PA 23-5—sHB 5004
Government Administration and Elections Committee
Appropriations Committee

AN ACT IMPLEMENTING EARLY VOTING

SUMMARY: This act establishes a framework for early, in-person voting for all general elections, primaries, and special elections, held on or after January 1, 2024 (PA 23-204 applies this to elections, primaries, and special elections on or after April 1, 2024, see BACKGROUND). 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 act, every municipality must establish at least one early voting location, and those with a population of at least 20,000 may establish more. The act sets various early voting requirements and procedures, including voter eligibility, ballot custody, staffing and training, and materials. Among other things, it (1) expands election-day registration (EDR) by applying it to the entire early voting period for general elections, rather than just election day itself, and (2) renames it as "same day registration" (SDR). Additionally, the act sets voter registration and party enrollment deadlines for those who wish to vote during early voting in a primary.

To accommodate the early voting period, the act generally changes several election-related deadlines by either (1) moving the deadline up by 14 days or (2) setting it at the specified number of days before the early voting period begins instead of before election day. The act also sets specific deadlines for special elections.

The act subjects early voting to the State Election Enforcement Commission's (SEEC) enforcement authority. Among other things, the commission may investigate complaints and levy a civil penalty of not more than $2,000 per offense for a person who violates the act's early voting-related provisions (§ 32).

For those municipalities that adopt their budgets through referenda, the act 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 (§ 33).

The act also makes technical and conforming changes.

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 are effective 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 (PA 23-204 makes most of the act's provisions effective January 1, 2024, see BACKGROUND).

§ 1 — COVERED ELECTIONS

The act requires the implementation of early voting for general elections, primaries, and special elections held on or after January 1, 2024 (PA 23-204 delays this date to April 1, 2024, see BACKGROUND). The act exempts primaries for town committee members from these requirements.

§§ 1 & 3 — EARLY VOTING PERIOD

Under the act, the early voting period must be 14 days long for general elections, 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. For both types of contests, early voting locations must be open daily from 10:00 a.m. to 6:00 p.m., including weekends, except that (1) the locations must be open from 8:00 a.m. to 8:00 p.m. on the last Tuesday and Thursday before the election, and (2) it is not offered on legal state holidays.

For special elections and presidential preference primaries, the act sets a four-day early voting period and alternative timelines for these elections. Specifically, the early voting period must begin five days before the election and end two days prior, except that it must be adjusted to exclude (1) March 31, 2024, or (2) legal state holidays while still offering four days of early voting. Early voting locations must be open for these contests from 10:00 a.m. to 6:00 p.m. on each day of early voting.

The act requires that a location official or a municipal police officer, appointed by the registrar, be placed at the end of the line each day 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.

§§ 1 & 8 — EARLY VOTING PREPARATION

Staffing and Training (§ 1(a))

Under the act, the registrars (1) must appoint a moderator and other officials to serve at each early voting location and (2) may delegate any of their responsibilities to these appointed officials. The registrars must supervise and train these officials. The act requires any appointed moderator to perform duties required under the election statutes related to the early voting location and allows moderators to exercise any power authorized under these statutes for this purpose.

Ballot Designation (§ 8)

Existing law requires registrars of voters and town clerks to jointly certify to

the secretary of the state the number of ballots ordered for each polling place in a primary or election. The act requires them to additionally certify the number of ballots ordered for each early voting location in a primary or election.

The act sets the deadlines for certifying the number of ballots ordered (both early voting and election day ballots) at 31 days before the early voting period for an election and 21 days before the early voting period for a primary, instead of the same number of days before the election or primary itself as prior law required. Similarly, the act moves up the deadline to request a waiver from this requirement to 45 days before the early voting period for an election and 30 days before the early voting period for a primary instead of the same number of days before the election or primary itself.

§§ 1, 5 & 23-26 — VOTER REGISTRATION

General Voter Registration (§§ 23-26)

Under prior law, a person's voter registration application had to be received or postmarked by the seventh day before an election or the fifth day before a primary in order to vote in the applicable contest. The act moves up both deadlines to 18 days before the applicable contest. It similarly moves up the in-person registration deadline for an election from seven days to 18 days before. However, it retains existing law's deadline for in-person registration or party enrollment for a primary (noon before the day of a primary) (CGS §§ 9-56 & -57).

The act makes conforming changes including moving up several related deadlines. For example, it moves up, from the seventh day before an election and the 14th day before a primary to the 18th day before both contests, the dates on which registrars must hold voter registration sessions. (The requirement for primaries applies to towns with 25,000 or more residents.)

The act also 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.

**Periods When Registrars Must Send Notice of
Acceptance or Rejection on the Day an Application is Received**

	Under Prior Law	*Under the Act*
Applications received by registrars	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	From six days before an election to election day (if received by the seventh day before an election)	From 17 days before an election to election day (if received by the 18th day before an election)

	Under Prior Law	*Under the Act*
commissioner or voter registration agency	From four days before a primary to noon the last weekday before a primary (if postmarked or received by the fifth day before a primary)	From 17 days before a primary to noon the last weekday before a primary (if postmarked or received by the 18th day before a primary)

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

Same-Day Registration (§ 5)

The law allows individuals to register to vote on election day during regular state and municipal elections (previously known as EDR). Specifically, 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 act 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. The act also renames EDR as SDR (i.e., under the act, there is SDR during the early voting period and SDR on election day).

As under prior law, the registrars of voters must designate an EDR (now SDR) location, and a municipality may designate additional locations. However, the act allows the municipality's legislative body, rather than the registrars of voters, to apply to designate additional SDR locations for election day. Additionally, all early voting locations must offer SDR.

Deadlines for Same-Day Registration (§ 5)

To accommodate the increased window of SDR, the act moves up, by 14 days, several deadlines relating to designating a location for SDR on election day. This applies to deadlines for:
1. registrars of voters certifying the location for SDR on election day (changed from 31 days to 45 days before the election),
2. the secretary of the state's response to a certification request (changed from 15 days to 29 days before the election),
3. municipalities applying to the secretary for additional locations for SDR on election day (changed from 60 days to 74 days before the election), and
4. the secretary's response to an application for additional locations (changed from 45 days to 59 days before the election).

Registration and Enrollment for Early Voting in Primaries (§ 1(a))

Existing law allows a person to vote in a primary if he or she registers to vote and enrolls in person by noon on the day before the primary. The act similarly allows an unaffiliated elector who seeks to vote during early voting in a primary to do so if his or her enrollment application is filed with the registrars by noon on the preceding business day before the early voting period. Under the act, individuals not registered to vote may (1) register and enroll in a political party during the early voting period and (2) vote on an early voting day if their application is filed with the registrars by noon the previous business day.

§§ 1 & 20 — EARLY VOTING LOCATIONS

Location Designation (§ 1(b))

The act 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 to the secretary of the state, (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 the secretary 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 the secretary 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 the secretary's approval or complied with any corrective action to her satisfaction, the registrars must finalize the early voting location no later than 31 days before a general election or primary. After this determination, the location may not be changed unless the 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 act sets a separate timeline for special elections and presidential preference primaries. For these, the certification of the early voting location must be submitted no later than 20 days prior, and the secretary must approve or disapprove it no later than 15 days before the presidential preference primary or special election. The location must be finalized 11 days beforehand.

Additional Locations (§ 1(b))

For municipalities with a population of at least 20,000, the act allows the

municipality's legislative body to hold a public hearing on increasing the number of early voting locations. If the municipality has a hearing, it must do so at least 15 days before the applicable deadline for designating locations (see above) and notice the hearing at least 10 days beforehand in 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 holds a hearing, its legislative body must, within three days after the hearing, determine whether to designate any additional locations and notify the secretary of the state with a detailed explanation of its determination. For municipalities meeting the population threshold but not holding a hearing, the legislative body must determine whether to designate an additional location and 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 first location. The act prohibits the secretary from acting on the municipalities' explanations, but she must preserve them for public inspection.

Secretary of the State Access (§ 20)

Existing 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 act extends this requirement to any early voting location.

§§ 6 & 7 — ELECTION WARNING

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

§ 1 — CASTING AN EARLY VOTE

Voter Eligibility (§ 1(c) & (d))

Under the act, 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. declare under oath that he or she has not previously voted in the election.

If the registrars determine that the elector is eligible to vote, they 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, and the registrars must report the incident to the State Elections Enforcement Commission, which must investigate. As under existing law, challenged ballots are stored by the town clerk for 180 days after the election and are not counted unless ordered by a court in an election contest.

Casting a Ballot (§ 1(e) & (f))

Under the act, if an elector is eligible to vote, he or she must mark the ballot in the registrars' presence without revealing 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, under penalty of false statement, 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 him- or herself 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 voting assistance due to blindness, disability, or inability to write or read to be assisted by a person chosen by the elector. The act expands this authorization to include providing assistance at early voting locations.

§§ 1, 2 & 5 — BALLOT CHAIN OF CUSTODY

Under the act, the registrars must transport the receptacles for SDR and early voting ballots at the end of each early voting day to the municipal clerk for storage 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 the secretary of the state for approval. The clerk must keep the ballots until they are delivered to the registrars on election day.

Under the act, ballot counters must proceed between 6:00 a.m. and 10:00 a.m. on election day to where the early voting and SDR ballots will be counted, as designated by the registrars. The act 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 act requires that the ballot counters process these ballots as nearly as possible in the same way as required under existing law for absentee ballots. As under existing law, registrars must deliver SDR ballots received on election day to the counting location at the time they designate.

Except as otherwise required by the act, early voting and SDR ballots are

subject to all procedures relating to absentee ballot custody, control, and counting under existing elections law, as nearly as possible.

The act requires that a section of the head moderator's return show the number of early voting and SDR ballots received, separately. It also requires the registrars of voters to 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 for keeping counted ballots.

§§ 9-17 & 29-30 — ELECTION DEADLINES

Prior law set several election-related deadlines in advance of election day. The act 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.

Certain Election-Related Deadlines Affected by the Act

Act Section	Applicable Statute	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 representative 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 representative town meeting member in certain towns at a special election	Last business day prior
§ 11	CGS § 9-329b	Removal of a candidate from the ballot in a primary or election by judicial order	Prior to commencement
§ 12	CGS § 9-460	Replacement of a deceased candidate on an election ballot	24 hours prior
		Deadline for replacing the candidate	2:00 pm the day 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 dies, withdraws, or is disqualified	Prior to commencement
		Partial slate appearing on the ballot in a primary when a slate member dies,	Prior to commencement

Act Section	Applicable Statute	Description	Deadline
		withdraws, or is disqualified	
§ 14	CGS § 9-428	Replacement of a party-endorsed candidate in a primary: period during which a vacancy's occurrence may result in a new endorsement	10 days prior for vacancy due to withdrawal or disqualification 24 hours prior for vacancy due to death
		Deadline for filling the endorsement vacancy	Seven days prior for vacancy due to withdrawal or disqualification 24 hours prior for vacancy due to death
		Town clerk must place stickers on the ballot with replacement endorsement rather than reprinting the ballot	96 hours to 24 hours prior
§ 15	CGS § 9-429	Cancellation of a primary when, due to candidate death, withdrawal, or disqualification, the number of remaining candidates is less than or equal to the number to be nominated	Prior to commencement
§ 16	CGS § 9-55	Printing by the registrars of voters of a list of unaffiliated voters if these voters become authorized to vote in a political party's primary	Prior to commencement
§ 17	CGS § 9-217	Provision by the secretary of the state to the municipal clerk of a list of candidates for each party in a special election	34 days prior
§ 29	CGS § 9-229	Appointment of moderators and alternate moderators by registrars of voters	20 days prior
§ 30	CGS § 9-256	Filing of a sample ballot with the secretary by registrars of voters	At least 10 days prior

§§ 4, 18, 19 & 27 — EARLY VOTING MATERIALS

Emergency Contingency Plan (§ 4)

Under existing law, registrars of voters must consult with the town clerk and create an emergency contingency plan for elections, primaries, and referenda in the municipality. The act 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 act 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 statewide public awareness campaign on early voting availability at elections and primaries, including the dates, hours, and voting procedures (PA 23-204 makes this campaign optional and specifies that it is within available appropriations, see BACKGROUND); 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 secretary of the state's website and to all registrars of voters and town clerks.

§ 22 — UPDATING CVRS

Existing 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 act also requires them to indicate whether an in-person elector voted on election day or during the early voting period.

§ 28 — POST-ELECTION AUDITS AND RECANVASS PROCEDURES

The act 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 with results reported by voting tabulators.

§§ 1, 5 & 21 — PROHIBITED ACTIVITIES

Solicitation and Related Activities (§§ 1(h) & 5)

Similar to existing requirements for polling locations and prior law's requirements for EDR locations, the act 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 act provides an exception for individuals performing their official duties or conducting government business within this radius at an early voting or SDR location, 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 act prohibits municipalities from entering into joint agreements to conduct early voting.

BACKGROUND

Related Act

PA 23-204, §§ 176-183, 420 & 453, makes several changes to this act. Principally, it authorizes early voting for elections on or after April 1, 2024, instead of January 1, 2024, and makes conforming changes. It correspondingly delays the effective date of many early voting provisions in this act to January 1, 2024, including provisions related to voting hours, emergency contingency plans, and ballot designation and certification. It also delays, from July 1, 2023, to December 1, 2023, the effective date of this act's provisions creating the early voting framework and extending SEEC's authority to impose civil penalties for certain violations of this act's provisions.

Separately, PA 23-204 makes the public awareness campaign discretionary for the secretary of the state and specifies that, if conducted, it must be within available appropriations.