



SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

To: All Registrars of Voters
From: Office of the Secretary of the State – LEAD Division
Date: October 14, 2014
Re: Registration Deadline for On-Line Voter Registration System

Summary

The statute governing the online voter registration system provides that if a person uses the system to register to vote after the firm pre-election deadline, their registration will not become valid until after the election. Therefore, the system cannot be used to register persons between the cut-off, in the case of a state election 2 weeks before the election and Election Day, or on Election Day, for election day registration purposes, for persons who wish to vote in the November 4, 2014 election.

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

The issue to be addressed by this opinion is the relevant voter registration deadline applicable to an applicant for voter registration using the State of Connecticut’s On-Line Voter Registration System (OLVR). OLVR was developed by the Office of the Secretary of the State pursuant to Connecticut General Statutes §9-19k; the full text of this statute is reproduced below. Among the several requirements regarding development of the OLVR system, Connecticut General Statutes §9-19k provides the following voter registration deadline language:

“...(f) If an applicant registers to vote pursuant to the provisions of this section after the fourteenth day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be. In such event, the registrars of voters may contact such applicant, either by telephone or mail, in order to inform such applicant of the effect of such late received application and any applicable deadline for applying for admission in person....”

Standard of Review

When interpreting a statute, the fundamental objective is to ascertain and give effect to the apparent intent of the legislature. To do so, we must first consult the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. *See* General Statutes § 1–2z. *See also* Butts v. Bysiewicz, 298 Conn. 665 (2010).

Analysis

Here the statutory language is clear, if an applicant registers to vote pursuant to the provisions of Connecticut General Statutes §9-19k, or in other words, registers to vote using the OLVR system, after the fourteenth day before an election, being October 21, 2014 for the November 4, 2014 general election, their privileges as an elector shall not attach until the day after such election.

This language is virtually identical to that used in other statutory sections of Title 9 regarding voter registration deadlines. For example, Connecticut General Statutes §9-23g states, in relevant part, “...(2) Except as provided in subdivision (3) of this subsection, if a mailed application is postmarked, or if a delivered application is received in the office of the registrars of voters, after the fourteenth day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be....” This office has interpreted this language to mean that the voter registration applicant would not be eligible to vote in the upcoming election if they submitted an application for voter registration after the fourteenth day prior to an election.

Conclusion

As such, based upon the plain language of Connecticut General Statutes §9-19k and a comparison of similar language in other statutory sections regarding voter registration deadlines, it is the opinion of this office that the voter registration deadline for applicants using the OLVR system is fourteen days prior to an election. Any voter registration application submitted through the OLVR system on or after the thirteenth day prior to an election would delay the acquisition of privileges for the applicant until the day after such election.

By this same reasoning, it is the opinion of this office that the use of the OLVR system is prohibited on the day of the election for use in the administration of the Election Day Registration process. There exists no exception to the voter registration deadline within Connecticut General Statutes §9-19k that would accommodate for the use of the OLVR system on Election Day and thus we are required to apply the fourteen day voter registration deadline to all such registration opportunities involving the use of the OLVR system.

Comment

This office is aware that some registrars of voters have proposed using the OLVR system to register voters on Election Day under our election day registration statute in the interest of efficiency. While we appreciate local elections officials seeking to make the registration of voters run smoothly and efficiently on Election Day, the statute as currently written clearly bars such use of the OLVR system.

Sec. 9-19k. Online voter registration system. (a) The Secretary of the State shall establish and maintain a system for online voter registration. Such system shall also permit a registered elector to apply for changes to such elector's registration. An applicant may register to vote through this system, provided the applicant's (1) registration information is verifiable in the manner described in subsection (b) of this section, and (2) signature is in a database described in said subsection (b) and such signature may be imported into such system for online voter registration.

(b) A state agency, upon the request of the Secretary of the State, shall provide any information to the Secretary that the Secretary deems necessary to maintain the system for online voter registration. The Secretary may cross reference the information input into the system by applicants with data or information contained in any state agency's database or a database administered by the federal government, or any voter registration database of another state, in order to verify the information submitted by applicants. The Secretary shall not use the information obtained from any such database except to verify information submitted by the applicant, provided the applicant's signature, if part of data contained in the state agency's database, shall be included as part of the applicant's information contained in the system for online voter registration.

(c) The submission of an online application shall contain all of the information that is required for an application under section 9-23h, except that a signature shall be obtained from another state agency's database pursuant to subsection (b) of this section.

(d) In order for an applicant's registration or change in registration to be approved, the applicant shall mark the box associated with the following statement included as part of the online application:

“By clicking on the box below, I swear or affirm all of the following under penalty of perjury:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Connecticut.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State or my town's registrars of voters my signature that is on file with such agency and understand that such signature will be used by the Secretary of the State or my town's registrars of voters on this online application for admission as an elector as if I had signed this form personally.”

(e) Upon approval of such application, the registrars of voters shall send a notice of approval pursuant to section 9-19b to the applicant.

(f) If an applicant registers to vote pursuant to the provisions of this section after the fourteenth day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be. In such event, the registrars of voters may contact such applicant, either by telephone or mail, in order to inform such applicant of the effect of such late received application and any applicable deadline for applying for admission in person.