
OLR Bill Analysis

sHB 5004 (as amended by House “A”)*

AN ACT IMPLEMENTING EARLY VOTING.

SUMMARY

This bill establishes a framework for early, in-person voting for all general elections, primaries, and special elections, held on or after January 1, 2024. Specifically, it requires a 14-day early voting period for general elections, a seven-day period for most primaries, and a four-day early voting period for special elections and presidential preference primaries.

Under the bill, every municipality must establish at least one early voting location and may establish more. 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 election registration (SDR), which covers the entire early voting period and the election for general elections. Additionally, the bill modifies the deadlines for those who wish to vote in a primary to register to vote or enroll in a political party.

To accommodate the early voting period, the bill generally changes 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 sets specific deadlines for special elections.

The bill also applies various existing election provisions to early voting such as voting assistance and enforcement by the State Elections Enforcement Commission (SEEC).

Separately, the bill requires certain municipalities to annually report information on budget referenda to the Government Administration

and Elections Committee, beginning by January 15, 2024.

The bill also makes technical and conforming changes.

*House Amendment "A" strikes the underlying bill (File 350) and replaces it with generally similar provisions. Among other things, it (1) removes early voting requirements for referenda, (2) establishes a seven-day early voting period for primaries other than presidential preference primaries, (3) applies early voting provisions for special elections to presidential preference primaries, (4) allows for adjustment of the early voting period for holidays and certain other days, (5) removes same-day primary registration and sets new deadlines for party enrollment and voter registration in relation to the early voting period, (6) requires a municipality's legislative body, rather than registrars, to take certain actions to add more early voting locations or establish SDR locations, (7) makes holding a public hearing optional when determining whether to adopt more early voting locations, (8) requires all early voting locations to allow for SDR for general elections, (9) requires registrars to appoint a moderator for early voting locations, (10) allows voters to cast challenged ballots in cases where the voter may have already cast a vote, (11) creates an exception for provisions on voter solicitation near early voting and SDR locations, (12) aligns requirements for storage of early voting and SDR ballots with those for absentee ballots, (13) changes the day early voting locations must be open late, (14) changes certain deadlines for general voter registration, (15) applies existing voter assistance provisions to early voting and SDR locations, (16) gives SEEC authority to levy civil fines for people violating certain provisions of the bill, (17) adds a new provision requiring municipalities to submit certain charter provisions to the Government Administration and Elections Committee, and (18) removes language applying early voting provisions to 2023 elections.

EFFECTIVE DATE: July 1, 2023, except that provisions (1) that change deadlines for (a) registering write-in candidates, (b) automatic nomination of certain candidates, (c) replacing candidates for most offices, (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 changing a deadline for removing a candidate by judicial order are effective upon passage.

COVERED ELECTIONS (§ 1)

The bill requires the implementation of early voting for general elections, primaries, and special elections 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, the early voting period must be 14 days long, beginning 15 days before the election and ending two days prior. For primaries (except for presidential preference primaries) the early voting period must be seven days long, beginning eight days before the election and ending two days prior. Under the bill, early voting would not be offered on legal state holidays within the required periods. Early voting locations must be open from 10:00 a.m. to 6:00 p.m., including weekends, except that on the last Tuesday and Thursday before the election, the locations must be open from 8:00 a.m. to 8:00 p.m.

For special elections and presidential preference primaries, the bill adopts a four-day early voting period and sets alternative timelines for these elections. Specifically, the early voting period must begin five days before the election and end two days prior. In the total number of required days, the early voting period must be adjusted to not include (1) March 31, 2024, or (2) legal state holidays. 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 (1) must appoint a moderator and other officials to serve at each early voting location and (2) 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. The bill requires any appointed moderator to perform duties required under the election statutes related to the early voting location and allows them to exercise any power authorized under these statutes for this purpose.

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 before a primary	From 34 days to 18 days 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

The bill also similarly shifts the period when registrars must send notice of acceptance or rejection within four days after receiving it. Under current law, this period is 49 days to 21 days before an election. Under the bill, this period is 60 days to 32 days before an election.

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 same-day election registration (SDR, i.e., voter registration during the early voting period for a general election or on election day) and generally applying the existing EDR provisions to SDR. Current law requires the registrars of voters to designate a location and allows them to designate additional locations. The bill allows the municipality's legislative body, rather than the registrars of voters, to apply to designate additional SDR locations. Additionally, all early voting locations must offer SDR.

Deadlines for Same-Day Registration (§ 5)

To accommodate the increased window of SDR, the bill moves up several deadlines by 14 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).

Registration and Enrollment for Primaries (§ 1)

The bill allows a person to enroll in a political party by filing an application for enrollment with the registrars by noon on the preceding business day before the early voting period. Individuals who are not registered to vote may register and enroll in a political party during the early voting period, but must wait one day before casting a vote in a primary.

The bill also makes conforming changes.

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, other than a presidential preference 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 this happens, the registrars and clerk must designate a new location and provide adequate notice.

The bill implements a separate timeline for special elections and presidential preference primaries. 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, for municipalities with a population of at least 20,000, the municipality's legislative body may 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. If the municipality chooses to hold a hearing, the municipality's legislative body must notify SOTS with a detailed explanation of its determination on any additional locations within three days after the hearing.

For municipalities that choose not to hold a hearing, the legislative body must determine whether to designate an additional location and must notify the secretary with a detailed explanation of its determination.

The registrars of voters must designate any additional location for early voting as determined by the municipality's legislative body. Adoption of additional locations is subject to the same requirements as the main location. The bill prohibits SOTS from taking any action on the explanation, but she must preserve it for public inspection.

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

If the registrars of voters believe that the elector may have already voted in the election, they must review the matter. If they cannot resolve it, the elector may request and cast a challenged ballot (see BACKGROUND) and the registrars must report the incident to the State Elections Enforcement Commission, which must investigate.

Casting a Ballot (§ 1)

Under the bill, if an elector 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 elector 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 elector:

1. is an elector appearing in person to vote early,
2. is eligible to vote in the election or primary,
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.

Voting Assistance (§ 31)

Existing law allows electors who need assistance to vote due to blindness, disability, or inability to write or read to be given assistance from a person chosen by the elector. The bill expands this authorization

to include providing assistance at early voting locations.

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 as near a manner as possible to the required methods for securing absentee ballots. If the clerk cannot practicably secure the ballots in such a manner, they must be secured as outlined in an alternate plan submitted by the registrars of voters to SOTS for approval. 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 or primary 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	Candidate replacement	Various
§ 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 elections and primaries, including the dates, hours, and voting procedures; and
3. update the existing annual registrar training by January 1, 2024, 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.

CHARTER PROVISIONS ON BUDGET REFERENDA (§ 33)

For those municipalities that adopt their budgets through referenda, the bill requires the municipality's chief executive officer to annually report to the Government Administration and Elections Committee, beginning by January 15, 2024, on its municipal charter provisions on these referenda, including procedures for conducting them.

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 or SDR location, an indoor path leading to the location, or any room along the path. The bill provides an exception for individuals doing their official duties or conducting government business within this radius, unless the person is engaging in conduct that violates these provisions.

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.

SEEC Enforcement Powers (§ 32)

The bill extends to early voting a provision in existing law authorizing SEEC to level a civil penalty of not more than \$2,000 per offense for a person who violates certain election-related laws. Existing law additionally allows SEEC to level a civil penalty of up to \$2,000 per offense against any town clerk, registrar of voters, or any other election or primary official found to have failed to discharge a duty required under elections laws, including the bill's provisions.

BACKGROUND

Related Bills

sSB 1064 (File 388), favorably reported by the Appropriations and Government Administration and Elections committees, establishes a (1) 14-day early voting period for all general elections and referenda held in conjunction with a general election held on or after July 1, 2023, and (2) four-day early voting period primaries, special elections, and generally all other referenda held on or after January 1, 2024.

sSB 1057 (File 386), favorably reported by the Government Administration and Elections Committee, establishes a (1) 10-day early voting period for all general elections held on or after July 1, 2023, and (2) four-day early voting period primaries and special elections held on or after January 1, 2024.

Challenged Ballots

Under existing law, a voter's right to cast a ballot may be challenged if a challenger knows, suspects, or reasonably believes that a person is not qualified or entitled to vote (CGS § 9-232 et. seq.). A moderator must review these challenges and, if a moderator's decision is not favorable to the challenged voter, the voter may apply for a challenged ballot. As part of the application, the voter must complete an affidavit attesting to the voter's qualifications and entitlement to vote at the election.

The town clerk must preserve the ballots for at least 180 days after an election. In the case of a contested election, the court may order that challenged ballots be delivered to the board of admissions. The board, if ordered, must review all challenged ballots and determine which ones may be counted in the election and added to the vote totals.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/15/2023)