

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

Secretary of the State

Concerning

SUBJECT MATTER OF REGULATION

Emergency Contingency Model Plan for Elections

The Regulations of Connecticut State Agencies are amended by adding 9-174a-1 to 9-174a-34, inclusive, as follows:

(NEW) Sec. 9-174a-1. Emergency Contingency Model Plan for Elections

Sections 9-174a-2 to 9-174a-34, inclusive, of the Regulations of Connecticut State Agencies constitute the Emergency Contingency Model Plan for Elections. This model plan contains the suggested contingency plan of the Office of the Secretary of the State that the registrars of voters for each municipality may adopt.

(NEW) Sec. 9-174a-2. Preparation of voting tabulator machines

The registrars of voters shall ensure that the voting tabulator machines are prepared for each election, primary, or referenda day pursuant to sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies.

(NEW) Sec. 9-174a-3. Replacement pool of poll workers

The registrars of voters shall identify a replacement pool of poll workers who can be deployed to any polling location in the municipality in order to replace poll workers who are unable to work on election, primary, or referenda day or to alleviate overburdened polling locations. The registrars of voters shall identify replacement poll workers for each different position at the polling locations within a municipality. On the day of the election, primary or referenda, the registrars of voters shall contact each replacement worker not later than one hour prior to the opening of polls to confirm availability.

(NEW) 9-174a-4. Communication with registrars of voters

Moderators and other poll workers shall contact the registrars of voters in the event such moderator or poll worker is unable to work on the day of an election, primary or referenda. Moderators shall contact the registrars of voters in the event that additional poll workers are needed at a location.

(NEW) Sec. 9-174a-5. Alternate polling locations

The registrars of voters shall identify alternate polling locations that can be utilized in the event that a polling location becomes unavailable on election, primary, or referenda day. The registrars of voters shall contact the facility management staff for each of these

alternate polling locations and ensure that the location is reserved for the registrars of voters' use on election, primary, or referenda day.

(NEW) Sec. 9-174a-6. Fire safety compliance

The registrars of voters shall ensure that each polling location is in compliance with local fire safety ordinances, and all fire safety equipment within each polling location has been inspected and is in working order as per local fire safety ordinances, including, but not limited to, fire extinguishers, sprinklers or fire alarms.

(NEW) Sec. 9-174a-7. Contact Information

The registrars of voters shall create a list of contact information for each moderator. Such list shall be part of the emergency plan and shall include the following:

- (1) Contact information for the moderator and all other poll workers, including replacement poll workers.
- (2) A list of emergency resources such as generators and temporary lighting available in the facility or municipality in the event of a power outage and contact names and numbers for providing those resources.
- (3) A list of emergency contact numbers for the police, fire department or other public safety officials, emergency management, the phone company, the power supplier and other applicable utilities that service the polling location.
- (4) A list of emergency contacts and phone numbers for facility managers or their designees in the event the polling location is locked or otherwise inaccessible or there are facility hazards that need to be addressed on election, primary, or referenda day.

(NEW) Sec. 9-174a-8. Information provided to public officials

The registrars of voters shall provide a complete list of polling locations, including potential alternate polling locations, to the local police and fire departments or other officials responsible for public safety in the municipality. The registrars of voters shall include in the list each of the following: the name and address of each location, the name of the moderator responsible for each polling location, a contact number for each moderator, the name of the facility manager or designee for each polling location, and the contact number for each facility manager or designee.

(NEW) Sec. 9-174a-9. Final review of plan with moderator

The registrars of voters shall provide a final copy of the plan created by sections 9-174a-2 to 9-174a-34 of the Regulations of Connecticut State Agencies to the moderator for each polling location and review the final plan with the moderator. The moderator shall bring this copy to the polling location on the day of the election, primary, or referenda. The registrars of voters also shall maintain one copy of each of the plans for the municipality.

(NEW) Sec. 9-174a-10. Spare ballots

The registrars of voters shall withhold and keep in the registrars of voters' office a number of spare paper ballots for each unique voting district. The registrars of voters shall use these reserved ballots to make additional copies or shall provide these reserved

ballots to any polling location that requires additional paper ballots. The registrars of voters or such registrar's designee shall, not later than one day prior to each election, primary, or referenda, determine if there is a copy machine available at any polling location. If so, the registrars of voters or such registrar's designee shall ensure that such machine can be accessed, that it is working, and that there is an adequate supply of the appropriate size paper available. The registrars of voters or such registrar's designee shall ensure that a few test copies are made to check that the ballots are printing properly.

(NEW) Sec. 9-174a-11. Emergency provisions

The registrars of voters shall supply emergency provisions for each polling location and provide these to each moderator. These emergency provisions shall include, but are not limited to, at least two flashlights, a first aid kit and manual, a battery operated radio, extra batteries and hand sanitizer. Prior to the opening of polls, each moderator shall retrieve these provisions and any other materials or supplies needed pursuant to the plan established in accordance with sections 9-174a-2 to 9-174a-34 of the Regulations of Connecticut State Agencies.

(NEW) Sec. 9-174a-12. Review of polling locations

Not later than one day prior to each election, primary, or referenda held in the municipality, the registrars of voters shall contact the facility management staff responsible for each polling location, visit each polling location to ensure the location can be accessed, review the status of the polling location to ensure that all materials are in proper working order, and ensure that the appropriate person is available to open the polling location or the moderator has obtained the key to the polling location from the registrars of voters.

(NEW) Sec. 9-174a-13. Severe weather alert

Not later than one day prior to each election, primary, or referenda held in the municipality, the registrars of voters and moderators shall review the national weather service reports. If severe weather is likely to be present in the municipality on election, primary, or referenda day, the registrars of voters must determine a plan of action to ensure poll workers are able to arrive at and access their assigned polling locations. The registrars of voters shall be responsible for overseeing the implementation of the plan.

(NEW) Sec. 9-174a-14. Moderator duties prior to opening

Not later than one hour before the polls open on election, primary, or referenda day, the moderator shall perform each of the following:

- (1) Review the plan established pursuant to sections 9-174a-2 to 9-174a-34 of the Regulations of Connecticut State Agencies with the poll workers.
- (2) Designate another poll worker to oversee the execution of any emergency procedure, in the event the moderator is unavailable or otherwise incapacitated.
- (3) Assign accountability for securing voting materials during an emergency. The moderator shall instruct the poll worker assigned accountability for securing the voting materials that such poll worker shall secure such materials in the event of an emergency, only if time and conditions permit.

- (4) Assign accountability to a poll worker who shall, upon notification of an emergency situation, note which voters have been checked through but have not yet voted. The moderator shall instruct the poll worker that this task shall be completed in the event of an emergency, only if time and conditions permit.
- (5) Point out the location of fire extinguishers, fire alarms, emergency exits, the place of shelter and the predetermined assembly point outside of the polling location.
- (6) Ensure that all emergency exits are free of obstructions.
- (7) Reserve ten ballots to be used in the event that there are ballot shortages and additional copies must be made for a hand count. The ballots shall be appropriate for the voting district.
- (8) If available, identify two fully charged cell phones that shall be used in case of an emergency.
- (9) Check the facility for any potential hazards and if necessary, alert the facility management staff responsible for addressing any such hazards.
- (10) Ensure that any facility-specific backup equipment such as a generator or temporary lighting is accessible.

(NEW) Sec. 9-174a-15. Report of any execution of the Emergency Contingency Plan

Following the execution of any portion of the Emergency Contingency Plan at a polling location, the moderator for that polling location shall forthwith submit a written report to the registrars of voters which includes, but is not limited to, the nature of the emergency, the actual process invoked to address the emergency, and an assessment of the efficacy of the process.

(NEW) Sec. 9-174a-16. Unavailable polling location

In the event a polling location becomes unavailable, the registrars of voters shall perform each of the following:

- (1) Establish an alternative polling location pursuant to section 9-174a-5 of the Regulations of Connecticut State Agencies and notify the moderator and other poll workers.
- (2) Contact the facility management staff for the alternate polling location in order to open the building.
- (3) In consultation with the moderator, ensure that the polling location is properly set up to conduct election, primary or referenda. Ensure that voting equipment is tested and functions properly or that sufficient paper ballots are available.
- (4) Notify voters of the new polling location.

(NEW) Sec. 9-174a-17. Accounting of remaining ballots

Throughout election, primary, or referenda day, on an hourly basis, the moderator shall keep an accounting of the number of ballots used and the number remaining that are available to be used. If more ballots have been used than were originally anticipated or a shortage seems likely, immediately follow the ballot shortage procedure pursuant to section 9-174a-18 of the Regulations of Connecticut State Agencies.

(NEW) Sec. 9-174a-18. Ballot shortage

In the event of a ballot shortage, the moderator shall perform each of the following:

- (1) Immediately alert the poll workers to the situation.
- (2) Immediately notify the registrars of voters.
- (3) (A) If available, use the onsite copier to print additional ballots to be used for a hand count, or (B) have additional ballots printed at an offsite document printing facility.
- (4) Request additional paper ballots from the registrars of voters.

(NEW) Sec. 9-174a-19. Voting tabulator machine malfunction

The registrars of voters shall incorporate the provisions of section 9-242a-12 and section 9-242a-16 of the Regulations of Connecticut State Agencies into a written procedure, to be followed in the event a voting tabulator machine malfunctions. The moderator shall follow the written procedure established under this section in the event a voting tabulator machine malfunctions.

(NEW) Sec. 9-174a-20. Help America Vote Act compliant voting machine malfunction

In the event of a malfunction of the Help America Vote Act compliant voting machine, the moderator shall perform each of the following:

- (1) Consult any literature provided by the manufacturer of the Help America Vote Act compliant voting machine or the Office of the Secretary of the State on which malfunctions can be repaired by poll workers and which require service. If appropriate, attempt to resolve the problem based on the instructions provided.
- (2) If unable to resume vote by the Help America Vote Act complaint voting machine, consult with the registrars of voters to determine the availability of any spare machines or the steps for voting using paper ballots.
- (3) Alert the poll workers to the situation.

(NEW) Sec. 9-174a-21. Shortage or absence of poll workers

In the event of a shortage of pollworkers, the moderator shall perform each of the following:

- (1) Immediately notify the registrars of voters using the procedure pursuant to section 9-174a-4 of the Regulations of Connecticut State Agencies.
- (2) Upon the arrival of any replacement poll worker, familiarize the replacement poll worker to the polling location.
- (3) Notify the registrars of voters when the replacement poll worker has arrived or in the event the replacement poll worker has not arrived in a reasonable amount of time.

(NEW) Sec. 9-174a-22. Absence of moderator

In the event a moderator fails to report to a polling location, the present poll workers shall perform each of the following:

- (1) Notify the registrars of voters using the procedure pursuant to section 9-174a-4 of the Regulations of Connecticut State Agencies.
- (2) Upon the arrival of the replacement moderator, familiarize the replacement moderator to the polling location and the Emergency Contingency Plan.

(NEW) Sec. 9-174a-23. Replacement of moderator

In the event that a moderator may need to be relieved of duty, the registrars of voters shall perform each of the following:

- (1) Evaluate the moderator's ability to perform the designated responsibilities.
- (2) In the event the existing moderator is unable to perform the designated duties, tell the moderator that the moderator is being relieved of the moderator's duties and tell the moderator to leave the premises.
- (3) Once the existing moderator has left the premises, immediately designate a replacement moderator from the pool of replacement poll workers and notify the replacement moderator where to report.
- (4) Upon the arrival of the replacement moderator, familiarize the replacement moderator to the polling location.

(NEW) Sec. 9-174a-24. Poll worker replacement

In the event that a poll worker may need to be removed on the day of an election, primary or referenda, the moderator shall perform each of the following:

- (1) Evaluate the poll worker's ability to perform the poll worker's designated responsibilities.
- (2) In the event an existing poll worker is unable to perform the designated duties, tell the poll worker that the poll worker is being relieved of the poll worker's duties and tell the poll worker to leave the premises.
- (3) Once the existing poll worker has left the premises, immediately designate a replacement from the pool of replacement poll workers and notify the replacement poll worker where to report.
- (4) Upon the arrival of the replacement poll worker, familiarize the replacement poll worker to the polling location.

(NEW) Sec. 9-174a-25. Long lines at polling location

In the event of long lines at a polling location, the moderator shall perform each of the following:

- (1) Contact the registrars of voters to determine if additional lines should be created to alleviate the waiting time.
- (2) If it has been determined that additional lines are appropriate, consult with the registrars of voters to determine if additional poll workers from the replacement pool of poll workers should be deployed to the polling location.

(NEW) Sec. 9-174a-26. Evacuation procedure

In the event that a polling location needs to be evacuated, the moderator shall perform each of the following:

- (1) Alert all individuals present of the emergency situation and direct them to the predetermined assembly point.
- (2) Get a headcount and use this headcount to make certain everyone present is evacuated from the polling location.
- (3) Identify any individuals with disabilities and ensure that they receive assistance, if needed, to evacuate the polling location.
- (4) Secure voting equipment and materials pursuant to section 9-174a-14 of the Regulations of Connecticut State Agencies.

- (5) If the emergency situation has been resolved, consult with the emergency personnel and the registrars of voters to determine if the polling location can be re-entered.
- (6) If the polling location can be re-entered, first notify the poll workers to return. Then, notify the voters that they can enter the polling location.
- (7) If it is determined that an alternate location should be utilized, provide poll workers and any voters who have not yet voted with the address of the alternate location. Follow the alternate polling location procedures found in section 9-174a-16 of the Regulations of Connecticut State Agencies.

(NEW) Sec. 9-174a-27. Loss of power at the polling location

In the event that the polling location loses power, the moderator shall perform each of the following:

- (1) Alert everyone present to the situation.
- (2) Contact the power supply company to determine the source of the outage and what action needs to be taken to resume power.
- (3) Contact the facility management staff for the polling location to determine whether they can assist with addressing the outage.
- (4) Find an alternate source of light, such as the flashlights provided with the emergency provisions that can be used to continue voting until power is restored.
- (5) If it is feasible, consider using an area of the building where natural light is available or temporary lighting can be directed.
- (6) If the backup power supply for the voting machine has been depleted, connect a generator.
- (7) If the generator is unavailable or runs out of power, continue voting using paper ballots.

(NEW) Sec. 9-174a-28. Medical emergency procedure

In the event of a medical emergency at the polling location, the moderator shall perform each of the following:

- (1) Contact emergency services and follow the instructions given by emergency personnel.
- (2) Stop voting operations until an assessment of the situation can be made.
- (3) Determine if there is a doctor, nurse, emergency medical technician or other certified first aid provider in the polling location that may be able to assist the ill or injured person.
- (4) Keep the ill or injured person as comfortable as possible while waiting for emergency personnel to respond. Do not attempt to move the ill or injured person unless instructed to do so by a certified first aid provider or emergency personnel.
- (5) Provide the responding officer or medical personnel with the details of what happened to the ill or injured person.

(NEW) Sec. 9-174a-29. Smoke, fire or active alarm procedure

In the event of a smoke, fire, fire alarm or other activated alarm, the moderator shall perform each of the following:

- (1) Activate the fire alarm if it is not already activated.
- (2) Alert everyone present to the nature of the situation.

- (3) Evacuate the polling location pursuant to [Section 9-XXX-26] section 9-174a-26 of the Regulations of Connecticut State Agencies.
- (4) Contact emergency personnel.
- (5) Consult with the emergency personnel and registrars of voters to determine if original polling location can be utilized.
- (6) If the polling location can be re-entered, first notify the poll workers to return. Then, notify the voters that they can enter the polling location.
- (7) If it is determined that an alternate polling location should be utilized, provide poll workers and any voters who have not yet voted with the address of the alternate location. Follow the alternate polling location procedures found in section [9-XXX-16] 9-174a-16 of the Regulations of Connecticut State Agencies.

(NEW) Sec. 9-174a-30. Gas leak procedure

In the event of a gas leak, the moderator shall perform each of the following:

- (1) Immediately evacuate the polling location in accordance with section 9-174a-26 of the Regulations of Connecticut State Agencies. To limit the possibility of an explosion, warn poll workers and voters not to use telephones, fire alarms, light switches and appliances when gas is detected.
- (2) Once safely outside of the building, alert emergency services and the gas company.
- (3) Wait for the gas company representative and emergency personnel to arrive in order to assess the situation and determine the viability of continuing voting operations.
- (4) Consult with the responding gas company representative, emergency personnel and registrars of voters to determine if original polling location can be utilized.
- (5) If the polling location can be re-entered, first notify the poll workers to return. Then, notify the voters that they can enter the polling location.
- (6) If it is determined that an alternate location should be utilized, provide poll workers and any voters who have not yet voted with the address of the alternate location. Follow the alternate polling location procedures found in section 9-174a-16 of the Regulations of Connecticut State Agencies.

(NEW) Sec. 9-174a-31. Disorder at the polling location procedure

In the event of disorder in or around the polling location, including, but not limited to, unlawful protesting, threats of violence or rioting the moderator shall contact emergency services immediately and then follow any instructions provided by emergency personnel. The moderator shall follow the evacuation procedure pursuant to section 9-174a-26 of the Regulations of Connecticut State Agencies if evacuation is required.

(NEW) Sec. 9-174a-32. Disaster procedure

In the event of any disaster, natural or otherwise, including, but not limited to, chemical emergencies, dam failures, earthquakes, exposure to hazardous materials, floods, extreme heat, hurricanes, tornados, or severe winter weather the registrars of voters shall follow the procedures in the most recent local Emergency Plan of Operations that each town or city has developed pursuant to section 28-7(a) of the Connecticut General Statutes, or subsequent state law.

(NEW) Sec. 9-174a-33. Security threat procedure

In the event of any security threats near the polling location, including, but not limited to, the discovery of a suspicious object, a bomb threat, an explosion, a biological threat, a chemical threat, or a nuclear blast, the registrars of voters shall follow the procedures in the most recent local Emergency Plan of Operations that each town or city has developed pursuant to section 28-7(a) of the Connecticut General Statutes, or subsequent state law.

(NEW) Sec. 9-174a-34. Nuclear disaster procedure

In the event of any threat of the release of radioactive material or any nuclear power plant emergency, the registrars of voters for any city or town designated as an emergency planning zone community or host community by the Department of Emergency Maintenance and Homeland Security, or subsequent state agency, shall follow the procedure on the most recent plans and guidelines set by the Radiological Emergency Preparedness Unit, or any subsequent division that handles radiological preparedness.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

The purpose of this regulation is to conform to the requirements of CGS Section 9-174a, "An Act Concerning the Integrity of Elections."

Subsection (d) reads

"The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, as the Secretary deems necessary to implement the provisions of this section. Such regulations shall include a model plan that municipalities may adopt. "

The plan will detail the contingencies that need to be put in place by each municipality such that the orderly process of voting can occur even during an emergency.

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed **by this agency pursuant to the following authority(ies):** (complete all that apply)
- a. Connecticut General Statutes section(s) 9-174a.
- b. Public Act Number(s) .
 (Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) **And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the Connecticut Law Journal on 4-3-2012;**
 (Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) **And that a public hearing regarding the proposed regulations was held on** ;
 (Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) **And that said regulations are EFFECTIVE** (check one, and complete as applicable)
- When filed with the Secretary of the State
- OR** on (insert date)

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/> .
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2. a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any;

also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.

5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.