



NEW LEGISLATION 2015

Prepared by:
Secretary of the State of
Connecticut
Elections Division
(Rev. 7/23/15)

PUBLIC ACT 15-224

AN ACT STRENGTHENING THE STATE'S ELECTIONS.

§§ 1, 2, 4, & 5 — REGISTRARS OF VOTERS

§§ 1 & 2 — *Training and Certification (Effective from passage)*

Registrars taking office on or before July 1, 2015 must complete and satisfy the certification program criteria by July 1, 2017. Those registrars elected or appointed after July 1, 2015 must complete and satisfy the certification program criteria no later than (1) the end of their term, in the case of a two-year term or (2) two years from their first day in office, in the case of a four-year term.

A deputy registrar who becomes registrar after filling a vacancy in the office 90 or fewer days before a state election, must complete a secretary of the state-prescribed abridged program for a provisional certification. Completing the abridged program does not satisfy the full certification requirement. Such deputy would be required to complete and satisfy the full certification program criteria if elected to the office of registrar of voters at the next such election as described above or if they are appointed as registrar of voters more than 90 days before a state election.

The secretary of the state shall certify individuals who successfully complete the required training and examination.

Once certified, registrars are required to complete at least eight hours of training per year to maintain their certification. The secretary of the state must prescribe the training, and either she or a third party she approves must conduct it. The secretary must direct a registrar who fails to fulfill the annual training requirement to "take remedial measures," which she must prescribe in order to retain certification.

The certification maintenance training described above is separate from, and in addition to, the existing 10 hours of election law and procedures training for registrars, which the certification advisory committee develops. By law, the secretary must hire registrars or former registrars to provide this training.

§ 4 — Removal from Office (Effective from passage)

The secretary can seek removal of a registrar of voters by filing a statement with the State Elections Enforcement Commission ("SEEC") if, in her opinion, a registrar engaged in misconduct, willful and material neglect of duty, or incompetence in office.

Within 30 days after receiving the statement, SEEC must investigate and determine whether to refer the matter to the attorney general to pursue removal. Upon referral, the attorney general may ask the commission to investigate further. If in his opinion the investigation warrants it, the attorney general may prepare a citation in the name of the state requiring the registrar to appear in Superior Court. The registrar must be given at least 10 days' notice.

The registrar is entitled to a full hearing during which the attorney general may require the attendance and testimony of witnesses and the production of evidence. If, after the hearing, the judge orders the registrar removed from office, the Superior Court clerk must cause the registrar to be served with the order. At that point, the registrar must be removed from office and the deputy registrar immediately becomes the successor.

The attorney general may designate a SEEC attorney as a special assistant attorney general to perform the duties assigned to the attorney general under the bill.

§ 5 — Temporary Relief of Duties (Effective from passage)

The secretary of the state is authorized to temporarily relieve a registrar of his or her duties if they (1) fail to earn or maintain certification or (2) are the subject of an investigation related to his or her duties resulting from a statement filed with SEEC by the secretary. Under the bill, the secretary may issue a written instruction to the registrar to appear before her on a specified date and at a specified time. The instruction must cite the reasons why it was issued and inform the registrar that the purpose of the appearance is to determine whether to temporarily relieve the registrar of his or her duties.

In appearing before the secretary, the registrar must be given a fair opportunity to show cause why he or she should not be temporarily relieved of his or her duties. After providing such an opportunity, the secretary may temporarily relieve the registrar if the secretary determines that the public interest in the orderly conduct of elections would be served. In that case, the secretary must require that the deputy registrar administer office operations until (1) the registrar attains or maintains certification or (2) SEEC completes its investigation and takes final action on the matter.

The bill specifies that (1) a municipality may continue paying a registrar's salary while a resolution is pending and (2) the procedure it establishes for registrars appearing before the secretary is not a contested case under the Uniform Administrative Procedure Act.

§§ 3 & 6 — THE SECRETARY OF THE STATE

§ 3 — *Authority (Effective from passage)*

The secretary of the state's written declaratory rulings, instructions, and opinions must (1) be implemented, executed, and carried out by local election officials; (2) labeled as rulings, instructions, or opinions; and (3) cite the authority on which they are based.

§ 6 — *Complaints to SEEC (Effective from passage)*

By law, SEEC receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath concerning alleged election law violations. It investigates and holds hearings as it deems appropriate.

With respect to complaints the secretary files on or after July 1, 2015, the bill requires SEEC to (1) determine whether to investigate within 30 days after the filing and (2) complete an investigation and issue a decision within 90 days after the filing. If SEEC fails to meet these deadlines, the secretary may apply to Hartford Superior Court for an order to show cause why the commission has not acted on the complaint and provide evidence that the commission has unreasonably delayed action.

§§ 9 & 10 — VOTER REGISTRATION

§ 9 — *Online Voter Registration System (Effective from passage)*

Registrars and other admitting officials may use the online voter registration system to register voters during Election Day Registration (EDR). By law, a person may register and vote on Election Day at a designated EDR location if he or she meets the eligibility requirements for voting in this state 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.

§ 10 — *Deadlines (Effective from passage)*

Voter registration deadlines are made more uniform by moving the mail-in voter registration deadline from 14 to seven days before an election, thus making it the same as the in-person deadline. All other voter registration deadlines and voter registration sessions were not changed.

§§ 11 - 15 — ENDORSEMENTS AND NOMINATIONS

§§ 11 & 12 — Major Party Municipal Office Endorsements (Effective January 1, 2016)

Major parties must include the signatures of candidates they endorse to run in a primary for municipal office in the certificates they file with the town clerk. Existing law establishes the signature requirement for (1) major party legislative and statewide office candidates and (2) minor party nominations of municipal, legislative, and statewide office candidates.

The requirement that major parties file endorsement certificates for registrars of voters with town clerks is eliminated. Endorsements for all municipal office candidates elected at a state election are filed with the secretary of the state. Thus, in state election years, town clerks must publish notice indicating that the list of endorsed candidates will be available in the secretary's office, not in the clerk's office as under current law.

The endorsement certificate attestation requirements for justices of the peace and municipal office candidates elected at a state election are conformed to the attestation requirements for all other offices. Specifically, the requirement that both the chairperson (or presiding officer) and the secretary of the endorsing town committee, caucus, or convention attest to the certifications is eliminated. Instead, under the bill, only one must do so as is the case for all other endorsements.

Forms. Endorsements for municipal office candidates voted on at a state election may be on a form that the secretary of the state prescribes, or another form that complies with the certification requirements.

§§ 13 - 15 — Residency Requirements (Effective January 1, 2016)

All petitioning, write-in, and minor party candidates for municipal or district office must live within the district in which they seek to run. This requirement already applies to major party candidates.

A petitioning or minor party candidate nomination is valid only when the candidate's name appears on the last-completed enrollment list for the district in which he or she will run. A write-in candidate registration is valid only when it meets the same standard.

§ 15 — Invalid Nominations (Effective January 1, 2016)

By law, minor parties must certify their list of nominations to the secretary of the state or town clerk, whichever applies, by the 62nd day before the election. The bill deems invalid any certificate that the secretary or town clerk does not receive by this deadline. If invalidated, the party is deemed to have not nominated or certified any candidate for office. Similarly, under existing law, major parties are deemed to have not endorsed a

candidate if they miss statutory deadlines for filing a certificate of endorsement with the secretary of the state or town clerk, as applicable.

§§ 17 & 18—POLLING PLACES AND POLL WORKERS

§ 17 — *Ballot Clerks (Effective from passage)*

U.S. citizens age 16 or 17 who are bona fide residents of a town may be appointed as ballot clerks after (1) attending poll worker training and (2) receiving written permission from a parent or guardian, or in some cases, school principal.

§ 18 — *Posting Voter ID Requirements (Effective from passage)*

Voter ID requirements must be posted prominently next to the official checkers in each polling place at each primary, election, and referendum. The secretary of the state must prescribe the display's form, and the registrars must provide one for each polling place. The display must be visible to each elector when his or her name is checked off the official checklist.

§§ 19 & 20 – CANDIDATE’S NAME ON BALLOT (*Effective from passage*)

Clarifying and conforming changes were made to ensure all statutory sections regarding the placement of candidate names on the ballot remained consistent. Federal, state and municipal candidate names shall appear on the ballot as they are authorized by the candidate. Previously, the town clerk was required to compare a candidate name to the registry list in some cases.

§§ 21 - 27 — ELECTION RETURNS (*Effective from passage*)

Several changes were made to deadlines associated with canvassing election returns and submitting the official results to the secretary of the state. Under current law, the canvass of results must begin at the close of the polls and cannot stop until complete. Once complete, moderators must prepare a “duplicate list,” which includes candidate vote totals, together with a statement of the number of names on the official checklist and the number that voted. Duplicate lists are due by (1) midnight on election day to the secretary of the state, if submitted electronically; (2) 6:00 p.m. the day following the election to the secretary, if hand delivered; or (3) 4:00 p.m. to the State Police the day following the election, in which case the police must hand deliver the lists to the secretary by 6:00 p.m. that day.

Several changes were made to this process:

1. for state and federal elections, a “preliminary” list of candidate vote totals must be electronically transmitted by the head moderator to the secretary of the state by midnight on election day;
2. for state and federal elections, head moderators must electronically transmit a “full” duplicate list of candidate vote totals and turnout statistics to the secretary of the state by 48 hours after the polls close; and
3. for municipal elections, head moderators are required to electronically transmit election results by 48 hours after the polls close. The midnight deadline of election day was removed for municipal elections.

The table below expands on the changes made to election returns.

Section	Description	Current Law	Change
§ 21	Moderator deposits certificate from the official checkers with town clerk	Day following the primary or election	48 hours after the polls close
§ 21	Registrars deposit signed registry list with town clerk	Day following the primary or election	48 hours after the polls close
§ 23	Moderator announces (1) name of each candidate, and his or her absentee votes, and (2) votes for and against any ballot questions	As soon as the polls close and count is complete	48 hours after the polls close
§§ 23 & 26	Moderator submits “preliminary list” of election returns for offices voted on at a federal or state election	N/A	Midnight on election day by electronic means
§ 26	Moderator submits (1) “duplicate list” of election returns for offices voted on at a federal or state election or (2) results of votes for offices voted on at a municipal election	-Midnight on election day, if delivered by electronic means (hard copy must be delivered within three days after the election); -6:00 p.m. the day after the election, if delivered by hand; or -4:00 p.m. the day after the election, if delivered by hand to the State Police (in which case the police must meet the 6:00 p.m. deadline)	48 hours after the polls close by electronic means (hard copy must be delivered within three days after the election)
§ 27	Registrars provide town clerks with results of votes cast	N/A	48 hours after the polls

As previously stated, current law (1) requires election officials to canvass the returns immediately after the polls close and (2) prohibits them from stopping until the canvass is complete. The above noted changes create an exception to these provisions by allowing

the canvass to be temporarily interrupted after the moderator transmits the preliminary list to the secretary of the state in a state or federal election.

During the temporary interruption, the moderator / head moderator must:

1. return all tabulator keys to the registrars;
2. seal the tabulators against voting or tampering;
3. prepare and seal individual envelopes for write-in ballots; absentee ballots; moderator returns; and other notes, worksheets, or written materials used at the election; and
4. store the tabulators and envelopes in a secure place as directed by the registrars of voters.

When the temporary interruption is over, the moderator / head moderator must prepare to complete the canvass by (1) retrieving the keys, tabulators, and envelopes from the registrars and (2) breaking the seals.

§§ 28 - 29 — AUDITS (*Effective from passage*)

The secretary of the state, in conjunction with the University of Connecticut may authorize the use of electronic equipment for the purpose of conducting any audit of voting requirement required the law.

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017 CONCERNING GENERAL GOVERNMENT, EDUCATION AND HEALTH AND HUMAN SERVICES.

PA 15-5 June Special Session

§ 443—HARTFORD ELECTION MONITOR (*Effective from passage*)

A temporary “election monitor” is established in the City of Hartford. Specifically, (1) the election monitor is not considered a state employee and (2) the secretary of the state must contract with an individual to serve in this capacity until January 1, 2017.

The election monitor's purpose is to detect and prevent irregularity and impropriety within the municipality in the management of election administration. Specifically, the monitor must (1) conduct inspections, inquiries, and investigations concerning any duty or responsibility required by state election law and (2) immediately report to the secretary of the state any irregularity or impropriety discovered. The election monitor must have access to all records, data, and material maintained by, or available to, any municipal election official.

The municipality must provide office space, supplies, equipment, and services necessary for the monitor to properly carry out his or her duties.

§§ 451-453—REGIONAL ELECTION MONITORS (*Effective January 1, 2016*)

Regional Election Monitors are established within each of the state's nine planning regions to represent, consult with, and act on the secretary of the state's behalf before and during each election, primary, recanvass, and audit. The monitors are not state employees and the secretary of the state is required to certify them.

By March 1 annually, each COG is required to (1) contract with an individual to serve as the monitor for that planning region and (2) enter into a memorandum of understanding (MOU) with the secretary of the state about the monitor.

Qualifications and Contract Terms

Qualifications and contract terms for regional election monitors are: (1) each monitor must be certified by the secretary of the state, (2) each monitor must be a state elector, (3) each monitor must perform the position's duties in a nonpartisan manner, and (4) each monitor must have prior field experience in the conduct of elections.

By March 1 of each year, each COG must contract with an individual to serve as the monitor for its planning region. COGs (1) must provide their monitor with any space, supplies, equipment, and services necessary to properly carry out the position's duties and (2) may terminate the contract for any reason.

MOU with the Secretary of the State

By March 1 of each year, each COG must enter into an MOU with the secretary of the state concerning the regional election monitor. Within the MOU, the COG must confirm that:

1. the contract specifies the required terms and expectations;
2. the monitor is subject to the secretary's control and direction;
3. revocation by the secretary of the monitor's certification constitutes breach of contract and will result in the contract's immediate termination; and
4. the monitor will be retained for at least 30 days after the election, unless terminated.

Certification and Training

The secretary of the state must train individuals as monitors and certify those who successfully complete the training. The secretary is authorized to revoke a certification, with or without cause, at any time.

Regional election monitor certifications are effective for two years. Prior to the expiration of an initial or subsequent certification, monitors may undergo a secretary-prescribed abridged recertification process to satisfy the recertification requirements.

Duties

Monitors' duties include:

1. holding regional instructional sessions for moderators and alternate moderators;
2. communicating with registrars of voters to assist, to the extent permitted by law, in preparing for and conducting an election, primary, recanvass, or audit; and
3. transmitting an order issued by the secretary of the state.

§ 452 — MODERATORS AND ALTERNATE MODERATORS (*Effective January 1, 2016*)

Additional moderator training classes are required to be offered. The secretary of the state must (1) coordinate with monitors to hold regional instructional sessions in COG facilities and (2) establish the number of regional sessions, provided at least one is held before a regular election in each planning region.

Moderator certifications are effective for two years. Once certification has expired, moderators may undergo a secretary-prescribed abridged recertification process.

§ 454 — THE SECRETARY OF THE STATE'S AUTHORITY (*Effective January 1, 2016*)

The secretary of the state's written instructions and opinions shall be labeled and cite the authority on which they are based. In addition, the secretary's regulations, declaratory rulings, instructions, and opinions shall be implemented, executed, and carried out by local election officials. (PA 15-224 contains identical provisions on the secretary's written statements.)

Additionally, the secretary is authorized to issue an order to any registrar of voters or moderator during a municipal, state, or federal primary, election, recanvass, or audit to

correct an irregularity or impropriety related to its conduct. The order may be issued orally or in writing.

Any such order is effective upon issuance. As soon as practicable after issuing an oral order, the secretary must reduce it to writing and cite the authority on which it is based.

The bill authorizes the Superior Court, upon application of the secretary or attorney general, to enforce any order the secretary issues.

Note: All summaries are subject to legislative revision. Any inconsistency between this summary and the actual language of the legislation shall be reconciled by reference to the legislation itself.

This summary uses excerpts from the General Assembly, Office of Legislative Research.