



Senate

General Assembly

File No. 520

January Session, 2023

Substitute Senate Bill No. 1190

Senate, April 12, 2023

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-229b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) [There shall be a regional election monitor within each planning
4 region, as defined in section 4-124i] Any regional council of
5 governments organized under the provisions of sections 4-124i to 4-
6 124p, inclusive, may appoint a regional election advisor, who shall
7 represent, consult with and act on behalf of such regional council of
8 governments and any combination of regional councils of governments
9 or member towns of regional councils of governments that may seek the
10 assistance of such regional election advisor. A regional election advisor
11 shall consult and coordinate with the Secretary of the State to provide
12 such assistance in preparations for and operations of any election,
13 primary or recanvass, or any audit conducted pursuant to section 9-320f.

14 (b) [Not later than March first of the year of each regular election,
15 each regional council of governments shall contract with an individual,
16 in accordance with section 4-124p, to serve as the regional election
17 monitor for such planning region. The] Any regional election [monitor]
18 advisor appointed pursuant to subsection (a) of this section shall (1) be
19 an elector of this state, (2) perform the duties of the position in a
20 nonpartisan manner, (3) have prior field experience in the conduct of
21 elections, and (4) be certified by the Secretary of the State in accordance
22 with subdivision (2) of subsection (b) of section 9-229, as amended by
23 this act, or as soon after [execution of such contract] such appointment
24 as practicable. [The regional election monitor shall not be considered a
25 state employee and shall, in accordance with such contract, be
26 compensated for the performance of any duty agreed upon by the
27 parties and reimbursed for necessary expenses incurred in the
28 performance of such duties. The regional council of governments shall,
29 in accordance with such contract, provide the regional election monitor
30 with any space, supplies, equipment and services necessary to properly
31 carry out the duties of the position. The regional council of governments
32 may terminate such contract for any reason.]

33 (c) Not later than March first of the year of each regular election, each
34 regional council of governments that has appointed a regional election
35 advisor shall enter into a memorandum of understanding with the
36 Secretary of the State concerning the assistance to be provided by such
37 regional election [monitor under contract pursuant to subsection (b) of
38 this section. The regional council of governments] advisor, and shall
39 confirm within such memorandum of understanding that (1) each
40 requirement described in subsection (b) of this section is satisfied and
41 [the contract between the regional council of governments and] the
42 individual who shall serve as regional election [monitor specifies]
43 advisor has been informed, in writing, of the minimum expectations of
44 performance [under such contract, (2) such regional election monitor is
45 subject to the control and direction of the Secretary of the State, (3)] for
46 the position, and (2) revocation by the Secretary [of the State] of such
47 regional election [monitor's] advisor's certification constitutes breach of
48 such [contract and results in immediate termination of such contract,

49 and (4) such regional election monitor is retained, absent termination of
50 such contract by the council, until at least thirty days after such regular
51 election] memorandum of understanding, which may result in
52 termination of such memorandum of understanding if the regional
53 council of governments is not able to appoint a replacement regional
54 election advisor within thirty days after such revocation.

55 Sec. 2. (NEW) (*Effective July 1, 2023*) For the fiscal year ending June 30,
56 2024, and each fiscal year thereafter, each regional council of
57 governments that has appointed a regional election advisor and entered
58 into a memorandum of understanding with the Secretary of the State
59 concerning the assistance to be provided by such regional election
60 advisor, in accordance with the provisions of section 9-229b of the
61 general statutes, as amended by this act, shall, within available
62 appropriations, receive a grant of not less than twenty-five thousand
63 dollars from the Secretary of the Office of Policy and Management. Each
64 such regional council of governments shall use such grant funds
65 exclusively to support such regional election advisor in carrying out the
66 purposes of said section.

67 Sec. 3. Subsection (a) of section 4-66k of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective July 1,*
69 *2023*):

70 (a) There is established an account to be known as the "regional
71 planning incentive account" which shall be a separate, nonlapsing
72 account within the General Fund. The account shall contain any moneys
73 required by law to be deposited in the account. Except as provided in
74 subsection (e) of this section, moneys in the account shall be expended
75 by the Secretary of the Office of Policy and Management for the
76 purposes of first providing funding to regional planning organizations
77 in accordance with the provisions of subsections (b), (c) and (d) of this
78 section, next providing grants for the support of regional election
79 advisors pursuant to section 2 of this act and then [to] providing grants
80 under the regional performance incentive program established
81 pursuant to section 4-124s.

82 Sec. 4. Subsection (b) of section 9-229 of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective July 1,*
84 *2023*):

85 (b) (1) The Secretary of the State shall: (A) Request registrars of voters
86 to volunteer to serve as instructors for moderators and alternate
87 moderators; (B) select registrars from among such volunteers to serve as
88 such instructors; (C) establish a curriculum for instructional sessions for
89 moderators and alternate moderators; (D) establish the number of such
90 instructional sessions to be held, provided at least one such instructional
91 session shall be held in each congressional district in each calendar year;
92 and (E) train the instructors for such sessions. The curriculum for such
93 instructional sessions shall include, [without limitation] but need not be
94 limited to, procedures for counting and recording absentee ballots,
95 ["hands on"] hands-on training in the use of voting tabulators, and the
96 duties of a moderator in the conduct of a primary [and] or an election.
97 The Secretary may employ assistants on a temporary basis within
98 existing budgetary resources for the purpose of implementing the
99 provisions of this section. Such assistants shall not be subject to the
100 provisions of chapter 67. The instructors shall conduct instructional
101 sessions for moderators and alternate moderators in accordance with
102 their training by the Secretary [of the State] and the curriculum for such
103 sessions.

104 (2) The Secretary of the State shall also: (A) Coordinate with each
105 regional election [monitor under contract] advisor appointed pursuant
106 to section 9-229b, as amended by this act, and the regional council of
107 governments that appointed such regional election advisor, to hold
108 [regional] instructional sessions for moderators and alternate
109 moderators within the planning region served by such regional council
110 of governments, in accordance with the curriculum established under
111 subdivision (1) of this subsection; and (B) [establish the number of such
112 regional instructional sessions to be held, provided at least one such
113 regional instructional session shall be held within each planning region
114 at the facilities of the regional council of governments prior to each
115 regular election; and (C)] train and certify each regional election

116 [monitor] advisor for purposes of performing the duties of the position.
117 The Secretary shall certify as a regional election [monitor] advisor each
118 individual who successfully completes training under subparagraph
119 [(C)] (B) of this subdivision, except the Secretary shall not so certify any
120 individual who has, in a court of competent jurisdiction, been convicted
121 of or pled guilty or nolo contendere to [, in a court of competent
122 jurisdiction,] any (i) felony involving fraud, forgery, larceny,
123 embezzlement or bribery, or (ii) criminal offense under this title. Any
124 such initial certification granted under this subdivision shall expire two
125 years after the date of [its] such granting. Prior to expiration of the initial
126 or any subsequent certification, a regional election [monitor] advisor
127 may undergo an abridged recertification process prescribed by the
128 Secretary, and upon successful completion thereof, such certification
129 shall be renewed for two years after the date of such completion. Only
130 certification in accordance with this subdivision shall satisfy the
131 requirement of subdivision (4) of subsection (b) of section 9-229b, as
132 amended by this act, and the Secretary may revoke any such
133 certification, with or without cause, at any time.

134 (3) The duties of each regional election [monitor] advisor shall
135 include, but not be limited to: (A) Holding the [regional] instructional
136 sessions described in subdivision (2) of this subsection; (B)
137 communicating with registrars of voters to assist, to the extent
138 permitted under law, in preparations for and operations of any election,
139 primary or recanvass, or any audit conducted pursuant to section 9-320f;
140 and (C) transmitting any order issued by the Secretary of the State,
141 pursuant to subsection (b) of section 9-3.

142 (4) Any elector may attend one or more of the sessions held under
143 subdivision (1) or (2) of this subsection. Each instructor or regional
144 election [monitor] advisor, as the case may be, shall provide the
145 Secretary of the State with the name and address of each person who
146 completes any such session.

147 Sec. 5. (*Effective from passage*) (a) There is established a task force to
148 study means of ensuring that election administration in each

149 municipality is fully staffed by personnel properly trained in all tasks
150 necessary for effective election administration. Such study shall include,
151 but not be limited to, (1) an examination of functions, activities or
152 services related to election administration, which are currently
153 performed by individual municipalities, that may be performed more
154 efficiently on a shared or regional basis; (2) an examination of functions,
155 activities or services related to election administration, which are
156 currently performed by municipal election officials, that may be
157 performed in a more efficient, higher quality, more cost-effective or
158 more responsive manner by regional councils of governments; (3) a
159 review of training available to municipal election officials; and (4) an
160 analysis of and recommendations for any other initiative, which shall be
161 offered to municipalities on a voluntary basis, that may facilitate
162 effective election administration in a more efficient, higher quality, more
163 cost-effective or more responsive manner.

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

165 (1) Two appointed by the speaker of the House of Representatives,
166 one of whom is a representative of the Connecticut Advisory
167 Commission on Intergovernmental Relations and one of whom is an
168 information technology professional and has expertise in election
169 technology;

170 (2) Two appointed by the president pro tempore of the Senate, one of
171 whom is a representative of the Connecticut Advisory Commission on
172 Intergovernmental Relations and one of whom is admitted to the
173 practice of law in this state and has expertise in election administration;

174 (3) One appointed by the majority leader of the House of
175 Representatives, who is a representative of the Connecticut Conference
176 of Municipalities;

177 (4) One appointed by the majority leader of the Senate, who is a
178 representative of the Connecticut Association of Councils of
179 Governments;

180 (5) One appointed by the minority leader of the House of
181 Representatives, who is a representative of the Registrars of Voters
182 Association of Connecticut;

183 (6) One appointed by the minority leader of the Senate, who is a
184 representative of the Connecticut Council of Small Towns;

185 (7) The chairpersons and ranking members of the joint standing
186 committee of the General Assembly having cognizance of matters
187 relating to government administration and elections, or their designees;

188 (8) The chairpersons and ranking members of the joint standing
189 committee of the General Assembly having cognizance of matters
190 relating to planning and development, or their designees; and

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

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

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

200 (e) The administrative staff of the joint standing committee of the
201 General Assembly having cognizance of matters relating to government
202 administration and elections shall serve as administrative staff of the
203 task force. The Secretary of the Office of Policy and Management shall
204 provide additional support to the task force as necessary.

205 (f) Not later than January 1, 2024, the task force shall submit a report
206 on its findings and recommendations to the joint standing committees
207 of the General Assembly having cognizance of matters relating to
208 government administration and elections and planning and
209 development, in accordance with the provisions of section 11-4a of the

210 general statutes. The task force shall terminate on the date that it
211 submits such report or January 1, 2024, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	9-229b
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	4-66k(a)
Sec. 4	<i>July 1, 2023</i>	9-229(b)
Sec. 5	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 4(b), "primary and election" was changed to "primary [and] or an election" in Subdiv. (1) for clarity, and "regional instructional sessions" was changed to "[regional] instructional sessions" in Subdiv. (3) for internal consistency.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Policy & Mgmt., Off.	GF - Potential Cost	Approximately \$225,000	Approximately \$225,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

The bill directs the Office of Policy and Management (OPM) to award grants of at least \$25,000 each to every Council of Government (COGs) that has appointed a regional election advisor. This results in a potential cost to OPM of approximately \$225,000 annually beginning in FY 24 as there are nine COGs (presuming the minimum grant level of \$25,000). The bill formally moves the requirement to have a regional election monitor to an option. This codifies existing practice, and few if any local or regional government organizations utilize them currently.

The grants are to be paid out of the regional planning incentive account. To the extent this results in new or larger grant awards to COGs, there is a potential revenue gain for municipalities beginning in FY 24.

The balance of the regional planning incentive account is \$12,035,803

as of April 2023.

The bill additionally formally changes the title of the position from regional election monitor to a regional election advisor. The bill also creates a taskforce to study election practices that can be done within existing resources of the Secretary of State.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of grants awarded.

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)