



# Senate

General Assembly

**File No. 563**

January Session, 2011

Substitute Senate Bill No. 942

*Senate, April 18, 2011*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE INTEGRITY OF ELECTIONS.**

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

1 Section 1. Subsection (c) of section 9-229 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (c) The [secretary] Secretary shall conduct certification sessions for  
5 moderators and alternate moderators each year at times and places to  
6 be determined by said [secretary] Secretary, provided at least eight  
7 such sessions shall be held each calendar year and at least one such  
8 session shall be conducted prior to every primary. The [secretary]  
9 Secretary shall certify each person who successfully completes an  
10 instructional session conducted in accordance with the provisions of  
11 subsection (b) of this section and an examination administered by the  
12 [secretary] Secretary, as eligible to serve as moderator or alternate  
13 moderator at any election or primary held during the time such  
14 certification is effective. Any such certification made on or after

15 October 1, [1993] 2011, shall be effective for [four] two years from the  
16 date of such certification. Only those persons who attend and are  
17 thereby certified at such session shall be eligible to serve as moderators  
18 on election or primary day, except as provided in subsection (d) of this  
19 section or section 9-436. The Secretary of the State may adopt  
20 regulations, in accordance with the provisions of chapter 54, as the  
21 Secretary deems necessary to implement the certification process  
22 under this section.

23 Sec. 2. (NEW) (*Effective from passage*) (a) For each municipality, the  
24 registrars of voters, in consultation with the municipal clerk, shall  
25 create an emergency contingency plan for elections, primaries and  
26 referenda to be held within such municipality. Such plan shall include,  
27 but not be limited to, (1) solutions for ballot shortages, and (2)  
28 strategies to implement in the event of (A) a shortage or absence of poll  
29 workers, (B) a loss of power, (C) a fire or the sounding of an alarm  
30 within a polling place, (D) voting machine malfunctions, (E) a weather  
31 or other natural disaster, (F) the need to remove a poll worker or  
32 moderator and to replace such worker or moderator, and (G) disorder  
33 in and around the polling place.

34 (b) Not later than six months after the adoption of a model plan by  
35 the Secretary of the State provided for in regulations adopted pursuant  
36 to subsection (d) of this section, the registrars of voters shall submit the  
37 plan created under subsection (a) of this section to the legislative body  
38 of such municipality or, in a municipality where the legislative body is  
39 a town meeting or representative town meeting, the board of  
40 selectmen, for approval. Upon approval, such plan shall remain on file  
41 with the municipal clerk until such plan is amended by the registrars  
42 of voters, in consultation with the municipal clerk, and approved by  
43 the legislative body of the municipality or, in a municipality where the  
44 legislative body is a town meeting or representative town meeting, the  
45 board of selectmen. If, not later than six months after the adoption of a  
46 model plan by the Secretary, a municipality fails to create and approve  
47 an emergency contingency plan, the municipality shall be deemed to  
48 have adopted the model plan adopted by the Secretary.

49 (c) Any municipality that activates the emergency contingency plan  
50 established pursuant to this section shall provide a written report  
51 concerning the activation of such plan to the Secretary of the State not  
52 later than thirty days after such activation. Such report shall include  
53 the reason for such activation as well as the procedures in the  
54 emergency contingency plan that were activated and the outcome of  
55 the activation of such plan.

56 (d) The Secretary of the State shall adopt regulations, in accordance  
57 with the provisions of chapter 54 of the general statutes, as the  
58 Secretary deems necessary to implement the provisions of this section.  
59 Such regulations shall include a model plan that municipalities may  
60 adopt.

61 Sec. 3. (NEW) (*Effective from passage*) Except as otherwise provided  
62 in this section, the Secretary of the State, or the Secretary's designee,  
63 shall be allowed access to each polling place within the state during  
64 any municipal, state or federal election, primary or recanvass for the  
65 purpose of reviewing each polling place and recanvass for compliance  
66 with state and federal law. If the Secretary is a candidate on the ballot  
67 for any election or primary at a polling place, only the Secretary's  
68 designee may access such polling place pursuant to the provisions of  
69 this section.

70 Sec. 4. (NEW) (*Effective from passage*) (a) The registrars of voters of  
71 each municipality shall, not later than thirty-one days prior to each  
72 municipal, state or federal election or primary, certify to the Secretary  
73 of the State, in writing, the location of each polling place that will be  
74 used for such election or primary. Such certification shall detail the  
75 name, address, relevant contact information and corresponding  
76 federal, state and municipal districts associated with each polling place  
77 used for such election or primary.

78 (b) The registrars of voters of each municipality shall, prior to each  
79 municipal, state or federal election or primary, provide a written  
80 report to the Secretary of the State setting forth the names and  
81 addresses of each moderator for each polling place location disclosed

82 pursuant to subsection (a) of this section.

83 (c) The Secretary of the State shall have the authority to disqualify  
84 any moderator appointed by the registrars of voters if, after  
85 consultation with both registrars of voters, the Secretary determines  
86 such moderator has committed material misconduct, material neglect  
87 of duty or material incompetence in the discharge of his or her duties  
88 as a moderator. If the Secretary disqualifies a moderator, the Secretary  
89 shall share his or her findings upon which the disqualification was  
90 based with the registrars of voters.

91 Sec. 5. (NEW) (*Effective from passage*) (a) The registrars of voters and  
92 municipal clerk from each municipality shall jointly certify, in writing,  
93 to the Secretary of the State the number of ballots for each polling place  
94 in the municipality that have been ordered for each election or primary  
95 to be held within such municipality. Such certification shall be on a  
96 form provided by the Secretary that shall have questions, including,  
97 but not limited to, those pertaining to the historical turnout for each  
98 polling place in the municipality for the past four elections or  
99 primaries of similar nature to the election or primary to be held. The  
100 registrars of voters and municipal clerk shall include as part of any  
101 such certification any other relevant factors that may be unique to each  
102 polling place in their municipality. Such certification shall be provided  
103 to the Secretary not later than thirty-one days prior to an election or  
104 twenty-one days prior to a primary.

105 (b) If the registrars of voters and municipal clerk of a municipality  
106 do not jointly submit the certification as set forth in subsection (a) of  
107 this section, such registrars of voters and municipal clerk shall order a  
108 number of ballots equal to the total number of registered voters in their  
109 municipality for such election or primary.

110 (c) The registrars of voters and municipal clerk may jointly apply to  
111 the Secretary of the State for a waiver of the requirements of  
112 subsections (a) and (b) of this section. Such waiver request shall be  
113 submitted to the Secretary of the State, in writing, not later than the  
114 forty-fifth day before the election or the thirtieth day before the

115 primary to be held and shall demonstrate good cause for such waiver.  
 116 Not later than five days after receipt of such waiver request, the  
 117 Secretary shall notify, in writing, the municipal clerk requesting a  
 118 waiver, of the Secretary's response.

119 (d) The Secretary of the State shall have the authority to reject the  
 120 certification submitted by a municipality pursuant to subsection (a) of  
 121 this section. If the Secretary of the State rejects such certification, the  
 122 Secretary shall provide, in writing, the reasons for such rejection. Such  
 123 rejection by the Secretary shall require any such municipality to follow  
 124 the provisions of subsection (b) of this section. If, not later than seven  
 125 days after the receipt of a certification from a municipality, the  
 126 Secretary does not notify the municipality that its certification was  
 127 rejected, such certification shall be deemed accepted.

|   |                     |             |
|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>from passage</i> | 9-229(c)    |
| Sec. 2  | <i>from passage</i> | New section |
| Sec. 3  | <i>from passage</i> | New section |
| Sec. 4  | <i>from passage</i> | New section |
| Sec. 5  | <i>from passage</i> | New section |

**Statement of Legislative Commissioners:**

Clarified language or made grammatical corrections in sections 2, 3 and 4.

**GAE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

| <b>Municipalities</b>  | <b>Effect</b>                           | <b>FY 12 \$</b> | <b>FY 13 \$</b> |
|------------------------|---|-----------------|-----------------|
| Various Municipalities | STATE<br>MANDATE<br>- Potential<br>Cost | See Below       | See Below       |

### **Explanation**

The bill requires the Secretary of the State (SOTS) to adopt regulations to implement an emergency contingency plan regarding problems that may occur during elections.

The bill requires all towns to come up with an emergency contingency plan and to certify with the SOTS the number of ballots they will be ordering for an election. If the SOTS rejects the certification, the municipality must order one ballot for each registered voter. This could result in a cost to towns that do not order one ballot for each registered voter; the cost of ballots range from \$0.25 to \$0.45 each.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sSB 942*****AN ACT CONCERNING THE INTEGRITY OF ELECTIONS.*****SUMMARY:**

This bill establishes procedures to address issues that may arise at polling places during a primary or election. Namely, it requires registrars of voters to (1) develop a municipal emergency contingency plan addressing, for example, ballot shortage solutions and (2) certify to the secretary of the state the number of ballots they order for each polling place, demonstrating that they have considered relevant factors. In the absence of a certification or a waiver approved by the secretary of the state, the bill requires registrars to order one ballot for each registered voter. Before a primary or election, registrars must also certify to the secretary polling place locations and provide moderator contact information.

The bill authorizes the secretary of the state to (1) access polling places, unless she is a candidate on the ballot, and review them for election law compliance and (2) disqualify moderators under certain circumstances. It also reduces, from four to two years, the duration of a moderator's certification.

The bill makes technical and conforming changes as well.

EFFECTIVE DATE: Upon passage

**ELECTION ADMINISTRATION****§ 2 — *Emergency Contingency Plans and Regulations***

The bill requires the secretary of the state to adopt regulations to implement the bill's emergency contingency plan provisions and requires these regulations to include a model plan that municipalities may adopt. The bill does not establish a deadline by which the

secretary must adopt these regulations.

The bill requires registrars of voters, in consultation with town clerks, to create the emergency contingency plan. It must address (1) solutions for ballot shortages and (2) strategies for addressing certain situations. These include:

1. a shortage or absence of poll workers,
2. a loss of power,
3. a fire or fire alarm within a polling place,
4. voting machine malfunctions,
5. weather or other natural disasters,
6. the need to remove and replace a poll worker or moderator, and
7. disorder in and around the polling place.

No later than six months after the secretary adopts regulations, municipalities must submit their plans to their legislative body for approval (to the board of selectmen in a town with a town meeting form of government). A municipality that fails to develop and adopt a plan is deemed to have adopted the secretary's plan. Once the local legislative body approves the plan, it must remain on file with the town clerk until it is amended.

If a municipality activates its emergency plan, it must submit a written report to the secretary of the state no more than 30 days later. The report must include the (1) reason for activating the plan, (2) procedures followed, and (3) outcome.

#### **§ 4 — *Polling Place Certification***

No later than 31 days before each municipal, state, or federal election or primary, the bill requires registrars of voters to certify in writing to the secretary of the state the polling places that the municipality will use. The certification must provide the name,

address, relevant contact information, and corresponding federal, state, and municipal districts associated with each polling place. Under current law, the secretary is not notified of polling place locations, only the town clerks and voters are.

#### **§ 4 — Moderator Information**

The bill requires registrars of voters to provide a written report to the secretary before each municipal, state, or federal election or primary with the name and address of the moderator for each polling location disclosed under the certification described above.

#### **§ 5 — Ballot Certification**

No later than 31 days before an election or 21 days before a primary, the bill requires registrars of voters and town clerks to jointly certify to the secretary the number of ballots they ordered for each polling place. The bill requires the secretary to provide a form for the certification and include questions on, among other things, historical turnout for each polling place over the past four elections of a similar nature. Registrars and clerks must also include other relevant factors unique to each polling place.

If registrars and clerks do not jointly submit this certification, the bill requires them to order one ballot for each registered voter.

The bill authorizes the secretary to reject a certification. In that case, (1) the secretary must provide a written response with the reasons for rejection and (2) the municipality must order one ballot for each registered voter. If the secretary does not notify a municipality that she has rejected its certification, the certification is deemed accepted.

**Waiver.** The bill allows registrars and clerks to jointly, for good cause, apply to the secretary of the state for a waiver from the certification requirements. They must submit a waiver application no later than 45 days before an election or 30 days before a primary. No later than five days after receiving the application, the secretary must notify the clerk in writing of her decision concerning the waiver.

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**ELECTION OFFICIALS****§ 3 — Secretary of the State**

The bill allows the secretary of the state, or her designee, access to each polling place during a municipal, state, or federal election, primary, or recanvass to review it for compliance with state and federal law. If the secretary is a candidate in that election, only her designee must be allowed access.

**§§ 1 & 4 — Moderators**

**Certification.** By law, moderators must be certified to serve by the secretary of the state. The bill reduces, from four to two years, the duration of a moderator's certification. It authorizes the secretary to adopt regulations as she deems necessary concerning the moderator certification process.

**Disqualification.** The bill authorizes the secretary to disqualify any moderator if, after consultation with both registrars of voters, she determines the moderator has committed (1) material misconduct, (2) material neglect of duty, or (3) material incompetence in the discharge of duties. If the secretary disqualifies a moderator, she must share her findings with the registrars.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14    Nay 0    (03/30/2011)