
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.

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 canvass 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)