

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into between the United States of America, through the Civil Rights Division of the U.S. Department of Justice (United States), and the State of Connecticut, through the Secretary of the State for the State of Connecticut (the Secretary).

I. Statement of the Parties

The United States and the State of Connecticut (the Parties) hereby stipulate:

1. Section 303 of the Help America Vote Act of 2002 (HAVA), 52 U.S.C. § 21083 (HAVA), along with Section 8 of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20507, requires that states implement procedures to remove the names of deceased voters from state voter lists. 52 U.S.C. § 21083(a)(4).
2. The Town Clerk of each municipality in the State of Connecticut is the Registrar of Vital Statistics. Conn. Gen. Stat. § 7-37. As the Registrars of Vital Statistics, the Town Clerks are designated to receive certificates of death that occur within that municipality. Conn. Gen. Stat. §§ 7-42, 7-62b(a). Town Clerks are charged with reporting those certificates of death to both the Connecticut Department of Public Health (DPH) and the Registrars of Voters for their municipality. Conn. Gen. Stat. § 7-52. Registrars of Voters for each municipality are charged with using the records of death from the Town Clerk in making the Registrar's independent determination to remove the name of a deceased voter from the voter list for that municipality. Conn. Gen. Stat. § 7-35.
3. On or about November 28, 2018, following an investigation into Connecticut's procedures for removing deceased voters from its voting rolls, the United States informed the Secretary that action had been authorized to enforce Section 303 of HAVA, 52 U.S.C. § 21083. Section 303 of HAVA requires, among other things, that states coordinate statewide voter registration lists with state agency death records for the purpose of maintaining accurate voter registration lists.
4. Thereafter, the Secretary informed the United States that the State would initiate efforts requested by the United States to more directly coordinate the Centralized Voter Registration System (CVRS) with DPH death records.
5. The Parties share the goal of ensuring that the requirements of HAVA and the NVRA are met. The Parties have negotiated in good faith, and hereby agree to this MOU as an appropriate means to further their shared goal.

II. The Help America Vote Act of 2002 and National Voter Registration Act of 1993

6. Title III of HAVA, 52 U.S.C. § 20901 et seq., sets forth certain uniform and nondiscriminatory election technology and administration requirements for states in the administration of elections for federal office.

7. Section 303(a) of HAVA, 52 U.S.C. § 21083(a), requires each state with voter registration requirements for elections for federal office to implement, through the chief state elections official, a single, uniform, official, centralized, interactive computerized statewide voter registration list.
8. Section 303(a)(2)(A)(ii) of HAVA, 52 U.S.C. § 21083(a)(2)(A)(ii), requires that a state coordinate its voter lists with state agency records on death for purposes of removing the names of deceased voters from its voter lists.
9. The NVRA was enacted “to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office” while “ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b)(1), (4).
10. Section 8 of the NVRA and Section 303 of HAVA require states to conduct a general voter list maintenance program that makes a reasonable effort to remove the names of deceased voters from its voter list, in accordance with procedures set forth in the NVRA. 52 U.S.C. §§ 20507(a)(4)(B), 21083(a)(4)(A).
11. The Attorney General of the United States is authorized to enforce Section 303 of HAVA, 52 U.S.C. § 21083, by bringing a civil action for declaratory and injunctive relief. 52 U.S.C. § 21111.
12. The Attorney General of the United States is authorized to enforce Section 8 of the NVRA, 52 U.S.C. § 20507, by bringing a civil action for declaratory and injunctive relief. 52 U.S.C. § 20510(a).
13. The Secretary is the chief election official for the State of Connecticut. 52 U.S.C. § 20509, Conn. Gen. Stat. §§ 9-3, 9-4.
14. The Secretary is authorized to require Registrars of Voters to comply with HAVA and the NVRA. Conn. Gen. Stat. §§ 9-3, 9-4. The Secretary is the appropriate signatory to this MOU for the State of Connecticut and has the legal and statutory authority to ensure compliance with the terms and conditions of this MOU. *Id.*

III. Terms of the Memorandum of Understanding

NOW, THEREFORE, for full and adequate consideration given and received, the Parties agree as follows:

A. Administrative Plan

15. Within 60 days of the effective date of this MOU, the Secretary shall submit a Plan to counsel for the United States describing the specific steps the State will take to ensure the names of deceased voters are removed from its voter lists in a reasonable manner, along with the date by which each step will be accomplished. This Plan shall ensure that:

- a. As soon as practicable, but not later than 120 days from the effective date of this MOU, the Secretary shall begin coordination of the CVRS database with DPH death records to identify registered voters who have died;
- b. The Secretary and DPH intend to coordinate as follows: Each month, DPH shall create an electronic file, formatted in a manner recommended by State information technology (IT) personnel. The format of the electronic file may be updated from time to time based upon IT personnel recommendations. The electronic file shall contain the current month of available DPH death records for deaths in Connecticut reported to DPH during the previous thirty days. (the DPH death file);
- c. DPH shall provide the DPH death file to the Secretary in a secure method established by the State IT personnel;
- d. The Secretary shall access the DPH death file directly through the method established by the State IT personnel.
- e. The DPH death file shall contain the following information:
 - i. Full Name of Decedent (*first, middle, last*);
 - ii. Date of Birth of Decedent (*mmddyy*); and
 - iii. Resident Address of Decedent (*house no., street name, street type, apt. no., town, state*).
- f. Within thirty days following receipt of a DPH death file, the Secretary will forward the death records listed on the DPH death file to the Registrars of Voters of the municipality where the deceased was registered to vote;
- g. If the name of a deceased voter listed in the DPH death file has not already been removed by a Registrar of Voters for that municipality, the Registrar shall undertake efforts to confirm the accuracy of the DPH death record and that the named person has in fact died. If the Registrar confirms the accuracy of the death record listed in the DPH death file, through either independent verification or other credible sources, the Registrar shall remove that name from the voter list within a reasonable time period. Conn. Gen. Stat. § 9-35(b).
- h. If the Registrar is unable to confirm the accuracy of the DPH death record, the Registrar is not required to remove the name from the voter list at that time. However, if the Registrar declines to remove a name listed in a DPH death record within thirty days of receiving such record from the Secretary, the Registrar shall state the reason for the failure to remove the name and shall maintain a record of that reason in a format directed by the Secretary. The Registrar shall maintain this record in a manner established by the Secretary in consultation with State IT personnel.

- i. Thereafter, the Registrar shall report to the Secretary on March 1 and September 1 of each year this MOU is in effect a list of names of voters who were listed in a DPH death record provided to the Registrar from the Secretary but whom the Registrar declined to remove from the voter list and the reason for such failure to remove.
16. The Plan shall include any other steps the State currently takes or will take as part of its general program to remove registrants who have died from the voter lists, as required by HAVA and the NVRA. This may include, but is not limited to, any additional steps taken as part of the State's membership in the Electronic Registration Information Center (ERIC).
17. Counsel for the United States will respond in writing with any objections to the Plan within 30 days of receiving it. The Parties agree to negotiate in good faith to resolve any objections, and to ensure that the Plan fulfills the State's responsibilities under HAVA, the NVRA, and this MOU.

B. State Oversight of HAVA and NVRA Compliance

18. As soon as practicable, but not later than four months from the effective date of this agreement, the Secretary shall issue, pursuant to Conn. Gen. Stat. §§ 9-3, 9-4, a regulation, declaratory ruling, instruction or opinion, directed to Registrars of Voters to ensure that all Registrars comply with the Plan.

C. Reporting and Monitoring

19. On March 31 and September 30 of each year this MOU is in effect, the State shall submit to the United States a certification for the six-month period ending February 27 and August 31 respectively, which shall include the following information for that period:
 - a. Whether the CVRS was coordinated with DPH death records at intervals required by this MOU during the reporting period.
 - b. The number of records of death sent to each Registrar on the DPH death files pursuant to paragraph 15(f) of this agreement:
 - c. The number of active voters listed in the DPH death file that each Registrar declined to remove from the voter list, as reported to the Secretary pursuant to paragraph 15(i) of this agreement.
20. The Parties agree to negotiate in good faith a reasonable format and mechanism for transmission of the reporting described in paragraph 19.
21. The Parties agree and acknowledge that Registrars may have removed an active voter from the voter list for reason of death, or other lawful reason, before receiving the death record in a DPH death file from the Secretary. The Parties recognize that a divergence in the number of death records reported in the DPH death file from the number of voters

removed by a Registrar after receiving the DPH death file from the Secretary may be the result of an earlier removal of a voter from the voter list.

D. Deadlines

22. Any deadline in this MOU may be extended by the consent of the Parties. The United States shall not unreasonably withhold consent following a showing of good cause.
23. With respect to any time deadline imposed on the State in this MOU, if the State is unable, despite good faith efforts, to comply with a time deadline, the State shall notify the United States of such inability prior to the expiration of such deadline and may request a reasonable extension of the deadline.

E. Effective Date

24. This MOU shall take effect immediately upon signing by all signatories.

IV. Enforcement

25. If at any time the United States believes in good faith that the State of Connecticut is, or may soon be, in breach of any material term of this MOU, the United States shall advise the Secretary in writing by electronic mail. The notice shall identify the facts that form the basis of the alleged breach. The Secretary shall have five business days following receipt of such notice to respond in writing to the United States by electronic mail. The Parties shall thereafter immediately attempt to resolve any issue of potential breach. If the Parties are unable to resolve the issue(s), the United States may take appropriate action to enforce the terms of this MOU or to enforce Section 303 of HAVA or Section 8 of the NVRA, as provided by 52 U.S.C. §§ 21111, 20510.
26. Nothing in this MOU shall prevent the United States from taking any actions required to enforce any and all applicable provisions of HAVA and the NVRA.
27. Any legal proceeding arising in connection with the MOU shall be brought in the United States District Court in the District of Connecticut, and all parties consent to venue in that court.
28. Any legal proceeding to enforce this MOU may seek specific performance of the terms therein.
29. This MOU creates no third-party rights and may not be enforced by any individual, organization, or entity not a party thereto.

V. Termination

30. This MOU shall terminate after twenty two months from its effective date upon the State's showing that it has achieved substantial compliance with its terms. Nothing shall prevent the State from seeking to terminate this MOU early.

31. To demonstrate that it has achieved substantial compliance with the MOU for purposes of termination, the State shall provide a report, including appropriate documentation, to counsel for the United States that establishes that the State has substantially complied with the terms of this MOU and that the State has the means and intent to continue compliance with Section 303 of HAVA and Section 8 of the NVRA.
32. After conferring with the State, the United States in good faith will determine whether it believes the State has achieved substantial compliance with the MOU. A conclusion of substantial compliance by the State may not be unreasonably withheld by the United States. If the Parties agree that substantial compliance has been achieved, they may terminate this MOU in writing.

VI. Construction

33. The MOU shall be interpreted as if jointly written by all parties, and the rule of construction providing that any ambiguities are to be resolved against the drafting party shall not be used in interpreting this MOU.
34. Prior drafts of this MOU may not be used to construe this MOU.

The undersigned agree to execution of this MOU.

For the United States of America:

ERIC S. DREIBAND
Assistant Attorney General
Civil Rights Division

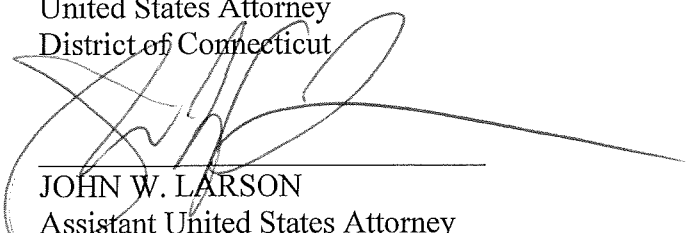
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For the State of Connecticut:

SECRETARY OF THE STATE
FOR THE STATE OF CONNECTICUT



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February 15, 2019
Date