



Susan Bysiewicz  
SECRETARY OF THE STATE  
CONNECTICUT

September 28, 2005

As the Chief Elections Officer for the State of Connecticut, I am writing this letter of inquiry and invitation to all vendors on the most recent NASED Certification listing. The purpose of this letter is not to solicit bids or proposals for any voting equipment but to gather information regarding any optical scan voting technology that your company may possess. I must be very clear that this letter does not constitute a request for proposal or bid from your company and is merely a letter of inquiry and an invitation for submittal of your technology for State of Connecticut Certification.

As you may be aware, almost all of Connecticut's 169 towns currently use lever-voting systems to conduct our elections, primaries and referenda. In addition, you may also be aware that the United States Election Assistance Commission ("EAC") has recently issued guidance that appears to disqualify from use, lever-voting systems for the 2006 federal elections. As such, I must begin to explore additional options for the replacement of our lever voting systems.

Therefore, enclosed with this letter you will find all of the relevant qualifications that your optical scan voting equipment must satisfy to be certified for use in the State of Connecticut. Unlike many other states, the State of Connecticut requires that all voting systems must be certified by both the State of Connecticut and NASED (or equivalent certification recognized by the EAC) before the equipment can be used for any elections, primaries or referenda in the State of Connecticut. As such, I have provided the following documentation:

Connecticut Constitution (Art. XXIV of Amendments)

- Connecticut General Statutes §§9-241, 9-242, 9-242a, 9-249b, 9-250, 9-250a, 9-253, 9-437, 9-470 and 9-472
- Connecticut Regulations relating to the Approval of Voting Machines (Conn. Regs 9-241-1 to 36)
- Connecticut Regulations relating to the Use of Marksense Voting Machines
- Electronic Voting Machines – Connecticut Application Process (DRE, P&M) [informational], and
- Connecticut Public Act 05-188 An Act Concerning Voter Registration, Certain Nominating Procedures, Campaign Accountability, A Voter Guide, Push Polling and Electronic Voting Machines.

May I point out that Connecticut General Statutes §9-250 requires that the names of the political parties be arranged on the machines, *either in columns or horizontal rows immediately adjacent to the column or row occupied by the candidates of such party.* This means that on one screen or ballot the voter must see at least 9 party rows and 15 to 30 columns of candidates, with the candidates of a party appearing on the row of the appropriate party to the right of the party name.

It is clear that the statute does not allow a “vote by office” ballot set-up but requires a single column for the names of the political parties and for the names of the candidates to be listed immediately adjacent thereto. This has been the standard ballot language in the State of Connecticut since the 1930’s and was drafted to reflect a ballot layout identical to that of the current lever voting machines and as such, requires a “full face” ballot layout.

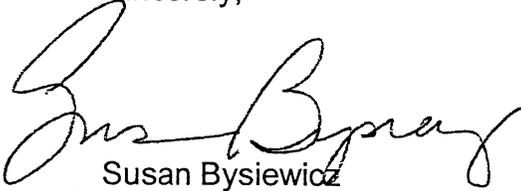
May I also point out that Connecticut Public Act 05-188 requires that any optical scan voting equipment approved for use after July 2005 must first be certified to meet the voluntary performance and test standards for voting systems adopted by the Election Assistance Commission (i.e. the 2002 voting system standards). This requirement applies to *any* optical scan voting equipment approved for use after July 2005 that is presented for use in the State of Connecticut independently *or as part of a overall voting system.*

If you feel that the technology produced by your company meets all of the above referenced standards, I respectfully request that you submit the documentation necessary to establish that your voting system does in fact comply with such standards. In addition, I would also request that you submit information on the availability of your voting system and the ability of your company to supply the State of Connecticut with approximately 2,200 machines to meet the HAVA deadline on or about January 1, 2006.

If I have not received a response from your company by October 15, 2005, I will assume that the optical scan technology available through your company does not meet the minimum standards for certification in the State of Connecticut.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Bysiewicz".

Susan Bysiewicz  
Secretary of the State

Enclosures

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Article XXIV of the Amendments to the Connecticut Constitution

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ARTICLE XXIV

(Party lever prohibited.)

Section 5 of article sixth of the constitution is amended to read as follows: In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. No voting machine or device used at any state or local election shall be equipped with a straight ticket device. The right of secret voting shall be preserved.

Adopted November 19, 1986.

**9-241 Section text**  
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Sec.9-241. Examination and approval of machines by secretary. Subsequent alteration made by voting machine companies. Use of hole-punch voting machines prohibited. Regulations. Any person owning or holding an interest in any voting machine, as defined in subsection (w) of section 9-1, may apply to the Secretary of the State to examine such machine and report on its accuracy and efficiency. The Secretary of the State shall examine the machine and determine whether, in the Secretary's opinion, the kind of machine so examined meets the requirements of section 9-242 and can be used at elections, primaries and referenda held pursuant to this title. If the Secretary of the State determines that the machine can be so used, such machine may be adopted for such use. No machine not so approved shall be so used. Each application shall be accompanied by a fee of one hundred dollars and the Secretary of the State shall not approve any machine until such fee and the expenses incurred by the Secretary in making the examination have been paid by the person making such application. Any voting machine company that has had its voting machine approved and that subsequently alters such machine in any way shall provide the Secretary of the State with notice of such alterations, including a description thereof and a statement of the purpose of such alterations. If any such alterations appear to materially affect the accuracy, appearance or efficiency of the machine, or modify the machine so that it can no longer be used at elections, primaries or referenda held pursuant to this title, at the discretion of the Secretary of the State, the company shall submit such alterations for inspection and approval, at its own expense, before such altered machines may be used. The Secretary of the State may adopt regulations in accordance with the provisions of chapter 54 concerning examination and approval of voting machines under this section. No voting machine that records votes by means of holes punched in designated voting response locations may be approved or used at any election, primary or referendum held pursuant to this title.

**9-242 Section text**  
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Sec.9-242. Construction requirements. (a) A voting machine approved by the Secretary of the State shall be so constructed as to provide facilities for voting for the candidates of at least nine different parties or organizations. It shall permit voting in absolute secrecy. It shall be provided with a lock by means of which any illegal movement of the voting or registering mechanism is absolutely prevented. Such machine shall be so constructed that an elector cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote.

(b) It shall be so constructed as to prevent an elector from voting for more than one person for the same office, except when he is lawfully entitled to vote for more than one person for that office, and it shall afford him an opportunity to vote for only as many persons for that office as he is by law entitled to vote for, at the same time preventing his voting for the same person twice. It shall be so constructed that all votes cast will be registered or recorded by the machine.

(c) Notwithstanding the provisions of subsection (b), the Secretary of the State may approve a voting machine which requires the elector in the polls to place his ballot into the recording device and which meets the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and regulations which the Secretary of the State may adopt in accordance with the provisions of chapter 54, provided the voting machine shall (1) warn the elector of overvotes, (2) not record overvotes and (3) not record more than one vote of an elector for the same person for an office.

**9-242a Section text**  
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Sec.9-242a. Regulations concerning use of voting machines. Notwithstanding any provision of the general statutes to the contrary, in the event that the Secretary of the State approves for use, in the manner provided by section 9-241, a kind of voting machine not so approved on January 1, 1985, said secretary shall adopt such regulations as may be necessary for the use of such machine, including but not limited to regulations for adjustment of such machine in preparation for voting, process of voting, canvass of votes cast, and certifications.

**9-249b Section text**  
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Sec.9-249b. Arrangement of ballot labels when more than nine party designations and petitioning candidate rows. (a) If, after applying the provisions of sections 9-249a and 9-453r, the number of party designations and petitioning candidate rows on the ballot exceeds nine, the Secretary of the State may authorize (1) two or more party designations and petitioning candidates to appear on the same row of the voting machines, beginning with the ninth row on the voting machines and, if necessary, then moving up one or more rows, (2) that an office take two or more columns on the voting machines and (3) that the party designation, or an abbreviation of it, be repeated on the ballot.

(b) Notwithstanding any provision of section 9-135a to the contrary, the secretary may prescribe that the provisions of subsection (a) of this section shall not apply to the absentee ballot.

**9-250 Section text**  
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Sec.9-250. Form of ballot labels. Ballot labels shall be printed in black ink, in plain clear type, and on clear white material of such size as will fit the machine, and shall be furnished by the municipal clerk. The size and style of the type used to print the name of a political party on a ballot label shall be identical with the size and style of the type used to print the names of all other political parties appearing on such ballot label. The name of each major party candidate for a municipal office, as defined in section 9-372, except for the municipal offices of state senator and state representative, shall appear on the ballot label as it appears on the registry list of the candidate's town of voting residence, except as provided in section 9-42a. The name of each major party candidate for a state or district office, as defined in section 9-372, or for the municipal office of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, subsection (b) of section 9-391, or section 9-400 or 9-409. The name of each minor party candidate shall appear on the ballot label as it appears on the registry list in accordance with the provisions of section 9-452. The name of each nominating petition candidate shall appear on the ballot as it is verified by the town clerk on the application filed under section 9-453b. The size and style of the type used to print the name of a candidate on a ballot label shall be identical with the size and style of the type used to print the names of all other candidates appearing on such ballot label. Such ballot labels shall contain the names of the offices and the names of the candidates arranged thereon. Three complete sets of such ballot labels printed on cardboard shall be furnished by the municipal clerk for each machine to be used in the election. The names of the political parties and party designations shall be arranged on the machines, either in columns or horizontal rows as set forth in section 9-249a, immediately adjacent to the column or row occupied by the candidate or candidates of such political party or organization. When two or more candidates are to be elected to the same office, the ballot label shall be printed in such manner as to indicate that the elector may vote for any two or such other number as he is entitled to vote for, provided in the case of a town adopting the provisions of section 9-204a, such ballot label shall indicate the maximum number of candidates who may be elected to such office from any party. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be printed on the official ballot as a part of the title of the office. If, at any election, one candidate is to be elected for a full term and another to fill a vacancy, the official ballot containing the names of the candidates in the foregoing order shall, as a part of the title of the office, designate the term which such candidates are severally nominated to fill. No column, under the name of any political party or independent organization, shall be printed on any official ballot, which contains more candidates for any office than the number for which an elector may vote for that office. The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast for such position.

**9-250a Section text**  
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Sec.9-250a. Blank space where party fails to nominate. When a political party has failed to nominate a candidate for any office for which it is entitled to make such nomination, the space on the ballot label in which the name of the party's candidate would appear shall be left blank.

**9-253 Section text**  
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Sec.9-253. Order of names of party nominees for multiple-opening office determined by lot. Order when candidate nominated by more than one party. When a major or minor party is entitled to nominate two or more candidates for a particular office, the order of the names of its candidates for such office appearing on the voting machine ballot label shall be determined by the registrars of voters by lot in a ceremony which shall be open to the public, except as hereinafter provided. When such a candidate is nominated for the same office by more than one party, his name shall appear on each appropriate row on the voting machine ballot label in the same column in which it appears under the foregoing provision in either (1) the party row of the party with which he is enrolled or (2) the first party row on which his name is to appear if such candidate is an unaffiliated elector. The registrars of voters shall provide at least five days' public notice for each ceremony held under this section. The ballot order of nominating petition candidates for multiple-opening offices shall be as prescribed in section 9-453r.

**09--00--0437---K Section text  
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Sec. 9-437. Form of ballot label. Position of candidates' names on ballot. Sample ballot labels. Voting instructions and information. (a) At the top of each ballot label shall be printed the name of the party holding the primary, and each ballot label shall contain the names of all candidates to be voted upon at such primary, except the names of justices of the peace. The vertical columns shall be headed by the designation of the office or position and instructions as to the number for which an elector may vote for such office or position, in the same manner as a ballot label used in a regular election. The name of each candidate for town committee or municipal office, except for the municipal offices of state senator and state representative, shall appear on the ballot label as it appears on the registry list of such candidate's town of voting residence, except as provided in section 9-42a. The name of each candidate for state or district office or for the municipal offices of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, 9-391, 9-400 or 9-409. On the first horizontal line, below the designation of the office or position in each column, shall be placed the name of the party-endorsed candidate for such office or position, such name to be marked with an asterisk; provided, where more than one person may be voted for for any office or position, the names of the party-endorsed candidates shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines. In the case of no party endorsement there shall be inserted the designation "no party endorsement" at the head of the vertical column, immediately beneath the designation of the office or position. On the horizontal lines below the line for party-endorsed candidates shall be placed, in the appropriate columns, the names of all other candidates as hereinafter provided.

(b) (1) In the case of two or more such candidates for the same state or district office, precedence as to row shall be determined by the alphabetical order of the surnames of such candidates, except as provided under subdivision (2) of this subsection. (2) If a single certificate or a single petition has been filed under subsection (a) of section 9-400 on behalf of two or more candidates and proposing one candidate for each state office to be contested at such primary, a single row shall be used for the names of such candidates and precedence as to row between such certificates and petitions shall be determined by the Secretary of the State by lot in a ceremony which shall be open to the public. The names of all other candidates for state office shall be placed in the appropriate columns in alphabetical order on the rows below the row or rows used for candidates whose names are contained in such a single certificate,

certificates, single petition or petitions.

(c) Whenever the position of candidates or slates on the ballot label under the provisions of this section is affected by the time or order of filing of primary petitions, and the registrar of voters certifies in writing to the town clerk that (1) two or more of the petitions to which such provisions apply were filed simultaneously or (2) he is unable to determine the time or order of filing of two or more such petitions, then for purposes of this section the order of filing of the petitions specified in the registrar's certification shall be determined by the town clerk by lot in a ceremony which shall be open to the public.

(d) In the case of candidates for municipal office, a single row shall be used for the candidates whose names are contained in one primary petition, provided such petition proposes at least two candidates and the full number of candidates for each office to be contested at such primary as the party may nominate or choose thereat, precedence as to row being given to the candidates whose names appear in the first such petition filed, and so on in descending order.

(e) The names of candidates for town committee members which are contained in one primary petition shall be placed in a separate row, precedence as to row being given to the candidates whose names appear in petitions in the order determined in accordance with this subsection. Petitions filed by nine o'clock a.m. on the first business day following the day on which petitions become available shall be given precedence as to row based on the number of valid signatures filed, in descending order from the greatest to the least. Petitions filed after nine o'clock a.m. on the first business day following the day on which petitions become available shall be given precedence as to row based on the order in which they are filed, if such petitions are filed during the regular business hours of the office of the registrars of voters or during any different hours for said office required under the general statutes. Such order of precedence shall be determined separately for petitions proposing the full number of candidates which the party may choose at the primary and for petitions proposing fewer than such full number of candidates, and provided further that petitions proposing such full number of candidates shall have precedence as to row over petitions proposing fewer than such full number of candidates.

(f) Within such row or rows for those whose names are contained in one primary petition, where more than one person may be voted for any municipal office or position, such names shall be arranged in alphabetical order from left to right under the appropriate municipal office or position designation. The names of all other candidates shall be placed in the appropriate columns in alphabetical order on the horizontal lines below the line or lines used for candidates

whose names are contained in one primary petition, if any; provided where more than one person may be voted for for any office or position, such names shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines.

(g) The name of each candidate shall appear on the ballot label in such position as is hereinbefore required, and such position shall be determined as of the final time for filing candidacies specified in section 9-400 or 9-405. Vacancies in candidacies thereafter occurring shall not cause the position of any candidate's name on the ballot label to be changed to another position. The name of any candidate whose candidacy has been vacated shall not appear on the ballot label. The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast for such position. If such a vacancy results in the cancellation of a primary for any office, the office column or columns where the names of the candidates and the title of the office would have appeared if the primary for that office had not been cancelled shall be left blank. If a vacancy occurs in a party-endorsed candidacy and a person is chosen in accordance with section 9-426 or 9-428 to fill the resulting vacancy in candidacy, the name of the person so chosen shall appear in the same position as that in which the name of the vacating candidate appeared. The municipal clerk shall have the ballot label prepared so that the name of any candidate who has vacated his candidacy is deleted and so that the name of any candidate chosen to fill a vacancy in candidacy appears in the same position as that in which the vacated candidacy appeared. The municipal clerk may use blank or printed stickers, as the case may be, in preparing the ballot labels if the ballot labels were printed before the occurrence of the vacancy in candidacy or the selection of a candidate to fill a vacancy in candidacy. The order of the offices and positions shall be as prescribed by the Secretary of the State.

(h) The names of candidates for election as justices of the peace shall not appear on the ballot label. A single vertical column shall be used for all the candidates for election to the office of justice the peace of a particular town. The vertical column used for justices of the peace shall be headed by the words "justices of the peace". On the first horizontal line in the vertical column used for justice of the peace shall be placed the words "party-endorsed slate". On the second and succeeding horizontal lines, in the order of the time of filing, shall be placed the words "challenge slate", preceded, in quotation marks, by the letter designating such line. The municipal clerk shall prepare a list of the names of all candidates on each slate for election as justices of the peace, including the complete ballot label designation of each such slate as provided in this subsection, which shall be posted in the polling places by each moderator for the inspection of the electors prior to voting.

(i) The names of candidates for nomination to any elective office or for election as members of a town committee, as the case may be, shall be separated from each other by a light line, but shall not be separated from each other on the ballot label by names of candidates for any other office or position or by columns used for any other office or position; and the column or columns used for each office or position shall be separated from the columns used for other offices or positions by a heavy line.

(j) All ballot labels used at a primary shall be prepared by the clerk of the municipality in which such primary is held and shall be printed at the expense of the municipality. Each municipality shall provide for all polling places:

(1) At least forty-eight hours before the primary, such clerk shall have sample ballot labels for general distribution, which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on the day of the primary or that portion thereof that will contain the offices or positions and names of candidates to be voted upon. Each such sample ballot label shall also include printed instructions approved by the Secretary of the State concerning the use of the voting machine and information concerning the date of the primary and the hours during which polling places will be open. Such clerk shall have available for distribution such number of sample ballot labels as he deems advisable, but in no event less than three which shall be posted inside the polling place so as to be visible to those within the polling place during the whole day of the primary. At least one of such sample ballot labels shall be posted so as to be visible to an elector being instructed on the demonstrator or spare voting machine, pursuant to section 9-260. If paper ballots are used in any primary, such sample paper ballots shall be overprinted with the word "Sample";

(2) Instructions on how to cast a provisional ballot, as prescribed by the Secretary of the State;

(3) Instructions for mail-in registrants and first-time voters who register to vote by mail on or after January 1, 2003, as prescribed by the Secretary of the State;

(4) General information concerning voting rights under federal and Connecticut laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if such rights are alleged to have been violated, as prescribed by the Secretary of the State; and

(5) General information on federal and state laws concerning prohibitions on acts of fraud and misrepresentation, as prescribed by the Secretary of the State.

(k) When unaffiliated electors are authorized under section 9-431 to vote for some but not all offices to be contested at a primary, (1) separate voting machines shall be used for the unaffiliated electors in a voting district, (2) the ballot label shall indicate that it is a partial ballot for unaffiliated electors, (3) the ballot label shall contain only the offices and names of candidates for which such electors may vote, with blank columns left wherever necessary to assure that each candidate's position is the same as on the full ballot for such primary in the voting district and (4) three sample ballot labels showing such partial ballot shall also be posted inside the polling place so as to be visible to such unaffiliated electors.

**9-438 Section text**  
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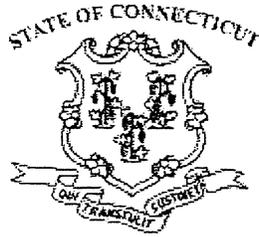
Sec.9-438. Hours and places of voting. In each municipality or voting district, the polling places for primaries held under sections 9-382 to 9-450, inclusive, shall be the same as those used for the election to be held. When unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, both parties shall hold their primaries in the same room of each such polling place. On the day of the primary, the polls shall remain open for voting from six o'clock a.m. until eight o'clock p.m.

**9-470 Section text**  
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Sec.9-470. Order of candidate names on ballot. The secretary shall determine by lot, in a public ceremony held on the thirty-fifth day preceding the day of the primary, the order in which the names of the candidates will appear on the ballot of each party at such primary; provided that the category "uncommitted" shall appear last on such ballots. Notwithstanding any provision of the general statutes to the contrary, no candidate shall be designated on the ballot as the party-endorsed candidate. The names of such candidates shall appear, in the order so determined by the secretary, in the first vertical column of the voting machine. Such column shall be designated "Nomination for President of the United States"; provided if the number of candidates is such that there is an insufficient number of places in such column, the secretary shall determine whether the names of the candidates shall also extend, in the order so determined, to the second and succeeding columns as may be necessary, or shall appear on the first and succeeding horizontal rows as may be necessary. Such columns or rows shall be designated as hereinabove provided. Except as otherwise provided in this chapter, the form of the ballot shall be prescribed by the secretary and shall conform, as nearly as may be, to the provisions of section 9-437.

**9-472 Section text  
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Sec.9-472. Vacancy on ballot due to candidate death. If, after determination of the order of candidates on the ballot, a candidate dies, his name shall not appear on such ballot; provided that the position of each remaining candidate on the ballot shall not be altered by the deletion of such name. The voting machine candidate pointer over any blank space on the ballot resulting from the deletion of such name shall be locked so that no vote shall be registered for such position. The secretary may authorize the use of blank stickers on the ballot by town clerks in order to comply with the provisions of this section.



**Substitute Senate Bill No. 55**

**Public Act No. 05-188**

**AN ACT CONCERNING VOTER REGISTRATION, CERTAIN NOMINATING PROCEDURES, CAMPAIGN ACCOUNTABILITY, A VOTER GUIDE, PUSH POLLING AND ELECTRONIC VOTING MACHINES.**

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

Section 1. (NEW) (*Effective July 1, 2005*) The Secretary of the State, within available appropriations and in consultation with registrars of voters and nonprofit organizations promoting voter registration, shall provide or arrange for voter registration services for new citizens at each naturalization ceremony held in the state by the federal Bureau of Citizenship and Immigration Services for twenty-five or more new citizens.

Sec. 2. Subsection (a) of section 9-23r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or after January 1, 2003, any person who is applying, by mail, to register to vote for the first time in this state may submit as part of such voter registration application: (1) A copy of a current and valid photo identification, (2) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter, (3) a valid Connecticut motor vehicle operator's license number, or (4) the last four digits of the individual's Social Security number. Members of the armed forces and persons entitled to use the federal post card application for absentee ballots under section 9-153a are not required to provide identification when registering by mail. No information submitted as part of a voter registration application under this subsection shall be subject to disclosure under the Freedom of Information Act pursuant to chapter 14, except for the name, address, date of birth and telephone number of the applicant.

Sec. 3. Subdivision (1) of section 9-450 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(1) In the case of nominations for representatives in Congress and judges of probate in probate districts composed of two or more towns, provided for in sections 9-212 and 9-218, if the writs of election are issued by the Governor on or before the twenty-first day of May in an even-numbered year and the election is to be held on the day of the state election in such year, the state central committee or other authority of each party shall, not later than the twenty-

fourth day of May in such year, publish notice of the date for the selection of delegates to the state or district convention to designate the party-endorsed candidate for the office to be filled. Such selection shall be made not earlier than the fifty-sixth day after publication of such notice and not later than the fifth day before the convention. If such writs of election are issued after the twenty-first day of May in such year, or if the election is to be held on any day other than the day of the state election, the day scheduled for the election shall be not earlier than the ninety-first day following the day on which such writs of election are issued. The state central committee or other authority of each party shall, not later than the eighty-fourth day preceding the day of the election, publish notice of the day for the selection of delegates to the state or district convention to designate the party-endorsed candidate for the office to be filled, which day shall be not earlier than the twenty-eighth day following such publication and not later than the fifty-sixth day preceding the day of the election. The selected delegates to such convention shall be certified to the town clerks not later than the twenty-first day preceding the day of such primary. The state or district convention shall be convened not earlier than the fifth day following such primary and closed not later than the forty-ninth day preceding the day of the election. Contesting candidacies for nomination to the office to be filled shall be filed not later than four o'clock p. m. on the fifth day following the close of such convention. The Secretary of the State shall fix the day for the primary of each party for the nomination to the office to be filled, which day shall be not earlier than the twenty-first day following the close of such convention and not later than the twenty-first day preceding the day of the election. ]

(1) In the case of a vacancy in the office of representative in Congress or judge of probate in a probate district composed of two or more towns, provided for in sections 9-212 and 9-218, the day named for the election shall be not earlier than the sixty-third day following the day on which the Governor issues writs of election. If such a vacancy occurs between the one hundred twenty-fifth day and the sixty-sixth day before the day of a regular state election, the Governor shall issue such writs on the sixty-third day before the day of such state election, ordering an election to be held on the day of such state election. If such a vacancy occurs after the sixty-sixth day before the day of a regular state election but before the Wednesday following the first Monday of January of the succeeding year, the Governor shall not issue such writs and no election shall be held under sections 9-212 and 9-218 and this subdivision, unless the position vacated is that of member-elect, in which case the Governor shall issue such writs and an election shall be held as provided in said sections and this subdivision. The delegates to the district convention held for the purpose of nominating a candidate for the office of representative in Congress or judge of probate in a probate district, as the case may be, for the last state election shall be the delegates for the purpose of selecting a candidate to fill such vacancy. If a vacancy occurs in the delegation from any town, political subdivision or district, such vacancy may be filled by the town committee of the town in which the delegate resided. Nominations by political parties pursuant to this section may be made and certified at any time after the vacancy in the office of representative in Congress or judge of probate and not later than the thirty-fifth day before the day of the election. No primary shall be held for the nomination of any political party to fill any vacancy in the office of representative in Congress or judge of probate and the party-endorsed candidate so selected shall be deemed, for the purposes of chapter 153, the person certified by the Secretary of the State under section 9-444

as the nominee of such party.

Sec. 4. Section 9-333w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following: [(1)] (A) In the case of such an individual, the name and address of such individual; [(2)] (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or [(3)] (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate.

(b) In addition to the requirements of subsection (a) of this section:

(1) No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for television advertising or Internet video advertising, which promotes the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless at the end of such advertising there appears simultaneously, for a period of not less than four seconds, (A) a clearly identifiable photographic or similar image of the candidate making such expenditure, (B) a clearly readable printed statement (i) identifying said candidate, and (ii) indicating that said candidate has approved the advertising, and (C) a simultaneous, personal audio message, in the following form: "I am .... (candidate's name) and I approved this message";

(2) No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for radio advertising or Internet audio advertising, which promotes the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the advertising ends with a personal audio statement by the candidate making such expenditure (A) identifying said candidate and the office said candidate is seeking, and (B) indicating that said candidate has approved the advertising in the following form: "I am .... (candidate's name) and I approved this message".

[(b)] (c) No business entity, organization, association, committee, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-333g, shall make or incur any expenditure for any written, typed or other printed communication which

promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following: (1) In the case of a business entity, organization or association, the name of the entity, organization or association and the name of its chief executive officer; (2) in the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it appears on the certification filed in accordance with subsection (d) of section 9-333g, and the name and address of its agent.

[(c)] (d) The provisions of subsections (a), [and] (b) and (c) of this section do not apply to (1) any editorial, news story, or commentary published in any newspaper, magazine or journal on its own behalf and upon its own responsibility and for which it does not charge or receive any compensation whatsoever, (2) any banner, (3) political paraphernalia including pins, buttons, badges, emblems, hats, bumper stickers or other similar materials, or (4) signs with a surface area of not more than thirty-two square feet.

[(d)] (e) The campaign treasurer of a candidate committee which sponsors any written, typed or other printed communication for the purpose of raising funds to eliminate a campaign deficit of that committee shall include in such communication a statement that the funds are sought to eliminate such a deficit.

[(e)] (f) The campaign treasurer of an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Treasurer which committee sponsors any written, typed or other printed communication for the purpose of raising funds shall include in such communication a statement concerning the prohibitions set forth in subsection (n) of section 1-84, subsection (f) of section 9-333n and subsection (f) of section 9-333o.

[(f)] (g) In the event a campaign treasurer of a candidate committee is replaced pursuant to subsection (c) of section 9-333d, nothing in this section shall be construed to prohibit the candidate committee from distributing any printed communication subject to the provisions of this section that has already been printed or otherwise produced, even though such communication does not accurately designate the successor campaign treasurer of such candidate committee.

Sec. 5. (NEW) (*Effective January 1, 2006*) (a) Not later than October first in each year in which a state election, as defined in section 9-1 of the general statutes, is to be held, the Secretary of the State, in consultation with the State Elections Enforcement Commission and within available appropriations, shall prepare a voter guide for such state election and shall publish such voter guide on the Internet.

(b) The voter guide shall contain:

(1) The date of the state election and the hours the polls will be open;

(2) The name, party affiliation and contact information of each candidate who is nominated or

qualifies as a petitioning candidate for election to the office of President of the United States, Vice-President of the United States, senator in Congress, representative in Congress, Governor, Lieutenant Governor, Attorney General, State Treasurer, State Comptroller, Secretary of the State, State Senator or State Representative at the state election. As used in this section, "contact information" means any or all of the following information received by the Secretary of the State in the course of the secretary's elections duties or by the Federal Election Commission: A candidate's campaign mailing address, telephone number, facsimile number, electronic mail address and web site. The voter guide may provide contact information for a candidate for the office of President of the United States, Vice-President of the United States, senator in Congress or representative in Congress by an electronic link to such information on the Federal Election Commission's web site;

- (3) The following three maps produced pursuant to the most recent decennial reapportionment of General Assembly and Connecticut congressional districts: One map showing the boundaries of state senatorial districts, one map showing the boundaries of state house of representatives districts and one map showing the boundaries of state congressional districts;
  - (4) A description of each office to be filled at the state election;
  - (5) An absentee ballot application in printable format;
  - (6) Instructions regarding voting by absentee ballot;
  - (7) Information on the procedure for registering to vote;
  - (8) A voter registration application in printable format;
  - (9) The full text of each proposed constitutional amendment that will appear on the ballot at the state election;
  - (10) The explanatory text as to the content and purpose of each such proposed constitutional amendment, which is prepared by the Office of Legislative Research pursuant to section 2-30a of the general statutes; and
  - (11) The text of the Voter's Bill of Rights set forth in section 9-236b of the general statutes.
- (c) The Secretary of the State, in consultation with the State Elections Enforcement Commission, may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the purposes of this section. Such regulations shall not authorize the inclusion of any information in the voter guide in addition to that required in subsection (b) of this section.

Sec. 6. (*Effective from passage*) (a) As used in this section, "push poll" means a paid telephone survey, or series of similar telephone surveys, that reference a candidate or group of candidates other than in a basic preference question, and in which:

- (1) A list or directory is used, exclusively or in part, to select respondents belonging to a particular subset or combination of subsets of the population, based on demographic or political characteristics such as race, sex, age, ethnicity, party affiliation or similar types of characteristics;
- (2) The survey fails to make demographic inquiries on factors such as age, household income or status as a likely voter sufficient to allow for the tabulation of results based on a relevant subset of the population consistent with standard polling industry practices;
- (3) The pollster or polling organization does not collect or tabulate the survey results;
- (4) The survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and
- (5) The survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

The term "push poll" does not include any survey supporting a particular candidate that fails to reference another candidate or candidates other than in a basic preference question.

(b) The State Elections Enforcement Commission shall conduct a study of the use of push polling in campaigns in the state. Not later than February 1, 2006, said commission shall submit a report on its findings and conclusions, including any recommended legislation, to the joint standing committee of the General Assembly having cognizance of matters relating to elections, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 7. Section 9-242 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A voting machine approved by the Secretary of the State shall be so constructed as to provide facilities for voting for the candidates of at least nine different parties or organizations. It shall permit voting in absolute secrecy. It shall be provided with a lock by means of which any illegal movement of the voting or registering mechanism is absolutely prevented. Such machine shall be so constructed that an elector cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote.

(b) It shall be so constructed as to prevent an elector from voting for more than one person for the same office, except when he is lawfully entitled to vote for more than one person for that office, and it shall afford him an opportunity to vote for only as many persons for that office as he is by law entitled to vote for, at the same time preventing his voting for the same person twice. It shall be so constructed that all votes cast will be registered or recorded by the machine.

(c) Notwithstanding the provisions of subsection (b) of this section, the Secretary of the State may approve a voting machine which requires the elector in the polls to place his ballot into the recording device and which meets the voluntary performance and test standards for voting

systems adopted by (1) the Federal Election Commission on January 25, 1990, as amended from time to time, or (2) the Election Assistance Commission pursuant to the Help America Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time to time, whichever standards are most current at the time of the Secretary of the State's approval, and regulations which the Secretary of the State may adopt in accordance with the provisions of chapter 54, provided the voting machine shall [(1)] (A) warn the elector of overvotes, [(2)] (B) not record overvotes, and [(3)] (C) not record more than one vote of an elector for the same person for an office.

(d) Any direct recording electronic voting machine approved by the Secretary of the State for an election or primary held on or after July 1, 2005, shall be so constructed as to:

(1) (A) Contemporaneously produce an individual, permanent, paper record containing all of the elector's selections of ballot preferences for candidates and questions or proposals, if any, prior to the elector's casting a ballot, as set forth in this subsection, and (B) produce at any time after the close of the polls a voting machine generated, individual, permanent, paper record of each such elector's selections of ballot preferences for candidates and questions or proposals, if any. Both the contemporaneously produced paper record and the voting machine generated paper record of each elector's selections of ballot preferences shall include a voting machine generated unique identifier that can be matched against each other and which preserves the secrecy of the elector's ballot as set forth in subdivision (4) of this subsection;

(2) Provide each elector with an opportunity to verify that the contemporaneously produced, individual, permanent, paper record accurately conforms to such elector's selection of ballot preferences, as reflected on the electronic summary screen, and to hear, if desired, an audio description of such electronic summary screen, for the purpose of having an opportunity to make any corrections or changes prior to casting the ballot. If an elector makes corrections or changes prior to casting the ballot, the voting machine shall void such contemporaneously produced paper record, contemporaneously produce another paper record containing such corrections or changes and provide the elector with another opportunity to verify ballot preferences in accordance with the provisions of this subdivision. As used in this section, "electronic summary screen" means a screen generated by a direct recording electronic voting machine that displays a summary of an elector's selections of ballot preferences for candidates and questions or proposals, if any, at an election or primary;

(3) Provide that a ballot shall be deemed cast on the voting machine at the time that an elector's contemporaneously produced, individual, permanent, voter-verified paper record, containing all of the elector's final selections of ballot preferences, is (A) deposited inside a receptacle designed to store all such paper records produced by such voting machine on the day of the election or primary, and (B) the elector's selection of ballot preferences is simultaneously electronically recorded inside the voting machine for the purpose of (i) being electronically tabulated immediately after the polls are closed on the day of the election or primary, and (ii) producing, on such other day as required under section 8 of this act, a voting machine generated, individual, permanent, paper record of each such elector's selections of ballot preferences for candidates and questions or proposals, if any;

(4) Except as otherwise provided in subdivision (1) of section 8 of this act, secure the secrecy of each such elector's ballot by making it impossible for any other individual to identify the elector in relationship to such elector's selection of ballot preferences at the time that the elector (A) selects ballot preferences; (B) verifies the accuracy of the electronic summary screen by comparing it to the contemporaneously produced, individual, permanent, paper record or the audio description of such electronic summary screen, prior to casting a ballot; (C) makes corrections or changes by reselecting ballot preferences and verifies the accuracy of such preferences in accordance with the provisions of subdivision (2) of this subsection prior to casting a ballot; and (D) casts the ballot; and at the time that all electors' ballots are canvassed, recanvassed or otherwise tallied to produce a final count of the vote for candidates and questions or proposals, if any, whether through the electronic vote tabulation process or through the manual count process of each elector's contemporaneously produced, individual, permanent, voter-verified paper record, as set forth in section 8 of this act; and

(5) (A) Be accessible to blind or visually impaired persons by providing each elector, if desired by the elector, an audio description of the contemporaneously produced individual, permanent, paper record containing all of the elector's selections of ballot preferences, in addition to an audio description of the electronic summary screen.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the Secretary the State may approve an electronic voting machine that does not comply with the provisions of said subparagraph if (i) the Secretary determines that there are no electronic voting machines available for purchase or lease at the time of such approval that are capable of complying with said subparagraph (A), (ii) the electronic voting machine complies with the provisions of subdivisions (1) to (4), inclusive, of this subsection, and (iii) the person applying to the Secretary for approval of the electronic voting machine agrees to include a provision in any contract for the sale or lease of such voting machines that requires such person, upon notification by the Secretary that modifications to such machines that would bring the machines into compliance said subparagraph (A) are available, to (I) so modify any electronic voting machines previously sold or leased under such contract in order to comply with said subparagraph (A), and (II) provide that any electronic voting machines sold or leased after receipt of such notice comply with said subparagraph (A).

Sec. 8. (NEW) (*Effective from passage*) The following procedures shall apply to any election or primary in which one or more direct recording electronic voting machines are used:

(1) Any elector who requires assistance by reason of blindness, disability, or inability to read or write shall have the right to request assistance inside the voting booth by a person of the elector's choice in accordance with 42 USC 1973aa-6, as amended from time to time, or section 9-264 of the general statutes.

(2) A canvass of the votes shall take place inside the polling place immediately following the close of the polls on the day of the election or primary in accordance with the requirements of chapter 148 of the general statutes. With respect to direct recording electronic voting machines, any such canvass shall be an electronic vote tabulation of all of the votes cast on each such voting machine for each candidate and question or proposal, and the moderator shall attach a

printout of such electronic vote tabulation to the tally sheets. The moderator shall then add together all of the votes recorded on each voting machine in use at the polling place, whether or not such voting machines were direct recording electronic voting machines, to produce a cumulative count within the polling place of all candidates and any questions or proposals appearing on the ballot in the election or primary. Any member of the public shall have a right to be present in the polling place to observe the canvass of the votes beginning as soon as the polls are declared closed by the moderator and continuing throughout the canvass of the votes of each voting machine until the final canvass of all of the votes cast on all of the voting machines in use in the polling place are added together for each candidate and question or proposal and publicly announced and declared by the moderator.

(3) If a recanvass of the votes is required pursuant to chapter 148 of the general statutes, the recanvass officials shall, in addition to the other requirements of said chapter, conduct a manual tally of the individual, permanent, voter-verified, paper records contemporaneously produced by each direct recording electronic voting machine used within the geographical jurisdiction that is subject to such recanvass. The manual tally conducted for the recanvass shall be limited to the particular candidates and questions or proposals that are subject to recanvass. If the manual tabulation of such contemporaneously produced paper records does not reconcile with the electronic vote tabulation of a particular direct recording electronic voting machine or machines, such contemporaneously produced paper records shall be considered the true and correct record of each elector's vote on such electronic voting machine or machines and shall be used as the official record for purposes of declaring the official election results or for purposes of any subsequent recanvass, tally or election contest conducted pursuant to chapters 148 to 153, inclusive, of the general statutes. If any of the contemporaneously produced individual, permanent, voter-verified paper records are found to have been damaged in such manner as they are unable to be manually tallied with respect to the ballot positions that are the subject of the recanvass, each such damaged record shall be matched against the voting machine generated, individual, permanent, paper record produced by the voting machine bearing the identical machine-generated unique identifier as the damaged record and, in such instance, shall be substituted as the official record for purposes of determining the final election results or for purposes of any subsequent recanvass, tally or election contest.

(4) Notwithstanding the provisions of section 9-311 of the general statutes, the Secretary of the State may order a discrepancy recanvass under said section of the returns of an election or a primary for a district office, a state office or the office of elector of President and Vice-President of the United States, if the Secretary has reason to believe that discrepancies may have occurred that could affect the outcome of the election or primary. Any such discrepancy recanvass may be conducted of the returns in any or all voting districts in (A) the district in which an election or primary is held, in the case of an election or primary for a district office, or (B) the state, in the case of an election or primary for a state office or the office of elector of President and Vice-President of the United States or a presidential preference primary, whichever is applicable. As used in this subdivision, "district office" and "state office" have the same meanings as provided in section 9-372 of the general statutes.

(5) Not later than five business days after each election in which a direct recording electronic voting machine is used, the registrars of voters or their designees, representing at least two political parties, shall conduct a manual audit of the votes recorded on at least two direct recording electronic voting machines used in each assembly district. Not later than five business days after a primary in which a direct recording electronic voting machine is used, the registrar of voters of the party holding the primary shall conduct such a manual audit by designating two or more individuals, one of whom may be the registrar, representing at least two candidates in the primary. The machines audited under this subdivision shall be selected in a random drawing that is announced in advance to the public and is open to the public. All direct recording electronic voting machines used within an assembly district shall have an equal chance of being selected for the audit. The Secretary of the State shall determine and publicly announce the method of conducting the random drawing, before the election. The manual audit shall consist of a manual tabulation of the contemporaneously produced, individual, permanent, voter-verified, paper records produced by each voting machine subject to the audit and a comparison of such count, with respect to all candidates and any questions or proposals appearing on the ballot, with the electronic vote tabulation reported for such voting machine on the day of the election or primary. Such audit shall not be required if a recanvass has been, or will be, conducted on the voting machine. Such manual audit shall be noticed in advance and be open to public observation. A reconciliation sheet, on a form prescribed by the Secretary of the State, that reports and compares the manual and electronic vote tabulations of each candidate and question or proposal on each such voting machine, along with any discrepancies, shall be prepared by the audit officials, signed and forthwith filed with the town clerk of the municipality and the Secretary of the State. If any contemporaneously produced, individual, permanent, voter-verified, paper record is found to have been damaged, the same procedures described in subdivision (3) of this section for substituting such record with the voting machine generated, individual, permanent, paper record produced by the voting machine bearing the identical machine generated unique identifier as the damaged record shall apply and be utilized by the audit officials to complete the reconciliation. The reconciliation sheet shall be open to public inspection and may be used as prima facie evidence of a discrepancy in any contest arising pursuant to chapter 149 of the general statutes. If the audit officials are unable to reconcile the manual count with the electronic vote tabulation and discrepancies, the Secretary of the State shall conduct such further investigation of the voting machine malfunction as may be necessary for the purpose of reviewing whether or not to decertify the voting machine or machines and may order a recanvass in accordance with the provisions of subdivision (4) of this section.

(6) The individual, permanent, voter-verified, paper records contemporaneously produced by any direct recording electronic voting machine in use at an election or primary held on or after the effective date of this section shall be carefully preserved and returned in their designated receptacle in accordance with the requirements of section 9-266, 9-302 or 9-310 of the general statutes, whichever is applicable, and may not be opened or destroyed, except during recanvass or manual audit as set forth in this section, for one hundred eighty days following an election or primary that does not include a federal office, pursuant to section 9-310 of the general statutes, or for twenty-two months following an election or primary involving a federal office, pursuant to 42 USC 1974, as amended from time to time.

(7) Nothing in this section shall preclude any candidate or elector from seeking additional remedies pursuant to chapter 149 of the general statutes.

(8) After an election or primary, any voting machine may be kept locked for a period longer than that prescribed by sections 9-266, 9-310 and 9-447 of the general statutes, if such an extended period is ordered by either a court of competent jurisdiction or the State Elections Enforcement Commission. Either the court or said commission may order an audit of such voting machines to be conducted by such persons as the court or said commission may designate.

Approved July 1, 2005

**STANDARDS FOR APPROVAL OF MARKSENSE AND PUNCHCARD VOTING MACHINES****Sec. 9-242-1. General Standards**

The secretary of the state may approve only those marksense and punchcard voting machines which have been certified by an independent test authority, accredited by the National Association of State Election Directors, as meeting the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and which meet the standards specified in sections 9-242-1 to 9-242-39, inclusive, of these regulations and the requirements of the Connecticut constitution and the general statutes.

(Effective February 23, 1994)

**Sec. 9-242-2. Definition.**

As used in sections 9-242-1 to 9-242-39, inclusive, of these regulations, a punchcard or marksense voting system is one which records votes, counts votes, and produces a tabulation of the vote count, using one or more ballot cards imprinted on either or both faces with text and voting response locations. The punchcard voting system records votes by means of holes punched in designated voting response locations; the marksense voting system records votes by means of marks made in the voting response locations. The voting machine shall be of the precinct count system type wherein ballot cards are fed into the machine by the voter and the ballots are tabulated at the polling place. The system shall tabulate ballots as they are cast and shall print the results after the close of polling. It shall produce a tabulation of the voting data at the individual machine or system level in the polling place in both hard copy and on a removable memory device. These memory devices are removed at the completion of voting and individually read into a special device which is capable of tallying the results contained on all removable memory devices to provide voting district and town-wide election totals. These voting machines shall, in accordance with Conn. Gen. Stat. Section 9-242(c), warn the voter of overvotes by returning the ballot to the voter with such message, shall not record over-votes, and shall not record more than one vote of a voter for the same person for an office.

(Effective February 23, 1994)

**Sec. 9-242-3. System Functions Not Required in Connecticut.**

The secretary of the state may approve a marksense or punchcard voting machine which does not accommodate rotation of candidate positions within an office and which does not accommodate straight party voting. No voting machine used in any election shall be equipped with a straight ticket device.

(Effective February 23, 1994)

**Sec. 9-242-4. Hardware Standards. Electrical Supply.**

(a) All voting data shall be maintained regardless of power surges and outages.

(b) The system shall have a back-up power source in the event of commercial power failure. The equipment shall be capable of operating for a minimum of 16 hours on this back-up power supply. The system shall perform as specified in sections 9-242-1 to 9-242-39, inclusive, of these regulations regardless of its power source, except that the back-up power supply need not illuminate the voting area. That is, the system shall be capable of pre-election set-up, vote casting, vote tallying, and post-election close down operations while on commercial power and/or back-up power. The system shall be provided with a moderator control panel which indicates its current power source.

(c) The manufacturer shall specify what, if any, special equipment is necessary for storing the punchcard or marksense voting system. This includes the provision for access to commercial electrical power in the storage facility for regular recharging of the back-up power supply. A recharge indicator is required for those systems which require recharging of the back-up power supply. Additionally, the manufacturer shall provide information on the time required to perform the recharge process and the life expectancy of the back-up power supply.

(Effective February 23, 1994)

#### **Sec. 9-242-5. Hardware Standards. Height.**

The ballot display shall be at a convenient height for the average voter and be adjustable so that it is easily reached by voters confined to wheelchairs. The marksense and punchcard systems shall be designed and constructed to enable a voter in a wheelchair to reach all voting positions. The equipment shall allow moderators to place the voting device in a wheelchair accessible position with a minimum of effort and provide proper safeguards for the safety of the voter during operation in this position. The vote counting device shall be easily accessible to voters confined to wheelchairs.

(Effective February 23, 1994)

#### **Sec. 9-242-6. Hardware Standards. Weight.**

Each component of the equipment shall require no more than two persons to move it from its storage location to the polling site. It may require a lifting mechanism to be used to load it onto a truck for transport to and from the polling site.

(Effective February 23, 1994)

#### **Sec. 9-242-7. Hardware Standards. Environment.**

The equipment shall operate as required after prolonged exposure to uncontrolled humidity levels.

(Effective February 23, 1994)

#### **Sec. 9-242-8. Hardware Standards. Ballot Cards**

Punchcard and marksense voting machines that will be processed by general purpose card readers shall utilize card stock, punch configurations, and punch field locations which comply with industry standards for Automatic Data Processing (ADP) supplies and equipment. Ballots intended for use only with their parent system may be of any material and configuration consistent with the requirements of the system. As part of stock finishing, each distinct ballot configuration shall have a unique identification code punched or marked for machine verification. All candidates, offices and questions shall be printed on the ballot and not on an ancillary device.

(Effective February 23, 1994)

#### **Sec. 9-242-9. Hardware Standards. Ballot Printing.**

In punchcard and marksense voting systems, the content and arrangement of printing on ballot cards affects the suitability of systems for election use. Printing shall comply with Conn. Gen. Stat. Section 9-250, Section 9-242-15 of these regulations, and specifications of the secretary of the state.

(Effective February 23, 1994)

#### **Sec. 9-242-10. Hardware Standards. Punching Stylus**

The stylus for use with automatic punchcard systems shall be suitable for use with the vote recorder and ballots used by the system, and it shall be designed so as to reliably remove chad, and to avoid excessive damage or wear to vote recorder components.

(Effective February 23, 1994)

**Sec. 9-242-11. Hardware Standards. Vote Recorder.**

Vote recorders which utilize ballots to be processed by general purpose card readers shall comply with industry standards for punch configuration and location. Otherwise, they shall produce punched or marked ballot cards in any manner which is compatible with their parent system.

(Effective February 23, 1994)

**Sec. 9-242-12. Quality Assurance. User Documentation. Manufacturer Support.**

The manufacturer shall supply, at the manufacturer's expense, any special tools required to repair or maintain the equipment. The manufacturer shall ensure that trained personnel are available to assist the purchasing town in the event election officials and/or the local technicians/mechanics are unable to resolve a problem with a punchcard or marksense voting system. Factory engineers shall be reachable by telephone during normal business hours in non-election periods and be on 24 hour call during election periods. Election periods are defined as the eight calendar days prior to the conduct of a general election, special election, primary or referendum as well as election day. In the first primary and first election in which the punchcard or marksense voting system is used in each municipality, a qualified manufacturer's representative shall be present, in person, in the municipality to respond to requests for assistance.

(Effective February 23, 1994)

**Sec. 9-242-13. Quality Assurance. Manufacturer Training.**

(a) Town Clerks and Registrars of Voters. The manufacturer shall provide training, including written documentation and other training materials, to the town clerk and the registrars of voters of the purchasing town. The training shall include: (1) how to design and produce the ballot, (2) how to set up the system for an election, (3) how to prepare the system and the removable memory devices for an election, (4) how to test the system and related components prior to the election, and (5) any other tasks essential to ensure a correct and efficient operation of the system.

(b) Moderators. The manufacturer shall provide training, including written documentation and other training materials, to the moderators. The training shall include: (1) how to correctly set up the punchcard or marksense system in the polling place, (2) how to admit voters to the system and enable them to cast a correct ballot, (3) how to close down the system at the end of the election day, and (4) how to produce the election tally reports required by law.

(c) Technicians/Mechanics. The manufacturer shall provide full and detailed written instructions for use by the local technicians/mechanics to perform the following: (1) system set-up, (2) system operation, (3) system close-down, (4) system maintenance, and (5) system service. The instructions shall include an in-depth review of the system-produced diagnostic messages which identify system malfunctions. Each message shall be fully explained along with the steps necessary to correct the problem encountered. Instructions shall include photographs and/or detailed schematics with narrative text describing each procedure. After the purchase and delivery of the equipment, but prior to the preparation for the first election, the manufacturer shall provide a training course for the local technicians/mechanics which shall include a presentation of the steps necessary to perform system set-up, maintenance and service. This

course shall provide the technicians/mechanics with a hands-on opportunity to participate in the demonstration of such functions. The manufacturer shall test and certify to the secretary of the state those technicians/mechanics who are competent to set up, program, test and close down the punchcard or marksense machine.

(d) Voters. Demonstrator Machine. The manufacturer shall provide a hands-on voter training device that can be set up at each polling place. This device shall closely resemble the voting system in appearance and shall be suitable for use by the voters as a demonstration unit. The device shall replicate the actual voting system as closely as possible so that the vote casting function is easily understood by the voter. There shall also be provided training ballots for the punchcard or marksense system being used to properly train the voter on the system.

(Effective February 23, 1994)

#### **Sec. 9-242-14. Quality Assurance. Warranty Provisions.**

The warranty for the marksense or punchcard system shall provide that the system and all supporting materials, except the ballots, are free from defects for a period of five years following the conduct of the first general election or first primary in which the system is used. The equipment shall conform to its published specifications and all the promotional materials and literature that were given to the purchasing jurisdiction. Additionally, the equipment shall conform to the specifications required in sections 9-242-1 to 9-242-39, inclusive, of these regulations. The manufacturer shall give a lifetime license to use the software and shall provide, free of charge, any updates to the software, hardware and firmware necessary to correct defects in the voting system for the life of the system. The punchcard or marksense voting system shall have an anticipated useful life expectancy of at least 20 years.

(Effective February 23, 1994)

#### **Sec. 9-242-15. Hardware Standards. Ballot.**

In an election, the ballot shall be able to accommodate at least nine political parties as required by Conn. Gen. Stat. Section 9-242. Political party and candidate names shall be printed in the style and type size as required by Conn. Gen. Stat. Section 9-250, federal law and section 9-242-9 of these regulations. The ballots to be printed shall be able to provide for bilingual presentation of offices, questions and instructions to the voter. The ballots prepared for certification testing by the state shall be of such size and complexity to represent the maximum conditions encountered in Connecticut elections, and shall include at least one for each kind of election conducted in Connecticut -- presidential election; gubernatorial election; municipal election, including nonpartisan offices, questions, and multiple vote on liquor permit question; presidential preference primary; town committee primary; delegate primary; primary before gubernatorial election; primary before municipal election; special election; adjourned election between two candidates of one party; and referendum. In an election the ballot shall be clearly printed in the proper format, so that the names of the parties are listed, as required by Conn. Gen. Stat. Section 9-250, with identifiable markings or punch areas associated with each candidate's name, the office for which he is running and the political party or organization that nominated him. The order of the parties, offices and candidates on the ballot shall be in conformance with law. In a primary, the names of candidates shall appear on the ballot in accordance with Conn. Gen. Stat. Section 9-437. In a primary, the recording device shall be capable of recording the contests for all parties conducting a primary. The ballot shall also provide for voting in referenda. The system shall be capable of accepting printed ballots from different sources including the current method of employing the services of a printing firm. The manufacturer shall provide the direction and assistance that will be required by the purchasing town in formatting its ballots for the first primary and the first general election using the new marksense or punchcard voting system.

(Effective February 23, 1994)

**Sec. 9-242-16. Hardware Standards. Voter Capacity.**

Each precinct count device shall be capable of processing the ballots cast by at least 999 voters. The system shall shut down prior to exceeding its maximum capacity and provide a warning prior to implementing the shut down process.

(Effective February 23, 1994)

**Sec. 9-242-17. Hardware Standards. Security. Machine Access.**

As required by Conn. Gen. Stat. Section 9-266, the voting system shall be safeguarded while in storage. The design and construction of the system shall permit the equipment to be secured so as to prevent any tampering. Recharging of the back-up power supply shall not result in the destruction of any seals or locks provided to prevent tampering. As specified in Conn. Gen. Stat. Sections 9-244 and 9-246, the punchcard or marksense voting system shall provide machine access devices to lock and seal the machines after they have been prepared for voting prior to opening the polls and to lock and seal the machines from additional voting after the polls are closed and the votes have been recorded. Firmware shall be secured in an independent and anti-magnetic compartment. All pre-printed ballots shall be secured and sealed until the polls open and resealed immediately upon the closing of the polls. All voted and spoiled ballots shall also be sealed upon the closing of the polls. In addition, the system shall be constructed so that in the event tampering does take place, it will be visibly noticeable. This shall be accomplished by providing protective seals, covers and locks with keys with the system. In order to gain access to the machine it would require that such a seal or lock be destroyed. Additionally, provisions shall be made by the manufacturer to ensure the security of the removable memory devices. These devices record the vote selections made and store the results of the device tally. The removable memory devices shall be protected from tampering at all times including the following: (1) pre-election testing, (2) after pre-election testing; prior to the election, (3) in transit to and from the storage, testing and polling place areas, (4) in the punchcard or marksense device itself, and (5) in storage after the conduct of the election. The manufacturer shall provide the procedure and equipment necessary to ensure that the removable memory devices used in the primary, election or referenda are secured from tampering. A protective case or container shall be provided for the transport of the removable memory devices after the election. The removable memory devices shall be secured in this case while in transit and in storage for ten days after the election. The case shall be equipped with a locking mechanism to prevent unauthorized access.

(Effective February 23, 1994)

**Sec. 9-242-18. Hardware Standards. Security. Voter Access.**

The punchcard or marksense voting system shall be designed and constructed so as to permit voter access to only those areas of the device used by the voter for the casting of votes. Additionally, the device shall be capable of being locked or otherwise secured so as to prevent voting at any time other than during voting hours in an election or when the system is being tested.

(Effective February 23, 1994)

**Sec. 9-242-19. Hardware Standards. Security. Moderator Access.**

Moderators shall not be capable of gaining access to any internal compartment of the equipment that controls the casting of votes. The system shall be provided with a visual control panel or other means that provides the moderators with equipment operational status and identifies irrecoverable error conditions. This display shall indicate if the equipment has malfunctioned and the services of the technician/mechanic are required. The control panel shall also provide diagnostic error messages to the

technician/mechanic that will enable the technician/mechanic to identify the source of the problem in the minimum amount of time. Supplies which will require interim replenishment should be limited to hard copy paper, printer ribbons, ink cartridges, batteries, light bulbs and seals. Following an election the moderator shall be able to lock and seal the machine against further voting, print the voting results, remove the removable memory device, close the machine, lock it with a key, seal it with a numbered seal and return it to its storage container.

(Effective February 23, 1994)

**Sec. 9-242-20. Hardware Standards. Security. Technician/Mechanic Access.**

The electronic voting equipment shall be designed and constructed in a manner which permits the technician/mechanic to perform routine service as well as all field maintenance and repairs. The equipment shall be constructed so as to allow the technician/mechanic access to the internal compartments and mechanisms of the equipment with the exception of those parts of the equipment which are categorized by the manufacturer as proprietary. Field service shall include the testing necessary to identify the source of a malfunction; the adjustment, repair or replacement of malfunctioning circuits or components; and the testing necessary to verify that the repairs were performed correctly. Prior to the election the technicians/mechanics shall be able to open the machine from its storage container, install a properly programmed removable memory device in the machine, test the machine and otherwise prepare the machine for the ballot to be voted, close the machine, lock it with a key, seal it with a numbered seal and prepare it for transport to the polling place. The machine may not be opened for voting without damaging the seal so that it is evident that the machine has been opened.

(Effective February 23, 1994)

**Sec. 9-242-21. Hardware Standards. Security. Factory Engineer Access.**

The factory engineer shall be provided with access to all components of the electronic voting equipment. However, the local election officials may designate one or more watchers trained in the operation of the system to oversee the work of the factory engineer. Factory engineer maintenance tasks shall be limited to complex and infrequent maintenance functions which require access to proprietary firmware or specialized facilities and equipment which cannot be obtained by the purchasing municipality. The punchcard and marksense voting systems shall be designed and constructed so as to minimize factory service. Factory maintenance tasks shall number not more than two percent of all maintenance tasks and their frequency shall not exceed five percent of the total frequency of all preventive maintenance tasks.

(Effective February 23, 1994)

**Sec. 9-242-22. Hardware Standards. Overvote Protection.**

In accordance with Conn. Gen. Stat. Section 9-242 the punchcard or marksense system shall permit each voter to vote in an election: (1) for all the persons and offices for whom the voter is lawfully entitled to vote, (2) for as many persons for an office as the voter is entitled to vote, and (3) on any ballot referenda on which the voter is entitled to vote. In accordance with Conn. Gen. Stat. Section 9-242, the punchcard and marksense systems shall be designed and constructed in a manner which warns the voter when he has voted for more than the number of candidates to which he is legally entitled to vote for an office. The machine shall warn the voter and return the ballot to the voter giving him an opportunity to vote a new ballot. The voting machine shall prohibit the voter from casting more than one ballot in an election. The voting machine shall count only one vote of a voter for a candidate nominated by more than one party for the same office and prevent the counting of a vote (including a write-in vote) of a voter for the same candidate more than once for the same office. The voting machine shall count no votes for an office where the voter voted for more than the permitted number of candidates for an office.

(Effective February 23, 1994)

**Sec. 9-242-23. Hardware Standards. Write-in.**

The punchcard or marksense voting system shall provide a means of recording the selection of candidates for any office whose names do not appear on the ballot at an election. The write-in procedure shall be easy to perform and made possible through the use of a pencil or pen. The ballot shall be printed to enable the voter to fill in as many names of candidates as the voter is legally entitled to select for each contest. The machines may retain separately those ballots with write-in votes so that they may be tabulated at the close of the polls. The vote tally mechanism in the equipment shall provide a total of write-in votes cast for each contest on the ballot in order that a full accounting may be performed. (Effective February 23, 1994)

**Sec. 9-242-24. Hardware Specifications. Enclosure.**

The punchcard or marksense system shall be provided with an enclosure that meets the requirements of Conn. Gen. Stat. Sections 9-242, 9-257, 9-259, 9-261 and 9-262 and sufficient lighting for use by the voter when completing the ballot. Curtains or other privacy enclosures for the voter shall be designed and constructed, either electronically or manually, to open or close with ease. Curtains or other privacy enclosures shall permit the disabled voter and those voters in wheelchairs to easily enter and exit the equipment without obstruction and to vote their ballot. Such an enclosure shall be constructed so that no one in the polling place will be able to see for which candidates or questions a voter, including a voter in a wheelchair, is casting his vote. (Effective February 23, 1994)

**Sec. 9-242-25. Hardware Standards. Noise Restriction.**

The punchcard and marksense voting systems shall not produce any sounds or audible noises that would serve to indicate how an elector has voted. This applies to the noise associated with the write-in voting process. An audible tone indicating to the voter and the moderators that the vote has been recorded by the equipment and that preparations for the next voter need to be made is permissible. (Effective February 23, 1994)

**Sec. 9-242-26. Hardware Standards. Vote Recordation.**

The system shall provide a means for consolidating the data of all voting machines and absentee ballots for each voting district of the municipality, for each political subdivision of the municipality and for the entire municipality into one report. (Effective February 23, 1994)

**Sec. 9-242-27. Software Standards. Design and Coding.**

The voting system software shall make extensive use of high level languages. It is mandatory that a high level programming language be used for that segment of the ballot tabulation software associated with the logical and numerical operations on vote data. The use of assembly or machine languages for device controllers and handlers is acceptable, but assembly language code shall also adhere to modularity and structured programming methods. (Effective February 23, 1994)

**Sec. 9-242-28. Software Standards. Configuration Management.**

All changes to the baseline software submitted for evaluation shall be subject to testing at the discretion

of the secretary of the state. The manufacturer shall maintain the following technical documentation for the voting system software: (1) system overview, (2) program descriptions, (3) standards and conventions, (4) operating environment, (5) functional specifications, (6) program specifications and (7) testing specifications.

(Effective February 23, 1994)

**Sec. 9-242-29. Software Standards. Vote Recording Accuracy.**

The manufacturer shall be capable of demonstrating provisions for accuracy within the software. The system shall detect an attempt to cast a ballot when no voting selections have been made or when no selection or less than the legally entitled number of selections have been made (undervoting). The system shall be able to accept a completely blank ballot, but only after a warning message has been clearly displayed to the voter and the intention to cast a blank ballot has been acknowledged by the voter. For partially cast ballots, the system shall differentiate between intentional undervotes and failure to register one or more selections as the result of hardware or software malfunction. The system shall be capable of interpreting any and all undervotes existing when the ballot is cast as the correct number of "no votes" in the offices and referenda in which they occur. As part of the vote-tally process, the system shall compare the sum of all vote selections and of "no votes" with the total number of votes which can be legally made on the entire ballot and produce an error message to the polling place official if any discrepancy is detected.

(Effective February 23, 1994)

**Sec. 9-242-30. Software Standards. Audit Trails.**

The system shall be capable of the following: (1) detecting and reporting its status and degree of operability by means of diagnostic software and hardware, (2) detecting and reporting the identification of the election, polling place and specific ballot formats for which it has been programmed, (3) evaluating the accuracy of the ballot reader and the arithmetic-logic unit, (4) detecting, monitoring, and reporting the proper execution of the initialization procedures performed prior to the opening of the polling place and the initiating of ballot counting operations, (5) detecting and reporting the procedure associated with the opening and closing of the polling place, and (6) detecting and recording significant events such as the submitting of a ballot for counting in a voting district count device, starting and completing a central count and an error condition which cannot be disposed of by the system itself.

(Effective February 23, 1994)

**Sec. 9-242-31. Functional Requirements. Programming and Software Installation.**

Each punchcard or marksense device shall be provided with the means of ensuring that the correct removable memory device has been connected to it and that the software correctly matches the ballot formats that it is intended to process.

(Effective February 23, 1994)

**Sec. 9-242-32. Functional Requirements. System Readiness Tests.**

The punchcard and marksense systems shall contain provisions for generating data reports for the town.  
(Effective February 23, 1994)

**Sec. 9-242-33. Functional Requirements. Pre-Election Tests and Verification.**

(a) In punchcard and marksense systems, each precinct count device, and all central counting equipment,

shall contain provisions for verifying its proper preparation for an election, and for verifying that both the hardware and the software are functioning correctly. These tests and diagnostic procedures may be executed manually or automatically, and may allow for operator intervention to validate the proper execution of individually-selected equipment functions.

(b) Prior to the primary, election or referenda, representatives of the parties shall attend the pre-election test that exercises the hardware and software of each punchcard or marksense device, the removable memory devices and ballots to be used in the election. The manufacturer shall supply a written test procedure and mechanism that records votes for a set of pre-selected offices and candidates.

(c) After verification of the results of the pre-election test is completed, the counters of the punchcard and marksense systems and the removable memory devices shall be reset to zero. Proper verification of the counters shall be made by producing the tally on each device. After the completion of the pre-election test, the punchcard and marksense systems, the removable memory devices and ballots shall be secured from access until such time as they are to be moved to the polling place.

(Effective February 23, 1994)

**Sec. 9-242-34. Functional Requirements. Verification at the Polling Place.**

The manufacturer of the punchcard and marksense systems shall provide written instructions and procedures for verifying at the polling place that the removable memory devices have been installed into the correct punchcard and marksense devices and that the proper ballot formats have been programmed into the devices.

(Effective February 23, 1994)

**Sec. 9-242-35. Functional Requirements. Opening the Polling Place.**

The punchcard and marksense systems may provide for the use of a key in readying the equipment for casting ballots. The punchcard and marksense systems shall provide a means of verifying that the ballot punching or marking devices are properly prepared and ready for use. All systems shall provide a voting booth or similar facility, in which the voter may punch or mark the ballot in privacy, and a secure receptacle for holding voted ballots. Precinct count equipment shall provide a means of activating the ballot counting device, verifying that the device has been properly prepared, and allowing the counting of ballots.

(Effective February 23, 1994)

**Sec. 9-242-36. Functional Requirements. Provisions for Recanvass.**

To provide the capability for recounting the results of a contested election, the punchcard and marksense voting systems shall be capable of performing the following: (1) the removable memory devices shall be capable of being reread on a different punchcard or marksense tallying device than was used originally and a comparison made of the recount totals to the original totals, (2) the system shall keep the ballots of each voter to be used to manually count the votes cast for each candidate for each office in each contest and arrive at a manual tally of the election, and (3) the system shall be capable of re-running the vote-tally process on all punchcard and marksense voting devices producing new removable memory devices which are then used to produce new voting district tallies and a new town tally.

(Effective February 23, 1994)

**Sec. 9-242-37. Escrow.**

Prior to submitting any system to qualifications testing, the manufacturer shall deposit the source code, operating systems, specialized compilers and documentation materials with an escrow agent acceptable to the secretary of the state and under conditions acceptable to the secretary of the state.  
(Effective February 23, 1994)

**Sec. 9-242-38. Voting Machines Approved Prior to Regulations.**

Nothing in Sections 9-242-1 through 9-242-39, inclusive, of these regulations shall affect voting machines approved prior to the adoption of said sections of these regulations.  
(Effective February 23, 1994)

**Sec. 9-242-39. Acceptance Testing.**

A municipality shall perform acceptance testing prior to contractual acceptance of punchcard and marksense voting systems. The object of this testing is to determine if the hardware and software delivered comply with state and municipal requirements and perform in accordance with the same equipment's performance in state qualification and certification testing.  
(Effective February 23, 1994)

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*(Effective February 23, 1994)*

#### **THE USE OF MARKSENSE VOTING MACHINES APPROVED BY THE SECRETARY OF THE STATE**

**Section 9-242a-1. General Statutes Shall Apply.** Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of the Connecticut General Statutes concerning procedures relating to voting machines and absentee ballots at elections, primaries and referenda shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes. Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of sections 9-304 and 9-306 of the Connecticut General Statutes concerning penalties relating to paper ballots, shall apply to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes.

**Sec. 9-242a-2 Number of Voting Machines and Ballots.** The officials of a municipality purchasing or leasing an approved marksense voting machine shall provide a number of voting machines sufficient to provide a voting machine for each voting district for each primary and election and shall provide a number of spare voting machines as prescribed by law. Such officials shall provide a number of ballot boxes for each voting district sufficient to hold a number of ballots

equal to the number of electors eligible to vote at each primary or election in the voting district. They shall provide a number of voting booths sufficient to provide at least one for each two hundred and fifty or fraction of two hundred and fifty electors eligible to vote at each primary and election in the municipality or voting district, as the case may be, and shall provide other necessary equipment. If the Connecticut General Statutes authorize separate voting machines for one voting district in the primary of one party or in an election be placed in the same room of the polling place of another voting district, the Secretary of the State shall prescribe that separate ballots be issued and may prescribe that they may be processed on the same voting machine in the primary of such party or in such election.

**Sec. 9-242a-3. Counting of Absentee Ballots.** The registrars of voters of a town may authorize marksense voting machines approved by the Secretary of the State to be used to count absentee ballots at an election, primary or referendum.

**Sec. 9-242a-4. Adjustment and Programming Machines. Printing Ballots and Absentee Ballots.** The registrars shall direct the preparation, adjustment and programming of the voting machines by a suitable technician or technicians who are certified by a representative of the manufacturer or the Secretary of the State. The municipal clerk shall direct a printer approved by a representative of the manufacturer or the Secretary of the State to print the ballots in accordance with specifications approved by a representative of the manufacturer and the Secretary of the State.

**Sec. 9-242a-5. Inspection and Test Voting the Voting Machines.** Not later than the fifth day before the election or primary, the registrars shall conduct ballot card testing of every programmed memory card with samples of each different ballot card printed for the election or primary. The purpose of the test is to ensure that (1) ballots are printed properly, (2) timing, diagnostic and card identification marks are correctly located on the ballot, (3) memory cards are programmed with accurate information, and (4) the voting machines tally ballots correctly. The Secretary of the State shall prescribe the procedure to (A) test unvoted ballot cards, (B) test fully voted ballot cards, and (C) count a series of test ballots. All those present, including the registrars or their designees, the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies, the town chairmen, candidates and watchers, shall certify (i) as to the numbers of the machines, (ii) that the machines have been test-voted with samples of the ballots and found to be working properly, (iii) that the candidate, question and public counters are set back to zero, (iv) as to the numbers registered on the protective counters of the machines, if provided, and (v) as to the numbers on the seals sealing the memory cards into the voting machines. This certificate and the test ballots shall be filed with the municipal clerk and kept for sixty days after the election. Each voting machine tabulator shall be placed in its carrying case together with the ender card. The voting machine tabulator in its carrying case shall be delivered by the registrars to the municipal clerk, and kept in a safe depository until election morning. The registrars shall immediately return the keys to the voting machine to the municipal clerk. Not later than eight o'clock p.m. of the day before the election, the moderators shall appear in the office of the municipal clerk to receive checklists, the appropriate keys to the voting machine, the voting machine seal number as reported on the certificate of registrars and party watchers, and supplies necessary to conduct the election.

**Sec. 9-242a-6. Election Officials.** The election officials of each polling place shall consist of a certified moderator, two official checkers for each line of electors, two registrars of voters or two assistant registrars of voters, as the case may be, of opposing political parties, two voting machine tenders, at least two ballot clerks, zero to two challengers and zero to two demonstrators. Two demonstrators shall be appointed for the first election or primary at which the machine is used in the municipality. Subsequently, demonstrators shall be optional and other polling place officials of opposing political parties may demonstrate. Each registrar shall appoint half the number of each of such officials in a polling place. If absentee ballots are counted at the polls, other officials may perform this function, but, if needed, each registrar shall appoint half the absentee ballot counters who shall count in teams of two. If there is central counting of absentee ballots, the registrars shall appoint a central counting moderator and each registrar shall appoint half the absentee ballot counters who shall count in teams of two. In a primary, the registrar of the party holding the primary

shall appoint one or two assistant registrars and shall divide the polling place officials equally as nearly as may be between designees of the party-endorsed candidates and designees of the challenging candidates. In a primary, the term "opposing political parties" as used in sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, shall mean polling place officials designated by opposing candidacies in the primary. In a primary, the assistant registrar, when performing duties under sections 9-242a-8, 9-242a-9, 9-242a-22, 9-242a-23 and 9-242a-27 of the Regulations of Connecticut State Agencies, and the registrar, when performing duties under sections 9-242a-25 and 9-242a-28 of the Regulations of Connecticut State Agencies, shall be accompanied by another polling place official, and one shall be the designee of the party-endorsed candidates and the other shall be the designee of the challenging candidates except in a presidential preference primary where, to the extent practicable, they shall be representatives of opposing candidates. In a presidential preference primary at which no other position is on the ballot, the minimum number of official checkers, voting machine tenders and ballot clerks shall be one of each such office, and if two such presidential preference primaries are held on the same day, the registrars may appoint one moderator and one head moderator to serve both primaries.

**Sec. 9-242a-7. Instruction of Polling Place Officials. Preparation of Polling Place.** Before each election, all election officials shall attend an instructional session conducted by the municipal clerk, registrars, moderators and the technician or a representative of the manufacturer of the voting machine. Prior to the day of the election the registrars shall cause the voting booth, ballot box and necessary furniture and appliances to be delivered to the polling place, and, if there is central counting of absentee ballots, shall cause the ballot box and necessary furniture and appliances to be delivered to such central counting place.

**Sec. 9-242a-8. Voting Machine Tabulator and Ballots Delivered to Polls.** One hour before the polls open on election day the two assistant registrars assigned to each polling place shall appear before the municipal clerk to receive the voting machine tabulator and ballots for their polling place. If the assistant registrars have not previously been sworn in, the municipal clerk shall administer the oath for polling place officials to them. The assistant registrars shall examine the label on the tabulator to ensure that it is the correct tabulator for their polling place. Without opening the inner seal of any ballot package, the assistant registrars shall ensure that the ballots are the correct ones for their polling place and shall give the municipal clerk a receipt for the tabulator and the number of ballots received as indicated on the package. The assistant registrars shall transport the unopened ballots and tabulator to their polling place not later than thirty minutes before the polls open. They shall immediately deliver the unopened ballots and tabulator to the moderator who shall give the assistant registrars a receipt and shall keep a copy for his records.

**Sec. 9-242a-9. Preparation of Voting Machine Before Polls Open.** The assistant registrars shall witness the moderator install the tabulator on the ballot box. The moderator shall examine the label on the tabulator, and if it does not indicate his voting district, he shall contact the registrars immediately. In the presence of both assistant registrars, the moderator shall examine the number on the seal on the tabulator to ensure that it has not been tampered with, and if it is not the same as the number which the municipal clerk provided, the moderator shall contact the registrars immediately. He shall record the number of the seal and all other information required on a certificate prescribed by the Secretary of the State. In the presence of both assistant registrars, the moderator shall open each of the compartments of the ballot box. The moderator shall remove any ballots or other material found in the compartments, place them in a depository envelope and execute a memorandum. The moderator shall lock all the compartments and the assistant registrars shall check that they are securely locked. The moderator shall remove the printer cover, turn on the power switch and install the tabulator on top of the ballot box in accordance with the manufacturer's instructions. When the machine prints the election zero report identifying the date, the town and zero votes for all offices, candidates, questions and write-ins on the ballot, the moderator and assistant registrars shall examine it. If the report is correct, the moderator and assistant registrars shall sign it and attach it to the duplicate copy of the moderator's return. Such officials shall print a second tape, sign it and leave it attached to the tape in the machine. If the election zero report is not correct, the moderator shall immediately call the registrars and not open the machine for voting. If the display on

the machine does not display the voting district number and show a count of zero, the moderator shall contact the registrars immediately. Using the ballot box key, the moderator shall unlock the top slot of the auxiliary bin. The machine tenders shall be stationed at the machine to prevent access to the machine until the polls are opened. The moderator and assistant registrars shall complete and sign the certificate prescribed by the Secretary of the State.

**Sec. 9-242a-10. Preparation of Ballots Before Polls Open.** The moderator shall give the ballots to the ballot clerks who shall begin to count them and complete the ballot log worksheet prescribed by the Secretary of the State. If there is to be more than one line of electors in the polling place, the ballot clerks shall allocate the unopened ballot packages among themselves, and each shall maintain a separate ballot log. Prior to the opening of the polls, the ballot clerks shall note the number of ballot packages received. They shall open a sufficient number of packages to start the day and hand count ballots. They shall enter on the ballot log worksheet the number of packages opened and the actual count of ballots in the packages opened. They shall continue this throughout the day and compute the totals after the polls close. Ballots shall not be issued until the polls are declared open at the time prescribed by law.

**Sec. 9-242a-11. Location of Machine and Voting Booths.** The entire polling area shall be in plain view of all election officials and electors waiting to vote. The machine and voting booths shall be placed, if possible, at least three feet from any wall, partition or guardrail and at least four feet from the checkers' table. The voting booth shall be so placed that no person outside the booth can determine how an individual voted. Each booth shall be equipped with a marking device approved by the manufacturer or a number two pencil. A large card supplied by the manufacturer and approved by the secretary of the state containing instructions for marking the ballot shall be posted inside each booth. At least one voting booth in each voting district shall be accessible to persons with disabilities. A guardrail shall be erected between the checkers' tables and the area containing the voting booths and the machine. The moderator, or another official designated by the moderator, shall regulate the flow of electors from the checkers table to the voting booth to the voting machine and out of the polling room and shall use guardrails where necessary.

**Sec. 9-242a-12. Opening the Polls.** Immediately prior to the time to open the polls, the moderator shall check that the public counter is zero. The moderator shall declare the polls open at the time prescribed by law. If the voting machine malfunctions, the moderator shall notify the registrars immediately and direct that ballots shall be issued and deposited in the auxiliary bin. When the machine is repaired, or replaced, the moderator, in the presence of two election officials of opposing political parties, shall open the auxiliary bin and process the ballots through the machine for tabulation.

**Sec. 9-242a-13. Demonstrators.** Demonstrators shall be located before the checkers table. The demonstrators or the other election officials of the polling place shall offer instruction to electors entering the polling place. Two election officials of the polling place of opposing political parties jointly shall instruct the elector. They shall use demonstration ballots which indicate "name of party", "name of candidate", "office" and "question-statement of question-yes-no". The election officials shall post a sample ballot so that it is visible to an elector receiving instructions. The officials demonstrating shall advise the elector that the demonstration ballot does not represent the actual form of the official ballot, and direct the elector's attention to the sample ballot posted nearby.

**Sec. 9-242a-14. Ballot Clerks.** Ballot clerks and official checkers shall work as a team. Each ballot clerk shall work as a team with an official checker appointed by a registrar of a different party and may work with an additional official checker. No ballot shall be issued unless the elector's name has been checked off the official checklist. As each ballot is issued or spoiled, the ballot clerk shall so indicate on a ballot log worksheet. No replacement ballot shall be issued unless the spoiled ballot is returned to the ballot clerk. The ballot clerk shall mark "spoiled" on the back of any spoiled ballot, avoid looking at the markings on the front and place it in a spoiled ballot envelope or other suitable container reserved for spoiled ballots. As ballots are being counted or handled, the ballot clerk shall check for serious printing problems, inform the moderator, mark the defective ballot

"spoiled", place it in a spoiled ballot envelope or other suitable container and account for it on a ballot log worksheet. Any ballot found in a voting booth shall be marked "found in voting booth" and placed in the spoiled ballot envelope or other suitable container after the moderator makes a memorandum of the incident. When the polls close, ballot clerks shall total all sections of ballot log worksheets and complete a ballot log summary prescribed by the Secretary of the State.

**Sec. 9-242a-15. Assistant Registrars of Voters.** The registrars of voters or assistant registrars of voters or other officials designated by the moderator shall control access to the area containing the voting booths. Only electors with ballots and persons legally entitled to accompany them shall be allowed into the voting booth area. Electors shall only be admitted to this area when a booth is available. Such officials shall periodically examine the voting booths to resupply marking devices, remove campaign literature and repair defaced or damaged booths.

**Sec. 9-242a-16. Machine Tenders and Machine Malfunction.** The machine tenders shall be stationed next to the voting machine. They shall control access to the machine and shall prevent anyone from tampering with the machine. They shall instruct electors in the proper method for inserting the ballot. They shall ascertain that the ballot has been accepted by the machine before a voter leaves the polling place. The machine tender shall advise the elector of any error messages displayed by the machine. If a ballot is rejected by the machine they shall advise the elector how to correct the problem. They shall not look at the markings on an elector's ballot. If a new ballot is needed, the machine tender shall summon the moderator, or other available election official to escort the elector to the ballot clerks. If the machine jams or malfunctions, the machine tender shall summon the moderator before any corrective action is taken. Machine tenders shall clear any jammed ballots in accordance with instructions provided for the machine and shall avoid looking at the markings on the ballots. The machine shall not be opened unless one election official from an opposing political party is present. The moderator shall make a memorandum as to whether the machine indicates that it has counted the ballot. If the jam cannot be cleared or the machine malfunction cannot be resolved by election officials, the moderator shall call the registrars to contact the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies or manufacturer's representative for service or to substitute a perfect machine for the malfunctioning machine. Ballots shall continue to be issued, and voted ballots shall be placed in the auxiliary bin. The Secretary of the State shall prescribe the procedure to substitute a machine for the malfunctioning machine. The Secretary of the State may prescribe that the memory card be removed from a malfunctioning machine to a perfect machine to enable the records of both machines to be added together on the memory card. When the machine is repaired or replaced, the election officials shall (1) process the ballots from the auxiliary bin through the machine, (2) override overvote messages to process such ballots if there appears to be an overvote, and (3) return ballots rejected as blank ballots to the auxiliary bin to be hand counted. The moderator shall make a memorandum of such incidents. If the ballot box becomes full, officials of opposing political parties shall replace the ballot box in the manner prescribed by the Secretary of the State. No person shall be permitted to leave the polling place with a ballot, either marked or unmarked. When an elector's ballot has been accepted by the machine, the elector shall be directed to immediately leave the polls.

**Sec. 9-242a-17. Process of Voting.** After the checkers check off the name of an elector on the official check list, the ballot clerk shall issue such elector a ballot. The ballot clerk shall also offer the elector a privacy sleeve into which the ballot can be inserted so that the markings on the ballot cannot be seen. The elector shall not be required to accept a privacy sleeve. When a voting booth is available, the elector shall be directed to enter a booth and mark his ballot. No elector shall remain within the voting booth longer than four minutes except as otherwise provided by law. The elector shall then be permitted to proceed to the voting machine and insert his ballot for counting. If the machine accepts his ballot, the elector shall immediately exit the polling place.

**Sec. 9-242a-18. Overvote.** An overvote occurs when an elector votes for more candidates for an office than he is entitled to. When an overvote message appears on the voting machine, the voting machine tender shall instruct the elector to recheck the ballot and obtain a new ballot if necessary. If the elector insists that the ballot be processed with the overvote, the voting machine

tender shall instruct him that the machine will not count the votes for the overvoted office but will count the other votes. If the elector then reinserts the ballot in the machine, the machine tender shall push the button or buttons on the machine to override the message and process the ballot with the overvote.

**Sec. 9-242a-19. Blank Ballot.** A blank or unreadable ballot is one on which the machine cannot read a single vote for any office. If this occurs, the machine tender shall review with the elector the instructions and direct the elector to obtain a new ballot. If the elector requests that the ballot be processed when no votes are readable by the machine, the voting machine tender shall instruct the elector that the ballot will be counted by hand after the polls close, but if the election officials are unable to determine the intent of the elector, some or all of his votes could be lost. If the elector insists that the ballot be processed, the elector shall then be instructed to deposit the ballot in the auxiliary bin.

**Sec. 9-242a-20. Replacing a Spoiled Ballot with a New Ballot.** Any elector may request a new ballot at any time prior to the acceptance of his ballot by the machine. No reason need be given. No elector shall be issued more than three ballots. To obtain a replacement ballot, the elector shall return with his spoiled ballot to the ballot clerk and, whenever practical, an available election official shall escort him back to the ballot clerk. An elector seeking to obtain a replacement ballot need not go to the end of the line of electors entering the polling place. Before a replacement ballot is issued, the elector shall give his old ballot to the ballot clerk, holding it in such a way that the markings are not visible. The Secretary of the State may prescribe a procedure to ensure secrecy of the vote. Without looking at the markings, the ballot clerk shall mark the word "spoiled" on the back of the old ballot, tear a corner off the ballot and place the ballot in a depository envelope, or other suitable container reserved for spoiled ballots. The ballot clerk shall make a notation on the ballot log worksheet for each ballot returned, in the spoiled ballot section, and shall note each replacement ballot issued, in the ballots issued section. After the ballot clerk has placed the spoiled ballot in the envelope and made the notations to the ballot log worksheet, the ballot clerk shall issue a new ballot to the elector. The ballot clerk shall direct the elector to an available voting booth to mark his new ballot.

**Sec. 9-242a-21. Challenged Ballot.** A challenged ballot issued under section 9-232e of the Connecticut General Statutes shall be a regular ballot which the elector shall fold and place in the serially-numbered envelope. The ballot clerk shall mark both the ballot issued section and the challenged ballot section of the ballot log worksheet.

**Sec. 9-242a-22. Close of Polls. Canvass of Voting Machines.** At the close of the polls, the polling place officials shall prepare, in duplicate, the moderator's returns prescribed by the Secretary of the State. The moderator and assistant registrars of voters shall (1) check that the seal on the voting machine sealing the memory card in the tabulator has not been broken and record the number on the seal on the returns, (2) machine process any ballots in the auxiliary bin and re-lock in the auxiliary bin any ballots which cannot be machine processed, (3) direct the absentee ballot counters to process any remaining absentee ballots on hand which can be machine processed and note on the moderator's returns the number of absentee ballots machine processed, if absentee ballots are counted at the polls, (4) record on the returns the number on the public counter, (5) lock the tabulator against processing further ballots in accordance with the manufacturer's instructions, and (6) print an election results report for each candidate and question in accordance with the instructions of the manufacturer and the Secretary of the State. The moderator shall announce the machine results for each candidate and question. The officials shall remove the original election results report from the machine, and the moderator and the assistant registrars shall sign it. The original election results report from the machine shall be attached to the moderator's return which is filed with the municipal clerk. The officials shall produce and sign two additional election results reports and shall post one in the polling place for public inspection and attach the other to the duplicate of the moderator's return which is placed in the ballot transfer case.

**Sec. 9-242a-23. Moderator's Returns. Canvass of Votes Cast and Certifications.** The polling place officials shall complete the moderator's returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrars of voters shall record on the moderator's returns the machine result totals for each candidate and question. The moderator and assistant registrars of voters shall unlock and remove all the ballots from the write-in bin. They shall record the number of ballots in the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. They shall seal the write-in ballots in a depository envelope marked "write-in bin"-and place them in the ballot transfer case. The moderator shall direct the polling place officials to unlock and remove all the ballots from the auxiliary bin, record the number of such ballots, count them by hand, record on the moderator's returns the votes on such ballots, seal them in a depository envelope marked "auxiliary bin" and place them in the ballot transfer case. The law providing that the intent of the voter governs when counting absentee ballots shall apply to ballots counted by hand. Ballots counted by hand shall be counted by teams of two officials from opposing political parties and questions shall be submitted to the moderator for decision and endorsement on the ballot.

**Sec. 9-242a-24 Counting Absentee Ballots at the Polls.** If absentee ballots are counted at the polls, the absentee ballots and the voting machine shall be adjusted to provide that the election results report printed by the machine at the close of the polls indicate for each candidate and question the absentee vote, the non-absentee vote and the totals. Before processing absentee ballots through the voting machine, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the machine. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting machine and there appears to be an overvote, the machine tender shall override the message and process the ballot with the overvote. If the machine rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballot counters shall note the total number of absentee ballots processed by the machine and report such total to the moderator. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the absentee ballots and report such result to the moderator. The moderator shall record such totals and results on the moderator's return prescribed by the Secretary of the State.

**Sec. 9-242a-25. Central Counting of Absentee Ballots.** If registrars of voters choose to use approved marksense voting machines to count absentee ballots at a central location, on election day at the time prescribed by law, the registrars shall appear before the municipal clerk to receive the voting machine tabulator and absentee ballots for the central counting place. The registrars shall examine the label on the tabulator to ensure that it is the correct tabulator for the central counting place. The registrars shall give the municipal clerk a receipt for the tabulator and the absentee ballots received. The registrars shall transport the absentee ballots and tabulator to the central counting place and shall immediately deliver them to the central counting moderator. The central counting moderator shall give the registrars a receipt and shall keep a copy for his records. The registrars and central counting moderator shall record the number on the seal, prepare the voting machine in the manner provided in section 9-242a-9 of the Regulations of Connecticut State Agencies and follow the instructions prescribed by the Secretary of the State. Before processing absentee ballots through the voting machine, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the machine. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting machine and there appears to be an overvote, the officials shall override the message and process the ballot with the overvote. If the machine rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted

absentee ballots on the separate record prescribed by law to be placed with the handcounted absentee ballots and report such result to the central counting moderator. The results of the machine processed absentee ballots shall be printed out at the close of the polls. The Secretary of the State shall prescribe the procedure to safeguard the machine and the machine processed absentee ballots on election, primary or referendum day, after each time prescribed for processing absentee ballots. The Secretary of the State may prescribe that on election, primary or referendum day, after the first time period prescribed for processing absentee ballots (1) the machine processed absentee ballots be removed and sealed in a labeled depository envelope, (2) the absentee ballots in the write-in bin be removed, the votes cast for the office in which the elector indicated a write-in vote be counted by hand and the ballots be sealed in a labeled depository envelope, (3) the public counter and seal on the tabulator be noted and (4) the registrars of voters return to the municipal clerk the tabulator and all such sealed and labeled packages of absentee ballots. After the close of the polls, the absentee ballot counters shall unlock and remove all the ballots from the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. The absentee ballot counters shall seal the write-in ballots in a depository envelope marked "write-in" and place them in the ballot transfer case. Machine counted absentee ballots shall be placed in the ballot transfer case. The central counting moderator and absentee ballot counters shall follow the procedures prescribed by the Secretary of the State for shutting down the machine and producing the election results report. The central counting moderator and counters shall sign three copies of the election results report, attach one to the moderator's return, post one and place one in the ballot transfer case. The central counting moderator shall record on the moderator's returns prescribed by the Secretary of the State the result of the count of the absentee ballots counted by hand and counted by machine. The central counting moderator shall announce the results of the absentee ballot vote for each candidate and question. No person shall make known the count of absentee ballots prior to the time for the closing of the polls. The central counting moderator shall follow the procedures prescribed by the Secretary of the State and return the keys, the tabulator, the ballot transfer case, the moderator's return with the election results report attached and other election materials to the municipal clerk.

**Sec. 9-242a-26. Completing Ballot Log Summary After Polls Close.** After the polls close, the ballot clerks shall complete a ballot log summary prescribed by the Secretary of the State. They shall total the actual count of ballots from opened packages recorded that day, subtract the total of loose unissued ballots and explain if the difference does not equal the total ballots issued. They shall total the ballot packages received, subtract the total packages opened and explain if the difference does not equal the total ballot packages remaining unopened after the polls close. The ballot clerks shall (1) add the spoiled ballots, challenged ballots and ballots in the auxiliary bin after the voting machine was locked against further voting, (2) subtract this total from the total ballots issued, and (3) explain if the difference does not equal the number on the public counter after the voting machine was locked against further voting. If absentee ballots are counted in the polling place, the Secretary of the State shall prescribe how absentee ballots are accounted for, which may include prescribing that the total absentee ballots counted by the machine be added to the total ballots issued in the polling place counted by machine. The ballot clerks shall place all spoiled ballots in a depository envelope marked "spoiled ballots", seal it with non-reusable tape and deliver it to the moderator for return to the municipal clerk. The ballot clerks shall secure all ballots which are not issued to electors and deliver them to the moderator for return to the municipal clerk. All unused printed marksense ballots shall be retained by the municipal clerk in the manner and for the period prescribed by law for the retention of unused absentee ballots and then shall be destroyed.

**Sec. 9-242a-27. Closing the Machines and Polls.** After all election results reports have been produced, the moderator and assistant registrars of voters shall record on the moderator's return the number on the public counter, close down the machine and remove the tabulator from the ballot box according to the manufacturer's instructions. They shall not break the seal on the tabulator and they shall record such number on the moderator's return. They shall place the tabulator in its carrying case. They shall seal all depository envelopes with non-reusable tape. They shall place in the ballot transfer case all depository envelopes from the polling place and all ballots from the

regular bin. The Secretary of the State may prescribe that the depository envelopes containing the empty envelopes and rejected absentee ballots, the depository envelope containing the challenged ballots and the depository envelope containing the spoiled ballots need not be placed in the ballot transfer case. If absentee ballots are counted at the polling place, the certificate of absentee ballot count shall be completed and the result of the absentee ballot count shall be entered on the moderator's returns in the manner prescribed by the Secretary of the State. The moderator shall announce the results for each candidate and question. The moderator and assistant registrars of voters shall indicate on the moderator's returns, the number of the seal that will be used to secure the ballot transfer case. They shall attach a signed copy of the election results report, which was produced by the machine, to a signed copy of the Moderator's return, place them in the ballot transfer case and seal the ballot transfer case. The moderator shall label the keys in accordance with instructions from the secretary of the state and return the keys, the tabulator, the ballot transfer case, the original moderator's return with the original election results report attached, and other election materials to the municipal clerk. The ballot transfer case shall be sealed for the period of time prescribed for sealing absentee ballots and then shall be unsealed and the contents destroyed. The tabulator shall be sealed for the period of time prescribed for sealing voting machines.

**Sec. 9-242a-28. Recanvass.** If a recanvass is required by law in a municipality which uses marksense voting machines, the head moderator shall summon the recanvass officials consisting of the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies, at least two checkers, two ballot clerks and two absentee ballot counters of opposing political parties who served at such election, the registrars of voters, and the municipal clerk. The municipal clerk shall be required to bring with him the sealed tabulators, the sealed ballot transfer cases, replacement seals and the other materials required by law. The technician shall be required to bring with him sufficient ballot boxes, new memory cards for each voting district and test ballots prepared in the manner prescribed by the Secretary of the State. The recanvass officials shall, in the presence of the moderator, make a record of the number on the seals on the tabulator and ballot transfer case. The recanvass officials shall break the seal on the tabulator, remove the memory card and place it in a storage container approved by the Secretary of the State. The new memory card shall be installed in the tabulator, the tabulator shall be installed on an empty ballot box, the test ballots shall be testvoted in the manner prescribed by the Secretary of the State and a record shall be made. When the machine prints the election zero report, the report shall be signed by the moderator and registrars and left attached to the tape in the machine. The recanvass officials shall break the seal of the ballot transfer case and begin the recount required by law for that voting district. Two recanvass officials of opposing political parties shall (1) open the depository envelope containing the ballots from the auxiliary bin, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in a labeled depository envelope, (2) open the depository envelopes containing the absentee ballots which were handcounted on election day, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in labeled depository envelopes, and (3) open the depository envelope containing the ballots from the write-in bin, count by machine and by hand the votes for the offices and questions subject to recanvass in the manner prescribed by the Secretary of the State, record them on the tally sheets and reseal them in a labeled depository envelope. The recanvass officials of opposing political parties shall examine all ballots which were machine counted on election day to determine whether the markings for the office being recanvassed are sufficiently clear to be read by the machine. If two recanvass officials of opposing political parties agree that such ballots are sufficiently clear to be read by the machine, such ballots shall be processed through the machine. For each voting district, the recanvass officials shall print and sign two elections results reports, announce the machine results for the offices and questions subject to recanvass, post one copy of the report and attach the other copy of the report to the moderator's return. All other ballots which were counted by machine on election day shall be counted by hand by recanvass officials of opposing political parties, recorded on the tally sheets and sealed in labeled depository envelopes. The recanvass officials shall complete the moderator's returns for each office and question subject to recanvass and announce the results. All ballots shall be placed in the ballot transfer case which shall be sealed with a new seal, and the seal number recorded on the moderator's return. The memory card shall be sealed in the tabulator and the seal number recorded on the moderator's return. The memory card which has been removed from the

tabulator shall be sealed in a storage container in the manner prescribed by the Secretary of the State and the seal number recorded on the moderator's return. The moderator shall return the keys, the tabulator, the ballot transfer case, the polling place moderator's returns with elections results reports attached, and other election materials to the municipal clerk. The moderator shall also prepare the head moderator's return in duplicate as prescribed by law and file one with the municipal clerk and one with the Secretary of the State. The tabulator and memory card storage container shall be sealed for the period of time prescribed for sealing voting machines. The canvass may be conducted in such other manner as may be prescribed by the Secretary of the State.

*(Effective October 1, 1999)*

**(Obsolete Public Act)**

**PUBLIC ACT 94-225 AN ACT CONCERNING A DEMONSTRATION PROJECT FOR  
THE USE OF OPTICAL, ELECTRONIC OR MECHANICAL EQUIPMENT FOR  
THECASTING AND COUNTING OF BALLOTS**

Notwithstanding any provision of title 9 of the general statutes to the contrary, the secretary of the state may authorize, as a demonstration project, the use of optical, electronic or mechanical equipment for the casting and counting of ballots in not more than three towns at elections, primaries or referenda in 1994 or 1995, provided (1) the legislative body of any such town or, in the case of a town in which the legislative body is a town meeting, the board of selectmen and (B) the registrars of the town approve the use of such equipment and (2) the secretary prescribes specifications for: (A) The security, testing, set-up, operation and canvassing of the equipment, (B) the ballots used with the equipment, and (C) the training of election officials in the use of the equipment. Not later than January first in the year following the use of such equipment by a town, such town shall submit a report on such use to the secretary. Not later than February 1, 1996, the secretary shall submit a summary of such reports and recommendations concerning the use of such equipment to the joint standing committee of the general assembly having cognizance of matters relating to elections.

(P.A. 93-384, S. 18; P.A. 94-225)