
OLR Bill Analysis

sHB 5004

AN ACT IMPLEMENTING EARLY VOTING.

SUMMARY

This bill establishes a framework for early, in-person voting for (1) all general elections and referenda held in conjunction with a general election held on or after July 1, 2023, and (2) primaries, special elections, and generally all other referenda held on or after January 1, 2024. Specifically, it requires a 14-day early voting period for general elections, primaries, and referenda held in conjunction with them and a four-day early voting period for special elections and referenda not held in conjunction with a general election or primary (“independent referenda”).

Under the bill, every municipality must establish one early voting location and may establish additional locations. The bill also sets various requirements and procedures for early voting including voter eligibility, ballot custody, staffing and training, and materials.

The bill replaces the current election day registration (EDR) option with same-day registration (SDR), which covers the entire early voting period and the election. Additionally, the bill authorizes SDR for primaries and allows a voter who is not already registered to vote with any political party to register with a party and immediately vote in that party’s primary.

To accommodate the early voting period, the bill generally modifies several election-related deadlines by either (1) moving the deadline 14 days earlier or (2) moving the deadline to the required number of days before the early voting period begins instead of before the election begins. The bill also establishes specific deadlines for special elections.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except that provisions (1) that modify deadlines for (a) registering write-in candidates, (b) automatic nomination of certain candidates, (c) replacing town committee candidates, (d) canceling a primary due to candidate vacancy, (e) printing unaffiliated voter lists, and (f) giving the clerk party candidate lists for special elections for vacancies are effective on January 1, 2024, and (2) on a statewide early voting awareness campaign, the early voting procedure manual, and modifying a deadline for removing a candidate by judicial order are effective upon passage.

COVERED ELECTIONS (§ 1)

The bill requires implementation of early voting for (1) general elections and referenda held in conjunction with them held on or after July 1, 2023, and (2) primaries, special elections, referenda conducted in conjunction with these elections, and independent referenda held on or after January 1, 2024. The bill exempts primaries for town committee members from these requirements.

EARLY VOTING PERIOD (§§ 1 & 3)

For general elections, primaries, and referenda held in conjunction with these elections, the early voting period must be 14 days long, beginning 15 days before the election and ending two days prior. Early voting locations must be open from 10:00 a.m. to 6:00 p.m., including weekends, except that on the last Wednesday and Thursday before the election, the locations must be open from 8:00 a.m. to 8:00 p.m.

For special elections and independent referenda, the bill adopts a four-day early voting period and establishes alternative timelines for these elections. Specifically, the early voting period must begin five days before the election and end two days prior. Early voting locations must be open from 10:00 a.m. to 6:00 p.m. for these elections.

Each day, a location official or a municipal police officer, appointed by the registrar, must be placed at the end of the line at the designated closing time. The official or officer must prevent any voter from getting in line to cast a ballot after the designated closing time.

EARLY VOTING PREPARATION

Staffing and Training (§ 1)

Under the bill, the registrars may delegate any responsibility to an official designated in the municipality's early voting certification to the secretary (see below). The registrars must supervise and train these officials.

Ballot Designation (§ 8)

The bill requires registrars and clerks to certify the number of ballots designated as early voting ballots for each early voting location. It also moves the deadline for certifying all ballots (both early voting and election day ballots) to 31 days before the early voting period (21 days for a primary) instead of the same number of days before the election or primary itself. Similarly, the bill moves up the deadline to request a waiver from this provision to 45 days before the early voting period (30 days for a primary) instead of the same number of days before the election or primary itself. The bill also requires registrars and clerks to certify the number of ballots designated as early voting ballots in special elections, but it does not set separate deadlines specific to special elections.

VOTER REGISTRATION

General Voter Registration (§§ 23-26)

The bill moves up the regular voter registration deadline to 18 days before an election or primary (rather than the seventh day before the election and the fifth day before the primary). It also makes several conforming changes including moving up several related deadlines. For example, the bill correspondingly shifts the time frames during which registrars must send notice of an application's acceptance or rejection on the day it is received, as shown in the table below.

Table: Periods When Registrars Must Send Notice of Acceptance or Rejection on the Day an Application Is Received

	<i>Under Current Law</i>	<i>Under the Bill</i>
Regular Applications	From 20 days to seven days before an election	From 31 days to 18 days before an election
	From 21 days to five days	From 34 days to 18 days

	<i>Under Current Law</i>	<i>Under the Bill</i>
	before a primary	before a primary
Applications first received by the Department of Motor Vehicles commissioner or voter registration agency	For applications received by seven days before an election, from six days before an election to election day	For applications received by 18 days before an election, from 17 days before an election to election day
	For applications postmarked or received five days before a primary, from four days before a primary to noon the last weekday before a primary	For applications postmarked or received 18 days before a primary, from 17 days before a primary to noon the last weekday before a primary

Same-Day Registration (§ 5)

Under current law, electors may register to vote on election day through 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).

The bill expands this opportunity to the entire early voting period by establishing two types of SDR and generally applying the existing EDR provisions to SDR: (1) same-day election registration (i.e., voter registration during the early voting period for a general or special election or on election day) and (2) same-day primary registration (i.e., voter registration and enrollment in a political party during a primary's early voting period or on a primary day).

Additionally, the bill allows a voter to enroll in a political party through same-day primary registration if the voter is not currently enrolled in any party and is not subject to a three-month waiting period due to recently removing his or herself from a political party enrollment list (CGS § 9-59). Enrollment during same-day primary registration becomes effective immediately for voting in that primary.

The bill also makes conforming changes.

Deadlines for Same-Day Registration (§ 5)

To accommodate the increased window of SDR, the bill moves up several deadlines by 10 days to include the early voting period for regular elections and primaries. This applies to deadlines for the following actions:

1. certifying the location for SDR (changed from 31 days to 45 days before the election),
2. the Secretary of the State's (SOTS) response to a certification request (changed from 15 days to 29 days before the election),
3. certifying additional locations for SDR (changed from 60 days to 74 days before the election), and
4. SOTS response to a certification request for additional locations (changed from 45 days to 59 days before the election).

EARLY VOTING LOCATIONS

Main Location (§ 1)

The bill requires that the registrars of voters of each municipality certify one location within the town to serve as an early voting location. The location must (1) be used for the entire early voting period, (2) have access to the centralized voter registration system (CVRS), (3) be certified by SOTS, (4) be accessible to voters with physical disabilities, and (5) have parking spaces for handicapped and elderly persons.

A municipality's certification must include:

1. the location's name, address, and contact information;
2. the number of officials appointed to serve and their roles;
3. the location's design; and
4. a plan to conduct early voting effectively.

A municipality must certify its chosen location to SOTS no later than 120 days before a general election or primary. The secretary must approve or deny certification no later than 90 days before a general

election or primary. If SOTS denies the certification, she must give the municipality a written reason for the disapproval and an order for corrective action.

Once a municipality has received SOTS approval or complied with any corrective action to the secretary's satisfaction, the registrars must make a final determination on the main early voting location no later than 31 days before a general election or primary. After this determination, the location may not be changed unless all registrars and the municipal clerk unanimously agree that the location is unusable. If such a decision is made, the registrars and clerk must designate a new location and provide adequate notice.

The bill implements a separate timeline for special elections and independent referenda. For these, the certification of the main early voting location must be submitted no later than 20 days prior and the secretary must respond no later than 15 days before the election. The location must be finalized 11 days before the election.

Additional Locations (§ 1)

Under the bill, a municipality with a population of at least 20,000 must hold a public hearing on increasing the number of early voting locations at least 15 days before designating them. At least 10 days' notice must be given through a newspaper with general circulation in the town and on the municipality's website. For this requirement, "population" means the estimated number of people according to the most recent version of the State Register and Manual.

Within three days after the hearing, the municipality's registrars must notify SOTS about their determination on any additional locations. If the registrars decide not to designate additional locations, they must include a detailed explanation for their determination. Adoption of additional locations is subject to the same requirements as the main location.

SOTS Access (§ 20)

Current law requires that the secretary, or her designee, have access

to each polling place during elections to review for consistency with state and federal law. The bill extends this provision to any early voting location.

ELECTION WARNING (§§ 6-7)

The bill moves up the warning for state and municipal elections to five to 15 days before the early voting period starts, rather than before election day. Additionally, the warning must announce the times and locations designated for early voting.

CASTING AN EARLY VOTE

Voter Eligibility (§ 1)

Under the bill, an elector must do the following to vote early:

1. appear in person at an early voting location within the designated times,
2. comply with election day identification requirements by either (a) showing adequate identification or (b) signing an affidavit attesting to his or her identity, and
3. swear an oath that he or she has not previously voted in the election.

If a voter has established his or her eligibility, the registrars must check the CVRS to see if the elector has already voted. If not, the voter must be given an early voting ballot and envelope and the registrar must record the issuance.

If the voter has already voted in the election, his or her request to vote must be denied and the registrars must review the matter. If the registrars cannot resolve the matter, they must report the incident to the State Elections Enforcement Commission, which must investigate.

Casting a Ballot (§ 1)

Under the bill, if a voter is eligible, they must mark the ballot in the registrars' presence, but not in a way that reveals how the ballot was marked. After completing the ballot, the voter must (1) secure it within

an early voting envelope, (2) sign an affirmation printed on the back of the envelope, and (3) deposit the envelope into a secured early voting ballot depository receptacle.

The signed affirmation attests that the voter:

1. is an elector appearing in person to vote early;
2. is eligible to vote in the election, primary, or referendum;
3. has sufficiently identified themselves to the registrars;
4. has not otherwise voted in the election and will not otherwise do so; and
5. received an early voting ballot.

BALLOT CHAIN OF CUSTODY (§§ 1-2 & 5)

Under the bill, when each day ends, the registrars must transport the receptacles for SDR and early voting ballots to the municipal clerk for storage, if necessary, in a fire-resistive vault or safe. The clerk must keep the ballots until they are delivered to the registrars on election day. A section of the head moderator's return must show the number of early voting and SDR ballots received, separately.

The registrars of voters must also seal a copy of the vote tally for early voting ballots and a copy of the vote tally for SDR ballots in a depository envelope with their respective ballots and store them with the other election, primary, or referendum results materials. The depository envelopes must be preserved for the same amount of time as required by law to keep counted ballots.

Ballot counters must proceed to the location where the early voting and SDR ballots will be counted, as designated by the registrars, between 6:00 a.m. and 10:00 a.m. on election day. The bill requires the municipal clerk to deliver all early voting and SDR ballots received before election day to the registrars within the same timeframe. Once the clerks deliver the ballots, the bill requires that the ballot counters process these ballots as nearly as possible in the same way as required

under existing law for absentee ballots.

Except as otherwise required by the bill, SDR and early voting ballots are subject to all procedures relating to absentee ballot custody, control, and counting under existing elections law, as nearly as possible.

ELECTION DEADLINES (§§ 9-17 & 29-30)

Current law sets several election-related deadlines in preparation for election day. The bill sets these deadlines in relation to the early voting period instead of the election, generally making them earlier. The table below summarizes deadlines that are subject to this change.

Table: Certain Election-Related Deadlines Affected by the Bill

Bill Section	Applicable Statutes	Description	Deadline
§ 9	CGS § 9-373a	Registration as a write-in candidate for a regular election	14 days prior
		Registration as a write-in candidate for town meeting member in certain towns at a regular election	Last business day prior
§ 10	CGS § 9-224b	Registration as a write-in candidate for a special election	14 days prior
		Registration as a write-in candidate for town meeting member in certain towns at a special election	Last business day prior
§ 11	CGS § 9-329b	Removal of a candidate by judicial order	Before the period/election day begins
§ 12	CGS § 9-460	Replacement of a vacant candidacy	2:00 pm the day prior
		Period during which a candidate's death may result in the candidate being replaced	24 hours prior
§ 13	CGS § 9-426	Automatic nomination of party-endorsed candidate, group, or slate for a primary if the only other candidate, group, or slate of candidates in that primary die, withdraw, or are disqualified	Before the period/election day begins
		Partial slate appearing on the ballot when a slate member dies, withdraws, or is disqualified	Before the period/election day begins
§ 14	CGS § 9-428	Replacement of candidacy for town committee members	Various

Bill Section	Applicable Statutes	Description	Deadline
§ 15	CGS § 9-429	Cancellation of a primary when due to candidate death, withdrawal, or disqualification	Before the period/election day begins
§ 16	CGS § 9-55	Printing a list of unaffiliated voters if these voters become authorized to vote in a political party's primary	Before the period/election day begins
§ 17	CGS § 9-217	Giving the municipal clerk a list of candidates for each party by the office for special elections for vacancies	34 days prior
§ 29	CGS § 9-229	Appointing moderators and alternate moderators	20 days prior
§ 30	CGS § 9-256	Filing a sample ballot with the secretary	At least 10 days prior

EARLY VOTING MATERIALS

Emergency Contingency Plan (§ 4)

Under existing law, registrars must consult with the town clerk and create an emergency contingency plan for elections, primaries, and referenda in the municipality. The bill adds a requirement that the plan consider early voting and related logistics including (1) solutions for envelope shortages, (2) strategies to address staffing shortages for early voting, (3) a fire or alarm within an early voting location, and (4) disorder in or around an early voting location.

Secretary Materials and Duties (§§ 18-19 & 27)

The bill requires the secretary to:

1. include early voting days and times for state elections in the voter guide published by her office;
2. conduct a state-wide public awareness campaign on early voting availability at regular elections, primaries, and referenda including the dates, hours, and voting procedures; and
3. update the existing annual registrar training by July 1, 2023, to include early voting procedures.

The secretary must also develop and distribute an early voting

procedure manual including a model plan for designating and staffing locations. The manual must be (1) revised as needed to reflect changes in state law and (2) distributed through the SOTS website as well as to all registrars of voters and town clerks.

UPDATING CVRS (§ 22)

Current law requires registrars of voters, when updating the CVRS after an election or primary, to indicate whether someone voted in-person or by absentee ballot. The bill also requires them to indicate whether an in-person elector voted on election day or during the early voting period.

POST-ELECTION AUDITS AND RECANVASS PROCEDURES (§ 28)

The bill subjects early voting and SDR central counting locations to existing post-election audit requirements. These requirements generally establish a process to select locations to participate in a manual or electronic audit that compares vote totals to results reported by voting tabulators.

PROHIBITED ACTIVITIES

Solicitation and Related Activities (§ 1)

Similar to existing requirements for polling locations, the bill prohibits anyone from soliciting, peddling, loitering, or offering certain materials within 75 feet of an entrance to an early voting location, an indoor path leading to the location, or any room along the path.

Joint Municipal Agreements (§ 21)

Existing law generally allows two or more municipalities to jointly perform election-related functions. The bill prohibits municipalities from entering into joint agreements to conduct early voting.

BACKGROUND

Related Bills

sSB 1064, favorably reported to the Government Administration and Elections Committee, is identical to this bill.

sSB 1057, favorably reported by the Government Administration and

Elections Committee, is nearly identical to this bill, but (1) authorizes a 10-day early voting period rather than 14-day period and (2) does not require early voting for referenda.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/15/2023)