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## **OLR Bill Analysis**

### **sHB 6578**

#### ***AN ACT CONCERNING PARTICIPATION IN THE ELECTORAL PROCESS.***

#### **SUMMARY**

This bill makes various unrelated changes affecting elections, including the forfeiture and restoration of electoral privileges (i.e., voting rights) for certain individuals convicted of a felony; voter registration; and polling place challengers. Principally, it does the following:

1. eliminates the current requirement that convicted felons forfeit their electoral privileges if they are committed to confinement in an in-state or out-of-state community residence;
2. restores the electoral privileges of convicted felons who are on parole or special parole or who are confined in a community residence;
3. conforms law with practice by requiring the Department of Motor Vehicles (DMV) to use a secretary of the state-approved electronic system that complies with the National Voter Registration Act (NVRA) to automatically transmit voter registration applications to registrars of voters for eligible applicants unless they opt out;
4. similarly, requires voter registration agencies and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to transmit voter registration applications for eligible applicants; and
5. eliminates provisions authorizing registrars of voters to appoint challengers as polling place officials, which conforms with current practice.

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the changes (1) eliminating voting rights forfeiture for certain individuals confined in a community residence are effective July 1, 2021; (2) restoring voting rights for parolees and individuals confined in community residences are effective July 1, 2022; and (3) affecting voter registration agencies and public higher education institutions are effective January 1, 2022.

**§§ 1-3 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY**

The bill makes several changes concerning the forfeiture and restoration of electoral privileges for certain individuals convicted of a felony.

***Forfeiture of Electoral Privileges (§ 2)***

Under current law, an individual forfeits his or her right to be an elector, and all accompanying electoral privileges (i.e., the right to vote, run for public office, and hold an office), upon conviction of a felony and commitment to any state or federal prison (CGS § 9-46). Effective July 1, 2021, the bill eliminates a requirement that such individuals forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside of Connecticut) for confinement in a community residence (e.g., halfway house, group home, or mental health facility).

The bill also specifies that if an individual regains his or her electoral privileges after forfeiture, he or she must again forfeit them upon returning to confinement in a correctional institution or facility from the following:

1. parole or special parole;
2. release to (a) an educational program or work, (b) a community residence, (c) a zero-tolerance drug supervision program, (d) home confinement for certain motor vehicle and drug offenses, or (e) a community-based nursing home for

palliative and end-of-life care; or

3. specified furloughs granted at the commissioner's discretion (e.g., to permit attendance at a relative's funeral or to obtain medical services not otherwise available).

***Notice to Secretary of the State and Registrars of Voters (§ 1)***

Effective July 1, 2021, the bill makes conforming changes to monthly reports that the (1) DOC commissioner must send to the secretary of the state and (2) secretary must transmit to registrars of voters. Under current law, the commissioner must send the secretary a list by the 15th of each month of all individuals convicted of a felony and committed to DOC custody in the previous calendar month for confinement in a correctional institution, facility, or community residence. The secretary must then send the list to the registrars of voters in towns where (1) these individuals resided at the time of their conviction or (2) she believes they may be electors.

The bill (1) eliminates the requirement that the DOC commissioner's report include a list of these individuals committed for confinement in a community residence and (2) additionally requires that it include a list of individuals returned to confinement in a correctional institution or facility for violating the terms of their parole, special parole, release, or furlough (see above). It must also include the date and nature of these violations. The bill makes conforming changes to the information the secretary must provide registrars of voters by similarly requiring her to notify registrars in towns where (1) individuals returned to confinement resided at the time of their parole, special parole, release, or furlough violation (as applicable) or (2) she believes they may be electors.

Under existing law, after sending a written notice by certified mail to the individual's last known address, the registrars must remove his or her name from the registry list (CGS § 9-45).

***Restoration of Electoral Privileges (§ 3)***

Under current law, an individual imprisoned for a felony regains

the right to vote and accompanying electoral privileges after paying all fines and completing any required prison and parole time.

Effective July 1, 2022, the bill allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates current law's requirements that such individuals also, as applicable, (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The bill specifies that any convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the bill, the DOC commissioner must, within available appropriations, inform people who are on parole, special parole, or confined in a community residence of their right to become electors and the process for having their privileges restored.

The bill also makes conforming changes to a monthly report that the DOC commissioner must send to the secretary of the state. Under current law, the commissioner must send the secretary a list by the 15th of each month of all individuals convicted of a felony who were released in the previous calendar month from a correctional institution or facility or a community residence and, if applicable, discharged from parole.

The bill eliminates current law's requirement that the list include community residence releases and parole discharges and instead requires that it include individuals who have begun confinement in a community residence. By law, unchanged by the bill, the secretary must send this list to the registrars in the towns where (1) the individuals lived at the time of their conviction or (2) she believes they may be electors.

#### **§§ 4-8 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS**

By law, the DMV commissioner must include a voter registration application as part of each motor vehicle driver's license application or

renewal or each identity card application. Similarly, voter registration agencies (see BACKGROUND) must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail voter registration application forms.

***Application and Transmittal Procedures***

The bill requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant (see BACKGROUND) electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless the applicants decline to apply for admission. (In practice, DMV must already do this pursuant to a memorandum of understanding (MOU) between the agencies (see BACKGROUND).)

***Eligibility Verification.*** By law, voter registration forms include (1) a statement that specifies each eligibility requirement and (2) an attestation that the applicant meets each requirement (CGS § 9-20). The bill allows DMV, voter registration agencies, and public higher education institutions to waive attestation for any requirement for which they can verify an applicant's eligibility independently through a federally approved identity verification program or through other acceptable evidence. The electronic system may provide for transmittal of applicants' signatures on file with DMV, a voter registration agency, or public higher education institution, as applicable, to the secretary of the state.

The bill prohibits DMV, voter registration agencies, and public higher education institutions from processing voter registration applications using the electronic system if they determine that an individual applying for a credential, service, or assistance is not a U.S. citizen. If they cannot determine whether the individual is a U.S. citizen, the applicant must attest to his or her citizenship before DMV, a voter registration agency, or a public higher institution may process the voter registration application through the electronic system.

***Transmittal.*** Under the bill, if DMV determines that an applicant for a motor vehicle driver's license or renewal or for an identity card (i.e., "DMV credential") meets each eligibility requirement for admission as an elector, then the commissioner must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. Similarly, if a voter registration agency or public higher education determines that an applicant for assistance or services meets each eligibility requirement for admission as an elector, then the agency or institution must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. In all cases, the application must be transmitted to the registrars of voters in the municipality where the individual resides.

### ***Party Enrollment***

Under the bill, if the system removes an elector from a political party's enrollment list because he or she did not affirmatively confirm an intent to continue enrollment, the removal must be presumed unintentional. In that case, the bill requires that the elector be restored to the party's enrollment list after the appropriate registrar of voters is notified.

### ***Address Changes***

The bill additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the bill, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements.

If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

## **§§ 9-12 — POLLING PLACE CHALLENGERS**

Current law authorizes each municipality's registrar of voters to appoint up to two challengers per polling place who may challenge the right of anyone attempting to vote if the challenger knows, suspects, or reasonably believes that there is some doubt as to the voter's identity, residence, or disenfranchisement status. The moderator decides any challenge.

The bill conforms the law with current practice by eliminating registrar-appointed challengers as authorized poll workers during a primary or election. Existing law, unchanged by the bill, authorizes any elector to act as a challenger.

### **BACKGROUND**

#### ***Related Bill***

sSB 5, favorably reported by the Government Administration and Elections Committee, contains the same provisions on (1) the forfeiture and restoration of electoral privileges for certain individuals convicted of a felony and (2) DMV, voter registration agencies, and public higher education institutions using an electronic system to automatically transmit voter registration applications.

#### ***Voter Registration Agencies***

The NVRA requires covered states to designate as voter registration agencies (1) all offices that provide federal or state public assistance, (2) all offices that provide state-funded programs primarily engaged in providing services to individuals with disabilities, and (3) Armed Forces recruitment offices. States must also designate additional voter registration agencies, which may include (1) state or local offices like public libraries or schools, fishing and hunting license bureaus, or unemployment compensation offices or (2) with their agreement, federal or nongovernmental offices (52 U.S.C. § 20506).

Generally, all voter registration agencies must:

1. distribute the National Mail Voter Registration Form;

2. provide an “information form” on the voter-registration process;
3. help applicants complete the registration application unless they refuse assistance; and
4. accept completed voter registration applications and transmit them to the appropriate state election official within a prescribed timeframe.

Those agencies that provide public assistance or services to individuals with disabilities must include the National Mail Voter Registration Form, or an equivalent form that they design, with each application, recertification, renewal, or change of address form related to the assistance or services. Those providing in-home services to individuals with disabilities must provide the above-listed registration services in the individual’s home.

### **NVRA**

The NVRA (P.L. 103-31) generally requires states to offer eligible citizens the opportunity to register to vote by:

1. applying as part of a motor vehicle driver’s license application or renewal;
2. sending a mail-in application; or
3. applying in person at a designated voter registration agency, including offices providing public assistance or services to individuals with disabilities.

The requirements apply to federal elections; however, in practice, states such as Connecticut have extended the procedures to state and local elections.

### **MOU**

Connecticut began implementing an automatic voter registration (AVR) system under a May 16, 2016, MOU between the Office of the Secretary of the State and DMV. The MOU established a method,

process, and timeline for developing the system and required that it be fully implemented by August 7, 2018.

Under the MOU, Connecticut's AVR system must, among other things:

1. establish a schedule and method for DMV to electronically provide registrars of voters with the records of individuals who apply for or renew a DMV credential (i.e., driver's license or identity card);
2. allow individuals who submit DMV credential applications to change their voter registration status or record;
3. provide a way for records transmitted by the AVR system to constitute a completed voter registration application, and for registrars of voters to register applicants to vote unless an applicant is ineligible to vote, declines registration, or does not attest to meeting all voter eligibility requirements;
4. designate party preference as "unaffiliated" for a registrant who does not provide a preference; and
5. provide a way for applicants, as part of their voter registration application, to swear or affirm that they are U.S. citizens and meet all other voter eligibility requirements.

The AVR system must enable DMV to provide registrars of voters with certain information about applicants, including name; birthdate; driver's license or identification card number, or last four digits of the Social Security number; whether the individual affirmatively declined to register to vote; and political party preference.

The MOU prohibits DMV from electronically transmitting through the AVR system the records of individuals who (1) were issued a DMV credential but were not U.S. citizens at the time of issuance or (2) have a "drive only" license, indicating that they cannot establish their legal presence in the U.S. or may not have a Social Security number.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (04/05/2021)