



SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

To: Registrars of Voters
From: Office of the Secretary of the State – LEAD Division
Date: October 14, 2014
Re: Election Day Registration Deadline

Summary:

A person who registers to vote on Election Day pursuant to Connecticut's Election Day registration law must have completed the entire registration process, and be admitted as an elector by 8:00 PM on Election Day, in order to be entitled to cast a ballot.

Authority:

This opinion is issued pursuant to Connecticut General Statutes §9-3 which states, "The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary's regulations, declaratory rulings, instructions and opinions, if in written form, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapter 155, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54."

Issue:

This office has been asked to clarify the Election Day voter registration deadline. It has come to our attention that there may be some uncertainty among registrars of voters about how to treat those voters who may be in the process of registering to vote on Election Day at the 8 o'clock p.m. statutory deadline for the closing of the polls.

Analysis:

Connecticut General Statutes §9-174 states, in relevant part, "No elector shall be permitted to cast his vote after the hour prescribed for the closing of the polls in any election unless such elector is in line at eight o'clock p.m." The statute appears clear that only "electors" may remain in line to cast a ballot. Of course, individuals who come in to make use of EDR are by definition seeking to register to vote and are

not currently electors within the meaning of the statute until they have completed the entire EDR registration process. Therefore, we must conclude that at 8 o'clock p.m., the opportunity to register to vote has concluded and only those individuals who have already been made electors through the EDR registration process may continue to remain in line to cast a ballot. Further, the registrar must not allow anyone who has not completed the EDR registration process, and therefore is not an elector, to cast a ballot.

Connecticut General Statutes §9-19j establishes the procedure to conduct voter registration on the day of an election. This section establishes a procedure for both a voter registration and voting itself. However, most relevant to this discussion is the voter registration procedure. Section 9-19j defines the term Election Day as the day on which an election is held. As stated above, the hours of voting on Election Day are 6 a.m. to 8 p.m. As such, it follows that that in order to cast a ballot on Election Day, the applicant must have completed the EDR registration process and be registered to vote no later than 8 o'clock p.m. This, of course, is consistent with the language of Section 9-174 described above.

For those applicants who are truly new voters, (that is, are not already registered in another municipality in Connecticut,) this process entails a query of the Centralized Voter Registration database to confirm they are not registered to vote in any other municipality in the State of Connecticut and, on finding that they are not so registered, ultimate acceptance of the registration application by the registrar of voters. It is important to note that the law only grants the status of elector to these individuals once the registrar of voters has checked the Centralized Voter Registration database and confirmed that they are not currently registered in another town.

For those applicants who are currently listed by Centralized Voter Registration database as electors in another municipality in this state, the process requires further steps before a registrar of voters may grant the applicant the status of an elector. Again, the process entails a query of the Centralized Voter Registration database, but on finding the individual listed as currently registered in another municipality, additional contact with the previous municipality must be made and ultimate acceptance of the registration application by the registrar of voters can only be made if the previous municipality does not report (either affirmatively or by inaction) that the individual has already voted in that municipality. Only after such additional steps have been made can the applicant be admitted as an elector.

Conclusion:

We conclude, if applicants continue to be in line after 8 o'clock p.m. because they have not completed the EDR registration process, they will not be able to participate in the election. All applicants must have completed the EDR application process before 8 o'clock p.m. in order to cast a ballot on Election Day. Once an applicant has completed the entire EDR registration process, they are admitted as an elector in the municipality and their voting privileges attach immediately. The provisions of Connecticut General Statutes §9-174 allow any elector in line after 8 o'clock p.m. to cast their ballot. Therefore, it would be advisable to keep track of those electors who have completed the EDR registration process before 8 o'clock p.m. to ensure that they can cast their ballot even if the voting process at the EDR location continues until after the 8 o'clock p.m. deadline for the closing of the polls.

This memorandum is intended to reiterate the original standard stated in the April 11, 2013 Election Day Instruction Manual.

Sec. 9-19j. (Note: This section is effective July 1, 2013.) Election day registration; confirmation procedures; counting of ballots. Activities prohibited near location of election day registration. (a) As used in this subsection and subsections (b) to (i), inclusive, of this section, “election day” means the day on which a regular election, as defined in section 9-1, is held.

(b) Notwithstanding the provisions of this chapter, a person who (1) is (A) not an elector, or (B) an elector registered in a municipality who wishes to change his or her registration to another municipality pursuant to the provisions of subdivision (2) of subsection (e) of this section, and (2) meets the eligibility requirements under subsection (a) of section 9-12, may apply for admission as an elector on election day pursuant to the provisions of subsections (a) to (i), inclusive, of this section.

(c) (1) The registrars of voters shall designate a location for the completion and processing of election day registration applications on election day, provided the registrars of voters have access to the state-wide centralized voter registration system from such location.

(2) The registrars of voters may appoint one or more election officials to serve at such location and may delegate to such election officials any of the responsibilities assigned to the registrars of voters. The registrars of voters shall supervise such election officials and train such election officials to be election day registration election officials.

(d) Any person applying to register on election day under the provisions of subsections (a) to (i), inclusive, of this section shall make application in accordance with the provisions of section 9-20, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by said institution in lieu of the identification required by section 9-20, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election. If the information that the applicant is required to provide under section 9-20 and subsections (a) to (i), inclusive, of this section does not include proof of the applicant’s residential address, the applicant shall also submit identification that shows the applicant’s bona fide residence address, including, but not limited to, a learner’s permit issued under section 14-36 or a utility bill that has the applicant’s name and current address and that has a due date that is not later than thirty days after the election or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant’s name and current address.

(e) If the registrars of voters determine that an applicant satisfies the application requirements set forth in subsection (d) of this section, the registrars of voters shall check the state-wide centralized voter registration system before admitting such applicant as an elector.

(1) If the registrars of voters determine that the applicant is not already an elector, the registrars of voters shall admit the applicant as an elector and the privileges of an elector shall attach immediately.

(2) If the registrars of voters determine that such applicant is an elector in another municipality and such applicant states that he or she wants to change the municipality in which the applicant is an elector, notwithstanding the provisions of section 9-21, the registrars of voters of the municipality in which such elector now seeks to register shall immediately notify the registrars of voters in such other municipality that such elector is changing the municipality in which the applicant is an elector. The registrars of voters in such other municipality shall notify the election officials in such municipality to remove such elector from the official voter list of such municipality. Such election officials shall cross through the elector’s name on such official voter list and mark “off” next to such elector’s name on such official voter list.

(A) If it is reported that such applicant already voted in such other municipality, the registrars of voters of such other municipality shall immediately notify the registrars of voters of the municipality in which such elector now seeks to register. In such event, such elector shall not receive an election day registration ballot from the registrars of voters of the municipality in which such elector now seeks to register. For any such elector, the election day registration process shall cease in the municipality in which such elector now seeks to register and such matter shall

be reviewed by the registrars of voters in the municipality in which such elector now seeks to register. After completion of such review, if a resolution of the matter can not be made, such matter shall be reported to the State Elections Enforcement Commission which shall conduct an investigation of the matter.

(B) If there is no such report that such applicant already voted in the other municipality, the registrars of voters of the municipality in which the applicant seeks to register shall admit the applicant as an elector and the privileges of an elector shall attach immediately.

(f) If the applicant is admitted as an elector, the registrars of voters shall provide the elector with an election day registration ballot and election day registration envelope and shall make a record of such issuance. The elector shall complete an affirmation imprinted upon the back of the envelope for an election day registration ballot and shall declare under oath that the applicant has not previously voted in the election. The affirmation shall be in the form substantially as follows and signed by the voter:

AFFIRMATION: I, the undersigned, do hereby state, under penalty of false statement, (perjury) that:

1. I am the person admitted here as an elector in the town indicated.
2. I am eligible to vote in the election indicated for today in the town indicated.
3. The information on my voter registration card is correct and complete.
4. I reside at the address that I have given to the registrars of voters.
5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election.
7. I completed an application for an election day registration ballot and received an election day registration ballot.

.... (Signature of voter)

(g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day registration ballot is marked. The elector shall place the election day registration ballot in the election day registration ballot envelope provided, and deposit such envelope in a secured election day registration ballot depository receptacle. At the time designated by the registrars of voters and noticed to election officials, the registrars of voters shall transport such receptacle containing the election day registration ballots to the area, either district or central, where absentee ballots are counted and such election day registration ballots shall be counted by the election officials present at such location. A section of the head moderator's return shall show the number of election day registration ballots received from electors. The registrars of voters shall seal a copy of the vote tally for election day registration ballots in a depository envelope with the election day registration ballots and store such election day registration depository envelope with the other election results materials. The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.

(h) The provisions of the general statutes and regulations concerning procedures relating to the custody, control and counting of absentee ballots shall apply as nearly as possible, to the custody, control and counting of election day registration ballots under subsections (a) to (i), inclusive, of this section.

(i) After the acceptance of an election day registration, the registrars of voters shall forthwith send a registration confirmation notice to the residential address of each applicant who is admitted as an elector on election day under subsections (a) to (i), inclusive, of this section. Such confirmation shall be sent by first class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. If a confirmation notice is

returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43, as applicable, notwithstanding the May first deadline in section 9-35.

(j) No person shall solicit in behalf of or in opposition to the candidacy of another or himself or herself or in behalf of or in opposition to any question being submitted at the election, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to the registrars' of voters designated location for election day registration balloting or in any corridor, passageway or other approach leading from any such outside entrance to such registrars' of voters designated location or in any room opening upon any such corridor, passageway or approach.

Sec. 9-174. Hours of voting. Voting by electors in line at eight o'clock p.m. Notwithstanding the provisions of any general statute, special act or municipal charter to the contrary, at any regular election, or at any special election held to fill a vacancy in a state, district or municipal office, the polls shall remain open for voting from six o'clock a.m. until eight o'clock p.m. No elector shall be permitted to cast his vote after the hour prescribed for the closing of the polls in any election unless such elector is in line at eight o'clock p.m. An election official or a police official of the municipality, who is designated by the moderator, shall be placed at the end of the line at eight o'clock p.m. Such official shall not allow any electors who were not in such line at eight o'clock p.m. to enter such line.