

AN ACT CONCERNING THE INTEGRITY AND SECURITY OF THE VOTING  
PROCESS (ALL RACES)

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

Section 1. Subsection (b) of Section 9-238 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Upon the purchase or lease of a voting machine for use in any municipality, the officials of such municipality purchasing or leasing the same shall forthwith send notification in writing to the Secretary of the State of the name or make of such machine, the name of the person who manufactured the same, the name of the person from whom it was purchased or leased, the date on which it was purchased or leased and its serial number. After October 1, 1970, no voting machine manufactured prior to January 1, 1927, shall be used at any election in this state and no voting machine manufactured after said date shall be used in an election, which voting machine, in the opinion of the Secretary of the State, does not conform to the requirements of law [or], is unsuitable for use in such election[.], or does not comply with the 2002 voluntary performance and test standards for voting systems adopted by the Election Assistance Commission pursuant to the Help America Vote Act, P.L. 107-252, 42 USC 15481-85. When in any municipality the use of a voting machine at elections is discontinued because of its age or condition or because it is sold, or for any other reason, such officials shall send written notification to said secretary of the discontinuance of such machine, of the time of and reason for such discontinuance and of the information required in connection with notification of original purchasing or leasing.

Sec. 2. (New)(*Effective from passage*) (a) Notwithstanding the provisions of section 9-311, the Secretary of the State shall order a discrepancy canvass under said section of the returns of an election or primary for any office if the Secretary has reason to believe that discrepancies may have occurred that could affect the outcome of the election or primary.

(b) Not earlier than the fifteenth day after any election or primary and not later than two business days before the canvass of votes by the Secretary of the State, Treasurer and Comptroller, for any federal or state election or primary, or by the town clerk for any municipal election or primary, the registrars of voters shall conduct a manual audit of the votes recorded in at least twenty percent of the voting districts in the state.

(c) The voting districts subject to the audit pursuant to this section shall be selected in a random drawing by the Secretary of the State and such selection process shall be open to the public. The audit shall include all offices and all candidates on the ballots for the voting districts selected.

(d) If a selected voting district has an office that is subject to canvass or an election or primary contest pursuant to the general statutes, the Secretary shall select an alternative district.

(e) The manual audit shall consist of the manual tabulation of the paper ballots cast and counted by each voting machine subject to the audit. Once complete, the vote totals established pursuant to the manual tabulation shall be compared to the results reported by the voting machine on the day of the election or primary. The results of the manual tabulation shall be reported on a form prescribed by the Secretary of the State which shall include the total number of ballots counted, the total votes received by each candidate in question, the total votes received by each candidate in question on ballots that were properly completed by each voter and the total votes received by each candidate in question on ballots that were not properly completed by each voter. Such report shall be filed with the municipal clerk and Secretary forthwith after the conclusion of the audit.

(f) For the purposes of this section, a ballot that has not been properly completely will be deemed to be a ballot where (1) votes have been marked by the voter outside the vote targets, (2) votes have been marked by the voter using a manual marking device that cannot be read by the voting system or (3) a ballot that in the judgment of the registrars of voters is marked by the voter in such a manner that the voting machine may not have read the marks as votes cast.

(g) If in the opinion of the Secretary of the State a voting system is found to have failed to record votes accurately and in the manner provided by the general statutes, the Secretary may require that the voting system be examined and recertified by the secretary, or the secretary's designee.

(h) Such manual audit shall be noticed in advance and be open to public observation.

(i) The audit report filed pursuant to this section shall be open to public inspection and may be used as prima facie evidence of a discrepancy in any contest arising pursuant to chapter 149, as amended by this act, or for any other cause of action arising from the election or primary.

(j) If the audit officials are unable to reconcile the manual count with the electronic vote tabulation and discrepancies, the Secretary of the State may conduct such further investigation of the voting machine malfunction as may be necessary for the purpose of reviewing whether or not to decertify the voting machine or machines and may order a recanvass in accordance with the provisions of subdivision (a) of this section.

(k) The individual paper ballots used at an election or primary shall be carefully preserved and returned in their designated receptacle in accordance with the requirements of section 9-266, 9-302 or 9-310, whichever is applicable.

(l) Nothing in this section shall preclude any candidate or elector from seeking additional remedies pursuant to chapter 149.

(m) After an election or primary, any voting machine may be kept locked for a period longer than that prescribed by sections 9-266, 9-310 and 9-447, if such an extended period is ordered by either a court of competent jurisdiction or the Secretary of the State. Either the court or the Secretary may order an audit of such voting machines to be conducted by such persons as the court or the Secretary may designate.

(n) The Secretary of the State may adopt regulations as may be necessary for the conduct of the manual tabulation of the paper ballots pursuant to this act.

Sec. 3. Section 9-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any elector or candidate who claims that he is aggrieved by any ruling of any election official in connection with any election for presidential electors and for a senator in Congress and for representative in Congress or any of them, held in his town, or that there was a mistake in the count of the votes cast at such election for candidates for such electors, senator in Congress and representative in Congress, or any of them, at any voting district in his town, or any candidate for such an office who claims that he is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election, may bring his complaint to any judge of the Supreme Court, in which he shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If (1) such complaint is made subsequent to the election, it shall be brought within fourteen days of the election, or (2) if a complaint is brought because of the manual tabulation of paper ballots as prescribed in section 2, it shall be brought within seven days after the close of any manual tabulation of paper ballots. [and] [s]Such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five or less than three days from the making of such order, and shall cause notice of not less than three or more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, to the Secretary of the State, to the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge, with two other judges of the Supreme Court to be designated by the Chief Court Administrator, shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judges may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judges shall thereupon, in the case they, or any two of them, find any error in the rulings of the election official, any mistake in the count of such votes or any violation of said sections, certify the result of their finding or decision, or the finding or decision of a majority of them, to the Secretary

of the State before the first Monday after the second Wednesday in December. Such judges may order a new election or a change in the existing election schedule, provided such order complies with Section 302 of the Help America Vote Act, P.L. 107-252, as amended from time to time. Such certificate of such judges, or a majority of them, shall be final upon all questions relating to the rulings of such election officials, to the correctness of such count and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers so as to conform to such finding or decision.

Sec. 4. Section 9-324 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*)

Any elector or candidate who claims that such elector or candidate is aggrieved by any ruling of any election official in connection with any election for Governor, Lieutenant Governor, Secretary of the State, State Treasurer, Attorney General, State Comptroller or judge of probate, held in such elector's or candidate's town, or that there has been a mistake in the count of the votes cast at such election for candidates for said offices or any of them, at any voting district in such elector's or candidate's town, or any candidate for such an office who claims that such candidate is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election or any candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, Attorney General or State Comptroller, who claims that such candidate is aggrieved by a violation of any provision of sections 9-700 to 9-716, inclusive, may bring such elector's or candidate's complaint to any judge of the Superior Court, in which such elector or candidate shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If (1) such complaint is made subsequent to the election, it shall be brought within fourteen days of the election, or (2) if a complaint is brought because of the manual tabulation of paper ballots as prescribed in section 2, it shall be brought within seven days after the close of any manual tabulation of paper ballots. [and] [s]Such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judge may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall thereupon, in case such judge finds any error in the rulings of the election official, any mistake in the count of the votes or any violation of said sections, certify the result of such judge's finding or decision to the Secretary of the State before the fifteenth day of

the next succeeding December. Such judge may order a new election or a change in the existing election schedule. Such certificate of such judge of such judge's finding or decision shall be final and conclusive upon all questions relating to errors in the rulings of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, unless the same is appealed from as provided in section 9-325.

Sec. 5. Subsection (a) of Section 9-329a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*)

(a) Any (1) elector or candidate aggrieved by a ruling of an election official in connection with any primary held pursuant to (A) section 9-423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who alleges that there has been a mistake in the count of the votes cast at such primary, or (3) candidate in such a primary who alleges that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such primary, may bring his complaint to any judge of the Superior Court for appropriate action. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such primary such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If (1) such complaint is made subsequent to such primary it shall be brought, within fourteen days after such primary, or (2) if a complaint is brought because of the manual tabulation of paper ballots as prescribed in section 2, it shall be brought within seven days after the close of any manual tabulation of paper ballots to any judge of the Superior Court.