OLR Bill Analysis

HB 7005

Emergency Certification

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

SUMMARY

This bill makes several changes concerning the November 3, 2020, state election. It requires the secretary of the state to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000 (i.e., Bridgeport) for the 2020 state election. The monitor must conduct inspections, inquiries, and investigations of any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee.

The bill authorizes municipalities to conduct certain absentee ballot pre-counting procedures beginning at 5:00 p.m. on the fourth day before the 2020 state election (i.e., Friday, October 30). Generally, these procedures include opening the ballot's outer envelope and verifying that the elector signed the inner envelope, which contains the marked ballot. However, municipalities may not open the inner envelope or count the ballot until election day.

Municipalities using these pre-counting procedures must comply with certain requirements, such as notifying the secretary of the state in advance and obtaining her approval. The bill makes several conforming changes for the 2020 state election, including (1) delaying the period in which towns must publish the election warning and (2) establishing 5:00 p.m. on the fourth day before the election as the deadline for an elector who has submitted an absentee ballot to withdraw the ballot in order to vote in person.

Additionally, the bill conforms to PA 20-3, July Special Session

(JSS), by extending the timeframe for opening absentee ballot depository envelopes in the event of a recanvass (PA 20-3, JSS, extended certain recanvass deadlines; see BACKGROUND). Lastly, the bill makes additional technical and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — ELECTION MONITOR FOR 2020 STATE ELECTION

For the 2020 state election, the bill requires the secretary of the state to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000, according to the most recent State Register and Manual (i.e., Bridgeport). The election monitor's purpose is to detect and prevent irregularity and impropriety within the municipality in managing election administration procedures and conducting the election.

Specifically, the monitor must (1) conduct inspections, inquiries, and investigations of any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee and (2) immediately report to the secretary of the state any irregularity or impropriety discovered. Toward that end, the bill requires that the election monitor have access to all records, data, and material maintained by, or available to, any such municipal official or appointee.

The bill (1) specifies that the election monitor is not a state employee and (2) requires the secretary of the state to contract with an individual to serve in this capacity until December 31, 2020, unless she terminates the contract for any reason before that date. The election monitor must be compensated in accordance with the contract and reimbursed for necessary expenses. Costs related to the election monitor's service must be paid from federal COVID-19 elections funds allocated to the secretary of the state. The municipality must provide the monitor with office space, supplies, equipment, and services necessary to properly carry out his or her duties.

The bill specifies that it does not prohibit the State Elections

Enforcement Commission (SEEC) from exercising its authority. By law, SEEC, among other things, investigates alleged election law violations, inspects campaign finance records and reports, refers evidence of violations to the chief state's attorney or the attorney general, and levies civil penalties for elections violations.

§ 2 — DELIVERING ABSENTEE BALLOTS TO REGISTRARS

By law, the town clerk must sort any absentee ballots received by the day before the election into voting districts. (For the 2020 state election, the clerk may begin doing so 14 days before election day.) For ballots received by 11:00 a.m. on the day before the election, the registrars of voters must check the names of applicants returning ballots on the official registry list with "A" or "Absentee." This sorting and checking must be completed by the day before the election, and the clerk must deliver the sorted and checked ballots to the registrars on election day.

For the 2020 state election only, the bill instead allows town clerks to deliver sorted and checked ballots to the registrars before election day for the purpose of beginning certain pre-counting procedures (see below). Specifically, it allows any ballots received, sorted, and checked by 5:00 p.m. on the fourth day before the election (i.e., Friday, October 30) to be delivered to the registrars at that time. It similarly allows ballots received, sorted and checked by 5:00 p.m. on the third and second days before the election (i.e., Saturday, October 31 and Sunday, November 1, respectively) to be delivered to the registrars at those times.

In each case, the bill allows the clerk to deliver the ballots at a later time that he or she mutually agrees upon with the registrars. The bill also requires the (1) clerk to include with the ballots an up-to-date copy of the duplicate checklist and (2) clerk and registrars to execute an affidavit of delivery and receipt stating the number of ballots delivered. Existing law applies these requirements to ballots delivered on election day.

§§ 3 & 4 — REQUIREMENTS FOR OPTING IN TO PRE-COUNTING

Location Designation and Notice to the Secretary of the State

Under the bill, any municipality opting to conduct pre-counting procedures for the 2020 state election must do so at a central location. The registrars of voters must designate the location in writing to the municipal clerk at least 10 days before the election (i.e., Saturday, October 24), and the location must be published in the election warning (see below).

Under the bill, if a municipality opts to use pre-counting procedures, the registrars of voters and town clerk must jointly certify this decision to the secretary of the state, in writing, at least 10 days before the election (i.e., Saturday, October 24). The certification must include the (1) name, street address, and relevant contact information for the designated central location and (2) name and address of each absentee ballot counter.

The secretary must approve or disapprove the certification within two days after receiving it. The bill also allows her to require the municipality to appoint one or more additional absentee ballot counters.

Election Warning

The law requires the town clerk or assistant town clerk to warn the town's electors of a state election by publishing the warning in a newspaper. Current law requires that the warning be published between five and 15 days before the election. For the 2020 state election, the bill instead requires that the warning be published between four and seven days before the election (i.e., between Tuesday, October 27 and Friday, October 30).

Absentee Ballot Counting Locations

By law, municipalities must count absentee ballots at a central location unless the registrars agree to count them in each polling place. The bill specifies that any ballots delivered to the registrars on election day (i.e., those not delivered for pre-counting procedures) may still be counted in the polling places.

§ 5 — AUTHORIZED PRE-COUNTING PROCEDURES

By law, absentee ballot sets consist of an outer envelope, which contains information about the elector (e.g., name and address), and an inner envelope, which contains the elector's marked ballot and a statement signed by the elector under penalty of false statement. The law sets out numerous steps for counting absentee ballots, which are generally completed by absentee ballot counters or moderators.

Current law requires that each of these steps be completed beginning on election day. For municipalities that opt to use pre-counting procedures for the 2020 state election (see above), the bill authorizes them to complete the following steps before election day (beginning at 5:00 p.m. on Friday, October 30):

1. remove the inner envelopes from the outer envelopes,

2. report the total number of absentee ballots received to the moderator, and

3. reject ballots for which the inner envelope statement is improperly executed.

Under the bill, once the above steps are completed, the absentee ballots may be counted, beginning on election day, in accordance with existing law.

Securing the Absentee Ballots Until Election Day

The bill requires that absentee ballots be secured throughout any pre-counting process. Specifically, the ballots must be secured according to (1) instructions from the secretary of the state and (2) existing statutory requirements on the security of absentee ballots and any related materials. Under the bill, the secretary must issue these instructions at least 10 days before the election (i.e., Saturday, October 24).

§ 6 — ABSENTEE BALLOT DEPOSITORY ENVELOPES

Existing law requires the town clerk, after the election, to seal in depository envelopes (1) opened absentee ballot envelopes, (2) rejected

ballots, and (3) counted ballots. The law prohibits these depository envelopes from being opened except if ordered by a court or SEEC or in the event of a recanvass.

Current law allows these envelopes to be opened within five days of the election if there is a recanvass. The bill instead allows them to be opened within five business days after the election. It thus conforms to deadlines in existing law, which require recanvass officials to meet by the fifth business day after the election to recanvass the returns (CGS §§ 9-311 to -311b).

The bill makes a similar change for the 2020 state election by allowing depository envelopes to be opened within seven business days after the election if there is a recanvass. This provision conforms to PA 20-3, JSS (§ 13), which requires recanvass officials to meet by the seventh (rather than the fifth) business day after the 2020 state election.

§ 7 — DEADLINE FOR WITHDRAWING A SUBMITTED ABSENTEE BALLOT

Existing law requires electors who submit an absentee ballot, but later find they are able to vote in person, to go to the town clerk's office and request to withdraw the absentee ballot. For the 2020 state election, PA 20-3, JSS (§ 7), moves up this deadline from 10:00 a.m. on election day to 5:00 p.m. the day before the election.

The bill moves this deadline up further for the 2020 state election, to 5:00 p.m. on the fourth day before the election (i.e., Friday, October 30), the same time municipalities may begin pre-counting procedures under the bill (see above).

BACKGROUND

PA 20-3, JSS

Among other things, PA 20-3, JSS, makes numerous changes that apply only to the November 3, 2020, state election, including (1) allowing eligible electors to vote by absentee ballot due to the COVID-19 sickness, (2) allowing the return of completed absentee ballots in secure designated drop boxes and (3) changing various absentee ballot

deadlines associated with sorting, checking, and processing them. By law, a state election is a regular election and includes candidates running for federal office.