



General Assembly

January Session, 2021

Committee Bill No. 6325

LCO No. 4990



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE SECRETARY OF THE STATE,
ABSENTEE BALLOTS AND ELECTION AUDITS.***

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

1 Section 1. (*Effective from passage*) Not later than October 1, 2021, the
2 Secretary of the State shall submit a report, in accordance with the
3 provisions of section 11-4a of the general statutes, to the joint standing
4 committee of the General Assembly having cognizance of matters
5 relating to elections (1) identifying each statute, regulation, requirement
6 or part thereof regarding the conduct of elections that was modified or
7 suspended, in whole or in part, by (A) executive order of the Governor
8 issued pursuant to section 28-9 of the general statutes, or (B) declaratory
9 ruling, instruction, opinion or order of the Secretary issued pursuant to
10 section 9-3 of the general statutes, as amended by this act, for any
11 election or primary held in 2020 or 2021, and (2) explaining and detailing
12 each such modification or suspension.

13 Sec. 2. Section 9-3 of the general statutes is repealed and the following
14 is substituted in lieu thereof (*Effective October 1, 2021*):

15 (a) The Secretary of the State, by virtue of the office, shall be the

16 Commissioner of Elections of the state, with such powers and duties
17 relating to the conduct of elections as are prescribed by law and, unless
18 otherwise provided by state statute, the Secretary's regulations,
19 declaratory rulings, instructions and opinions, if in written form, and
20 any order issued under subsection (b) of this section, shall be presumed
21 as correctly interpreting and effectuating the administration of elections
22 and primaries under this title, except for chapters 155 to 158, inclusive,
23 and shall be executed, carried out or implemented, as the case may be,
24 provided nothing in this section shall be construed to alter the right of
25 appeal provided under the provisions of chapter 54. Any such written
26 instruction or opinion shall be labeled as an instruction or opinion
27 issued pursuant to this section, as applicable, and any such instruction
28 or opinion shall cite any authority that is discussed in such instruction
29 or opinion.

30 (b) During any municipal, state or federal election, primary or
31 recanvass, or any audit conducted pursuant to section 9-320f, the
32 Secretary of the State may issue an order, whether orally or in writing,
33 to any registrar of voters or moderator to correct any irregularity or
34 impropriety in the conduct of such election, primary or recanvass or
35 audit. Any such order shall be effective upon issuance. As soon as
36 practicable after issuance of an oral order pursuant to this subsection,
37 the Secretary shall reduce such order to writing, cite within such order
38 any applicable provision of law authorizing such order and cause a copy
39 of such written order to be delivered to the individual who is the subject
40 of such order or, in the case that such order was originally issued in
41 writing, issue a subsequent written order that conforms to such
42 requirements. The Superior Court, on application of the Secretary or the
43 Attorney General, may enforce by appropriate decree or process any
44 such order issued pursuant to this subsection.

45 (c) Prior to issuing any declaratory ruling pursuant to section 4-176,
46 as amended by this act, or any instruction, opinion or order under the
47 provisions of this section, the Secretary of the State shall adopt such
48 declaratory ruling, instruction, opinion or order as a regulation, in
49 accordance with the provisions of chapter 54. The Secretary shall

50 publish on the eRegulations System a notice of intent to adopt (1) such
51 declaratory ruling as a regulation not later than sixty days after receipt
52 of a petition for a declaratory ruling, and (2) such instruction, opinion
53 or order as a regulation immediately upon proposing to so issue any
54 such instruction, opinion or order. Such declaratory ruling, instruction,
55 opinion or order shall be effective when the regulation is posted on the
56 eRegulations System by the Secretary of the State under section 4-172.

57 Sec. 3. Subdivision (16) of section 4-166 of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective October*
59 *1, 2021*):

60 (16) "Regulation" means each agency statement of general
61 applicability, without regard to its designation, that implements,
62 interprets, or prescribes law or policy, or describes the organization,
63 procedure, or practice requirements of any agency. The term includes
64 the amendment or repeal of a prior regulation, but does not include (A)
65 statements concerning only the internal management of any agency and
66 not affecting private rights or procedures available to the public, (B)
67 declaratory rulings issued pursuant to section 4-176, as amended by this
68 act, other than declaratory rulings described in section 9-3, as amended
69 by this act, or (C) intra-agency or interagency memoranda;

70 Sec. 4. Section 4-176 of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective October 1, 2021*):

72 (a) Any person may petition an agency, or an agency may on its own
73 motion initiate a proceeding, for a declaratory ruling as to the validity
74 of any regulation, or the applicability to specified circumstances of a
75 provision of the general statutes, a regulation, or a final decision on a
76 matter within the jurisdiction of the agency.

77 (b) Each agency shall adopt regulations, in accordance with the
78 provisions of this chapter, that provide for (1) the form and content of
79 petitions for declaratory rulings, (2) the filing procedure for such
80 petitions and (3) the procedural rights of persons with respect to the
81 petitions.

82 (c) Within thirty days after receipt of a petition for a declaratory
83 ruling, an agency shall give notice of the petition to all persons to whom
84 notice is required by any provision of law and to all persons who have
85 requested notice of declaratory ruling petitions on the subject matter of
86 the petition.

87 (d) If the agency finds that a timely petition to become a party or to
88 intervene has been filed according to the regulations adopted under
89 subsection (b) of this section, the agency: (1) May grant a person status
90 as a party if the agency finds that the petition states facts demonstrating
91 that the petitioner's legal rights, duties or privileges shall be specifically
92 affected by the agency proceeding; and (2) may grant a person status as
93 an intervenor if the agency finds that the petition states facts
94 demonstrating that the petitioner's participation is in the interests of
95 justice and will not impair the orderly conduct of the proceedings. The
96 agency may define an intervenor's participation in the manner set forth
97 in subsection (d) of section 4-177a.

98 (e) Within sixty days after receipt of a petition for a declaratory
99 ruling, an agency in writing shall: (1) Issue a ruling declaring the
100 validity of a regulation or the applicability of the provision of the
101 general statutes, the regulation, or the final decision in question to the
102 specified circumstances, (2) order the matter set for specified
103 proceedings, (3) agree to issue a declaratory ruling by a specified date,
104 (4) decide not to issue a declaratory ruling and initiate regulation-
105 making proceedings, under section 4-168, on the subject, [or] (5) decide
106 not to issue a declaratory ruling, stating the reasons for its action, or (6)
107 in the case of a declaratory ruling described in section 9-3, as amended
108 by this act, publish notice of intent to adopt regulations concerning such
109 declaratory ruling.

110 (f) A copy of all rulings issued and any actions taken under
111 subsection (e) of this section shall be promptly delivered to the
112 petitioner and other parties personally or by United States mail, certified
113 or registered, postage prepaid, return receipt requested.

114 (g) If the agency conducts a hearing in a proceeding for a declaratory

115 ruling, the provisions of subsection (b) of section 4-177c, section 4-178
116 and section 4-179 shall apply to the hearing.

117 (h) [A] Except as provided in subsection (c) of section 9-3, as amended
118 by this act, a declaratory ruling shall be effective when personally
119 delivered or mailed or on such later date specified by the agency in the
120 ruling, shall have the same status and binding effect as an order issued
121 in a contested case and shall be a final decision for purposes of appeal
122 in accordance with the provisions of section 4-183. A declaratory ruling
123 shall contain the names of all parties to the proceeding, the particular
124 facts on which it is based and the reasons for its conclusion.

125 (i) If an agency does not issue a declaratory ruling, other than a
126 declaratory ruling described in section 9-3, as amended by this act,
127 within one hundred eighty days after the filing of a petition therefor, or
128 within such longer period as may be agreed by the parties, the agency
129 shall be deemed to have decided not to issue such ruling.

130 (j) The agency shall keep a record of the proceeding as provided in
131 section 4-177.

132 Sec. 5. Subsection (l) of section 9-140 of the general statutes is repealed
133 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

134 (l) (1) No candidate, party or political committee, or agent of such
135 candidate or committee shall mail unsolicited applications for absentee
136 ballots to any person, unless such mailing includes: [(1)] (A) A written
137 explanation of the eligibility requirements for voting by absentee ballot
138 as prescribed in subsection (a) of section 9-135, and [(2)] (B) a written
139 warning that voting or attempting to vote by absentee ballot without
140 meeting one or more of such eligibility requirements subjects the elector
141 or applicant to potential civil and criminal penalties. As used in this
142 [subsection] subdivision, "agent" means any person authorized to act on
143 behalf of another person.

144 (2) Notwithstanding the provisions of subdivision (1) of this
145 subsection, neither the Secretary of the State nor any registrar of voters,

146 town clerk or any individual appointed thereby shall mail unsolicited
147 applications for absentee ballots to any person.

148 Sec. 6. (NEW) (*Effective from passage*) Notwithstanding the provisions
149 of subsection (c) of section 9-147a and sections 9-150a and 9-150e of the
150 general statutes, whenever at any election the General Assembly
151 authorizes absentee ballots to be processed before the day of such
152 election, (1) the registrars of voters of each municipality shall appoint
153 absentee ballot counters for such purpose and such absentee ballot
154 counters shall so process absentee ballots before the day of such election
155 in accordance with applicable provisions of law, and (2) in the case of
156 any returned absentee ballot for which the statement on the inner
157 envelope has not been signed as required by section 9-140a of the
158 general statutes, (A) the registrars of voters shall not contact the
159 absentee ballot applicant who returned such absentee ballot for the
160 purpose of curing such lack of signature, and (B) the absentee ballot
161 counters shall not open such inner envelope or remove the ballot
162 therefrom, shall replace such inner envelope in the opened outer
163 envelope and shall mark such outer envelope "Rejected" and endorse
164 the reason for such rejection on such outer envelope.

165 Sec. 7. (*Effective October 1, 2021*) (a) Notwithstanding the provisions
166 of section 7-192a of the general statutes, the Secretary of the State shall
167 establish a pilot program for the manual or electronic verification of
168 signatures on the inner envelopes for returned absentee ballots at the
169 2022 state election. The Secretary shall randomly select five
170 municipalities for participation in such pilot program, in accordance
171 with the following: (1) One municipality with a population of less than
172 ten thousand; (2) one municipality with a population of ten thousand or
173 greater, but less than twenty-five thousand; (3) one municipality with a
174 population of twenty-five thousand or greater, but less than fifty
175 thousand; (4) one municipality with a population of fifty thousand or
176 greater, but less than one hundred thousand; and (5) one municipality
177 with a population of one hundred thousand or greater. For the purposes
178 of this section, "population" means the estimated number of people
179 according to the most recent version of the State Register and Manual

180 prepared pursuant to section 3-90 of the general statutes.

181 (b) Not later than January 1, 2023, the Secretary of the State shall
182 submit a report on the findings of the pilot program described in
183 subsection (a) of this section and recommendations for legislation to the
184 joint standing committee of the General Assembly having cognizance of
185 matters relating to elections, in accordance with the provisions of section
186 11-4a of the general statutes.

187 Sec. 8. Subsection (b) of section 9-139a of the general statutes is
188 repealed and the following is substituted in lieu thereof (*Effective from*
189 *passage*):

190 (b) The application for absentee ballot shall be in the form of a
191 statement signed under the penalties of false statement in absentee
192 balloting. Each application shall contain (1) spaces for the signature
193 under the penalties of false statement in absentee balloting of any person
194 who assists the applicant in the completion of an application, together
195 with the information required in section 9-140, as amended by this act,
196 [and] (2) spaces for the signature and the printed or typed name of the
197 applicant, and (3) a conspicuously placed statement of the penalties for
198 violation of any provision of said section regarding possession,
199 completion or return of an application.

200 Sec. 9. (*Effective from passage*) (a) There is established a task force to
201 study the feasibility of implementing procedures whereby an absentee
202 ballot applicant uses a single envelope, instead of two, for the return of
203 such applicant's absentee ballot. Such study shall include an
204 examination and identification of each section of the general statutes
205 that would require amending in order to implement such procedures.

206 (b) The task force shall consist of the following members:

207 (1) One appointed by the speaker of the House of Representatives;

208 (2) One appointed by the president pro tempore of the Senate;

209 (3) One appointed by the minority leader of the House of

210 Representatives;

211 (4) One appointed by the minority leader of the Senate;

212 (5) One appointed by the House of Representatives chairperson of the
213 joint standing committee of the General Assembly having cognizance of
214 matters relating to elections;

215 (6) One appointed by the Senate chairperson of the joint standing
216 committee of the General Assembly having cognizance of matters
217 relating to elections;

218 (7) One appointed by the House of Representatives ranking member
219 of the joint standing committee of the General Assembly having
220 cognizance of matters relating to elections;

221 (8) One appointed by the Senate ranking member of the joint standing
222 committee of the General Assembly having cognizance of matters
223 relating to elections;

224 (9) The Secretary of the State, or the Secretary's designee;

225 (10) Two appointed by the president of the Registrars of Voters
226 Association of Connecticut, each of whom shall be enrolled in a different
227 political party from the other; and

228 (11) One appointed by the president of the Connecticut Town Clerks
229 Association.

230 (c) Any member of the task force appointed under subdivision (1),
231 (2), (3), (4), (5), (6), (7) or (8) of subsection (b) of this section may be a
232 member of the General Assembly.

233 (d) All initial appointments to the task force shall be made not later
234 than thirty days after the effective date of this section. Any vacancy shall
235 be filled by the appointing authority.

236 (e) The speaker of the House of Representatives and the president pro
237 tempore of the Senate shall select the chairpersons of the task force from

238 among the members of the task force. Such chairpersons shall schedule
239 the first meeting of the task force, which shall be held not later than sixty
240 days after the effective date of this section.

241 (f) The administrative staff of the joint standing committee of the
242 General Assembly having cognizance of matters relating to elections
243 shall serve as administrative staff of the task force.

244 (g) Not later than January 1, 2022, the task force shall submit a report
245 on its findings and recommendations to the joint standing committee of
246 the General Assembly having cognizance of matters relating to
247 elections, in accordance with the provisions of section 11-4a of the
248 general statutes. The task force shall terminate on the date that it
249 submits such report or January 1, 2022, whichever is later.

250 Sec. 10. (*Effective from passage*) (a) There is established a working
251 group to (1) examine employing risk-limiting audits to determine the
252 accuracy of election results, including (A) the feasibility of
253 implementing such audits, (B) the different methods used in such audits
254 and the practical considerations for implementation of each such
255 method within the existing statutory framework, (C) any potential
256 equipment necessary to implement one or more of such methods, (D)
257 the procedures necessary to implement one or more of such methods,
258 and (E) any changes to such statutory framework necessary to
259 implement one or more of such methods, and (2) within available
260 appropriations, oversee a pilot program in not less than five and not
261 more than ten municipalities of one or more of such methods for the
262 municipal elections held in such municipalities in 2021.

263 (b) The working group shall consist of the following members:

264 (1) The Secretary of the State, or the Secretary's designee, who shall
265 be the chairperson of such working group;

266 (2) One appointed by the speaker of the House of Representatives;

267 (3) One appointed by the president pro tempore of the Senate;

268 (4) One appointed by the minority leader of the House of
269 Representatives;

270 (5) One appointed by the minority leader of the Senate;

271 (6) Two appointed by the chairpersons and ranking members of the
272 joint standing committee of the General Assembly having cognizance of
273 matters relating to elections, each of whom shall be enrolled in a
274 different political party from the other;

275 (7) Two appointed by the Secretary of the State, one of whom shall be
276 admitted to the practice of law in this state and have expertise in the
277 election laws of this state, and the other of whom shall be a statistician;

278 (8) Two appointed by the president of the Registrars of Voters
279 Association of Connecticut, each of whom shall be enrolled in a different
280 political party from the other; and

281 (9) The director of the Center for Voting Technology Research at The
282 University of Connecticut, or the director's designee.

283 (c) Any member of the working group appointed under subdivision
284 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
285 of the General Assembly.

286 (d) All initial appointments to the working group shall be made not
287 later than thirty days after the effective date of this section. Any vacancy
288 shall be filled by the appointing authority.

289 (e) The Secretary of the State, or the Secretary's designee, as
290 chairperson of the working group, shall schedule the first meeting of
291 such working group, which shall be held not later than sixty days after
292 the effective date of this section.

293 (f) The administrative staff of the joint standing committee of the
294 General Assembly having cognizance of matters relating to elections
295 shall serve as administrative staff of the working group.

296 (g) Not later than January 31, 2022, the working group shall submit a

297 report on its findings and recommendations to the joint standing
298 committee of the General Assembly having cognizance of matters
299 relating to elections, in accordance with the provisions of section 11-4a
300 of the general statutes, and to the Secretary of the State. The working
301 group shall terminate on the date that it submits such report or January
302 31, 2022, whichever is later.

303 Sec. 11. Section 9-374 of the general statutes is repealed and the
304 following is substituted in lieu thereof (*Effective from passage*):

305 No authority of the state or any political subdivision thereof having
306 jurisdiction over the conduct of any primary shall permit the name of a
307 party-endorsed candidate for an office or position to be printed on the
308 official ballot to be used at any such primary unless a copy of the party
309 rules regulating such party and its method of selecting party-endorsed
310 candidates for nomination to such office or for election as town
311 committee members, as the case may be, has been filed in the office of
312 the Secretary of the State at least sixty days before such candidate is
313 selected under such method of endorsement. The selection of delegates
314 to conventions shall not be valid unless at least one copy of the party
315 rules regulating the manner of making such selection has been filed in
316 the office of the Secretary of the State at least sixty days before such
317 selection is made. A duplicate copy of such rules shall also be filed with
318 the state central committee of such party. A copy of the local party rules,
319 relating to a party in a municipality, shall be filed forthwith by the town
320 chairman or the secretary of the town committee of such party in such
321 municipality with the Secretary of the State. The state party rules shall
322 be filed by the state chairman or the secretary of the state central
323 committee of such party. In the case of a minor party, no authority of
324 the state or any subdivision thereof having jurisdiction over the conduct
325 of any election shall permit the name of a candidate of such party for
326 any office to be printed on the official ballot unless at least one copy of
327 the party rules regulating the manner of nominating a candidate for
328 such office has been filed in the office of the Secretary of the State at least
329 [sixty] one hundred eighty days before the nomination of such
330 candidate. In the case of a minor party, the selection of town committee

331 members and delegates to conventions shall not be valid unless at least
 332 one copy of the party rules regulating the manner of making such
 333 selection has been filed in the office of the Secretary of the State at least
 334 sixty days before such selection is made. A copy of local party rules shall
 335 forthwith be also filed with the town clerk of the municipality to which
 336 they relate. Party rules shall not be effective until sixty days after the
 337 filing of the same with the Secretary of the State. A party in any
 338 municipality for which local party rules with respect to any office or
 339 position have not been filed as provided in this section shall, as to such
 340 office or position, be subject to the provisions of the effective state rules
 341 of such party applicable in municipalities which do not have local party
 342 rules, until such time as local party rules therefor are filed and become
 343 effective as provided in this section. The town chairman of a party in
 344 any municipality for which local party rules have not been adopted and
 345 filed as provided in this section shall forthwith file a statement with the
 346 Secretary of the State to the effect that such party in such municipality
 347 does not have local party rules. The term "party rules" as used in this
 348 section includes any amendment to such party rules. When any
 349 amendment is to be filed as required by this section, complete party
 350 rules incorporating such amendment shall be filed, together with a
 351 separate copy of such amendment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2021</i>	9-3
Sec. 3	<i>October 1, 2021</i>	4-166(16)
Sec. 4	<i>October 1, 2021</i>	4-176
Sec. 5	<i>October 1, 2021</i>	9-140(l)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2021</i>	New section
Sec. 8	<i>from passage</i>	9-139a(b)
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	9-374

Statement of Purpose:

To (1) require the Secretary of the State to report on certain election laws modified or suspended for any primary or election held in 2020 or 2021, (2) require any declaratory ruling, instruction, opinion or order of the Secretary to be adopted as a regulation and submitted to the Legislative Regulation Review Committee, (3) prohibit the unsolicited mailing of absentee ballots by certain election officials, (4) provide state-wide consistency regarding pre-election day processing of absentee ballots whenever authorized and prohibit registrars of voters from contacting voters for the purpose of curing unsigned absentee ballots, (5) require the Secretary to establish a pilot program from the verification of signatures on returned absentee ballot envelopes, (6) require that absentee ballot applications contain a statement regarding penalties for noncompliance with certain provisions, (7) establish a task force to study the feasibility of single-envelope returns of absentee ballots, (8) establish a working group to examine risk-limiting audits of election results, and (9) change the deadline by which minor parties need to file their rules with the Secretary prior to nominating candidates for office.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MASTROFRANCESCO, 80th Dist.; SEN. SAMPSON, 16th
Dist.
REP. FRANCE, 42nd Dist.; REP. FISHBEIN, 90th Dist.
REP. ANDERSON, 62nd Dist.

H.B. 6325