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**Spanish Translators**

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## Spanish Translators

### Sec. 9-4-1. Spanish translators

The registrars of voters in affected municipalities shall either employ or retain on a stand-by basis a Spanish speaking person or persons to assist Spanish speaking electors and citizens. For purposes of this section, affected municipalities shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the U.S. Department of Census, are Hispanic-Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. In municipalities in which the Director of the Census has determined, pursuant to Section 4 (f) (3) of the Voting Rights Act of 1965, as amended, that more than five per centum of the citizens of voting age residing in such municipality are members of a Spanish language minority, the registrars of voters shall employ a Spanish speaking person on a full time basis or retain at least two Spanish speaking persons on a stand-by basis to assist Spanish speaking electors and citizens.

(Effective January 9, 1987)



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## Organization and Rules of Practice

### I. Definitions

#### Sec. 9-7b-1. Definitions

The definitions provided by Chapter 54 of the General Statutes and title 9 of the General Statutes shall govern the interpretation and application of sections 9-7b-1 through 9-7b-65, inclusive, and sections 9-7b-82 through 9-7b-97, inclusive, of the Regulations of Connecticut State Agencies. In addition, as used in such regulations, the following words and phrases shall have the following meanings except where such terms are used in a context which clearly indicates the contrary:

(a) “Commission” means the Elections Enforcement Commission of the State of Connecticut established under sections 9-7a and 9-7b of the General Statutes, and any other person duly authorized to act in behalf of the Commission.

(b) “Commissioner” means an individual appointed to serve as a member of the Commission when acting in such capacity.

(c) “Complaint” means a written statement, signed and sworn to under oath and notarized where required by law, alleging a violation or violations of the state election laws or the federal Help America Vote Act, public law 107-252, brought to the Commission under section 9-7b(a)(1) or section 9-7b(a)(17) of the General Statutes, as the case may be.

(d) “Complainant” means an individual who has filed a complaint with the Commission.

(e) “Hearing” means that portion of the Commission’s procedures in the disposition of matters delegated to its jurisdiction by law wherein an opportunity for presentation of evidence and argument occurs, which is preceded by due notice and which includes both an opportunity to present to the Commission such written and oral testimony as the presiding officer deems appropriate and an opportunity to examine and cross examine any witness giving testimony therein.

(f) “Party” means any person named or admitted by the Commission as a party to a contested case, or properly seeking and entitled as of right to be admitted as a party to a contested case.

(g) “Presiding officer” means any commissioner or other duly designated hearing officer appointed to preside at any hearing or other proceeding of the Commission.

(h) “Respondent” means any person against whom a complaint or statement has been filed with the Commission or who is named by the Commission as such in the notice of hearing.

(i) “Statement” means a written statement filed by the Secretary of the State or any town clerk which refers to an alleged violation of the state election law and is submitted to the Commission under section 9-7b(a)(1) of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998, October 7, 2004)

### II. Description Of Organization

#### Sec. 9-7b-2. Creation and authority

The Commission was established as an independent entity by Section 9-7a of the General Statutes and is described more particularly in said section.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-3. Functions**

The Commission is generally empowered to exercise specific grants of authority pursuant to Section 9-7b of the General Statutes for the enforcement of statutes governing elections, primaries and referenda.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-4. Official address**

All communications should be addressed to the Elections Enforcement Commission, 20 Trinity Street, Suite 101, Hartford, Connecticut 06106-1628.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-5. Public information**

The public may inspect the regulations, decisions and public records of the Commission at its offices in Hartford. There is no prescribed form for requests for information. Written requests should be submitted to the Commission at its official address.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-6. Administration**

(a) The Commission shall designate an executive director and general counsel who shall be the chief executive, administrator and legal officer of the Commission. The executive director and general counsel shall keep and maintain in an accessible place all the public records of the Commission.

(b) The Commission's orders, findings and decisions shall be signed on behalf of the Commission by the chairperson. In the absence of the chairperson or upon the delegation of the chairperson or the Commission, any Commissioner, or the executive director and general counsel shall be empowered to sign on the Commission's behalf. Such a signature of any Commissioner or the executive director and general counsel shall be presumed to be duly authorized by the Commission unless and until the contrary is demonstrated in any Commission proceeding or hearing. Where any such document is stamped with the chairperson's signature stamp, it shall be deemed to comply with the signature requirement set forth herein.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-7. Clerk of the Commission**

(a) The executive director and general counsel shall designate a clerk of the Commission, who shall from time to time carry out such ministerial duties as the Commission shall require to provide the assistance needed to conduct the Commission's business pursuant to the directions of the executive director and general counsel, or his or her designee acting on behalf of the Commission.

(b) The clerk shall be empowered to sign and to certify as true and correct copies of records of the Commission.

(c) Upon the direction of the executive director and general counsel, or his or her designee, or any Commissioner acting on behalf of the Commission, the clerk shall sign and issue in the name of the Commission such notices, directives, orders, forms, instructions and other official acts of every description as are required for the performance of the duties of the Commission under law.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-8. Hearing officers**

(a) The Commission, by its chairperson, may designate a member of the Commission or the Executive Director or Deputy Director of the Commission to be a hearing

officer for the purpose of conducting any contested case the Commission shall conduct under the authority of Section 9-7b and Chapter 54 of the General Statutes, provided that, in the event the Executive Director or Deputy Director of the Commission is designated as a hearing officer, he or she shall not personally carry out any of the functions of an investigator in such contested case. The appointment of hearing officers for cases heard under the federal Help America Vote Act shall be governed by Section 9-7b-93 of the Regulations of Connecticut State Agencies.

(b) By such designation the hearing officer shall be empowered to exercise on behalf of the Commission all of the authority to conduct a contested case, hearing or other proceeding delegated to the Commission under Section 9-7b and Chapter 54 of the General Statutes within the limits hereinafter set forth.

(1) The hearing officer shall convene and conduct all hearings required by law within the scope of the Commission's designation.

(2) A member of the Commission's staff may provide technical assistance to the hearing officer and to the Commission. The person designated to provide such technical assistance may act as legal and procedural advisor, subject to the direction of the hearing officer. The designation of a member of the Commission's staff to serve in such capacity shall not in any way diminish the authority of the hearing officer.

(3) The hearing officer shall administer oaths, examine witnesses, receive oral and written evidence, rule on the admissibility of evidence, rule on the order in which the hearing is conducted and on all other aspects of its conduct on behalf of the Commission. Upon conclusion of the hearing, the hearing officer shall submit a proposed final decision to the Commission which shall contain the hearing officer's recommended findings of fact, conclusions of law and a recommended order.

(4) In the event the hearing officer finds it necessary to subpoena witnesses to compel their attendance or testimony, or the production of evidence for examination, the hearing officer is authorized to order on behalf of the Commission the issuance of such subpoena as is required for purposes of the hearing. Such subpoena may be signed on behalf of the hearing officer by the executive director or managing director. In the case of the failure to comply with the subpoena or to testify with respect to any matter at the hearing, investigation or other proceeding, the hearing officer shall report to the Commission the need to seek enforcement of the Commission's authority under Section 9-7b of the General Statutes. Upon a majority vote of a quorum of the Commission, the executive director and general counsel shall be empowered to take such action to enforce the subpoena or to compel testimony as may be provided by law.

(Effective July 31, 1998; amended October 7, 2004, April 26, 2007)

## **Secs. 9-7b-9—9-7b-10. Reserved**

### **III. Rules of Practice**

#### **Article 1. General Provisions**

##### **Part 1. Scope and Construction of Rules**

### **Sec. 9-7b-11. Procedure governed**

Sections 9-7b-1 through 9-7b-65, inclusive, and sections 9-7b-82 through 9-7b-97, inclusive, of the Regulations of Connecticut State Agencies govern practice and procedure before the Commission except where otherwise provided by law.

(Effective March 23, 1989; amended July 31, 1998, October 7, 2004)

**Sec. 9-7b-12. Construction**

Sections 9-7b-1 through 9-7b-65, inclusive, of the regulations of Connecticut state agencies shall be so construed by the Commission and any presiding officer to secure just, speedy and inexpensive determination of the issues presented.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-13. Extensions of time**

Except as may hereinafter be provided, the Commission or the presiding officer may, for good cause shown, extend any time limit prescribed or allowed by Sections 9-7b-1 through 9-7b-65, inclusive, of the regulations of Connecticut state agencies. All requests for extensions shall be made before the expiration of the period originally prescribed or as previously extended.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-14. Effect of filing**

The filing with the Commission of any complaint, application, motion, petition or request of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, or with any regulation or order of the Commission.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-15. Consolidation of proceedings**

The executive director and general counsel may consolidate proceedings involving related questions of law or fact or involving the same parties.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-16. Rules of conduct**

Commissioners and Commission employees are subject to all applicable statutes, codes and regulations governing their conduct as state officials and employees.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-17. Ex parte communication**

(a) Unless required for the disposition ex parte of matters authorized by law, no Commissioner or hearing officer who, in a contested case, is to render a final decision or to make a proposed final decision shall communicate, directly or indirectly, in connection with any issue of fact with any person or party, or in connection with any issue of law with any party or his representative without notice and opportunity for all parties to participate.

(b) Notwithstanding the provisions of Subsection (a) of this Section, any Commissioner or other person designated as a hearing officer and the Commissioners may severally communicate with other Commissioners regarding a matter pending before the Commission and the Commission or a hearing officer may receive the aid and advice of members of the Commission's staff as are assigned to assist them in such contested case. This regulation shall not be construed to preclude such routine communications as are necessary to permit the Commission's staff to investigate facts and to conduct informal staff conferences at any time before, during, and after the hearing of a contested case. A staff member who has not been assigned to provide technical assistance to the hearing officer may be designated to communicate with any party or his representative for purposes of effecting a compromise or voluntary resolution of a contested case.

(Effective August 7, 1980; amended July 31, 1998)

## **Part 2. Formal Requirements**

### **Sec. 9-7b-18. Principal office**

The principal office of the Commission is located at 20 Trinity Street, Suite 101, Hartford, Connecticut. The office of the Commission is open to the public from 8:00 a.m. to 5:00 p.m. each weekday except Saturdays, Sundays and legal holidays. If such office is relocated, the Commission shall identify the address of its successor principal office in a notice to be published in the Connecticut Law Journal, which address shall be deemed as the Commission's principal office until this regulation is amended accordingly.

(Effective March 23, 1989; amended July 31, 1998)

### **Sec. 9-7b-19. Date of filing**

All papers and documents governed by Sections 9-7b-1 through 9-7b-65, inclusive, of the regulations of Connecticut state agencies shall be deemed to have been filed on the date they are recorded as having been received by the Commission at the Commission's principal office.

(Effective August 7, 1980; amended July 31, 1998)

### **Sec. 9-7b-20. Signatures**

Every statement, report, complaint, application, notice, motion, request, petition, brief and memorandum shall be signed on behalf of the person filing the same. The Commission, in its sound discretion, may waive the requirements of this section where justice so requires.

(Effective August 7, 1980; amended July 31, 1998)

### **Sec. 9-7b-21. Identification of communications to the commission**

Communications shall contain the name and address of the sender and an appropriate file reference to the subject of the communication. When the subject matter pertains to a proceeding pending before the Commission, the title of the proceeding and the Commission file number shall be given.

(Effective August 7, 1980; amended July 31, 1998)

### **Secs. 9-7b-22—9-7b-23. Reserved**

## **Article 2. Complaints and Investigations**

### **Part 1. Complaints and Statements**

#### **Sec. 9-7b-24. General rule**

Unless otherwise provided by the Commission or the presiding officer, Section 9-7b-25 of the regulations of Connecticut state agencies sets forth the procedure to be followed by any individual asserting a complaint, or the secretary of the state or any town clerk submitting a statement under Sections 9-7b or 9-333y of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998)

#### **Sec. 9-7b-25. Form of complaint or statement**

(a) All complaints shall be in writing and sworn to under oath by the individual submitting same and should include the following components:

(1) The legal name, address and telephone number of each such individual.

(2) A concise and explicit statement of facts bearing upon the violation asserted, including, but not limited to, the items that follow:

(A) The date of the alleged violation of any provision of the General Statutes pertaining to or relating to any election, primary or referendum and the appropriate statutory reference or references, if known.

(B) The identity of the person alleged to have committed such violation.

(C) The identity of any other person who may have knowledge of the facts asserted in the complaint.

(D) Any other document or real evidence bearing upon the violation alleged in the complaint.

(b) Any statement submitted by the secretary of the state or a town clerk shall be in writing and should include the same components as stated above for complaints.

(c) If the secretary of the state or town clerk is notifying the Commission of a person who has failed to file a required campaign finance statement in accordance with subsection (b) of Section 9-333y of the General Statutes, the secretary of the state or town clerk shall include, along with such referral, copies of the committee's registration form, delinquent notice and any such correspondence to and from the subject of the referral as may be relevant to the matter referred.

(Effective March 23, 1989; amended July 31, 1998)

### **Sec. 9-7b-26. Procedure in response to complaint or statement, or initiation of commission investigation**

(a) Within seven calendar days of the receipt of a complaint or statement submitted pursuant to Sections 9-7b or 9-333y of the General Statutes, the Commission shall notify (1) the complainant in writing and (2) any respondent named or referred to in such complaint or statement of the charges made and facts alleged by sending a copy of such complaint or statement or a concise summary of the complaint or statement, whichever is appropriate.

(b) Within seven calendar days of the initiation of an investigation by the Commission, it shall notify in writing the person or persons to be investigated and provide such person or persons with a concise statement of the subject matter of the investigation.

(c) A complaint or statement filed with the Commission may not be withdrawn by the complainant or official filing the statement except with the permission of the Commission.

(Effective March 23, 1989; amended July 31, 1998)

## **Part 2. Investigations**

### **Sec. 9-7b-27. Investigations, generally**

Statutory authority to conduct investigations on the Commission's own initiative, or with respect to statements filed with the Commission, or upon written complaint under oath by any individual, with respect to alleged violations of any provision of the General Statutes pertaining to or relating to any election, primary or referendum is derived from Section 9-7b of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998)

### **Sec. 9-7b-28. Subpoenas issued by Commission**

(a) With respect to any matter it deems relevant to an investigation or inquiry, the Commission may subpoena witnesses to compel their attendance and testimony, and require the production for examination of any records, documents and papers. A majority vote of a quorum of the Commission shall be required for the issuance of an investigatory subpoena. Any subpoena issued under this section shall be signed

on behalf of the Commission by any Commissioner. The presumption of authority as referred to in Section 9-7b-6 of the regulations of Connecticut state agencies shall apply to any subpoena. If any person disobeys any subpoena issued under this section or, having appeared in obedience to it, refuses to answer any pertinent question put to him or her by the Commission or by the presiding officer or to produce any records, documents and papers pursuant to the subpoena, the Commission may apply to the Superior Court for the Judicial District of Hartford for enforcement of the subpoena.

(b) In connection with an investigation of an alleged violation of Chapter 145 or of section 9-359 or 9-359a of the General Statutes, the Commission may subpoena any municipal clerk and require the production of any absentee ballot, inner and outer envelope from which any such ballot has been removed, depository envelope under section 9-150a of the General Statutes, or any other record, form or document prescribed in connection with the absentee voting process, which is related to the investigation.

(c) In connection with an investigation concerning the operation, inspection of or outcome recorded on any voting machine used in any election, primary or referendum, the Commission may issue an order to the municipal clerk to impound such machine until the investigation is completed, pursuant to Section 9-7b(1) and Section 9-310 of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998)

**Secs. 9-7b-29—9-7b-31. Reserved**

### **Article 3. Contested Cases**

#### **Part 1. Parties, Intervention and Participation**

##### **Sec. 9-7b-32. Designation of parties**

(a) In issuing the notice of hearing, the executive director and general counsel or his designee shall designate as a party any person known to the Commission whose legal rights, duties or privileges are required by statute to be determined by a commission proceeding and who is required by law to be a party in a commission proceeding and any person whose participation as a party is then deemed to be necessary to the proper disposition of the proceeding. The respondent or respondents shall be a party or parties to the proceedings. Subsequent to the issuance of the notice of hearing, no person before the Commission other than a respondent who is identified in the notice of hearing has standing as a party within the definition set forth in subsection (8) of Section 4-166 of the General Statutes except (1) upon the express order of the hearing officer, and (2) that a complainant shall be a party to a hearing required under the federal Help America Vote Act.

(b) Any person who is not identified as a party in the notice of hearing may petition the hearing officer for admission as a party subsequent to the issuance of the notice and prior to the commencement of oral testimony in any hearing. The petition shall be in writing, signed by the petitioner or his authorized representative and shall be served on the Commission and the parties, at least five days before the hearing. The petition shall state facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the Commission's decision. The hearing officer shall rule on the petition prior to the commencement of any oral testimony in the hearing and shall notify the petitioner of the ruling in writing unless the petitioner is present at the contested case hearing.

(c) The hearing officer may remove as a party any person whose rights, duties or privileges are determined not to be at issue in the contested case.

(d) The conferring of party status shall not be deemed to be an admission by the Commission that such party may be aggrieved by any final decision, order or ruling of the Commission.

(Effective March 23, 1989; amended July 31, 1998, October 7, 2004)

### **Sec. 9-7b-33. Intervenors**

(a) The hearing officer may grant any person status as an intervenor in a contested case if he or she finds that: (1) the person has submitted a written petition to the hearing officer and served copies to all parties and intervenors at least five days before the hearing; and (2) the petition states facts that demonstrate that the petitioner's participation is in the interest of justice and will not impair the ordinary conduct of the proceeding. An intervenor shall participate only in those portions of the contested case that the hearing officer shall expressly allow.

(b) The conferring of intervenor status by the hearing officer shall not be deemed to be an admission by the Commission that such intervenor may be aggrieved by any final decision, order or ruling of the Commission.

(Effective March 23, 1989; amended July 31, 1998)

### **Sec. 9-7b-34. Representation of parties and intervenors**

Each person authorized to participate in a contested case as a party or as an intervenor shall file a written notice of appearance with the clerk of the Commission. Such appearance may be filed on behalf of parties and intervenors by an attorney, subject to the rules hereinabove stated. The filing of a written appearance may be excused by the hearing officer.

(Effective March 23, 1989; amended July 31, 1998)

## **Part 2. Hearings**

### **Sec. 9-7b-35. Commencement of contested case**

When a hearing is required by statute and for purposes of section 4-181 of the General Statutes, the contested case shall commence on the date that the notice of hearing is issued by the executive director and general counsel or his designee in accordance with section 9-7b-37 of the regulations of Connecticut state agencies. No contested case concerning an alleged violation of state election law shall be commenced unless a majority vote of a quorum of the Commission finds reason to believe that a violation of the General Statutes within the Commission's jurisdiction has been committed. Such a reason to believe finding shall not be required in cases heard under the federal Help America Vote Act where the commission is serving only as an adjudicator. The commission, however, in its discretion, may make such a reason to believe finding on a complaint brought under the federal Help America Vote Act and may direct its staff to prosecute the matter. Following the issuance of such notice of a contested case, it shall be the responsibility of any party or other person wishing to receive notice of any further proceedings, to notify the Commission of the party or person's change of address and include the Commission file number and title of the proceedings in such notification.

(Effective March 23, 1989; amended July 31, 1998, October 7, 2004)

### **Sec. 9-7b-36. Place of hearings**

Unless otherwise provided by the Commission or the hearing officer, all hearings of the Commission shall be held at Hartford at the office of the Commission.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-37. Notice of hearings**

(a) **Persons notified.** Except when the Commission or the hearing officer shall otherwise direct, the Commission shall give at least ten calendar days written notice of a hearing in any pending matter to all parties, to all persons who have been previously permitted to participate as intervenors and to all persons otherwise required by statute to be notified. Written notice shall be given to such additional persons as the Commission or the hearing officer shall direct.

(b) **Contents of notice.** Notice of a hearing shall include, but shall not be limited to, the following:

- (1) a statement of the time, place and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held and a reference to the particular sections of the statutes and regulations involved; and
- (3) a short and plain statement of the matters asserted or, in lieu thereof, a copy of the complaint.

(Effective August 7, 1980; amended July 31, 1998)

**Sec. 9-7b-38. Continuances or postponements of hearings**

After the notice of hearing has been issued, no request for continuance or postponement of hearing shall be granted or permitted unless such request:

(a) is in writing signed by each party to the contested case, or by each such party's attorney; and

(b) states as the reason for the continuance or postponement (1) that the parties are in the process of negotiating a settlement or other resolution of the case and that a continuance or postponement of the hearing is necessary to facilitate the successful completion of such settlement or resolution or (2) other good cause.

(Effective March 23, 1989; amended July 31, 1998)

**Part 3. Hearings, Procedure****Sec. 9-7b-39. General provisions**

(a) **Purpose of hearing.** The purpose of any hearing the Commission conducts under Chapter 54 of the General Statutes is to provide all parties an opportunity to present evidence and argument on all issues to be considered by the Commission.

(b) **Conduct of hearing.** The conduct of the hearing shall be determined by the hearing officer subject to the provisions of Chapter 54 of the General Statutes and of these regulations. Each party to the contested case shall submit to the hearing officer a list of the names and addresses, if known, of all witnesses which such party intends to call to testify at the hearing. Such list shall be submitted by seven days prior to the hearing. Failure to provide a list of witnesses may result in exclusion of witness testimony, subject to the discretion of the hearing officer.

(c) **Limiting number of witnesses.** To avoid unnecessary cumulative evidence, the Commission or the hearing officer may limit the number of witnesses or the time or testimony upon a particular issue in the course of any hearing.

(d) **Written testimony.** The Commission may, by order of the hearing officer, permit any party or witness to offer testimony in written form. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the party or witness who has given the evidence, provided that each such party or witness shall be present at the hearing at which the testimony is offered, shall adopt the written testimony under oath, and shall be made available for cross

examination as directed by the hearing officer. Prior to its admission such written testimony shall be subject to objections by parties.

(e) **Order of presentation.** In hearings conducted under this article, the party that shall open and close the presentation of the case shall be the staff member of the Commission who is assigned to prosecute the matter.

(Effective March 23, 1989; amended July 31, 1998)

#### **Sec. 9-7b-40. Witnesses, subpoenas, and production of records**

(a) The hearing officer authorized to conduct the hearing shall have power to administer oaths and take testimony under oath relative to the matter of inquiry or investigation.

(b) At any hearing ordered by the Commission, the hearing officer may subpoena witnesses to compel their attendance and require the production or examination of any records, documents and papers pertinent to the subject matter of the hearing. Any party may request that such process be used. The request shall be in writing and contain the following: the name and address of each person upon whom such process is to be served; an adequate description of any records, documents and papers sought to be produced; and a short explanation of the testimony or evidence to be offered at the hearing and its materiality to the subject thereof. It shall be the sole responsibility of the party requesting such process to cause it to be served in accordance with law.

(c) If any person disobeys such process or, having appeared in obedience to it, refuses to answer any pertinent question put to him or her by the hearing officer or to produce any records, documents and papers pursuant to it, the hearing officer shall report the need for enforcement of the subpoena to the Commission. Upon a majority vote of a quorum of the Commission, the executive director and general counsel shall, on behalf of the Commission, seek such order by application to the Superior Court for the judicial district of Hartford, as provided in Section 9-7b of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998)

#### **Sec. 9-7b-41. Rules of evidence**

The following rules of evidence shall be followed in the admission of testimony and exhibits in all hearings in contested cases held under Chapter 54 of the General Statutes.

(a) **General.** Any oral or documentary evidence may be received, but the hearing officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The Commission or hearing officer shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form as provided in Section 9-7b-39 of the regulations of Connecticut state agencies.

(b) **Documentary evidence, copies.** Documentary evidence may be received at the discretion of the Commission or hearing officer in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies, within the provisions of section 52-180 of the General Statutes.

(c) **Cross examination.** Such cross examination may be conducted as the hearing officer shall find to be required for a full and true disclosure of the facts.

(d) **Facts noticed, Commission records.** The Commission or hearing officer may take administrative notice of judicially cognizable facts, including the records and the prior decisions and orders of the Commission. Any exhibit admitted as evidence by the Commission in a prior hearing may be offered as evidence in a subsequent hearing and admitted as an exhibit in such hearing.

(e) **Facts noticed, scope and procedure.** The Commission or hearing officer may take administrative notice of generally recognized technical or scientific facts within the Commission's specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed. The Commission shall employ its experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making its finding of facts and arriving at a final decision.

(Effective March 23, 1989; amended July 31, 1998)

#### **Part 4. Decision in a Contested Case**

##### **Sec. 9-7b-42. Uncontested disposition of complaint or statement**

Unless precluded by law, a complaint or statement filed pursuant to Section 9-7b of the General Statutes and Section 9-7b-25 of the regulations of Connecticut state agencies may be resolved by stipulation, agreed settlement, consent order, dismissal, administrative withdrawal without hearing or default. Upon such disposition a copy of the Commission action shall be sent to each party or intervenor and any attorney of record who has filed an appearance with the Commission.

(Effective March 23, 1989; amended July 31, 1998)

##### **Sec. 9-7b-43. Proposal for decision in a contested case**

(a) The Commission will proceed in the following manner in contested cases where a majority of the Commission has not heard the case or read the record. A final decision shall not be adopted by the Commission until a proposed final decision is served upon all of the parties, and until an opportunity has been afforded to each party adversely affected by the proposed final decision to file exceptions, to present briefs, and to make oral argument before the Commission at a Commission meeting. Compliance with this requirement concerning the proposed final decision may be waived by a written stipulation of the parties. The Commission may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposed final decision. For good cause shown, the Commission may enlarge the period for argument if the request is made in writing, stating the reasons therefor, and filed with the Commission on or before the Wednesday immediately prior to the meeting at which such proposed final decision is scheduled to be discussed or acted upon by the Commission.

(b) In no event may new evidence, not admitted into evidence under Section 9-7b-41 of the regulations of Connecticut state agencies, be submitted or considered by the Commission at the Commission meeting at which the proposed final decision is considered. In addition, no party or intervenor may present any argument at the Commission meeting at which the proposed final decision is considered unless such argument had been raised (1) at the hearing in the contested case, or (2) in a bill of exceptions or brief filed with the Commission on before the Wednesday immediately prior to the meeting at which the proposed final decision is scheduled to be discussed or acted upon by the Commission, or (3) in the proposed final decision itself.

(c) In the proposed final decision to be served upon the parties, the Commission or hearing officer shall set forth each issue of fact or law that it finds necessary to reach the conclusions contained in the proposed final decision.

(Effective March 23, 1989; amended July 31, 1998)

#### **Sec. 9-7b-44. Contents of the record in a contested case**

The record in a contested case shall include:

- (1) written notices related to the case;
- (2) all petitions, pleadings, motions and intermediate rulings;
- (3) evidence received or considered;
- (4) questions and offers of proof, objections, and the hearing officer's rulings thereon;
- (5) the official transcript, if any, of the proceedings of the case, or, if not transcribed, any recording or stenographic record of the proceeding;
- (6) the proposed final decision and exceptions thereto; and
- (7) the final decision.

(Effective March 23, 1989; amended July 31, 1998)

#### **Sec. 9-7b-45. Final decision in a contested case**

All final decisions and orders of the Commission concluding a contested case shall be in writing or orally stated and shall be made part of the record of such case. The Commission shall serve a copy of its final decision on each party and intervenor in the manner required by Chapter 54 of the General Statutes.

(Effective August 7, 1980; amended July 31, 1998)

### **Part 5. Authority to Impose Civil Penalties, Sanctions and to Take Other Action**

#### **Sec. 9-7b-46. Authority**

(a) The Commission is authorized to act in accordance with the powers granted to it under Sections 9-7b and 9-369b and Chapter 150 of the General Statutes. Except in circumstances when its investigation reveals significant evidence of a criminal violation or violations of the state elections laws within its jurisdiction, the Commission shall attempt to resolve cases pending before it by use of its civil and administrative authority, including but not limited to, the issuance of orders necessary to secure compliance with such laws.

(b) The Commission is authorized to levy civil penalties against any person it finds to be in violation of any provision of the General Statutes enumerated in subsection (2) of Section 9-7b, and Subsection (b) of Section 9-369b of the General Statutes. The Commission shall use the factors specified in Section 9-7b-48 of the regulations of Connecticut state agencies to determine the amount of the civil penalty to be imposed but, in no event, shall the amount exceed the statutory authority prescribed in Sections 9-7b or 9-369b, as the case may be.

(c) The Commission is also authorized to issue orders which require (1) the return to the donor or payor or remittance to the state, of money or resources which is prohibited by any provision of Chapter 150 from being given or received, whichever is deemed by the Commission to be necessary to effectuate the purposes of Chapter 150 of the General Statutes; (2) removal of a campaign treasurer, deputy campaign treasurer or solicitor or prohibiting service in such capacity for a period not to exceed four years; (3) revocation of a person's eligibility to be appointed or serve as a primary, referendum or election official; (4) suspension of the political activities

of a party or political committee; and (5) compliance with the federal Help America Vote Act.

(Effective March 23, 1989; amended July 31, 1998, October 7, 2004)

**Sec. 9-7b-47. Proceeding which civil penalty or forfeiture is or may be imposed**

Unless waived by written stipulation or consent agreement with the Commission, no civil penalty or forfeiture may be imposed by the Commission unless the respondent has had an opportunity to be heard at a hearing as required by Section 9-7b of the General Statutes. Each such hearing shall be considered a contested case within the meaning of Section 9-7b-1 of the regulations of Connecticut state agencies and Chapter 54 of the General Statutes. The proceedings in these cases shall be governed by Section 9-7b-8 and Sections 9-7b-11 through 9-7b-58, inclusive, of the regulations of Connecticut state agencies.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-48. Amount of civil penalty to be imposed, factors considered**

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-49. Collection of penalties and forfeitures**

Any civil penalty collected by, or monies remitted to the Commission pursuant to Sections 9-7b, 9-333y or 9-369b of the General Statutes and Sections 9-7b-46 through 9-7b-51 of the regulations of Connecticut state agencies shall be deposited in the general fund.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-50. Failure to pay penalties or comply with orders, enforcement**

Upon an order or final decision of the Commission that a civil penalty or forfeiture of money or resources shall be paid or made, as the case may be, it shall notify the person against whom such order or decision has been issued in writing by certified or registered mail of the Commission's order or decision. Unless the order or decision otherwise directs, such notice shall include a statement to the effect that in the event of failure to comply with such order or decision within thirty (30) days of the date of such notice by the Commission, the Commission may apply to the superior court for the judicial district of Hartford for enforcement of its decision or order. Any costs or fees incurred by the Commission to enforce its order or decision shall be recoverable from the respondent.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-51. Imposition of civil penalty or forfeiture not a bar to exercise of commission's other powers and duties**

Unless the written stipulation, agreed settlement, order or decision expressly states otherwise, the imposition of a civil penalty or requirement of forfeiture by the Commission against a person shall not preclude the Commission from exercising its other powers and duties prescribed in Sections 9-7b, 9-333y or 9-369b of the General Statutes.

(Effective March 23, 1989; amended July 31, 1998)

**Secs. 9-7b-52—9-7b-53. Reserved**

**Part 6. Consent Orders and Written Stipulations**

**Sec. 9-7b-54. General provisions**

(a) A respondent may agree to enter into a written consent order or stipulation in any matter pending before the Commission and in lieu of a hearing in a contested case. The adoption of a consent order is within the complete discretion of the Commission.

(b) Any attorney who attempts to negotiate a settlement, consent order or stipulation on behalf of a respondent or other individual or entity shall file an appearance, letter of representation or statement of authority to conduct negotiations on behalf of such respondent, individual or entity.

(c) A consent order or stipulation shall contain:

(1) an admission of all jurisdictional facts;

(2) an express waiver of the requirements that the decision of the Commission contain findings of facts and conclusions of law separately stated;

(3) an express waiver of the right to seek judicial review or otherwise contest the validity of the order;

(4) a statement that the consent order or stipulation shall have the same force and effect as provided by statute for other final decisions or orders and shall become final when issued; and

(5) the signature of the chairperson of the Commission or an authorized representative.

(Effective March 23, 1989; amended July 31, 1998, April 26, 2007)

**Sec. 9-7b-55. Public records**

Upon its adoption by the Commission, the consent order or written stipulation shall be a matter of public record and shall be available for public inspection in the office of the Commission.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-56. Notice to parties and intervenors**

Upon its adoption by the Commission, the consent order or written stipulation shall be delivered or mailed within five (5) calendar days of its adoption to each party, intervenor or any attorney of record filing an appearance on behalf of such party or intervenor.

(Effective March 23, 1989; amended July 31, 1998)

**Sec. 9-7b-57. Force and effect**

Upon its adoption by the Commission, the consent order or written stipulation shall have the same force and effect as a final decision and order issued following a hearing in a contested case.

(Effective March 23, 1989; amended July 31, 1998)

**Article 4. Miscellaneous Proceedings**

**Part 1. Informal Conference**

**Sec. 9-7b-58. General provisions**

(a) Upon receipt of a complaint or statement, or upon initiation by a majority vote of a quorum of the Commission of an investigation, as provided in Section 9-7b of the General Statutes, the Director of Legal Affairs and Enforcement shall

assign the matter for investigation by the staff of the Commission provided the complaint or statement sets forth sufficient facts and allegations which, if true, would constitute a violation of the Connecticut General Statutes or the federal Help America Vote Act within the Commission's jurisdiction. In the event of an initiation by the Commission, the Director of Legal Affairs and Enforcement shall assign the matter for an investigation.

(b) The Director of Legal Affairs and Enforcement may call in a respondent or any person who is being investigated for an informal conference concerning the subject matter of the complaint, statement or investigation. At least three (3) days written notice shall be given to the respondent or person, as the case may be, of such informal conference. Such notice shall contain:

- (1) the date, time and place of the conference;
- (2) a reference to the statute or regulation allegedly violated or which is the subject matter of the complaint, statement or investigation, or in lieu thereof, a copy of the complaint or statement;
- (3) a short summary of the facts surrounding the alleged violation or the matter of inquiry, or in lieu thereof, a copy of the complaint or statement; and
- (4) an explanation that the respondent or person, as the case may be, may be accompanied by counsel, if he so desires.

(c) Informal conferences need not be recorded and transcribed. Section 9-7b-8 and Sections 9-7b-32 through 9-7b-57, inclusive, and Sections 9-7b-88 through 9-7b-95, inclusive, of the Regulations of Connecticut State Agencies as amended from time to time shall not apply to informal conferences.

(Effective March 23, 1989; amended July 31, 1998, October 7, 2004, April 26, 2007)

## **Part 2. Petitions Concerning Adoption of Regulations**

### **Sec. 9-7b-59. Regulation making functions**

Statutory authority to adopt, amend or repeal regulations is derived from Section 9-7b and Chapter 54 of the General Statutes.

(Effective August 7, 1980; amended July 31, 1998)

### **Sec. 9-7b-60. General rule**

Sections 9-7b-61 and 9-7b-62 of the Regulations of Connecticut State Agencies set forth the procedure to be followed by the Commission in the disposition of a petition concerning the adoption, amendment or repeal of regulations.

(Effective August 7, 1980; amended July 31, 1998)

### **Sec. 9-7b-61. Form of petition**

Any person may petition the Commission or the Commission may on its own motion initiate a proceeding to adopt, amend, or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. The petition shall contain the name and address of the petitioner. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments in the petition or in a brief annexed thereto. The petition shall be addressed to the Commission and delivered to it at its office.

(Effective August 7, 1980; amended July 31, 1998)

### **Sec. 9-7b-62. Procedure after petition filed**

(a) **Decision on petition.** Upon receipt of the petition the Commission shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) **Procedure on denial.** If the Commission denies the petition, the Commission shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the Commission shall deem appropriate.

(Effective August 7, 1980; amended July 31, 1998)

### **Part 3. Petitions For Declaratory Rulings**

#### **Sec. 9-7b-63. General rule**

Sections 9-7b-63 through 9-7b-65, inclusive, of the Regulations of Connecticut State Agencies set forth the procedure to be followed by the Commission in the disposition of a petition for a declaratory ruling as to the applicability to specified circumstances of any provision of Chapter 150 of the General Statutes, or of any regulation or final decision on a matter within the Commission's jurisdiction, or the validity of any regulation of the Commission. The Commission shall not issue a declaratory ruling when the subject of the petition concerns actions of a third party which have occurred. However, the Commission shall notify the petitioner of the complaint procedure as contained in Section 9-7b-25 of the regulations of Connecticut state agencies.

(Effective August 7, 1980; amended July 31, 1998)

#### **Sec. 9-7b-64. Form of petition for declaratory ruling**

Any person may petition the Commission, or the Commission may on its own motion initiate a proceeding, for a declaratory ruling as to the validity of any of its regulations, or the applicability to specified circumstances of any provision of Chapter 150 of the General Statutes, a regulation, or a final decision on a matter within the Commission's jurisdiction. The petition shall conform to Section 9-7b-64 of the regulations of Connecticut state agencies. Such petition shall be addressed to the Commission and delivered to it at its office. The petition shall contain the name and address of such petitioner. The petition shall (1) state clearly and concisely the substance and nature of the petition; (2) identify the statute, regulation or order concerning which the petition is made; and (3) identify the particular aspect thereof to which the petition is directed. The petition for a declaratory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the petitioner.

(Effective August 7, 1980; amended July 31, 1998)

#### **Sec. 9-7b-65. Procedure after petition for declaratory ruling filed**

(a) **Notice.** Within thirty days after receipt of a petition for a declaratory ruling, the Commission shall give notice of the petition to all persons who have requested notice of the declaratory ruling petitions on the subject matter of the petition.

(b) **Parties and intervenors.** If the Commission finds that a timely petition to become a party or to intervene has been filed according to Section 9-7b-32(b) of the regulations of Connecticut state agencies, the Commission: (1) may grant a person status as a party if the Commission finds that the petition states the facts demonstrating that the petitioner's legal rights, duties or privileges shall be specifically affected by the Commission proceedings; and (2) may grant a person status as an intervenor if the Commission finds that the petition states facts demonstrating that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings. The Commission may define an intervenor's

participation in the manner set forth in Subsection (d) of Section 4-177a of the General Statutes.

(c) **Commission action.** Within sixty days after receipt of petition for a declaratory ruling, the Commission in writing shall: (1) issue a ruling declaring the validity of a Regulation or the applicability of the provision of the General Statutes, the Regulation, or the final decision in question to the specified circumstances, (2) order the matter set for specified proceedings, (3) agree to issue a declaratory ruling by a specified date, (4) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under Section 4-168 of the General Statutes, on the subject, or (5) decide not to issue a declaratory ruling, stating the reasons for its action.

(d) **Provision for hearing.** If the Commission deems a hearing necessary or helpful in determining any issue concerning the petition for a declaratory ruling, the Commission shall schedule such hearing and give such notice thereof as shall be appropriate. Sections 9-7b-8, 9-7b-11 through 9-7b-21, inclusive, 9-7b-28, and 9-7b-32 through 9-7b-45, inclusive, of the regulations of Connecticut state agencies govern the practice and procedure of the Commission in any hearing concerning a declaratory ruling.

(Effective August 7, 1980; amended July 31, 1998)

### **Secs. 9-7b-66—9-7b-68.**

Repealed, July 31, 1998.

### **Secs. 9-7b-69—9-7b-74. Reserved**

## **Part 4. Personal Data System**

### **Sec. 9-7b-75. Personal data, definitions**

When used in Sections 9-7b-75 to 9-7b-81 of the regulations of Connecticut state agencies, inclusive, the following terms shall have the meanings herein specified, unless the context otherwise indicates.

(a) “Agency” means each state or municipal board, Commission, department or officer, other than the legislature, courts, governor, lieutenant governor, attorney general or town or regional boards of education, which maintains a personal data system.

(b) “Attorney” means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under Chapter 55 of the General Statutes.

(c) “Authorized representative” means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under Chapter 55 of the General Statutes.

(d) “Automated personal data system” means a personal data system in which data is stored, in whole or part, in a computer or in computer accessible files.

(e) “Case file” means that compilation of personal data, in either manual or automated form, relating to a specific Commission audit, investigation, contested case, advisory opinion, declaratory ruling or court case.

(f) “Commission” means the State Elections Enforcement Commission.

(g) “Computer accessible files” means any personal data which is stored on-line or off-line, which can be identified by use of electronic means, including but not limited to microfilm and microfilm devices, which includes but is not limited to magnetic tape, magnetic film, magnetic disks, magnetic drums, internal memory

utilized by any processing device, including computers or telecommunications control units, punched cards, paper or film which is optically scanned.

(h) "Employment record" means that compilation of personal data, in either manual or automated form, which relates to the qualifications of employment applications.

(i) "Maintain" means collect, maintain, use or disseminate.

(j) "Manual personal data system" means a personal data system other than an automated personal data system.

(k) "Person" means an individual of any age concerning whom personal data is maintained in a personal data system, or a person's attorney or authorized representative.

(l) "Personal data" means any information about a person's education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. "Personal data" shall not be construed to make available to a person any record described in subdivision (3) of subsection (b) of Section 1-19 of the General Statutes.

(m) "Personal data system" means a collection of records containing personal data.

(n) "Personnel file" means that compilation of personal data, in either manual or automated form, relating to a Commission employee's employment and personnel activities, including, but not limited to, his or her performance, evaluation and payroll and other employment-related record keeping which is necessary for the conduct of the Commission's business and which is kept and maintained by the Commission's business office.

(o) "Record" means any collection of personal data, defined in subsection (l), which is collected, maintained or disseminated.

(p) "Categories of personal data" means the classifications of personal information set forth in subdivision (9) of Section 4-190 of the General Statutes.

(q) "Other data" means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(Effective November 1, 1989; amended July 31, 1998)

### **Sec. 9-7b-76. Categories of personal data in the commission's personal data system**

The categories of personal data maintained by the Commission consist of case files, employment records and personnel files. In addition, the Commission maintains a general correspondence file which contains other data. Records of personal data are maintained on agency personnel and employment applicants. Case files may also contain personal data concerning parties, witnesses and other persons.

(Effective November 1, 1989)

### **Sec. 9-7b-77. General nature and purpose of personal data system**

(a) The Commission has a single designated personal data system consisting of three parts and whose nature and purpose is to maintain accurate and current information regarding:

(1) Commission case files in fulfillment of its statutory duties under Sections 9-7a and 9-7b of the General Statutes;

(2) the qualifications of employment applicants; and

(3) employees' employment and personnel activities necessary for the conduct of the Commission's business.

(b) The Commission's personal data system is both manual and automated and is located at the Commission's office at 20 Trinity Street, Hartford, Connecticut 06106. The Commission is responsible for maintaining the system and requests for disclosure or amendment of information should be made in care of the Commission's executive director or managing director. The Commission's routine sources of personal data are witnesses, parties, public records, employment applications, personal resumes and Department of Administrative Services and State Comptroller forms.  
(Effective November 1, 1989; amended July 31, 1998)

### **Sec. 9-7b-78. Maintenance of personal data**

(a) The Commission shall strive to collect and maintain all personal data with accuracy and completeness. Any personal data not relevant and necessary to accomplish the lawful purpose of the Commission shall be disposed of in accordance with the Commission's record retention schedule, or upon permission from the public records administrator to dispose of said records under Section 11-8a of the General Statutes.

(b) All employees who function as custodians for the Commission's personal data system, or are involved in its operation, shall be given a copy of the provisions of the Personal Data Act, these regulations, and a copy of the Freedom of Information Act.

(c) All such Commission employees shall take reasonable precautions to protect personal data under their control or custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(d) The Commission shall incorporate by reference the provisions of the Personal Data Act and these regulations in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Commission or on its behalf.

(e) Access to the Commission's personal data system is available to Commission employees who require such information in the performance of their official and lawful duties and to such other persons who are entitled to access under law. The Commission shall keep an up-to-date roster of Commission employees entitled to access to the Commission's personal data system.

(f) The Commission will ensure against unnecessary duplication of personal data records. In the event that it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential," where such records are required by law to be kept confidential.

(g) The Commission shall ensure that all records in its manual personal data system are kept under lock and key, and, to the greatest extent practical, are kept in controlled access areas.

(h) The Commission shall, to the greatest extent practical, locate automated equipment and records in a limited access area.

(i) Where required by law, to the greatest extent practical, the Commission shall require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(j) The Commission, to the greatest extent practical, will ensure that regular access to automated equipment is limited to operations personnel and other authorized persons.

(k) The Commission shall use appropriate access control mechanisms to prevent disclosure to unauthorized individuals of personal data required to be kept confidential by law.

(Effective November 1, 1989; amended July 31, 1998)

**Sec. 9-7b-79. Disclosure of personal data**

(a) Any individual may request from the Commission whether it maintains personal data on that individual; the category and location of the personal data maintained on that individual and procedures available to review the information. The Commission promptly shall mail or deliver to the requesting individual a written response in plain language.

(b) Where required by law, the Commission shall disclose to any person upon request all personal data concerning that person which is maintained by the Commission. Where required by law, such disclosure shall be made so as not to disclose any personal data concerning persons other than the individual requesting such information.

(c) Where required by law, Commission personnel shall verify the identity of any person requesting access to his or her own personal data.

(d) The Commission may refuse to disclose to a person medical, psychiatric or psychological data regarding that person if it is determined by the Commission that such disclosure would be detrimental to the person, or if such non-disclosure is otherwise permitted or required by law. If the Commission refuses to disclose medical, psychiatric or psychological data to a person, it must inform the person of his or her right to seek judicial relief provided by Section 4-195 of the General Statutes.

(e) If the Commission refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and the nondisclosure is not mandated by law, the Commission shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If nondisclosure is recommended by such person's medical doctor, the Commission shall not disclose the personal data and shall inform such person of the judicial relief provided under Section 4-195 of the General Statutes.

(f) The Commission shall maintain a record of each person, individual, agency or organization who has obtained access to or to whom disclosure has been made of personal data in accordance with subsection (c) of Section 4-193 of the General Statutes, together with a reason for each such disclosure or access. This record shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer. This record shall be disclosed to any person upon written request.

(Effective November 1, 1989)

**Sec. 9-7b-80. Procedures for contesting content**

The following procedure shall be used in order to provide an opportunity to contest the accuracy, completeness or relevancy of personal data:

(a) Any individual may file a written request with the Commission for correction of personal data pertaining to him or her.

(b) Within thirty days of receipt of such request, the Commission shall notify such individual that it will make the correction or if the correction is not to be made as submitted, the Commission shall state the reason for its denial of such request and notify the person of his or her right to add his or her own statement to his or her employee personal data records.

(c) Following such denial by the Commission, the individual requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what he or she believes to be an accurate, complete and relevant version

of the personal data in question. Such statements shall become a permanent part of the Commission's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(Effective November 1, 1989)

### **Sec. 9-7b-81. Uses to be made of the personal data**

(a) Case files are routinely used in the performance of the Commission's statutory mandate under Section 9-7b to administer and enforce Chapter 150, the campaign financing act, and to enforce the provisions of General Statutes relating to elections, primaries and referenda.

(b) Employment records are routinely used for evaluating the qualifications of employment applicants.

(c) Personnel files are routinely used for recording and evaluating the work performance of Commission employees. Personnel files are used also for payroll and other employment-related record keeping, as required by the Department of Administrative Services, the Office of the Comptroller, the Office of Policy and Management and other legal authorities.

(d) Records contained in the Commission's personal data system shall be retained for the period indicated for such records in the Commission's retention and destruction of records schedule, as amended from time to time, approved by the state records administrator pursuant to Section 11-8a of the General Statutes.

(e) When an individual is asked by the Commission to supply personal data, the Commission, upon request, shall disclose to that individual:

(1) The name of the Commission requesting the personal data;

(2) The legal authority under which the Commission is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and Commission regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data;

(5) The proposed use to be made of the requested personal data.

(Effective November 1, 1989; amended July 31, 1998)

## **Article 5. Help America Vote Act Administrative Complaint Procedure**

### **Part 1. Complaints under Title III of the federal Help America Vote Act**

#### **Sec. 9-7b-82. Help America Vote Act complaints**

A person who believes that a violation of Title III of the federal Help America Vote Act of 2002, Public Law 107-252, 42 USC 15481 to 15502, inclusive, as amended from time to time, has occurred, is occurring or is about to occur may file a complaint with the Commission. Such complaints may encompass voting system standards, identification requirements for voting at federal elections if registration was by mail, statewide computerized voter registration and list maintenance, provisional ballot voting, voting information requirements and content of voter registration forms, and shall be subject to the uniform and non-discriminatory complaint process set forth in sections 9-7b-83 to 9-7b-97, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective October 7, 2004)

#### **Sec. 9-7b-83. Contents of complaint**

A complaint filed pursuant to the federal Help America Vote Act shall be:

(1) in writing, notarized and signed and sworn by the complainant, and shall include the complainant's address and telephone number;

(2) provide the name or title of the respondent or respondents and a concise statement of facts alleged in support the claim that a violation of 42 USC 15481 to 15502, inclusive, occurred, is occurring or is about to occur;

(3) filed at the Commission's offices in Hartford, Connecticut, not later than 30 days after the action, occurrence or event that forms the basis for the complaint or the belief of the complainant that a violation of 42 USC 15481 to 15502, inclusive, is about to occur; or

(4) filed at the Commission's offices in Hartford, Connecticut, not later than 30 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action, occurrence or event that forms the basis for the complaint or the belief of the complainant that a violation of 42 USC 15481 to 15502, inclusive, is about to occur, whichever is later.

(Adopted effective October 7, 2004)

#### **Sec. 9-7b-84. Copies of the complaint**

Within four calendar days of the receipt of such a complaint, the Commission shall notify the complainant and all respondents as prescribed in section 9-7b-26(a) of the Regulations of Connecticut State Agencies.

(Adopted effective October 7, 2004)

#### **Sec. 9-7b-85. Review of complaint**

(a) The executive director and general counsel of the Commission or his or her designee shall review each complaint filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies to determine whether the complaint:

(1) Alleges facts, which if proven true, would constitute a violation of 42 USC 15481 to 15502, inclusive; and

(2) Complies with the requirements of section 9-7b-83 of the Regulations of Connecticut State Agencies.

(b) If the complaint fails to allege facts, which if proven true, would constitute a violation of 42 USC 15481 to 15502, inclusive, or does not comply with section 9-7b-83 of the Regulations of Connecticut State Agencies, the complaint will be dismissed without further action and notice of the dismissal as well as the reason therefore will be provided to the complainant, and any respondent identified by the complainant. Such determination shall also be available to the public, pursuant to 42 USC 15512.

(Adopted effective October 7, 2004)

#### **Sec. 9-7b-86. Re-filing of dismissed complaint**

A complainant whose complaint has been dismissed for failure to allege a violation of 42 USC 15481 to 15502, inclusive, or which does not comply with section 9-7b-83 of the Regulations of Connecticut State Agencies, may re-file a single time within the time period set forth in section 9-7b-83 of the Regulations of Connecticut State Agencies.

(Adopted effective October 7, 2004)

#### **Sec. 9-7b-87. Consolidation of complaints**

The executive director and general counsel of the Commission may consolidate complaints filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies if the complaints (1) relate to the same action, occurrence or event; (2) involve the same parties; or (3) raise a common question of law or fact. All interested parties shall be notified if two or more complaints have been consolidated. Any

complaints that are consolidated may be subsequently severed by the executive director and general counsel if justice so requires.

(Adopted effective October 7, 2004)

## **Part 2. Hearings**

### **Sec. 9-7b-88. Hearings**

At the request of the complainant, there shall be a hearing on the record with respect to a complaint filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies. Any such request by a complainant shall be submitted to the Commission in writing and signed by the complainant, and the Commission shall send written notice of such request to any respondent.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-89. Time for hearing request**

A complainant shall request a hearing with respect to a complaint filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies not later than 30 days after the date that the complaint is filed with the Commission. A complainant may withdraw his or her complaint and/or request for a hearing in writing at any time prior to the taking of evidence at the hearing, and the Commission shall send written notice of such withdrawal to any respondent.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-90. Time for hearing and final determination**

A hearing requested by the complainant with respect to a complaint filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies shall be held not later than 60 days after the date that the complaint is filed with the Commission, unless the complaint is dismissed pursuant to section 9-7b-85 of the Regulations of Connecticut State Agencies. The Commission shall make a final determination with respect to the complaint not later than 90 days after the complaint is filed with the Commission, unless the complainant waives the 90 day time period or consents to a longer period for making such a determination. Any such waiver of the 90 day time period for making a determination shall be in writing and signed by the complainant.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-91. Notice of hearings**

Except when the Commission or the hearing officer shall otherwise direct, the Commission shall give at least seven calendar days written notice of a hearing conducted pursuant to the federal Help America Vote Act in any pending matter to all parties, to the complainant, respondent and all persons who have been previously permitted to participate as intervenors and to all persons otherwise required by statute to be notified. The notice of hearing shall otherwise comport with the requirements of section 9-7b-37 of the Regulations of Connecticut State Agencies.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-92. Request for continuance**

Once a complaint filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies has been scheduled for a hearing, no continuances may be granted unless: (1) the complainant files an express written waiver of the 90 day time period for a final determination required by the federal Help America Vote Act; or (2) the respondent files a written request for a continuance that is supported by good cause, if such request for continuance would not cause the matter to continue beyond the

90 day time period for a final determination required by the federal Help America Vote Act.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-93. Hearing officers**

The Commission, by its chairperson or executive director and general counsel, may designate a member of the Commission or an attorney who is a staff member of the Commission to serve as a hearing officer for the purpose of hearing any contested case conducted pursuant to a complaint alleging a violation of Title III of the federal Help America Vote Act and filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies, except that a staff member who participated in an investigation or prosecution of a complaint shall not be eligible to serve as a hearing officer in the same matter.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-94. Conduct of hearing**

A hearing on a complaint filed pursuant to section 9-7b-82 of the Regulations of Connecticut State Agencies shall be a contested case within the meaning of section 4-166 of the Connecticut General Statutes and such hearing shall be conducted in accordance with Chapter 54 of the Connecticut General Statutes. The complaint process and hearing of complaints brought under the federal Help America Vote Act shall also comport with the procedures established in sections 9-7b-1 to 9-7b-65, inclusive, of the Regulations of Connecticut State Agencies, except as otherwise provided in sections 9-7b-82 to 9-7b-97, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-95. Order of presentation**

In hearings conducted on complaints filed pursuant to the federal Help America Vote Act and section 9-7b-82 of the Regulations of Connecticut State Agencies, the party that shall open and close the presentation of the case shall be the complainant, who shall have the burden of proving a violation of Title III of the federal Help America Vote Act of 2002, Public Law 107-252, 42 USC 15481 to 15502, inclusive, as amended from time to time, unless the complainant waives the 90 day time period for a determination and the matter is consolidated with a complaint or investigation alleging a violation of state election law or the Commission makes a finding that there is reason to believe that a violation of the Help America Vote Act occurred, is occurring or is about to occur and directs staff to prosecute the matter, pursuant to section 9-7b-35 of the Regulations of Connecticut State Agencies. In such instance, the order of presentation shall be as prescribed in section 9-7b-39 of the Regulations of Connecticut State Agencies.

(Adopted effective October 7, 2004)

### **Sec. 9-7b-96. Remedy**

If the Commission determines that a violation of Title III of the federal Help America Vote Act has occurred, is occurring or is about to occur, it shall provide the appropriate remedy, including, but not limited to, an order to a respondent commanding the respondent to take specified action or prohibiting the respondent from taking specified action, with respect to a past, present or future election. Such a remedy shall not include an award of money damages or attorney's fees, but may include a civil penalty if the violation also constitutes a violation of sections 83 to

90 of June 30 Special Session public act 03-6, pursuant to public act 04-74, and in accordance with section 9-7b-48 of the Regulations of Connecticut State Agencies.  
(Adopted effective October 7, 2004)

### **Part 3. Alternative Dispute Resolution Procedure**

#### **Sec. 9-7b-97. Alternative procedure in the event of failure to meet deadline for determination**

If the Commission fails to meet the deadline applicable under section 9-7b-90, the complaint shall be resolved within 60 days thereafter under the following procedure, as required by 42 USC 15512 and public act 04-74:

A member of the Commission shall be assigned by the Chairperson of the Commission within five days of the expiration of the 90 day period to resolve the matter within 60 days of the expiration of the 90 day period. If a hearing has been conducted, the member of the Commission assigned to resolve the matter shall have access to the record of the hearing, including any exhibits and testimony received by the hearing officer. If no hearing has been conducted, but the complainant has requested one, the Commission member shall forthwith conduct a hearing, and report a recommended decision to the Commission, which shall decide the matter not later than 60 days following the expiration of the 90 day period following the filing of the complaint. Such Commissioner shall have access to any records or materials that were part of the complaint process prior to the expiration of the 90 day period.

(Adopted effective October 7, 2004)



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**Registrars of Voters—Canvass by Mail**

**Sec. 9-32-1. Applicability of provisions**

In any municipality where the registrars of voters cause a canvass of the electors to be made by mail pursuant to subdivision (2) of section 9-32 of the General Statutes, such canvass shall be conducted in accordance with these regulations.

(Effective April 23, 1981)

**Sec. 9-32-2. Notice of canvass - general provisions**

The registrars shall send to each elector a notice of canvass by first class mail to the residence of such elector as shown on the last completed registry list for the municipality. The notice of canvass shall be on a form on which the elector may furnish information to enable the registrars to correct the registry list as it pertains to such elector. The registrars shall include with the notice a postage paid envelope for the return of the notice, or the notice may be in the form of a post card which is returnable postage paid. For purposes of these regulations, "last completed registry list" means the registry list for the municipality including any changes, additions and deletions made on or before the date when the notice of canvass is sent to the elector.

(Effective April 23, 1981)

**Sec. 9-32-3. Notice of canvass - form**

(a) **Notice of canvass form.** The notice of canvass shall be in both the English and Spanish languages in affected municipalities; in nonaffected municipalities the notice of canvass may be in the English language only. For purposes of this section, affected municipalities shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the Director of the Census, are Hispanic-Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. The notice of canvass in affected municipalities shall be in substantially the following form:

Notice of Canvass

Date: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Post Office Box \_\_\_\_\_ (optional)

Date of Birth \_\_\_\_\_ (optional)

**Important! This Concerns Your Right to Vote**

The registrars of voters are conducting a canvass of voters as required by law. Please check the statement or statements which apply to you, sign in the space provided below, and immediately return this form.

( ) My residence is at the address shown above.

( ) I have moved. The address of my new residence is: \_\_\_\_\_

\_\_\_\_\_  
(If this new residence is in another town, you must register to vote in that town in order to be entitled to vote in the next election.)

- ( ) I am in military service.
- ( ) My name has been changed to: \_\_\_\_\_.  
Please record this change on the voter registry list.

\_\_\_\_\_  
Signature of Elector

Important

The Registrars of Voters must receive this form from you within thirty (30) days, completed and signed, so that the voter registry list will show your correct name and residence address. Failure to return this card may affect your right to vote in future elections. Please cooperate by returning this form within thirty (30) days. There is no need to put a stamp on the return form.

Aviso Importante

Dia: \_\_\_\_\_

Nombre \_\_\_\_\_

Direccion \_\_\_\_\_

Apartado de Correo \_\_\_\_\_ (optional)

Fecha de Nacimiento \_\_\_\_\_ (optional)

!Importante! Esto Trata Sobre Su Derecho A Votar

Los registradores de votantes estan llevando a cabo una campana de solicitud de votantes, segun requerida por ley. Por favor, indique la declaracion o declaraciones que apliquen a usted, firme en el espacio provisto mas adelante y devuelva este formulario inmediatamente.

- ( ) Mi residencia esta en la direccion arriba indicada.
- ( ) Me he mudado. La direccion de mi nueva residencia es: \_\_\_\_\_

(Si esta nueva residencia es en otro pueblo, usted tiene que inscribirse para votar en ese pueblo para que sea elegible para votar en la proxima eleccion.)

- ( ) Estoy en servicio militar.
- ( ) Mi nombre ha sido cambiado a: \_\_\_\_\_.  
Por favor registre este cambio en la lista de votantes inscritos.

\_\_\_\_\_  
Firma del Elector

Importante

Los registradores de votantes deberan recibir este formulario de su parte dentro de treinta (30) dias, llenado y firmado, para que la lista de votantes inscritos refleje

su nombre y residencia correctos. Dejar de devolver esta tarjeta puede afectar su derecho a votar en elecciones futuras.

Por favor coopere devolviendo este formulario dentro de treinta (30) días. No hay necesidad de poner sello de correo en el formulario.

(b) The notice of canvass in nonaffected municipalities shall be in the form prescribed in subsection (a) or in the English language only prescribed in subsection (a).

(Effective January 9, 1987)

#### **Sec. 9-32-4. Notice of canvass—failure to return**

If the registrars of voters do not receive the notice of canvass from an elector, completed and signed, within 30 days after the date the notice was mailed to such elector, they shall take such action with respect to the removal of the elector's name from the registry list as they shall deem appropriate, subject to the requirements of Section 9-32-9. Such action may be based on other information which they may have received concerning the elector.

(Effective January 31, 1989)

#### **Sec. 9-32-5.**

Repealed, January 31, 1989.

### **Registrars of Voters—Canvass by Telephone**

#### **Sec. 9-32-6. Telephone canvass. Applicability of provisions**

In any municipality where the registrars of voters cause a canvass of the electors to be made by telephone pursuant to subdivision (3) of section 9-32 of the general statutes, such telephone canvass shall be conducted in accordance with these regulations.

(Effective January 31, 1989)

#### **Sec. 9-32-7. Telephone canvass—general provisions**

(a) A telephone canvass shall be made by the registrar or his designee making a telephone call to the residence of the elector listed on the registry list. If there is no published telephone number or no telephone number in service for the residence of an elector, the registrar or his designee shall note such fact as part of his canvass by telephone.

(b) A telephone call shall qualify as one of the two methods of canvass required before the name of an elector may be removed from the registry list, only when it is made to the household of an elector that has both a published telephone number and a number which is in service at the time the call is made. A call to a changed telephone number provided by the telephone company shall be deemed a published number provided the changed number is identified as relating to the former number. Unlisted numbers shall be deemed published only if they are made available to the registrars of voters by the telephone company. A telephone number of an elector provided to the registrars of voters or town clerk by such elector shall be deemed published; a telephone number of an elector provided to the registrars of voters or town clerk by a person other than such elector shall be deemed not published. If during a telephone canvass a telephone call is made to a telecommunications device for the deaf in an elector's household, said telephone call shall not qualify as one of the two methods of canvass required before the name of an elector may be

removed from the registry list unless the registrar or designee uses a similar device or uses a message relay center.

(c) The information solicited by a registrar or designee in a canvass by telephone shall confirm the following information with respect to each elector living within the household: the elector's name and bonafide residence address; whether the elector has recently moved, and, if so, such elector's new residence address, if known; whether the elector is in the military service; and whether the elector's name has changed, and, if so, the elector's new name. An elector's mailing address and date of birth may be similarly solicited but such information shall not be required of the individual providing the information.

(d) The registrar of voters or his designee shall sign a written memorandum of each telephone call made as part of a telephone canvass which shall include the date and time of the telephone call, the telephone number called and, if possible, the name of the person giving the information, which may be anyone answering the telephone and shall not be limited to the elector. In the event that the individual giving the information is speaking Spanish, such fact shall also be recorded. In the event that the number is not published or not in service that fact shall also be made a part of this memorandum.

(e) If the registrars of voters are not able to obtain positive information that an elector is still a bona fide resident of the household called in a telephone canvass, or if the registrars of voters do receive positive information that an elector is no longer a bona fide resident of the household called in a telephone canvass, they shall take such action with respect to the removal of the elector's name from the registry list as they shall deem appropriate subject to the requirements of Section 9-32-9. Such action may be based on other information which they may have received concerning the elector.

(Effective January 31, 1989)

#### **Sec. 9-32-8. Telephone canvass. Bilingual assistance**

In affected municipalities, as defined by section 9-32-3, the registrars of voters shall use a Spanish speaking person to communicate with Spanish speaking electors or persons in a telephone canvass. Failure to communicate in such manner to Spanish speaking electors or persons shall mean that the telephone call does not qualify as one of the two methods of canvass required before the name of an elector may be removed from the registry list.

(Effective January 31, 1989)

#### **Sec. 9-32-9. Removal of name from registry list**

Telephone canvass or canvass by mail. If, on the basis of either a canvass by mail or a canvass by telephone conducted pursuant to section 9-32 of the general statutes and these regulations, the registrars determine that the name of an elector should be erased from the registry list because of his or her removal from the municipality, they shall proceed as provided in section 9-35 of the general statutes only after having made two (2) attempts during the canvass to contact the elector using at least two (2) of the following methods: by mail, telephone or in person, and only after making a written memorandum of the two methods used and the dates of the two attempts. The canvass by telephone must comply with the provisions of subsections (b) through (e) of Section 9-32-7 and the provisions of Section 9-32-8.

(Effective January 31, 1989)

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## Notice of Removal and Transfer on Registry List

### Sec. 9-35-1. Notice of removal

(a) The notice of removal issued pursuant to Conn. Gen. Stats. § 9-35 shall be in the form prescribed by the Secretary of the State and shall be in both the English and Spanish languages in affected municipalities; in nonaffected municipalities the notice of removal may be in the English language only. For purposes of this section, affected municipalities shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the Director of the Census, are Hispanic-Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(b) The registrars of voters shall send this notice of removal by first class mail to the last-known address of each elector whose name has been or will be removed from the registry list. The envelope in which the notice of removal is sent to electors shall be endorsed with the words: READ CAREFULLY. DO NOT LOSE YOUR RIGHT TO VOTE. In municipalities with a significant minority population, the registrars of voters shall request the United States Postal Service to forward all notices of removal and supply to the registrars of voters the address corrections of such forwarded notices of removal by endorsing the envelopes in which notices of removal are sent to electors with the endorsement "Forwarding and Address Correction Requested." Each municipality with a significant minority population shall provide its registrars of voters with funds sufficient to pay all postal costs in connection with forwarding notices of removal and address corrections received. For purposes of this section, municipalities with a significant minority population shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the Director of the Census, are minorities, and minority shall mean (1) Black Americans, including all persons having origins in any of the Black African racial groups not of Hispanic origin; (2) Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race; (3) Asian Pacific Americans and Pacific Islanders; or (4) American Indians and persons having origins in any of the original peoples of North American and maintaining identifiable tribal affiliations through membership and participation or community identification.

(c) In any case in which the registrars of voters receive an address correction from the postal service which indicates an elector's address has changed within the municipality, the registrars of voters shall transfer the name of such elector on the registry list to the elector's new residence.

(Effective January 9, 1987)

### Sec. 9-35-2. Transfer on registry list

(a) An elector who changes his address within a municipality may, at any time, pursuant to Conn. Gen. Stats. § 9-35, request that his registration be transferred to his new address by presenting a written request therefor to either registrar of voters, by letter or upon the form prescribed by the Secretary of the State, stating his present address, the date he moved to such present address, and the address at which he was last registered, provided that a request received on election day or primary day, as hereinafter provided, shall contain a written statement by the elector, under penalties of false statement, that such elector has not voted prior to the time of such request for transfer at said election or primary either by absentee ballot or in person

at any other polling place. The request for transfer of registration must be signed by the elector and submitted either in person or by mail by either the elector or any person of the elector's choice. Upon receipt of a request for transfer of registration, such registrar shall forthwith transfer the elector's name on the registry list to the elector's new residence. Requests for transfer of registration may be made on election or primary day at a polling place by submitting such request to the registrar(s) of voters (singly in a primary) or assistant registrar(s) of voters (singly in a primary) if a registrar is not present at the polling place. Upon receipt at a polling place of a request for transfer of registration by an assistant registrar(s) on election or primary day, such official(s) shall contact the registrar(s) of voters for the purpose of verifying that the elector's name appears on the registry list at his former address. Upon such verification such official(s) shall immediately enter the elector's name on the registry list at the elector's new residence, attach the completed request for transfer thereto, and the elector shall be permitted to vote. No elector shall be required to appear in person at the office of the registrars to request a transfer of registration on election or primary day. Before the close of the polls, the registrar(s) must contact the polling place officials at the polling place in the voting district where the elector was formerly registered to notify such polling place officials to remove the elector from the registry list.

(b) The prescribed form for request for transfer of registration shall be in both the English and Spanish languages in affected municipalities, as defined in Section 9-35-1 (a), and shall be available in ample supply from the registrars of voters; in nonaffected municipalities the prescribed form for request for transfer of registration may be in the English language only.

(Effective January 9, 1987)

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### Restoration to Registry List

#### Sec. 9-42-1. Restoration of an elector to the registry list

(a) Applications for restoration of an elector to the registry list pursuant to Conn. Gen. Stats. § 9-42 shall be made under oath. All applications for restoration of an elector to the registry list shall be on a form prescribed by the Secretary of the State. Nothing herein shall be construed to limit the registrars from restoring the name of an elector to the registry list pursuant to Conn. Gen. Stats. Sec. 9-42 without the filing of an application for restoration as otherwise hereinafter required, if it appears at any time that the name of such elector was omitted from the registry list by clerical error.

(b) An application for restoration to the registry list may be made in person to a registrar of voters, deputy registrar or assistant registrar at any time and at any place. Such application shall contain evidence of continued bona fide residence from the date such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date such application is made. Such evidence may include a written statement offered by such applicant or another elector, under oath, to prove the continued bona fide residence of the elector, or documentary evidence. Such documentary evidence may include an original or a copy of a deed, lease, homeowners or renters insurance policy, rent receipts, utility bills, library card, drivers license, photo identification card issued by the Department of Motor Vehicles or other state agency, town identification card, or other document showing residence and identity, or in lieu of such document(s) the application may contain a statement by the official to whom it was submitted describing what document(s) was presented at the time the application was submitted. Presentation of one form of valid documentary evidence together with the testimony of the applicant or another elector under oath shall be satisfactory evidence of continued bona fide residence. If the evidence is determined by such registrar, deputy registrar or assistant registrar of voters to satisfactorily prove continued bona fide residence, such official(s) shall add the applicant's name to the registry list.

(c) An application for restoration by an elector to the registry list may be made in person at a polling place on election or primary day. Such application shall be submitted to the registrar(s) (singly in a primary), or assistant registrar(s) (singly in a primary) if the registrar(s) is not present at the polling place, provided the assistant registrar(s) shall contact the registrar(s) to determine whether the elector's name appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made. The elector shall include with such application documentary or testimonial evidence as set forth in subsection (b) of this section. If such evidence is determined by such registrar(s) or assistant registrar(s) of voters to satisfactorily prove continued bona fide residence from the date such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date of the primary or election, such official(s) shall add the applicant's name to the registry list, attach the completed application thereto and the elector shall be permitted to vote.

(d) An application for restoration to the registry list may be made in person to any officer qualified to administer oaths pursuant to Conn. Gen. Stats. § 1-24 and thereafter submitted by the applicant or his authorized agent in person or by mail to the registrar of voters of the town of residence of the applicant. The applicant

shall include with such application documentary or testimonial evidence as set forth in subsection (b) of this section. If the evidence is determined by the registrar of voters to satisfactorily prove continued bona fide residence from the time such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date of such application, the registrar shall forthwith restore the elector's name on the registry list. The registrar shall note on such application his action and the date thereof, and if disapproved, his reasons therefor and shall immediately send written notification of approval or disapproval to the applicant. Any applicant whose application is rejected may appeal under the provisions of section 9-311.

(e) The prescribed form for application for restoration to the registry list shall be in both the English and Spanish languages in affected municipalities, as defined in Section 9-35-1 (a), and shall be available in ample supply from the registrars of voters; in nonaffected municipalities the prescribed form for application for restoration to the registry list may be in the English language only.

(Effective January 9, 1987)

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## **Emergency Contingency Model Plan for Elections**

### **Sec. 9-174a-1. Emergency Contingency Model Plan for elections**

Sections 9-174a-2 to 9-174a-34, inclusive, of the Regulations of Connecticut State Agencies constitute the Emergency Contingency Model Plan for Elections. This model plan contains the suggested contingency plan of the Office of the Secretary of the State that the registrars of voters for each municipality may adopt.

(Effective September 28, 2012)

### **Sec. 9-174a-2. Preparation of voting tabulator machines**

The registrars of voters shall ensure that the voting tabulator machines are prepared for each election, primary, or referenda day pursuant to sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies.

(Effective September 28, 2012)

### **Sec. 9-174a-3. Replacement pool of poll workers**

The registrars of voters shall identify a replacement pool of poll workers who can be deployed to any polling location in the municipality in order to replace poll workers who are unable to work on election, primary, or referenda day or to alleviate overburdened polling locations. The registrars of voters shall identify replacement poll workers for each different position at the polling locations within a municipality. On the day of the election, primary or referenda, the registrars of voters shall contact each replacement worker not later than one hour prior to the opening of polls to confirm availability.

(Effective September 28, 2012)

### **Sec. 9-174a-4. Communication with registrars of voters**

Moderators and other poll workers shall contact the registrars of voters in the event any such moderator or poll worker is unable to work on the day of an election, primary or referenda. Moderators shall contact the registrars of voters in the event that additional poll workers are needed at a location.

(Effective September 28, 2012)

### **Sec. 9-174a-5. Alternate polling locations**

The registrars of voters shall identify alternate polling locations that can be utilized in the event that a polling location becomes unavailable on election, primary, or referenda day. The registrars of voters shall contact the facility management staff for each of these alternate polling locations and ensure that the location is reserved for the registrars of voters' use on election, primary, or referenda day.

(Effective September 28, 2012)

### **Sec. 9-174a-6. Fire safety compliance**

The registrars of voters shall ensure that each polling location is in compliance with local fire safety ordinances, and all fire safety equipment, including, but not limited to, fire extinguishers, sprinklers and fire alarms, within each polling location has been inspected and is in working order as per local fire safety ordinances.

(Effective September 28, 2012)

### **Sec. 9-174a-7. Contact information**

The registrars of voters shall create a list of contact information for each moderator. Such list shall be part of the emergency plan and shall include each of the following:

(1) Contact information for the moderator and all other poll workers, including replacement poll workers.

(2) A list of emergency resources such as generators and temporary lighting available in the facility or municipality in the event of a power outage and contact names and numbers for providing those resources.

(3) A list of emergency contact numbers for the local police and fire departments or other officials responsible for public safety in the municipality, emergency management, the phone company, the power supplier and other applicable utilities that service the polling location.

(4) A list of emergency contacts and phone numbers for facility managers or their designees in the event the polling location is locked or otherwise inaccessible or there are facility hazards that need to be addressed on election, primary, or referenda day.

(Effective September 28, 2012)

#### **Sec. 9-174a-8. Information provided to public officials**

The registrars of voters shall provide a complete list of polling locations, including potential alternate polling locations, to the local police and fire departments or other officials responsible for public safety in the municipality. The registrars of voters shall include in the list each of the following: the name and address of each location, the name of the moderator responsible for each polling location, a contact number for each moderator, the name of the facility manager or designee for each polling location, and the contact number for each facility manager or designee.

(Effective September 28, 2012)

#### **Sec. 9-174a-9. Final review of plan with moderator**

The registrars of voters shall provide a final copy of the plan created by sections 9-174a-2 to 9-174a-34 of the Regulations of Connecticut State Agencies to the moderator for each polling location and review the final plan with the moderator. The moderator shall bring this copy to the polling location on the day of the election, primary, or referenda. The registrars of voters also shall maintain one copy of each of the plans for the municipality.

(Effective September 28, 2012)

#### **Sec. 9-174a-10. Spare ballots**

The registrars of voters shall withhold and keep in the registrars of voters' office a number of spare paper ballots for each unique voting district. The registrars of voters shall use these reserved ballots to make additional copies or shall provide these reserved ballots to any polling location that requires additional paper ballots. The registrars of voters or such registrar's designee shall, not later than one day prior to each election, primary, or referenda, determine if there is a copy machine available at any polling location. If so, the registrars of voters or such registrar's designee shall ensure that such machine can be accessed, that it is working, and that there is an adequate supply of the appropriate size paper available. The registrars of voters or such registrar's designee shall ensure that a few test copies are made to check that the ballots are printing properly.

(Effective September 28, 2012)

#### **Sec. 9-174a-11. Emergency provisions**

The registrars of voters shall supply emergency provisions for each polling location and provide these to each moderator. These emergency provisions shall include, but are not limited to, at least two flashlights, a first aid kit and manual, a battery operated radio, extra batteries and hand sanitizer. Prior to the opening of polls, each moderator shall retrieve these provisions and any other materials or supplies needed

pursuant to the plan established in accordance with sections 9-174a-2 to 9-174a-34 of the Regulations of Connecticut State Agencies.

(Effective September 28, 2012)

#### **Sec. 9-174a-12. Review of polling locations**

Not later than one day prior to each election, primary, or referenda held in the municipality, the registrars of voters shall contact the facility management staff responsible for each polling location, visit each polling location to ensure the location can be accessed, review the status of the polling location to ensure that all materials are in proper working order, and ensure that the appropriate person is available to open the polling location or the moderator has obtained the key to the polling location from the registrars of voters.

(Effective September 28, 2012)

#### **Sec. 9-174a-13. Severe weather alert**

Not later than one day prior to each election, primary, or referenda held in the municipality, the registrars of voters and moderators shall review the national weather service reports. If severe weather is likely to be present in the municipality on election, primary, or referenda day, the registrars of voters shall determine a plan of action to ensure poll workers are able to arrive at and access their assigned polling locations. The registrars of voters shall be responsible for overseeing the implementation of the plan.

(Effective September 28, 2012)

#### **Sec. 9-174a-14. Moderator duties prior to opening**

Not later than one hour before the polls open on election, primary, or referenda day, the moderator shall perform each of the following:

(1) Review the plan established pursuant to sections 9-174a-2 to 9-174a-34 of the Regulations of Connecticut State Agencies with the poll workers.

(2) Designate another poll worker to oversee the execution of any emergency procedure, in the event the moderator is unavailable or otherwise incapacitated.

(3) Assign accountability for securing voting materials during an emergency. The moderator shall instruct the poll worker assigned accountability for securing the voting materials that such poll worker shall secure such materials in the event of an emergency, only if time and conditions permit.

(4) Assign accountability to a poll worker who shall, upon notification of an emergency situation, note which voters have been checked through but have not yet voted. The moderator shall instruct the poll worker that this task shall be completed in the event of an emergency, only if time and conditions permit.

(5) Point out the location of fire extinguishers, fire alarms, emergency exits, the place of shelter and the predetermined assembly point outside of the polling location.

(6) Ensure that all emergency exits are free of obstructions.

(7) Reserve ten ballots to be used in the event that there are ballot shortages and additional copies must be made for a hand count. The ballots shall be appropriate for the voting district.

(8) If available, identify two fully charged cell phones that shall be used in case of an emergency.

(9) Check the facility for any potential hazards and if necessary, alert the facility management staff responsible for addressing any such hazards.

(10) Ensure that any facility-specific backup equipment such as a generator or temporary lighting is accessible.

(Effective September 28, 2012)

**Sec. 9-174a-15. Report of any execution of the emergency contingency plan**

Following the execution of any portion of the Emergency Contingency Plan at a polling location, the moderator for that polling location shall forthwith submit a written report to the registrars of voters which includes, but is not limited to, the nature of the emergency, the actual process invoked to address the emergency, and an assessment of the efficacy of the process.

(Effective September 28, 2012)

**Sec. 9-174a-16. Unavailable polling location**

In the event a polling location becomes unavailable, the registrars of voters shall perform each of the following:

(1) Establish an alternative polling location pursuant to section 9-174a-5 of the Regulations of Connecticut State Agencies and notify the moderator and other poll workers.

(2) Contact the facility management staff for the alternate polling location in order to open the building.

(3) In consultation with the moderator, ensure that the polling location is properly set up to conduct election, primary or referenda. Ensure that voting equipment is tested and functions properly or that sufficient paper ballots are available.

(4) Notify voters of the new polling location.

(Effective September 28, 2012)

**Sec. 9-174a-17. Accounting of remaining ballots**

Throughout election, primary, or referenda day, on an hourly basis, the moderator shall keep an accounting of the number of ballots used and the number remaining that are available to be used. If more ballots have been used than were originally anticipated or a shortage seems likely, the moderator shall immediately follow the ballot shortage procedure pursuant to section 9-174a-18 of the Regulations of Connecticut State Agencies.

(Effective September 28, 2012)

**Sec. 9-174a-18. Ballot shortage**

In the event of a ballot shortage, the moderator shall perform each of the following:

(1) Immediately alert the poll workers to the situation.

(2) Immediately notify the registrars of voters.

(3) (A) If available, use the onsite copier to print additional ballots to be used for a hand count, or (B) have additional ballots printed at an offsite document printing facility.

(4) Request additional paper ballots from the registrars of voters.

(Effective September 28, 2012)

**Sec. 9-174a-19. Voting tabulator machine malfunction**

The registrars of voters shall incorporate the provisions of section 9-242a-12 and section 9-242a-16 of the Regulations of Connecticut State Agencies into a written procedure, to be followed in the event a voting tabulator machine malfunctions. The moderator shall follow the written procedure established under this section in the event a voting tabulator machine malfunctions.

(Effective September 28, 2012)

**Sec. 9-174a-20. Help america vote act compliant voting machine malfunction**

In the event of a malfunction of the Help America Vote Act compliant voting machine, the moderator shall perform each of the following:

(1) Consult any literature provided by the manufacturer of the Help America Vote Act compliant voting machine or the Office of the Secretary of the State on which malfunctions can be repaired by poll workers and which require service. If appropriate, attempt to resolve the problem based on the instructions provided.

(2) If unable to resume vote by the Help America Vote Act complaint voting machine, consult with the registrars of voters to determine the availability of any spare machines or the steps for voting using paper ballots.

(3) Alert the poll workers to the situation.

(Effective September 28, 2012)

#### **Sec. 9-174a-21. Shortage or absence of poll workers**

In the event of a shortage of pollworkers, the moderator shall perform each of the following:

(1) Immediately notify the registrars of voters using the procedure pursuant to section 9-174a-4 of the Regulations of Connecticut State Agencies.

(2) Upon the arrival of any replacement poll worker, familiarize the replacement poll worker to the polling location.

(3) Notify the registrars of voters when the replacement poll worker has arrived or in the event the replacement poll worker has not arrived in a reasonable amount of time.

(Effective September 28, 2012)

#### **Sec. 9-174a-22. Absence of moderator**

In the event a moderator fails to report to a polling location, the present poll workers shall perform each of the following:

(1) Notify the registrars of voters using the procedure pursuant to section 9-174a-4 of the Regulations of Connecticut State Agencies.

(2) Upon the arrival of the replacement moderator, familiarize the replacement moderator to the polling location and the Emergency Contingency Plan.

(Effective September 28, 2012)

#### **Sec. 9-174a-23. Replacement of moderator**

In the event that a moderator may need to be relieved of duty, the registrars of voters shall perform each of the following:

(1) Evaluate the moderator's ability to perform the designated responsibilities.

(2) In the event the existing moderator is unable to perform the designated duties, tell the moderator that the moderator is being relieved of the moderator's duties and tell the moderator to leave the premises.

(3) Once the existing moderator has left the premises, immediately designate a replacement moderator from the pool of replacement poll workers and notify the replacement moderator where to report.

(4) Upon the arrival of the replacement moderator, familiarize the replacement moderator to the polling location.

(Effective September 28, 2012)

#### **Sec. 9-174a-24. Poll worker replacement**

In the event that a poll worker may need to be removed on the day of an election, primary or referenda, the moderator shall perform each of the following:

(1) Evaluate the poll worker's ability to perform the poll worker's designated responsibilities.

(2) In the event an existing poll worker is unable to perform the designated duties, tell the poll worker that the poll worker is being relieved of the poll worker's duties and tell the poll worker to leave the premises.

(3) Once the existing poll worker has left the premises, immediately designate a replacement from the pool of replacement poll workers and notify the replacement poll worker where to report.

(4) Upon the arrival of the replacement poll worker, familiarize the replacement poll worker to the polling location.

(Effective September 28, 2012)

**Sec. 9-174a-25. Long lines at polling location**

In the event of long lines at a polling location, the moderator shall perform each of the following:

(1) Contact the registrars of voters to determine if additional lines should be created to alleviate the waiting time.

(2) If it has been determined that additional lines are appropriate, consult with the registrars of voters to determine if additional poll workers from the replacement pool of poll workers should be deployed to the polling location.

(Effective September 28, 2012)

**Sec. 9-174a-26. Evacuation procedure**

In the event that a polling location needs to be evacuated, the moderator shall perform each of the following:

(1) Alert all individuals present of the emergency situation and direct them to the predetermined assembly point.

(2) Get a headcount and use this headcount to make certain everyone present is evacuated from the polling location.

(3) Identify any individuals with disabilities and ensure that they receive assistance, if needed, to evacuate the polling location.

(4) Secure voting equipment and materials pursuant to section 9-174a-14 of the Regulations of Connecticut State Agencies.

(5) If the emergency situation has been resolved, consult with the emergency personnel and the registrars of voters to determine if the polling location can be re-entered.

(6) If the polling location can be re-entered, first notify the poll workers to return. Then, notify the voters that they can enter the polling location.

(7) If it is determined that an alternate location should be utilized, provide poll workers and any voters who have not yet voted with the address of the alternate location. Follow the alternate polling location procedures found in section 9-174a-16 of the Regulations of Connecticut State Agencies.

(Effective September 28, 2012)

**Sec. 9-174a-27. Loss of power at the polling location**

In the event that the polling location loses power, the moderator shall perform each of the following:

(1) Alert everyone present to the situation.

(2) Contact the power supply company to determine the source of the outage and what action needs to be taken to resume power.

(3) Contact the facility management staff for the polling location to determine whether they can assist with addressing the outage.

(4) Find an alternate source of light, such as the flashlights provided with the emergency provisions that can be used to continue voting until power is restored.

(5) If it is feasible, consider using an area of the building where natural light is available or temporary lighting can be directed.

(6) If the backup power supply for the voting machine has been depleted, connect a generator.

(7) If the generator is unavailable or runs out of power, continue voting using paper ballots.

(Effective September 28, 2012)

### **Sec. 9-174a-28. Medical emergency procedure**

In the event of a medical emergency at the polling location, the moderator shall perform each of the following:

(1) Contact emergency services and follow the instructions given by emergency personnel.

(2) Stop voting operations until an assessment of the situation can be made.

(3) Determine if there is a doctor, nurse, emergency medical technician or other certified first aid provider in the polling location that may be able to assist the ill or injured person.

(4) Keep the ill or injured person as comfortable as possible while waiting for emergency personnel to respond. Do not attempt to move the ill or injured person unless instructed to do so by a certified first aid provider or emergency personnel.

(5) Provide the responding officer or medical personnel with the details of what happened to the ill or injured person.

(Effective September 28, 2012)

### **Sec. 9-174a-29. Smoke, fire or active alarm procedure**

In the event of a smoke, fire, fire alarm or other activated alarm, the moderator shall perform each of the following:

(1) Activate the fire alarm if it is not already activated.

(2) Alert everyone present to the nature of the situation.

(3) Evacuate the polling location pursuant to section 9-174a-26 of the Regulations of Connecticut State Agencies.

(4) Contact emergency personnel.

(5) Consult with the emergency personnel and registrars of voters to determine if original polling location can be utilized.

(6) If the polling location can be re-entered, first notify the poll workers to return. Then, notify the voters that they can enter the polling location.

(7) If it is determined that an alternate polling location should be utilized, provide poll workers and any voters who have not yet voted with the address of the alternate location. Follow the alternate polling location procedures found in section 9-174a-16 of the Regulations of Connecticut State Agencies.

(Effective September 28, 2012)

### **Sec. 9-174a-30. Gas leak procedure**

In the event of a gas leak, the moderator shall perform each of the following:

(1) Immediately evacuate the polling location in accordance with section 9-174a-26 of the Regulations of Connecticut State Agencies. To limit the possibility of an explosion, warn poll workers and voters not to use telephones, fire alarms, light switches and appliances when gas is detected.

(2) Once safely outside of the building, alert emergency services and the gas company.

(3) Wait for the gas company representative and emergency personnel to arrive in order to assess the situation and determine the viability of continuing voting operations.

(4) Consult with the responding gas company representative, emergency personnel and registrars of voters to determine if original polling location can be utilized.

(5) If the polling location can be re-entered, first notify the poll workers to return. Then, notify the voters that they can enter the polling location.

(6) If it is determined that an alternate location should be utilized, provide poll workers and any voters who have not yet voted with the address of the alternate location. Follow the alternate polling location procedures found in section 9-174a-16 of the Regulations of Connecticut State Agencies.

(Effective September 28, 2012)

### **Sec. 9-174a-31. Disorder at the polling location procedure**

In the event of disorder in or around the polling location, including, but not limited to, unlawful protesting, threats of violence or rioting the moderator shall contact emergency services immediately and then follow any instructions provided by emergency personnel. The moderator shall follow the evacuation procedure pursuant to section 9-174a-26 of the Regulations of Connecticut State Agencies if evacuation is required.

(Effective September 28, 2012)

### **Sec. 9-174a-32. Disaster procedure**

In the event of any disaster, natural or otherwise, including, but not limited to, chemical emergencies, dam failures, earthquakes, exposure to hazardous materials, floods, extreme heat, hurricanes, tornados, or severe winter weather the registrars of voters shall follow the procedures in the most recent local Emergency Plan of Operations that each town or city has developed pursuant to section 28-7(a) of the Connecticut General Statutes, or subsequent state law.

(Effective September 28, 2012)

### **Sec. 9-174a-33. Security threat procedure**

In the event of any security threats near the polling location, including, but not limited to, the discovery of a suspicious object, a bomb threat, an explosion, a biological threat, a chemical threat, or a nuclear blast, the registrars of voters shall follow the procedures in the most recent local Emergency Plan of Operations that each town or city has developed pursuant to section 28-7(a) of the Connecticut General Statutes, or subsequent state law.

(Effective September 28, 2012)

### **Sec. 9-174a-34. Nuclear disaster procedure**

In the event of any threat of the release of radioactive material or any nuclear power plant emergency, the registrars of voters for any city or town designated as an emergency planning zone community or host community by the Department of Emergency Maintenance and Homeland Security, or subsequent state agency, shall follow the procedure on the most recent plans and guidelines set by the Radiological Emergency Preparedness Unit, or any subsequent division that handles radiological preparedness.

(Effective September 28, 2012)

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## **Standards for Approval of Direct Recording Electronic Voting Machines**

### **Sec. 9-241-1. General standards**

The secretary of the state may approve only those direct recording electronic voting machines which have been certified by an independent test authority, accredited by the National Association of State Election Directors, as meeting the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and which meet the standards specified in Sections 9-241-1 to 9-241-36, inclusive, of these regulations and the requirements of the Connecticut constitution and the general statutes.

(Effective January 21, 1994)

### **Sec. 9-241-2. Definition**

As used in sections 9-241-1 to 9-241-36, inclusive, of these regulations, a direct recording electronic (DRE) voting machine is a machine or system that records votes by means of a ballot display provided with mechanical or electro-optical devices which can be actuated by the voter, that processes the data by means of a computer program, and that records voting data and ballot images in internal memory devices. It produces a tabulation of the voting data at the individual machine or system level in the polling place in both hard copy and on a removable memory device. These memory devices are removed at the completion of voting and individually read into a special device which is capable of tallying the results contained on all removable memory devices to provide voting district and town-wide election totals.

(Effective January 21, 1994)

### **Sec. 9-241-3. System functions not required in Connecticut**

The secretary of the state may approve a direct recording electronic voting machine which does not accommodate rotation of candidate positions within an office and which does not accommodate straight party voting. No voting machine used at any election shall be equipped with a straight ticket device.

(Effective January 21, 1994)

### **Sec. 9-241-4. Hardware standards. Electrical supply**

(a) All voting data shall be maintained regardless of power surges and outages.

(b) The system shall have a back-up power source in the event of commercial power failure. The equipment shall be capable of operating for a minimum of 16 hours on this back-up power supply. The system shall perform as specified in sections 9-241-1 to 9-241-36, inclusive, of these regulations regardless of its power source, except that the back-up power supply need not illuminate the voting area. That is, the system shall be capable of pre-election set-up, vote casting, vote tallying, and post-election close down operations while on commercial power and/or back-up power. The system shall be provided with a moderator control panel which indicates its current power source.

(c) The manufacturer shall specify what, if any, special equipment is necessary for storing the DRE voting system. This includes the provision for access to commercial electrical power in the storage facility for regular recharging of the back-up power supply. A recharge indicator is required for those systems which require recharging of the back-up power supply. Additionally, the manufacturer shall provide information on the time required to perform the recharge process and the life expectancy of the back-up power supply.

(Effective January 21, 1994)

**Sec. 9-241-5. Hardware standards. Height**

The ballot display shall be at a convenient height for the average voter and be adjustable so that it is easily reached by those voters confined to wheelchairs. The DRE voting system shall be designed and constructed to enable a voter in a wheelchair to reach all voting positions. The equipment shall allow moderators to place the voting device in a wheelchair accessible position with a minimum of effort and provide proper safeguards for the safety of the voter during operation in this position. The vote activator device shall be easily accessible to those voters confined to wheelchairs.

(Effective January 21, 1994)

**Sec. 9-241-6. Hardware standards. Weight**

Each component of the equipment shall require no more than two persons to move it from its storage location to the polling site. It may require a lifting mechanism to be used to load it onto a truck for transport to and from the polling site.

(Effective January 21, 1994)

**Sec. 9-241-7. Hardware standards. Environment**

The equipment shall operate as required after prolonged exposure to uncontrolled humidity levels.

(Effective January 21, 1994)

**Sec. 9-241-8. Quality assurance. User documentation. Manufacturer support**

The manufacturer shall supply, at the manufacturer's expense, any special tools required to repair or maintain the equipment. The manufacturer shall ensure that trained personnel are available to assist the purchasing town in the event the election officials and/or the local technicians/mechanics are unable to resolve a problem with the DRE voting system. Factory engineers shall be reachable by telephone during normal business hours in non-election periods and be on 24 hour call during election periods. Election periods are defined as the eight calendar days prior to the conduct of a general election, special election, primary or referendum as well as election day. In the first primary and first election in which the DRE voting system is used in each municipality, a qualified manufacturer's representative shall be present, in person, in the municipality to respond to requests for assistance.

(Effective January 21, 1994)

**Sec. 9-241-9. Quality assurance. Manufacturer training**

(a) **Town clerks and registrars of voters.** The manufacturer shall provide training, including written documentation and other training materials, to the town clerk and the registrars of voters of the purchasing town. The training shall include: (1) how to design and produce the ballot, (2) how to set up the system for an election, (3) how to prepare the system and the removable memory devices for an election, (4) how to test the system and related components prior to the election, and (5) any other tasks essential to ensure a correct and efficient operation of the system.

(b) **Moderators.** The manufacturer shall provide training, including written documentation and other training materials, to the moderators. The training shall include: (1) how to correctly set up the DRE system in the polling place, (2) how to admit voters to the system and enable them to cast a correct ballot, (3) how to close down the system at the end of the election day, and (4) how to produce the election tally reports required by law.

(c) **Technicians/Mechanics.** The manufacturer shall provide full and detailed written instructions for use by the local technicians/mechanics to perform the following: (1) system set-up, (2) system operation, (3) system close-down, (4) system maintenance, and (5) system service. The instructions shall include an in-depth review of the system-produced diagnostic messages which identify system malfunctions. Each message shall be fully explained along with the steps necessary to correct the problem encountered. Instructions shall include photographs and/or detailed schematics with narrative text describing each procedure. After the purchase and delivery of the equipment, but prior to the preparation for the first election, the manufacturer shall provide a training course for local technicians/mechanics which shall include a presentation of the steps necessary to perform system set-up, maintenance and service. This course shall provide the technicians/mechanics with a hands-on opportunity to participate in the demonstration of such functions. The manufacturer shall test and certify to the secretary of the state those technicians/mechanics who are competent to set up, program, test and close down the DRE machine.

(d) **Voters. Demonstrator Machine.** The manufacturer shall provide a hands-on voter training device that can be set up at each polling place. This device shall closely resemble the electronic voting system in appearance and be suitable for use by the voters as a demonstration unit. The device shall replicate the actual voting system as much as possible so that the vote casting function is easily understood by the voter.

(Effective January 21, 1994)

#### **Sec. 9-241-10. Quality assurance. Warranty provisions**

The warranty for the DRE voting system shall provide that the system and all supporting materials are free from defects for a period of five years following the conduct of the first general election or first primary in which the system is used. The equipment shall conform to its published specifications and all the promotional materials and literature that were given to the purchasing jurisdiction. Additionally, the equipment shall conform to the specifications required in sections 9-241-1 to 9-241-36, inclusive, of these regulations. The manufacturer shall give a lifetime license to use the software and shall provide, free of charge, any updates to the software, hardware and firmware necessary to correct defects in the voting system for the life of the system. The DRE voting system shall have an anticipated useful life expectancy of at least 20 years.

(Effective January 21, 1994)

#### **Sec. 9-241-11. Hardware standards. Ballot**

In a primary, the ballot shall be capable of including the contests for all parties conducting a primary. In an election, the ballot shall be able to accommodate at least nine political parties as required by Conn. Gen. Stat. § 9-242. Political party and candidate names shall be printed in the style and type size as required by Conn. Gen. Stat. § 9-250 and federal law. The DRE shall be able to provide for bilingual presentation of offices, questions and instructions to the voter. The ballots prepared for certification testing by the state shall be of such size and complexity to represent the maximum conditions encountered in Connecticut elections, and shall include at least one for each kind of election conducted in Connecticut--presidential election; gubernatorial election; municipal election, including nonpartisan offices, questions, and multiple vote on liquor permit question; presidential preference primary; town committee primary; delegate primary; primary before gubernatorial election; primary

before municipal election; special election; adjourned election between two candidates of one party; and referendum. In an election, the ballot shall be clearly displayed in the proper format, so that the names of the parties are listed, as required by Conn. Gen. Stat. § 9-250, with identifiable buttons or other markings associated with each candidate's name, the office for which he is running and the political party or organization which nominated him. In a primary, the names of candidates shall appear on the ballot in accordance with Conn. Gen. Stat. § 9-437. The order of the parties, offices and candidates on the ballot shall be in conformance with law. The ballot shall also provide for voting in referenda. The system shall indicate to the voter those contests and referenda which have not been voted. If the system uses printed ballots, it shall be capable of accepting printed ballots from different sources. This includes the current method of employing the services of a printing firm, or alternatively, the use of a computer graphics package and a plotter. An optional automatic ballot formatting subsystem which can be linked to the DRE system software would be advantageous. The manufacturer shall provide the direction and assistance that will be required by the purchasing town in formatting its ballots for the first primary and the first general election using the new DRE voting system.

(Effective January 21, 1994)

**Sec. 9-241-12. Hardware standards. Voter capacity**

Each DRE voting device shall be capable of processing the ballots cast by at least 999 voters. The system shall shut down prior to exceeding its maximum capacity and provide a warning prior to implementing the shut down process.

(Effective January 21, 1994)

**Sec. 9-241-13. Hardware standards. Security. Machine access**

As required by Conn. Gen. Stat. § 9-266 the voting system shall be safeguarded while in storage. The design and construction of the system shall permit the equipment to be secured so as to prevent any tampering. Recharging of the back-up power supply shall not result in the destruction of any seals or locks provided to prevent tampering. As specified in Conn. Gen. Stat. §§ 9-244 and 9-246, the DRE voting system shall provide machine access devices to lock and seal the machines after they have been prepared for voting prior to opening the polls and to lock and seal the machines from additional voting after the polls are closed and the votes have been recorded. Firmware shall be secured in an independent and anti-magnetic compartment. In addition, the system shall be constructed so that in the event tampering does take place, it will be visibly noticeable. This shall be accomplished by providing protective seals, covers and locks with keys with the system. In order to gain access to the machine it would require that such a seal or lock be destroyed. Additionally, provisions shall be made by the manufacturer to ensure the security of the removable memory devices. These devices record the vote selections made on the DRE device and store the results of the device tally.

The removable memory devices shall be protected from tampering at all times including the following: (1) pre-election testing, (2) after pre-election testing; prior to the election, (3) in transit to and from the storage, testing and polling place areas, (4) in the DRE device itself, and (5) in storage after the conduct of the election. The manufacturer shall provide the procedure and equipment necessary to ensure that the removable memory devices used in the primary, election or referenda are secured from tampering. A protective case or container shall be provided for the transport of the removable memory devices after the election. The removable memory devices shall be secured in this case while in transit and in storage for ten days

after the election. The case shall be equipped with a locking mechanism to prevent unauthorized access.

(Effective January 21, 1994)

**Sec. 9-241-14. Hardware standards. Security. Voter access**

The DRE voting system shall be designed and constructed so as to permit voters' access to only those areas of the device used by the voter for the casting of votes. Additionally, the device shall be capable of being locked or otherwise secured so as to prevent voting at any time other than during voting hours in an election or when the system is being tested.

(Effective January 21, 1994)

**Sec. 9-241-15. Hardware standards. Security. Moderator access**

Moderators shall not be capable of gaining access to any internal compartment of the equipment that controls the casting of votes or the manipulation of vote counters. The electronic voting equipment shall be designed and constructed so as to limit moderator access to the control panel and supply compartments. The system shall be provided with a visual control panel or other means that provides the moderators with equipment operational status and identifies irrecoverable error conditions. This display shall indicate if the equipment has malfunctioned and the services of the technician-mechanic are required. The control panel shall also provide diagnostic error messages to the technician-mechanic that will enable the technician-mechanic to identify the source of the problem in the minimum amount of time. Supplies which will require interim replenishment should be limited to hard-copy paper, printer ribbons, ink cartridges, batteries, light bulbs and seals. Following an election the moderator shall be able to lock and seal the machine against further voting, print the voting results, remove the removable memory device, close the machine, lock it with a key, seal it with a numbered seal and return it to its storage container.

(Effective January 21, 1994)

**Sec. 9-241-16. Hardware standards. Security. Technician/mechanic access**

The electronic voting equipment shall be designed and constructed in a manner which permits the technician/mechanic to perform routine service as well as all field maintenance and repairs. The equipment shall be constructed so as to allow the technician/mechanic access to the internal compartments and mechanisms of the equipment with the exception of those parts of the equipment which are categorized by the manufacturer as proprietary. Field service shall include the testing necessary to identify the source of a malfunction; the adjustment, repair or replacement of malfunctioning circuits or components; and the testing necessary to verify that repairs were performed correctly. Prior to an election the technicians/mechanics shall be able to open the machine from its storage container, install a properly programmed removable memory device in the machine, test the machine and otherwise prepare the machine for the ballot to be voted, close the machine, lock it with a key, seal it with a numbered seal and prepare it for transport to the polling place. The machine may not be opened for voting without damaging the seal so that it is evident that the machine has been opened.

(Effective January 21, 1994)

**Sec. 9-241-17. Hardware standards. Security. Factory engineer access**

The factory engineer shall be provided with access to all components of the electronic voting equipment. However, the local election officials may designate

one or more watchers trained in the operation of the system to oversee the work of the factory engineer. Factory engineer maintenance tasks shall be limited to complex and infrequent maintenance functions which require access to proprietary firmware or specialized facilities and equipment which cannot be obtained by the purchasing municipality. The DRE voting system shall be designed and constructed so as to minimize factory service. Factory maintenance tasks shall number not more than two percent of all maintenance tasks and their frequency shall not exceed five percent of the total frequency of all preventive maintenance tasks.

(Effective January 21, 1994)

### **Sec. 9-241-18. Hardware standards. Overvote protection**

In accordance with Conn. Gen. Stat. § 9-242 the DRE voting system shall permit each voter to vote in an election: (1) for all the persons and offices for whom the voter is lawfully entitled to vote, (2) for as many persons for an office as the voter is entitled to vote, and (3) on any ballot referenda on which the voter is entitled to vote. In accordance with Conn. Gen. Stat. § 9-242 the DRE voting system shall be designed and constructed in a manner which prevents the voter from casting more than the number of votes to which he or she is legally entitled. This includes: (1) the casting of more than one ballot in an election, (2) the casting of more than one vote for a candidate for a single position office, (3) the casting of a vote for more than the permitted number of candidates in a multiposition office, (4) the casting of more than one vote for a candidate who is nominated by more than one party for the same office, (5) the casting of a vote (including a write-in vote) for the same candidate more than once for the same office, (6) in a primary, the casting of a vote on more than one party ballot, and (7) in a referendum, the casting of a vote on a question on which the voter is not legally entitled to vote.

(Effective January 21, 1994)

### **Sec. 9-241-19. Hardware standards. Undervote identification**

The DRE voting system shall visually identify an undervoting condition to the voter. Undervoting occurs in the following situations: (1) voter does not cast any votes on the entire ballot, (2) voter does not cast any votes in a contest on the ballot, (3) voter does not vote for the maximum number of candidates in a multiposition office, (4) voter does not vote for referenda on the ballot. If the voter chooses to cast the ballot without voting the maximum number of votes permitted, the system shall accept the ballot after proper identification of the undervoting, so long as one vote is cast on the ballot. Additionally, the system shall tally the number of undervotes, as defined above, by contest. The system shall be optionally equipped to identify to the moderator that the system will not accept the ballot because the voter has not cast any votes on the entire ballot.

(Effective January 21, 1994)

### **Sec. 9-241-20. Hardware standards. Write-in**

The DRE shall be equipped with a means for voters to cast write-in votes at elections and to be set to prohibit write-in votes at a primary. The write-in procedure shall be easy to perform and made possible through the use of a pencil or pen or a keyboard device. It shall enable the recording of as many names of candidates as the voter is legally entitled to select for each contest. The write-in shall be captured as hard-copy so that it may be reviewed by the election officials in the vote tally process. The vote tally mechanism in the equipment shall provide a total of write-

in votes cast for each contest on the ballot in order that a full accounting may be performed.

(Effective January 21, 1994)

#### **Sec. 9-241-21. Hardware standards. Enclosure**

The DRE device shall be provided with a curtain or some other means of enclosing the voter while the ballot is cast. Curtains or other privacy enclosures used to conceal the voter while in the voting booth shall be designed and constructed, either electronically or manually, to open and close with ease. Curtains or other privacy enclosures shall permit the disabled voter and those voters in wheelchairs to easily enter and exit the equipment without obstruction. Such an enclosure shall be constructed so that no one in the polling place will be able to see for which candidates or questions a voter, including a voter in a wheelchair, is casting his vote.

(Effective January 21, 1994)

#### **Sec. 9-241-22. Hardware standards. Noise restriction**

The DRE voting system shall not produce any sounds or audible noises that would serve to indicate how an elector has voted. This applies to noise associated with the write-in voting process. An audible tone indicating to the voter and the moderators that the vote has been recorded by the equipment and that preparations for the next voter need to be made is permissible.

(Effective January 21, 1994)

#### **Sec. 9-241-23. Hardware standards. Vote recordation**

A minimum of three means of vote recordation shall be provided with each DRE voting system. Votes shall be recorded within the equipment's internal memory, on hard-copy output and on a removable memory device. In addition to the printed report of vote totals, the system shall be capable of producing a printed report of individual selections made by all voters on the DRE device so that a separate manual tally may be made. This physical accounting of vote selections allows a cross check between the results computed from the removable memory device and the results computed from the hard-copy. Additionally, there shall be a randomization of the voters' selections on this output so that it is not possible to determine how any particular voter cast his ballot. The DRE voting system shall be capable of consolidating voting district totals electronically and in written report into a single consolidated report at the polling place. This voting system shall also output on hard-copy and removable memory device the town-wide election results in a single consolidated report. The system shall optionally provide a means for consolidating the data of all voting machines and absentee ballots for each voting district of the municipality, for each political subdivision of the municipality and for the entire municipality into one report.

(Effective January 21, 1994)

#### **Sec. 9-241-24. Software standards. Design and coding**

As used in sections 9-241-1 to 9-241-36, inclusive, of these regulations, the term "software" shall subsume the term "firmware." The voting system software shall make extensive use of high-level languages. It is mandatory that a high level programming language be used for that segment of the ballot tabulation software associated with the logical and numerical operations on vote data. The use of assembly or machine languages for device controllers and handlers is acceptable,

but assembly language code shall also adhere to modularity and structured programming methods.

(Effective January 21, 1994)

**Sec. 9-241-25. Software standards. Configuration management**

All changes to the baseline software submitted for evaluation shall be subject to testing at the discretion of the secretary of the state. The manufacturer shall maintain the following technical documentation for the voting system software: (1) system overview, (2) program descriptions, (3) standards and conventions, (4) operating environment, (5) functional specifications, (6) program specifications and (7) testing specifications.

(Effective January 21, 1994)

**Sec. 9-241-26. Software standards. Vote recording accuracy**

The manufacturer shall be capable of demonstrating provisions for accuracy within the software. The system shall detect an attempt to cast a ballot when no voting selections have been made or when no selection or less than the legally entitled number of selections have been made (undervoting). The system shall be able to be adjusted to accommodate both of the following two alternatives: (1) a completely blank ballot shall not be accepted when attempted by the voter but shall be accepted when attempted by a technician-mechanic testing the machine, or (2) a completely blank ballot shall be accepted only after a warning message has been clearly displayed to the voter and the intention to cast a blank ballot has been acknowledged by the voter. For partially cast ballots, the system shall differentiate between intentional undervotes and failure to register one or more selections as the result of hardware or software malfunction. The system shall be capable of interpreting any and all undervotes existing when the ballot is cast as the correct number of "no votes" in the offices and referenda in which they occur. As part of the vote-tally process, the system shall compare the sum of all vote selections and of "no votes" with the total number of votes which can be legally made on the entire ballot and produce an error message to the polling place official if any discrepancy is detected.

(Effective January 21, 1994)

**Sec. 9-241-27. Software standards. Audit trails**

The system shall be capable of the following: (1) detecting and reporting its status and degree of operability by means of diagnostic software and hardware, (2) detecting and reporting the identification of the election and polling place for which it has been programmed and the identification of the specific ballot which has been installed in it, (3) detecting, monitoring, and reporting the proper execution of initialization procedures performed prior to the opening of the polling place and the initiating of ballot counting operations, (4) detecting and reporting the procedure associated with the opening and closing of the polling place, (5) detecting and reporting the enabling of a ballot, the selection of a party in a primary, the exclusion of a portion of the ballot according to jurisdictional entitlement of a specific voter, other functions required for compatibility with the voter's affiliation and residence location, and (6) detecting and recording significant events such as the casting of a ballot, submitting a ballot for counting in a voting district count device, starting and completing a central count in the voting district and an error condition which cannot be disposed of by the system itself.

(Effective January 21, 1994)

**Sec. 9-241-28. Functional requirements. Programming and software installation**

Each DRE device shall be provided with the means of ensuring that the correct removable memory device has been connected to it.

(Effective January 21, 1994)

**Sec. 9-241-29. Functional requirements. System readiness tests**

The DRE system shall contain provisions for generating data reports for the town.

(Effective January 21, 1994)

**Sec. 9-241-30. Functional requirements. Pre-election tests and verification**

(a) Prior to the primary, election or referendum, representatives of the parties shall attend the pre-election test that exercises the hardware, software and firmware of each DRE device and removable memory device to be used in the election. This test requires that the DRE systems and the removable memory devices be tested independently of each other to ensure that they are functioning as required and that their circuitry and logic have not been altered.

(b) To ensure that the removable memory devices are in proper working order and have been protected throughout their storage period and in transit, the manufacturer shall supply a written test procedure and mechanism that records votes for a set of pre-selected offices and candidates on the removable memory devices. The removable memory devices shall then be read by a device separate from the DRE system and a vote tally taken. This tally shall be compared against the known result for any discrepancies. Removable memory devices failing this test procedure shall be retested. Upon failing a second time, the removable memory devices shall be properly marked and secured from use in the election.

(c) To ensure that the DRE devices are functioning correctly and have been protected from tampering while in storage and transit, the manufacturer shall provide a written test procedure and mechanism that tests buttons and records votes for a set of predetermined offices and candidates on the DRE systems. The removable memory devices shall not be connected to the DRE systems during this phase of the pre-election test. The vote tally process shall then be performed on each device and the result compared against the known result.

(d) Any deviation in the results shall require the DRE device to be retested. A second failure to produce the required results shall require the machine to be secured against further use until the registrars of voters have been notified and instructions issued.

(e) Each DRE device and removable memory device to be used in the election shall then be tested together.

(f) After verification of the results of the pre-election test is completed the counters of the DRE systems and the removable memory devices shall be reset to zero, except for the protective counter. Proper verification of the counters shall be made by producing the tally on each device. After the completion of the pre-election test, the DRE systems and the removable memory devices shall be secured from access until such time as they are to be moved to the polling place.

(Effective January 21, 1994)

**Sec. 9-241-31. Functional requirements. Verification at the polling place**

The manufacturer of the DRE system shall provide written instructions and procedures for verifying at the polling place that the removable memory devices

have been installed into the correct DRE devices and that the proper ballot formats have been programmed into the DRE devices and removable memory devices.  
(Effective January 21, 1994)

**Sec. 9-241-32. Functional requirements. Opening the polling place**

The DRE system may provide for the use of a key in readying the equipment for casting of ballots.  
(Effective January 21, 1994)

**Sec. 9-241-33. Functional requirements. Provision for recanvass**

To provide the capability for recounting the results of a contested election, the DRE voting system shall be capable of performing the following: (1) the removable memory devices shall be capable of being reread on a different DRE tally device than was used originally and a comparison made of the recount totals to the original totals, (2) the system shall be capable of re-running the vote-tally process on all DRE voting devices producing new removable memory devices which then are used to produce new voting district tallies and a new town tally, and (3) the system shall produce hard-copy output containing the selections made by each voter to be used to manually count the votes cast for each candidate for each office in each contest and arrive at a manual tally of the election.  
(Effective January 21, 1994)

**Sec. 9-241-34. Escrow**

Prior to submitting any system to qualification testing, the manufacturer shall deposit the source code, operating systems, specialized compilers and documentation materials with an escrow agent acceptable to the secretary of the state and under conditions acceptable to the secretary of the state.  
(Effective January 21, 1994)

**Sec. 9-241-35. Voting machines approved prior to regulations**

Nothing in sections 9-241-1 through 9-241-36 of these regulations shall affect voting machines approved prior to the adoption of said sections of these regulations.  
(Effective January 21, 1994)

**Sec. 9-241-36. Acceptance testing**

A municipality shall perform acceptance testing prior to contractual acceptance of a DRE voting system. The object of this testing is to determine if the hardware and software delivered comply with state and municipal requirements and perform in accordance with the same equipment's performance in state qualification and certification testing.  
(Effective January 21, 1994)

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## **Standards for Approval of Marksense and Punchcard Voting Machines**

### **Sec. 9-242-1. General standards**

The secretary of the state may approve only those marksense and punchcard voting machines which have been certified by an independent test authority, accredited by the National Association of State Election Directors, as meeting the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and which meet the standards specified in sections 9-242-1 to 9-242-39, inclusive, of these regulations and the requirements of the Connecticut constitution and the general statutes.

(Effective February 23, 1994)

### **Sec. 9-242-2. Definition**

As used in sections 9-242-1 to 9-242-39, inclusive, of these regulations, a punchcard or marksense voting system is one which records votes, counts votes, and produces a tabulation of the vote count, using one or more ballot cards imprinted on either or both faces with text and voting response locations. The punchcard voting system records votes by means of holes punched in designated voting response locations; the marksense voting system records votes by means of marks made in the voting response locations. The voting machine shall be of the precinct count system type wherein ballot cards are fed into the machine by the voter and the ballots are tabulated at the polling place. The system shall tabulate ballots as they are cast and shall print the results after the close of polling. It shall produce a tabulation of the voting data at the individual machine or system level in the polling place in both hard copy and on a removable memory device. These memory devices are removed at the completion of voting and individually read into a special device which is capable of tallying the results contained on all removable memory devices to provide voting district and town-wide election totals. These voting machines shall, in accordance with Conn. Gen. Stat. Section 9-242 (c), warn the voter of overvotes by returning the ballot to the voter with such message, shall not record over-votes, and shall not record more than one vote of a voter for the same person for an office.

(Effective February 23, 1994)

### **Sec. 9-242-3. System functions not required in Connecticut**

The secretary of the state may approve a marksense or punchcard voting machine which does not accommodate rotation of candidate positions within an office and which does not accommodate straight party voting. No voting machine used in any election shall be equipped with a straight ticket device.

(Effective February 23, 1994)

### **Sec. 9-242-4. Hardware standards. Electrical supply**

(a) All voting data shall be maintained regardless of power surges and outages.

(b) The system shall have a back-up power source in the event of commercial power failure. The equipment shall be capable of operating for a minimum of 16 hours on this back-up power supply. The system shall perform as specified in sections 9-242-1 to 9-242-39, inclusive, of these regulations regardless of its power source, except that the back-up power supply need not illuminate the voting area. That is, the system shall be capable of pre-election set-up, vote casting, vote tallying, and post-election close down operations while on commercial power and/or back-

up power. The system shall be provided with a moderator control panel which indicates its current power source.

(c) The manufacturer shall specify what, if any, special equipment is necessary for storing the punchcard or marksense voting system. This includes the provision for access to commercial electrical power in the storage facility for regular recharging of the back-up power supply. A recharge indicator is required for those systems which require recharging of the back-up power supply. Additionally, the manufacturer shall provide information on the time required to perform the recharge process and the life expectancy of the back-up power supply.

(Effective February 23, 1994)

#### **Sec. 9-242-5. Hardware standards. Height**

The ballot display shall be at a convenient height for the average voter and be adjustable so that it is easily reached by voters confined to wheelchairs. The marksense and punchcard systems shall be designed and constructed to enable a voter in a wheelchair to reach all voting positions. The equipment shall allow moderators to place the voting device in a wheelchair accessible position with a minimum of effort and provide proper safeguards for the safety of the voter during operation in this position. The vote counting device shall be easily accessible to voters confined to wheelchairs.

(Effective February 23, 1994)

#### **Sec. 9-242-6. Hardware standards. Weight**

Each component of the equipment shall require no more than two persons to move it from its storage location to the polling site. It may require a lifting mechanism to be used to load it onto a truck for transport to and from the polling site.

(Effective February 23, 1994)

#### **Sec. 9-242-7. Hardware standards. Environment**

The equipment shall operate as required after prolonged exposure to uncontrolled humidity levels.

(Effective February 23, 1994)

#### **Sec. 9-242-8. Hardware standards. Ballot cards**

Punchcard and marksense voting machines that will be processed by general purpose card readers shall utilize card stock, punch configurations, and punch field locations which comply with industry standards for Automatic Data Processing (ADP) supplies and equipment. Ballots intended for use only with their parent system may be of any material and configuration consistent with the requirements of the system. As part of stock finishing, each distinct ballot configuration shall have a unique identification code punched or marked for machine verification. All candidates, offices and questions shall be printed on the ballot and not on an ancillary device.

(Effective February 23, 1994)

#### **Sec. 9-242-9. Hardware standards. Ballot printing**

In punchcard and marksense voting systems, the content and arrangement of printing on ballot cards affects the suitability of systems for election use. Printing shall comply with Conn. Gen. Stat. Section 9-250, Section 9-242-15 of these regulations, and specifications of the secretary of the state.

(Effective February 23, 1994)

**Sec. 9-242-10. Hardware standards. Punching stylus**

The stylus for use with automatic punchcard systems shall be suitable for use with the vote recorder and ballots used by the system, and it shall be designed so as to reliably remove chad, and to avoid excessive damage or wear to vote recorder components.

(Effective February 23, 1994)

**Sec. 9-242-11. Hardware standards. Vote recorder**

Vote recorders which utilize ballots to be processed by general purpose card readers shall comply with industry standards for punch configuration and location. Otherwise, they shall produce punched or marked ballot cards in any manner which is compatible with their parent system.

(Effective February 23, 1994)

**Sec. 9-242-12. Quality assurance. User documentation. Manufacturer support**

The manufacturer shall supply, at the manufacturer's expense, any special tools required to repair or maintain the equipment. The manufacturer shall ensure that trained personnel are available to assist the purchasing town in the event election officials and/or the local technicians/mechanics are unable to resolve a problem with a punchcard or marksense voting system. Factory engineers shall be reachable by telephone during normal business hours in non-election periods and be on 24 hour call during election periods. Election periods are defined as the eight calendar days prior to the conduct of a general election, special election, primary or referendum as well as election day. In the first primary and first election in which the punchcard or marksense voting system is used in each municipality, a qualified manufacturer's representative shall be present, in person, in the municipality to respond to requests for assistance.

(Effective February 23, 1994)

**Sec. 9-242-13. Quality assurance. Manufacturer training**

(a) **Town Clerks and Registrars of Voters.** The manufacturer shall provide training, including written documentation and other training materials, to the town clerk and the registrars of voters of the purchasing town. The training shall include: (1) how to design and produce the ballot, (2) how to set up the system for an election, (3) how to prepare the system and the removable memory devices for an election, (4) how to test the system and related components prior to the election, and (5) any other tasks essential to ensure a correct and efficient operation of the system.

(b) **Moderators.** The manufacturer shall provide training, including written documentation and other training materials, to the moderators. The training shall include: (1) how to correctly set up the punchcard or marksense system in the polling place, (2) how to admit voters to the system and enable them to cast a correct ballot, (3) how to close down the system at the end of the election day, and (4) how to produce the election tally reports required by law.

(c) **Technicians/Mechanics.** The manufacturer shall provide full and detailed written instructions for use by the local technicians/mechanics to perform the following: (1) system set-up, (2) system operation, (3) system close-down, (4) system maintenance, and (5) system service. The instructions shall include an in-depth review of the system-produced diagnostic messages which identify system malfunctions. Each message shall be fully explained along with the steps necessary to correct

the problem encountered. Instructions shall include photographs and/or detailed schematics with narrative text describing each procedure. After the purchase and delivery of the equipment, but prior to the preparation for the first election, the manufacturer shall provide a training course for the local technicians/mechanics which shall include a presentation of the steps necessary to perform system set-up, maintenance and service. This course shall provide the technicians/mechanics with a hands-on opportunity to participate in the demonstration of such functions. The manufacturer shall test and certify to the secretary of the state those technicians/mechanics who are competent to set up, program, test and close down the punchcard or marksense machine.

(d) **Voters. Demonstrator Machine.** The manufacturer shall provide a hands-on voter training device that can be set up at each polling place. This device shall closely resemble the voting system in appearance and shall be suitable for use by the voters as a demonstration unit. The device shall replicate the actual voting system as closely as possible so that the vote casting function is easily understood by the voter. There shall also be provided training ballots for the punchcard or marksense system being used to properly train the voter on the system.

(Effective February 23, 1994)

#### **Sec. 9-242-14. Quality assurance. Warranty provisions**

The warranty for the marksense or punchcard system shall provide that the system and all supporting materials, except the ballots, are free from defects for a period of five years following the conduct of the first general election or first primary in which the system is used. The equipment shall conform to its published specifications and all the promotional materials and literature that were given to the purchasing jurisdiction. Additionally, the equipment shall conform to the specifications required in sections 9-242-1 to 9-242-39, inclusive, of these regulations. The manufacturer shall give a lifetime license to use the software and shall provide, free of charge, any updates to the software, hardware and firmware necessary to correct defects in the voting system for the life of the system. The punchcard or marksense voting system shall have an anticipated useful life expectancy of at least 20 years.

(Effective February 23, 1994)

#### **Sec. 9-242-15. Hardware standards. Ballot**

In an election, the ballot shall be able to accommodate at least nine political parties as required by Conn. Gen. Stat. Section 9-242. Political party and candidate names shall be printed in the style and type size as required by Conn. Gen. Stat. Section 9-250, federal law and section 9-242-9 of these regulations. The ballots to be printed shall be able to provide for bilingual presentation of offices, questions and instructions to the voter. The ballots prepared for certification testing by the state shall be of such size and complexity to represent the maximum conditions encountered in Connecticut elections, and shall include at least one for each kind of selection conducted in Connecticut — presidential election; gubernatorial election; municipal election, including nonpartisan offices, questions, and multiple vote on liquor permit question; presidential preference primary; town committee primary; delegate primary; primary before gubernatorial election; primary before municipal election; special election; adjourned election between two candidates of one party; and referendum. In an election the ballot shall be clearly printed in the proper format, so that the names of the parties are listed, as required by Conn. Gen. Stat. Section 9-250, with identifiable markings or punch areas associated with each candidate's name, the office for which he is running and the political party or

organization that nominated him. The order of the parties, offices and candidates on the ballot shall be in conformance with law. In a primary, the names of candidates shall appear on the ballot in accordance with Conn. Gen. Stat. Section 9-437. In a primary, the recording device shall be capable of recording the contests for all parties conducting a primary. The ballot shall also provide for voting in referenda. The system shall be capable of accepting printed ballots from different sources including the current method of employing the services of a printing firm. The manufacturer shall provide the direction and assistance that will be required by the purchasing town in formatting its ballots for the first primary and the first general election using the new marksense or punchcard voting system.

(Effective February 23, 1994)

#### **Sec. 9-242-16. Hardware standards. Voter capacity**

Each precinct count device shall be capable of processing the ballots cast by at least 999 voters. The system shall shut down prior to exceeding its maximum capacity and provide a warning prior to implementing the shut down process.

(Effective February 23, 1994)

#### **Sec. 9-242-17. Hardware standards. Security. Machine access**

As required by Conn. Gen. Stat. Section 9-266, the voting system shall be safeguarded while in storage. The design and construction of the system shall permit the equipment to be secured so as to prevent any tampering. Recharging of the back-up power supply shall not result in the destruction of any seals or locks provided to prevent tampering. As specified in Conn. Gen. Stat. Sections 9-244 and 9-246, the punchcard or marksense voting system shall provide machine access devices to lock and seal the machines after they have been prepared for voting prior to opening the polls and to lock and seal the machines from additional voting after the polls are closed and the votes have been recorded. Firmware shall be secured in an independent and anti-magnetic compartment. All pre-printed ballots shall be secured and sealed until the polls open and resealed immediately upon the closing of the polls. All voted and spoiled ballots shall also be sealed upon the closing of the polls. In addition, the system shall be constructed so that in the event tampering does take place, it will be visibly noticeable. This shall be accomplished by providing protective seals, covers and locks with keys with the system. In order to gain access to the machine it would require that such a seal or lock be destroyed. Additionally, provisions shall be made by the manufacturer to ensure the security of the removable memory devices. These devices record the vote selections made and store the results of the device tally. The removable memory devices shall be protected from tampering at all times including the following: (1) pre-election testing, (2) after pre-election testing; prior to the election, (3) in transit to and from the storage, testing and polling place areas, (4) in the punchcard or marksense device itself, and (5) in storage after the conduct of the election. The manufacturer shall provide the procedure and equipment necessary to ensure that the removable memory devices used in the primary, election or referenda are secured from tampering. A protective case or container shall be provided for the transport of the removable memory devices after the election. The removable memory devices shall be secured in this case while in transit and in storage for ten days after the election. The case shall be equipped with a locking mechanism to prevent unauthorized access.

(Effective February 23, 1994)

**Sec. 9-242-18. Hardware standards. Security. Voter access**

The punchcard or marksense voting system shall be designed and constructed so as to permit voter access to only those areas of the device used by the voter for the casting of votes. Additionally, the device shall be capable of being locked or otherwise secured so as to prevent voting at any time other than during voting hours in an election or when the system is being tested.

(Effective February 23, 1994)

**Sec. 9-242-19. Hardware standards. Security. Moderator access**

Moderators shall not be capable of gaining access to any internal compartment of the equipment that controls the casting of votes. The system shall be provided with a visual control panel or other means that provides the moderators with equipment operational status and identifies irrecoverable error conditions. This display shall indicate if the equipment has malfunctioned and the services of the technician/mechanic are required. The control panel shall also provide diagnostic error messages to the technician/mechanic that will enable the technician/mechanic to identify the source of the problem in the minimum amount of time. Supplies which will require interim replenishment should be limited to hard copy paper, printer ribbons, ink cartridges, batteries, light bulbs and seals. Following an election the moderator shall be able to lock and seal the machine against further voting, print the voting results, remove the removable memory device, close the machine, lock it with a key, seal it with a numbered seal and return it to its storage container.

(Effective February 23, 1994)

**Sec. 9-242-20. Hardware standards. Security. Technician/mechanic access**

The electronic voting equipment shall be designed and constructed in a manner which permits the technician/mechanic to perform routine service as well as all field maintenance and repairs. The equipment shall be constructed so as to allow the technician/mechanic access to the internal compartments and mechanisms of the equipment with the exception of those parts of the equipment which are categorized by the manufacturer as proprietary. Field service shall include the testing necessary to identify the source of a malfunction; the adjustment, repair or replacement of malfunctioning circuits or components; and the testing necessary to verify that the repairs were performed correctly. Prior to the election the technicians/mechanics shall be able to open the machine from its storage container, install a properly programmed removable memory device in the machine, test the machine and otherwise prepare the machine for the ballot to be voted, close the machine, lock it with a key, seal it with a numbered seal and prepare it for transport to the polling place. The machine may not be opened for voting without damaging the seal so that it is evident that the machine has been opened.

(Effective February 23, 1994)

**Sec. 9-242-21. Hardware standards. Security. Factory engineer access**

The factory engineer shall be provided with access to all components of the electronic voting equipment. However, the local election officials may designate one or more watchers trained in the operation of the system to oversee the work of the factory engineer. Factory engineer maintenance tasks shall be limited to complex and infrequent maintenance functions which require access to proprietary firmware or specialized facilities and equipment which cannot be obtained by the purchasing municipality. The punchcard and marksense voting systems shall be designed and constructed so as to minimize factory service. Factory maintenance tasks shall

number not more than two percent of all maintenance tasks and their frequency shall not exceed five percent of the total frequency of all preventive maintenance tasks.  
(Effective February 23, 1994)

**Sec. 9-242-22. Hardware standards. Overvote protection**

In accordance with Conn. Gen. Stat. Section 9-242 the punchcard or marksense system shall permit each voter to vote in an election: (1) for all the persons and offices for whom the voter is lawfully entitled to vote, (2) for as many persons for an office as the voter is entitled to vote, and (3) on any ballot referenda on which the voter is entitled to vote. In accordance with Conn. Gen. Stat. Section 9-242, the punchcard and marksense systems shall be designed and constructed in a manner which warns the voter when he has voted for more than the number of candidates to which he is legally entitled to vote for an office. The machine shall warn the voter and return the ballot to the voter giving him an opportunity to vote a new ballot. The voting machine shall prohibit the voter from casting more than one ballot in an election. The voting machine shall count only one vote of a voter for a candidate nominated by more than one party for the same office and prevent the counting of a vote (including a write-in vote) of a voter for the same candidate more than once for the same office. The voting machine shall count no votes for an office where the voter voted for more than the permitted number of candidates for an office.

(Effective February 23, 1994)

**Sec. 9-242-23. Hardware standards. Write-in**

The punchcard or marksense voting system shall provide a means of recording the selection of candidates for any office whose names do not appear on the ballot at an election. The write-in procedure shall be easy to perform and made possible through the use of a pencil or pen. The ballot shall be printed to enable the voter to fill in as many names of candidates as the voter is legally entitled to select for each contest. The machines may retain separately those ballots with write-in votes so that they may be tabulated at the close of the polls. The vote tally mechanism in the equipment shall provide a total of write-in votes cast for each contest on the ballot in order that a full accounting may be performed.

(Effective February 23, 1994)

**Sec. 9-242-24. Hardware specifications. Enclosure**

The punchcard or marksense system shall be provided with an enclosure that meets the requirements of Conn. Gen. Stat. Sections 9-242, 9-257, 9-259, 9-261 and 9-262 and sufficient lighting for use by the voter when completing the ballot. Curtains or other privacy enclosures for the voter shall be designed and constructed, either electronically or manually, to open or close with ease. Curtains or other privacy enclosures shall permit the disabled voter and those voters in wheelchairs to easily enter and exit the equipment without obstruction and to vote their ballot. Such an enclosure shall be constructed so that no one in the polling place will be able to see for which candidates or questions a voter, including a voter in a wheelchair, is casting his vote.

(Effective February 23, 1994)

**Sec. 9-242-25. Hardware standards. Noise restriction**

The punchcard and marksense voting systems shall not produce any sounds or audible noises that would serve to indicate how an elector has voted. This applies

to the noise associated with the write-in voting process. An audible tone indicating to the voter and the moderators that the vote has been recorded by the equipment and that preparations for the next voter need to be made is permissible.

(Effective February 23, 1994)

**Sec. 9-242-26. Hardware standards. Vote recordation**

The system shall provide a means for consolidating the data of all voting machines and absentee ballots for each voting district of the municipality, for each political subdivision of the municipality and for the entire municipality into one report.

(Effective February 23, 1994)

**Sec. 9-242-27. Software standards. Design and coding**

The voting system software shall make extensive use of high level languages. It is mandatory that a high level programming language be used for that segment of the ballot tabulation software associated with the logical and numerical operations on vote data. The use of assembly or machine languages for device controllers and handlers is acceptable, but assembly language code shall also adhere to modularity and structured programming methods.

(Effective February 23, 1994)

**Sec. 9-242-28. Software standards. Configuration management**

All changes to the baseline software submitted for evaluation shall be subject to testing at the discretion of the secretary of the state. The manufacturer shall maintain the following technical documentation for the voting system software: (1) system overview, (2) program descriptions, (3) standards and conventions, (4) operating environment, (5) functional specifications, (6) program specifications and (7) testing specifications.

(Effective February 23, 1994)

**Sec. 9-242-29. Software standards. Vote recording accuracy**

The manufacturer shall be capable of demonstrating provisions for accuracy within the software. The system shall detect an attempt to cast a ballot when no voting selections have been made or when no selection or less than the legally entitled number of selections have been made (undervoting). The system shall be able to accept a completely blank ballot, but only after a warning message has been clearly displayed to the voter and the intention to cast a blank ballot has been acknowledged by the voter. For partially cast ballots, the system shall differentiate between intentional undervotes and failure to register one or more selections as the result of hardware or software malfunction. The system shall be capable of interpreting any and all undervotes existing when the ballot is cast as the correct number of "no votes" in the offices and referenda in which they occur. As part of the vote-tally process, the system shall compare the sum of all vote selections and of "no votes" with the total number of votes which can be legally made on the entire ballot and produce an error message to the polling place official if any discrepancy is detected.

(Effective February 23, 1994)

**Sec. 9-242-30. Software standards. Audit trails**

The system shall be capable of the following: (1) detecting and reporting its status and degree of operability by means of diagnostic software and hardware, (2) detecting and reporting the identification of the election, polling place and specific ballot formats for which it has been programmed, (3) evaluating the accuracy of the ballot reader and the arithmetic-logic unit, (4) detecting, monitoring, and reporting the

proper execution of the initialization procedures performed prior to the opening of the polling place and the initiating of ballot counting operations, (5) detecting and reporting the procedure associated with the opening and closing of the polling place, and (6) detecting and recording significant events such as the submitting of a ballot for counting in a voting district count device, starting and completing a central count and an error condition which cannot be disposed of by the system itself.

(Effective February 23, 1994)

**Sec. 9-242-31. Functional requirements. Programming and software installation**

Each punchcard or marksense device shall be provided with the means of ensuring that the correct removable memory device has been connected to it and that the software correctly matches the ballot formats that it is intended to process.

(Effective February 23, 1994)

**Sec. 9-242-32. Functional requirements. System readiness tests**

The punchcard and marksense systems shall contain provisions for generating data reports for the town.

(Effective February 23, 1994)

**Sec. 9-242-33. Functional requirements. Pre-election tests and verification**

(a) In punchcard and marksense systems, each precinct count device, and all central counting equipment, shall contain provisions for verifying its proper preparation for an election, and for verifying that both the hardware and the software are functioning correctly. These tests and diagnostic procedures may be executed manually or automatically, and may allow for operator intervention to validate the proper execution of individually-selected equipment functions.

(b) Prior to the primary, election or referenda, representatives of the parties shall attend the pre-election test that exercises the hardware and software of each punchcard or marksense device, the removable memory devices and ballots to be used in the election. The manufacturer shall supply a written test procedure and mechanism that records votes for a set of pre-selected offices and candidates.

(c) After verification of the results of the pre-election test is completed, the counters of the punchcard and marksense systems and the removable memory devices shall be reset to zero. Proper verification of the counters shall be made by producing the tally on each device. After the completion of the pre-election test, the punchcard and marksense systems, the removable memory devices and ballots shall be secured from access until such time as they are to be moved to the polling place.

(Effective February 23, 1994)

**Sec. 9-242-34. Functional requirements. Verification at the polling place**

The manufacturer of the punchcard and marksense systems shall provide written instructions and procedures for verifying at the polling place that the removable memory devices have been installed into the correct punchcard and marksense devices and that the proper ballot formats have been programmed into the devices.

(Effective February 23, 1994)

**Sec. 9-242-35. Functional requirements. Opening the polling place**

The punchcard and marksense systems may provide for the use of a key in readying the equipment for casting ballots. The punchcard and marksense systems shall provide a means of verifying that the ballot punching or marking devices are properly prepared and ready for use. All systems shall provide a voting booth or

similar facility, in which the voter may punch or mark the ballot in privacy, and a secure receptacle for holding voted ballots. Precinct count equipment shall provide a means of activating the ballot counting device, verifying that the device has been properly prepared, and allowing the counting of ballots.

(Effective February 23, 1994)

**Sec. 9-242-36. Functional requirements. Provisions for recanvass**

To provide the capability for recounting the results of a contested election, the punchcard and marksense voting systems shall be capable of performing the following: (1) the removable memory devices shall be capable of being reread on a different punchcard or marksense tallying device than was used originally and a comparison made of the recount totals to the original totals, (2) the system shall keep the ballots of each voter to be used to manually count the votes cast for each candidate for each office in each contest and arrive at a manual tally of the election, and (3) the system shall be capable of re-running the vote-tally process on all punchcard and marksense voting devices producing new removable memory devices which are then used to produce new voting district tallies and a new town tally.

(Effective February 23, 1994)

**Sec. 9-242-37. Escrow**

Prior to submitting any system to qualifications testing, the manufacturer shall deposit the source code, operating systems, specialized compilers and documentation materials with an escrow agent acceptable to the secretary of the state and under conditions acceptable to the secretary of the state.

(Effective February 23, 1994)

**Sec. 9-242-38. Voting machines approved prior to regulations**

Nothing in Sections 9-242-1 through 9-242-39, inclusive, of these regulations shall affect voting machines approved prior to the adoption of said sections of these regulations.

(Effective February 23, 1994)

**Sec. 9-242-39. Acceptance testing**

A municipality shall perform acceptance testing prior to contractual acceptance of punchcard and marksense voting systems. The object of this testing is to determine if the hardware and software delivered comply with state and municipal requirements and perform in accordance with the same equipment's performance in state qualification and certification testing.

(Effective February 23, 1994)

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## **Marksense Voting Tabulator**

### **Sec. 9-242a-1. General statutes shall apply**

Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of the Connecticut General Statutes concerning procedures relating to voting machines and absentee ballots at elections, primaries and referenda shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes. Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of sections 9-304 and 9-306 of the Connecticut General Statutes concerning penalties relating to paper ballots, shall apply to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes.

(Adopted effective October 1, 1999)

### **Sec. 9-242a-2. Number of voting tabulators and ballots**

The officials of a municipality purchasing or leasing an approved marksense voting tabulator shall provide a number of voting tabulators sufficient to provide a voting tabulator for each voting district for each primary and election and shall provide a sufficient number of spare voting tabulators where more than one party is holding a primary in a polling place, and the tabulator can be programmed to separately tabulate the votes cast in each primary, a single tabulator may be used to tabulate the votes cast in all such primaries and different colored ballots may be used for each party holding a primary. Such officials shall provide a number of ballot boxes for each voting district sufficient to hold a number of ballots equal to the number of electors eligible to vote at each primary or election in the voting district. They shall provide a number of voting booths sufficient to provide at least one for each two hundred and fifty or fraction of two hundred and fifty electors eligible to vote at each primary and election in the municipality or voting district, as the case may be, and shall provide other necessary equipment. If the Connecticut General Statutes authorize separate voting tabulators for one voting district in the primary of one party or in an election be placed in the same room of the polling place of another voting district, the Secretary of the State shall prescribe that separate ballots be issued and may prescribe that they may be processed on the same voting tabulator in the primary of such party or in such election. Such officials shall also provide a secure long-term storage location as described in section 9-242A-8 of the Regulations of Connecticut State Agencies in which to store the marksense voting tabulators and memory cards. The location shall remain locked at all times and access to such location shall be exclusively controlled by the registrars of voters. Access shall only be granted to such location for the purpose of tabulator programming, maintenance, testing, set-up and education and voter outreach. Nothing in this section shall preclude the registrars of voters from using alternative secure short-term storage locations for marksense voting tabulators and memory cards after adjustment and programming of the tabulator has taken place pursuant to 9-242a-4 and until the close of the polls on election day. For the purposes of this regulation any storage location used, either long term or short term, shall have characteristics as detailed in section 9-242a-8.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-3. Counting of absentee ballots**

The registrars of voters of a town may authorize marksense voting tabulators approved by the Secretary of the State to be used to count absentee ballots at an election, primary or referendum.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-4. Adjustment and programming voting tabulators. Printing ballots and absentee ballots**

The registrars shall direct the preparation, adjustment and programming of the voting tabulator by a suitable technician who is adequately trained by a representative of the manufacturer and approved by the Secretary of the State in accordance with the ballot layout established by the municipal clerk. The municipal clerk and registrars shall direct a printer approved by a representative of the manufacturer or the Secretary of the State to print a number of official ballots determined by the registrar of voters and a number of absentee ballots determined by the municipal clerk in accordance with specifications approved by the Secretary of the State. Official and absentee ballots may be printed on different colored paper to enable poll workers to readily identify the different types of ballots. The ovals on the official ballots may be printed in a color other than black to ensure greater accessibility for individuals with disabilities. Finally, ballots may be printed on both sides of the page as long as a separate page of instructions is provided with each absentee ballot and is available for use in each polling place.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-5. Inspection and test voting the voting tabulator**

Beginning as soon as ballots and ballot cards are available and not later than the tenth day before the election or primary, the registrars shall conduct ballot card testing of every programmed memory card with samples of each different ballot card printed for the election or primary. The purpose of the test is to ensure that (1) ballots are printed properly, (2) timing, diagnostic and card identification marks are correctly located on the ballot, (3) memory cards are programmed with accurate information, and (4) the voting tabulators tally ballots correctly. The Secretary of the State shall prescribe the procedure to (A) test unvoted ballot cards, (B) test fully voted ballot cards, and (C) count a series of test ballots. All those present, including the registrars or their designees, the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies, if any, the town chairmen, candidates and watchers, shall certify (i) as to the numbers of the voting tabulators, (ii) that the voting tabulators have been test-voted with samples of the ballots and found to be working properly, (iii) that the candidate, question and public counters are set back to zero, (iv) as to the numbers registered on the protective counters of the tabulator, if provided, and (v) as to the numbers on the seals sealing the memory cards into the voting tabulator. This certificate and the test ballots shall be filed with the municipal clerk and kept for sixty days after the election. Each voting tabulator shall be sealed and placed in its carrying case together with the ender card and sealed in its carrying case. The voting tabulator in its carrying case and any spare tabulators shall be delivered by the registrars to the central secure location designated by the registrars meeting such specifications as the secretary may prescribe, until delivery of such voting tabulators to the election officials as described in 9-242a-8 of the Regulations of Connecticut State Agencies. The registrars shall immediately secure the keys to the voting tabulator. Not later than eight o'clock p.m. of the day before the election, the moderators shall appear in the office of the

registrars of voters to receive checklists, the voting tabulator seal number as reported on the report of pre-election testing, and supplies necessary to conduct the election. In addition, the registrars of voters shall deliver ballots to the election officials as described in 9-242a-8 of the Regulations of Connecticut State Agencies.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-6. Election officials**

The election officials of each polling place shall consist of a certified moderator, at least one but not more than two official checkers for each line of electors, two registrars of voters or two assistant registrars of voters, as the case may be, of opposing political parties, at least one but not more than two voting tabulator tenders, at least one but not more than two ballot clerks, zero to two challengers and zero to two demonstrators. Demonstrators shall be appointed for the first election or primary at which the tabulator is used in the municipality. Subsequently, demonstrators shall be optional and other polling place officials of opposing political parties may demonstrate. Each registrar shall appoint half the number of each of such officials in a polling place. If absentee ballots are counted at the polls, other officials may perform this function, but, if needed, each registrar shall appoint half the absentee ballot counters who shall count in teams of two. If there is central counting of absentee ballots, the registrars shall appoint a central counting moderator and each registrar shall appoint half the absentee ballot counters who shall count in teams of two. In a primary, the registrar of the party holding the primary shall appoint one or two assistant registrars and shall divide the polling place officials equally as nearly as may be between designees of the party-endorsed candidates and designees of the challenging candidates. In a primary, the term "opposing political parties" as used in sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, shall mean polling place officials designated by opposing candidacies in the primary. In a primary, the assistant registrar, when performing duties under sections 9-242a-8, 9-242a-9, 9-242a-22, 9-242a-23 and 9-242a-27 of the Regulations of Connecticut State Agencies, and the registrar, when performing duties under sections 9-242a-25 and 9-242a-28 of the Regulations of Connecticut State Agencies, shall be accompanied by another polling place official, and one shall be the designee of the party-endorsed candidates and the other shall be the designee of the challenging candidates except in a presidential preference primary where, to the extent practicable, they shall be representatives of opposing candidates. In a presidential preference primary at which no other position is on the ballot, the minimum number of official checkers, voting tabulator tenders and ballot clerks shall be one of each such office, and if two such presidential preference primaries are held on the same day, the registrars may appoint one moderator and one head moderator to serve both primaries.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-7. Instruction of polling place officials. Preparation of polling place**

Before each election, all election officials shall attend an instructional session conducted by the registrars, moderators and, if the registrars deem necessary, the technician or a representative of the manufacturer of the voting tabulator. Prior to the day of the election the registrars shall cause the voting booth, ballot box and necessary furniture and appliances to be delivered to the polling place, and, if there is central counting of absentee ballots, shall cause the ballot box and necessary furniture and appliances to be delivered to such central counting place.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-8. Voting tabulator and ballots delivered to polls**

(a) If the tabulator is stored at a central location after inspection and test voting pursuant to 9-242a-5, two election officials of different parties assigned to each polling place shall arrive one and a half hours before the polls open on election day at the location where the tabulator has been stored to receive the tabulator and a number of ballots sufficient for three hours operation for their polling place from the registrars of voters, if such ballots have not already been delivered to the polling place. Nothing in this subsection shall prevent the election officials from employing individuals who are not sworn election officials to assist in the transportation of the voting tabulators and ballots as long as such individuals are accompanied by and under the direct supervision of the two election officials. (b) If the tabulator is to be stored at a location other than a central location after inspection and test voting pursuant to 9-242a-5, two election officials of different parties shall appear before the registrars of voters at the central long-term storage location at times determined by the registrars of voters to receive the tabulator and a number of ballots sufficient for three hours operation for their polling place and shall immediately transport the tabulator and materials to the alternate, secure, short-term storage location for storage until the opening of the polls on election day. Nothing in this subsection shall prevent the election officials from employing individuals who are not sworn election officials to assist in the transportation of the voting tabulators and ballots as long as such individuals are accompanied by and under the direct supervision of the two election officials. (c) If the election officials have not previously been sworn in, the oath for polling place officials shall be administered by the registrars or moderator. The election officials shall examine the label on the tabulator to ensure that it is the correct tabulator for their polling place. Without opening the inner seal of any ballot package, the election officials shall ensure that the ballots are the correct ones for their polling place and shall give the registrar of voters a receipt for the tabulator and the number of ballot packages received. The election officials shall transport the unopened ballots and tabulator directly to their polling place not later than thirty minutes before the polls open or to the short term storage location before the election and then to the polls on election day, whichever is applicable. Once at the polls, they shall immediately deliver the unopened ballots and tabulator to the moderator who shall give the election officials a receipt and shall keep a copy for his records. Any function in this subsection may be performed by one police officer instead of two election officials. For the purposes of this regulation any storage location used, either long term or short term, shall have the following characteristics, (1) the location shall remain locked at all times; (2) access to such location shall be exclusively controlled by the registrars of voters; (3) Access shall only be granted to such location for the purpose of machine programming, maintenance, testing or set-up; and (4) the secure short-term storage location may only be used for storage after adjustment and programming of the machines has taken place pursuant to 9-242a-4 and until the close of the polls on election day.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-9. Preparation of voting tabulator before polls open**

The assistant registrars shall witness the moderator install the tabulator on the ballot box. The moderator shall examine the label on the tabulator, and if it does not indicate his voting district, he shall contact the registrars immediately. In the presence of both assistant registrars, the moderator shall examine the number on the seal on the tabulator to ensure that it has not been tampered with, and if it is

not the same as the number which the registrars of voters provided or the seal has been broken, the moderator shall contact the registrars immediately. He shall record the number of the seal and all other information required on a certificate prescribed by the Secretary of the State. In the presence of both assistant registrars, the moderator shall open each of the compartments of the ballot box. The moderator shall remove any ballots or other material found in the compartments, place them in a depository envelope and execute a memorandum. The moderator shall lock all the compartments and the assistant registrars shall check that they are securely locked. The moderator shall remove the printer cover, turn on the power switch and install the tabulator on top of the ballot box in accordance with the manufacturer's instructions. When the voting tabulator prints the election zero report identifying the date, the town and zero votes for all offices, candidates, questions and write-ins on the ballot, the moderator and assistant registrars shall examine it. If the report is correct, the moderator and assistant registrars shall sign it and post it in the polling place. Such officials shall print a second tape, sign it and leave it attached to the tape in the voting tabulator. If the election zero report is not correct, the moderator shall immediately call the registrars and not open the voting tabulator for voting. If the display on the voting tabulator does not display the voting district number and show a count of zero, the moderator shall contact the registrars immediately. Using the ballot box key, the moderator shall unlock the top slot of the auxiliary bin. The voting tabulator tenders shall be stationed at the voting tabulator to prevent access to the voting tabulator until the polls are opened. The moderator and assistant registrars shall complete and sign the certificate prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-10. Preparation of ballots before polls open**

The moderator shall give the ballots to the ballot clerks who shall note the number of ballot packages received. They shall open a sufficient number of packages to start the day. They shall enter on the ballot log worksheet the number of packages opened throughout the day and note the number of any additional ballot packages received. Ballots shall not be issued until the polls are declared open at the time prescribed by law.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-11. Location of voting tabulator and voting booths**

The entire polling area shall be in plain view of all election officials and electors waiting to vote. The voting tabulator and voting booths shall be placed, if possible, at least three feet from any wall, partition or guardrail and at least four feet from the checkers' table. The voting booth shall be so placed that no person outside the booth can determine how an individual voted. Each booth shall be equipped with a marking device approved by the manufacturer and a large card containing instructions for marking the ballot, supplied by the manufacturer and approved by the Secretary of the State. At least one voting booth in each voting district shall be accessible to persons with disabilities. The moderator, or another official designated by the moderator, shall regulate the flow of electors from the checkers table to the voting booth to the voting tabulator and out of the polling room.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-12. Opening the polls**

Immediately prior to the time to open the polls, the moderator shall check that the public counter is zero. The moderator shall declare the polls open at the time

prescribed by law. If the voting tabulator malfunctions, the moderator shall notify the registrars immediately and direct that ballots shall be issued and deposited in the auxiliary bin. When the voting tabulator is repaired, or replaced, or after the close of the polls, the moderator, in the presence of two election officials of opposing political parties, shall open the auxiliary bin and process the ballots through the voting tabulator for tabulation.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-13. Demonstrators**

Demonstrators shall be located before the checkers table. The demonstrators or the other election officials of the polling place shall offer instruction to electors entering the polling place. They may use demonstration ballots which indicate “name of party”, “name of candidate”, “office” and “question-statement of question-yes-no” or prerecorded material. The election officials shall post a sample ballot so that it is visible to an elector receiving instructions. The officials demonstrating shall advise the elector that the demonstration ballot may not represent the actual form of the official ballot, and direct the elector’s attention to the sample ballot posted nearby. In no event should the demonstration ballot contain the names of current candidates.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-14. Ballot clerks**

No ballot shall be issued unless the elector’s name has been checked off the official checklist. As each ballot is spoiled, the ballot clerk shall so indicate on a ballot log worksheet. No replacement ballot shall be issued unless the spoiled ballot is returned to the ballot clerk. The ballot clerk shall mark “spoiled” on any spoiled ballot, avoid looking at the markings on the ballot and place it in a spoiled ballot envelope or other suitable container reserved for spoiled ballots. As ballots are being counted or handled, the ballot clerk shall check for serious printing problems, inform the moderator, mark the defective ballot “spoiled”, place it in a spoiled ballot envelope or other suitable container and account for it on a ballot log worksheet. Any ballot found in a voting booth shall be marked “found in voting booth” and placed in the spoiled ballot envelope or other suitable container after the moderator makes a memorandum of the incident. When the polls close, ballot clerks shall record on a form prescribed by the Secretary of the State the total number of ballot packages received, the number of unopened ballot packages remaining, the number of loose ballots remaining and the number of spoiled ballots.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-15. Assistant registrars of voters**

The assistant registrars of voters or other officials designated by the moderator shall control access to the area containing the voting booths. Only electors with ballots and persons legally entitled to accompany them shall be allowed into the voting booth area. Electors shall only be admitted to this area when a booth is available. Such officials shall periodically examine the voting booths to resupply marking devices, remove campaign literature and repair defaced or damaged booths.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-16. Voting tabulator tenders and voting tabulator malfunction**

The voting tabulator tenders shall be stationed approximately three to four feet from the voting tabulator. They shall control access to the voting tabulator and shall prevent anyone from tampering with the voting tabulator. They shall instruct electors

in the proper method for inserting the ballot. They shall ascertain that the ballot has been accepted by the voting tabulator before a voter leaves the polling place. The voting tabulator tender shall advise the elector of any error messages displayed by the voting tabulator. If a ballot is rejected by the voting tabulator they shall advise the elector how to correct the problem. They shall not look at the markings on an elector's ballot. If a new ballot is needed, the voting tabulator tender shall direct the elector to the ballot clerks. If the voting tabulator jams or malfunctions, the voting tabulator tender shall summon the moderator or another election official before any corrective action is taken. An election official shall clear any jammed ballots in accordance with instructions provided for the voting tabulator and shall avoid looking at the markings on the ballots. The voting tabulator shall not be opened unless one election official from an opposing political party is present. The moderator shall make a memorandum as to whether the voting tabulator indicates that it has counted the ballot. If the jam cannot be cleared or the voting tabulator malfunction cannot be resolved, the moderator shall call the registrars and shall substitute a perfect voting tabulator for the malfunctioning voting tabulator. Ballots shall continue to be issued, and voted ballots shall be placed in the auxiliary bin. The Secretary of the State shall prescribe the procedure to substitute a voting tabulator for the malfunctioning voting tabulator. When the voting tabulator is repaired or replaced or after the close of the polls, the election officials shall (1) process the ballots from the auxiliary bin through the voting tabulator, (2) return overvoted ballots to the auxiliary bin to be processed and overridden at the end of the day, and (3) return ballots rejected as blank ballots to the auxiliary bin to be hand counted at the end of the day. The moderator shall make a memorandum of such incidents. If the ballot box becomes full, officials of opposing political parties shall empty or replace the ballot box in the manner prescribed by the Secretary of the State. No person shall be permitted to leave the polling place with a ballot, either marked or unmarked. When an elector's ballot has been accepted by the voting tabulator, the elector shall be directed to immediately leave the polls.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-17. Process of voting**

After the checkers check off the name of an elector on the official check list, the ballot clerk shall issue such elector a ballot. The ballot clerk shall also offer the elector a privacy sleeve into which the ballot can be inserted so that the markings on the ballot cannot be seen or such sleeve may be placed in every voting booth for the elector's use. The elector shall not be required to accept a privacy sleeve. When a voting booth is available, the elector shall be directed to enter a booth and mark his ballot. The elector shall then be permitted to proceed to the voting tabulator and insert his ballot for counting. If the voting tabulator accepts his ballot, the elector shall immediately exit the polling place.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-18. Overvote**

An overvote occurs when an elector votes for more candidates for an office than he is entitled to. When an overvote message appears on the voting tabulator, the voting tabulator tender shall instruct the elector to recheck the ballot and obtain a new ballot if necessary. If the elector insists that the ballot be processed with the overvote, the voting tabulator tender shall instruct him votes for the overvoted office will not be counted but that the votes for the other offices will be counted. The elector shall be instructed to deposit the ballot in the auxiliary bin.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-19. Blank ballot**

A blank or unreadable ballot is one on which the tabulator cannot read a single vote for any office. If this occurs, the tabulator tender shall review with the elector the instructions and direct the elector to obtain a new ballot. If the elector requests that the ballot be processed when no votes are readable by the tabulator, the voting tabulator tender shall instruct the elector that the ballot will be counted by hand after the polls close, but if the election officials are unable to determine the intent of the elector, some or all of his votes could be lost. If the elector insists that the ballot be processed, the elector shall then be instructed to deposit the ballot in the auxiliary bin.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-20. Replacing a spoiled ballot with a new ballot**

Any elector may request a new ballot at any time prior to the acceptance of his ballot by the voting tabulator. No reason need be given. To obtain a replacement ballot, the elector shall return with his spoiled ballot to the ballot clerk. An elector seeking to obtain a replacement ballot need not go to the end of the line of electors entering the polling place. Before a replacement ballot is issued, the elector shall give his old ballot to the ballot clerk, holding it in such a way that the markings are not visible. The Secretary of the State may prescribe a procedure to ensure secrecy of the vote. Without looking at the markings, the ballot clerk shall mark the word "spoiled" on the old ballot, draw a line through the "timing marks" on the edge of the ballot and place the ballot in a depository envelope, or other suitable container reserved for spoiled ballots. The ballot clerk shall keep track of the number of spoiled ballots. After the ballot clerk has placed the spoiled ballot in the envelope, the ballot clerk shall issue a new ballot to the elector. The ballot clerk shall direct the elector to an available voting booth to mark his new ballot.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-21. Challenged ballot**

A challenged ballot issued under section 9-232e of the Connecticut General Statutes shall be a regular ballot which the elector shall fold and place in the serially-numbered envelope.

(Adopted effective October 1, 1999; amended March 27, 2008)

**Sec. 9-242a-22. Close of polls. Canvass of voting tabulator**

At the close of the polls, the polling place officials shall prepare the moderator's return prescribed by the Secretary of the State. The moderator and assistant registrars of voters shall (1) check that the seal on the voting tabulator sealing the memory card in the tabulator has not been broken and record the number on the seal on the returns, (2) the moderator shall direct the polling place officials to unlock and remove all the ballots from the auxiliary bin, and shall process any ballots which can be so processed. If an "overvote" message appears, the moderator may press the buttons necessary to override that message, thereby causing the voting tabulator to count all contests except the overvoted contest. The number of any ballots from the auxiliary bin which can not be processed should be recorded and they should be counted by hand. The votes on such ballots shall be recorded on the moderator's returns. Any ballots from the auxiliary bin which were hand counted should be sealed in a depository envelope marked "auxiliary bin" and placed in the ballot transfer case, (3) direct the absentee ballot counters to process any remaining absentee ballots on hand which can be voting tabulator processed and note on the moderator's

returns the number of absentee ballots voting tabulator processed, if absentee ballots are counted at the polls, (4) record on the returns the number on the public counter, (5) lock the tabulator against processing further ballots in accordance with the manufacturer's instructions, and (6) print an election results report for each candidate and question in accordance with the instructions of the manufacturer and the Secretary of the State. The moderator shall announce the voting tabulator results for each candidate and question. The officials shall remove the original election results report from the voting tabulator, and the moderator and the assistant registrars shall sign it. The original election results report from the voting tabulator shall be attached to the moderator's return which is provided to the registrar who shall file such return with the municipal clerk by noon the following day. The officials shall produce and sign two additional election results reports and shall post one in the polling place for public inspection and place the other in the ballot transfer case.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-23. Moderator's returns. Canvass of votes cast and certifications**

The polling place officials shall complete the moderator's returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrars of voters shall record on the moderator's returns the voting tabulator result totals for each candidate and question. The moderator and assistant registrars of voters shall unlock and remove all the ballots from the write-in bin. They shall record the number of ballots in the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. They shall seal the write-in ballots in a depository envelope marked "write-in bin" and place them in the ballot transfer case. The law providing that the intent of the voter governs when counting absentee ballots shall apply to ballots counted by hand. Ballots counted by hand shall be counted by teams of two officials from opposing political parties and questions shall be submitted to the moderator for decision and endorsement on the ballot.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-24. Counting absentee ballots at the polls**

If absentee ballots are counted at the polls, the absentee ballots and the voting tabulator shall be adjusted to provide that the election results report printed by the voting tabulator at the close of the polls indicate for each candidate and question the absentee vote, the non-absentee vote and the totals. Absentee ballots shall be delivered to the polls at the times specified for delivery of absentee ballots in the general statutes. Absentee ballots may be processed through the voting tabulator at times throughout the day or at the end of election. Before processing absentee ballots through the voting tabulator, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the voting tabulator. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting tabulator and there appears to be an overvote, the voting tabulator tender shall override the message and process the ballot with the overvote. If the voting tabulator rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballot counters shall note the total number of absentee ballots processed by the voting tabulator and report such total to the moderator. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee

ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the absentee ballots and report such result to the moderator. The moderator shall record such totals and results on the moderator's return prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-25. Central counting of absentee ballots**

If registrars of voters choose to use an approved marksense voting tabulator to count absentee ballots at a central location, on election day the central counting officials shall deliver the voting tabulator, and at the times prescribed by law, absentee ballots, to the central counting place. The central counting officials shall examine the label on the tabulator to ensure that it is the correct tabulator for the central counting place. The central counting officials shall give the municipal clerk a receipt for the absentee ballots received and shall give the registrars a receipt for the tabulator. The central counting officials shall transport the absentee ballots and tabulator to the central counting place and shall immediately deliver them to the central counting moderator. The central counting moderator shall give the central counting officials a receipt and shall keep a copy for his records. The central counting officials and central counting moderator shall record the number on the seal, prepare the voting tabulator in the manner provided in section 9-242a-9 of the Regulations of Connecticut State Agencies and follow the instructions prescribed by the Secretary of the State. Before processing absentee ballots through the voting tabulator, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the voting tabulator. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting tabulator and there appears to be an overvote, the officials shall override the message and process the ballot with the overvote. If the voting tabulator rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the handcounted absentee ballots and report such result to the central counting moderator. The results of the voting tabulator processed absentee ballots shall be printed out at the close of the polls. The Secretary of the State shall prescribe the procedure to safeguard the voting tabulator and the voting tabulator processed absentee ballots on election, primary or referendum day, after each time prescribed for processing absentee ballots. The Secretary of the State may prescribe that on election, primary or referendum day, after the first time period prescribed for processing absentee ballots (1) the voting tabulator processed absentee ballots be removed and sealed in a labeled depository envelope, (2) the absentee ballots in the write-in bin be removed, the votes cast for the office in which the elector indicated a write-in vote be counted by hand and the ballots be sealed in a labeled depository envelope, (3) the public counter and seal on the tabulator be noted, (4) the registrars of voters store the tabulator in a secure location and (5) 14 days following the election the registrars return to the municipal clerk all sealed and labeled packages of absentee ballots. After the close of the polls, the absentee ballot counters shall unlock and remove all the ballots from the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-

in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. The absentee ballot counters shall seal the write-in ballots in a depository envelope marked "write-in" and place them in the ballot transfer case. Voting tabulator counted absentee ballots shall be placed in the ballot transfer case. The central counting moderator and absentee ballot counters shall follow the procedures prescribed by the Secretary of the State for shutting down the voting tabulator and producing the election results report. The central counting moderator and counters shall sign two copies of the election results report, attach one to the moderator's return and post one in the central counting location. The central counting moderator shall record on the moderator's return prescribed by the Secretary of the State the result of the count of the absentee ballots counted by hand and counted by voting tabulator. The central counting moderator shall announce the results of the absentee ballot vote for each candidate and question. No person shall make known the count of absentee ballots prior to the time for the closing of the polls. The central counting moderator shall follow the procedures prescribed by the Secretary of the State and return the keys, the tabulator, the ballot transfer case, the moderator's return with the election results report attached and other election materials to the registrars of voters. The registrars of voters will file the moderator's return with the municipal clerk by noon of the day following the primary or election. The registrars of voters shall store absentee ballots in a secure location for 14 days after which the ballots shall be given to the municipal clerk for the remaining storage period.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-26. Completing ballot log summary after polls close**

After the polls close, the ballot clerks shall complete a ballot log summary prescribed by the Secretary of the State. They shall record on a form prescribed by the Secretary of the State the number of ballot packages received, the number of ballot packages remaining unopened after the polls close and the number of spoiled ballots, challenged ballots and ballots in the auxiliary bin after the voting tabulator was locked against further voting. If absentee ballots are counted in the polling place, the Secretary of the State shall prescribe how absentee ballots are accounted for. The ballot clerks shall place all spoiled ballots in a depository envelope marked "spoiled ballots", seal it with non-reusable tape and deliver it to the moderator for return to the municipal clerk. The ballot clerks shall secure all ballots which are not issued to electors and deliver them to the moderator for return to the registrars of voters. The registrars of voters shall store absentee ballots in a secure location for 14 days after which the ballots shall be given to the municipal clerk for the remaining storage period. All unused printed marksense ballots shall be retained by the municipal clerk in the manner and for the period prescribed by law for the retention of unused absentee ballots and then shall be destroyed.

(Adopted effective October 1, 1999; amended March 27, 2008)

#### **Sec. 9-242a-27. Closing the machines and polls**

After all election results reports have been produced, the moderator and assistant registrars of voters shall record on the moderator's return the number on the public counter, close down the tabulator and remove the tabulator from the ballot box according to the manufacturer's instructions. They shall not break the seal on the tabulator and they shall record such number on the moderator's return. They shall place the tabulator in its carrying case and seal the case and record such number on the moderator's return. They shall seal all depository envelopes with non-reusable

tape. They shall place in the ballot transfer case all depository envelopes from the polling place and all ballots from the regular bin. The Secretary of the State may prescribe that the depository envelopes containing the empty envelopes and rejected absentee ballots, the depository envelope containing the challenged ballots and the depository envelope containing the spoiled ballots need not be placed in the ballot transfer case. If absentee ballots are counted at the polling place, the certificate of absentee ballot count shall be completed and the result of the absentee ballot count shall be entered on the moderator's returns in the manner prescribed by the Secretary of the State. The moderator shall announce the total results for each candidate and question. The moderator and assistant registrars of voters shall indicate on the moderator's returns, the number of the seal that will be used to secure the ballot transfer case. They shall place a signed copy of the election results report, which was produced by the tabulator, in the ballot transfer case and seal the ballot transfer case. The moderator shall label the keys in accordance with instructions from the Secretary of the State and return the keys, the tabulator, the ballot transfer case, the original moderator's return with the original election results report attached, and other election materials to the registrars of voters. The registrars of voters shall file the original moderator's return and official registry list with the municipal clerk by noon of the day after the election or primary. The ballot transfer case shall be sealed for the period of time prescribed for sealing absentee ballots and then shall be unsealed and the contents destroyed. The tabulator shall be sealed for the period of time prescribed for sealing voting tabulators.

(Adopted effective October 1, 1999; amended March 27, 2008)

### **Sec. 9-242a-28. Recanvass**

If a recanvass is required by law in a municipality which uses marksense voting tabulators, the head moderator shall summon the recanvass officials consisting of at least two checkers, two ballot clerks and two absentee ballot counters of opposing political parties, the registrars of voters, and the municipal clerk. The registrars of voters shall be required to bring with them the sealed tabulators, the sealed ballot transfer cases, replacement seals, sufficient ballot boxes, new memory cards for each voting district, test ballots prepared in the manner prescribed by the Secretary of the State, and the other materials required by law. The recanvass officials shall, in the presence of the moderator, make a record of the number on the seals on the tabulator and ballot transfer case. The recanvass officials shall break the seal on the tabulator, remove the memory card and place it in a storage container approved by the Secretary of the State. The new memory card shall be installed in the tabulator, the tabulator shall be installed on an empty ballot box, the test ballots shall be test voted in the manner prescribed by the Secretary of the State and a record shall be made. When the tabulator prints the election zero report, the report shall be signed by the moderator and registrars and left attached to the tape in the tabulator. The recanvass officials shall break the seal of the ballot transfer case and begin the recount required by law for that voting district. Two recanvass officials of opposing political parties shall (1) open the depository envelope containing the ballots from the auxiliary bin, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in a labeled depository envelope, (2) open the depository envelopes containing the absentee ballots which were handcounted on election day, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in labeled depository envelopes, and (3) open the depository envelope containing the ballots from the write-in bin, count by tabulator and by hand the votes for the offices and

questions subject to recanvass in the manner prescribed by the Secretary of the State, record them on the tally sheets and reseal them in a labeled depository envelope. The recanvass officials of opposing political parties shall examine all ballots which were tabulator counted on election day to determine whether the markings for the office being recanvassed are sufficiently clear to be read by the tabulator. If two recanvass officials of opposing political parties agree that such ballots are sufficiently clear to be read by the tabulator, such ballots shall be processed through the tabulator. For each voting district, the recanvass officials shall print and sign two elections results reports, announce the tabulator results for the offices and questions subject to recanvass, post one copy of the report and attach the other copy of the report to the moderator's return. All other ballots which were counted by tabulator on election day shall be counted by hand by recanvass officials of opposing political parties, recorded on the tally sheets and sealed in labeled depository envelopes. The recanvass officials shall complete the moderator's returns for each office and question subject to recanvass and announce the results. All ballots shall be placed in the ballot transfer case which shall be sealed with a new seal, and the seal number recorded on the moderator's return. The memory card shall be sealed in the tabulator and the seal number recorded on the moderator's return. The memory card which has been removed from the tabulator shall be sealed in a storage container in the manner prescribed by the Secretary of the State and the seal number recorded on the moderator's return. The moderator shall return the keys, the tabulator, and the ballot transfer case to the registrars of voters and the polling place moderator's returns with elections results reports attached, and other election materials to the municipal clerk. The moderator shall also prepare the head moderator's return in duplicate as prescribed by law and file one with the municipal clerk and one with the Secretary of the State. The tabulator and memory card storage container shall be sealed for the period of time prescribed for sealing voting machines. The recanvass may be conducted in such other manner as may be prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; amended March 27, 2008)



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### **Administration of Petty Cash Funds**

#### **Sec. 9-333i-1. Administration of petty cash funds**

A campaign treasurer of a committee, as defined in Subsection (1) of Section 9-333a of the General Statutes, may establish and maintain a petty cash fund not to exceed one hundred dollars at any one time out of which such campaign treasurer may pay any expense of the committee which is permitted to be paid pursuant to Chapter 150 of the General Statutes, except that no expense may be paid to any person which exceeds twenty-five dollars per transaction and except further, that such petty cash fund may not be replenished more than twice in a seven day period. The campaign treasurer shall keep and maintain a receipt or other proper written record of all such cash transactions. Any disbursement made from a petty cash fund shall be reported as an expenditure in accordance with Section 9-333j of the General Statutes.

(Effective February 26, 1981; transferred and amended July 31, 1998)



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### **Citizen's Election Program**

#### **Sec. 9-607-1. Recordkeeping requirements to substantiate permissible campaign expenditures of any committee for campaign staff or professional personnel**

(a) Pursuant to the requirements described in sections 9-607(f), 9-607(g), 9-706(e) of the Connecticut General Statutes, and any regulations adopted thereto, in order to substantiate any payment for services of campaign or committee staff, or campaign or committee services of attorneys, accountants, consultants, or other professional persons for campaign activities, the campaign treasurer shall maintain internal records, including but not limited to:

1. a written agreement, signed before any work or services for which payment in excess of \$100 is sought is performed, which sets forth (i) the nature and duration of the fee arrangement and (ii) a description of the scope of the work to be performed or services to be rendered; and

2. contemporaneous records and/or invoices created by the close of the reporting period but in no event later than the date of the primary or election to which the expenditure relates, which set forth the nature and detail of the work performed or services rendered.

(Adopted effective December 20, 2007)



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### **Citizen's Election Program**

#### **Sec. 9-702-1. Expenditure limits and attribution of expenditures**

Expenditures by the candidate committee of a participating candidate in a primary, made prior to or on the date of such primary, shall be presumed to have been made for the primary for the purpose of applying the expenditure limit. However, such presumption may be overcome if the timing of the receipt of the value of such goods or services requires attribution of such expenditures to the general election and the corresponding general election expenditure limit.

(Adopted effective December 20, 2007)



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### **Citizen's Election Program**

#### **Sec. 9-706-1. Participating candidate use of campaign funds—general requirements**

(a) All funds in the depository account of the participating candidate's qualified candidate committee, including grants and other matching funds distributed from the Citizens' Election Fund, qualifying contributions and personal funds, shall be used only for campaign-related expenditures made to directly further the participating candidate's nomination for election or election to the office specified in the participating candidate's affidavit certifying the candidate's intent to abide by Citizens' Election Program requirements.

(b) The absence of contemporaneous detailed documentation indicating that an expenditure was made to directly further the participating candidate's nomination for election or election shall mean that the expenditure was not made to directly further the participating candidate's nomination for election or election, and thus was an impermissible expenditure. Contemporaneous detailed documentation shall mean documentation which was created at the time of the transaction demonstrating that the expenditure of the qualified candidate committee was a campaign-related expenditure made to directly further the participating candidate's nomination for election or election to the office specified in the participating candidate's affidavit certifying the candidate's intent to abide by Citizens' Election Program requirements. Contemporaneous detailed documentation shall include but not be limited to the documentation described in section 9-607(f) of the Connecticut General Statutes.

(Adopted effective June 28, 2007)

#### **Sec. 9-706-2. Participating candidate use of campaign funds**

(a) In addition to the requirements set out in section 9-706-1 of the Regulations of Connecticut State Agencies, participating candidates and the treasurers of participating candidates shall comply with the following citizens' election program requirements. Permissible campaign-related expenditures shall include but are not limited to expenditures for the following:

1. Purchase of political campaign advertising services from any communications medium, including but not limited to newspaper, television, radio, billboard or internet;

2. Political campaign advertising expenses, including but not limited to printing, photography, or graphic arts related to flyers, brochures, palm cards, stationery, signs, stickers, shirts, hats, buttons, or other similar campaign communication materials;

3. Postage and other commercial delivery services for political campaign advertising;

4. Campaign personnel and professional services;

5. Campaign promotional events, including but not limited to expenditures for food, space rental, staff and entertainment at such events;

6. Campaign office rent, office supplies and other office expenses, including but not limited to office utilities and office insurance expenses;

7. Campaign office services, including but not limited to internet services, phone services, photocopying and mailing;

8. Purchase or lease of campaign office furniture and equipment, including but not limited to computer hardware and software;

9. Campaign travel expenses, including but not limited to vehicle rental and vehicle lease;

10. Campaign mileage and fuel expenses at a rate that is no greater than the standard mileage rate provided by the internal revenue service for the calculation of the deductible cost of operating an automobile for business purposes;

11. Food and beverage expenditures for campaign staff, volunteers and other campaign personnel, provided that the expenditure does not exceed \$15 per person per occasion for breakfast, inclusive of tax and gratuity, \$20 per person per occasion for lunch, inclusive of tax and gratuity, or \$30 per person per occasion for dinner, inclusive of tax and gratuity;

12. Conducting polling or get-out-the-vote activities; and

13. No more than the following amounts for post-primary or post-election thank you notes or other advertising to thank campaign staff, contributors, volunteers, or supporters: \$7,500 for a candidate for the office of governor; \$3,500 for a candidate for the office of lieutenant governor, attorney general, state comptroller, secretary of state, or state treasurer; \$1,000 for a candidate for the office of state senator; \$500 for a candidate for the office of state representative; \$750 for a special election candidate for the office of state senator; and \$250 for a special election candidate for the office of state representative.

(b) In addition to the requirements set out in section 9-706-1 of the Regulations of Connecticut State Agencies, participating candidates and the treasurers of such participating candidates shall comply with the following citizens' election program requirements. Participating candidates and the treasurers of such participating candidates shall not spend funds in the participating candidate's depository account for the following:

1. Personal use, as described in section 9-607(g)(4) of the Connecticut General Statutes;

2. The participating candidate's personal support or expenses, such as for personal appearance or the candidate's household day-to-day food items, supplies, merchandise, mortgage, rent, utilities, clothing or attire, even if such personal items (such as the participating candidate's residence, or business suits) are used for campaign related purposes;

3. Payments to the participating candidate or the participating candidate's family members, including: a participating candidate's spouse, civil union partner, sibling, child, grandchild, parent, grandparent, aunt, uncle; or the participating candidate's spouse's or civil union partner's sibling, child, grandchild, parent, grandparent, aunt, uncle; or the spouse, civil union partner, or child of any such individuals related to the participating candidate or his/her spouse or civil union partner, except payment(s) to the participating candidate or the participating candidate's committee worker or the participating candidate's family member serving as a committee worker if such individual is seeking reimbursement for a permissible expenditure for which he/she received authorization from the campaign treasurer to make such expenditure, and such participating candidate or committee worker provides the campaign treasurer with a written receipt or other documentary evidence from the vendor proving payment of the expenditure, as required by section 9-607(j) of the Connecticut General Statutes;

4. Payments to any entity in which the participating candidate or the participating candidate's family members, as listed in section 9-706-2(b)(3) of the Regulations of Connecticut State Agencies, has a 5% or greater ownership interest;

5. Individual cash expenditures in excess of \$50, provided such candidate committee's petty cash fund shall not exceed \$100 at any time and further provided that such petty cash fund shall not be replenished more than twice in a seven day period;

6. Payments in excess of the usual and normal charge for the goods or services received;

7. Gifts of any kind if the value exceeds \$5 to any one recipient, including but not limited to the gifts described in section 9-607(g)(2)(T) of the Connecticut General Statutes;

8. Contributions, loans or expenditures to or for the benefit of another candidate, political committee or party committee;

9. Purchase of a vehicle;

10. Any expenditure made in conjunction with another candidate for which the participating candidate does not pay his or her proportionate share of the cost of the joint expenditure;

11. Post-election bonus payments, including but not limited to bonus payments to campaign staff or volunteers;

12. Donations to a charity or community organization, except as the admission fee of no greater than \$100 to an event attended by the candidate for campaign purposes prior to the applicable primary or election;

13. Independent expenditures to benefit another candidate;

14. Expenditures in violation of any federal, state or local law;

15. Penalties or fines;

16. Expenditures incurred but not paid for which payment of any portion of the outstanding liability is made contingent on the participating candidate committee's receipt of a grant from the citizens' election fund; and

17. Any payment that is not made from the depository account disclosed by the participating candidate's committee.

(C) For elections held in 2012, and thereafter, the permissible amounts for food and beverage expenditures in section 9-706-2(a)(11) of the Regulations of Connecticut State Agencies shall be reviewed by the State Elections Enforcement Commission not later than February 1, 2012, February 1, 2014, and quadrennially thereafter, in accordance with any change in the consumer price index for all urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics, during the period beginning on January 1, 2010, and ending on December thirty-first in the year preceding the year in which said adjustment is to be made, and adjusted if deemed necessary by the commission.

(Adopted effective June 28, 2007; amended December 20, 2007)

### **Sec. 9-706-3. Payment of funds does not constitute a final determination**

A payment from the Citizens' Election Fund does not constitute the Commission's final determination of eligibility or the final amount of funds for which such participant may qualify. Eligibility and payment determinations are subject to audit and readjustment by the Commission. Any Commission final payment determination shall be made no later than four years from the date of the last report required to be filed under section 9-608 of the Connecticut General Statutes unless the Commission receives information indicating that the candidate, treasurer or any other agent of the campaign, may have engaged in willful misrepresentation, willful nondisclosure or criminal fraud related to campaign finance information required to be reported or substantiated pursuant to Chapters 155 or 157 of the Connecticut General Statutes or any regulations promulgated thereto.

(Adopted effective December 20, 2007)



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### **Citizen's Election Program**

#### **Sec. 9-711-1. De minimis excess expenditures**

The Commission shall determine whether an excess expenditure is de minimis by considering the following factors:

1. the size of the excess expenditure in relation to the applicable expenditure limit;
2. whether any unforeseen extraordinary circumstances, such as a natural disaster, contributed to the obligation to incur or the occurrence of the excess expenditure;
3. whether the participating candidate or such candidate's campaign treasurer exercised due diligence to abide by the applicable expenditure limit, notwithstanding the excess expenditure;
4. whether the participating candidate or such candidate's campaign treasurer has used such candidate's or treasurer's personal funds to either pay for the excess expenditure or reimburse the qualified candidate committee for its payment of such excess expenditure; and
5. whether the participating candidate or such candidate's campaign treasurer agrees to pay any penalties assessed by the Commission in relation to the excess expenditure.

(Adopted effective June 28, 2007)



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**Citizen's Election Program****Sec. 9-712-1. Permissible media for transmission of supplemental campaign finance statements**

(a) Each supplemental campaign finance statement required to be filed with the Commission pursuant to section 9-712 of the Connecticut General Statutes shall be submitted to the Commission by hand delivery by not later than 4:30 p.m. during business days, facsimile transmission to the commission's dedicated fax number for supplemental campaign finance statements, electronic mail transmission to the commission's dedicated electronic mail address for supplemental campaign finance statements or by using the commission's electronic campaign finance reporting system.

(b) Supplemental campaign finance statements filed pursuant to section 9-712 of the Connecticut General Statutes by electronic mail or by the commission's electronic campaign finance reporting system will be acknowledged as received by the commission by way of an electronic mail response. Supplemental campaign finance statements filed pursuant to section 9-712 of the Connecticut General Statutes by hand delivery by not later than 4:30 p.m. during business days will be acknowledged as received by the commission by way of a delivery receipt.

(Adopted effective June 28, 2007; amended December 20, 2007)



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### **Citizen's Election Program**

#### **Sec. 9-714-1. Independent expenditures**

(a) A person makes or obligates to make an independent expenditure with the intent to promote the defeat of a candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, State Senator or State Representative, if the independent expenditure expressly advocates the defeat of such candidate.

(b) "Expressly advocates" shall mean:

1. Conveying a public communication containing a phrase including, but not limited to, "vote against," "defeat," "reject," or a campaign slogan or words that in context and with limited reference to external events, such as the proximity to the primary or election, can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates; or

2. Making a public communication which names or depicts one or more clearly identified candidates, which, when taken as a whole and with limited reference to external events, contains a portion that can have no reasonable meaning other than to urge the defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a unfavorable light, the targeting, placement, or timing of the communication, or the inclusion of statements by or about the candidate.

(c) All expenditures directly related to the production and distribution of a public communication that expressly advocates the defeat of a candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, State Senator or State Representative, shall be treated as part of the independent expenditure for such candidate.

(Adopted effective December 20, 2007)