
OLR Bill Analysis

sSB 1190

AN ACT CONCERNING REGIONAL ELECTION ADVISORS AND A TASK FORCE ON ELECTION ADMINISTRATION IN MUNICIPALITIES.

SUMMARY

This bill makes several changes to the current regional election monitor (REM) program. Specifically, the bill:

1. replaces REMs acting on the Secretary of State's (SOTS) behalf with regional election advisors (REAs) acting on behalf of the regional councils of government (COGs) that appoint them (§ 1),
2. allows COGs to appoint REAs rather than requiring them to contract with REMs (§ 1),
3. changes the program's contracting and memorandum of understanding (MOU) requirements between COGs and SOTS (§ 1),
4. applies certain REM training and instruction requirements to REAs (§ 4),
5. provides state funding for the REA program (§§ 2-3), and
6. creates a task force to study election administration staffing (§ 5).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except that provisions on the task force are effective upon passage.

§§ 1-4 — REGIONAL ELECTION ADVISORS

Current law establishes an REM within each of the state's planning regions to represent, consult with, and act on SOTS's behalf before and

during each election, primary, recanvass, and audit. It also requires each COG to contract with someone to serve as the monitor for its planning region. Under current law, though REMs act on SOTS's behalf, they are not considered state employees. The bill eliminates these requirements and instead allows COGs to appoint REAs to represent, consult with, and act on the COG's behalf or on behalf of any combination of COGs or COG member towns that may seek the REA's assistance. The bill generally gives REAs the same duties that REMs have under current law. The bill requires the REA to consult and coordinate with SOTS before and during each election, primary, recanvass, and audit.

Current law requires each REM to (1) be a state elector; (2) perform his or her duties in a nonpartisan way; (3) have prior field experience in election administration; (4) be certified by SOTS (see below); and (5) not have been convicted or pled guilty or nolo contendere for (a) a felony for fraud, forgery, larceny, embezzlement, or bribery or (b) an election-related criminal offense. The bill generally maintains these requirements for REAs. Additionally, an REA may be shared by multiple councils and towns, instead of the current requirement that each council retain its own.

Contracting Requirements (§ 1)

Under current law, by March 1 of a regular election year, COGs must (1) contract with someone to serve as the REM and (2) establish an MOU with SOTS on the position and its duties. The bill eliminates the contract requirement but retains the MOU requirement and applies it to REAs.

Similar to current law, the MOU must confirm the following information:

1. the person is eligible to serve,
2. the person has been informed of the position's expectations in writing, and
3. revocation of a person's certification is considered a breach (of the contract under current law and the MOU under the bill).

Under current law, this breach immediately terminates the contract. Under the bill, the breach may result in the termination of the MOU if the COG cannot appoint a new advisor within 30 days of revocation.

The bill eliminates provisions in the MOU that (1) subject the position to SOTS's control and direction, (2) keep the person in the position until at least 30 days after the election, and (3) reference REM contracts (which the bill no longer requires).

Training Requirements (§ 4)

The bill makes conforming changes that require SOTS to train and certify REAs rather than REMs. As under current law, an initial certification lasts two years before an abridged recertification is required, and SOTS may revoke a certification at any time.

Additionally, current law requires that REMs coordinate with SOTS to conduct instructional sessions for moderators and alternate moderators. The bill modifies this requirement by allowing REAs to conduct sessions just for the planning regions served by the REA. The bill eliminates requirements that SOTS hold trainings at specific locations or establish the number of sessions to be held.

State Funding (§§ 2-3)

Under the current REM program, COGs are responsible for (1) employing and compensating an REM and (2) giving the monitor the necessary space, supplies, equipment, and service. The bill eliminates these requirements and instead directs the Office of Policy and Management (OPM) secretary to award grants annually beginning in FY 24, within available appropriations, to COGs that have appointed an REA and filed the required MOU.

The bill modifies the regional planning incentive account priorities to include these grants after OPM funds regional planning organizations (i.e., organizations formed to oversee planning regions). These grants must be for at least \$25,000 and used to support the REA program. The regional planning incentive account is a nonlapsing account in the General Fund.

§ 5 — TASK FORCE ON ELECTION ADMINISTRATION STAFFING

The bill establishes a 17-person task force to study election administration staffing. Study topics include (1) regionalizing election administration, including tasks that COGs may perform; (2) municipal election official training; and (3) voluntary initiatives to facilitate effective election administration.

The task force consists of the following:

1. two representatives of the Connecticut Advisory Commission on Intergovernmental Relations, with one appointment each for the House speaker and Senate president pro tempore;
2. one IT professional with election technology expertise, appointed by the House speaker;
3. one election administration expert admitted to practice law in Connecticut, appointed by the Senate president pro tempore;
4. a Connecticut Conference of Municipalities representative, appointed by the House majority leader;
5. a Connecticut Association of Councils of Governments representative, appointed by the Senate majority leader;
6. a Registrars of Voters Association of Connecticut representative, appointed by the House minority leader;
7. a Connecticut Council of Small Towns representative, appointed by the Senate minority leader;
8. the chairpersons and ranking members of the Government Administration and Elections (GAE) Committee, or their designees;
9. the chairpersons and ranking members of the Planning and Development Committee, or their designees; and
10. SOTS, or her designee.

All initial appointments must be made within 30 days after the bill's passage. The House speaker and Senate president pro tempore must select the chairpersons, who must schedule the first meeting within 60 days after the bill passes.

The GAE Committee administrative staff must serve as task force's administrative staff, with additional support from OPM. The task force must report its findings and recommendations to the GAE and Planning and Development committees by January 1, 2024. The task force terminates on that date or when it submits its report, whichever is later.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/24/2023)