



General Assembly

January Session, 2023

Raised Bill No. 1226

LCO No. 6027



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING STATE VOTING RIGHTS IN RECOGNITION OF
JOHN R. LEWIS.**

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

1 Section 1. (NEW) (*Effective July 1, 2023*) As used in this section and
2 sections 2 to 9, inclusive, of this act:

3 (1) "Alternative method of election" means a method of electing
4 candidates to the legislative body of a municipality other than an at-
5 large method of election or a district-based method of election, and
6 includes, but is not limited to, proportional ranked-choice voting,
7 cumulative voting and limited voting;

8 (2) (A) "At-large method of election" means a method of electing
9 candidates to the legislative body of a municipality in which such
10 candidates are voted upon by all electors of such municipality;

11 (B) "At-large method of election" does not include any alternative
12 method of election;

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

19 (4) "Federal Voting Rights Act" means the federal Voting Rights Act
20 of 1965, 52 USC 10301 et seq., as amended from time to time;

21 (5) "Government enforcement action" means any denial of
22 administrative or judicial preclearance by the state or federal
23 government, pending litigation filed by a state or federal entity, final
24 judgment or adjudication, consent decree or other similar formal action;

25 (6) "Legislative body" means the board of aldermen, council, board of
26 burgesses, representative town meeting, board of education, district
27 committee, association committee or other similar body, as applicable,
28 of a municipality;

29 (7) "Municipality" means any town, city or borough, whether
30 consolidated or unconsolidated, any local or regional school district, any
31 district, as defined in section 7-324 of the general statutes, or any other
32 district authorized under the general statutes;

33 (8) "Organization" means a person other than an individual;

34 (9) "Protected class" means a class of citizens who are members of a
35 race, color or language minority group, as referenced in the federal
36 Voting Rights Act;

37 (10) "Racially polarized voting" means voting in which the candidate
38 or electoral choice preferred by protected class members diverges from
39 the candidate or electoral choice preferred by other electors; and

40 (11) "Vote" or "voting" includes any action necessary to cast a ballot
41 and make such ballot effective in any election, primary or special
42 election, including, but not limited to, admission as an elector,

43 application for an absentee ballot and any other action required by law
44 as a prerequisite to casting a ballot and having such ballot counted,
45 canvassed or certified properly and included in the appropriate totals of
46 votes cast with respect to candidates for election or nomination and to
47 referendum questions.

48 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) (1) No qualification for
49 eligibility to be an elector or other prerequisite to voting may be
50 imposed, no ordinance, regulation or other law regarding the
51 administration of elections may be enacted, and no standard, practice,
52 procedure or policy may be applied, in a manner that results in an
53 impairment of the right to vote for any protected class member.

54 (2) It shall be a violation of subdivision (1) of this subsection for any
55 municipality to impose any qualification for eligibility to be an elector
56 or other prerequisite to voting, to enact any ordinance, regulation or
57 other law regarding the administration of elections or to apply any
58 standard, practice, procedure or policy that:

59 (A) Results or will result in a disparity, among such municipality's
60 protected class members, in electoral participation, access to voting
61 opportunities or ability to participate in the political process; or

62 (B) Based on the totality of the circumstances, results in an
63 impairment of the opportunity or ability of such municipality's
64 protected class members to participate in the political process and elect
65 candidates of their choice or otherwise influence the outcome of
66 elections.

67 (b) (1) No municipality shall employ any method of election that has
68 the effect, or is motivated in part by the intent, of impairing the
69 opportunity or ability of protected class members to participate in the
70 political process and elect candidates of their choice or otherwise
71 influence the outcome of elections as a result of diluting the vote of such
72 protected class members.

73 (2) (A) The following shall constitute a violation of subdivision (1) of

74 this subsection:

75 (i) Any municipality that employs an at-large method of election and
76 in which (I) racially polarized voting by protected class members occurs,
77 or (II) based on the totality of the circumstances, the opportunity or
78 ability of protected class members to elect candidates of their choice or
79 otherwise influence the outcome of elections is impaired; or

80 (ii) Any municipality that employs a district-based method of election
81 or an alternative method of election, in which the candidates or electoral
82 choices preferred by protected class members would usually be
83 defeated and in which (I) racially polarized voting by protected class
84 members occurs, or (II) based on the totality of the circumstances, the
85 ability of protected class members to participate in the political process
86 and elect candidates of their choice or otherwise influence the outcome
87 of elections is impaired.

88 (B) In determining whether racially polarized voting by protected
89 class members in a municipality occurs or whether candidates or
90 electoral choices preferred by protected class members would usually
91 be defeated, the superior court for the judicial district of Hartford (i)
92 shall consider elections held prior to the filing of an action pursuant to
93 this section as more probative than elections conducted after such filing,
94 (ii) shall consider evidence concerning elections for any municipal office
95 in such municipality as more probative than evidence concerning
96 elections for other offices, but may still afford probative value to
97 evidence concerning elections for such other offices; (iii) shall consider
98 statistical evidence as more probative than nonstatistical evidence, (iv)
99 in the case of claims brought on behalf of two or more protected classes
100 that are politically cohesive in such municipality, shall combine
101 members of such protected classes to determine whether voting by such
102 combined protected class members is polarized from other electors and
103 shall not require evidence that voting by each such protected class'
104 members is separately polarized from such other electors, (v) shall not
105 require evidence concerning the intent of electors, elected officials or
106 such municipality to discriminate against protected class members, (vi)

107 shall not consider evidence of explanations for voting patterns and
108 election outcomes other than racially polarized voting, including, but
109 not limited to, partisanship, (vii) shall not consider evidence that
110 subgroups of protected class members have different voting patterns,
111 (viii) shall not consider evidence concerning whether protected class
112 members are geographically compact or concentrated, but may use such
113 evidence to appropriately remedy a violation of subdivision (1) of this
114 subsection, and (ix) shall not consider evidence concerning projected
115 changes in population or demographics, but may use such evidence to
116 appropriately remedy a violation of said subdivision.

117 (c) (1) In determining whether, based on the totality of the
118 circumstances, an impairment of the right to vote for any protected class
119 member, or of the opportunity or ability of protected class members to
120 participate in the political process and elect candidates of their choice or
121 otherwise influence the outcome of elections, has occurred, the superior
122 court for the judicial district of Hartford may consider factors that
123 include, but are not limited to: (A) The history of discrimination in or
124 affecting the municipality or state; (B) the extent to which protected class
125 members have been elected to office in the municipality; (C) the use of
126 any qualification for eligibility to be an elector or other prerequisite to
127 voting, any statute, ordinance, regulation or other law regarding the
128 administration of elections, or any standard, practice, procedure or
129 policy, by the municipality that may enhance the dilutive effects of a
130 method of election in such municipality; (D) the denial of protected class
131 members' or candidates' access to election administration or campaign
132 finance processes that determine which candidates will receive access to
133 the ballot or financial or other support in a given election in the
134 municipality; (E) the extent to which protected class members in the
135 municipality or state make expenditures, as defined in section 9-601b of
136 the general statutes, at lower rates than other individuals in such
137 municipality or state; (F) the extent to which protected class members in
138 the municipality or state vote at lower rates than other electors in the
139 municipality or state, as applicable; (G) the extent to which protected
140 class members in the municipality are disadvantaged, or otherwise bear

141 the effects of public or private discrimination, in areas such as
142 education, employment, health, criminal justice, housing,
143 transportation, land use or environmental protection; (H) the extent to
144 which protected class members in the municipality are disadvantaged
145 in other areas that may hinder their ability to participate effectively in
146 the political process; (I) the use of overt or subtle racial appeals in
147 political campaigns in the municipality or surrounding the adoption or
148 maintenance of a challenged practice; (J) the extent to which candidates
149 face hostility or barriers while campaigning due to their membership in
150 a protected class; (K) a lack of responsiveness by elected officials of the
151 municipality to the particularized needs of protected class members,
152 including, but not limited to, the requests and proposals of protected
153 class members, except that compliance with a court order shall not be
154 considered to be evidence of such responsiveness; and (L) whether the
155 particular method of election, ordinance, regulation or other law
156 regarding the administration of elections, standard, practice, procedure
157 or policy was designed to advance, and does materially advance, a valid
158 and substantiated state interest.

159 (2) No particular combination or number of factors under subdivision
160 (1) of this subsection shall be required for the court to determine the
161 occurrence of an impairment under this subsection.

162 (3) Nothing in this subsection shall preclude any additional relevant
163 factor from being considered by the court, provided the totality of the
164 circumstances for consideration shall not include the following factors:
165 (A) The total number or share of protected class members on whom the
166 challenged qualification, prerequisite, standard, practice or procedure
167 does not impose a material burden; (B) the degree to which use of the
168 challenged qualification, prerequisite, standard, practice or procedure
169 has a long history or was previously widespread; (C) the use of an
170 identical or similar qualification, prerequisite, standard, practice or
171 procedure in other municipalities or states; (D) the availability of other
172 forms of voting to all electors, including protected class members, of the
173 municipality that are unimpaired by the challenged qualification,
174 prerequisite, standard, practice or procedure, unless such municipality

175 is simultaneously expanding such other forms of voting to eliminate any
176 disproportionate burden imposed by such challenged qualification,
177 prerequisite, standard, practice or procedure; and (E) unsubstantiated
178 defenses that the qualification, prerequisite, standard, practice or
179 procedure is necessary to address criminal activity.

180 (d) Any individual or organization aggrieved by a violation of this
181 section, any organization (1) whose membership includes or is likely to
182 include persons aggrieved by such a violation, (2) whose mission would
183 be frustrated by such a violation, or (3) that would expend resources in
184 order to fulfill such organization's mission as a result of such a violation,
185 or the Secretary of the State may file an action alleging a violation of this
186 section in the superior court for the judicial district of Hartford.
187 Members of two or more protected classes that are politically cohesive
188 in a municipality may jointly file such an action in such court.

189 (e) (1) Notwithstanding any provision of title 9 of the general statutes
190 and any special act, charter or home rule ordinance, whenever the
191 superior court for the judicial district of Hartford finds a violation by a
192 municipality of any provision of this section, such court shall order
193 appropriate remedies that are tailored to address such violation in such
194 municipality and ensure that protected class members have equitable
195 opportunities to fully participate in the political process, which
196 remedies may include, but not be limited to: (A) A district-based
197 method of election; (B) an alternative method of election; (C) new or
198 revised districting or redistricting plans; (D) elimination of staggered
199 elections so that all members of the legislative body are elected at the
200 same time; (E) reasonably increasing the size of the legislative body; (F)
201 additional voting days or hours; (G) additional polling locations; (H)
202 additional means of voting, such as voting by mail, or additional
203 opportunities to return ballots; (I) holding of special elections; (J)
204 expanded opportunities for admission of electors; (K) additional elector
205 education; (L) the restoration or addition of individuals to registry lists;
206 or (M) retaining jurisdiction for such period of time as the court may
207 deem appropriate, during which period no qualification for eligibility
208 to be an elector or prerequisite to voting, or standard, practice or

209 procedure with respect to voting, that is different from that in effect at
210 the time an action under subsection (d) of this section was commenced
211 shall be enforced unless the court finds that such qualification,
212 prerequisite, standard, practice or procedure does not have the purpose,
213 and will not have the effect, of impairing the right to vote on the basis
214 of protected class membership or in contravention of the guarantees
215 with respect to such right that are set forth in sections 1 to 9, inclusive,
216 of this act. Notwithstanding the provisions of subparagraph (M) of this
217 subdivision, any such finding by the court shall not be a bar to any
218 subsequent action to enjoin enforcement of such qualification,
219 prerequisite, standard, practice or procedure.

220 (2) Such court may only order a remedy if such remedy will not
221 impair the ability of protected class electors to participate in the political
222 process and elect their preferred candidates or otherwise influence the
223 outcome of elections. Such court shall consider remedies proposed by
224 any parties to an action filed pursuant to subsection (d) of this section
225 and by other interested persons who are not such parties. The court shall
226 not give deference or priority to a remedy proposed by a municipality
227 simply because it has been proposed by such municipality. The court
228 shall have authority to order that a municipality implement one or more
229 remedies that may be inconsistent with the provisions of state or
230 municipal law, where such inconsistent provisions would otherwise
231 preclude the court from ordering an appropriate remedy.

232 (f) (1) In the case of any proposal for a municipality to enact and
233 implement (A) a new method of election to replace such municipality's
234 at-large method of election with either a district-based method of
235 election or an alternative method of election, or (B) a new districting or
236 redistricting plan, the legislative body of such municipality shall act in
237 accordance with the provisions of subdivision (2) of this subsection if
238 any such proposal was made after the receipt of a notification letter
239 described in subsection (g) of this section or after the filing of a claim
240 pursuant to this section or the federal Voting Rights Act.

241 (2) (A) Prior to drawing a draft districting or redistricting plan or

242 plans, or transitioning to a proposed alternative method of election, the
243 municipality shall hold at least two public hearings, within a period of
244 not more than thirty days of each other, at which members of the public
245 may provide input regarding such draft or proposal, including, if
246 applicable, the composition of districts. Notice of each such hearing
247 shall be published at least three weeks prior to the date of such hearing.
248 In advance of each such hearing, the municipality shall conduct
249 outreach to members of the public, including to language minority
250 groups, to explain the districting or redistricting process and to
251 encourage such input.

252 (B) After all such draft districting or redistricting plans are drawn, the
253 municipality shall publish and make available for public dissemination
254 at least one such plan and include the potential sequence of elections in
255 the event the members of the legislative body of such municipality
256 would be elected for staggered terms under such plan. The municipality
257 shall hold at least two public hearings, within a period of not more than
258 forty-five days of each other, at which members of the public may
259 provide input regarding the content of such plan or plans and, if
260 applicable, such potential sequence of elections. Such plan or plans shall
261 be published at least three weeks prior to consideration at each such
262 hearing. If such plan or plans are revised at or following any such
263 hearing, the municipality shall publish and make available for public
264 dissemination such revised plan or plans at least two weeks prior to any
265 adoption of such revised plan or plans.

266 (C) In determining the sequence of elections in the event the members
267 of the legislative body of such municipality would be elected for
268 staggered terms under any such districting or redistricting plan or
269 plans, such legislative body shall give special consideration to the
270 purposes of sections 1 to 9, inclusive, of this act and take into account
271 the preferences expressed by electors in the districts.

272 (g) (1) Prior to filing an action against a municipality pursuant to
273 subsection (d) of this section, any party described in subsection (d) of
274 this section shall send by certified mail, return receipt requested, a

275 notification letter to the clerk of such municipality asserting that such
276 municipality may be in violation of the provisions of sections 1 to 9,
277 inclusive, of this act.

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

281 (B) Prior to receiving a notification letter, or not later than fifty days
282 after any such notification letter is sent to a municipality, the legislative
283 body of such municipality may pass a resolution (i) affirming such
284 municipality's intention to enact and implement a remedy for a
285 potential violation of the provisions of sections 1 to 9, inclusive, of this
286 act, (ii) setting forth specific measures such municipality will take to
287 facilitate approval and implementation of such a remedy, and (iii)
288 providing a schedule for the enactment and implementation of such a
289 remedy. No party described in subsection (d) of this section may file an
290 action pursuant to this section earlier than ninety days after passage of
291 any such resolution by such legislative body.

292 (C) If, under the laws of the state or under any charter or home rule
293 ordinance, the legislative body of a municipality lacks authority to enact
294 or implement a remedy identified in any such resolution within ninety
295 days after the passage of such resolution, or if such municipality is a
296 covered jurisdiction as described in section 5 of this act, such legislative
297 body may take the following measures upon such passage:

298 (i) The municipality shall hold at least one public hearing on any
299 proposal to remedy any potential violation of the provisions of sections
300 1 to 9, inclusive, of this act, at which members of the public may provide
301 input regarding any such proposed remedies. In advance of such
302 hearing, the municipality shall conduct outreach to members of the
303 public, including to language minority groups, to encourage such input.

304 (ii) The legislative body of such municipality may approve any such
305 proposed remedy that complies with the provisions of sections 1 to 9,
306 inclusive, of this act and submit such proposed remedy to the Secretary

307 of the State.

308 (iii) Notwithstanding any provision of title 9 of the general statutes
309 and any special act, charter or home rule ordinance, the Secretary of the
310 State shall, not later than sixty days after submission of such proposed
311 remedy by such municipality, approve or reject such proposed remedy
312 in accordance with the provisions of this clause. The Secretary may only
313 approve such proposed remedy if the Secretary concludes (I) such
314 municipality may be in violation of the provisions of sections 1 to 9,
315 inclusive, of this act, (II) the proposed remedy would address any such
316 potential violation, (III) the proposed remedy is unlikely to violate the
317 Constitution of Connecticut or any federal law, and (IV) implementation
318 of the proposed remedy is feasible.

319 (iv) Notwithstanding any provision of title 9 of the general statutes
320 and any special act, charter or home rule ordinance, if the Secretary of
321 the State approves the proposed remedy, such proposed remedy shall
322 be enacted and implemented immediately. If the municipality is a
323 covered jurisdiction as described in section 5 of this act, such
324 municipality shall not be required to obtain preclearance for such
325 proposed remedy.

326 (v) If the Secretary of the State denies the proposed remedy, (I) such
327 proposed remedy shall not be enacted or implemented, (II) the Secretary
328 shall set forth the objections to such proposed remedy and explain the
329 basis for such denial, and (III) the Secretary may recommend another
330 proposed remedy that the Secretary would approve.

331 (vi) If the Secretary of the State does not approve or reject such
332 proposed remedy within sixty days after the submission of such
333 proposed remedy by the municipality, the proposed remedy shall not
334 be enacted or implemented.

335 (D) A municipality that has passed a resolution described in
336 subparagraph (B) of this subdivision may enter into an agreement with
337 any party who sent a notification letter described in subdivision (1) of
338 this subsection providing that such party shall not file an action

339 pursuant to this section earlier than ninety days after entering into such
340 agreement. If such party agrees to so enter into such an agreement, such
341 agreement shall require that the municipality either enact and
342 implement a remedy that complies with the provisions of sections 1 to
343 9, inclusive, of this act or pass such a resolution and submit such
344 resolution to the Secretary of the State. If such party declines to so enter
345 into such an agreement, such party may file an action pursuant to this
346 section at any time.

347 (E) If, pursuant to the provisions of this subsection, a municipality
348 enacts or implements a remedy or the Secretary of the State approves a
349 proposed remedy, a party who sent a notification letter described in
350 subdivision (1) of this subsection may, not later than thirty days after
351 such enactment, implementation or approval, submit a claim for
352 reimbursement from such municipality for the costs associated with
353 producing and sending such notification letter. Such party shall submit
354 such claim in writing and substantiate such claim with financial
355 documentation, including a detailed invoice for any demography
356 services or analysis of voting patterns in such municipality. Upon
357 receipt of any such claim, such municipality may request additional
358 financial documentation if that which has been provided by such party
359 is insufficient to substantiate such costs. Such municipality shall
360 reimburse such party for reasonable costs claimed or for an amount to
361 which such party and such municipality agree, except that the
362 cumulative amount of any such reimbursements to all such parties other
363 than the Secretary of the State shall not exceed fifty thousand dollars,
364 adjusted in accordance with any change in the consumer price index for
365 all urban consumers as published by the United States Department of
366 Labor, Bureau of Labor Statistics. If any such party and such
367 municipality fail to agree to a reimbursement amount, either such party
368 or such municipality may file an action for a declaratory judgment with
369 the superior court for the judicial district of Hartford for a clarification
370 of rights.

371 (F) (i) Notwithstanding the provisions of this subsection, a party
372 described in subsection (d) of this section may seek preliminary relief

373 for a regular election held in a municipality by filing an action pursuant
374 to this section during the one hundred twenty days prior to such regular
375 election. Not later than the filing of such action, such party shall send a
376 notification letter described in subdivision (1) of this subsection to such
377 municipality. In the event any such action is withdrawn or dismissed as
378 being moot as a result of such municipality's enactment or
379 implementation of a remedy, or the approval by the Secretary of the
380 State of a proposed remedy, any such party may only submit a claim for
381 reimbursement in accordance with the provisions of subparagraph (E)
382 of this subdivision.

383 (ii) In the case of preliminary relief sought pursuant to subparagraph
384 (F)(i) of this subdivision by a party described in subsection (d) of this
385 section, the superior court for the judicial district of Hartford shall grant
386 such relief if such court determines that (I) such party is more likely than
387 not to succeed on the merits, and (II) it is possible to implement an
388 appropriate remedy that would resolve the violation alleged under this
389 section prior to such election.

390 (G) Notwithstanding the provisions of this subsection, a party
391 described in subsection (d) of this section may file an action pursuant to
392 subsection (d) of this section without first sending a notification letter if
393 the action is commenced not later than one year after enactment of the
394 challenged practice or policy or if the prospect of obtaining relief
395 pursuant to this subsection is futile.

396 Sec. 3. (NEW) (*Effective January 1, 2024*) (a) There is established in the
397 office of the Secretary of the State a state-wide database of information
398 necessary to assist the state and any municipality in (1) evaluating
399 whether and to what extent current laws and practices related to
400 election administration are consistent with the provisions of sections 1
401 to 9, inclusive, of this act, (2) implementing best practices in election
402 administration to further the purposes of said sections, and (3)
403 investigating any potential infringement upon the right to vote.

404 (b) The Secretary of the State shall designate an employee of the office

405 of the Secretary of the State to serve as manager of the state-wide
406 database. Such employee shall possess an advanced degree from an
407 accredited college or university, or equivalent experience, and have
408 expertise in demography, statistical analysis and electoral systems. Such
409 employee shall be responsible for the operation of such state-wide
410 database and shall manage such staff as is necessary to implement and
411 maintain such state-wide database.

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

415 (1) Estimates of total population, voting age population and citizen
416 voting age population by race, color and language minority group,
417 broken down annually to the voting district level for each municipality,
418 based on information from the United States Census Bureau, including
419 from the American Community Survey, or information of comparable
420 quality collected by a similar governmental agency, and accounting for
421 population adjustments pursuant to section 9-169h of the general
422 statutes, as applicable;

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

425 (3) Regularly updated registry lists, geocoded locations for each
426 elector and elector history files for each election in each municipality;

427 (4) Contemporaneous maps, descriptions of boundaries and other
428 similar items, which shall be provided as shapefiles or in a comparable
429 electronic format if an electronic format is available;

430 (5) Geocoded locations of polling places and absentee ballot drop
431 boxes for each election in each municipality, and a list or description of
432 the voting districts or geographic areas served by each such location;
433 and

434 (6) Any other information the Secretary of the State deems advisable

435 to maintain in furtherance of the purposes of sections 1 to 9, inclusive,
436 of this act.

437 (d) Except for any data, information or estimates that identify
438 individual electors, the data, information or estimates maintained in the
439 state-wide database shall be published on the Internet web site of the
440 office of the Secretary of the State and made publicly available at no cost.

441 (e) Any estimates prepared pursuant to this section, including
442 estimates of eligible electors, shall be prepared using the most advanced,
443 peer-reviewed and validated methodologies.

444 (f) At the time the Secretary of the State is prepared to commence
445 administration of the state-wide database established under this section,
446 the Secretary shall submit a report to the joint standing committee of the
447 General Assembly having cognizance of matters relating to elections, in
448 accordance with the provisions of section 11-4a of the general statutes,
449 certifying such fact. Not later than ninety days after such certification,
450 and at least annually thereafter, the Secretary shall publish on the
451 Internet web site of the office of the Secretary of the State (1) a list of each
452 municipality required under section 4 of this act to provide assistance to
453 members of language minority groups, and (2) each language in which
454 such municipalities are so required to provide such assistance. The
455 Secretary shall also distribute such information to each municipality.

456 (g) Upon the certification of election results and the completion of the
457 elector history file after each election, the entity responsible for
458 administering elections in each municipality shall transmit to the
459 Secretary of the State, in electronic format, copies of (1) such election
460 results at the voting district level, (2) updated registry lists, (3) elector
461 history files, (4) maps, descriptions of boundaries and other similar
462 items, and (5) lists of polling place and absentee ballot drop box
463 locations and lists or descriptions of the voting districts or geographic
464 areas served by such locations.

465 (h) At least annually or upon the request by the Secretary of the State,
466 the Criminal Justice Information Systems Governing Board established

467 under section 54-142q of the general statutes, or any other state entity
468 identified by the Secretary as possessing data, statistics or other
469 information that the office of the Secretary of the State requires to carry
470 out its duties and responsibilities under title 9 of the general statutes,
471 shall provide to the Secretary such data, statistics or information.

472 (i) The office of the Secretary of the State may provide nonpartisan
473 technical assistance to municipalities, researchers and members of the
474 public seeking to use the resources of the state-wide database.

475 (j) In each action filed pursuant to section 2 of this act, there shall be
476 a rebuttable presumption that the data, estimates or other information
477 maintained in the state-wide database is valid.

478 Sec. 4. (NEW) (*Effective January 1, 2024*) (a) The Secretary of the State
479 shall designate one or more languages, other than English, for which
480 assistance in voting and elections shall be provided in a municipality if
481 the Secretary finds that a significant and substantial need exists for such
482 assistance.

483 (b) (1) The Secretary of the State shall find that such significant and
484 substantial need exists if, based on the best available data, which may
485 include information from the United States Census Bureau's American
486 Community Survey, or data of comparable quality collected by a
487 governmental entity:

488 (A) More than two per cent of the citizens of voting age of such
489 municipality, but in no instance fewer than one hundred such citizens,
490 speak a language other than English and are limited English proficient
491 individuals;

492 (B) More than four thousand of the citizens of voting age of such
493 municipality speak a language other than English and are limited
494 English proficient individuals; or

495 (C) In the case of a municipality that contains any part of a Native
496 American reservation, more than two per cent of the Native American

497 citizens of voting age within such Native American reservation are
498 proficient in a language other than English and are limited English
499 proficient individuals. As used in this subdivision, "Native American"
500 includes any person recognized by the United States Census Bureau, or
501 this state, as "American Indian".

502 (2) As used in this section, "limited English proficient individual"
503 means an individual who does not speak English as such individual's
504 primary language and who speaks, reads or understands the English
505 language less than "very well", in accordance with United States Census
506 Bureau data or data of comparable quality collected by a governmental
507 entity.

508 (c) Not later than January 15, 2024, and at least annually thereafter,
509 the Secretary of the State shall publish on the Internet web site of the
510 office of the Secretary of the State a list of (1) each municipality in which
511 assistance in voting and elections in a language other than English shall
512 be provided, and (2) each such language in which such assistance shall
513 be provided in each such municipality. The Secretary shall distribute to
514 each affected municipality the information contained in such list.

515 (d) Each municipality described in subsection (c) of this section shall
516 provide assistance in voting and elections, including related materials,
517 in any language designated by the Secretary of the State under
518 subsection (a) of this section to electors in such municipality who are
519 limited English proficient individuals.

520 (e) Whenever the Secretary of the State determines, pursuant to this
521 section, that language assistance shall be provided in a municipality,
522 such municipality shall provide competent assistance in each
523 designated language and shall provide related materials (1) in English,
524 and (2) in each designated language, including registration or voting
525 notices, forms, instructions, assistance, ballots or other materials or
526 information relating to the electoral process, except that in the case of a
527 language that is oral or unwritten, including historically unwritten as
528 may be the case for some Native Americans, such municipality may

529 provide only oral instructions, assistance or other information relating
530 to the electoral process in such language. All materials provided in a
531 designated language shall be of an equal quality to the corresponding
532 English materials. All provided translations shall convey the intent and
533 essential meaning of the original text or communication and shall not
534 rely solely on any automatic translation service. Whenever available,
535 language assistance shall also include live translation.

536 (f) The Secretary of the State shall adopt regulations, in accordance
537 with the provisions of chapter 54 of the general statutes, to establish a
538 review process under which the Secretary shall determine whether a
539 significant and substantial need exists in a municipality for a language
540 to be designated for the provision of assistance in voting and elections.
541 Such process shall include, at a minimum, (1) an opportunity for any
542 elector, organization whose membership includes or is likely to include
543 electors, organization whose mission would be frustrated by a
544 municipality's failure to provide such language assistance or
545 organization that would expend resources in order to fulfill such
546 organization's mission as a result of such a failure, to request that the
547 Secretary consider so designating a language in a municipality, (2) an
548 opportunity for public comment, and (3) that, upon receipt of any such
549 request and consideration of any such public comment, the Secretary
550 may, in accordance with the process for making such determination, so
551 designate any language in a municipality.

552 (g) Any individual or organization aggrieved by a violation of this
553 section, any organization (1) whose membership includes or is likely to
554 include persons aggrieved by such a violation, (2) whose mission would
555 be frustrated by such a violation, or (3) that would expend resources in
556 order to fulfill such organization's mission as a result of such a violation,
557 or the Secretary of the State may file an action alleging a violation of this
558 section in the superior court for the judicial district of Hartford.

559 (h) In the case of any municipality described in this section, which
560 seeks to provide only English materials despite a determination by the
561 Secretary of the State under this section that such municipality is

562 required to provide language assistance in a language designated by the
563 Secretary, such municipality may file an action against the state in the
564 superior court for the judicial district of Hartford for a declaratory
565 judgment permitting such municipality to provide only English
566 materials. Such court shall enter such declaratory judgment in the
567 municipality's favor if such court finds that the Secretary's
568 determination was arbitrary and capricious or an abuse of discretion.

569 Sec. 5. (NEW) (*Effective January 1, 2025*) (a) The enactment or
570 implementation of a covered policy, as described in subsection (b) of this
571 section, by a covered jurisdiction, as described in subsection (c) of this
572 section, shall be subject to preclearance, as described in subsections (e)
573 and (f) of this section, by the Secretary of the State or the superior court
574 for the judicial district of Hartford.

575 (b) A covered policy shall include any new or modified qualification
576 for admission as an elector, prerequisite to voting or ordinance,
577 regulation, standard, practice, procedure or policy concerning:

578 (1) Districting or redistricting;

579 (2) Method of election;

580 (3) Form of government;

581 (4) Annexation, incorporation, dissolution, consolidation or division
582 of a municipality;

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

585 (6) Qualifications for inclusion on or restoration to registry lists or
586 enrollment lists;

587 (7) Hours of any polling place, or location or number of polling places
588 or absentee ballot drop boxes;

589 (8) Assignment of voting districts to polling place or absentee ballot

590 drop box locations;

591 (9) Assistance offered to protected class members; or

592 (10) Any additional subject matter the Secretary of the State may
593 identify for inclusion in this subsection, pursuant to a regulation
594 adopted by the Secretary in accordance with the provisions of chapter
595 54 of the general statutes, if the Secretary determines that any
596 qualification for admission as an elector, prerequisite to voting or
597 ordinance, regulation, standard, practice, procedure or policy
598 concerning such subject matter may have the effect of diminishing the
599 right to vote of any protected class member or have the effect of
600 violating the provisions of sections 1 to 9, inclusive, of this act.

601 (c) A covered jurisdiction includes:

602 (1) Any municipality that, within the prior twenty-five years, has
603 been subject to any court order or government enforcement action based
604 upon a finding of any violation of the provisions of sections 1 to 9,
605 inclusive, of this act, the federal Voting Rights Act, any state or federal
606 civil rights law, the fifteenth amendment to the United States
607 Constitution or the fourteenth amendment to the United States
608 Constitution, which violation concerns the right to vote or
609 discrimination against any protected class;

610 (2) Any municipality that, within the three immediately preceding
611 years, has failed to comply with such municipality's obligations to
612 provide data or information to the state-wide database pursuant to
613 section 3 of this act;

614 (3) Any municipality (A) that is not a school district, (B) that contains
615 at least one thousand eligible electors of any protected class, or in which
616 members of any protected class constitute at least ten per cent of the
617 eligible elector population of such municipality, and (C) in which,
618 during the prior ten years, based on data from criminal justice
619 information systems, as defined in section 54-142q of the general
620 statutes, the combined misdemeanor and felony arrest rate of any

621 protected class exceeds the combined misdemeanor and felony arrest
622 rate of the entire population of such municipality by at least twenty per
623 cent;

624 (4) Any municipality (A) that contains at least one thousand eligible
625 electors of any protected class, or in which members of any protected
626 class constitute at least ten per cent of the eligible elector population of
627 such municipality, and (B) in which, during the prior ten years, the
628 percentage of electors of any such protected class in such municipality
629 that participated in any general election for any municipal office is at
630 least ten percentage points lower than the percentage of all electors in
631 the municipality that participated in such election; or

632 (5) Any municipality that, during the prior ten years, was found to
633 have enacted or implemented a covered policy without obtaining
634 preclearance for such covered policy pursuant to the process described
635 in subparagraph (G) of subdivision (2) of subsection (e) of this section.

636 (d) At least annually, the Secretary of the State shall determine which
637 municipalities are covered jurisdictions pursuant to subsection (c) of
638 this section and publish on the Internet web site of the office of the
639 Secretary of the State a list of such municipalities.

640 (e) (1) If a covered jurisdiction seeks preclearance from the Secretary
641 of the State for the adoption or implementation of any covered policy,
642 such covered jurisdiction shall submit, in writing, such covered policy
643 to the Secretary and may obtain such preclearance in accordance with
644 the provisions of this subsection.

645 (2) When the Secretary of the State receives any such submission of a
646 covered policy:

647 (A) As soon as practicable but not later than ten days after such
648 receipt, the Secretary shall publish on the Internet web site of the office
649 of the Secretary of the State such submission of a covered policy.

650 (B) Members of the public shall have an opportunity to comment on

651 such published submission within the time period set forth in
652 subparagraph (I) of this subdivision. For the purposes of facilitating
653 public comment on any such submission, the Secretary shall allow
654 members of the public to sign up to receive notifications or alerts
655 regarding submissions of covered policies for preclearance.

656 (C) The Secretary shall review such submission and any public
657 comment thereon, and shall, within the time period set forth in
658 subparagraph (I) of this subdivision, provide a report and
659 determination as to whether preclearance of the covered policy should
660 be granted or denied. Such time period shall run concurrently with the
661 time period for public comment.

662 (D) The covered jurisdiction shall bear the burden of proof in any
663 determination as to preclearance of a covered policy. The Secretary may
664 request from a covered jurisdiction, at any time during the Secretary's
665 review, additional information for the purpose of developing the
666 Secretary's report and determination. Failure of such covered
667 jurisdiction to timely comply with reasonable requests for such
668 additional information may constitute grounds for the denial of
669 preclearance. The Secretary shall publish on the Internet web site of the
670 office of the Secretary of the State each such report and determination
671 upon completion thereof.

672 (E) In any such determination, the Secretary shall state in writing
673 whether the Secretary is approving or rejecting the covered policy,
674 provided the Secretary may designate preclearance as "preliminary" and
675 subsequently approve or deny final preclearance not later than sixty
676 days after receipt of submission of such covered policy.

677 (F) (i) The Secretary shall deny preclearance to a submitted covered
678 policy only if the Secretary determines that (I) such covered policy is
679 more likely than not to diminish the opportunity or ability of protected
680 class members to participate in the political process and elect candidates
681 of their choice or otherwise influence the outcome of elections, or (II)
682 such covered policy is more likely than not to violate the provisions of

683 sections 1 to 9, inclusive, of this act.

684 (ii) For any such denial, the Secretary shall interpose objections
685 explaining the Secretary's basis for such denial, and the covered policy
686 shall not be enacted or implemented.

687 (G) If the Secretary grants preclearance to a submitted covered policy,
688 the covered jurisdiction may immediately enact or implement such
689 covered policy. A determination by the Secretary to so grant
690 preclearance shall not be admissible in, or otherwise considered by, a
691 court in any subsequent action challenging such covered policy.

692 (H) If the Secretary fails to deny or grant preclearance to a submitted
693 covered policy within the time period set forth in subparagraph (I) of
694 this subdivision, such covered policy shall be deemed precleared and
695 the covered jurisdiction may enact or implement such covered policy.

696 (I) The time periods for review by the Secretary of the State of any
697 submitted covered policy, for public comment and for any
698 determination of the Secretary to grant or deny preclearance to such
699 covered policy shall be as follows:

700 (i) For any covered policy concerning the location of polling places or
701 absentee ballot drop boxes, (I) the time period for public comment shall
702 be five business days, and (II) the time period in which the Secretary
703 shall review the covered policy, including any public comment thereon,
704 and make a determination to grant or deny preclearance to such covered
705 policy, shall be not more than fifteen days after the receipt of the
706 submission of such covered policy, except that the Secretary may invoke
707 an extension of not more than twenty days to make any determination
708 under subparagraph (I)(i)(II) of this subparagraph; and

709 (ii) For any other covered policy, (I) the time period for public
710 comment shall be ten business days, except that, for any covered policy
711 that concerns the implementation of a district-based method of election
712 or an alternative method of election, districting or redistricting plans or
713 a change to a municipality's form of government, such time period shall

714 be twenty business days, and (II) the time period in which the Secretary
715 shall review such other covered policy, including any public comment
716 thereon, and make a determination to grant or deny preclearance to
717 such other covered policy, shall be not more than sixty days after the
718 receipt of the submission of such other covered policy, except that the
719 Secretary may invoke up to two extensions of not more than ninety days
720 apiece to make any determination under subparagraph (I)(ii)(II) of this
721 subparagraph.

722 (J) The Secretary of the State may adopt regulations, in accordance
723 with the provisions of chapter 54 of the general statutes, to establish an
724 expedited, emergency preclearance process under which the Secretary
725 may address covered policies that are submitted during or immediately
726 preceding an election as a result of any attack, disaster, emergency or
727 other exigent circumstance. Any preclearance granted pursuant to the
728 regulations adopted under this subparagraph shall be designated
729 "preliminary" and the Secretary may subsequently approve or deny
730 final preclearance not later than sixty days after receipt of submission of
731 such covered policy.

732 (K) Any denial of preclearance under this subdivision may be
733 appealed, in accordance with the provisions of chapter 54 of the general
734 statutes, to the superior court for the judicial district of Harford. Any
735 such appeal shall be privileged with respect to assignment for trial.

736 (f) (1) If a covered jurisdiction seeks preclearance from the superior
737 court for the judicial district of Hartford for the adoption or
738 implementation of any covered policy, in lieu of seeking such
739 preclearance from the Secretary of the State pursuant to subsection (e)
740 of this section, such covered jurisdiction shall submit, in writing, such
741 covered policy to such court and may obtain such preclearance in
742 accordance with the provisions of this subsection, provided (A) such
743 covered jurisdiction shall also contemporaneously transmit to the
744 Secretary of the State a copy of such submission, and (B) failure to so
745 provide such copy shall result in an automatic denial of such
746 preclearance. Notwithstanding the transmission to the Secretary of a

747 copy of any such submission, the court shall exercise exclusive
748 jurisdiction over such submission. The covered jurisdiction shall bear
749 the burden of proof in the court's determination as to preclearance.

750 (2) The court shall grant or deny preclearance not later than sixty days
751 after the receipt of submission of a covered policy.

752 (3) The court shall deny preclearance to a submitted covered policy
753 only if such court determines that (A) such covered policy is more likely
754 than not to diminish the opportunity or ability of protected class
755 members to participate in the political process and elect candidates of
756 their choice or otherwise influence the outcome of elections, or (B) such
757 covered policy is more likely than not to violate the provisions of
758 sections 1 to 9, inclusive, of this act.

759 (4) If the court grants preclearance to such covered policy, the covered
760 jurisdiction may immediately enact or implement such covered policy.
761 A determination by the court to grant preclearance to a covered policy
762 shall not be admissible in, or otherwise considered by, a court in any
763 subsequent action challenging such covered policy.

764 (5) If the court denies preclearance to a covered policy, or fails to
765 make a determination within sixty days of receipt of submission of such
766 covered policy, such covered policy shall not be enacted or
767 implemented.

768 (6) Any denial of preclearance under this subsection may be appealed
769 in accordance with the ordinary rules of appellate procedure. Any
770 action brought pursuant to this subsection shall be privileged with
771 respect to assignment for trial or appeal, as applicable, including
772 expedited pretrial and other proceedings.

773 (g) If any covered jurisdiction enacts or implements any covered
774 policy without obtaining preclearance for such covered policy in
775 accordance with the provisions of this section, the Secretary of the State
776 or any party described in subsection (d) of section 2 of this act may file
777 an action in the superior court for the judicial district of Hartford to

778 enjoin such enactment or implementation and seek sanctions against
779 such covered jurisdiction for violations of this section.

780 (h) The Secretary of the State may adopt regulations, in accordance
781 with the provisions of chapter 54 of the general statutes, to effectuate the
782 purposes of this section. Any estimates prepared for the purpose of
783 identifying covered jurisdictions under this section, including estimates
784 of eligible electors, shall be prepared using the most advanced, peer-
785 reviewed and validated methodologies.

786 Sec. 6. (NEW) (*Effective July 1, 2023*) (a) Notwithstanding the
787 provisions of chapter 151 of the general statutes, a person, whether
788 acting under color of law or otherwise, shall not engage in acts of
789 intimidation, deception or obstruction that interfere with any elector's
790 right to vote.

791 (b) A violation of subsection (a) of this section includes, but is not
792 limited to, the following:

793 (1) Any person who uses or threatens to use any force, violence,
794 restraint, abduction or duress, who inflicts or threatens to inflict any
795 injury, damage, harm or loss, or who by any other conduct practices
796 intimidation that causes or will reasonably have the effect of causing
797 interference with any elector's right to vote;

798 (2) Any person who knowingly uses any deceptive or fraudulent
799 device, contrivance or communication that causes or will reasonably
800 have the effect of causing interference with any elector's right to vote; or

801 (3) Any person who obstructs, impedes or otherwise interferes with
802 access to any polling place or any office or place of business of any
803 election official or who obstructs, impedes or otherwise interferes with
804 any elector or election official in a manner that causes or will reasonably
805 have the effect of causing interference with any elector's right to vote or
806 any delay in voting or the voting process.

807 (c) (1) Any individual or organization aggrieved by a violation of this

808 section, any organization (A) whose membership includes or is likely to
809 include persons aggrieved by such a violation, (B) whose mission would
810 be frustrated by such a violation, or (C) that would expend resources in
811 order to fulfill such organization's mission as a result of such a violation,
812 may file an action alleging a violation of this section in the superior court
813 for the judicial district of Hartford.

814 (2) In any action brought pursuant to subdivision (1) of this
815 subsection, the complainant shall file a certification attached to the
816 complaint indicating that (A) a copy of such complaint has been sent by
817 first-class mail or delivered to the State Elections Enforcement
818 Commission, or (B) a copy of such complaint will be so sent or delivered
819 not later than the following business day.

820 (d) (1) Notwithstanding any provision of title 9 of the general statutes
821 and any special act, charter or home rule ordinance, whenever such
822 court finds a violation of any provision of this section, such court shall
823 order appropriate remedies that are tailored to address such violation,
824 including, but not limited to, providing for additional time to vote at an
825 election, primary or referendum.

826 (2) Any person who violates the provisions of this section, or who
827 aids in the violation of any of such provisions, shall be liable for any
828 damages awarded by such court, including, but not limited to, nominal
829 damages for any such violation and compensatory or punitive damages
830 for any such wilful violation.

831 Sec. 7. (NEW) (*Effective July 1, 2023*) Any provision of the general
832 statutes, regulation adopted thereunder, special act, charter, home rule
833 ordinance or other state or municipal enactment relating to the right to
834 vote shall be construed liberally in favor of (1) protecting the right to
835 cast a ballot and make such ballot effective, (2) ensuring that qualified
836 individuals seeking to be admitted as electors are not impaired in being
837 so admitted, (3) ensuring electors are not impaired in voting, including,
838 but not limited to, having their votes counted, (4) making the
839 fundamental right to vote more accessible to qualified individuals, and

840 (5) ensuring equitable access for protected class members to
 841 opportunities to be admitted as electors and to vote.

842 Sec. 8. (NEW) (*Effective July 1, 2023*) Nothing in the provisions of
 843 sections 1 to 7, inclusive, of this act shall be construed to affect the
 844 powers and duties of the State Elections Enforcement Commission to
 845 attempt to secure voluntary compliance relating to any election, primary
 846 or referendum or pursue any other remedy authorized under sections
 847 9-7a and 9-7b of the general statutes.

848 Sec. 9. (NEW) (*Effective July 1, 2023*) In any action to enforce the
 849 provisions of sections 1 to 7, inclusive, of this act, the court shall award
 850 reasonable attorneys' fees and litigation costs, including, but not limited
 851 to, expert witness fees and expenses, to the party that filed such action,
 852 other than the state or any municipality, and that prevailed in such
 853 action. The party that filed such action shall be deemed to have
 854 prevailed when, as a result of litigation, the party against whom such
 855 action was filed has yielded much or all of the relief sought in such
 856 action. In the case of a party against whom such action was filed and
 857 who prevailed in such action, the court shall not award such party any
 858 costs unless such court finds such action to be frivolous, unreasonable
 859 or without foundation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>January 1, 2024</i>	New section
Sec. 4	<i>January 1, 2024</i>	New section
Sec. 5	<i>January 1, 2025</i>	New section
Sec. 6	<i>July 1, 2023</i>	New section
Sec. 7	<i>July 1, 2023</i>	New section
Sec. 8	<i>July 1, 2023</i>	New section
Sec. 9	<i>July 1, 2023</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.]