



General Assembly

January Session, 2021

Committee Bill No. 820

LCO No. 5710



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING A STATE VOTING RIGHTS ACT.

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

1 Section 1. (NEW) (*Effective January 1, 2022*) As used in sections 2 to 8,
2 inclusive, of this act:

3 (1) "At-large method of election" means a method of electing
4 candidates to the legislative body of a municipality (A) in which all such
5 candidates are voted upon by all electors of such municipality, (B) in
6 which, for municipalities divided into districts, a candidate for any such
7 district is required to reside in such district and all candidates for all
8 districts are voted upon by all electors of such municipality, or (C) that
9 combines the methods described in subparagraph (A) or (B) of this
10 subdivision with a district-based method of election;

11 (2) "District-based method of election" means a method of electing
12 candidates to the legislative body of a municipality in which, for
13 municipalities divided into districts, a candidate for any such district is
14 required to reside in such district and only the candidates for such
15 district are voted upon by only the electors of such district;

16 (3) "Alternative method of election" means a method of electing
17 candidates to the legislative body of a municipality other than an at-
18 large method of election or a district-based method of election;

19 (4) "Legislative body" means the board of alderman, council, board of
20 burgesses, board of education, district committee, association
21 committee or other similar body, as applicable, of a municipality;

22 (5) "Municipality" means any town, city or borough, whether
23 consolidated or unconsolidated, any school district, any district, as
24 defined in section 7-324 of the general statutes or any other district
25 authorized under the general statutes;

26 (6) "Protected class" means a group consisting of members of a race,
27 color or language minority group, as described in Section 203 of the
28 federal Voting Rights Act of 1965, P.L. 89-110, as amended from time to
29 time; and

30 (7) "Racially polarized voting" means voting in which there is a
31 difference between the candidate or electoral choice preferred by
32 protected class electors and the candidate or electoral choice preferred
33 by all other electors.

34 Sec. 2. (NEW) (*Effective January 1, 2022*) (a) (1) No qualification for
35 eligibility to be an elector or other prerequisite to voting, statute,
36 ordinance, regulation or other law regarding the administration of
37 elections, or any related standard, practice, procedure or policy may be
38 enacted or implemented in a manner that results in the denial or
39 abridgement of the right to vote for any protected class individual.

40 (2) Any impairment of the ability of protected class electors to elect
41 candidates of their choice or otherwise influence the outcome of
42 elections, based on the totality of the circumstances, shall constitute a
43 violation of subdivision (1) of this subsection.

44 (3) In determining whether a violation of subdivision (1) of this
45 subsection has occurred, the superior court for the judicial district in
46 which the municipality is located may consider the extent to which

47 protected class electors (A) have been elected to office in the state or the
48 municipality in which such violation is alleged, and (B) vote at lower
49 rates than all other electors in the state or the municipality in which such
50 violation is alleged.

51 (b) (1) No method of election may have the effect of impairing the
52 ability of protected class electors to elect candidates of their choice or
53 otherwise influence the outcome of elections as a result of abridging the
54 right to vote for such electors or diluting the vote of such electors.

55 (2) (A) The following shall constitute a violation of subdivision (1) of
56 this subsection:

57 (i) Any municipality that employs an at-large method of election and
58 in which (I) voting patterns of protected class electors are racially
59 polarized, or (II) based on the totality of the circumstances, the ability of
60 such electors to elect candidates of their choice or otherwise influence
61 the outcome of elections is impaired;

62 (ii) Any municipality that employs a district-based method of election
63 or an alternative method of election, in which the candidates or electoral
64 choices preferred by protected class electors would usually be defeated
65 and (I) voting patterns of protected class electors are racially polarized,
66 or (II) based on the totality of the circumstances, the ability of such
67 electors to elect candidates of their choice or otherwise influence the
68 outcome of elections is impaired;

69 (B) Any use of race, color, language minority group or any
70 characteristic that serves as a proxy for race, color or language minority
71 group for the purpose of districting or redistricting shall presumptively
72 constitute a violation of subdivision (1) of this subsection, provided a
73 municipality may rebut this presumption by demonstrating that race,
74 color, language minority group or any characteristic that serves as a
75 proxy for race, color or language minority group was so used only to
76 the extent necessary to comply with the provisions of sections 1 to 8,
77 inclusive, of this act, the federal Voting Rights Act of 1965, P.L. 89-110,
78 as amended from time to time, the Constitution of Connecticut or the

79 Constitution of the United States.

80 (C) In determining whether voting patterns of protected class electors
81 in a municipality are racially polarized or whether candidates or
82 electoral choices preferred by protected class electors would usually be
83 defeated, the superior court for the judicial district in which the
84 municipality is located shall find that (i) elections held prior to the filing
85 of an action pursuant to this section are more probative than elections
86 conducted after such filing, (ii) evidence concerning elections for
87 members of the legislative body of such municipality are more
88 probative than evidence concerning elections for other municipal
89 officials, (iii) statistical evidence is more probative than nonstatistical
90 evidence, (iv) in the case of evidence that two or more protected classes
91 of electors are politically cohesive in such municipality, electors of such
92 protected classes may be combined, (v) evidence concerning the intent
93 of electors, elected officials of such municipality to discriminate against
94 protected class electors is not required, (vi) evidence of explanations for
95 voting patterns and election outcomes other than racially polarized
96 voting, including, but not limited to, partisanship is not to be
97 considered, (vii) evidence that subgroups of protected class electors
98 have different voting patterns is not to be considered, (viii) evidence
99 concerning whether protected class electors are geographically compact
100 or concentrated is not to be considered, but may be used to
101 appropriately remedy such violation, and (ix) evidence concerning
102 projected changes in population or demographics is not to be
103 considered, but may be used to appropriately remedy such violation.

104 (c) (1) In determining whether, based on the totality of the
105 circumstances, the ability of protected class electors to elect candidates
106 of their choice or otherwise influence the outcome of elections is
107 impaired, the superior court for the judicial district in which a
108 municipality is located may consider (A) the history of discrimination
109 in the municipality or state, (B) the extent to which protected class
110 electors have been elected to office in the municipality, (C) the use of
111 any qualification for eligibility to be an elector or other prerequisite to
112 voting, statute, ordinance, regulation or other law regarding the

113 administration of elections, or any related standard, practice, procedure
114 or policy by the municipality that may enhance the dilutive effects of the
115 method of election in such municipality, (D) the denial of access of
116 protected class electors or candidates to election administration or
117 campaign finance processes that determine which candidates will
118 receive access to the ballot or financial or other support in a given
119 election in the municipality, (E) the extent to which protected class
120 individuals in the municipality make expenditures, as defined in section
121 9-601b of the general statutes, at lower rates than all other individuals
122 in such municipality, (F) the extent to which protected class electors in
123 the state or municipality vote at lower rates than all other electors, (G)
124 the extent to which protected class individuals in the municipality are
125 disadvantaged in areas such as education, employment, health, criminal
126 justice, housing, land use or environmental protection, (H) the extent to
127 which protected class individuals in the municipality are disadvantaged
128 in other areas that may hinder their ability to participate effectively in
129 the political process, (I) the use of overt or subtle racial appeals in
130 political campaigns in the municipality, (J) a significant lack of
131 responsiveness by elected officials of the municipality to the
132 particularized needs of protected class individuals, and (K) whether the
133 municipality has a compelling policy justification for employing its
134 particular method of election or its particular ordinance, regulation or
135 other law regarding the administration of elections, or any related
136 standard, practice, procedure or policy.

137 (2) No item for consideration described in subdivision (1) of this
138 subsection shall be dispositive or required for a finding of the existence
139 of racially polarized voting. Evidence of such items concerning the state,
140 private actors or other surrounding municipalities may be considered,
141 but shall be less probative than evidence concerning the municipality
142 itself.

143 (d) Any aggrieved person, any organization whose membership
144 includes or is likely to include aggrieved persons, any organization
145 whose mission would be frustrated by a violation of this section, any
146 organization that would expend resources in order to fulfill such

147 organization's mission as a result of a violation of this section or the
148 Attorney General may file an action pursuant to this section in the
149 superior court for the judicial district in which such municipality is
150 located.

151 (e) (1) Notwithstanding any provision of title 9 of the general statutes,
152 whenever the superior court for the judicial district in which a
153 municipality is located finds a violation of any provision of this section,
154 such court shall order appropriate remedies that are tailored to address
155 such violation in such municipality, including, but not limited to, (A) a
156 district-based method of election, (B) an alternative method of election,
157 (C) new or revised districting or redistricting plans, (D) elimination of
158 staggered elections so that all members of the legislative body are
159 elected at the same time, (E) increasing the size of the legislative body,
160 (F) additional voting hours, (G) additional polling locations, (H)
161 ordering of special elections, (I) requiring expanded opportunities for
162 admission of electors, (J) requiring additional elector education, or (K)
163 the restoration or addition of persons to registry lists.

164 (2) Such court may only order a remedy if such remedy will not
165 diminish the ability of protected class electors to participate in the
166 political process and elect their preferred candidates or otherwise
167 influence the outcome of elections. Such court shall consider remedies
168 proposed by any parties to an action filed pursuant to this section and
169 by other interested persons who are not such parties. In considering a
170 proposed remedy by a municipality, such court shall not give any
171 deference or priority to such remedy.

172 (f) (1) In the case of any proposal for a municipality to enact and
173 implement (A) a new method of election to replace such municipality's
174 at-large method of election with either a district-based method of
175 election or an alternative method of election, or (B) a new districting or
176 redistricting plan, the legislative body of such municipality shall act in
177 accordance with the provisions of subdivision (2) of this subsection if
178 any such proposal was made after the receipt of a notification letter
179 described in subsection (g) of this section or after the filing of a claim

180 pursuant to this section or the federal Voting Rights Act of 1965, P.L. 89-
181 110, as amended from time to time.

182 (2) (A) Prior to drawing a draft districting or redistricting plan or
183 plans of the proposed boundaries of the districts, the municipality shall
184 hold at least two public hearings, within a period of not more than thirty
185 days of each other, at which members of the public may provide input
186 regarding the composition of such districts. In advance of such hearings,
187 the municipality may conduct outreach to members of the public,
188 including to language minority communities, to explain the districting
189 or redistricting process and to encourage such input.

190 (B) After all such draft districting or redistricting plans are drawn, the
191 municipality shall publish and make available for public dissemination
192 at least one such plan and include the potential sequence of elections in
193 the event the members of the legislative body of such municipality
194 would be elected for staggered terms under such plan. The municipality
195 shall hold at least two public hearings, within a period of not more than
196 forty-five days of each other, at which members of the public may
197 provide input regarding the content of such plan or plans and, if
198 applicable, such potential sequence of elections. Such plan or plans shall
199 be published at least seven days prior to consideration at each such
200 hearing. If such plan or plans are revised at or following any such
201 hearing, the municipality shall publish and make available for public
202 dissemination such revised plan or plans at least seven days prior to any
203 adoption of such revised plan or plans.

204 (C) In determining the sequence of elections in the event the member
205 of the legislative body of such municipality would be elected for
206 staggered terms under any such districting or redistricting plan or
207 plans, such legislative body shall give special consideration to the
208 purposes of the provisions of sections 1 to 8, inclusive, of this act and
209 take into account the preferences expressed by electors in the districts.

210 (g) (1) Prior to filing an action against a municipality pursuant to this
211 section, any party described in subsection (d) of this section shall send
212 by certified mail return receipt requested a notification letter to the clerk

213 of such municipality asserting that such municipality may be in
214 violation of the provisions of sections 1 to 8, inclusive, of this act.

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

218 (B) Prior to receiving a notification letter, or not later than fifty days
219 after any such notification letter is sent to a municipality, the legislative
220 body of such municipality may pass a resolution (i) affirming such
221 municipality's intention to enact and implement a remedy for a
222 potential violation of the provisions of sections 1 to 8, inclusive, of this
223 act, (ii) setting forth specific measures such municipality will take to
224 facilitate approval and implementation of such a remedy, and (iii)
225 providing a schedule for the enactment and implementation of such a
226 remedy. No party described in subsection (d) of this section may file an
227 action pursuant to this section earlier than ninety days after passage of
228 any such resolution by such legislative body.

229 (C) If, under the laws of the state, the legislative body of a
230 municipality lacks authority to enact or implement a remedy identified
231 in any such resolution within ninety days after the passage of such
232 resolution, or if such municipality is a covered jurisdiction as described
233 in section 5 of this act, such legislative body may take the following
234 measures upon such passage:

235 (i) The municipality shall hold at least one public hearing on any
236 proposal to remedy any potential violation of the provisions of sections
237 1 to 8, inclusive, of this act, at which members of the public may provide
238 input regarding any such proposed remedies. In advance of such
239 hearing, the municipality may conduct outreach to members of the
240 public, including to language minority communities, to encourage such
241 input.

242 (ii) The legislative body of such municipality may approve any such
243 proposed remedy that complies with the provisions of sections 1 to 8,
244 inclusive, of this act and submit such proposed remedy to the Attorney

245 General.

246 (iii) Notwithstanding any provision of title 9 of the general statutes,
247 the Attorney General shall, not later than sixty days after submission of
248 such proposed remedy by such municipality, approve or reject such
249 proposed remedy in accordance with the provisions of this clause. The
250 Attorney General may only approve such proposed remedy if the
251 Attorney General concludes (I) such municipality may be in violation of
252 the provisions of sections 1 to 8, inclusive, of this act, (II) the proposed
253 remedy would address any such potential violation, (III) the proposed
254 remedy is unlikely to violate the Constitution of Connecticut or any
255 federal law, (IV) the proposed remedy will not diminish the ability of
256 protected class electors to participate in the political process and elect
257 their preferred candidates to office, and (V) implementation of the
258 proposed remedy is feasible.

259 (iv) Notwithstanding any provision of title 9 of the general statutes,
260 if the Attorney General approves the proposed remedy, such proposed
261 remedy shall be enacted and implemented immediately. If the
262 municipality is a covered jurisdiction as described in section 5 of this
263 act, such municipality shall not be required to obtain preclearance for
264 such proposed remedy.

265 (v) If the Attorney General denies the proposed remedy, (I) such
266 proposed remedy shall not be enacted or implemented, (II) the Attorney
267 General shall set forth the objections to such proposed remedy and
268 explain the basis for such denial, and (III) the Attorney General may
269 recommend another proposed remedy that he or she would approve.

270 (vi) If the Attorney General does not approve or reject such proposed
271 remedy within sixty days after the submission of such proposed remedy
272 by the municipality, the proposed remedy shall not be enacted or
273 implemented.

274 (D) A municipality that has passed a resolution described in
275 subparagraph (B) of this subdivision may enter into an agreement with
276 any party who sent a notification letter described in subdivision (1) of

277 this subsection providing that such party shall not file an action
278 pursuant to this section earlier than ninety days after entering into such
279 agreement. If such party agrees to so enter into such an agreement, such
280 agreement shall require that the municipality either enact and
281 implement a remedy that complies with the provisions of sections 1 to
282 8, inclusive, of this act or pass such a resolution and submit such
283 resolution to the Attorney General. If such party declines to so enter into
284 such an agreement, such party may file an action pursuant to this section
285 at any time.

286 (E) If, pursuant to the provisions of this subsection, a municipality
287 enacts or implements a remedy or the Attorney General approves a
288 proposed remedy, a party who sent a notification letter described in
289 subdivision (1) of this subsection may, not later than thirty days after
290 such enactment, implementation or approval, submit a claim for
291 reimbursement from such municipality for the costs associated with
292 producing and sending such notification letter. Such party shall submit
293 such claim in writing and substantiate such claim with financial
294 documentation, including a detailed invoice for any demography
295 services or analysis of voting patterns in such municipality. Upon
296 receipt of any such claim, such municipality may request additional
297 financial documentation if that which has been provided by such party
298 is insufficient to substantiate such costs. Such municipality shall
299 reimburse such party for reasonable costs claimed or for an amount to
300 which such party and such municipality agree, except that the
301 cumulative amount of any such reimbursements to all such parties other
302 than the Attorney General shall not exceed forty-three thousand dollars,
303 adjusted in accordance with any change in the consumer price index for
304 all urban consumers as published by the United States Department of
305 Labor, Bureau of Labor Statistics. If any such party and such
306 municipality fail to agree to a reimbursement amount, either such party
307 or such municipality may file an action for a declaratory judgment with
308 the superior court for the judicial district in which such municipality is
309 located for a clarification of rights.

310 (F) (i) Notwithstanding the provisions of this subsection, a party

311 described in subsection (d) of this section may file an action pursuant to
312 this section during the one hundred twenty days prior to a regular
313 election held in a municipality and may seek, through such action,
314 preliminary relief for such regular election. Not later than the filing of
315 such action, such party shall send a notification letter described in
316 subdivision (1) of this subsection to such municipality. In the event any
317 such action is withdrawn or dismissed as being moot as a result of such
318 municipality's enactment or implementation of a remedy, or the
319 approval by the Attorney General of a proposed remedy, any such party
320 may only submit a claim for reimbursement in accordance with the
321 provisions of subparagraph (E) of this subdivision.

322 (ii) In the case of preliminary relief sought by a party described in
323 subsection (d) of this section pursuant to subparagraph (F)(i) of this
324 subdivision, the superior court for the judicial district in which such
325 municipality is located may grant such relief if it is determined that (I)
326 such party is more likely than not to succeed on the merits, and (II) it is
327 possible to implement an appropriate remedy that would resolve the
328 violation alleged under this section for such election.

329 Sec. 3. (NEW) (*Effective January 1, 2022*) (a) There is established at The
330 University of Connecticut a state-wide database of information
331 necessary to assist the state and any municipality in (1) evaluating
332 whether and to what extent current laws and practices related to
333 election administration are consistent with the provisions of sections 1
334 to 8, inclusive, of this act, (2) implementing best practices in election
335 administration to further the purposes of the provisions of said sections,
336 and (3) investigating any potential infringement upon the right to vote.

337 (b) There shall be a director of the state-wide database who shall be
338 responsible for the operation of such state-wide database. Such director
339 shall be a member of the faculty of The University of Connecticut with
340 doctoral level expertise in demography, statistical analysis and electoral
341 system and shall be appointed by the Governor. Such director may
342 employ such staff as is necessary to implement and maintain such state-
343 wide database.

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

347 (1) Estimates of total population, voting age population and citizen
348 voting age population by race, color and language minority group,
349 broken down annually to the district level for each municipality, based
350 on information from the United States Census Bureau, including from
351 the American Community Survey, or information of comparable quality
352 collected by a similar governmental agency;

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

355 (3) Contemporaneous registry lists and voter history files for each
356 election in each municipality;

357 (4) Contemporaneous maps, descriptions of boundaries and other
358 similar items, whether in paper or electronic format, for each election
359 district;

360 (5) Polling place locations, including, but not limited to, lists of
361 districts associated with such polling locations;

362 (6) Districting or redistricting plans for each election in each
363 municipality; and

364 (7) Any other information the director of the state-wide database
365 deems advisable to maintain in furtherance of the purposes of sections
366 1 to 8, inclusive, of this act.

367 (d) All data, estimates or other information maintained in the state-
368 wide database shall be published on the Internet web site of The
369 University of Connecticut and made available to members of the public
370 at no cost, provided no such data, estimate or other information may
371 identify any individual elector.

372 (e) Any estimate concerning race, color or language minority group

373 prepared pursuant to this section shall be so prepared using the most
374 advanced, peer-reviewed and validated methodologies.

375 (f) Not later than February 28, 2022, and every third year thereafter,
376 the director of the state-wide database shall publish on the Internet web
377 site of The University of Connecticut (1) a list of each municipality
378 required under section 4 of this act to provide assistance to members of
379 language minority groups, and (2) each language in which such
380 municipalities are so required to provide such assistance. The director
381 shall also submit such information to the Secretary of the State, who
382 shall distribute such information to each municipality.

383 (g) Upon the certification of election results and the completion of the
384 voter history file after each election, each municipality shall transmit, in
385 electronic format, copies of (1) such election results at the district level,
386 (2) contemporaneous registry lists, (3) voter history files, (4) maps,
387 descriptions of boundaries and other similar items, and (5) lists of
388 polling place locations and lists, descriptions or other information for
389 each district associated with any such polling place location.

390 (h) The director of the state-wide database and the staff employed
391 thereby may provide nonpartisan technical assistance to municipalities,
392 researchers and members of the public seeking to use the resources of
393 the state-wide database.

394 (i) In any action filed pursuant to section 2 of this act, there shall be a
395 rebuttable presumption that the data, estimates or other information
396 maintained by the state-wide database is valid.

397 Sec. 4. (NEW) (*Effective January 1, 2022*) (a) A municipality shall
398 provide language-related assistance in voting and elections to a
399 language minority group in such municipality if the director of the state-
400 wide database determines, based on information from the American
401 Community Survey that:

402 (1) More than two per cent of the citizens of voting age of such
403 municipality are members of a single language minority group and

404 speak English "less than very well" according to said survey;

405 (2) More than four thousand of the citizens of voting age of such
406 municipality are members of a single language minority group and
407 speak English "less than very well" according to said survey; or

408 (3) In the case of a municipality that contains any portion of a Native
409 American reservation, more than two per cent of the Native American
410 citizens of voting age on such Native American reservation are members
411 of a single language minority group and speak English "less than very
412 well" according to said survey. As used in this subdivision, "Native
413 American" includes any person recognized by the United States Census
414 Bureau as "American Indian".

415 (b) Whenever the director of the state-wide database determines that
416 a municipality is required to provide language assistance to a particular
417 protected class, such municipality shall provide voting materials (1) in
418 English, and (2) in the language of each such protected class of an equal
419 quality to the corresponding English materials, including registration or
420 voting notices, forms, instructions, assistance, ballots or other materials
421 or information relating to the electoral process, except that in the case of
422 a protected class where the language of such protected class is oral or
423 unwritten, including historically unwritten as may be the case for some
424 Native Americans, such municipality may only provide oral
425 instructions, assistance or other information relating to the electoral
426 process to such protected class.

427 (c) In the case of any municipality described in this section, which
428 municipality seeks to only provide English materials despite a
429 determination by the director of the state-wide database under this
430 section that such municipality is required to provide language
431 assistance to a particular protected class, such municipality may file an
432 action for a declaratory judgment in the superior court for the judicial
433 district in which such municipality is located for permission to only
434 provide English materials. Such court shall enter such declaratory
435 judgment in the municipality's favor if such court finds that such
436 director's determination was unreasonable or an abuse of discretion.

437 Sec. 5. (NEW) (*Effective January 1, 2023*) (a) The enactment or
438 implementation of a covered policy, as described in subsection (b) of this
439 section, by a covered jurisdiction, as described in subsection (c) of this
440 section, shall be subject to preclearance by the Attorney General or the
441 superior court for the judicial district in which such covered jurisdiction
442 is located.

443 (b) A covered policy includes any new or modified qualification for
444 admission as an elector, prerequisite to voting, statute, ordinance,
445 regulation, standard, practice, procedure or policy concerning:

446 (1) Districting or redistricting;

447 (2) Method of election;

448 (3) Form of government;

449 (4) Annexation, incorporation, dissolution, consolidation or division
450 of a municipality;

451 (5) Removal of individuals from registry lists or enrollment lists and
452 other activities concerning any such list;

453 (6) Admission of electors;

454 (7) Number, location or hours of any polling place;

455 (8) Assignment of districts to polling place locations;

456 (9) Assistance offered to protected class individuals; or

457 (10) Any additional subject matter the Attorney General may identify
458 for inclusion in this subsection, pursuant to a regulation adopted by the
459 Attorney General in accordance with the provisions of chapter 54 of the
460 general statutes, if the Attorney General determines that any
461 qualification for admission as an elector, prerequisite to voting, statute,
462 ordinance, regulation, standard, practice, procedure or policy
463 concerning such subject matter may have the effect of denying or
464 abridging the right to vote of any protected class elector.

465 (c) A covered jurisdiction includes:

466 (1) Any municipality that, within the prior twenty-five years, has
467 been subject to any court order or government enforcement action based
468 upon a finding of any violation of the provisions of sections 1 to 8,
469 inclusive, of this act, the federal Voting Rights Act of 1965, P.L. 89-110,
470 as amended from time to time, any state or federal civil rights law, the
471 fifteenth amendment to the United States Constitution or the fourteenth
472 amendment to the United States Constitution concerning the right to
473 vote or discrimination against any protected class;

474 (2) Any municipality that, within the prior five years, has failed to
475 comply with such municipality's obligations to provide data or
476 information to the state-wide database pursuant to section 3 of this act;

477 (3) Any municipality in which during the prior ten years, based on
478 data from criminal justice information systems, as defined in section 54-
479 142q of the general statutes, the combined misdemeanor and felony
480 arrest rate of any protected class consisting of at least one thousand
481 citizens of voting age, or whose members comprise at least ten per cent
482 of the citizen voting age population of such municipality, exceeds the
483 arrest rate of the entire citizen voting age population of such
484 municipality by at least twenty per cent; or

485 (4) Any municipality in which during the prior ten years, based on
486 data from the United States Census Bureau, the dissimilarity index of
487 any protected class consisting of at least two thousand five hundred
488 citizens of voting age, or whose members comprise at least ten per cent
489 of the citizen voting age population of such municipality, exceeds fifty
490 per cent with respect to white, non-Hispanic, citizens of voting age
491 within such municipality.

492 (d) (1) A covered jurisdiction may submit, in writing, to the Attorney
493 General any covered policy it seeks to adopt or implement and may
494 obtain therefrom preclearance to so adopt and implement such covered
495 policy in accordance with the provisions of this subsection.

496 (2) When the Attorney General receives any such submission of a
497 covered policy:

498 (A) In the case of any covered policy concerning the location of
499 polling places, the Attorney General shall grant or deny preclearance
500 not later than thirty days after such receipt, except that if the Attorney
501 General grants such preclearance the Attorney General may do so
502 preliminarily and reserve the right to subsequently deny such
503 preclearance not later than sixty days after such receipt; and

504 (B) In the case of any other covered policy, the Attorney General shall
505 grant or deny such preclearance not later than sixty days after such
506 receipt, except that in the case of any such covered policy described in
507 this subparagraph that concerns the implementation of a district-based
508 method of election or an alternative method of election, districting or
509 redistricting plans or a change to a municipality's form of government,
510 the Attorney General may extend, up to two times, and by ninety days
511 each such time, the time by which to grant or deny such preclearance.

512 (3) Prior to granting or denying such preclearance, the Attorney
513 General shall publish notice of the proceedings for making such
514 determination and shall provide an opportunity for any interested party
515 to submit written comments concerning the covered policy and such
516 determination.

517 (4) The Attorney General may grant preclearance to a covered policy
518 only if it is determined that such covered policy will not diminish the
519 ability of protected class electors to participate in the electoral process
520 or elect their preferred candidates, and upon such grant the covered
521 jurisdiction may enact and implement such covered policy.

522 (5) (A) If the Attorney General denies preclearance to a covered
523 policy, (i) such covered policy shall not be enacted or implemented, and
524 (ii) the Attorney General shall set forth the objections to such covered
525 policy and explain the basis for such denial.

526 (B) Any denial under subparagraph (A) of this subdivision may be

527 appealed, in accordance with the provisions of chapter 54 of the general
528 statutes, to the superior court for the judicial district in which the
529 covered jurisdiction is located. Any such appeal shall be privileged with
530 respect to assignment for trial.

531 (6) If the Attorney General does not grant or deny such preclearance
532 within the applicable time specified in subdivision (2) of this subsection,
533 such covered policy shall be deemed precleared and the covered
534 jurisdiction may enact and implement such covered policy.

535 (e) (1) A covered jurisdiction may submit, in writing, to the superior
536 court for the judicial district in which such covered jurisdiction is
537 located any covered policy it seeks to adopt or implement and may
538 obtain therefrom preclearance to so adopt and implement such covered
539 policy in accordance with the provisions of this subsection, provided (A)
540 such covered jurisdiction shall also contemporaneously provide to the
541 Attorney General a copy of such submission, and (B) failure to so
542 provide such copy shall result in an automatic denial of such
543 preclearance.

544 (2) Except as provided in subparagraph (B) of subdivision (1) of this
545 subsection, when such court receives any such submission of a covered
546 policy, such court shall grant or deny such preclearance not later than
547 sixty days after such receipt.

548 (3) Such court may grant preclearance to a covered policy only if it is
549 determined that such covered policy will not diminish the ability of
550 protected class electors to participate in the electoral process or elect
551 their preferred candidates, and upon such grant the covered jurisdiction
552 may enact and implement such covered policy.

553 (4) (A) If such court denies preclearance to a covered policy, or does
554 not grant or deny such preclearance within sixty days, such covered
555 policy shall not be enacted or implemented.

556 (B) Any denial under subparagraph (A) of this subdivision may be
557 appealed in accordance with the ordinary rules of appellate procedure.

558 Any such appeal shall be privileged with respect to assignment for
559 appeal.

560 (f) If any covered jurisdiction enacts or implements any covered
561 policy without obtaining preclearance for such covered policy in
562 accordance with the provisions of this section, the Attorney General or
563 any party described in subsection (d) of section 2 of this act may file an
564 action in the superior court for the judicial district in which such covered
565 jurisdiction is located to enjoin such enactment or implementation and
566 seek sanctions against such covered jurisdiction for violations of this
567 section.

568 (g) (1) For a period of one hundred twenty days after the effective
569 date of this section, the Attorney General may, in accordance with the
570 provisions of subdivision (2) of this subsection, conduct a look-back
571 review and deny preclearance to any covered policy that was previously
572 enacted by a covered jurisdiction.

573 (2) (A) The Attorney General may only initiate a look-back review of
574 any covered policy that was enacted or implemented by a covered
575 jurisdiction on or after January 1, 2022, and prior to January 1, 2023.

576 (B) A look-back review is initiated when the Attorney General
577 provides notice to a covered jurisdiction of the Attorney General's
578 decision to review a covered policy enacted or implemented by such
579 covered jurisdiction. Such covered jurisdiction shall submit, in writing,
580 such covered policy not later than thirty days after receipt of such notice.

581 (C) Not later than ninety days after such submission, the Attorney
582 General shall decide whether such covered jurisdiction may further
583 implement such covered policy. Prior to making such decision, the
584 Attorney General shall publish notice of the proceedings for making
585 such decision and shall provide an opportunity for any interested party
586 to submit written comments concerning the covered policy and such
587 decision.

588 (D) (i) The Attorney General shall deny further implementation of

589 such covered policy if it is determined that such covered policy is likely
590 to diminish the ability of protected class electors to participate in the
591 political process or elect their preferred candidates. For any such denial,
592 the Attorney General shall set forth the objections to such covered policy
593 and explain the basis for such denial. No such denial may provide a
594 basis for the invalidation of any election held under such covered policy.

595 (ii) Any denial under subparagraph (D)(i) of this subdivision may be
596 appealed, in accordance with the provisions of chapter 54 of the general
597 statutes, to the superior court for the judicial district in which the
598 covered jurisdiction is located. Any such appeal shall be privileged with
599 respect to assignment for trial.

600 (E) The Attorney General may adopt regulations, in accordance with
601 the provisions of chapter 54 of the general statutes, to effectuate the
602 purposes of this section.

603 Sec. 6. (NEW) (*Effective January 1, 2022*) (a) No person, whether acting
604 under color of law or otherwise, may engage in acts of intimidation,
605 deception or obstruction that affect the right of electors to exercise their
606 electoral privileges.

607 (b) The following shall constitute a violation of subsection (a) of this
608 section:

609 (1) Any person who uses or threatens to use any force, violence,
610 restraint, abduction or duress, who inflicts or threatens to inflict any
611 injury, damage, harm or loss, or who in any other manner practices
612 intimidation that causes or will reasonably have the effect of causing
613 any elector to (A) vote or refrain from voting in general, (B) vote for or
614 against any particular candidate or question, (C) apply or not apply for
615 admission as an elector, or (D) apply or not apply for an absentee ballot;

616 (2) Any person who uses any deceptive or fraudulent device,
617 contrivance or communication that impedes, prevents or otherwise
618 interferes with the electoral privileges of any elector or that causes or
619 will reasonably have the effect of causing any elector to (A) vote or

620 refrain from voting in general, (B) vote for or against any particular
621 candidate or question, (C) apply or not apply for admission as an
622 elector, or (D) apply or not apply for an absentee ballot; or

623 (3) Any person who obstructs, impedes or otherwise interferes with
624 access to any polling place or office of any election official or who
625 obstructs, impedes or otherwise interferes with any elector in any
626 manner that causes or will reasonably have the effect of causing any
627 delay in voting or the voting process, including the canvassing or
628 tabulation of ballots.

629 (c) Any aggrieved person, any organization whose membership
630 includes or is likely to include aggrieved persons, any organization
631 whose mission would be frustrated by a violation of this section, any
632 organization that would expend resources in order to fulfill such
633 organization's mission as a result of a violation of this section or the
634 Attorney General may file an action pursuant to this section in the
635 superior court for the judicial district in which such violation occurred.

636 (d) (1) Notwithstanding any provision of title 9 of the general statutes,
637 whenever such court finds a violation of any provision of this section,
638 such court shall order appropriate remedies that are tailored to address
639 such violation, including, but not limited to, providing for additional
640 time to vote at an election, primary or referendum.

641 (2) Any person who violates the provisions of this section, or who
642 aids in the violation of any of such provisions, shall be liable for any
643 damages awarded by such court, including, but not limited to, nominal
644 damages for any such violation and compensatory or punitive damages
645 for any such wilful violation.

646 Sec. 7. (NEW) (*Effective January 1, 2022*) In any action or investigation
647 to enforce the provisions of sections 1 to 6, inclusive, of this act, the
648 Attorney General may examine witnesses, receive oral and
649 documentary evidence, determine material facts and issue subpoenas in
650 accordance with the ordinary rules of civil procedure.

651 Sec. 8. (NEW) (*Effective January 1, 2022*) In any action to enforce the
652 provisions of sections 1 to 6, inclusive, of this act, the court may award
653 reasonable attorneys' fees and litigation costs, including, but not limited
654 to, expert witness fees and expenses, to the party that filed such action,
655 other than the state or any municipality, and that prevailed in such
656 action. In the case of a party against whom such action was filed and
657 who prevailed in such action, the court shall not award such party any
658 costs unless such court finds such action to be frivolous, unreasonable
659 or without foundation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2022</i>	New section
Sec. 2	<i>January 1, 2022</i>	New section
Sec. 3	<i>January 1, 2022</i>	New section
Sec. 4	<i>January 1, 2022</i>	New section
Sec. 5	<i>January 1, 2023</i>	New section
Sec. 6	<i>January 1, 2022</i>	New section
Sec. 7	<i>January 1, 2022</i>	New section
Sec. 8	<i>January 1, 2022</i>	New section

Statement of Purpose:

To afford mechanisms for the challenge of certain election administration laws, practices or procedures that may impair the electoral rights of certain protected classes of individuals.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LESSER, 9th Dist.

S.B. 820