

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-46—sSB 942

*Government Administration and Elections Committee
Appropriations Committee*

AN ACT CONCERNING THE INTEGRITY OF ELECTIONS

SUMMARY: This act 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 act requires registrars to order one ballot for each registered voter. Before a primary or election, registrars must also certify polling place locations to the secretary and provide moderator contact information.

The act 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. The act reduces, from four to two years, the duration of a moderator's certification received on or after October 1, 2011.

It also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

ELECTION ADMINISTRATION

§ 2 — Emergency Contingency Plans and Regulations

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

The act 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.

Within six months after the secretary adopts regulations, registrars of voters must submit the plans to their legislative body for approval (the board of selectmen in a town with a town meeting form of government). Once the local

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legislative body approves the plan, it must remain on file with the town clerk until it is amended. A municipality that fails to develop and adopt a plan is deemed to have adopted the secretary's plan.

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 act 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 prior law, the secretary was not notified of polling place locations, only town clerks and voters were.

§ 4 — Moderator Information

The act 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 act requires registrars of voters and town clerks to jointly certify to the secretary the number of ballots they ordered for each polling place. The secretary must provide a form for the certification and include questions on, among other things, historical turnout for each polling place over the past four elections or primaries 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 act requires them to order one ballot for each registered voter.

The act 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 within seven days after receiving its certification that she has rejected it, the certification is deemed accepted.

The act 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. Within five days after receiving the application, the secretary must notify the clerk in writing of her decision concerning the waiver.

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§ 3 — Secretary of the State

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The act 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 act reduces, from four to two years, the duration of a moderator's certification received on or after October 1, 2011. It authorizes the secretary to adopt regulations as she deems necessary concerning the moderator certification process.

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

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