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:

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

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 Section 9-3 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

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

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

(c) Prior to issuing any declaratory ruling pursuant to section 4-176, as amended by this act, or any instruction, opinion or order under the provisions of this section, the Secretary of the State shall adopt such declaratory ruling, instruction, opinion or order as a regulation, in accordance with the provisions of chapter 54. The Secretary shall
publish on the eRegulations System a notice of intent to adopt (1) such declaratory ruling as a regulation not later than sixty days after receipt of a petition for a declaratory ruling, and (2) such instruction, opinion or order as a regulation immediately upon proposing to so issue any such instruction, opinion or order. Such declaratory ruling, instruction, opinion or order shall be effective when the regulation is posted on the eRegulations System by the Secretary of the State under section 4-172.

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

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

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

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

(b) Each agency shall adopt regulations, in accordance with the provisions of this chapter, that provide for (1) the form and content of petitions for declaratory rulings, (2) the filing procedure for such petitions and (3) the procedural rights of persons with respect to the petitions.
(c) Within thirty days after receipt of a petition for a declaratory ruling, an agency shall give notice of the petition to all persons to whom notice is required by any provision of law and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition.

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

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

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

(g) If the agency conducts a hearing in a proceeding for a declaratory
ruling, the provisions of subsection (b) of section 4-177c, section 4-178 and section 4-179 shall apply to the hearing.

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

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

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

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

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

(2) Notwithstanding the provisions of subdivision (1) of this subsection, neither the Secretary of the State nor any registrar of voters,
town clerk or any individual appointed thereby shall mail unsolicited applications for absentee ballots to any person.

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

Sec. 7. (Effective October 1, 2021) (a) Notwithstanding the provisions of section 7-192a of the general statutes, the Secretary of the State shall establish a pilot program for the manual or electronic verification of signatures on the inner envelopes for returned absentee ballots at the 2022 state election. The Secretary shall randomly select five municipalities for participation in such pilot program, in accordance with the following: (1) One municipality with a population of less than ten thousand; (2) one municipality with a population of ten thousand or greater, but less than twenty-five thousand; (3) one municipality with a population of twenty-five thousand or greater, but less than fifty thousand; (4) one municipality with a population of fifty thousand or greater, but less than one hundred thousand; and (5) one municipality with a population of one hundred thousand or greater. For the purposes of this section, "population" means the estimated 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.

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

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

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

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

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

(1) One appointed by the speaker of the House of Representatives;
(2) One appointed by the president pro tempore of the Senate;
(3) One appointed by the minority leader of the House of
Representatives;

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

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

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

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

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

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

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

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

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

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

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from
among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

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

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

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

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

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

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

(3) One appointed by the president pro tempore of the Senate;
(4) One appointed by the minority leader of the House of Representatives;

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

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

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

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

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

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

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

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

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

(g) Not later than January 31, 2022, the working group shall submit a
report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to elections, in accordance with the provisions of section 11-4a of the general statutes, and to the Secretary of the State. The working group shall terminate on the date that it submits such report or January 31, 2022, whichever is later.

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

No authority of the state or any political subdivision thereof having jurisdiction over the conduct of any primary shall permit the name of a party-endorsed candidate for an office or position to be printed on the official ballot to be used at any such primary unless a copy of the party rules regulating such party and its method of selecting party-endorsed candidates for nomination to such office or for election as town committee members, as the case may be, has been filed in the office of the Secretary of the State at least sixty days before such candidate is selected under such method of endorsement. The selection of delegates to conventions shall not be valid unless at least one copy of the party rules regulating the manner of making such selection has been filed in the office of the Secretary of the State at least sixty days before such selection is made. A duplicate copy of such rules shall also be filed with the state central committee of such party. A copy of the local party rules, relating to a party in a municipality, shall be filed forthwith by the town chairman or the secretary of the town committee of such party in such municipality with the Secretary of the State. The state party rules shall be filed by the state chairman or the secretary of the state central committee of such party. In the case of a minor party, no authority of the state or any subdivision thereof having jurisdiction over the conduct of any election shall permit the name of a candidate of such party for any office to be printed on the official ballot unless at least one copy of the party rules regulating the manner of nominating a candidate for such office has been filed in the office of the Secretary of the State at least sixty days before the nomination of such candidate. In the case of a minor party, the selection of town committee
members and delegates to conventions shall not be valid unless at least
one copy of the party rules regulating the manner of making such
selection has been filed in the office of the Secretary of the State at least
sixty days before such selection is made. A copy of local party rules shall
forthwith be also filed with the town clerk of the municipality to which
they relate. Party rules shall not be effective until sixty days after the
filing of the same with the Secretary of the State. A party in any
municipality for which local party rules with respect to any office or
position have not been filed as provided in this section shall, as to such
office or position, be subject to the provisions of the effective state rules
of such party applicable in municipalities which do not have local party
rules, until such time as local party rules therefor are filed and become
effective as provided in this section. The town chairman of a party in
any municipality for which local party rules have not been adopted and
filed as provided in this section shall forthwith file a statement with the
Secretary of the State to the effect that such party in such municipality
does not have local party rules. The term "party rules" as used in this
section includes any amendment to such party rules. When any
amendment is to be filed as required by this section, complete party
rules incorporating such amendment shall be filed, together with a
separate copy of such amendment.

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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.

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