89 opportunity or ability of protected class members to elect candidates of
90 their choice or otherwise influence the outcome of elections is impaired;
91 or

92 (ii) Any municipality that employs a district-based method of election
93 or an alternative method of election and in which (I) racially polarized
94 voting occurs and such district-based or alternative method of election
95 results in a dilutive effect on the vote of protected class members, or (II)
96 based on the totality of the circumstances, the ability of protected class
97 members to participate in the political process and elect candidates of
98 their choice or otherwise influence the outcome of elections is impaired.

99 (B) (i) In determining whether racially polarized voting by protected
100 class members in a municipality occurs or whether a method of election
101 results in a dilutive effect on the vote of protected class members, the
102 superior court for the judicial district in which such municipality is
103 located (I) shall consider elections held prior to the filing of an action
104 pursuant to this section as more probative than elections conducted
105 after such filing, (II) shall consider evidence concerning elections for any
106 municipal office in such municipality as more probative than evidence

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

119 (ii) Evidence concerning the causes of, or reasons for, the occurrence
120 of racially polarized voting shall not be deemed relevant to the
121 determination of whether racially polarized voting by protected class
122 members in a municipality occurs or whether a method of election
123 results in a dilutive effect on the vote of protected class members.

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

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

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

171 (d) Any individual aggrieved by a violation of this section, any
172 organization whose membership includes individuals aggrieved by
173 such a violation or the Secretary of the State may file an action alleging
174 a violation of this section in the superior court for the judicial district in

175 which such violation has occurred. Members of two or more protected
176 classes that are politically cohesive in a municipality may jointly file
177 such an action in such court.

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

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

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

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

240 (2) (A) Prior to drawing a draft districting or redistricting plan or
241 plans, or transitioning to a proposed district-based method of election

242 or alternative method of election, the municipality shall hold at least one
243 public hearing at which members of the public may provide input
244 regarding such draft or proposal, including, if applicable, the
245 composition of districts. Notice of each such hearing shall be published
246 at least three weeks prior to the date of such hearing. In advance of each
247 such hearing, the municipality shall conduct outreach to members of the
248 public, including to language minority groups, to explain the districting
249 or redistricting process and to encourage such input.

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

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

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

272 (B) Prior to receiving a notification letter, or not later than fifty days
273 after any such notification letter is sent to a municipality, the legislative

274 body of such municipality may pass a resolution (i) affirming such
275 municipality's intention to enact and implement a remedy for a
276 potential violation of the provisions of sections 1 to 9, inclusive, of this
277 act, (ii) setting forth specific measures such municipality will take to
278 facilitate approval and implementation of such a remedy, and (iii)
279 providing a schedule for the enactment and implementation of such a
280 remedy. No party described in subsection (d) of this section may file an
281 action pursuant to this section earlier than ninety days after passage of
282 any such resolution by such legislative body.

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

289 (i) The municipality shall hold at least one public hearing on any
290 proposal to remedy any potential violation of the provisions of sections
291 1 to 9, inclusive, of this act, at which members of the public may provide
292 input regarding any such proposed remedies. In advance of each such
293 hearing, the municipality shall conduct outreach to members of the
294 public, including to language minority groups, to encourage such input.

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

299 (iii) Notwithstanding any provision of title 9 of the general statutes
300 and any special act, charter or home rule ordinance, the Secretary of the
301 State shall, not later than ninety days after submission of such proposed
302 remedy by such municipality, approve or reject such proposed remedy
303 in accordance with the provisions of this clause. The Secretary may
304 require that such municipality or any other party provide additional
305 information related to the submission of such proposed remedy. The

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

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

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

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

329 (D) A municipality that has passed a resolution described in
330 subparagraph (B) of this subdivision may enter into an agreement with
331 any party who sent a notification letter described in subdivision (1) of
332 this subsection providing that such party shall not file an action
333 pursuant to this section earlier than ninety days after entering into such
334 agreement. If such party agrees to so enter into such an agreement, such
335 agreement shall require that the municipality either enact and
336 implement a remedy that complies with the provisions of sections 1 to
337 9, inclusive, of this act or pass such a resolution and submit such

338 resolution to the Secretary of the State. If such party declines to so enter
339 into such an agreement, such party may file an action pursuant to this
340 section at any time, subject to the provisions of subparagraph (A) of this
341 subdivision.

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

367 (F) (i) Notwithstanding the provisions of this subsection, a party
368 described in subsection (d) of this section may seek preliminary relief
369 for a regular election held in a municipality by filing an action pursuant
370 to this section during the one hundred twenty days prior to such regular
371 election. Not later than the filing of such action, such party shall send a

372 notification letter described in subdivision (1) of this subsection to such
373 municipality. In the event any such action is withdrawn or dismissed as
374 being moot as a result of such municipality's enactment or
375 implementation of a remedy, or the approval by the Secretary of the
376 State of a proposed remedy, any such party may only submit a claim for
377 reimbursement in accordance with the provisions of subparagraph (E)
378 of this subdivision.

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

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

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

405 maintain such state-wide database.

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

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

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

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

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

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

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

431 (d) Except for any data, information or estimates that identify
432 individual electors, the data, information or estimates maintained in the
433 state-wide database shall be published on the Internet web site of the
434 office of the Secretary of the State and made publicly available in

435 electronic format at no cost.

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

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

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

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

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

464 (j) In each action filed pursuant to section 2 of this act, there shall be
465 a rebuttable presumption that the data, estimates or other information

466 maintained in the state-wide database is valid.

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

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

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

480 (B) More than four thousand 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; or

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

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

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

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

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

526 (f) The Secretary of the State shall adopt regulations, in accordance
527 with the provisions of chapter 54 of the general statutes, to establish a
528 review process under which the Secretary shall determine, upon receipt

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

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

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

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

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

589 such compliance, if communicated to the Secretary of the State and
590 corrected within a reasonable time, shall not constitute such failure;

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

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

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

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

619 (B) In addition to the preclearance requirement set forth in
620 subparagraph (A) of this subdivision, a municipality that is a covered

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

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

633 (ii) Has been subject to any such court order or government
634 enforcement action that concerns districting or redistricting or method
635 of election.

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

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

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

651 (A) As soon as practicable but not later than ten days after such

652 receipt, the Secretary shall publish on the Internet web site of the office
653 of the Secretary of the State such submission of a covered policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

743 (f) (1) If a covered jurisdiction seeks preclearance from the superior
744 court for the judicial district in which such covered jurisdiction is
745 located for the adoption or implementation of any covered policy, in lieu
746 of seeking such preclearance from the Secretary of the State pursuant to
747 subsection (e) of this section, such covered jurisdiction shall submit, in
748 writing, such covered policy to such court and may obtain such

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

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

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

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

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

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

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

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

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

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

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

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

809 (3) Any person who obstructs, impedes or otherwise interferes with
810 access to any polling place or absentee ballot drop box or any office or

811 place of business of an election official or who obstructs, impedes or
812 otherwise interferes with any elector or election official in a manner that
813 causes or will reasonably have the effect of causing interference with
814 any elector's right to vote or any delay in voting or the voting process.

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

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

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

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

839 Sec. 7. (NEW) (*Effective July 1, 2023*) Any provision of the general
840 statutes, regulation adopted thereunder, special act, charter, home rule
841 ordinance or other state or municipal enactment relating to the right to
842 vote shall be construed liberally in favor of (1) protecting the right to

843 cast a ballot and make such ballot effective, (2) ensuring that qualified
 844 individuals seeking to be admitted as electors are not impaired in being
 845 so admitted, (3) ensuring electors are not impaired in voting, including,
 846 but not limited to, having their votes counted, (4) making the
 847 fundamental right to vote more accessible to qualified individuals, and
 848 (5) ensuring equitable access for protected class members to
 849 opportunities to be admitted as electors and to vote.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
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