



General Assembly

**Amendment**

January Session, 2015

LCO No. 8771



Offered by:

REP. SHARKEY, 88<sup>th</sup> Dist.  
REP. JUTILA, 37<sup>th</sup> Dist.  
SEN. CASSANO, 4<sup>th</sup> Dist.  
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To: Subst. House Bill No. 5300

File No. 667

Cal. No. 429

**"AN ACT CONCERNING THE REGIONAL CONSOLIDATION OF CERTAIN FUNCTIONS OF ELECTION ADMINISTRATION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2016*) (a) There shall be a  
4 regional election monitor within each planning region, as defined in  
5 section 4-124i of the general statutes, who shall represent, consult with  
6 and act on behalf of the Secretary of the State with respect to the  
7 conduct of elections and the duties of any registrar of voters, deputy  
8 registrar or assistant registrar, and any election official appointed by  
9 such registrar, deputy or assistant, within such planning region.

10 (b) Not later than March first of the year of each regular election,  
11 each regional council of governments shall contract with an individual,  
12 in accordance with section 4-124p of the general statutes, to serve as  
13 the regional election monitor for such planning region. The regional

14 election monitor shall (1) be an elector of this state, (2) perform the  
15 duties of the position in a nonpartisan manner, (3) have prior field  
16 experience in the conduct of elections, and (4) be certified by the  
17 Secretary of the State in accordance with subdivision (2) of subsection  
18 (b) of section 9-229 of the general statutes, as amended by this act, or as  
19 soon after execution of such contract as practicable. The regional  
20 election monitor shall not be considered a state employee and shall, in  
21 accordance with such contract, be compensated for the performance of  
22 any duty agreed upon by the parties and reimbursed for necessary  
23 expenses incurred in the performance of such duties. The regional  
24 council of governments shall, in accordance with such contract,  
25 provide the regional election monitor with any space, supplies,  
26 equipment and services necessary to properly carry out the duties of  
27 the position. The regional council of governments may terminate such  
28 contract for any reason.

29 (c) Not later than March first of the year of each regular election,  
30 each regional council of governments shall enter into a memorandum  
31 of understanding with the Secretary of the State concerning the  
32 regional election monitor under contract pursuant to subsection (b) of  
33 this section. The regional council of governments shall confirm within  
34 such memorandum of understanding that (1) each requirement  
35 described in subsection (b) of this section is satisfied and the contract  
36 between the regional council of governments and the individual who  
37 shall serve as regional election monitor specifies minimum  
38 expectations of performance under such contract, (2) such regional  
39 election monitor is subject to the control and direction of the Secretary  
40 of the State, (3) revocation by the Secretary of the State of such regional  
41 election monitor's certification constitutes breach of such contract and  
42 results in immediate termination of such contract, and (4) such  
43 regional election monitor is retained, absent termination of such  
44 contract by the council, until at least thirty days after such regular  
45 election.

46 Sec. 2. Subsections (b) and (c) of section 9-229 of the general statutes

47 are repealed and the following is substituted in lieu thereof (*Effective*  
48 *January 1, 2016*):

49 (b) (1) The Secretary of the State shall: [(1) request] (A) Request  
50 registrars of voters to volunteer to serve as instructors for moderators  
51 and alternate moderators; [, (2)] (B) select registrars from among such  
52 volunteers to serve as such instructors; [, (3)] (C) establish a curriculum  
53 for instructional sessions for moderators and alternate moderators; [,  
54 (4)] (D) establish the number of such instructional sessions to be held,  
55 provided at least one such instructional session shall be held in each  
56 congressional district in each calendar year; [, (5)] and (E) train the  
57 instructors for such sessions. [, and (6) certify moderators and alternate  
58 moderators.] The curriculum for such instructional sessions shall  
59 include, without limitation, procedures for counting and recording  
60 absentee ballots, "hands on" training in the use of voting tabulators,  
61 and the duties of a moderator in the conduct of a primary and election.  
62 The Secretary may employ assistants on a temporary basis within  
63 existing budgetary resources for the purpose of implementing the  
64 provisions of this section. Such assistants shall not be subject to the  
65 provisions of chapter 67. The instructors shall conduct instructional  
66 sessions for moderators and alternate moderators in accordance with  
67 their training by the Secretary of the State and the curriculum for such  
68 sessions.

69 (2) The Secretary of the State shall also: (A) Coordinate with each  
70 regional election monitor under contract pursuant to section 1 of this  
71 act to hold regional instructional sessions for moderators and alternate  
72 election monitors, in accordance with the curriculum established under  
73 subdivision (1) of this subsection; (B) establish the number of such  
74 regional instructional sessions to be held, provided at least one such  
75 regional instructional session shall be held within each planning region  
76 at the facilities of the regional council of governments prior to each  
77 regular election; and (C) train and certify each regional election  
78 monitor for purposes of performing the duties of the position. The  
79 Secretary shall certify as a regional election monitor each individual

80 who successfully completes training under subparagraph (C) of this  
81 subdivision, except the Secretary shall not so certify any individual  
82 who has been convicted of or pled guilty or nolo contendere to, in a  
83 court of competent jurisdiction, any (i) felony involving fraud, forgery,  
84 larceny, embezzlement or bribery, or (ii) criminal offense under this  
85 title. Any such initial certification granted under this subsection shall  
86 expire two years after the date of its granting. Prior to expiration of the  
87 initial or any subsequent certification, a regional election monitor may  
88 undergo an abridged recertification process prescribed by the  
89 Secretary, and upon successful completion thereof, such certification  
90 shall be renewed for two years after the date of such completion. Only  
91 certification in accordance with this subdivision shall satisfy the  
92 requirement of subdivision (4) of subsection (b) of section 1 of this act,  
93 and the Secretary may revoke any such certification, with or without  
94 cause, at any time.

95 (3) The duties of each regional election monitor shall include, but  
96 not be limited to: (A) Holding the regional instructional sessions  
97 described in subdivision (2) of this subsection; (B) communicating with  
98 registrars of voters, deputy registrars or assistant registrars, or any  
99 election official appointed by such registrar, deputy or assistant, of  
100 municipalities within such regional election monitor's planning region  
101 to assist in preparations for and operations of any election, primary or  
102 recanvass, or any audit conducted pursuant to section 9-320f; and (C)  
103 transmitting any order issued by the Secretary of the State, pursuant to  
104 subsection (b) of section 9-3, as amended by this act, to any such  
105 registrar, deputy, assistant or election official to correct any  
106 irregularity or impropriety in the conduct of such election, primary or  
107 recanvass.

108 (4) Any elector may attend one or more of [such instructional  
109 sessions] the sessions held under subdivision (1) or (2) of this  
110 subsection. Each instructor or regional election monitor, as the case  
111 may be, shall provide the Secretary of the State with the name and  
112 address of each person who completes [such a] any such session.

113 (c) The Secretary shall conduct certification sessions for moderators  
114 and alternate moderators each year at times and places to be  
115 determined by said Secretary, provided at least eight such sessions  
116 shall be held each calendar year and at least one such session shall be  
117 conducted prior to every primary. The Secretary shall certify each  
118 person who successfully completes an instructional session or regional  
119 instructional session, as the case may be, conducted in accordance with  
120 the provisions of subsection (b) of this section and an examination  
121 administered by the Secretary, as eligible to serve as moderator or  
122 alternate moderator at any election or primary held during the time  
123 such certification is effective, except the Secretary shall not certify any  
124 person as moderator or alternate moderator who has been convicted of  
125 or pled guilty or nolo contendere to, in a court of competent  
126 jurisdiction, any (1) felony involving fraud, forgery, larceny,  
127 embezzlement or bribery, or (2) criminal offense under this title. Any  
128 [such certification made on or after October 1, 2011, shall be effective  
129 for two years from the date of such certification] initial certification  
130 granted under this subsection shall expire two years after the date of  
131 its granting. Prior to expiration of the initial or any subsequent  
132 certification, a moderator or alternate moderator may undergo an  
133 abridged recertification process prescribed by the Secretary, and upon  
134 successful completion thereof, such certification shall be renewed for  
135 two years after the date of such completion. Only those persons who  
136 [attend and are thereby certified at such session] are certified in  
137 accordance with this subsection shall be eligible to serve as moderators  
138 on election or primary day, except as provided in subsection (d) of this  
139 section or section 9-436. The Secretary of the State may adopt  
140 regulations, in accordance with the provisions of chapter 54, as the  
141 Secretary deems necessary to implement the certification process  
142 under this section.

143 Sec. 3. Subsection (b) of section 8-31b of the general statutes is  
144 repealed and the following is substituted in lieu thereof (*Effective*  
145 *January 1, 2016*):

146 (b) A regional council of governments may accept or participate in  
147 any grant, donation or program available to any political subdivision  
148 of the state and may also accept or participate in any grant, donation or  
149 program made available to counties by any other governmental or  
150 private entity. Notwithstanding the provisions of any special or public  
151 act, any political subdivision of the state may enter into an agreement  
152 with a regional council of governments to perform jointly or to  
153 provide, alone or in cooperation with any other entity, any service,  
154 activity or undertaking that the political subdivision is authorized by  
155 law to perform. A regional council of governments established  
156 pursuant to this section may administer and provide regional services  
157 to municipalities and may delegate such authority to subregional  
158 groups of such municipalities. Regional services provided to member  
159 municipalities shall be determined by each regional council of  
160 governments, except as provided in section 1 of this act and subsection  
161 (b) of section 9-229, as amended by this act, and may include, without  
162 limitation, the following services: (1) Engineering; (2) inspectional and  
163 planning; (3) economic development; (4) public safety; (5) emergency  
164 management; (6) animal control; (7) land use management; (8) tourism  
165 promotion; (9) social; (10) health; (11) education; (12) data  
166 management; (13) regional sewerage; (14) housing; (15) computerized  
167 mapping; (16) household hazardous waste collection; (17) recycling;  
168 (18) public facility siting; (19) coordination of master planning; (20)  
169 vocational training and development; (21) solid waste disposal; (22)  
170 fire protection; (23) regional resource protection; (24) regional impact  
171 studies; and (25) transportation.

172 Sec. 4. Section 9-3 of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective January 1, 2016*):

174 (a) The Secretary of the State, by virtue of the office, shall be the  
175 Commissioner of Elections of the state, with such powers and duties  
176 relating to the conduct of elections as are prescribed by law and, unless  
177 otherwise provided by state statute, the secretary's regulations,  
178 declaratory rulings, instructions and opinions, if in written form, and

179 any order issued under subsection (b) of this section, shall be  
 180 presumed as correctly interpreting and effectuating the administration  
 181 of elections and primaries under this title, except for [chapter 155]  
 182 chapters 155 to 158, inclusive, and shall be executed, carried out or  
 183 implemented, as the case may be, provided nothing in this section  
 184 shall be construed to alter the right of appeal provided under the  
 185 provisions of chapter 54. Any such written instruction or opinion shall  
 186 be labeled as an instruction or opinion issued pursuant to this section,  
 187 as applicable, and any such instruction or opinion shall cite any  
 188 authority that is discussed in such instruction or opinion.

189 (b) During any municipal, state or federal election, primary or  
 190 re canvass, the Secretary of the State may issue an order, whether orally  
 191 or in writing, to any registrar of voters, deputy registrar or assistant  
 192 registrar, or any election official appointed by such registrar, deputy or  
 193 assistant, to correct any irregularity or impropriety in the conduct of  
 194 such election, primary or re canvass. Any such order shall be effective  
 195 upon issuance. The Superior Court, on application of the secretary or  
 196 the Attorney General, may enforce by appropriate decree or process  
 197 any such order issued pursuant to this subsection. As soon as  
 198 practicable after issuing an oral order pursuant to this section, the  
 199 secretary shall reduce such order to writing, cite within such order any  
 200 applicable provision of law authorizing such order and cause a copy of  
 201 such written order to be delivered to the individual who is the subject  
 202 of such order or, in the case that such order was originally issued in  
 203 writing, issue a subsequent written order that conforms to such  
 204 requirements. The failure of the secretary to so reduce to writing, cite  
 205 authority or cause delivery shall not invalidate any such order."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2016	New section
Sec. 2	January 1, 2016	9-229(b) and (c)
Sec. 3	January 1, 2016	8-31b(b)
Sec. 4	January 1, 2016	9-3

