



SECRETARY OF THE STATE
30 Trinity Street
Hartford, CT 06106

February 22, 2014

TO ALL REGISTRARS OF VOTERS HOLDING TOWN COMMITTEE PRIMARIES on
MARCH 4, 2014:

Re: Registrars' Duties at Primaries

We are providing the following information for your guidance in connection with the town committee primaries to be held on March 4, 2014.

If two parties hold primaries in your municipality, remember that this constitutes two separate and distinct primaries even though they are held on the same day in the same location(s), and the registrar's duties must be performed by each of you separately. Each registrar performs these functions in connection with his or her own party's primary.

I. Registrars

The registrar who is responsible for the primary is the registrar of the party holding the primary. If the party has more than one registrar in the town (i.e., registrars elected from two voting districts), the one responsible for the primary is the registrar from the district whose moderator was the head moderator in the last election. (Please note, however, that the enrollment session on February 18, 2014 is to be held jointly by all registrars in the town if a primary of any party is to be held. Sec. 9-51.)

II. Voting Districts

The boundaries of voting districts (if any) are determined by the legislative body of each municipality, except for "split" voting districts "automatically" created by the 2011 Plan of Districting in some municipalities (Conn. Gen. Stat. Sections 9-169 and 9-169a). No changes in the boundaries of voting districts may be made within ninety days prior to the primary. Therefore, voting districts may not now be "combined" or subjected to any change of boundaries with respect to the March 4, 2014 primary, unless the provisions of Conn. Gen. Stat. Section 9-168a(c) are followed (as explained under "III. Polling Places", following).

If two parties are holding primaries, the same voting districts apply to both. In towns which have two sets of voting districts, one for municipal elections and one for state elections, if there is a primary in one voting district for town committee elected from municipal voting districts, then all primaries held on that day must be conducted on the basis of municipal voting districts.

III. Polling Places

Except as provided in Conn. Gen. Stat. Sections 9-168a and 9-168b, each voting district must have its own, separate polling place. Pursuant to Sections 9-168 and 9-169, polling places are designated by the registrars and may not be changed within the period of thirty-one days before a primary. The only exception to this rule is the case in which a polling place has for some reason (a fire, for example) become unusable, in which case the municipal clerk and the registrars, acting unanimously, must designate a new polling place.

If both parties are holding primaries, the same polling place is used for both parties.

Two polling places in one building: If, in accordance with Section 9-168a or Section 9-168b, your town has validly provided for two polling places in one building, and if, at the primary, the ballot labels for the two polling places in that one building are exactly the same and the law does not require separate returns, then Conn. Gen. Stat. Section 9-168a(c) allows the registrars to combine those two polling places into one polling place and requires them to notify the town clerk before the primary. Please study carefully Conn. Gen. Stat. Section 9-168a(c). Towns that are split between Congressional Districts may not combine voting districts split by such

congressional district because the law requires separate returns by congressional district. Except in the case of two polling places in one building, Section 9-438 requires that polling places for primaries be the same as those used for the election to be held.

Arrangement of polling place: We strongly recommend that in any polling place where two primaries are being held, each party's enrollment lists, ballots, and official checkers be kept as separate as possible. However, it is permissible to use a single optical scan machine for both primaries.

IV. Number of Voting Machines and Voting Privacy Booths

There is no longer a specific formula for determining the proper number of tabulators to be used in a primary. One optical scan tabulator will accommodate all voters for a particular polling place. We have adjusted the optical scan regulations to allow for the use of one tabulator for both primaries in a single polling place if both parties are having a primary.

V. Adjustment, Testing and Sealing of Voting Machines

The registrars of voters are responsible for ensuring that the machine has been properly adjusted. Registrars should follow the following procedures to ensure that each optical scan voting machine has been properly programmed for use in each primary:

1. Not later than the tenth 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.
2. All those present, including the registrars or their designees, 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.
3. 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 and the key. The voting machine tabulator in its carrying case and any spare memory cards shall be delivered by the registrars to the central secure location designated by the registrars until delivery of such tabulators to the election officials on election day.
4. At least one day before machine testing described above begins, the registrars of voters must give written notice to the town chairmen of all political parties of the day and place the registrars will begin test voting and sealing of the machines. The Chairmen of the Town Committee of the political parties and any candidate for an office appearing on the ballot may designate "watchers" to be present when the voting machines are tested and sealed. We urge that such notice also be given to nominating petition candidates and to candidates of minor parties, and to registered write-in candidates, where feasible.
5. Registrars must ensure that if an elector may vote for any two [or more] in a group office that he can vote for any combination of two [or more], even if one candidate appears directly below the other. Also, if the same candidate appears on two rows for the same office and if an elector may vote for two or more for that office, the registrars must ensure that if an elector casts more than one vote for such cross-endorsed candidate the voting machine counts only one vote for such candidate.
6. Registrars of voters should create a "test deck" of ballots to be used when each tabulator is test voted. The "test deck" is a number of voted ballots with a pre-determined result. This "test deck" is then run through the voting tabulator to ensure that when complete, the tabulator reports vote totals for each candidate consistent with the pre-determined results.

VI. Primary Officials

Section 9-436 and related statutes require the registrar of the party holding a primary for town committee to appoint the following officials for each polling place:

1 Moderator;

At least 1 but not more than 2 Assistant Registrars (if the registrar will not be at the polls)

At least 1 but not more than 2 Official Checker for each line of electors;

At least 1 but not more than 2 Ballot Clerks

At least 1 but not more than 2 Machine Tender for each machine in use; and

At least 2 Absentee Ballot Counters (unless there is central counting of absentee ballots under Section 9-147a, in which case there are at least 2 Absentee Ballot Counters for the town or part of a town holding the primary)

In the case of either a municipality or a political subdivision holding more than one primary on the same day for different political parties, one certified moderator may serve as moderator for both primaries, if the registrars of voters so agree. (*See Public Act No. 11-20*).

The statute permits (but does not require) the appointment of one or two challengers for each polling place. Please note that the law provides for appointment of one or two assistant registrars. At least one assistant registrar must be appointed for a polling place unless the registrar will be present at that polling place during the primary.

If there is more than one voting district, you must appoint a head moderator, who may be one of the polling place moderators. You may also appoint a deputy head moderator to assist the head moderator in the performance of his duties relating to returns.

The foregoing applies separately to each party holding a town committee primary. Two shifts of the above officials - except the moderators and absentee ballot counters - may be established by a majority vote of the legislative body.

Under this statute, in each voting district with town committee primary, one-half of the primary officials at each polling place (except moderators) are to be appointed from designees of the party-endorsed candidates for town committee, and the remaining one-half from designees of the challenging candidates for town committee. Although the party-endorsed and challenging candidates may designate moderators, the registrar, in appointing the moderators, need not divide them equally between designees of the party-endorsed candidates and designees of one or more of the contestants. All other primary officials, however, must be divided equally, as nearly as may be. No party or candidate may, as a matter of law, demand the appointment of a member of such party, or supporter of such candidate, as an election official. (Opinion of the Attorney General, dated October 16, 1963).

Where there is more than one challenging candidate or group of candidates for town committee, in appointing the officials for each polling place you should divide as equally and as equitably as you can one-half the primary officials between (or among) those designated by such challenging candidates for town committee, the other one-half being designated by the endorsed candidate(s) for town committee. Likewise, if the party-endorsed candidates for town committee are unable to agree upon designees, the appointments allocable to party-endorsed candidates, should be divided as equally and equitably as possible between or among those designated by such party-endorsed candidates. If there is no party-endorsed candidate for any office being contested at a party's primary in your town, then we suggest that the appointments be divided as equitably as possible between or among the contestants for town committee.

Section 9-436 requires that, "The registrar shall notify all such candidates and contestants for town committee of their right to submit a list of designees under this section." Please be sure to alert any primary candidates for town committee in your municipality to the provisions of Section 9-436 relating to the appointment of primary officials, and particularly to the time provided for the submission to you of the names of the designees and alternate designees. The deadline this year is February 11, 2014. Remember: moderators must be certified by the Secretary of the State in order to serve at the polls. (See Sec. 9-229.)

Section 9-249, in conjunction with Section 9-436, states that the registrar of voters and certified moderator shall instruct the primary officials.

Section 9-249, in conjunction with Section 9-436, states that the registrar of voters and a certified moderator shall instruct the primary officials. In the case of a town-wide or political subdivision primary, the polling place officials must be appointed from among the enrolled party members in the state. If a sufficient number of enrolled party members cannot be found or do not consent to serve, the registrar may appoint any elector who resides in the state to serve as a polling place official (except that a moderator must be a certified moderator). Moreover, a 16- or 17-year-old U.S. citizen resident of a town may be appointed as (1) a challenger or candidate checker or (2) a checker, translator or voting machine tender after attending poll worker training and receiving written permission of a parent, guardian or the principal of the school. (Sec. 9-235d)

Sections 9-258 and 9-381a prohibit any known candidate in a primary from serving as a primary official on primary day or serving at the polls in any capacity and Section 9-258 makes an exception only when a municipal clerk is a candidate for only municipal clerk and when a registrar of voters is a candidate for only registrar of voters. Consequently, any municipal clerk

or registrar who is a candidate for town committee at a primary may not serve as a primary official on primary day, may not serve at the polls in any capacity and may not perform his official primary duties on the day of the primary; such a municipal clerk or registrar would have the duty to designate his assistant or deputy who is not a candidate on the ballot to perform his official duties on primary day.

Section 9-147c prohibits the spouse, parent, grandparent, child or sibling of a candidate from being appointed to count absentee ballots on which the name of such candidate appears.

Conn. Gen. Stat. Section 9-235c provides that any primary official may serve on a voluntary basis without compensation if such primary official and the registrar of voters of the party conducting the primary mutually agree. We urge that you seek the advice of your municipal attorney before proceeding under this section.

No candidate, no spouse of a candidate and no child of a candidate (as well as no dependent relative of a candidate who resides in the candidate's household) may transport, prepare, repair or maintain a voting machine. (Sec. 9-247a)

VII. Candidate Checkers

Candidate Checkers for Town Committee: The candidates for town committee whose names appear on a single horizontal row of the voting machine at a primary are collectively entitled to two "candidate checkers." A registrar may establish two or more shifts of unofficial checkers, in which case each group of candidates may designate two candidate checkers for each shift. If the name of only one candidate for town committee appears on a horizontal row, such candidate is entitled to two candidate checkers. Candidates who wish to have checkers must submit a list of designees at least 48 hours before the primary. Section 9-436a requires that the registrar notify the candidates of this obligation. If two or more candidates appearing on the same row are unable to agree on designees for candidate checkers and submit separate lists, it is suggested that you appoint no more than one of the two candidate checkers for that particular row from the designees of a single candidate.

General Information Concerning Candidate Checkers: Candidate checkers must be enrolled party members in the town, except that a 16- or 17-year-old U.S. citizen resident of a town may be appointed a candidate checker. (Sec. 9-235d). A registrar, at the request of each group of candidates for town committee shall change such appointments up to the close of the polls. Please note: Candidate checkers must not perform any official primary duties, but they may be compensated by the municipality.

In addition, any person who is not a candidate or an election official may serve as a runner. (Sections 9-235b and 9-258)

VIII. Enrollment Lists

Under Conn. Gen. Stat. §§9-35, 9-54, 9-55, 9-64a, 9-64b and 9-381a, registrars of voters must print Active and Inactive Enrollment Lists for use at the polls on primary day, arranged by street address. Please study carefully the "Enrollment List" entries in the Election Calendar.

The Inactive Enrollment List will consist of (1) any person whose notice of approval of mail-in was returned undeliverable and who did not respond to a Confirmation of Voting Residence Notice sent thirty days prior to March 4, 2014, and (2) any person who was sent a Confirmation of Voting Residence between January 2, 2013--May 1, 2013, or between April 24, 2012--May 1, 2012, or between January 2, 2011--May 1, 2011, or between January 2, 2010--May 1, 2010 on the basis of affirmative information obtained in the canvass that an elector moved (with no indication that he moved within town) and who did not respond to the Confirmation of Voting Residence within thirty days after it was sent (and was not restored). (Remember that a Confirmation of Voting Residence cannot be sent out between May 1, 2014 and January 2, 2015, except that under Conn. Gen. Stat. §9-23g(c), if a Notice of Acceptance of a mail-in application card is returned undelivered, a Confirmation of Voting Residence is sent out throughout the year.) The Inactive List for a particular voting district is sent to the polls for that voting district. Electors on the Inactive List for the particular voting district may sign an Application for Voter Registration for restoration at the polls and, if the registrar or assistant registrar of voters in the polls consents, such elector may vote. There is no need to telephone the registrar's office when the name is on the Inactive Enrollment List for the voting district in which the enrolled elector resides and seeks to vote. (Secs. 9-23g(c), 9-35 and 9-42(c))

Persons whose names are on neither the Active nor the Inactive Enrollment List for that voting district may be restored on primary day only if the registrar is contacted and consents to approve the applicant's request for restoration, and only if his name was on the Active Enrollment List for

at least one of the four years previous. (Secs. 9-32 and 9-35)

Enrollment lists at each polling place must be separate for each party if two parties are holding primaries. If your municipality uses a combined registry and enrollment list, and if two parties are holding primaries, the law requires that you print and use at each polling place a separate enrollment list for each party. (Sections 9-54 and 9-55).

In addition, each party's registrar must furnish each candidate checker with one copy of the Active Enrollment List.

IX. Eligibility to Vote

Please see the enclosed Memorandum entitled, "Acquisition of Rights of Party Enrollment" (ED-645b). Remember that, generally, a mail-in voter registration application for a new voter must be postmarked by February 27, 2014 (or received by the hometown registrar of voters, or the Department of Motor Vehicles, or a voter registration agency, by February 27, 2014) to enable the applicant to vote in the March 4, 2014 primary, and that a new voter may apply in person to his town clerk or registrar of voters until 12:00 noon of March 3, 2014. However, an unaffiliated voter, who does not apply in person to his registrar, must file his application for enrollment with his registrar by February 27, 2014 to be eligible to vote in the March 4, 2014 primary. An unaffiliated voter may apply for enrollment in person to his registrar until 12:00 noon of March 3, 2014 and be eligible to vote in the March 4, 2014 primary.

X. Supervised Absentee Voting at Primaries

Conn. Gen. Stat. §9-159r requires supervised absentee voting if an application for an absentee ballot is received from a qualified resident of an institution and "if twenty or more of the patients in...(the) institution...are electors" [emphasis and parenthetical matter added] regardless of whether the twenty electors in the institution are eligible to vote in the primary. Section 9-159q provides that nothing in the supervised absentee voting law shall limit the right of an elector to vote his ballot in secret.

Under Conn. Gen. Stat. §9-159q(a) and (i), 9-159r, 9-436(e) and 9-476, whenever there is supervised absentee balloting at primary, this office advises the registrar of the party holding the primary to designate an enrolled elector of his town and political party (other than an employee of the institution) from two contestants in the primary to supervise. The registrar of the party holding the primary must notify all party-endorsed candidates and all contestants of their right to submit a list of potential designees of enrolled electors of the town to supervise absentee voting. Designees may be submitted not later than ten days before the primary. (Section 9-159q(i))

A registrar is prohibited from supervising absentee voting for a primary if his spouse or his child (or the registrar's dependent relative residing in the registrar's household) is a candidate in the primary; such a registrar may designate the deputy registrar of voters or an assistant registrar of voters appointed by him to supervise for him. (Conn. Gen. Stat. §9-159q(k) and §9-159r(c))

XI. Voter I.D. Law

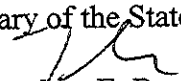
Conn. Gen. Stat. §9-26l requires each voter to present one of the following: (1) social security card, or (2) pre-printed form of identification which shows (a) his name and address, or (b) his name and signature, or (c) his name and photograph. If a voter does not present one of the above, he must sign a statement under penalty of false statement, on a form prescribed by the Secretary of the State, that he is the elector whose name appears on the official checklist.

Also, may we urge that you read the *Moderator's Handbook* carefully.

Please let us know if you have any questions about this material or if we can be of any assistance to you. We may be reached at (860) 509-6100.

Sincerely,

DENISE MERRILL
Secretary of the State

By: 
Theodore E. Bromley
Staff Attorney

Enclosure: ED-645b
Information copies:
Municipal Clerks
Republican and Democratic State Central Committees
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FROM THE OFFICE OF THE SECRETARY OF THE STATE
30 Trinity Street, Hartford CT 06106

ACQUISITION OF RIGHTS OF PARTY ENROLLMENT

Memorandum re: The time when an elector who applies for enrollment on the enrollment list of a particular party becomes entitled to the rights of enrollment in said party

Please Note: Section references are to the General Statutes of Connecticut.

There are six separate and distinct cases in connection with which the above question may arise, namely, (1) the new voter, (2) the newly-made cross-town voter, (3) the unaffiliated voter, (4) the transferee, (5) the erasee, and (6) the voter who removed his name from the registry list.

1. **NEW VOTER:** There is no waiting period in the case of the new voter who immediately applies. Section 9-57 provides that any new elector may enroll in a party. The names of such individuals are added to the proper enrollment list or supplementary enrollment list when they are printed. However, separate lists of eligible voters according to party must be prepared the day before a primary, caucus or convention. **Six exceptions:** (1) One who applies for enrollment in person to the registrars or town clerk after 12:00 noon on the last business day before a primary obtains his enrollment privileges immediately after the primary (this includes the physically disabled who apply in town under Sec. 9-31a); (2) The person who applies for enrollment in person to his registrars of voters or town clerk on the day of a caucus or convention receives his privileges immediately after the caucus or convention (this includes the physically disabled who apply in town under Sec. 9-31a); (3) A person who is pre-registering as a seventeen year old and who designates a party upon his registration form, if found qualified, has his name added to the enrollment list, together with the effective date of his registration (18th birthday); consequently, he acquires party rights on his birthday even if that day is the day of a caucus, convention or primary. (Secs. 9-12(b) and 9-57); (4) A person who is registered door-to-door and who designates a party upon his registration form does not acquire enrollment privileges until he acquires electoral privileges when his application for admission is approved. (Secs. 9-19b (b)(4), 9-57 and 9-431a) Any such person approved after 12:00 noon on the last business day before a primary or on the day of a caucus or convention does not acquire enrollment privileges until after the primary, caucus or convention (Secs. 9-431, 9-55 and 9-57); (5) A member of the armed forces or related group or citizen overseas who applies for absentee admission and who designates a party upon his registration form does not acquire enrollment privileges until he acquires electoral privileges when his application for admission is approved by the town clerk. (Secs. 9-30, 9-23a and 9-431a). Any such person approved on the day of a primary, caucus or convention does not acquire enrollment privileges until after the primary, caucus or convention. (Secs. 9-431, 9-55 and 9-23a); (6) A person who applies on a mail-in registration form and designates a party upon his registration form does not acquire enrollment privileges until he acquires electoral privileges on the day the registrar of the town of voting residence approves the application and mails a notice of acceptance to such applicant. A person who applies for admission and enrollment by the mail-in procedure obtains electoral and enrollment privileges on the day after the primary if (1) the mail-in application is postmarked after the fifth day before the primary, (2) the mail-in application is received by the DMV or a voter registration agency (under Sec. 9-23n) after the fifth day before the primary, or (3) the mail-in application is delivered to the office of the registrars by someone other than the applicant after the fifth day before the primary. Any person whose mail-in application form is approved on the day of a caucus or convention does not acquire enrollment privileges until after the caucus or convention. If a new voter does not apply for enrollment at the time he applies for admission as an elector, then he falls into the same category as an unaffiliated voter. (See paragraph numbered "3".) (Secs. 9-23g (c) and (d), 9-431(a) and 9-55(d))
2. **NEWLY-MADE CROSS-TOWN VOTER:** Cross-town admission also allows for simultaneous enrollment. The privileges of enrollment become effective, however, from the time the application for admission as an elector is approved by the town clerk or registrars of voters of the town of voting residence. As to applications approved after 12:00 noon on the last business day before a primary, the

qualifications of party enrollment attach immediately after the primary. As to applications approved on the day of a caucus or convention, the qualifications of party enrollment attach immediately after the caucus or convention. (Secs. 9-19e, 9-431, 9-55 and 9-57). The same deadlines apply for the physically disabled who apply cross-town under Sec. 9-31a.

3. UNAFFILIATED VOTER: Under Section 9-56, an unaffiliated voter may at any time make application for enrollment to the registrars of voters on an application for admission as an elector. Upon making application he becomes immediately entitled to all party privileges including the right to vote in primaries and caucuses, to be an opposition candidate by petition, to sign a primary petition, to serve as a circulator of a primary petition and to be appointed a primary official. The qualifications of party enrollment attach as of the date that such applications are filed with the registrars of voters of the town of residence of the applicant. The names are then added to the proper enrollment list or supplementary enrollment list. However, if a primary, caucus or convention is to be held, separate lists of eligible voters according to party must be prepared.

There are four exceptions: (1) If the unaffiliated voter files his application in person with the registrar of voters after 12:00 noon on the last business day before a primary, he receives his privileges immediately after the primary; (2) if the unaffiliated voter files such application, otherwise than in person, with the registrar of voters after the fifth day before the primary, he does not acquire enrollment privileges until after the primary, (3) if the unaffiliated voter is overseas or a serviceman or related group who files such application with the town clerk under Secs. 9-23a and 9-26 on the day of the primary, he does not acquire enrollment privileges until after the primary, (4) if the unaffiliated voter files his application with the registrar of voters after 5:00 p.m. on the last business day before a caucus or convention, he receives his rights immediately after the caucus or convention.

4. TRANSFEREE: Under Section 9-59, an elector who applies for a transfer of his name from one party list to another immediately loses all rights in his former party. Moreover, he may not vote in a primary or caucus or exercise any other rights of enrollment in any party for a period of three months from the date of filing of his application for transfer. The date on which he becomes eligible to enrollment rights must be entered on the enrollment list following his name; i.e., the expiration of such period of three months.
5. ERASEE: Under Section 9-59, the erasee, (i.e., the individual who applies for erasure of his name from a party enrollment list) immediately loses all the rights accompanying enrollment in his party, and he becomes an unaffiliated voter. If an erasee later applies for enrollment in the same or another party, he is in the same situation as a transferee, i.e., he does not acquire the rights of enrollment until the expiration of three months from the date of the filing of his application for erasure. Moreover, should he so apply for enrollment after filing an application for erasure, his eligibility date (being the date of the expiration of three months following the date on which he filed his application for erasure) must be entered on the list following his name, provided the three-month period has not already expired.
6. VOTER WHO REMOVED HIS NAME FROM THE REGISTRY LIST: Any voter who removed his name from the registry list and from an enrollment list in accordance with Section 9-35b, and who re-registers, is not entitled to enroll in any party or vote in any primary for three months after such removal (Sec. 9-59)