



General Assembly

Substitute Bill No. 1226

January Session, 2023



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*) (a) 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" or "municipal" means any town, city or borough,
30 whether consolidated or unconsolidated, any local or regional school
31 district, any district, as defined in section 7-324 of the general statutes,
32 or any other 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 electors who are not
40 protected class members; and

41 (11) "Vote" or "voting" includes any action necessary to cast a ballot
42 and make such ballot effective in any election or primary, including, but
43 not limited to, admission as an elector, application for an absentee ballot
44 and any other action required by law as a prerequisite to casting a ballot
45 and having such ballot counted, canvassed or certified properly and

46 included in the appropriate totals of votes cast with respect to
47 candidates for election or nomination and to referendum questions.

48 (b) In the construction of this section and sections 2 to 9, inclusive, of
49 this act, words and phrases that are not defined in subsection (a) of this
50 section, but that are used in the federal Voting Rights Act and
51 interpreted in relevant case law, including, but not limited to, "political
52 process" and "prerequisite to voting", shall be construed in a manner
53 consistent with such usage and interpretation.

54 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) (1) No qualification for
55 eligibility to be an elector in a municipality or other prerequisite to
56 voting may be imposed, no ordinance, regulation or other law regarding
57 the administration of elections may be enacted by a municipality, and
58 no standard, practice, procedure or policy may be applied by a
59 municipality, in a manner that results in an impairment of the right to
60 vote for any protected class member.

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

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

69 (B) Based on the totality of the circumstances, results in an
70 impairment of the opportunity or ability of such municipality's
71 protected class members to participate in the political process and elect
72 candidates of their choice or otherwise influence the outcome of
73 elections.

74 (b) (1) No municipality shall employ any method of election for any
75 office of the municipality that has the effect, or is motivated in part by
76 the intent, of impairing the opportunity or ability of protected class

77 members to participate in the political process and elect candidates of
78 their choice or otherwise influence the outcome of municipal elections
79 as a result of diluting the vote of such protected class members.

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

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

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

95 (B) (i) In determining whether racially polarized voting by protected
96 class members in a municipality occurs or whether candidates or
97 electoral choices preferred by protected class members would usually
98 be defeated, the superior court for the judicial district of Hartford (I)
99 shall consider elections held prior to the filing of an action pursuant to
100 this section as more probative than elections conducted after such filing,
101 (II) shall consider evidence concerning elections for any municipal office
102 in such municipality as more probative than evidence concerning
103 elections for other offices, but may still afford probative value to
104 evidence concerning elections for such other offices, (III) shall consider
105 statistical evidence as more probative than nonstatistical evidence, (IV)
106 in the case of claims brought on behalf of two or more protected classes
107 that are politically cohesive in such municipality, shall combine
108 members of such protected classes to determine whether voting by such

109 combined protected class members is polarized from other electors and
110 shall not require evidence that voting by each such protected class's
111 members is separately polarized from such other electors, and (V) shall
112 not require evidence concerning the intent of electors, elected officials
113 or such municipality to discriminate against protected class members.

114 (ii) Evidence concerning the causes of, or reasons for, the occurrence
115 of racially polarized voting shall not be deemed relevant to the
116 determination of whether racially polarized voting by protected class
117 members in a municipality occurs or whether candidates or electoral
118 choices preferred by protected class members would usually be
119 defeated.

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

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

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

167 (d) Any individual aggrieved by a violation of this section, any
168 organization whose membership includes individuals aggrieved by
169 such a violation or the Secretary of the State may file an action alleging
170 a violation of this section in the superior court for the judicial district of
171 Hartford. Members of two or more protected classes that are politically
172 cohesive in a municipality may jointly file such an action in such court.

173 (e) (1) Notwithstanding any provision of title 9 of the general statutes
174 and any special act, charter or home rule ordinance, whenever the

175 superior court for the judicial district of Hartford finds a violation by a
176 municipality of any provision of this section, such court shall order
177 appropriate remedies that are tailored to address such violation in such
178 municipality and to ensure protected class members have equitable
179 opportunities to fully participate in the political process and that can be
180 implemented in a manner that will not unduly disrupt the
181 administration of an ongoing or imminent election. Such court shall take
182 into account the ability of officials who administer elections in such
183 municipality to implement any change to voting for an ongoing or
184 imminent election in a manner that is orderly and fiscally sound, and
185 shall not order any remedy that contravenes the Constitution of
186 Connecticut. Appropriate remedies may include, but need not be
187 limited to: (A) A district-based method of election; (B) an alternative
188 method of election; (C) new or revised districting or redistricting plans;
189 (D) elimination of staggered elections so that all members of the
190 legislative body are elected at the same time; (E) reasonably increasing
191 the size of the legislative body; (F) additional voting days or hours; (G)
192 additional polling places; (H) additional means of voting, such as voting
193 by mail, or additional opportunities to return ballots; (I) holding of
194 special elections; (J) expanded opportunities for admission of electors;
195 (K) additional elector education; (L) the restoration or addition of
196 individuals to registry lists; or (M) retaining jurisdiction for such period
197 of time as the court may deem appropriate, during which period no
198 qualification for eligibility to be an elector or prerequisite to voting, or
199 standard, practice or procedure with respect to voting, that is different
200 from that which was in effect at the time an action under subsection (d)
201 of this section was commenced shall be enforced unless the court finds
202 that such qualification, prerequisite, standard, practice or procedure
203 does not have the purpose, and will not have the effect, of impairing the
204 right to vote on the basis of protected class membership or in
205 contravention of the guarantees with respect to such right that are set
206 forth in sections 1 to 9, inclusive, of this act, provided, in any action
207 brought pursuant to chapter 149 of the general statutes, any remedy
208 ordered shall be consistent with the provisions of said chapter.
209 Notwithstanding the provisions of subparagraph (M) of this

210 subdivision, any such finding by the court shall not be a bar to any
211 subsequent action to enjoin enforcement of such qualification,
212 prerequisite, standard, practice or procedure.

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

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

235 (2) (A) Prior to drawing a draft districting or redistricting plan or
236 plans, or transitioning to a proposed district-based method of election
237 or alternative method of election, the municipality shall hold at least one
238 public hearing at which members of the public may provide input
239 regarding such draft or proposal, including, if applicable, the
240 composition of districts. Notice of each such hearing shall be published
241 at least three weeks prior to the date of such hearing. In advance of each
242 such hearing, the municipality shall conduct outreach to members of the

243 public, including to language minority groups, to explain the districting
244 or redistricting process and to encourage such input.

245 (B) After all such draft districting or redistricting plans are drawn, the
246 municipality shall publish and make available for public dissemination
247 at least one such plan and include the potential sequence of elections in
248 the event the members of the legislative body of such municipality
249 would be elected for staggered terms under such plan. The municipality
250 shall hold at least one public hearing at which members of the public
251 may provide input regarding the content of such plan or plans and, if
252 applicable, such potential sequence of elections. Such plan or plans shall
253 be published at least three weeks prior to consideration at each such
254 hearing. If such plan or plans are revised at or following any such
255 hearing, the municipality shall publish and make available for public
256 dissemination such revised plan or plans at least two weeks prior to any
257 adoption of such revised plan or plans.

258 (g) (1) Prior to filing an action against a municipality pursuant to
259 subsection (d) of this section, any party described in subsection (d) of
260 this section shall send by certified mail, return receipt requested, a
261 notification letter to the clerk of such municipality asserting that such
262 municipality may be in violation of the provisions of sections 1 to 9,
263 inclusive, of this act.

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

267 (B) Prior to receiving a notification letter, or not later than fifty days
268 after any such notification letter is sent to a municipality, the legislative
269 body of such municipality may pass a resolution (i) affirming such
270 municipality's intention to enact and implement a remedy for a
271 potential violation of the provisions of sections 1 to 9, inclusive, of this
272 act, (ii) setting forth specific measures such municipality will take to
273 facilitate approval and implementation of such a remedy, and (iii)
274 providing a schedule for the enactment and implementation of such a

275 remedy. No party described in subsection (d) of this section may file an
276 action pursuant to this section earlier than ninety days after passage of
277 any such resolution by such legislative body.

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

284 (i) The municipality shall hold at least one public hearing on any
285 proposal to remedy any potential violation of the provisions of sections
286 1 to 9, inclusive, of this act, at which members of the public may provide
287 input regarding any such proposed remedies. In advance of each such
288 hearing, the municipality shall conduct outreach to members of the
289 public, including to language minority groups, to encourage such input.

290 (ii) The legislative body of such municipality may approve any such
291 proposed remedy that complies with the provisions of sections 1 to 9,
292 inclusive, of this act and submit such proposed remedy to the Secretary
293 of the State.

294 (iii) Notwithstanding any provision of title 9 of the general statutes
295 and any special act, charter or home rule ordinance, the Secretary of the
296 State shall, not later than ninety days after submission of such proposed
297 remedy by such municipality, approve or reject such proposed remedy
298 in accordance with the provisions of this clause. The Secretary may
299 require that such municipality or any other party provide additional
300 information related to the submission of such proposed remedy. The
301 Secretary may only approve such proposed remedy if the Secretary
302 concludes (I) such municipality may be in violation of the provisions of
303 sections 1 to 9, inclusive, of this act, (II) the proposed remedy would
304 address any such potential violation, (III) the proposed remedy does not
305 violate the Constitution of Connecticut or any federal law, and (IV) the
306 proposed remedy can be implemented in a manner that will not unduly

307 disrupt the administration of an ongoing or imminent election.

308 (iv) Notwithstanding any provision of title 9 of the general statutes
309 and any special act, charter or home rule ordinance, if the Secretary of
310 the State approves the proposed remedy, such proposed remedy shall
311 be enacted and implemented immediately or, if immediate
312 implementation would unduly disrupt the administration of an ongoing
313 or imminent election, as soon as possible. If the municipality is a covered
314 jurisdiction as described in section 5 of this act, such municipality shall
315 not be required to obtain preclearance for such proposed remedy. The
316 decision of the Secretary to approve such proposed remedy shall be final
317 and shall not be subject to review in any court or forum, except as
318 provided in the Constitution of Connecticut.

319 (v) If the Secretary of the State denies the proposed remedy, (I) such
320 proposed remedy shall not be enacted or implemented, (II) the Secretary
321 shall set forth the reasons for such denial, and (III) the Secretary may
322 recommend another remedy that the Secretary would approve. The
323 decision of the Secretary to deny such proposed remedy shall be final
324 and shall not be subject to review in any court or forum, except as
325 provided in the Constitution of Connecticut.

326 (vi) If the Secretary of the State does not approve or reject such
327 proposed remedy within ninety days after the submission of such
328 proposed remedy by the municipality, the proposed remedy shall not
329 be enacted or implemented. The decision of the Secretary to not approve
330 or to reject such proposed remedy shall be final and shall not be subject
331 to review in any court or forum, except as provided in the Constitution
332 of Connecticut.

333 (D) A municipality that has passed a resolution described in
334 subparagraph (B) of this subdivision may enter into an agreement with
335 any party who sent a notification letter described in subdivision (1) of
336 this subsection providing that such party shall not file an action
337 pursuant to this section earlier than ninety days after entering into such
338 agreement. If such party agrees to so enter into such an agreement, such

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

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

369 (F) (i) Notwithstanding the provisions of this subsection, a party
370 described in subsection (d) of this section may seek preliminary relief
371 for a regular election held in a municipality by filing an action pursuant

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

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

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

397 (b) The Secretary of the State shall designate an employee of the office
398 of the Secretary of the State to serve as manager of the state-wide
399 database. Such employee shall possess an advanced degree from an
400 accredited college or university, or equivalent experience, and have
401 expertise in demography, statistical analysis and electoral systems. Such
402 employee shall be responsible for the operation of such state-wide
403 database and shall manage such staff as is necessary to implement and
404 maintain such state-wide database.

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

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

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

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

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

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

427 (6) Any other information the Secretary of the State deems advisable
428 to maintain in furtherance of the purposes of sections 1 to 9, inclusive,
429 of this act.

430 (d) Except for any data, information or estimates that identify
431 individual electors, the data, information or estimates maintained in the
432 state-wide database shall be published on the Internet web site of the
433 office of the Secretary of the State and made publicly available in
434 electronic format at no cost.

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

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

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

459 (h) At least annually or upon the request by the Secretary of the State,
460 the Criminal Justice Information Systems Governing Board established
461 under section 54-142q of the general statutes, or any other state entity
462 identified by the Secretary as possessing data, statistics or other
463 information that the office of the Secretary of the State requires to carry
464 out its duties and responsibilities under title 9 of the general statutes,
465 shall provide to the Secretary such data, statistics or information.

466 (i) The office of the Secretary of the State may provide nonpartisan

467 technical assistance to municipalities, researchers and members of the
468 public seeking to use the resources of the state-wide database.

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

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

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

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

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

489 (C) In the case of a municipality that contains any part of a Native
490 American reservation, more than two per cent of the Native American
491 citizens of voting age within such Native American reservation are
492 proficient in a language other than English and are limited English
493 proficient individuals. As used in this subdivision, "Native American"
494 includes any person recognized by the United States Census Bureau, or
495 this state, as "American Indian".

496 (2) As used in this section, "limited English proficient individual"

497 means an individual who does not speak English as such individual's
498 primary language and who speaks, reads or understands the English
499 language less than "very well", in accordance with United States Census
500 Bureau data or data of comparable quality collected by a governmental
501 entity.

502 (c) Not later than January 15, 2024, and at least annually thereafter,
503 the Secretary of the State shall publish on the Internet web site of the
504 office of the Secretary of the State a list of (1) each municipality in which
505 assistance in voting and elections in a language other than English shall
506 be provided, and (2) each such language in which such assistance shall
507 be provided in each such municipality. The Secretary's determinations
508 under this section shall be effective upon such publication and shall not
509 be subject to review in any court or forum, except as provided in the
510 Constitution of Connecticut. The Secretary shall distribute to each
511 affected municipality the information contained in such list.

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

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

530 essential meaning of the original text or communication and shall not
531 rely solely on any automatic translation service. Whenever available,
532 language assistance shall also include live translation.

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

549 (g) Any individual aggrieved by a violation of this section, any
550 organization whose membership includes individuals aggrieved by
551 such a violation or the Secretary of the State may file an action alleging
552 a violation of this section in the superior court for the judicial district of
553 Hartford.

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

560 (b) A covered policy shall include any new or modified qualification
561 for admission as an elector, prerequisite to voting or ordinance,

562 regulation, standard, practice, procedure or policy concerning:

563 (1) Districting or redistricting, subject to the provisions of subdivision
564 (2) of subsection (c) of this section;

565 (2) Method of election;

566 (3) Form of government;

567 (4) Annexation, incorporation, dissolution, consolidation or division
568 of a municipality;

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

571 (6) Hours of any polling place, or location or number of polling places
572 or absentee ballot drop boxes;

573 (7) Assignment of voting districts to polling place or absentee ballot
574 drop box locations;

575 (8) Assistance offered to protected class members; or

576 (9) Any additional subject matter the Secretary of the State may
577 identify for inclusion in this subsection, pursuant to a regulation
578 adopted by the Secretary in accordance with the provisions of chapter
579 54 of the general statutes, if the Secretary determines that any
580 qualification for admission as an elector, prerequisite to voting or
581 ordinance, regulation, standard, practice, procedure or policy
582 concerning such subject matter may have the effect of diminishing the
583 right to vote of any protected class member or have the effect of
584 violating the provisions of sections 1 to 9, inclusive, of this act. A
585 decision by the Secretary to so identify or to not so identify any
586 additional subject matter for inclusion in this subsection shall be final
587 and shall not be subject to review in any court or forum, except as
588 provided in the Constitution of Connecticut.

589 (c) (1) A covered jurisdiction includes:

590 (A) Any municipality that, within the prior twenty-five years, has
591 been subject to any court order or government enforcement action based
592 upon a finding of any violation of the provisions of sections 1 to 9,
593 inclusive, of this act, the federal Voting Rights Act, any state or federal
594 civil rights law, the fifteenth amendment to the United States
595 Constitution or the fourteenth amendment to the United States
596 Constitution, which violation concerns the right to vote or a pattern,
597 practice or policy of discrimination against any protected class;

598 (B) Any municipality that, within the three immediately preceding
599 years, has failed to comply with such municipality's obligations to
600 provide data or information to the state-wide database pursuant to
601 section 3 of this act, except that inadvertent or unavoidable delays in
602 such compliance, if communicated to the Secretary of the State and
603 corrected within a reasonable time, shall not constitute such failure;

604 (C) Any municipality (i) that is not a school district, (ii) that contains
605 at least one thousand eligible electors of any protected class, or in which
606 members of any protected class constitute at least ten per cent of the
607 eligible elector population of such municipality, and (iii) in which,
608 during the prior ten years, based on data from criminal justice
609 information systems, as defined in section 54-142q of the general
610 statutes, the combined misdemeanor and felony arrest rate of any
611 protected class exceeds the combined misdemeanor and felony arrest
612 rate of the entire population of such municipality by at least twenty per
613 cent;

614 (D) Any municipality (i) that contains at least one thousand eligible
615 electors of any protected class, or in which members of any protected
616 class constitute at least ten per cent of the eligible elector population of
617 such municipality, and (ii) in which, during the prior ten years, the
618 percentage of electors of any such protected class in such municipality
619 that participated in any general election for any municipal office is at
620 least ten percentage points lower than the percentage of all electors in
621 the municipality that participated in such election; or

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

626 (2) A municipality that is a covered jurisdiction under subdivision (1)
627 of this subsection shall be subject to preclearance for a covered policy
628 described in subdivision (1) of subsection (b) of this section if, within the
629 past twenty-five years, such municipality:

630 (A) Has been subject to three or more court orders or government
631 enforcement actions based upon a finding of any violation of the
632 provisions of sections 1 to 9, inclusive, of this act, the federal Voting
633 Rights Act, any state or federal civil rights law, the fifteenth amendment
634 to the United States Constitution or the fourteenth amendment to the
635 United States Constitution, which violation concerns the right to vote or
636 a pattern, practice or policy of discrimination against any protected
637 class; or

638 (B) Has been subject to any such court order or government
639 enforcement action that concerns districting or redistricting or method
640 of election.

641 (d) At least annually, the Secretary of the State shall determine which
642 municipalities are covered jurisdictions pursuant to subsection (c) of
643 this section and publish on the Internet web site of the office of the
644 Secretary of the State a list of such municipalities. A determination of
645 the Secretary as to coverage under this subsection shall be effective upon
646 such publication and may be appealed in accordance with the
647 provisions of chapter 54 of the general statutes, provided any such
648 appeal taken under section 4-183 of the general statutes shall be in the
649 superior court for the judicial district of Hartford. Any such appeal shall
650 be privileged with respect to assignment for trial.

651 (e) (1) If a covered jurisdiction seeks preclearance from the Secretary
652 of the State for the adoption or implementation of any covered policy,

653 such covered jurisdiction shall submit, in writing, such covered policy
654 to the Secretary and may obtain such preclearance in accordance with
655 the provisions of this subsection.

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

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

661 (B) Members of the public shall have an opportunity to comment on
662 such published submission within the time period set forth in
663 subparagraph (I) of this subdivision. For the purposes of facilitating
664 public comment on any such submission, the Secretary shall allow
665 members of the public to sign up to receive notifications or alerts
666 regarding submissions of covered policies for preclearance.

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

673 (D) The covered jurisdiction shall bear the burden of proof in any
674 determination as to preclearance of a covered policy. The Secretary may
675 request from a covered jurisdiction, at any time during the Secretary's
676 review, additional information for the purpose of developing the
677 Secretary's report and determination. Failure of such covered
678 jurisdiction to timely comply with reasonable requests for such
679 additional information may constitute grounds for the denial of
680 preclearance. The Secretary shall publish on the Internet web site of the
681 office of the Secretary of the State each such report and determination
682 upon completion thereof.

683 (E) In any such determination, the Secretary shall state in writing

684 whether the Secretary is approving or rejecting the covered policy,
685 provided the Secretary may designate preclearance as "preliminary" and
686 subsequently approve or deny final preclearance not later than ninety
687 days after receipt of submission of such covered policy.

688 (F) (i) The Secretary shall deny preclearance to a submitted covered
689 policy only if the Secretary determines that (I) such covered policy is
690 more likely than not to diminish the opportunity or ability of protected
691 class members to participate in the political process and elect candidates
692 of their choice or otherwise influence the outcome of elections, or (II)
693 such covered policy is more likely than not to violate the provisions of
694 sections 1 to 9, inclusive, of this act.

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

698 (G) If the Secretary grants preclearance to a submitted covered policy,
699 the covered jurisdiction may immediately enact or implement such
700 covered policy. A determination by the Secretary to so grant
701 preclearance shall not be admissible in, or otherwise considered by, a
702 court in any subsequent action challenging such covered policy.

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

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

711 (i) For any covered policy concerning the location of polling places or
712 absentee ballot drop boxes, (I) the time period for public comment shall
713 be ten business days, and (II) the time period in which the Secretary shall
714 review the covered policy, including any public comment thereon, and

715 make a determination to grant or deny preclearance to such covered
716 policy, shall be not more than thirty days after the receipt of the
717 submission of such covered policy, except that the Secretary may invoke
718 an extension of not more than twenty days to make any determination
719 under subparagraph (I)(i)(II) of this subdivision; and

720 (ii) For any other covered policy, (I) the time period for public
721 comment shall be ten business days, except that, for any covered policy
722 that concerns the implementation of a district-based method of election
723 or an alternative method of election, districting or redistricting plans or
724 a change to a municipality's form of government, such time period shall
725 be twenty business days, and (II) the time period in which the Secretary
726 shall review such other covered policy, including any public comment
727 thereon, and make a determination to grant or deny preclearance to
728 such other covered policy, shall be not more than ninety days after the
729 receipt of the submission of such other covered policy, except that the
730 Secretary may invoke up to two extensions of not more than ninety days
731 apiece to make any determination under subparagraph (I)(ii)(II) of this
732 subdivision.

733 (J) The Secretary of the State may adopt regulations, in accordance
734 with the provisions of chapter 54 of the general statutes, to establish an
735 expedited, emergency preclearance process under which the Secretary
736 may address covered policies that are submitted during or immediately
737 preceding an election as a result of any attack, disaster, emergency or
738 other exigent circumstance. Any preclearance granted pursuant to the
739 regulations adopted under this subparagraph shall be designated
740 "preliminary" and the Secretary may subsequently approve or deny
741 final preclearance not later than ninety days after receipt of submission
742 of such covered policy.

743 (K) Any denial of preclearance under this subdivision may be
744 appealed in accordance with the provisions of chapter 54 of the general
745 statutes, provided any such appeal taken under section 4-183 of the
746 general statutes shall be in the superior court for the judicial district of
747 Hartford. Any such appeal shall be privileged with respect to

748 assignment for trial.

749 (f) (1) If a covered jurisdiction seeks preclearance from the superior
750 court for the judicial district of Hartford for the adoption or
751 implementation of any covered policy, in lieu of seeking such
752 preclearance from the Secretary of the State pursuant to subsection (e)
753 of this section, such covered jurisdiction shall submit, in writing, such
754 covered policy to such court and may obtain such preclearance in
755 accordance with the provisions of this subsection, provided (A) such
756 covered jurisdiction shall also contemporaneously transmit to the
757 Secretary of the State a copy of such submission, and (B) failure to so
758 provide such copy shall result in an automatic denial of such
759 preclearance. Notwithstanding the transmission to the Secretary of a
760 copy of any such submission, the court shall exercise exclusive
761 jurisdiction over such submission. The covered jurisdiction shall bear
762 the burden of proof in the court's determination as to preclearance.

763 (2) The court shall grant or deny preclearance not later than ninety
764 days after the receipt of submission of a covered policy.

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

772 (4) If the court grants preclearance to such covered policy, the covered
773 jurisdiction may immediately enact or implement such covered policy.
774 A determination by the court to grant preclearance to a covered policy
775 shall not be admissible in, or otherwise considered by, a court in any
776 subsequent action challenging such covered policy.

777 (5) If the court denies preclearance to a covered policy, or fails to
778 make a determination within ninety days of receipt of submission of

779 such covered policy, such covered policy shall not be enacted or
780 implemented.

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

786 (g) If any covered jurisdiction enacts or implements any covered
787 policy without obtaining preclearance for such covered policy in
788 accordance with the provisions of this section, the Secretary of the State
789 or any party described in subsection (d) of section 2 of this act may file
790 an action in the superior court for the judicial district of Hartford to
791 enjoin such enactment or implementation and seek sanctions against
792 such covered jurisdiction for violations of this section.

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

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

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

806 (1) Any person who uses or threatens to use any force, violence,
807 restraint, abduction or duress, who inflicts or threatens to inflict any
808 injury, damage, harm or loss or who by any other conduct practices
809 intimidation that causes or will reasonably have the effect of causing

810 interference with any elector's right to vote;

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

814 (3) Any person who obstructs, impedes or otherwise interferes with
815 access to any polling place or absentee ballot drop box or any office or
816 place of business of an election official or who obstructs, impedes or
817 otherwise interferes with any elector or election official in a manner that
818 causes or will reasonably have the effect of causing interference with
819 any elector's right to vote or any delay in voting or the voting process.

820 (c) (1) Any individual aggrieved by a violation of this section or any
821 organization whose membership includes individuals aggrieved by
822 such a violation may file an action alleging a violation of this section in
823 the superior court for the judicial district of Hartford. Such an action
824 may be filed irrespective of any action that may be filed by the State
825 Elections Enforcement Commission, the Attorney General or the State's
826 Attorney as a result of such a violation.

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

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

839 (2) Any person who violates the provisions of this section, or who
840 aids in the violation of any of such provisions, shall be liable for any

841 damages awarded by such court, including, but not limited to, nominal
842 damages for any such violation and compensatory or punitive damages
843 for any such wilful violation.

844 Sec. 7. (NEW) (*Effective July 1, 2023*) Any provision of the general
845 statutes, regulation adopted thereunder, special act, charter, home rule
846 ordinance or other state or municipal enactment relating to the right to
847 vote shall be construed liberally in favor of (1) protecting the right to
848 cast a ballot and make such ballot effective, (2) ensuring that qualified
849 individuals seeking to be admitted as electors are not impaired in being
850 so admitted, (3) ensuring electors are not impaired in voting, including,
851 but not limited to, having their votes counted, (4) making the
852 fundamental right to vote more accessible to qualified individuals, and
853 (5) ensuring equitable access for protected class members to
854 opportunities to be admitted as electors and to vote.

855 Sec. 8. (NEW) (*Effective July 1, 2023*) Nothing in the provisions of
856 sections 1 to 7, inclusive, of this act shall be construed to affect the
857 powers and duties of (1) the State Elections Enforcement Commission to
858 attempt to secure voluntary compliance relating to any election, primary
859 or referendum or pursue any other remedy authorized under sections
860 9-7a and 9-7b of the general statutes, or (2) the Commission on Human
861 Rights and Opportunities, as provided in chapter 814c of the general
862 statutes.

863 Sec. 9. (NEW) (*Effective July 1, 2023*) In any action to enforce the
864 provisions of sections 1 to 7, inclusive, of this act, the court shall award
865 reasonable attorneys' fees and litigation costs, including, but not limited
866 to, expert witness fees and expenses, to the party that filed such action,
867 other than the state or any municipality, and that prevailed in such
868 action. The party that filed such action shall be deemed to have
869 prevailed when, as a result of litigation, the party against whom such
870 action was filed has yielded much or all of the relief sought in such
871 action. In the case of a party against whom such action was filed and
872 who prevailed in such action, the court shall not award such party any
873 costs unless such court finds such action to be frivolous, unreasonable

874 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

GAE *Joint Favorable Subst.*

APP *Joint Favorable*