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## OLR Bill Analysis

### sSB 386

#### ***AN ACT CONCERNING DESIGNATION OF POLLING PLACES, EARLY VOTING AND REGIONAL ELECTION ADVISORS.***

#### **SUMMARY**

This bill establishes procedural requirements for moving the location of a polling place between one election or primary and the next, including requiring the municipal legislative body's approval and a public hearing. Under current law, the registrars of voters are generally authorized to change a polling place's location. (The bill states the new procedure applies specifically to proposals to move polling places, but the bill applies the new procedure to existing provisions that appear to contemplate other changes (e.g., creating a new polling location in an adjacent district), as well.)

The bill also requires the secretary of the state to conduct a statewide review of the early voting procedures used for the most recent presidential preference primary. The secretary must review them for any inconsistencies, insufficiencies, or deficiencies. By May 1, 2024, she must submit a report to the Government Administration and Elections Committee that includes her findings and recommendations to improve the procedures for future elections and primaries (§ 6).

Additionally, the bill eliminates the requirements that regional councils of governments (COG) enter into a memorandum of understanding (MOU) with a regional election advisor by a specified deadline (§ 7).

Finally, the bill establishes procedures for appointing a registrar of voters as a moderator for an early voting location (§ 8).

**EFFECTIVE DATE:** Upon passage, except that provisions regarding the relocation of polling places are effective July 1, 2024.

## **§§ 1-5 — AUTHORITY FOR DESIGNATION OR RELOCATION OF POLLING PLACES**

### ***Procedure to Move a Polling Place***

Before a polling place may be moved from the location used for the prior election or primary the:

1. registrars of voters or municipal legislative body, as applicable, must propose the move (a) at a regular meeting of the legislative body and (b) at least 120 days before the election or primary at which the polling location will be used;
2. legislative body must hold a public hearing at least 110 days before the election or primary; and
3. legislative body must approve or reject the move at least 100 days before the election or primary.

By law, a polling place must be set at least 31 days before an election and cannot be changed unless the registrars of voters and town clerk unanimously determine a polling location is unusable. The bill does not explicitly change this requirement or exempt it from this procedure.

The polling place must also meet any other requirements that apply specifically when a polling place is moved before a state election (1) due to differing voting district lines or (2) to an adjacent voting district, as described below.

### ***Proposal to Move Polling Location (§§ 2 & 5)***

Under current law, polling locations are generally determined by a municipality's (1) legislative body if the town is not divided into voting districts (i.e., has only one district) and (2) registrars of voters if the town is divided into multiple districts, unless a special act requires otherwise. If the registrars cannot agree on a location, the legislative body must select it.

The bill subjects these determinations by the legislative body or registrars, as applicable, to the procedure described above. Presumably, in towns with only one voting district, the legislative body may propose

moving a polling location at its regularly scheduled meeting and, in towns with multiple districts, the registrars may do so. In either case, the proposal is subject to the legislative body's approval or rejection under the bill.

***Moving a Polling Place Before a State Election (§ 2)***

Under current law, state elections must generally be held at their usual locations, but the registrars of voters may designate a different location if they comply with the law's requirements (i.e., in writing to the town clerk at least 31 days before the election).

The bill retains the law's requirement that state elections be held at their usual locations. However, it allows the municipality's legislative body, rather than registrars, to designate a different location and additionally requires it to follow the approval procedure described above (i.e., a public hearing and approval by the legislative body). For towns with multiple voting districts, it is unclear whether the registrars or the legislative body may propose moving the location (subject to the bill's procedure, as described above).

***Municipal Boundaries Differ From State Legislative and Congressional District Lines (§ 3)***

Current law authorizes registrars to determine whether certain voting districts should have a designated polling place or should instead share a place with another voting district but have a separate designated voting tabulator. The bill transfers the power from the registrars to the municipality's legislative body.

Specifically, these provisions apply for polling locations in situations where (1) the voting district boundaries for municipal elections differ from assembly, senatorial, or congressional district lines or (2) a voting district has less than 1,500 electors voting for a specific combination of officers.

***Adjacent Voting Districts (§ 4)***

If the registrars determine, in a written opinion, that a voting district lacks an existing convenient or suitable polling place, current law

authorizes them to designate a new polling location in an adjacent voting district (or in a separate room in the adjacent district's existing polling place). The bill instead requires the registrars to submit their written opinion, along with a proposal, to the municipality's legislative body for the body to designate.

Under existing law and the bill, the registrars' written opinion and the subsequent designation must be filed with the town clerk 90 days before a regular election or primary. Within 10 days of the filing, the town clerk must publish the determination.

### **§ 7 — REGIONAL ELECTION ADVISOR DEADLINE**

Under existing law, COGs may appoint a regional election advisor to consult and coordinate with the secretary of the state regarding election administration in the participating towns. Current law allows the COG to enter into a MOU with an advisor, but if they wish to do so, it must occur before March 1 of each regular election year. COGs may receive a grant for appointing an election advisor, but only if they have filed the MOU by this deadline. The bill eliminates the (1) March 1 deadline for entering into the MOU and (2) requirement that the MOU be filed each regular election year.

### **§ 8 — PROCEDURES FOR REGISTRARS TO SERVE AS EARLY VOTING MODERATORS**

Existing law allows registrars of voters to appoint moderators to oversee early voting locations. The bill specifies that the municipality's registrars of voters may agree to appoint one of them to serve as the moderator instead. If they choose to do so, they must submit a certification of their agreement to the secretary of the state as well as a written coverage plan for the registrar's normal duties, to ensure the registrar abstains from any that conflict with its role as moderator.

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19    Nay 0    (03/22/2024)