

**OLR BILL ANALYSIS**

**HB 5024 (LCO 503)**

***AN ACT CONCERNING VOTING RIGHTS.***

**SUMMARY:**

This bill allows people who are eligible to register to vote and cast a ballot on Election Day, the day a regular state or municipal election is held. It establishes Election Day registration procedures. It also eliminates the use of presidential ballots for state residents, since it provides for Election Day registration.

It requires the secretary of the state to establish and maintain an online system for new voter registration applications and changes to existing registrations. The system must be capable of cross referencing and verifying information in other state or federal government databases. The bill specifies (1) how an applicant's signature is acquired from another state agency and (2) approval and confirmation procedures.

The bill requires the secretary of the state to submit a report on the administration of Election Day registration to the Government Administration and Elections (GAE) Committee by February 1, 2014.

Lastly, the bill makes technical and conforming changes.

**EFFECTIVE DATE:** July 1, 2013, except the provisions on establishing an online registration system are effective January 1, 2014.

**ELECTION DAY REGISTRATION**

***Location and Officials***

The bill requires applicants to appear in person at a location the registrars of voters designate for completing and processing Election Day registration applications. The location must be one where registrars can access the statewide centralized voter registry system.

The bill prohibits the same activities in or near the Election Day registration location as the law prohibits in or near a polling place

(CGS § 9-236). By law, no one can be within 75 feet of the entrance to the polling place or in any hallway or other approach to it in order to solicit support for or opposition to a candidate (himself or another) or a ballot question, loiter, peddle, or offer advertising material or circulars.

The bill permits the registrars of voters to appoint one or more election officials to serve at the location and delegate to the official(s) any of their responsibilities. The registrars must train and supervise the officials.

### ***Eligibility***

The bill permits anyone to register and vote in person on Election Day if he or she (1) is not already an elector (i.e., registered voter in the town) and (2) meets the eligibility requirements for voting in this state.

### ***Application***

The bill requires Election Day registration applicants to declare under oath that they have not previously voted in the election and to provide the same information as people who apply for registration before this date. This means they must state under penalty of perjury (1) their name, bona fide street address, date of birth, and citizenship; (2) whether they are disenfranchised because of a criminal conviction; and (3) whether they were previously registered to vote in another town in this or any other state. They must present their birth certificate, driver's license, or Social Security card to the admitting official for inspection.

If the applicant's ID does not include proof of his or her residential address, he or she must submit a driver's learner's permit, utility bill due no later than 30 days after the election, or current college registration or fee statement that includes his or her name and current address. The bill allows college students to present their student photo ID in lieu of the identification required by law.

The registrars of voters must check the statewide centralized voter registration system before admitting an applicant as an elector. If the registrars determine that an applicant is qualified to register as an elector, they must admit him or her and election-related privileges attach immediately. If the registrars determine that the applicant is registered in another town but the applicant states a desire to change his or her town of registration, they must immediately notify the registrars in the town of registration of this intention and request that

they remove the elector's name from the official municipal registry list. The election officials in the town of registration must cross through the elector's name on the list and mark "off" next to it.

If the registrars learn that the applicant has already voted in the other municipality, they must deny him or her an Election Day registration ballot, cease the Election Day registration process, and review the matter. If the matter cannot be resolved on review, the registrars must report it to the State Elections Enforcement Commission (SEEC) for an investigation.

### ***Voting by Qualified Applicants***

The registrars of voters must give an Election Day registration voting ballot and security envelope to applicants whom they admit as electors and record the issuance. The elector must sign an affirmation that must be printed on the back of the security envelope.

The applicant must affirm, under penalty of false statement in absentee balloting, that he or she:

1. is the person admitted as an elector in a specified town;
2. is eligible to vote in the election or primary taking place in the specified town;
3. included correct and complete information on his or her voter registration card;
4. lives at the address given to the registrars of voters;
5. if previously registered, gave the registrars the address in the city of previous registration and thus request that the cancellation of that registration;
6. has not voted and will not otherwise vote during the election or primary; and
7. has completed an application for and received an Election Day registration ballot.

A false statement in absentee balloting is a class D felony, punishable by a fine of up to \$5,000, one to five years in prison, or both.

The newly admitted elector must secretly mark the ballot in the

presence of the registrars, place it in the security envelope, and deposit the envelope in a secured Election Day registration ballot depository receptacle.

The procedures related to the custody, control, and counting of absentee ballots apply as nearly as possible to the custody, control, and counting of Election Day registration ballots. Among other things, this means that at the time designated by the registrars and noticed to election officials, the registrars must transport the receptacle for ballot counting to the same area (within the district or central location in the municipality) where absentee ballots are counted. It also means:

1. the election officials present at the location count the ballots;
2. a section of the head moderator's return must show the number of Election Day registration ballots cast;
3. the registrars must seal a copy of the votes cast in the depository envelope with the ballots and store the envelope with the other election results materials; and
4. the registrars must preserve the envelope for the same period of time required to preserve counted ballots for elections, 180 days after the election.

After accepting an Election Day registration, the registrars of voters must immediately send a confirmation by first-class mail to the residential address of each applicant admitted as an elector on Election Day. The registrars must ask that the confirmation be returned if it is not deliverable at the address shown. If it is returned undelivered, the registrars must take other actions required by law to verify the address. However, they must take these actions immediately and cannot wait until the May 1<sup>st</sup> deadline that the law otherwise sets for verifying names on the registry. If the address cannot be verified, the registrars place the elector's name on the inactive list and remove it after four years unless the elector verifies it.

### **Report**

The secretary of the state must submit a report to the GAE Committee by February 1, 2014 that addresses any issues or concerns regarding Election Day registration, including ballot security and privacy, during the November 2013 municipal election. The secretary of the state, in consultation with SEEC, must interview registrars of voters, poll workers, and candidates from towns with small, medium,

and large populations to determine the efficacy of Election Day registration. They must include observations and results in the report, including ways to enhance ballot security and privacy on primary day.

### **PRESIDENTIAL BALLOTS**

Current law allows unregistered Connecticut residents and former state residents who move to another state after its deadline to register to apply for a presidential ballot and vote for candidates for president and vice-president, but no other offices. The bill eliminates the provision allowing Connecticut residents to vote by presidential ballot, leaving the procedures in place only for former state residents. Under the bill, unregistered state residents would instead follow the Election Day registration procedures.

The application and voting procedures (which include the requirement to show current identification) remain the same as under existing law. The bill also eliminates the requirement for town clerks to mail duplicate copies of presidential ballot applications to the appropriate state or local official in the town where the applicant resides or formally resided.

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