



General Assembly

**Amendment**

January Session, 2023

LCO No. 8670



Offered by:

SEN. FLEXER, 29<sup>th</sup> Dist.

REP. BLUMENTHAL, 147<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1226

File No. 610

Cal. No. 364

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

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

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

13 (B) "At-large method of election" does not include any alternative

14 method of election;

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

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

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

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

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

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

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

39 (10) "Racially polarized voting" means voting in which the candidate  
40 or electoral choice preferred by protected class members diverges from  
41 the candidate or electoral choice preferred by electors who are not  
42 protected class members; and

43 (11) "Vote" or "voting" includes any action necessary to cast a ballot  
44 and make such ballot effective in any election or primary, including, but  
45 not limited to, admission as an elector, application for an absentee ballot  
46 and any other action required by law as a prerequisite to casting a ballot  
47 and having such ballot counted, canvassed or certified properly and  
48 included in the appropriate totals of votes cast with respect to  
49 candidates for election or nomination and to referendum questions.

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

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

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

68 (A) Results or will result in a disparity between such municipality's  
69 protected class members and the other members of such municipality's  
70 electorate in electoral participation, access to voting opportunities or  
71 ability to participate in the political process; or

72 (B) Based on the totality of the circumstances, results in an  
73 impairment of the opportunity or ability of such municipality's  
74 protected class members to participate in the political process and elect

75 candidates of their choice or otherwise influence the outcome of  
76 elections.

77 (b) (1) No municipality shall employ any method of election for any  
78 office of the municipality that has the effect, or is motivated in part by  
79 the intent, of impairing the opportunity or ability of protected class  
80 members to participate in the political process and elect candidates of  
81 their choice or otherwise influence the outcome of municipal elections  
82 as a result of diluting the vote of such protected class members.

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

85 (i) Any municipality that employs an at-large method of election and  
86 in which (I) racially polarized voting occurs and such at-large method  
87 of election results in a dilutive effect on the vote of protected class  
88 members, or (II) based on the totality of the circumstances, the  
89 opportunity or ability of protected class members to elect candidates of  
90 their choice or otherwise influence the outcome of elections is impaired;  
91 or

92 (ii) Any municipality that employs a district-based method of election  
93 or an alternative method of election and in which (I) racially polarized  
94 voting occurs and such district-based or alternative method of election  
95 results in a dilutive effect on the vote of protected class members, or (II)  
96 based on the totality of the circumstances, the ability of protected class  
97 members to participate in the political process and elect candidates of  
98 their choice or otherwise influence the outcome of elections is impaired.

99 (B) (i) In determining whether racially polarized voting by protected  
100 class members in a municipality occurs or whether candidates or  
101 electoral choices preferred by protected class members in a municipality  
102 would usually be defeated, the superior court for the judicial district in  
103 which such municipality is located (I) shall consider elections held prior  
104 to the filing of an action pursuant to this section as more probative than  
105 elections conducted after such filing, (II) shall consider evidence  
106 concerning elections for any municipal office in such municipality as

107 more probative than evidence concerning elections for other offices, but  
108 may still afford probative value to evidence concerning elections for  
109 such other offices, (III) shall consider statistical evidence as more  
110 probative than nonstatistical evidence, (IV) in the case of claims brought  
111 on behalf of two or more protected classes that are politically cohesive  
112 in such municipality, shall combine members of such protected classes  
113 to determine whether voting by such combined protected class  
114 members is polarized from other electors and shall not require evidence  
115 that voting by each such protected class's members is separately  
116 polarized from such other electors, and (V) shall not require evidence  
117 concerning the intent of electors, elected officials or such municipality  
118 to discriminate against protected class members.

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

125 (c) (1) In determining whether, based on the totality of the  
126 circumstances, an impairment of the right to vote for any protected class  
127 member in a municipality, or of the opportunity or ability of protected  
128 class members in a municipality to participate in the political process  
129 and elect candidates of their choice or otherwise influence the outcome  
130 of elections, has occurred, the superior court for the judicial district in  
131 which such municipality is located may consider factors that include,  
132 but are not limited to: (A) The history of discrimination in or affecting  
133 the municipality or state; (B) the extent to which protected class  
134 members have been elected to office in the municipality; (C) the use of  
135 any qualification for eligibility to be an elector or other prerequisite to  
136 voting, any statute, ordinance, regulation or other law regarding the  
137 administration of elections, or any standard, practice, procedure or  
138 policy, by the municipality that may enhance the dilutive effects of a  
139 method of election in such municipality; (D) the extent of any history of  
140 unequal access on the part of protected class members or candidates to

141 election administration or campaign finance processes that determine  
142 which candidates will receive access to the ballot or financial or other  
143 support in a given election for an office of the municipality; (E) the  
144 extent to which protected class members in the municipality or state  
145 have historically made expenditures, as defined in section 9-601b of the  
146 general statutes, at lower rates than other individuals in such  
147 municipality or state; (F) the extent to which protected class members in  
148 the municipality or state vote at lower rates than other electors in the  
149 municipality or state, as applicable; (G) the extent to which protected  
150 class members in the municipality are disadvantaged, or otherwise bear  
151 the effects of public or private discrimination, in areas that may hinder  
152 their ability to participate effectively in the political process, such as  
153 education, employment, health, criminal justice, housing,  
154 transportation, land use or environmental protection; (H) the extent to  
155 which protected class members in the municipality are disadvantaged  
156 in other areas that may hinder their ability to participate effectively in  
157 the political process; (I) the use of overt or subtle racial appeals in  
158 political campaigns in the municipality or surrounding the adoption or  
159 maintenance of a challenged practice; (J) the extent to which candidates  
160 face hostility or barriers while campaigning due to their membership in  
161 a protected class; (K) a significant or recurring lack of responsiveness on  
162 the part of elected officials of the municipality to the particularized  
163 needs of a community or communities of protected class members,  
164 except that compliance with a court order shall not be considered to be  
165 evidence of such responsiveness; and (L) whether the particular method  
166 of election, ordinance, regulation or other law regarding the  
167 administration of elections, standard, practice, procedure or policy was  
168 designed to advance, and does materially advance, a valid state interest.

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

172 (d) Any individual aggrieved by a violation of this section, any  
173 organization whose membership includes individuals aggrieved by  
174 such a violation or the Secretary of the State may file an action alleging

175 a violation of this section in the superior court for the judicial district in  
176 which such violation has occurred. Members of two or more protected  
177 classes that are politically cohesive in a municipality may jointly file  
178 such an action in such court.

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

209 does not have the purpose, and will not have the effect, of impairing the  
210 right to vote on the basis of protected class membership or in  
211 contravention of the guarantees with respect to such right that are set  
212 forth in sections 1 to 9, inclusive, of this act, provided, in any action  
213 brought pursuant to chapter 149 of the general statutes, any remedy  
214 ordered shall be consistent with the provisions of said chapter.  
215 Notwithstanding the provisions of subparagraph (M) of this  
216 subdivision, any such finding by the court shall not be a bar to any  
217 subsequent action to enjoin enforcement of such qualification,  
218 prerequisite, standard, practice or procedure.

219 (2) Such court may only order a remedy if such remedy will not  
220 impair the ability of protected class members to participate in the  
221 political process and elect their preferred candidates or otherwise  
222 influence the outcome of elections. Such court shall consider remedies  
223 proposed by any parties to an action filed pursuant to subsection (d) of  
224 this section and by other interested persons who are not such parties.  
225 The court shall not give deference or priority to a remedy proposed by  
226 a municipality simply because it has been proposed by such  
227 municipality. The court shall have authority to order that a municipality  
228 implement one or more remedies that may be inconsistent with the  
229 provisions of any municipal law or of any special act relating to the  
230 conduct of elections, where such inconsistent provisions would  
231 otherwise 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 district-based method of election  
243 or alternative method of election, the municipality shall hold at least one  
244 public hearing at which members of the public may provide input  
245 regarding such draft or proposal, including, if applicable, the  
246 composition of districts. Notice of each such hearing shall be published  
247 at least three weeks prior to the date of such hearing. In advance of each  
248 such hearing, the municipality shall conduct outreach to members of the  
249 public, including to language minority groups, to explain the districting  
250 or redistricting process and to encourage such input.

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

264 (g) (1) Prior to filing an action against a municipality pursuant to  
265 subsection (d) of this section, any party described in subsection (d) of  
266 this section shall send by certified mail, return receipt requested, a  
267 notification letter to the clerk of such municipality asserting that such  
268 municipality may be in violation of the provisions of sections 1 to 9,  
269 inclusive, of this act.

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

273 (B) Prior to receiving a notification letter, or not later than fifty days

274 after any such notification letter is sent to a municipality, the legislative  
275 body of such municipality may pass a resolution (i) affirming such  
276 municipality's intention to enact and implement a remedy for a  
277 potential violation of the provisions of sections 1 to 9, inclusive, of this  
278 act, (ii) setting forth specific measures such municipality will take to  
279 facilitate approval and implementation of such a remedy, and (iii)  
280 providing a schedule for the enactment and implementation of such a  
281 remedy. No party described in subsection (d) of this section may file an  
282 action pursuant to this section earlier than ninety days after passage of  
283 any such resolution by such legislative body.

284 (C) If, under the laws of the state or under any charter or home rule  
285 ordinance, the legislative body of a municipality lacks authority to enact  
286 or implement a remedy identified in any such resolution within ninety  
287 days after the passage of such resolution, or if such municipality is a  
288 covered jurisdiction as described in section 5 of this act, such legislative  
289 body shall take the following measures upon such passage:

290 (i) The municipality shall hold at least one public hearing on any  
291 proposal to remedy any potential violation of the provisions of sections  
292 1 to 9, inclusive, of this act, at which members of the public may provide  
293 input regarding any such proposed remedies. In advance of each such  
294 hearing, the municipality shall conduct outreach to members of the  
295 public, including to language minority groups, to encourage such input.

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

300 (iii) Notwithstanding any provision of title 9 of the general statutes  
301 and any special act, charter or home rule ordinance, the Secretary of the  
302 State shall, not later than ninety days after submission of such proposed  
303 remedy by such municipality, approve or reject such proposed remedy  
304 in accordance with the provisions of this clause. The Secretary may  
305 require that such municipality or any other party provide additional

306 information related to the submission of such proposed remedy. The  
307 Secretary may only approve such proposed remedy if the Secretary  
308 concludes (I) such municipality may be in violation of the provisions of  
309 sections 1 to 9, inclusive, of this act, (II) the proposed remedy would  
310 address any such potential violation, (III) the proposed remedy does not  
311 violate the Constitution of Connecticut or any federal law, and (IV) the  
312 proposed remedy can be implemented in a manner that will not unduly  
313 disrupt the administration of an ongoing or imminent election.

314 (iv) Notwithstanding any provision of title 9 of the general statutes  
315 and any special act, charter or home rule ordinance, if the Secretary of  
316 the State approves the proposed remedy, such proposed remedy shall  
317 be enacted and implemented immediately or, if immediate  
318 implementation would unduly disrupt the administration of an ongoing  
319 or imminent election, as soon as possible. If the municipality is a covered  
320 jurisdiction as described in section 5 of this act, such municipality shall  
321 not be required to obtain preclearance for such proposed remedy.

322 (v) If the Secretary of the State denies the proposed remedy, (I) such  
323 proposed remedy shall not be enacted or implemented, (II) the Secretary  
324 shall set forth the reasons for such denial, and (III) the Secretary may  
325 recommend another remedy that the Secretary would approve.

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.

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

338 9, inclusive, of this act or pass such a resolution and submit such  
339 resolution to the Secretary of the State. If such party declines to so enter  
340 into such an agreement, such party may file an action pursuant to this  
341 section at any time, subject to the provisions of subparagraph (A) of this  
342 subdivision.

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

368 (F) (i) Notwithstanding the provisions of this subsection, a party  
369 described in subsection (d) of this section may seek preliminary relief  
370 for a regular election held in a municipality by filing an action pursuant  
371 to this section during the one hundred twenty days prior to such regular

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

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

388 Sec. 3. (NEW) (*Effective January 1, 2024*) (a) The Secretary of the State  
389 shall establish a state-wide database of information necessary to assist  
390 the state and any municipality in (1) evaluating whether and to what  
391 extent current laws and practices related to election administration are  
392 consistent with the provisions of sections 1 to 9, inclusive, of this act, (2)  
393 implementing best practices in election administration to further the  
394 purposes of said sections, and (3) investigating any potential  
395 infringement upon the right to vote. The Secretary may enter into an  
396 agreement with The University of Connecticut or a member of the  
397 Connecticut State University System to perform or assist in performing  
398 the functions described in this section.

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

405 database and shall manage such staff as is necessary to implement and  
406 maintain such state-wide database.

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

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

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

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

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

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

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

432 (d) Except for any data, information or estimates that identify  
433 individual electors, the data, information or estimates maintained in the  
434 state-wide database shall be published on the Internet web site of the

435 office of the Secretary of the State and made publicly available in  
436 electronic format at no cost.

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

440 (f) At the time the Secretary of the State is prepared to commence  
441 administration of the state-wide database established under this section,  
442 the Secretary shall submit a report to the joint standing committee of the  
443 General Assembly having cognizance of matters relating to elections, in  
444 accordance with the provisions of section 11-4a of the general statutes,  
445 certifying such fact.

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

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

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

465 (j) In each action filed pursuant to section 2 of this act, there shall be

466 a rebuttable presumption that the data, estimates or other information  
467 maintained in the state-wide database is valid.

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

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

478 (A) More than two per cent of the citizens of voting age of such  
479 municipality speak a particular shared language other than English and  
480 are limited English proficient individuals;

481 (B) More than four thousand of the citizens of voting age of such  
482 municipality speak a particular shared language other than English and  
483 are limited English proficient individuals; or

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

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



497 (c) Not later than January 15, 2024, and at least annually thereafter,  
498 the Secretary of the State shall publish on the Internet web site of the  
499 office of the Secretary of the State a list of (1) each municipality in which  
500 assistance in voting and elections in a language other than English shall  
501 be provided, and (2) each such language in which such assistance shall  
502 be provided in each such municipality. The Secretary's determinations  
503 under this section shall be effective upon such publication. The  
504 Secretary shall distribute to each affected municipality the information  
505 contained in such list.

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

511 (e) Whenever the Secretary of the State determines, pursuant to this  
512 section, that language assistance shall be provided in a municipality,  
513 such municipality shall provide competent assistance in each  
514 designated language and shall provide related materials (1) in English,  
515 and (2) in each designated language, including registration or voting  
516 notices, forms, instructions, assistance, ballots or other materials or  
517 information relating to the electoral process, except that in the case of a  
518 language that is oral or unwritten, including historically unwritten as  
519 may be the case for some Native Americans, such municipality may  
520 provide only oral instructions, assistance or other information relating  
521 to the electoral process in such language. All materials provided in a  
522 designated language shall be of an equal quality to the corresponding  
523 English materials. All provided translations shall convey the intent and  
524 essential meaning of the original text or communication and shall not  
525 rely solely on any automatic translation service. Whenever available,  
526 language assistance shall also include live translation.

527 (f) The Secretary of the State shall adopt regulations, in accordance  
528 with the provisions of chapter 54 of the general statutes, to establish a  
529 review process under which the Secretary shall determine, upon receipt

530 of a request submitted under this subsection, whether a significant and  
531 substantial need exists in a municipality for a language to be designated  
532 for the provision of assistance in voting and elections whenever such a  
533 need has not been found under subsection (b) of this section. Such  
534 process shall include, at a minimum, (1) an opportunity for any elector,  
535 organization whose membership includes or is likely to include electors,  
536 organization whose mission would be frustrated by a municipality's  
537 failure to provide such language assistance or organization that would  
538 expend resources in order to fulfill such organization's mission as a  
539 result of such a failure, to submit a request for the Secretary to consider  
540 so designating a language in a municipality, (2) an opportunity for  
541 public comment, and (3) that, upon receipt of any such request and  
542 consideration of any such public comment, the Secretary may, in  
543 accordance with the process for making such determination, so  
544 designate any language in a municipality.

545 (g) Any individual aggrieved by a violation of this section, any  
546 organization whose membership includes individuals aggrieved by  
547 such a violation or the Secretary of the State may file an action alleging  
548 a violation of this section in the superior court for the judicial district in  
549 which such violation has occurred, except that no determination of the  
550 Secretary under this section to designate a municipality or a language  
551 for the provision of assistance shall constitute a violation of this section.

552 Sec. 5. (NEW) (*Effective January 1, 2024*) (a) In accordance with the  
553 provisions of this section, the enactment or implementation of a covered  
554 policy, as described in subsection (b) of this section, by a covered  
555 jurisdiction, as described in subsection (c) of this section, shall be subject  
556 to preclearance, as described in subsections (e) and (f) of this section, by  
557 the Secretary of the State or the superior court for the judicial district in  
558 which such covered jurisdiction is located.

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

- 562 (1) Method of election;
- 563 (2) Form of government;
- 564 (3) Annexation, incorporation, dissolution, consolidation or division  
565 of a municipality;
- 566 (4) Removal of individuals from registry lists or enrollment lists and  
567 other activities concerning any such list;
- 568 (5) Hours of any polling place, or location or number of polling places  
569 or absentee ballot drop boxes;
- 570 (6) Assignment of voting districts to polling place or absentee ballot  
571 drop box locations;
- 572 (7) Assistance offered to protected class members; or
- 573 (8) Districting or redistricting, provided the enactment or  
574 implementation of a covered policy under this subdivision shall be  
575 subject to preclearance only in a covered jurisdiction described in  
576 subparagraph (B) of subdivision (2) of subsection (c) of this section.
- 577 (c) (1) A covered jurisdiction includes:
- 578 (A) Any municipality that, within the prior twenty-five years, has  
579 been subject to any court order or government enforcement action based  
580 upon a finding of any violation of the provisions of sections 1 to 9,  
581 inclusive, of this act, the federal Voting Rights Act, any state or federal  
582 civil rights law, the fifteenth amendment to the United States  
583 Constitution or the fourteenth amendment to the United States  
584 Constitution, which violation concerns the right to vote or a pattern,  
585 practice or policy of discrimination against any protected class;
- 586 (B) Any municipality that, within the three immediately preceding  
587 years, has failed to comply with such municipality's obligations to  
588 provide data or information to the state-wide database pursuant to  
589 section 3 of this act, except that inadvertent or unavoidable delays in

590 such compliance, if communicated to the Secretary of the State and  
591 corrected within a reasonable time, shall not constitute such failure;

592 (C) Any municipality (i) that is not a school district, (ii) that contains  
593 at least one thousand eligible electors of any protected class, or in which  
594 members of any protected class constitute at least ten per cent of the  
595 eligible elector population of such municipality, and (iii) in which,  
596 during any of the prior ten years, based on data from criminal justice  
597 information systems, as defined in section 54-142q of the general  
598 statutes, the combined misdemeanor and felony arrest rate of any  
599 protected class exceeds the combined misdemeanor and felony arrest  
600 rate of the entire population of such municipality by at least twenty per  
601 cent;

602 (D) Any municipality (i) that contains at least one thousand eligible  
603 electors of any protected class, or in which members of any protected  
604 class constitute at least ten per cent of the eligible elector population of  
605 such municipality, and (ii) in which, during any of the prior ten years,  
606 the percentage of electors of any such protected class in such  
607 municipality that participated in any general election for any municipal  
608 office is at least ten percentage points lower than the percentage of all  
609 electors in the municipality that participated in such election; or

610 (E) On or after January 1, 2034, any municipality that, during any of  
611 the prior ten years, was a covered jurisdiction that was found to have  
612 enacted or implemented a covered policy for which preclearance was  
613 required without obtaining preclearance for such covered policy  
614 pursuant to the process described in subparagraph (G) of subdivision  
615 (2) of subsection (e) of this section.

616 (2) (A) A municipality that is a covered jurisdiction under subdivision  
617 (1) of this subsection shall be subject to preclearance for a covered policy  
618 described in subdivision (1), (2), (3), (4), (5), (6) or (7) of subsection (b) of  
619 this section.

620 (B) In addition to the preclearance requirement set forth in  
621 subparagraph (A) of this subdivision, a municipality that is a covered

622 jurisdiction under subdivision (1) of this subsection shall be subject to  
623 preclearance for a covered policy described in subdivision (8) of  
624 subsection (b) of this section if, within the past twenty-five years, such  
625 municipality:

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

634 (ii) Has been subject to any such court order or government  
635 enforcement action that concerns districting or redistricting or method  
636 of election.

637 (d) At least annually, the Secretary of the State shall determine which  
638 municipalities are covered jurisdictions pursuant to subsection (c) of  
639 this section and publish on the Internet web site of the office of the  
640 Secretary of the State a list of such municipalities. A determination of  
641 the Secretary as to coverage under this subsection shall be effective upon  
642 such publication and may be appealed in accordance with the  
643 provisions of chapter 54 of the general statutes. Any such appeal shall  
644 be privileged with respect to assignment for trial.

645 (e) (1) If a covered jurisdiction seeks preclearance from the Secretary  
646 of the State for the adoption or implementation of any covered policy,  
647 such covered jurisdiction shall submit, in writing, such covered policy  
648 to the Secretary and may obtain such preclearance in accordance with  
649 the provisions of this subsection.

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

652 (A) As soon as practicable but not later than ten days after such

653 receipt, the Secretary shall publish on the Internet web site of the office  
654 of the Secretary of the State such submission of a covered policy.

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

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

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

677 (E) In any such determination, the Secretary shall state in writing  
678 whether the Secretary is approving or rejecting the covered policy,  
679 provided the Secretary may designate preclearance as "preliminary" and  
680 subsequently approve or deny final preclearance not later than ninety  
681 days after receipt of submission of such covered policy. A covered  
682 policy for which preclearance is designated as "preliminary" may be  
683 implemented on an interim basis, subject to the Secretary's subsequent  
684 determination.

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

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

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

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

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

708 (i) For any covered policy concerning the location of polling places or  
709 absentee ballot drop boxes, (I) the time period for public comment shall  
710 be ten business days, and (II) the time period in which the Secretary shall  
711 review the covered policy, including any public comment thereon, and  
712 make a determination to grant or deny preclearance to such covered  
713 policy, shall be not more than thirty days after the receipt of the  
714 submission of such covered policy, except that the Secretary may invoke  
715 an extension of not more than twenty days to make any determination  
716 under subparagraph (I)(i)(II) of this subdivision; and

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

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

740 (K) Any denial of preclearance under this subdivision may be  
741 appealed in accordance with the provisions of chapter 54 of the general  
742 statutes. Any such appeal shall be privileged with respect to assignment  
743 for trial.

744 (f) (1) If a covered jurisdiction seeks preclearance from the superior  
745 court for the judicial district in which such covered jurisdiction is  
746 located for the adoption or implementation of any covered policy, in lieu  
747 of seeking such preclearance from the Secretary of the State pursuant to  
748 subsection (e) of this section, such covered jurisdiction shall submit, in  
749 writing, such covered policy to such court and may obtain such



750 preclearance in accordance with the provisions of this subsection,  
751 provided (A) such covered jurisdiction shall also contemporaneously  
752 transmit to the Secretary of the State a copy of such submission, and (B)  
753 failure to so provide such copy shall result in an automatic denial of  
754 such preclearance. Notwithstanding the transmission to the Secretary of  
755 a copy of any such submission, the court shall exercise exclusive  
756 jurisdiction over such submission. The covered jurisdiction shall bear  
757 the burden of proof in the court's determination as to preclearance.

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

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

767 (4) If the court grants preclearance to such covered policy, the covered  
768 jurisdiction may immediately enact or implement such covered policy.  
769 A determination by the court to grant preclearance to a covered policy  
770 shall not be admissible in, or otherwise considered by, a court in any  
771 subsequent action challenging such covered policy.

772 (5) If the court denies preclearance to a covered policy, or fails to  
773 make a determination within ninety days of receipt of submission of  
774 such covered policy, such covered policy shall not be enacted or  
775 implemented.

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

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

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

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

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

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

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

810 (3) Any person who obstructs, impedes or otherwise interferes with  
811 access to any polling place or absentee ballot drop box or any office or

812 place of business of an election official or who obstructs, impedes or  
813 otherwise interferes with any elector or election official in a manner that  
814 causes or will reasonably have the effect of causing interference with  
815 any elector's right to vote or any delay in voting or the voting process.

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

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

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

835 (2) Any person who violates the provisions of this section, or who  
836 aids in the violation of any of such provisions, shall be liable for any  
837 damages awarded by such court, including, but not limited to, nominal  
838 damages for any such violation and compensatory or punitive damages  
839 for any such wilful violation.

840 Sec. 7. (NEW) (*Effective July 1, 2023*) Any provision of the general  
841 statutes, regulation adopted thereunder, special act, charter, home rule  
842 ordinance or other state or municipal enactment relating to the right to  
843 vote shall be construed liberally in favor of (1) protecting the right to

844 cast a ballot and make such ballot effective, (2) ensuring that qualified  
 845 individuals seeking to be admitted as electors are not impaired in being  
 846 so admitted, (3) ensuring electors are not impaired in voting, including,  
 847 but not limited to, having their votes counted, (4) making the  
 848 fundamental right to vote more accessible to qualified individuals, and  
 849 (5) ensuring equitable access for protected class members to  
 850 opportunities to be admitted as electors and to vote.

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

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

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Sec. 5	<i>January 1, 2024</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