



General Assembly

Amendment

February Session, 2022

LCO No. 3828



Offered by:
SEN. SAMPSON, 16th Dist.

To: Subst. House Bill No. 5262

File No. 5

Cal. No. 64

"AN ACT REVISING CERTAIN ABSENTEE VOTING ELIGIBILITY STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 9-3 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2022*):

5 (a) The Secretary of the State, by virtue of the office, shall be the
6 Commissioner of Elections of the state, with such powers and duties
7 relating to the conduct of elections as are prescribed by law and, unless
8 otherwise provided by state statute, the Secretary's regulations,
9 declaratory rulings, instructions and opinions, if in written form, and
10 any order issued under subsection (b) of this section, shall be presumed
11 as correctly interpreting and effectuating the administration of elections
12 and primaries under this title, except for chapters 155 to 158, inclusive,
13 and shall be executed, carried out or implemented, as the case may be,
14 provided nothing in this section shall be construed to alter the right of
15 appeal provided under the provisions of chapter 54. Any such written

16 instruction or opinion shall be labeled as an instruction or opinion
17 issued pursuant to this section, as applicable, and any such instruction
18 or opinion shall cite any authority that is discussed in such instruction
19 or opinion.

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

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

47 Sec. 502. Subdivision (16) of section 4-166 of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective October*

49 1, 2022):

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

60 Sec. 503. Section 4-176 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2022*):

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

67 (b) Each agency shall adopt regulations, in accordance with the
68 provisions of this chapter, that provide for (1) the form and content of
69 petitions for declaratory rulings, (2) the filing procedure for such
70 petitions and (3) the procedural rights of persons with respect to the
71 petitions.

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

77 (d) If the agency finds that a timely petition to become a party or to
78 intervene has been filed according to the regulations adopted under
79 subsection (b) of this section, the agency: (1) May grant a person status

80 as a party if the agency finds that the petition states facts demonstrating
81 that the petitioner's legal rights, duties or privileges shall be specifically
82 affected by the agency proceeding; and (2) may grant a person status as
83 an intervenor if the agency finds that the petition states facts
84 demonstrating that the petitioner's participation is in the interests of
85 justice and will not impair the orderly conduct of the proceedings. The
86 agency may define an intervenor's participation in the manner set forth
87 in subsection (d) of section 4-177a.

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

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

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

107 (h) [A] Except as provided in subsection (c) of section 9-3, as amended
108 by this act, a declaratory ruling shall be effective when personally
109 delivered or mailed or on such later date specified by the agency in the
110 ruling, shall have the same status and binding effect as an order issued
111 in a contested case and shall be a final decision for purposes of appeal

112 in accordance with the provisions of section 4-183. A declaratory ruling
113 shall contain the names of all parties to the proceeding, the particular
114 facts on which it is based and the reasons for its conclusion.

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

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2022</i>	9-3
Sec. 502	<i>October 1, 2022</i>	4-166(16)
Sec. 503	<i>October 1, 2022</i>	4-176