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## OLR Bill Analysis

### sSB 5 (File 570, as amended by Senate "A")\*

#### **AN ACT CONCERNING INCREASED OPPORTUNITIES FOR ABSENTEE VOTING, SAFE AND SECURE IN-PERSON VOTING, VOTER REGISTRATION AND CERTAIN OTHER CHANGES REGARDING ELECTION ADMINISTRATION.**

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*Generally requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date*

BACKGROUND

\*Senate Amendment "A" removes provisions from the underlying bill on (1) party enrollment and the secretary of the state-approved electronic system for automatically transmitting voter registration applications, (2) Election Day as a holiday, (3) possessing a firearm near a polling place or election day registration location, (4) a telephonic system for absentee ballot applications, (5) most changes implemented for the 2020 state election as a result of COVID-19, (6) ballots for language minority groups, (7) expanded absentee ballot authorization, (8) petition circulators, and (9) the start date for municipal office terms.

It also (1) modifies the underlying bill's changes to municipal election dates, voters with developmental disabilities, and permanent absentee ballot status and (2) adds the provisions on polling place challengers and a study on electronically distributing mail voter registration applications.

#### **§§ 1-5 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS**

*Requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission*

By law, the Department of Motor Vehicles (DMV) commissioner must include a voter registration application as part of each motor vehicle driver's license application or renewal or each identity card application. Similarly, voter registration agencies (see BACKGROUND) must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail voter registration application forms.

The bill requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless the applicants decline to apply for admission. The system must also comply with the National Voter Registration Act (NVRA) (see

BACKGROUND). (In practice, DMV must already do this under a memorandum of understanding (MOU) between the agencies (see BACKGROUND).)

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the changes affecting voter registration agencies and public higher education institutions are effective January 1, 2022.

***Eligibility Verification***

By law, voter registration forms include a statement that specifies each eligibility requirement and an attestation that the applicant meets each requirement (CGS § 9-20). The bill allows DMV, voter registration agencies, and public higher education institutions to waive attestation for any requirement for which they can verify an applicant’s eligibility independently through a federally approved identity verification program or through other acceptable evidence. The electronic system may provide for transmittal of applicants’ signatures on file with DMV, a voter registration agency, or public higher education institution, as applicable, to the secretary of the state.

The bill prohibits DMV, voter registration agencies, and public higher education institutions from processing voter registration applications using the electronic system if they determine that an individual applying for a credential, service, or assistance is not a U.S. citizen. If they cannot determine whether the individual is a U.S. citizen, then the applicant must attest to his or her citizenship prior to DMV, a voter registration agency, or a public higher institution may process the voter registration application through the electronic system.

***Transmittal***

Under the bill, if DMV determines that an applicant for a motor vehicle driver’s license or renewal, or for an identity card (i.e., “DMV credential”), meets each eligibility requirement for admission as an elector, then the commissioner must use an electronic system to

immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. Similarly, if a voter registration agency or public higher education institution determines that an applicant for assistance or services meets each eligibility requirement for admission as an elector, then the agency or institution must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. In all cases, the application must be transmitted to the registrar of voters in the municipality where the individual resides.

### **Address Changes**

The bill additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the bill, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements.

If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

## **§ 6 — E-SIGNATURE SYSTEM**

*Requires the secretary of the state to implement an e-signature system for most elections-related forms and applications*

The bill requires the secretary of the state to develop and implement one or more systems through which she may allow individuals to submit an electronic signature to sign elections-related forms and applications, other than those for campaign finance purposes. It gives the secretary the discretion to determine the forms or applications included in the system. Under the bill, any form or application with such an electronic signature appearing on it is deemed to have the original signature.

The bill requires a state agency to provide any information to the secretary, upon her request, that she deems necessary to maintain the system or systems. The bill prohibits the secretary from using the information obtained from any state agency except for purposes of the elections-related e-signature system.

EFFECTIVE DATE: Upon passage

## **§ 7 — DISTRIBUTING VOTER REGISTRATION INFORMATION AT HIGH SCHOOLS**

*Requires registrars of voters to annually distribute voter registration information at public high schools*

By law, registrars of voters must hold a voter registration session between January 1 and the last day of school in each public high school in the municipality. In regional school districts, registrars of each member municipality hold the sessions on a rotating basis.

The bill requires registrars of voters to annually distribute information, on the fourth Tuesday in September, at each public high school about the qualifications and procedures for registering to vote. Under the bill, registrars and the principal of any public high school must determine the best distribution method. (Presumably, in regional school districts, registrars would distribute information on a rotating basis.)

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

## **§ 9 — TIME OFF TO VOTE**

*Requires employers to give an employee two hours of unpaid time off for state elections and certain special elections if he or she requests it in advance*

The bill requires employers to give an employee two hours of unpaid time off from his or her regularly-scheduled work on the day of a regular state election to vote, if the employee requests it in advance. In the case of a special election for a U.S. Senator, U.S. Representative, state senator, or state representative, the requirement applies only to employees who are already electors.

In both cases, the time off must occur during regular voting hours (i.e., from 6:00 a.m. to 8:00 p.m.), and the employee must make the request at least two working days before the election. (The bill does not specify what happens if employers deny time-off requests.)

By law, Connecticut conducts Election Day Registration (EDR) during regular, but not special, elections (see BACKGROUND). Therefore, under the bill, it appears that employees who are not yet electors may take time off to register to vote through EDR for a regular state election, if qualified, and then vote.

EFFECTIVE DATE: Upon passage

**Background — EDR**

Connecticut conducts EDR during regular state and municipal elections. Under EDR, a person may register to vote and cast a ballot on election day if he or she meets the eligibility requirements for voting in Connecticut and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality (CGS § 9-19j).

**§ 10 — VOTERS WITH DEVELOPMENTAL DISABILITIES**

*Eliminates the prohibition on mentally incompetent people being admitted as electors*

The bill eliminates the prohibition on mentally incompetent people being admitted as electors.

It retains existing law's procedure for determining voting competency at the request of a person's guardian or conservator. Under this procedure, a person's guardian or conservator may file a petition in probate court to determine his or her competency to vote in a primary, election, or referendum. The court must hold a hearing no later than 15 days after the filing date, and the hearing must receive priority for trial (CGS § 45a-703).

EFFECTIVE DATE: Upon passage

**§§ 14-16 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY**

*Eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in an in-state or out-of-state community residence; restores these privileges to convicted felons who are on parole or special parole or who are confined in a community residence*

The bill makes several changes concerning the forfeiture and restoration of electoral privileges for certain individuals convicted of a felony.

It also makes technical changes.

EFFECTIVE DATE: July 1, 2021

***Forfeiture of Electoral Privileges (§ 15)***

Under current law, an individual forfeits his or her right to be an elector, and all accompanying electoral privileges (i.e., the right to vote, run for public office, and hold an office), upon conviction of a felony and commitment to any state or federal prison (CGS § 9-46). Effective July 1, 2021, the bill eliminates a requirement that such individuals forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside of Connecticut) for confinement in a community residence (e.g., halfway house, group home, or mental health facility).

The bill also specifies that if an individual regains his or her electoral privileges after forfeiture, he or she must again forfeit them upon returning to confinement in a correctional institution or facility from the following:

1. parole or special parole;
2. release to (a) an educational program or work, (b) a community residence, (c) a zero-tolerance drug supervision program, (d) home confinement for certain motor vehicle and drug offenses, or (e) a community-based nursing home for palliative and end-of-life care; or
3. specified furloughs granted at the commissioner's discretion (e.g., to permit attendance at a relative's funeral or to obtain

medical services not otherwise available).

***Notice to Secretary of the State and Registrars of Voters (§ 14)***

Effective July 1, 2021, the bill makes conforming changes to monthly reports that the (1) DOC commissioner must send to the secretary of the state and (2) secretary must transmit to registrars of voters. Under current law, the commissioner must send the secretary a list by the 15th of each month of all individuals convicted of a felony and committed to DOC custody in the previous calendar month for confinement in a correctional institution, facility, or community residence. The secretary must then send the list to the registrars of voters in towns where (1) these individuals resided at the time of their conviction or (2) she believes they may be electors.

The bill (1) eliminates the requirement that the DOC commissioner's report include a list of these individuals committed for confinement in a community residence and (2) additionally requires that it include a list of individuals returned to confinement in a correctional institution or facility for violating the terms of their parole, special parole, release, or furlough (see above). It must also include the date and nature of these violations. The bill makes conforming changes to the information the secretary must provide registrars of voters by similarly requiring her to notify registrars in towns where (1) individuals returned to confinement resided at the time of their parole, special parole, release, or furlough violation (as applicable) or (2) she believes they may be electors.

Under existing law, after sending a written notice by certified mail to the individual's last known address, the registrars must remove his or her name from the registry list (CGS § 9-45).

***Restoration of Electoral Privileges (§ 16)***

Under current law, an individual imprisoned for a felony regains the right to vote and accompanying electoral privileges after paying all fines and completing any required prison and parole time.

Effective July 1, 2021, the bill allows convicted felons to regain their

electoral privileges upon release from confinement in a correctional institution or facility. It eliminates current law's requirements that such individuals also, as applicable, (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The bill specifies that any convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the bill, the DOC commissioner must, within available appropriations, inform people who are on parole, special parole, or confined in a community residence of their right to become electors and the process for having their privileges restored.

The bill also makes conforming changes to a monthly report that the DOC commissioner must send to the secretary of the state. Under current law, the commissioner must send the secretary a list by the 15th of each month of all individuals convicted of a felony who were released in the previous calendar month from a correctional institution or facility or a community residence and, if applicable, discharged from parole.

The bill eliminates current law's requirement that the list include community residence releases and parole discharges and instead requires that it include individuals who have begun confinement in a community residence. By law, unchanged by the bill, the secretary must send this list to the registrars in the towns where (1) the individuals lived at the time of their conviction or (2) she believes they may be electors.

## **§§ 18 & 19 — ELECTION NOTICES**

*Requires town clerks to post notices for state and municipal elections on the town website*

The bill requires town clerks to post notices of state and municipal elections on their municipal website, in addition to placing them in a town or general circulation newspaper as required under existing law. Just as the law requires for newspaper notices, the online notices must appear not more than 15 days, nor less than 5 days, before an election.

The bill also requires that the notices include the time and location for each EDR location, as well as each polling place as under existing law.

By law, state and municipal election notices must indicate whether voters will consider a constitutional amendment or local referendum question at the election (CGS § 9-369).

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

## **§ 20 — ONLINE SYSTEM FOR ABSENTEE BALLOT APPLICATIONS**

*Allows people to apply to the secretary of the state for an absentee ballot using an online system, which the secretary must establish and maintain*

The bill allows individuals to apply to the secretary of the state for an absentee ballot using an online system, which she must establish and maintain for that purpose. To use the system, an applicant's signature must be obtained from a state or federal agency's database, another state's voter registration database, or the e-signature system established by the bill (see Section 6) and imported into the online system.

By law, unchanged by the bill, people may also apply for an absentee ballot with the town clerk in the municipality where they are eligible to vote or have applied to register to vote.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2021

### ***Procedure***

Under the bill, an applicant using the online system must, on a secretary-prescribed form, type his or her name and indicate the municipality in which he or she is eligible to vote or has applied to register to vote. No later than 24 hours after receiving an application through the system, the secretary must transmit it to the applicable town clerk.

**Required Affirmation**

Applicants must swear or affirm the following under penalty of false statement in absentee balloting:

1. I am the person whose name is provided, and I desire to apply for an absentee ballot.
2. I am eligible to vote in the municipality indicated or have applied for such eligibility.
3. I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State my signature that is on file with such agency and understand that such signature will be used by the Secretary for an absentee ballot as if I had signed this form personally.

By law, making a false statement in absentee balloting is a class D felony, punishable by up to 5 years in prison, a fine of up to \$5,000, or both (CGS § 9-359a).

**§ 21 — ABSENTEE BALLOT RETURN BY SIBLINGS AND DESIGNEES**

*Expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee*

The bill expands who is eligible to return absentee ballots on behalf of absentee voters. First, the bill authorizes the siblings of absentee voters to return absentee ballots on their behalf, in person to the town clerk, by expanding the definition of “immediate family member” for this purpose. Similarly, it authorizes the siblings of absentee voters who are students to mail absentee ballots on their behalf. Existing law also applies this eligibility to the following immediate family members: a dependent relative living with the voter or a spouse, child, or parent.

The bill also expands who is eligible to be a “designee” for purposes of mailing or returning in person to the town clerk an absentee ballot on behalf of a person with an illness or physical disability. Under the

bill, a designee includes a police officer, registrar of voters, or deputy or assistant registrar under any circumstance, not just when another designee is unavailable or does not consent. Under existing law, “designee” also means (1) a person who cares for the applicant because of an illness or physical disability (e.g., physician or nurse) or (2) a designated family member who consents to the designation.

EFFECTIVE DATE: Upon passage

## **§ 21 — DROP BOXES FOR RETURNING ABSENTEE BALLOTS**

*Makes permanent the use of drop boxes for returning absentee ballots*

By law, voters may return completed absentee ballots via mail (e.g., the U.S. Postal Service) or in person at the town clerk’s office. Under the bill, for a state or municipal election, primary, or referendum (see BACKGROUND), they may also deposit them in secure drop boxes designated for that purpose by their town clerk. Town clerks must designate the drop boxes following instructions that the secretary of the state prescribes. (Drop boxes were first implemented for the 2020 state election as a result of COVID-19.)

Beginning 29 days before a primary, election, or referendum, and each weekday thereafter until the polls close, the bill requires town clerks to retrieve absentee ballots from the secure drop boxes. (Presumably, for primaries and referenda, the requirement applies only after town clerks begin issuing absentee ballot sets (see BACKGROUND).) The bill eliminates a requirement that applied during the 2020 state election under which a police officer had to escort the town clerk in retrieving absentee ballots from any drop box located outside of a building other than the clerk’s office building.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

### ***Background — Application of Election Procedures to Primaries and Referenda***

By law, unless otherwise provided, procedures for regular elections apply to primaries as nearly as possible (CGS § 9-381a). Similarly,

absentee ballot procedures for elections (e.g., issuing and returning the ballots and declaring the count) also apply to referenda as nearly as possible (CGS § 9-369c(f)).

### ***Background — Issuing Absentee Ballot Sets***

By law, town clerks begin issuing absentee voting sets 31 days before an election and 21 days before a primary; or, if that day falls on a weekend or holiday, on the next preceding business day. Generally, clerks begin issuing the sets 19 days before a referendum or when an elector applies for an absentee ballot, whichever is later. However, when a referendum is held with fewer than three weeks' notice, clerks must make the sets available no later than four business days after the question is finalized (CGS §§ 9-140(f) and 9-369c(a) & (e)).

### **§ 23 — PERMANENT ABSENTEE BALLOT STATUS**

*Makes electors suffering from a long-term illness eligible for permanent absentee ballot status, among other things*

The bill makes electors suffering from a long-term illness eligible for permanent absentee ballot status, in addition to those with a permanent physical disability as under existing law. By law, electors with permanent absentee ballot status receive an absentee ballot for each election, primary, and referendum in which they are eligible to vote.

The law requires registrars of voters to send an annual address confirmation notice to determine if those with the status continue to reside at the address on their permanent absentee ballot application. Under current law, registrars must remove electors from permanent status if (1) the notice is returned as undeliverable or (2) the elector fails to return it to the registrars within 30 days after it is sent. The bill instead gives electors up to 60 days to return the notice.

The bill also makes a technical change.

EFFECTIVE DATE: Upon passage

### **§ 27 — VOTER REGISTRATION INFORMATION**

*Generally limits disclosure of certain voter registration information*

The bill limits disclosure of a voter’s date of birth maintained under state election law to year of birth unless the information is requested and used for a governmental purpose, as determined by the secretary of the state. In that case, the complete birth date must be provided. The bill specifies that “a governmental purpose” must at least include jury administration. (The bill does not specify a process for making this determination.)

The bill makes a voter’s name and address confidential and prohibits their disclosure from the voter registry list if the voter submits a signed statement to the secretary of the state indicating that nondisclosure is necessary for the safety of the voter or his or her family. Under the bill, primary, election, or referendum officials may view the voter’s information on the official registry list at the polling place during any primary, election, or referendum. (The bill does not establish procedures for submitting the signed statements or protecting the voter’s information. It is also unclear whether such a voter’s information could be provided for a governmental purpose.)

The bill conforms the law to current practice by making confidential unique identifiers that generate voter registration records or are added to these records pursuant to the federal Help America Vote Act, as well as by prohibiting their disclosure (see BACKGROUND). Under the bill, “unique identifiers” include motor vehicle license numbers, identity card numbers, and Social Security numbers.

EFFECTIVE DATE: Upon passage

### ***Background — Unique Identifiers***

The Freedom of Information Commission has consistently declined to order disclosure of Social Security numbers, employee identification numbers, and drivers’ license numbers (see for example Docket #FIC 2014-032 and Docket #FIC 2014-438).

### **§§ 37 & 38 — DEADLINE TO CHALLENGE CERTAIN CANDIDATES**

*Moves up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress*

The law establishes procedures that major political parties must follow when nominating candidates to run in a special election (i.e., an election to fill a vacancy) (see BACKGROUND). For vacancies in the offices of judge of probate in a multi-town district and U.S. representative and U.S. senator, it generally allows the party's endorsed candidate to be challenged in a primary unless the vacancy occurs between the 125th day and 63rd day before a regular November state or municipal election (in which case the endorsed candidate becomes the nominee).

Under current law, a person who seeks a primary against an endorsed candidate for these offices must file a candidacy for nomination with the secretary of the state within 14 days after the party's endorsement. The bill moves up this filing deadline to the day after the endorsement and makes conforming changes. As under existing law, a person may file a candidacy for nomination to these offices if he or she (1) receives at least 15% of the convention delegates on any roll-call vote taken on the endorsement or (2) submits a petition with a specified number of signatures from enrolled party members (i.e., 2% of statewide members for U.S. senator; 2% of district members for U.S. representative; and 5% of district members for judge of probate) (CGS § 9-400).

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

### ***Background — Major Parties***

By law, a "major party" is one whose (1) candidate for governor received, under the party's designation, at least 20% of the votes cast for governor in the preceding gubernatorial election or (2) enrolled membership comprises at least 20% of the total number of enrolled members of all political parties in the state (as of the most recent gubernatorial election) (CGS § 9-372(5)).

### **§ 39 — POST-ELECTION AUDITS**

*Subjects centrally counted absentee ballots to post-election audits*

The law requires registrars of voters to audit at least 5% of the state's voting districts after a federal, state, or municipal regular election or primary. The secretary of the state selects the voting districts to be audited in a random drawing that is open to the public.

The bill subjects centrally counted absentee ballots to post-election audits by designating central-count locations as voting districts for this purpose. Currently, centrally counted absentee ballots are excluded from post-election audits because they are not counted in a voting district.

EFFECTIVE DATE: Upon passage

#### **§ 40 — SUPERVISED ABSENTEE VOTING**

*Authorizes the secretary of the state to suspend supervised absentee voting or mandatory supervised absentee voting in recognition of a public health or civil preparedness emergency*

The bill authorizes the secretary of the state to suspend supervised absentee voting that happens upon request, or mandatory supervised absentee voting (see BACKGROUND), so long as she does so in recognition of a public health or civil preparedness emergency declared by the governor. It requires the secretary to submit a report to the Government Administration and Elections (GAE) Committee advising of the suspension and specifying alternative actions that will be taken to provide absentee voting opportunities for the affected electors.

It also eliminates registrars' current discretionary authority to conduct supervised absentee voting sessions in locations where the town clerk receives at least 20 absentee ballot applications from the same street address in town, such as an apartment building.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

#### ***Background — Supervised Absentee Voting***

Under supervised absentee voting, registrars of voters or their designees supervise absentee voting at certain "institutions" (e.g.,

nursing homes and other residential care and mental health facilities). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and are available to assist upon request.

Registrars must conduct a session in an institution in which at least 20 patients are registered voters (including patients who are registered in a municipality other than the one where the institution is located). For institutions with fewer than 20 residents, registrars generally conduct a session upon request by the institution's administrator or a registrar of voters of the town in which the residents are electors (CGS §§ 9-159q & 9-159r).

#### **§ 41 — ABSENTEE BALLOTS FOR ELECTORS WITH A VISUAL IMPAIRMENT**

*Requires the secretary of the state to provide electors who are unable to appear at their polling place because of a visual impairment with an electronic absentee ballot*

The bill requires the secretary of the state to electronically provide an absentee ballot to an elector who is unable to appear at his or her polling place because of a visual impairment. The absentee ballot must be in a format capable of being read by a computer-related device and printed. It also requires that the ballot, if signed by the elector, be counted if it otherwise satisfies all the requirements for returned absentee ballots (e.g., returned no later than the close of the polls).

EFFECTIVE DATE: Upon passage

#### **§ 501 — ASSISTANCE IN VOTING BOOTHS AT EDR LOCATIONS**

*Specifies that electors may receive voting assistance in voting booths at designated EDR locations*

By law, electors may receive voting assistance from anyone other than their employer, employer's agent, union representative, or with one exception, candidates whose names appear on the ballot. (A candidate may provide assistance if the elector making the request is an immediate family member.)

Currently, a person assisting an elector may accompany that person into the voting booth. The bill specifies that this authorization applies at both polling places and designated EDR locations.

EFFECTIVE DATE: Upon passage

### **§§ 502–505 — POLLING PLACE CHALLENGERS**

*Conforms the law with current practice by eliminating provisions authorizing registrars of voters to appoint challengers as polling place officials*

Current law authorizes each municipality’s registrar of voters to appoint up to two challengers per polling place who may challenge the right of anyone attempting to vote if the challenger knows, suspects, or reasonably believes that there is some doubt as to the voter’s identity, residence, or disenfranchisement status. The moderator decides any challenge.

The bill conforms the law with current practice by eliminating registrar-appointed challengers as authorized poll workers during a primary or election. Existing law, unchanged by the bill, authorizes any elector to act as a challenger.

### **§§ 506 — STUDY ON DISTRIBUTION OF MAIL VOTER REGISTRATION APPLICATIONS BY AGENCIES**

*Requires the secretary of the state and various agencies to study the capabilities of state agencies in providing an electronic system that distributes mail voter registration applications*

The bill requires the secretary of the state to study the technological and staffing capabilities of various state agencies in providing an electronic system that distributes mail voter registration applications. In conducting the study, the secretary must consult with department heads, including at least the commissioners of consumer protection, emergency services and public protection, energy and environmental protection, and veterans affairs.

The bill requires the secretary, by February 1, 2023, to submit a report to the GAE Committee that includes the study’s findings and legislative recommendations for authorizing a state agency to provide such an electronic system.

EFFECTIVE DATE: Upon passage

## **§§ 507–513 — MUNICIPAL ELECTION DATE**

*Generally requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date*

Starting January 1, 2022, the bill requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years unless its legislative body votes by a three-fourths majority to hold the election on the first Monday in May of odd-numbered years. Under the bill, a municipality that opts for a May election date using this procedure may subsequently move its election date to November through a majority vote of its legislative body. The bill eliminates provisions in current law that (1) allow municipalities to change the date of their biennial municipal election by vote of their legislative body approved at a referendum or by charter and (2) prohibit municipalities from changing an upcoming election’s date within six months before its occurrence.

The bill generally extends, to municipalities that change their election date, existing law’s provisions on transitioning and deferring terms of office. It also makes several technical and conforming changes, including repealing an obsolete statute on transitioning terms of office.

EFFECTIVE DATE: January 1, 2022

### ***Transitioning and Deferring Terms of Office***

Table 1 below summarizes existing law’s transition provisions and their application under the bill.

**Table 1: Transitioning and Deferring Terms of Office**

<b>§</b>	<b><i>Municipalities to Which Provision Applies</i></b>	<b><i>Requirement or Authorization</i></b>
507	Any municipality that changes its election date	The terms of any elected officials that are set to expire before the next regular election because of an election date change must be extended to the

		date of that election.
508	Any municipality that changes its election date	For boards or commissions with a rotating membership and some members elected before the election date change to terms beginning approximately one year after that election, the legislative body may defer the terms in order to continue the rotation. (For certain bodies, such as zoning boards of appeals, this may be done by ordinance.)
509	A municipality that changes its election date from November to May on or after January 1, 2022	The terms of incumbent municipal elected officials must be reduced to conform to the change, but by no more than nine months.
509	A municipality that changes its election date from May to November on or after January 1, 2022	The terms of incumbent municipal elected officials must be extended to conform to the change, but by no more than nine months.

***Background — Municipalities and Boroughs Holding May Municipal Elections***

According to the Office of the Secretary of the State, the following five municipalities hold biennial municipal elections on the first Monday in May in odd-numbered years: Andover, Bethany, Union, Woodbridge, and the City of Groton. The remaining municipalities (including the Town of Groton) hold their elections in November.

In addition, the following eight boroughs hold biennial municipal elections on the first Monday in May in odd-numbered years:

1. Bantam (Litchfield)
2. Danielson (Killingly)
3. Fenwick (Old Saybrook)
4. Jewett City (Griswold)
5. Litchfield

6. Newtown
7. Stonington
8. Woodmont (Milford)

## **BACKGROUND**

### ***Related Constitutional Amendment***

sHJ 58 (File 96), which the House passed by a majority of the membership but less than three-fourths, proposes a constitutional amendment to remove the state constitution's current restrictions on absentee voting.

### ***Related Bills***

SB 353 (File 442), reported favorably by the GAE Committee, (1) requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years, unless its legislative body votes by a two-thirds majority to hold the election on the first Monday in May of odd-numbered years, and (2) and has provisions on transitioning terms of office.

SB 901 (File 114, as amended by Senate "A" and "D"), which the Senate passed, extends to November 3, 2021, provisions authorizing the use of drop boxes for absentee ballots.

HB 6464 (File 46), reported favorably by the GAE Committee, extends to May 31, 2021, provisions authorizing the use of drop boxes.

sHB 6578, reported favorably by the GAE Committee, contains the same provisions on (1) the forfeiture and restoration of electoral privileges for certain individuals convicted of a felony; (2) DMV, voter registration agencies, and public higher education institutions using an electronic system to automatically transmit voter registration applications; and (3) polling place challengers.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (04/05/2021)