



House Bill No. 7005

September Special Session, Public Act No. 20-4

**AN ACT CONCERNING A MUNICIPAL ELECTION MONITOR AT THE
2020 STATE ELECTION AND PROCESSING OF ABSENTEE
BALLOTS FOR THE 2020 STATE ELECTION.**

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

Section 1. (*Effective from passage*) (a) There shall be, in any municipality with a population of at least one hundred forty thousand, an election monitor for the state election in 2020 to detect and prevent irregularity and impropriety in the management of election administration procedures and the conduct of said election in such municipality. The office of the Secretary of the State shall contract with an individual to serve in such capacity as election monitor until December 31, 2020, unless such contract is terminated for any reason by the Secretary of the State prior to said date. Such election monitor shall: (1) Not be considered a state employee; (2) be compensated in accordance with such contract; and (3) be reimbursed for necessary expenses incurred in the performance of his or her duties. Costs related to the service of such election monitor shall be paid from federal funds allocated to the Secretary to address the effects of COVID-19 on the conduct of elections. Such municipality shall provide for such election monitor any office space, supplies, equipment and services necessary to properly carry out the duties and responsibilities of the position. For purposes of this subsection, (A) "population" means the estimated

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number of people according to the most recent version of the State Register and Manual prepared pursuant to section 3-90 of the general statutes, and (B) "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by said organization as a communicable respiratory disease.

(b) An election monitor appointed under subsection (a) of this section shall: (1) Conduct inspections, inquiries and investigations relating to any duty or responsibility under title 9 of the general statutes to be carried out by any official of the municipality or appointee of such official; (2) have access to all records, data and material maintained by or available to any such official or appointee; and (3) immediately report to the Secretary of the State any irregularity or impropriety in the performance of any duty or responsibility described in subdivision (1) of this subsection. Nothing in this section shall be construed to prohibit the State Elections Enforcement Commission from taking any action authorized under section 9-7b of the general statutes.

Sec. 2. Section 9-140c of the general statutes, as amended by section 6 of public act 20-3 of the July special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The municipal clerk shall retain the envelopes containing absentee ballots received by him under section 9-140b and shall not open such envelopes. The municipal clerk shall endorse over his signature, upon each outer envelope as he receives it, the date and precise time of its receipt. The clerk shall make an affidavit attesting to the accuracy of all such endorsements, and at the close of the polls shall deliver such affidavit to the head moderator, who shall endorse the time of its receipt and return it to the clerk after all counting is complete. The clerk shall preserve the affidavit for one hundred eighty days in accordance with the requirements of section 9-150b. The clerk shall keep a list of the names of the applicants who return absentee ballots to the clerk under

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section 9-140b. The list shall be preserved as a public record as required by section 9-150b.

(b) (1) (A) Except as provided in subparagraph (B) of this subdivision, [(2) of this subsection,] beginning not earlier than the seventh day before the election, primary or referendum and on any weekday thereafter, all absentee ballots received by the municipal clerk [not later than] at or prior to eleven o'clock a.m. of such day may be sorted into voting districts by the municipal clerk and checked as provided in this [subsection] subparagraph. On any such day, beginning as soon as the ballots have been sorted, the registrars of voters, without opening the outer envelopes, may check the names of the applicants returning ballots on the official checklist to be used at the election, primary or referendum by indicating "absentee" or "A" preceding each such name and, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, the designation of the party in which the applicants are voting preceding each such name. Unless absentee ballots are to be counted in the respective polling places, pursuant to subsection (b) of section 9-147a, the registrars shall also place such indication on a duplicate [of the] checklist to be retained by the municipal clerk until [he] the municipal clerk delivers [it] such duplicate checklist to the registrars, [at twelve o'clock noon, except as provided in subparagraph (A) of subdivision (2) of subsection (e) of this section, on election, primary or referendum day] in accordance with subsection (e) of this section, for the use of the absentee ballot counters pursuant to subsection (i) of this section.

(B) For the state election in 2020, beginning on the fourteenth day before the election and on any weekday thereafter, all absentee ballots received by the municipal clerk at or prior to eleven o'clock a.m. of such day may be sorted into voting districts by the municipal clerk and checked as provided in subparagraph (A) of this subdivision.

(2) All absentee ballots received [not later than] at or prior to eleven

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o'clock a.m. of the last day before the election, primary or referendum which is not a Sunday or legal holiday, shall be [so] sorted into voting districts by the municipal clerk and checked as provided in subparagraph (A) of subdivision (1) of this subsection not later than such last day.

[(2) For the state election in 2020, beginning the fourteenth day before the election and on any weekday thereafter, all absentee ballots received by the municipal clerk not later than eleven o'clock a.m. of such day may be sorted into voting districts by the municipal clerk and checked as provided in subdivision (1) of this subsection.]

(c) If the name of the applicant returning the ballot is not on the official checklist for any polling place in such municipality, the registrars shall endorse on the face of such outer envelope the word "rejected", followed by a statement of the reasons for rejection, and the outer envelope shall not be opened or the ballot counted.

(d) After such checking has been completed on any such day, the municipal clerk shall seal the unopened ballots in a package and retain them in a safe place.

(e) (1) Except as provided in subdivision (2) of this subsection, ballots received [not later than] at or prior to eleven o'clock a.m. on [such] the last day before the election, primary or referendum shall be delivered by the municipal clerk to the registrars [not earlier than] between ten o'clock a.m. and [not later than] twelve o'clock noon on the day of the election or primary and at twelve o'clock noon on the day of a referendum. Unless absentee ballots are to be counted in the respective polling places, pursuant to subsection (b) of section 9-147a, the municipal clerk shall also deliver to the registrars at this time the duplicate checklist provided for in subsection (b) of this section, for the use of the absentee ballot counters pursuant to subsection (i) of this section.

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(2) (A) For the state election in 2020: [, ballots]

(i) Ballots received, sorted and checked prior to five o'clock p.m. on the (I) fourth day before the election may be delivered by the municipal clerk to the registrars at five o'clock p.m. on such fourth day, (II) third day before the election may be so delivered at five o'clock p.m. on such third day, and (III) second day before the election may be so delivered at five o'clock p.m. on such second day;

(ii) Ballots received not later than eleven o'clock a.m. on [such] the last day before the election shall be delivered by the municipal clerk to the registrars at six o'clock a.m. on the day of the election; [.] and

(iii) Each time ballots are delivered pursuant to this subparagraph, the municipal clerk shall also deliver to the registrars at such time a copy of the duplicate checklist provided for in subsection (b) of this section, current as of the time of such delivery, for the use of the absentee ballot counters pursuant to subsection (i) of this section.

(B) The municipal clerk may deliver the ballots at [a time that is] times later than [the time] those provided in subdivision (1) of this subsection or subparagraph (A) of this subdivision, as applicable, provided any such time is mutually agreed upon by the municipal clerk and registrars and is not later than eight o'clock p.m. on the day of the election, primary or referendum.

(f) Absentee ballots timely received by the clerk after eleven o'clock a.m. of such last day before an election, primary or referendum shall be sorted into voting districts by the clerk and retained by the clerk separately until delivered to the registrars of voters for checking.

(g) Any or all of such ballots received after eleven o'clock a.m. of such last day before an election, primary or referendum and before six o'clock p.m. on the day of the election, primary or referendum shall, upon request of the registrars, be delivered to the registrars by the municipal

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clerk at six o'clock p.m. on the day of the election, primary or referendum for checking, or at a later time mutually agreed upon by the clerk and registrars, provided such time is not later than eight o'clock p.m. on the day of the election, primary or referendum.

(h) Absentee ballots received after six o'clock p.m. on the day of the election, primary or referendum and any ballots received prior to six o'clock p.m. of such day which were not delivered earlier shall be delivered to the registrars at the close of the polls for checking. Although absentee ballots shall be checked by the registrars of voters at various times throughout the election, primary or referendum day, absentee ballots may be counted at one single time during such day.

(i) (1) Except as otherwise provided in this subsection, the absentee ballot counters, upon receipt of the ballots delivered by the municipal clerk to the registrars at six o'clock p.m. on the day of the election, primary or referendum and at the close of the polls pursuant to subsections (g) and (h) of this section, shall check the names of the applicants returning ballots on the duplicate checklist in the same manner as provided in subsections (b) and (c) of this section.

(2) (A) Except as provided in subparagraph (B) of this subdivision, the names of applicants whose ballots were delivered at six o'clock p.m. on the day of the election, primary or referendum shall be called in to the appropriate polling places where they shall be checked by the checkers on the official checklists, and they shall also be checked by the absentee ballot counters on the duplicate checklist required under subsection (b) of this section.

(B) Whenever absentee ballots are counted in any polling place pursuant to subsection (b) of section 9-147a, the names of applicants whose ballots were delivered at six o'clock p.m. on the day of the election, primary or referendum shall be checked by the absentee ballot counters and checkers at such polling place on the official checklist used

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at such polling place.

(3) (A) Except as provided in subparagraph (B) of this subdivision, the names of applicants whose ballots were delivered at the close of the polls shall be checked by the absentee ballot counters on the official checklists used at the polling places and such official checklists, bearing the certifications required by section 9-307, shall be delivered by the registrars or assistant registrars to the central counting moderator for that purpose.

(B) Whenever absentee ballots are counted in any polling place pursuant to subsection (b) of section 9-147a, the official checklist used at such polling place shall remain in such polling place for checking by the absentee ballot counters at such polling place.

(4) If the name of an applicant returning a ballot has been checked on the official checklist as having voted in person the absentee ballot counters shall, in checking the ballots, endorse on the face of the outer envelope the word "rejected" followed by a statement of the reason for rejection, and the outer envelope shall not be opened or the ballot counted.

(5) (A) Except as provided in subparagraph (B) of this subdivision, when central counting is completed and the result is announced, the central counting moderator shall deliver the duplicate checklist, the official checklists and the returns required by section 9-150b to the head moderator.

(B) Whenever absentee ballots are counted in any polling place pursuant to subsection (b) of section 9-147a, and such counting is completed and the result for such polling place is announced, the moderator for such polling place shall deliver the official checklist used at such polling place and the return required by section 9-150b to the head moderator.

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(j) Each time absentee ballots are delivered by the clerk to the registrars [on election, primary or referendum day] pursuant to this section, the clerk and registrars shall execute an affidavit of delivery and receipt stating the number of ballots delivered. The clerk shall preserve the affidavit for [six months in accordance with] the period prescribed in section 9-150b.

(k) (1) [Each group of absentee ballots shall be counted by the absentee ballot counters when received from the registrars on election, primary or referendum day, in the manner provided in section 9-150a.] Except as provided in subdivision (2) of this subsection, the absentee ballot counters shall count, in the manner provided in section 9-150a, each group of absentee ballots upon receipt from the registrars.

(2) For the state election in 2020, whenever absentee ballots are to be processed before the day of the election, pursuant to subdivision (1) of subsection (c) of section 9-147a, the absentee ballot counters shall process, in the manner provided in section 5 of this act, each group of absentee ballots upon receipt from the registrars.

(l) The municipal clerk shall retain all outer envelopes containing absentee ballots received by him after the close of the polls, unopened, for the period prescribed in section 9-150b.

Sec. 3. Section 9-147a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b) or (c) of this section, at any election, primary or referendum, all absentee ballots shall, within existing resources, be counted in the manner provided in section 9-150a at a central location designated by the registrars of voters in writing to the municipal clerk at least twenty days before the election, primary or referendum, which location shall be published in the warning for the election, primary or referendum. Except as provided in subsection (b) of

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this section, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, all absentee ballots shall be separated, counted, tallied and placed in depository envelopes by voting district. Any member of the public may observe the counting of absentee ballots at such central location.

(b) At any election, primary or referendum, all absentee ballots may be counted in the manner provided in section 9-150a in the respective polling places if the registrars of voters agree that such absentee ballots should be so counted. If unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, absentee ballots may be counted in the respective polling places if the parties agree that such absentee ballots should be so counted. Any election official serving in a polling place may observe the counting of absentee ballots at such polling place.

(c) (1) For the state election in 2020, absentee ballots may be processed before the day of the election in the manner provided in section 5 of this act. Any such processing shall take place at a central location designated by the registrars of voters in writing to the municipal clerk at least ten days before the election, which location shall be published in the warning for the election.

(2) If absentee ballots are to be processed pursuant to subdivision (1) of this subsection, the registrars of voters and municipal clerk shall jointly certify such fact in writing to the Secretary of the State at least ten days before the election. Such written certification shall (A) include the name, street address and relevant contact information associated with the designated central location, and (B) list the name and address of each absentee ballot counter appointed pursuant to section 9-147c. The Secretary shall approve or disapprove such written certification not later than two days after receipt of such certification and may require the appointment of one or more additional absentee ballot counters.

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(3) In the case of absentee ballots delivered to the registrars on the day of the election, nothing in this subsection shall preclude the counting of such absentee ballots in the respective polling places pursuant to subsection (b) of this section.

Sec. 4. Section 9-225 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [The] (1) Except as provided in subdivision (2) of this subsection, the town clerk or assistant town clerk of each town shall warn the electors therein to meet on the Tuesday following the first Monday in November in the even-numbered years, at six o'clock a.m., which warning shall be given by publication in a newspaper having a general circulation in such town, or towns in the case of a joint publication under subsection (b) of this section, not more than fifteen nor less than five days previous to holding such election. The clerk in each town shall, in the warning for such election, give notice of the time and the location of the polling place in the town, and in towns divided into voting districts, of the time and the location of the polling place in each district, at which such election will be held. The town clerk shall record each such warning.

(2) For the state election in 2020, the warning under subsection (a) of this section shall be given not more than seven nor less than four days previous to holding such election.

(b) Notwithstanding the provisions of any charter or home rule ordinance, the warning under subsection (a) of this section may be published jointly by two or more towns in a newspaper, provided all other requirements of this section with respect to such warning are met.

Sec. 5. (NEW) (*Effective from passage*) Notwithstanding the provisions of section 9-150a of the general statutes, for the state election in 2020, in any municipality in which absentee ballots are processed pursuant to

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subdivision (1) of subsection (c) of section 9-147a of the general statutes:

(a) (1) Not earlier than five o'clock p.m. on the fourth day before the election, the absentee ballot counters shall proceed to the central counting location at the times designated by the registrars of voters;

(2) At the time each group of ballots is delivered pursuant to subdivision (2) of subsection (e) of section 9-140c of the general statutes, the counters shall proceed as hereinafter provided;

(3) Except with respect to ballots marked "Rejected" pursuant to section 9-140c of the general statutes or other applicable law, the counters shall then remove the inner envelopes from the outer envelopes, shall note the total number of absentee ballots received and shall report such total to the moderator. The counters shall similarly note and separately so report the total numbers of presidential ballots and overseas ballots received pursuant to sections 9-158a to 9-158m, inclusive, of the general statutes;

(4) If the statement on the inner envelope has not been signed as required by section 9-140a of the general statutes, such inner envelope shall not be opened or the ballot removed therefrom, and such inner envelope shall be replaced in the opened outer envelope which shall be marked "Rejected" and the reason therefor endorsed thereon by the counters; and

(5) Not earlier than the day of the election, and after the duties under subdivisions (1) to (4), inclusive, of this subsection have been performed, absentee ballots shall be counted in the manner provided in subsections (e) to (m), inclusive, of section 9-150a of the general statutes.

(b) In accordance with instructions which shall be prescribed by the Secretary of the State not later than ten days before the election, each group of ballots delivered pursuant to subdivision (2) of subsection (e) of section 9-140c of the general statutes shall be kept secure (1)

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throughout the performance of the duties under subdivisions (1) to (4), inclusive, of subsection (a) of this section, and (2) after such performance until such time on the day of the election that absentee ballots are counted in the manner provided in subsections (e) to (m), inclusive, of section 9-150a of the general statutes. The requirements of this subsection shall be in addition to all other applicable requirements under title 9 of the general statutes regarding the security of absentee ballots and any related materials.

Sec. 6. Section 9-150b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The moderator shall record the result of each count of absentee ballots at any election, primary or referendum, separately by time of count, on (1) a separate moderator's return for each voting district, and (2) a separate record of the number of absentee votes cast for each candidate for each voting district.

(b) Except as provided in subsection (c) of this section, when all counting is complete, the moderator shall publicly declare the result of such count. [He] The moderator shall then deliver to the head moderator the central counting moderator's returns, together with all other information required by law or by the Secretary of the State's instructions. The head moderator shall add the results from the voting tabulators, recorded on the moderator's return for each polling place, to the absentee count recorded on the central counting moderator's return for the corresponding voting district, in the manner prescribed by the Secretary of the State. The returns so completed shall show separately the tabulator vote and the absentee vote and the totals thereof.

(c) If the absentee ballots were counted in the respective polling places, pursuant to subsection (b) of section 9-147a, when all counting is complete the moderator shall publicly declare the result of such count as provided in section 9-309 and add such count to the results from the

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voting tabulators recorded on the moderator's return. Such return shall show separately the tabulator vote and the absentee vote and the totals thereof.

(d) The Secretary of the State may prescribe the forms and instructions for the tabulation, counting and return of the absentee ballot vote.

(e) The sealed depository envelopes required by subsections (f) and (m) of section 9-150a shall be returned by the moderator to the municipal clerk as soon as practicable on or before the day following the election, primary or referendum.

(f) The municipal clerk shall preserve for sixty days after the election, primary or referendum the depository envelopes containing opened envelopes and rejected ballots required by subsection (f) of section 9-150a, and shall so preserve for one hundred eighty days the depository envelopes containing counted ballots and related materials required by subsection (m) of section 9-150a.

(g) (1) No such depository envelope shall be opened except by order of a court of competent jurisdiction, by the State Elections Enforcement Commission pursuant to a subpoena issued under subdivision (1) of subsection (a) of section 9-7b or within five business days [of] after an election, primary or referendum for the purpose of a recanvass conducted pursuant to law. After such a recanvass the depository envelopes and their contents shall be returned to the municipal clerk and preserved for the stated period.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, for the state election in 2020, no such depository envelope shall be opened for the purpose of a recanvass conducted pursuant to law except within seven business days after the election as provided in section 9-311.

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(h) For sixty days after the election, primary or referendum the following shall be preserved by the municipal clerk as a public record open to public inspection: (1) All executed absentee ballot application forms and direction by registrar forms, as required by subdivision (i) of section 9-140; (2) the list and index of applicants for presidential or overseas ballots as required by section 9-158h; (3) the numerical list of absentee voting sets issued as required by subsection (e) of section 9-140; (4) the list of the names of persons whose absentee ballots are received by the municipal clerk, as required by subsection (a) of section 9-140c; (5) all unused absentee ballots; and (6) all envelopes containing ballots received by the municipal clerk after the close of the polls, which shall remain unopened.

(i) For one hundred eighty days after the election, primary or referendum the following shall be preserved by the municipal clerk as a public record open to public inspection: (1) The affidavit regarding the municipal clerk's endorsement of inner envelopes, as required by subsection (a) of section 9-140c; and (2) the affidavit regarding delivery and receipt of ballots, as required by subsection (j) of said section.

(j) At the expiration of the applicable retention period, if no contest is pending and no subpoena has been issued by the State Elections Enforcement Commission pursuant to subsection (1) of section 9-7b, the municipal clerk shall destroy the materials preserved under this section.

Sec. 7. Section 9-159o of the general statutes, as amended by section 7 of public act 20-3 of the July special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any elector who has returned an absentee ballot to the municipal clerk and who finds such elector is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal clerk's office and request that such elector's ballot be withdrawn. The municipal clerk shall remove the ballot from the sealed

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package and shall mark the serially-numbered outer envelope, which shall remain unopened, "rejected" and note the reasons for rejection. The elector shall also endorse the envelope. The rejected ballot shall then be returned to the sealed package until delivered on election, primary or referendum day to the registrars of voters in accordance with section 9-140c. The municipal clerk shall then give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn [his] such elector's absentee ballot and may vote in person. Upon delivery of the statement by the elector to the moderator, the moderator shall cause the absentee indication next to the name of the elector to be stricken from the official checklist and the elector may then have such elector's name checked and vote in person. Unless absentee ballots are to be counted in the respective polling places pursuant to subsection (b) of section 9-147a, the municipal clerk shall also cause the absentee indication next to the name of the elector to be stricken from the duplicate checklist to be used by the absentee ballot counters.

(b) Notwithstanding the provisions of subsection (a) of this section, for the state election in 2020, any elector who has returned an absentee ballot to the municipal clerk and who finds such elector is able to vote in person shall proceed before five o'clock p.m. on the [last] fourth day before the election to the municipal clerk's office and request that such elector's ballot be withdrawn.

Approved October 2, 2020