



# Senate

General Assembly

**File No. 392**

February Session, 2024

Substitute Senate Bill No. 386

*Senate, April 10, 2024*

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 DESIGNATION OF POLLING PLACES,  
EARLY VOTING AND REGIONAL ELECTION ADVISORS.***

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

1 Section 1. (NEW) (*Effective July 1, 2024*) In any municipality where the  
2 registrars of voters or the legislative body of such municipality, as  
3 applicable, propose that the location of any polling place to be used at  
4 an election or primary be moved from the location of such polling place  
5 at the immediately preceding election or primary, (1) not later than one  
6 hundred twenty days before the election or primary at which such  
7 polling place is to be used, the registrars of voters or legislative body, as  
8 applicable, shall so propose any such move at a regular meeting of such  
9 legislative body, (2) not later than one hundred ten days before the  
10 election or primary at which such polling place is to be used, the  
11 legislative body shall conduct a public hearing on such proposed move,  
12 and (3) not later than one hundred days before the election or primary  
13 at which such polling place is to be used, the legislative body shall  
14 approve or disapprove such proposed move. In the case of any such

15 proposed move that is approved, the registrars of voters or the  
16 legislative body, as applicable, shall designate such new polling place  
17 location in accordance with the provisions of applicable law.

18 Sec. 2. Section 9-168 of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective July 1, 2024*):

20 [In] Subject to the provisions of section 1 of this act, (1) in any town  
21 not divided into voting districts, the place of holding elections may be  
22 determined by the legislative body of such town, [ In] and (2) in towns  
23 divided into voting districts, the place of holding elections shall be  
24 determined as provided in section 9-169, as amended by this act, or any  
25 special act, whichever applies. Except as provided in section 9-169a,  
26 state elections shall be held at the usual place or places of holding  
27 elections in the town or the voting districts thereof, as the case may be,  
28 unless, [the registrars of voters, in writing, have designated to the clerk  
29 of such town,] at least thirty-one days before any such state election, the  
30 legislative body of such town designates a different place or places for  
31 holding such election in accordance with the provisions of section 1 of  
32 this act. Unless otherwise provided by special act, the place of holding  
33 city or borough elections shall be determined by the legislative body of  
34 such city or borough. Any provision of any charter or special act to the  
35 contrary notwithstanding, the place or places of holding an election  
36 shall be determined at least thirty-one days prior to such election, and  
37 such place or places shall not be changed within the period of thirty-one  
38 days prior to such election except that, if the municipal clerk and  
39 registrars of voters of a municipality unanimously find that any such  
40 polling place within such municipality has been rendered unusable  
41 within such period, they shall forthwith designate another polling place  
42 to be used in place of the one so rendered unusable and shall give  
43 adequate notice that such polling place has been so changed.

44 Sec. 3. Section 9-168a of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective July 1, 2024*):

46 (a) Any provision of the general statutes to the contrary  
47 notwithstanding, in any municipality in which, at any election, or

48 primary, as a result of the assembly, senatorial or congressional district  
49 lines in effect, there is a voting district or a part of a voting district which  
50 differs geographically from the district lines as constituted in a  
51 municipal election year, the [registrars of voters may] legislative body  
52 of the municipality may, in accordance with the provisions of section 1  
53 of this act, either provide a suitable polling place therein or, [may,] in  
54 lieu thereof, [with the approval of the legislative body of the  
55 municipality,] provide separate voting tabulators in the polling place of  
56 another voting district in said municipality for use by such electors. The  
57 registrars of voters shall determine which polling place officials are  
58 necessary for such separate tabulators and shall provide the procedure  
59 to ensure that the electors use the proper voting tabulator, which  
60 procedure may include the registrars of voters prescribing and  
61 providing receipts.

62 (b) Any provision of the general statutes to the contrary  
63 notwithstanding, in any municipality in which, at any election or  
64 primary, as a result of the assembly, senatorial or congressional district  
65 lines in effect, there is a voting district with less than one thousand five  
66 hundred electors who vote for a combination of officers that no other  
67 electors of the town vote for, the [registrars of voters may] legislative  
68 body of the municipality may, in accordance with the provisions of  
69 section 1 of this act, either provide a suitable polling place therein or,  
70 [may,] in lieu thereof, provide separate voting tabulators in the polling  
71 place of another voting district in said municipality for use by such  
72 electors. If the [registrars of voters provide] legislative body provides  
73 separate voting tabulators in the polling place of another voting district,  
74 [they] the registrars of voters shall determine which polling place  
75 officials are necessary for the district containing less than one thousand  
76 five hundred electors and shall provide the procedure to ensure that the  
77 electors use the proper voting tabulators, which procedure may include  
78 the registrars of voters prescribing and providing receipts.

79 (c) In any election or primary where electors in more than one voting  
80 district vote in the same building and vote for all the same officers, and  
81 the law does not require separate returns, the registrars of voters may

82 combine the voting districts and polling places into one voting district  
83 and polling place, with or without integrating the voting districts on the  
84 check lists used at the election or primary. The registrars of voters shall  
85 file a statement of their action with the town clerk before the election or  
86 primary and the town clerk shall label the polling place return form to  
87 show which districts are combined on such return.

88 Sec. 4. Section 9-168b of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective July 1, 2024*):

90 When in the written opinion of the registrars of any municipality, the  
91 lack of an existing convenient or suitable polling place within the lines  
92 of a particular voting district necessitates the designation of a polling  
93 place in an adjacent district, such registrars may submit such written  
94 opinion to the legislative body of such municipality along with a  
95 proposal for the legislative body to designate a convenient and suitable  
96 polling place in a voting district adjacent thereto, located as near as  
97 possible to the boundaries of the voting district for which designated, in  
98 accordance with the provisions of section 1 of this act. A separate  
99 location from the existing polling place for such adjacent district shall  
100 be designated, except that a separate room within such existing polling  
101 place may be designated. Such written opinion of the registrars and  
102 designation by the legislative body shall be filed with the municipal  
103 clerk not later than ninety days before a regular election, or primary.  
104 Within ten days after such filing, the municipal clerk shall cause notice  
105 of such filing to be published in the newspaper having the greatest  
106 circulation in the town. Such designation shall remain in effect for future  
107 elections and primaries, until the registrars file a document with the  
108 municipal clerk stating that the designation of such polling place in an  
109 adjacent district is no longer necessary.

110 Sec. 5. Section 9-169 of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective July 1, 2024*):

112 The legislative body of any town, consolidated town and city or  
113 consolidated town and borough may divide and, from time to time,  
114 redivide such municipality into voting districts. [The] Subject to the

115 provisions of section 1 of this act, the registrars of voters of any  
116 municipality taking such action shall provide a suitable polling place in  
117 each district but, if the registrars fail to agree as to the location of any  
118 polling place or places, the legislative body shall determine the location  
119 thereof. Polling places to be used in an election shall be determined at  
120 least thirty-one days before such election, and such polling places shall  
121 not be changed within [said] such period of thirty-one days except that,  
122 if the municipal clerk and registrars of voters of a municipality  
123 unanimously find that any such polling place within such municipality  
124 has been rendered unusable within such period, they shall forthwith  
125 designate another polling place to be used in place of the one so  
126 rendered unusable and shall give adequate notice that such polling  
127 place has been so changed. The registrars of voters shall keep separate  
128 lists of the electors residing in each district and shall appoint for each  
129 district a moderator in accordance with the provisions of section 9-229  
130 and such other election officials as are required by law, and shall  
131 designate one of the moderators so appointed or any other elector of  
132 such town to be the head moderator for the purpose of declaring the  
133 results of elections in the whole municipality. The registrars may also  
134 designate a deputy head moderator to assist the head moderator in the  
135 performance of his duties provided the deputy head moderator and the  
136 head moderator shall not be enrolled in the same major party, as defined  
137 in subdivision (5) of section 9-372. The selectmen, town clerk, registrars  
138 of voters and all other officers of the municipality shall perform the  
139 duties required of them by law with respect to elections in each voting  
140 district established in accordance with this section. Voting district lines  
141 shall not be drawn by a municipality so as to conflict with the lines of  
142 congressional districts, senate districts or assembly districts as  
143 established by law, except (1) as provided in section 9-169d<sub>2</sub> and (2) that<sub>2</sub>  
144 as to municipal elections, any part of a split voting district containing  
145 less than two hundred electors may be combined with another voting  
146 district adjacent thereto from which all and the same officers are elected  
147 at such municipal election in accordance with the provisions of section  
148 1 of this act. Any change in the boundaries of voting districts made  
149 within ninety days prior to any election or primary shall not apply with

150 respect to such election or primary. The provisions of this section shall  
151 prevail over any contrary provision of any charter or special act.

152       Sec. 6. (*Effective from passage*) At the conclusion of the presidential  
153 preference primary held on April 2, 2024, the Secretary of the State shall  
154 conduct a state-wide review of the implementation of early voting  
155 procedures at said primary for any inconsistencies, insufficiencies or  
156 deficiencies in such implementation. Not later than May 1, 2024, the  
157 Secretary shall submit a report to the joint standing committee of the  
158 General Assembly having cognizance of matters relating to elections, in  
159 accordance with the provisions of section 11-4a of the general statutes,  
160 detailing the findings of such review and making recommendations for  
161 any improvements in the implementation of early voting procedures at  
162 future elections and primaries.

163       Sec. 7. Subsection (c) of section 9-229b of the 2024 supplement to the  
164 general statutes is repealed and the following is substituted in lieu  
165 thereof (*Effective from passage*):

166       (c) [Not later than March first of the year of each regular election,  
167 each] Each regional council of governments that has appointed a  
168 regional election advisor shall enter into a memorandum of  
169 understanding with the Secretary of the State concerning the assistance  
170 to be provided by such regional election advisor, and shall confirm  
171 within such memorandum of understanding that (1) each requirement  
172 described in subsection (b) of this section is satisfied and the individual  
173 who shall serve as regional election advisor has been informed, in  
174 writing, of the minimum expectations of performance for the position,  
175 and (2) revocation by the Secretary of such regional election advisor's  
176 certification constitutes breach of such memorandum of understanding,  
177 which may result in termination of such memorandum of  
178 understanding if the regional council of governments is not able to  
179 appoint a replacement regional election advisor within thirty days after  
180 such revocation.

181       Sec. 8. Subdivision (4) of subsection (b) of section 9-163aa of the 2024  
182 supplement to the general statutes is repealed and the following is

183 substituted in lieu thereof (*Effective from passage*):

184 (4) (A) The registrars of voters shall appoint, for each day on which  
 185 early voting is conducted, a moderator and such other election or  
 186 primary officials to serve at each location designated for such conduct.  
 187 The moderator so appointed shall perform any duty required, and may  
 188 exercise any power authorized, under this title related to the conduct of  
 189 early voting at such location. On any such day and solely for purposes  
 190 related to the conduct of early voting, the registrars of voters of a  
 191 municipality may, upon agreement, appoint one of the registrars from  
 192 such municipality as moderator in accordance with the provisions of  
 193 subparagraph (B) of this subdivision. The registrars of voters may  
 194 delegate to each other election or primary official so appointed any of  
 195 the responsibilities assigned to the registrars of voters. The registrars of  
 196 voters shall supervise each such official and train each such official to be  
 197 an early voting election or primary official.

198 (B) Whenever the registrars of voters of a municipality appoint,  
 199 pursuant to subparagraph (A) of this subdivision, one of the registrars  
 200 of such municipality as moderator to serve at a location designated for  
 201 the conduct of early voting, such registrars of voters shall jointly submit  
 202 to the Secretary of the State (i) a certification that the registrars of voters  
 203 of such municipality are in agreement as to such appointment, and (ii)  
 204 a written plan detailing alternative coverage of the duties normally  
 205 carried out by the registrar so appointed to ensure that such registrar  
 206 abstains, on each day in which such registrar serves as moderator, from  
 207 any such duties that conflict with those of the moderator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	New section
Sec. 2	July 1, 2024	9-168
Sec. 3	July 1, 2024	9-168a
Sec. 4	July 1, 2024	9-168b
Sec. 5	July 1, 2024	9-169
Sec. 6	from passage	New section
Sec. 7	from passage	9-229b(c)

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Sec. 8	<i>from passage</i>	9-163aa(b)(4)
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**Statement of Legislative Commissioners:**

In Section 1(1) to (3), "such election or primary" was changed to "the election or primary at which such polling place is to be used" for clarity; and in Section 5, "said period of thirty-one days" was changed to "[said] such period of thirty-one days" for consistency with standard drafting conventions.

**GAE**      *Joint Favorable Subst.*



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*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.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill (1) establishes various procedural requirements around early voting and relocating polling places; (2) eliminating some existing requirements of agreements between regional election advisors and councils of government; and (3) requires the Secretary of the State (SOTS) to conduct a statewide review of early voting procedures and results in no fiscal impact to the state or municipalities.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**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)