

## Election Day Registration

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### Issue

Summarize Connecticut's election day registration (EDR) law, as amended by [PA 20-3, July Special Session \(JSS\)](#). This report updates OLR Report [2016-R-0266](#).

### Summary

Connecticut's EDR law authorizes eligible individuals to register to vote and cast a ballot on election day (i.e., the day of a regular state or municipal election). It establishes EDR procedures and requirements covering, among other things:

1. EDR locations and officials,
2. application procedures and identification requirements,
3. eligibility and eligibility verification,
4. EDR hours,
5. voting and ballot counting procedures, and
6. registration confirmation procedures ([CGS § 9-19j](#), as amended by [PA 20-3, JSS](#) (§§ 9-10)).

Individuals who are admitted as electors under EDR but whose registrations are not processed until after 8:00 p.m. may vote as long as they were in line for EDR by 8:00 p.m. ([CGS § 9-19j\(d\)](#) and [9-174](#), as amended by [PA 20-3, JSS](#) (§§ 9-10)). By law, municipal election officials may use the Connecticut Online Voter Registration System to register EDR applicants ([CGS § 9-19k](#)).

## **Location and Officials**

Connecticut's EDR law requires each municipality's registrars of voters to certify to the secretary of the state at least one location in the municipality for completing and processing EDR applications ([CGS § 9-19j\(c\)](#), as amended by [PA 20-3, JSS](#) (§ 9)). Registrars may appoint election officials to serve at the EDR location and delegate any of their responsibilities to them. The registrars must train and supervise officials whom they appoint.

An EDR location must be one where registrars can electronically access the statewide centralized voter registration system (CVRS) and, according to [October 2016 guidance](#) from the Office of the Secretary of the State (SOTS), obtain real-time information. Previously downloaded data is insufficient.

The law prohibits the same activities in or near EDR locations as it prohibits in or near regular polling places. This means no one can be within 75 feet of the entrance to the EDR location or in any hallway or other approach to it to solicit support for, or opposition to, a candidate or ballot question; loiter; peddle; or offer advertising material or circulars ([CGS § 9-19j\(i\)](#)).

According to SOTS, however, EDR locations are not considered regular polling places, and members of the public are not prohibited from entering the building to report to work or conduct other town business. EDR locations cannot be within a polling place, but they may be in the same building if there is adequate physical separation between the two locations.

### ***Location Certification***

Registrars of voters must certify, in writing, at least one EDR location to the secretary of the state no later than 31 days before election day ([CGS § 9-19j\(c\)](#), as amended by [PA 20-3, JSS](#) (§ 9)). The certification must:

1. include the name, street address, and relevant contact information for the location;
2. list the name and address of any election official appointed to serve there;
3. describe the location's design; and
4. provide a plan to effectively complete and process EDR applications.

The secretary must approve or disapprove the certification no later than 15 days before election day. She may require the registrars to appoint additional election officials or alter the design or plan.

## ***Optional Additional Locations***

Registrars of voters may apply to the secretary of the state, in a form and manner she prescribes, to designate additional EDR locations ([CGS § 9-19j\(c\)](#), as amended by [PA 20-3, JSS](#) (§ 9)). If doing so, registrars must apply at least 60 days before election day, and the secretary must approve or disapprove the application no later than 45 days before the election. Any additional EDR location must (1) have CVRS access and (2) comply with the above certification requirements.

## **Eligibility**

Under Connecticut's EDR law, individuals may register and vote on Election Day if they meet the eligibility requirements for voting in Connecticut and are not already electors. Individuals who are registered in a municipality where they previously resided may use EDR to change their registration to the municipality where they currently reside ([CGS § 9-19j\(b\)](#)). By law, an individual is generally eligible to register and vote if he or she is (1) a U.S. citizen, (2) age 18 or older, and (3) a bona fide resident of the municipality in which he or she applies for admission as an elector ([CGS § 9-12](#)).

## **Application Procedures and Identification Requirements**

Applicants must appear in person at the designated EDR location and declare under oath (by signing the certification on the EDR envelope) that they have not previously voted in the election. They must complete the voter registration form and provide the same information the law requires from anyone registering to vote. This means they must provide their birth certificate, driver's license, or Social Security card. Applicants who do not have one of these forms of identification (ID) may prove their identity under the testimony of another elector or by presenting other satisfactory proof to the registrars. The law allows college and university students to instead present a current photo ID issued by their higher education institution ([CGS § 9-19j\(d\)](#)).

If an applicant's information does not include proof of residential address, he or she must also submit another form of ID showing the address. The additional ID may include a motor vehicle learner's permit; utility bill due no later than 30 days after the election; lease; library card; paycheck; property tax bill; naturalization documents; recent passport; or, for a college or university student, a current college or university registration or fee statement.

## **Verifying Eligibility**

Registrars of voters must check the statewide CVRS before admitting an applicant as an elector ([CGS § 9-19j\(e\)](#)).

### ***Applicant Not Listed in the CVRS***

Registrars must admit an applicant who they determine is qualified to register, has not already voted, and is not listed in the CVRS. The individual's electoral privileges attach immediately.

### ***Applicant Listed in the CVRS***

If registrars determine that an applicant is registered in another municipality but wants to change the registration location (because of a change in residence), they must immediately notify the registrars in the municipality where the applicant is currently registered. To facilitate this process, SOTS guidance recommends that municipalities provide a dedicated telephone for each moderator at each polling place.

If the applicant has not already voted, election officials in the previous municipality cross through the elector's name on the registry list and mark "off" next to it. The individual's electoral privileges transfer to the new municipality immediately.

If the applicant has already voted in the other municipality, the registrars of that municipality must immediately notify the registrars of the municipality where the individual wants to register. The registrars must deny the applicant a ballot, cease the registration process, and review the matter. If the matter cannot be resolved on review, the registrars must report it to the State Elections Enforcement Commission for investigation.

### ***Best Efforts to Communicate***

According to the SOTS October 2016 guidance, registrars should use their best efforts to contact the municipality where the applicant previously resided. This includes making at least two telephone inquiries within a five- to 10-minute period. SOTS also requires registrars to track EDR ballots and telephone inquiries using its prescribed Election Day Ballot Log.

If the registrars receive two busy signals or are unable to contact the previous municipality within the five- to 10-minute timeframe, the EDR process continues. According to SOTS guidance, an applicant should receive a ballot despite a communication delay with his or her previous municipality. In such a case, the registrars must ensure that the ballot is not transmitted to the counting moderator until they receive communication from the previous municipality or until after 8:00 p.m., whichever is earlier. If the registrars receive no communication from the previous municipality, they deliver the ballot for counting. (Per SOTS guidance, the municipal "call-back" requirement is limited to circumstances when an EDR applicant cast a vote in the previous municipality.)

## EDR Hours

The law allows individuals who are admitted as electors under EDR but whose registrations are not processed until after 8:00 p.m. to vote as long as they were in line by 8:00 p.m. ([CGS § 9-19j\(d\)](#) and [9-174](#), as amended by [PA 20-3, JSS](#) (§§ 9-10)). By law, individuals admitted as electors before the day of an election may vote if they are in the line at their polling place by 8:00 p.m.

Moderators must designate a municipal police officer or election official to mark the end of the EDR line, starting at 8:00 p.m., to stop individuals from entering the line after that time. The law establishes the same requirement for non-EDR lines at polling places.

## Voting Procedures

After admitting an applicant as an elector, registrars of voters must give that individual an EDR ballot and record its issuance. The elector must (1) declare under oath that he or she did not previously vote in the election and (2) sign an affirmation on the back of the envelope under penalty of “false statement (perjury).” By signing the affirmation, the newly admitted elector certifies that, among other things, he or she provided correct and complete information and is eligible to vote.

The elector secretly marks the ballot in the presence of the election officials, places it in the EDR envelope, and deposits the envelope in a secure depository receptacle ([CGS § 9-19j\(f\) & \(g\)](#)).

## Counting Procedures

The procedures relating to the custody, control, and counting of absentee ballots apply as nearly as possible to the custody, control, and counting of EDR ballots ([CGS § 9-19j\(h\)](#)). Among other things, this means that at the time designated by registrars and noticed to election officials, registrars must transport the ballots to the same central location or polling place where absentee ballots are counted. (In central counting locations, a separate tabulator may be used for EDR ballots, according to SOTS.)

According to SOTS guidance, election officials must document the delivery of the ballots using the prescribed *Affidavit of Delivery and Receipt of EDR Ballots* form. In addition, by law:

1. the election officials present at the absentee ballot counting location count the EDR ballots;
2. a section of the head moderator’s return must show the number of EDR ballots cast;

3. the registrars must seal a copy of the EDR Tally Sheet in the depository envelope with the ballots and store the envelope with the other election results materials; and
4. the registrars must preserve the EDR envelope for 180 days after the election, the same period of time the law requires other counted ballots to be preserved.

According to SOTS, registrars must also ensure that the numbers of EDR applications received and ballots issued match. They can accomplish this by using the *Election Day Ballot Log*, *CVRS – Monthly Change Detail Report*, or hand counting.

## Registration Confirmation Procedures

Registrars of voters must immediately send a letter of acceptance by first-class mail to the residential address of each EDR applicant they admit. If the letter is returned as undelivered, the registrars must take other actions required by law to verify the address. However, they must take these actions immediately and cannot wait until the May 1 deadline that otherwise applies to verifying names on the registry list. If the address cannot be verified, registrars must place the elector's name on the inactive list and remove it after four years, unless during this period the elector applies for restoration to the active list or votes ([CGS § 9-19j\(i\)](#)). (For more information on removing names from the voter registry list, see OLR Report [2016-R-0079](#).)

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