



General Assembly

Amendment

January Session, 2021

LCO No. 10143



Offered by:
SEN. SAMPSON, 16th Dist.

To: Subst. Senate Bill No. 1074

File No. 525

Cal. No. 302

**"AN ACT CONCERNING VARIOUS PROVISIONS RELATED TO
GOVERNMENT ADMINISTRATION AND COVID-19."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (*Effective from passage*) Not later than October 1, 2021, the
4 Secretary of the State shall submit a report, in accordance with the
5 provisions of section 11-4a of the general statutes, to the joint standing
6 committee of the General Assembly having cognizance of matters
7 relating to elections (1) identifying each statute, regulation, requirement
8 or part thereof regarding the conduct of elections that was modified or
9 suspended, in whole or in part, by (A) executive order of the Governor
10 issued pursuant to section 28-9 of the general statutes, or (B) declaratory
11 ruling, instruction, opinion or order of the Secretary issued pursuant to
12 section 9-3 of the general statutes, as amended by this act, for any
13 election or primary held in 2020 or 2021, and (2) explaining and detailing
14 each such modification or suspension.

15 Sec. 502. Section 9-3 of the general statutes is repealed and the

16 following is substituted in lieu thereof (*Effective October 1, 2021*):

17 (a) The Secretary of the State, by virtue of the office, shall be the
18 Commissioner of Elections of the state, with such powers and duties
19 relating to the conduct of elections as are prescribed by law and, unless
20 otherwise provided by state statute, the Secretary's regulations,
21 declaratory rulings, instructions and opinions, if in written form, and
22 any order issued under subsection (b) of this section, shall be presumed
23 as correctly interpreting and effectuating the administration of elections
24 and primaries under this title, except for chapters 155 to 158, inclusive,
25 and shall be executed, carried out or implemented, as the case may be,
26 provided nothing in this section shall be construed to alter the right of
27 appeal provided under the provisions of chapter 54. Any such written
28 instruction or opinion shall be labeled as an instruction or opinion
29 issued pursuant to this section, as applicable, and any such instruction
30 or opinion shall cite any authority that is discussed in such instruction
31 or opinion.

32 (b) During any municipal, state or federal election, primary or
33 recanvass, or any audit conducted pursuant to section 9-320f, the
34 Secretary of the State may issue an order, whether orally or in writing,
35 to any registrar of voters or moderator to correct any irregularity or
36 impropriety in the conduct of such election, primary or recanvass or
37 audit. Any such order shall be effective upon issuance. As soon as
38 practicable after issuance of an oral order pursuant to this subsection,
39 the Secretary shall reduce such order to writing, cite within such order
40 any applicable provision of law authorizing such order and cause a copy
41 of such written order to be delivered to the individual who is the subject
42 of such order or, in the case that such order was originally issued in
43 writing, issue a subsequent written order that conforms to such
44 requirements. The Superior Court, on application of the Secretary or the
45 Attorney General, may enforce by appropriate decree or process any
46 such order issued pursuant to this subsection.

47 (c) Prior to issuing any declaratory ruling pursuant to section 4-176,
48 as amended by this act, or any instruction, opinion or order under the

49 provisions of this section, the Secretary of the State shall adopt such
50 declaratory ruling, instruction, opinion or order as a regulation, in
51 accordance with the provisions of chapter 54. The Secretary shall
52 publish on the eRegulations System a notice of intent to adopt (1) such
53 declaratory ruling as a regulation not later than sixty days after receipt
54 of a petition for a declaratory ruling, and (2) such instruction, opinion
55 or order as a regulation immediately upon proposing to so issue any
56 such instruction, opinion or order. Such declaratory ruling, instruction,
57 opinion or order shall be effective when the regulation is posted on the
58 eRegulations System by the Secretary of the State under section 4-172.

59 Sec. 503. Subdivision (16) of section 4-166 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective October*
61 *1, 2021*):

62 (16) "Regulation" means each agency statement of general
63 applicability, without regard to its designation, that implements,
64 interprets, or prescribes law or policy, or describes the organization,
65 procedure, or practice requirements of any agency. The term includes
66 the amendment or repeal of a prior regulation, but does not include (A)
67 statements concerning only the internal management of any agency and
68 not affecting private rights or procedures available to the public, (B)
69 declaratory rulings issued pursuant to section 4-176, as amended by this
70 act, other than declaratory rulings described in section 9-3, as amended
71 by this act, or (C) intra-agency or interagency memoranda;

72 Sec. 504. Section 4-176 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2021*):

74 (a) Any person may petition an agency, or an agency may on its own
75 motion initiate a proceeding, for a declaratory ruling as to the validity
76 of any regulation, or the applicability to specified circumstances of a
77 provision of the general statutes, a regulation, or a final decision on a
78 matter within the jurisdiction of the agency.

79 (b) Each agency shall adopt regulations, in accordance with the
80 provisions of this chapter, that provide for (1) the form and content of

81 petitions for declaratory rulings, (2) the filing procedure for such
82 petitions and (3) the procedural rights of persons with respect to the
83 petitions.

84 (c) Within thirty days after receipt of a petition for a declaratory
85 ruling, an agency shall give notice of the petition to all persons to whom
86 notice is required by any provision of law and to all persons who have
87 requested notice of declaratory ruling petitions on the subject matter of
88 the petition.

89 (d) If the agency finds that a timely petition to become a party or to
90 intervene has been filed according to the regulations adopted under
91 subsection (b) of this section, the agency: (1) May grant a person status
92 as a party if the agency finds that the petition states facts demonstrating
93 that the petitioner's legal rights, duties or privileges shall be specifically
94 affected by the agency proceeding; and (2) may grant a person status as
95 an intervenor if the agency finds that the petition states facts
96 demonstrating that the petitioner's participation is in the interests of
97 justice and will not impair the orderly conduct of the proceedings. The
98 agency may define an intervenor's participation in the manner set forth
99 in subsection (d) of section 4-177a.

100 (e) Within sixty days after receipt of a petition for a declaratory
101 ruling, an agency in writing shall: (1) Issue a ruling declaring the
102 validity of a regulation or the applicability of the provision of the
103 general statutes, the regulation, or the final decision in question to the
104 specified circumstances, (2) order the matter set for specified
105 proceedings, (3) agree to issue a declaratory ruling by a specified date,
106 (4) decide not to issue a declaratory ruling and initiate regulation-
107 making proceedings, under section 4-168, on the subject, [or] (5) decide
108 not to issue a declaratory ruling, stating the reasons for its action, or (6)
109 in the case of a declaratory ruling described in section 9-3, as amended
110 by this act, publish notice of intent to adopt regulations concerning such
111 declaratory ruling.

112 (f) A copy of all rulings issued and any actions taken under

113 subsection (e) of this section shall be promptly delivered to the
114 petitioner and other parties personally or by United States mail, certified
115 or registered, postage prepaid, return receipt requested.

116 (g) If the agency conducts a hearing in a proceeding for a declaratory
117 ruling, the provisions of subsection (b) of section 4-177c, section 4-178
118 and section 4-179 shall apply to the hearing.

119 (h) [A] Except as provided in subsection (c) of section 9-3, as amended
120 by this act, a declaratory ruling shall be effective when personally
121 delivered or mailed or on such later date specified by the agency in the
122 ruling, shall have the same status and binding effect as an order issued
123 in a contested case and shall be a final decision for purposes of appeal
124 in accordance with the provisions of section 4-183. A declaratory ruling
125 shall contain the names of all parties to the proceeding, the particular
126 facts on which it is based and the reasons for its conclusion.

127 (i) If an agency does not issue a declaratory ruling, other than a
128 declaratory ruling described in section 9-3, as amended by this act,
129 within one hundred eighty days after the filing of a petition therefor, or
130 within such longer period as may be agreed by the parties, the agency
131 shall be deemed to have decided not to issue such ruling.

132 (j) The agency shall keep a record of the proceeding as provided in
133 section 4-177.

134 Sec. 505. Subsection (l) of section 9-140 of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective October*
136 *1, 2021*):

137 (l) (1) No candidate, party or political committee, or agent of such
138 candidate or committee shall mail unsolicited applications for absentee
139 ballots to any person, unless such mailing includes: [(1)] (A) A written
140 explanation of the eligibility requirements for voting by absentee ballot
141 as prescribed in subsection (a) of section 9-135, and [(2)] (B) a written
142 warning that voting or attempting to vote by absentee ballot without
143 meeting one or more of such eligibility requirements subjects the elector

144 or applicant to potential civil and criminal penalties. As used in this
145 [subsection] subdivision, "agent" means any person authorized to act on
146 behalf of another person.

147 (2) Notwithstanding the provisions of subdivision (1) of this
148 subsection, neither the Secretary of the State nor any registrar of voters,
149 town clerk or any individual appointed thereby shall mail unsolicited
150 applications for absentee ballots to any person.

151 Sec. 506. (NEW) (*Effective from passage*) Notwithstanding the
152 provisions of subsection (c) of section 9-147a and sections 9-150a and 9-
153 150e of the general statutes, whenever at any election the General
154 Assembly authorizes absentee ballots to be processed before the day of
155 such election, (1) the registrars of voters of each municipality shall
156 appoint absentee ballot counters for such purpose and such absentee
157 ballot counters shall so process absentee ballots before the day of such
158 election in accordance with applicable provisions of law, and (2) in the
159 case of any returned absentee ballot for which the statement on the inner
160 envelope has not been signed as required by section 9-140a of the
161 general statutes, (A) the registrars of voters shall not contact the
162 absentee ballot applicant who returned such absentee ballot for the
163 purpose of curing such lack of signature, and (B) the absentee ballot
164 counters shall not open such inner envelope or remove the ballot
165 therefrom, shall replace such inner envelope in the opened outer
166 envelope and shall mark such outer envelope "Rejected" and endorse
167 the reason for such rejection on such outer envelope.

168 Sec. 507. (*Effective October 1, 2021*) (a) Notwithstanding the provisions
169 of section 7-192a of the general statutes, the Secretary of the State shall
170 establish a pilot program for the manual or electronic verification of
171 signatures on the inner envelopes for returned absentee ballots at the
172 2022 state election. The Secretary shall randomly select five
173 municipalities for participation in such pilot program, in accordance
174 with the following: (1) One municipality with a population of less than
175 ten thousand; (2) one municipality with a population of ten thousand or
176 greater, but less than twenty-five thousand; (3) one municipality with a

177 population of twenty-five thousand or greater, but less than fifty
178 thousand; (4) one municipality with a population of fifty thousand or
179 greater, but less than one hundred thousand; and (5) one municipality
180 with a population of one hundred thousand or greater. For the purposes
181 of this section, "population" means the estimated number of people
182 according to the most recent version of the State Register and Manual
183 prepared pursuant to section 3-90 of the general statutes.

184 (b) Not later than January 1, 2023, the Secretary of the State shall
185 submit a report on the findings of the pilot program described in
186 subsection (a) of this section and recommendations for legislation to the
187 joint standing committee of the General Assembly having cognizance of
188 matters relating to elections, in accordance with the provisions of section
189 11-4a of the general statutes.

190 Sec. 508. Subsection (b) of section 9-139a of the general statutes is
191 repealed and the following is substituted in lieu thereof (*Effective from*
192 *passage*):

193 (b) The application for absentee ballot shall be in the form of a
194 statement signed under the penalties of false statement in absentee
195 balloting. Each application shall contain (1) spaces for the signature
196 under the penalties of false statement in absentee balloting of any person
197 who assists the applicant in the completion of an application, together
198 with the information required in section 9-140, as amended by this act,
199 [and] (2) spaces for the signature and the printed or typed name of the
200 applicant, and (3) a conspicuously placed statement of the penalties for
201 violation of any provision of said section regarding possession,
202 completion or return of an application.

203 Sec. 509. (*Effective from passage*) (a) There is established a task force to
204 study the feasibility of implementing procedures whereby an absentee
205 ballot applicant uses a single envelope, instead of two, for the return of
206 such applicant's absentee ballot. Such study shall include an
207 examination and identification of each section of the general statutes
208 that would require amending in order to implement such procedures.

- 209 (b) The task force shall consist of the following members:
- 210 (1) One appointed by the speaker of the House of Representatives;
- 211 (2) One appointed by the president pro tempore of the Senate;
- 212 (3) One appointed by the minority leader of the House of
213 Representatives;
- 214 (4) One appointed by the minority leader of the Senate;
- 215 (5) One appointed by the House of Representatives chairperson of the
216 joint standing committee of the General Assembly having cognizance of
217 matters relating to elections;
- 218 (6) One appointed by the Senate chairperson of the joint standing
219 committee of the General Assembly having cognizance of matters
220 relating to elections;
- 221 (7) One appointed by the House of Representatives ranking member
222 of the joint standing committee of the General Assembly having
223 cognizance of matters relating to elections;
- 224 (8) One appointed by the Senate ranking member of the joint standing
225 committee of the General Assembly having cognizance of matters
226 relating to elections;
- 227 (9) The Secretary of the State, or the Secretary's designee;
- 228 (10) Two appointed by the president of the Registrars of Voters
229 Association of Connecticut, each of whom shall be enrolled in a different
230 political party from the other; and
- 231 (11) One appointed by the president of the Connecticut Town Clerks
232 Association.
- 233 (c) Any member of the task force appointed under subdivision (1),
234 (2), (3), (4), (5), (6), (7) or (8) of subsection (b) of this section may be a
235 member of the General Assembly.

236 (d) All initial appointments to the task force shall be made not later
237 than thirty days after the effective date of this section. Any vacancy shall
238 be filled by the appointing authority.

239 (e) The speaker of the House of Representatives and the president pro
240 tempore of the Senate shall select the chairpersons of the task force from
241 among the members of the task force. Such chairpersons shall schedule
242 the first meeting of the task force, which shall be held not later than sixty
243 days after the effective date of this section.

244 (f) The administrative staff of the joint standing committee of the
245 General Assembly having cognizance of matters relating to elections
246 shall serve as administrative staff of the task force.

247 (g) Not later than January 1, 2022, the task force shall submit a report
248 on its findings and recommendations to the joint standing committee of
249 the General Assembly having cognizance of matters relating to
250 elections, in accordance with the provisions of section 11-4a of the
251 general statutes. The task force shall terminate on the date that it
252 submits such report or January 1, 2022, whichever is later.

253 Sec. 510. (*Effective from passage*) (a) There is established a working
254 group to (1) examine employing risk-limiting audits to determine the
255 accuracy of election results, including (A) the feasibility of
256 implementing such audits, (B) the different methods used in such audits
257 and the practical considerations for implementation of each such
258 method within the existing statutory framework, (C) any potential
259 equipment necessary to implement one or more of such methods, (D)
260 the procedures necessary to implement one or more of such methods,
261 and (E) any changes to such statutory framework necessary to
262 implement one or more of such methods, and (2) within available
263 appropriations, oversee a pilot program in not less than five and not
264 more than ten municipalities of one or more of such methods for the
265 municipal elections held in such municipalities in 2021.

266 (b) The working group shall consist of the following members:

267 (1) The Secretary of the State, or the Secretary's designee, who shall
268 be the chairperson of such working group;

269 (2) One appointed by the speaker of the House of Representatives;

270 (3) One appointed by the president pro tempore of the Senate;

271 (4) One appointed by the minority leader of the House of
272 Representatives;

273 (5) One appointed by the minority leader of the Senate;

274 (6) Two appointed by the chairpersons and ranking members of the
275 joint standing committee of the General Assembly having cognizance of
276 matters relating to elections, each of whom shall be enrolled in a
277 different political party from the other;

278 (7) Two appointed by the Secretary of the State, one of whom shall be
279 admitted to the practice of law in this state and have expertise in the
280 election laws of this state, and the other of whom shall be a statistician;

281 (8) Two appointed by the president of the Registrars of Voters
282 Association of Connecticut, each of whom shall be enrolled in a different
283 political party from the other; and

284 (9) The director of the Center for Voting Technology Research at The
285 University of Connecticut, or the director's designee.

286 (c) Any member of the working group appointed under subdivision
287 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
288 of the General Assembly.

289 (d) All initial appointments to the working group shall be made not
290 later than thirty days after the effective date of this section. Any vacancy
291 shall be filled by the appointing authority.

292 (e) The Secretary of the State, or the Secretary's designee, as
293 chairperson of the working group, shall schedule the first meeting of
294 such working group, which shall be held not later than sixty days after

295 the effective date of this section.

296 (f) The administrative staff of the joint standing committee of the
297 General Assembly having cognizance of matters relating to elections
298 shall serve as administrative staff of the working group.

299 (g) Not later than January 31, 2022, the working group shall submit a
300 report on its findings and recommendations to the joint standing
301 committee of the General Assembly having cognizance of matters
302 relating to elections, in accordance with the provisions of section 11-4a
303 of the general statutes, and to the Secretary of the State. The working
304 group shall terminate on the date that it submits such report or January
305 31, 2022, whichever is later.

306 Sec. 511. Section 9-374 of the general statutes is repealed and the
307 following is substituted in lieu thereof (*Effective from passage*):

308 No authority of the state or any political subdivision thereof having
309 jurisdiction over the conduct of any primary shall permit the name of a
310 party-endorsed candidate for an office or position to be printed on the
311 official ballot to be used at any such primary unless a copy of the party
312 rules regulating such party and its method of selecting party-endorsed
313 candidates for nomination to such office or for election as town
314 committee members, as the case may be, has been filed in the office of
315 the Secretary of the State at least sixty days before such candidate is
316 selected under such method of endorsement. The selection of delegates
317 to conventions shall not be valid unless at least one copy of the party
318 rules regulating the manner of making such selection has been filed in
319 the office of the Secretary of the State at least sixty days before such
320 selection is made. A duplicate copy of such rules shall also be filed with
321 the state central committee of such party. A copy of the local party rules,
322 relating to a party in a municipality, shall be filed forthwith by the town
323 chairman or the secretary of the town committee of such party in such
324 municipality with the Secretary of the State. The state party rules shall
325 be filed by the state chairman or the secretary of the state central
326 committee of such party. In the case of a minor party, no authority of

327 the state or any subdivision thereof having jurisdiction over the conduct
 328 of any election shall permit the name of a candidate of such party for
 329 any office to be printed on the official ballot unless at least one copy of
 330 the party rules regulating the manner of nominating a candidate for
 331 such office has been filed in the office of the Secretary of the State at least
 332 [sixty] one hundred eighty days before the nomination of such
 333 candidate. In the case of a minor party, the selection of town committee
 334 members and delegates to conventions shall not be valid unless at least
 335 one copy of the party rules regulating the manner of making such
 336 selection has been filed in the office of the Secretary of the State at least
 337 sixty days before such selection is made. A copy of local party rules shall
 338 forthwith be also filed with the town clerk of the municipality to which
 339 they relate. Party rules shall not be effective until sixty days after the
 340 filing of the same with the Secretary of the State. A party in any
 341 municipality for which local party rules with respect to any office or
 342 position have not been filed as provided in this section shall, as to such
 343 office or position, be subject to the provisions of the effective state rules
 344 of such party applicable in municipalities which do not have local party
 345 rules, until such time as local party rules therefor are filed and become
 346 effective as provided in this section. The town chairman of a party in
 347 any municipality for which local party rules have not been adopted and
 348 filed as provided in this section shall forthwith file a statement with the
 349 Secretary of the State to the effect that such party in such municipality
 350 does not have local party rules. The term "party rules" as used in this
 351 section includes any amendment to such party rules. When any
 352 amendment is to be filed as required by this section, complete party
 353 rules incorporating such amendment shall be filed, together with a
 354 separate copy of such amendment. "

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| This act shall take effect as follows and shall amend the following sections: | | |
| Sec. 501 | <i>from passage</i> | New section |
| Sec. 502 | <i>October 1, 2021</i> | 9-3 |
| Sec. 503 | <i>October 1, 2021</i> | 4-166(16) |
| Sec. 504 | <i>October 1, 2021</i> | 4-176 |

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| Sec. 505 | <i>October 1, 2021</i> | 9-140(l) |
| Sec. 506 | <i>from passage</i> | New section |
| Sec. 507 | <i>October 1, 2021</i> | New section |
| Sec. 508 | <i>from passage</i> | 9-139a(b) |
| Sec. 509 | <i>from passage</i> | New section |
| Sec. 510 | <i>from passage</i> | New section |
| Sec. 511 | <i>from passage</i> | 9-374 |