



Senate

General Assembly

File No. 483

February Session, 2024

Substitute Senate Bill No. 441

Senate, April 15, 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 ELECTION ADMINISTRATION OVERSIGHT.

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

1 Section 1. (NEW) (*Effective July 1, 2024*) (a) There is established a
2 Municipal Election Accountability Board, which shall be within the
3 office of the Secretary of the State for administrative purposes only, for
4 the purposes of reviewing the administration of elections, primaries and
5 referenda, including the conduct of early voting, absentee voting and
6 same-day election registration, in municipalities in this state whenever
7 such municipalities are referred to the board for such review, overseeing
8 the administration of elections in such municipalities where necessary
9 and establishing procedural safeguards for the effective conduct of such
10 elections, primaries and referenda in such municipalities. Nothing in
11 this section shall be construed to (1) affect the powers and duties under
12 title 9 of the general statutes of the Secretary of the State or the State
13 Elections Enforcement Commission, including chapter 151a of the
14 general statutes, or (2) preclude any person from seeking additional

15 remedies under said title, including said chapter.

16 (b) (1) The Municipal Election Accountability Board shall be
17 comprised of: (A) The Secretary of the State, or the Secretary's designee,
18 who shall be the chairperson of the board; (B) the executive director of
19 the State Elections Enforcement Commission, or the executive director's
20 designee; (C) nine members appointed by the Secretary of the State, with
21 the advice and consent of the General Assembly, as follows: (i) One
22 member who shall be admitted to the practice of law in this state and
23 has expertise in election administration; (ii) two members who shall be
24 moderators that are certified under section 9-229 of the general statutes
25 and enrolled in different political parties and who shall be selected from
26 a list of five recommendations by the Registrars of Voters Association of
27 Connecticut; (iii) two members who shall be registrars of voters and
28 enrolled in different political parties and who shall be selected from a
29 list of five recommendations by the Registrars of Voters Association of
30 Connecticut; (iv) two members who shall be town clerks and enrolled in
31 different political parties and who shall be selected from a list of five
32 recommendations by the Connecticut Town Clerks Association; and (v)
33 two members who shall be chief elected officials of municipalities and
34 enrolled in different political parties and who shall be selected from a
35 list of five recommendations by, jointly, the Connecticut Conference of
36 Municipalities and the Connecticut Council of Small Towns; and (D) one
37 member appointed by each of the four legislative leaders, as defined in
38 section 4-9d of the general statutes, who shall have expertise in election
39 administration or election law, provided appointments under
40 subparagraphs (C) and (D) of this subdivision shall be made so that no
41 single municipality is represented by more than one member.

42 (2) Members described in subparagraphs (C) and (D) of subdivision
43 (1) of this subsection shall serve for a term of four years and until a
44 successor is appointed, and initial appointments of such members shall
45 be made not later than August 1, 2024. Members described in said
46 subparagraphs shall recuse themselves from participating in any
47 proceeding of the board whenever a conflict exists due to such member
48 or the immediate family of such member being involved in any matter

49 before said board. The filling of any vacancy shall be for the remainder
50 of the applicable member's term. The members of the board shall serve
51 without compensation, but shall be reimbursed for expenses incurred in
52 the performance of their duties. For the purposes of this subdivision,
53 "immediate family" means a dependent relative who resides in the
54 member's household or any spouse, child, parent or sibling of the
55 member.

56 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) (1) Whenever the Secretary of
57 the State or the State Elections Enforcement Commission is of the
58 opinion that a reasonable likelihood of irregularity or impropriety in the
59 administration of any election, primary or referendum in a municipality
60 exists, based on any formal or informal complaint received by the
61 Secretary or the commission from an individual, the Secretary or the
62 commission, as applicable, may refer such municipality to the
63 Municipal Election Accountability Board for a review hearing on such
64 municipality's procedures related to the conduct of any such election,
65 primary or referendum. Any such referral shall be accompanied by
66 supporting evidence, including, but not limited to, affidavits, written or
67 electronic correspondence and documented findings from an
68 investigation.

69 (2) Whenever a judge of the Superior Court is of the opinion that a
70 reasonable likelihood of irregularity or impropriety in the
71 administration of any election, primary or referendum in a municipality
72 exists, based on a matter before such court involving such municipality's
73 alleged violation of any provision of title 9 of the general statutes, such
74 judge may refer such municipality to the Municipal Election
75 Accountability Board for a review hearing on such municipality's
76 procedures related to the conduct of any such election, primary or
77 referendum. Any such referral shall be accompanied by supporting
78 evidence, including, but not limited to, any record developed during a
79 judicial proceeding.

80 (3) (A) Whenever a municipal clerk, registrar of voters or moderator
81 observes any act or omission that may present an impediment to the

82 timely and orderly administration of any duty required of a
83 municipality under title 9 of the general statutes, or (B) whenever the
84 chief executive officer of a municipality, based on a review of such
85 municipality's practices, identifies any such practice that may present
86 such an impediment, such municipal clerk, registrar of voters,
87 moderator or chief executive officer, as applicable, may refer such
88 municipality to the Municipal Election Accountability Board for a
89 review hearing on such municipality's procedures related to the conduct
90 of elections, primaries and referenda. Any such referral shall be
91 accompanied by supporting evidence, including, but not limited to,
92 affidavits, written or electronic correspondence, procedure manuals and
93 other guidance documents and logs of absentee ballot applications,
94 moderator's diaries or other contemporaneously-produced notes or
95 records.

96 (b) Immediately upon receipt of a referral under subsection (a) of this
97 section, the Municipal Election Accountability Board shall give notice of
98 such referral to the referred municipality. Not later than ten days after
99 receipt of such referral, the board shall hold a review hearing described
100 in said subsection for the purpose of presenting to such referred
101 municipality the evidence that accompanied such referral. Prior to such
102 review hearing, the referred municipality may submit to the board a
103 written response to such referral. At such review hearing, the chief
104 executive officer, the corporation counsel or any other duly authorized
105 representative of such referred municipality shall have a right to
106 respond to the evidence that accompanied such referral, including, but
107 not limited to, rebuttal of any fact alleged and confrontation of any
108 witness. Not later than five days after the review hearing, the board shall
109 vote to determine (1) whether to designate such referred municipality
110 for oversight by the board in accordance with the provisions of section
111 3 of this act, (2) if such oversight is deemed necessary, the tier to which
112 such municipality shall be designated, and (3) if such oversight is
113 deemed necessary, the length of time such municipality shall be subject
114 to such oversight. In making the determination under subdivisions (1)
115 to (3), inclusive, of this subsection, the board shall consider: (A) The
116 referred municipality's response, if any, to such evidence, (B) the nature

117 and severity of the alleged irregularity or impropriety, including
118 whether any such irregularity or impropriety constitutes a violation of
119 the provisions of chapter 151 or 151a of the general statutes, and (C) the
120 frequency with which any such irregularity or impropriety appears to
121 occur in such referred municipality. The determination of the board
122 under this subsection may be appealed in accordance with the
123 provisions of chapter 54 of the general statutes. Any such appeal shall
124 be privileged with respect to assignment.

125 Sec. 3. (NEW) (*Effective July 1, 2024*) A referred municipality
126 designated as a:

127 (1) Tier I municipality shall be subject to oversight by the Municipal
128 Election Accountability Board consisting of (A) development by such
129 municipality of a plan to mitigate the concerns that warranted such
130 designation by the board, which shall be submitted to the board for
131 approval and modification as required by the board, (B) mandatory
132 training of election officials in election administration procedures
133 conducted by the office of the Secretary of the State or by a certified
134 moderator, town clerk or registrar of voters, or a combination thereof,
135 selected by the Secretary of the State, and (C) distribution of instruction
136 or training manuals or other resources for promoting best practices in
137 election administration.

138 (2) Tier II municipality shall be subject to oversight by the board
139 consisting of (A) development by such municipality of a plan to mitigate
140 the concerns that warranted such designation by the board, which shall
141 be submitted to the board for approval and modification as required by
142 the board, (B) mandatory training of election officials in election
143 administration procedures conducted by the office of the Secretary of
144 the State or by a certified moderator, town clerk or registrar of voters, or
145 a combination thereof, selected by the Secretary of the State, (C)
146 distribution of instruction or training manuals or other resources for
147 promoting best practices in election administration, and (D) regular
148 contact with the municipality to ensure (i) compliance with such
149 mitigation plan and timely achievement of the benchmarks set forth in

150 such mitigation plan, (ii) attendance of such election officials at such
151 mandatory training, and (iii) distribution of such manuals or resources.

152 (3) Tier III municipality shall be subject to oversight by the board
153 consisting of appointment of an election monitor (A) who shall be
154 authorized to (i) conduct inspections, inquiries and investigations
155 related to any duty or responsibility under title 9 of the general statutes
156 to be carried out by any official of such municipality or appointee of
157 such official, (ii) have access to all records, data and material maintained
158 by or available to any such official or appointee, and (iii) immediately
159 report to the Secretary of the State any irregularity or impropriety in the
160 performance of any duty or responsibility described in subparagraph
161 (A)(i) of this subdivision, and (B) who shall be provided, by such
162 municipality, with any office space, supplies, equipment and services
163 necessary to properly carry out such election monitor's duties and
164 responsibilities.

165 (4) Tier IV municipality shall be subject to oversight by the board
166 consisting of the complete administration by the board of any election,
167 primary or referendum in such municipality, and all procedures related
168 to the orderly conduct of any such election, primary or referendum,
169 notwithstanding the provisions of (A) titles 7 and 9 of the general
170 statutes, (B) any special act, and (C) any charter or home rule ordinance
171 adopted pursuant to chapter 99 of the general statutes.

172 Sec. 4. (NEW) (Effective July 1, 2024) Not later than January 1, 2025,
173 the Municipal Election Accountability Board shall adopt regulations, in
174 accordance with the provisions of chapter 54 of the general statutes, as
175 the board deems necessary to implement the provisions of sections 1 to
176 3, inclusive, of this act.

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	New section
Sec. 3	July 1, 2024	New section

Sec. 4	July 1, 2024	New section
--------	--------------	-------------

Statement of Legislative Commissioners:

In Section 1(a), "and (2)" was changed to "or (2)" for clarity; and in Section 2(b), "receipt of" was added for clarity in each of the first two sentences.

GAE *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Secretary of the State	GF - Cost	Approximately 250,000	Approximately 250,000
State Comptroller - Fringe Benefits ¹	GF - Cost	98,759	98,759

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill establishes the Municipal Election Accountability Board (MEAB) within the office of the Secretary of the State (SOTS) and empowers the board to review misconduct when a case is referred to them and provide oversight when violations have occurred, resulting in a cost to the State of approximately \$350,000 in FY 25 and FY 26, and a potential cost to municipalities.

The board is empowered to institute oversight of a municipality for violations along a four-tier basis consisting of varying levels of oversight authority if misconduct is found. There is a potential cost to municipalities depending upon if misconduct is found and what

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

oversight is designated by MEAB.

The bill results in a cost of \$250,000 in FY 25 and FY 26 for salary and other expenses to SOTS and \$99,000 for fringe benefits for three additional staff members to facilitate the board as outlined in the bill (Attorney II, Administrative Assistant, and a Elections Officer²). There is an additional cost due to the requirement for reimbursement of expenses to board members reasonable expenses related to the performance of the job. This may include things like meeting space, software, technology required to facilitate meetings. This cost is expected to vary depending upon the number of meetings required.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, wage increases, the number of meetings and oversight decisions of MEAB.

² There is an annual salary cost of \$97,141 for an Attorney II; \$62,221 for and Administrative Assistant; and \$80,053 for an Elections Officer.

OLR Bill Analysis**sSB 441*****AN ACT CONCERNING ELECTION ADMINISTRATION OVERSIGHT.*****SUMMARY**

This bill establishes a 15-person Municipal Election Accountability Board to receive referrals of election administration violations from certain state entities, courts, and election and municipal officials (e.g., early voting, absentee voting, and same-day election registration violations). Further, the bill authorizes the board to (1) conduct review hearings to determine if violations occurred and (2) if violations took place, order varying oversight levels for election administration and establish procedural safeguards, up to a full intervention.

The bill specifies the board is within the Secretary of the State's office for administrative purposes only and that it is not to be construed to affect the State Election Enforcement Commission's (SEEC) or the secretary's existing election oversight authority. Additionally, it does not prevent anyone from seeking alternative remedies allowed by state election law.

By January 1, 2025, the bill requires the board to adopt any regulations it deems necessary to implement the bill's provisions.

EFFECTIVE DATE: July 1, 2024

BOARD OPERATIONS***Board Membership***

Under the bill, the board consists of 15 members. It includes the secretary of the state and SEEC's executive director, or their respective designees, and 13 appointed members as shown in the table below. The secretary of the state serves as the board's chairperson.

Table: Appointed Members

<i>Appointing Authority</i>	<i>Number</i>	<i>Qualification</i>
House speaker, senate president pro tempore, and house and senate minority leaders	1 each	Election administration or election law experience
Secretary of the state	9	<ul style="list-style-type: none"> • One admitted to practice law in the state with election administration experience • Two moderators from different political parties and chosen from a list of five people recommended by the Registrars of Voters Association of Connecticut (ROVAC) • Two registrars of voters from different political parties and chosen from a list of five people recommended by ROVAC • Two town clerks from different political parties and chosen from a list of five people recommended by the Connecticut Town Clerks Association • Two municipal chief elected officials of different political parties and chosen from a list of five people jointly recommended by the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns

Members appointed by the secretary of the state are subject to legislative approval. Among all appointed members, a municipality may only be represented once on the board.

The appointments are for four-year terms and until successors are appointed. Initial appointments must be made by August 1, 2024. Any vacancy will be filled for the original member’s remaining term.

Board Logistics

Under the bill, appointed members must recuse themselves from participating in any board proceeding if they are, or an immediate family member is, involved in a matter before the board (this appears to disqualify a member from all board proceedings, including those with which they have no conflict). Immediate family includes a spouse, child,

parent, sibling, or dependent relative living in the member's home.

The bill specifies that members are not compensated for serving on the board, but can be reimbursed for expenses incurred in their duties.

REFERRAL TO THE BOARD

Secretary of the State or SEEC

The bill allows the secretary of the state or SEEC to refer a municipality to the board if either believes, based on any formal or informal complaints they have received, that there is a reasonable likelihood that irregularity or impropriety occurred in municipal election administration (i.e., for an election, primary, or referendum). They must provide any supporting evidence with the referral, including any affidavits, written or electronic correspondence, and documented findings from an investigation.

Superior Court

A superior court judge may also refer a municipality to the board based on a complaint before the court about an alleged election violation by the municipality. They may do so for the same reason that the secretary of the state or SEEC can make the referral (i.e., reasonable likelihood of irregularity or impropriety). The judge must provide any supporting evidence with the referral, including any record developed during a judicial proceeding.

Municipal Officers and Election Officials

A town clerk, registrar of voters, or moderator may refer a municipality to the board if they observe an act or omission in a municipality that may impede required election administration duties. Similarly, a municipality's chief executive officer (CEO) may do this after a review of the municipality's practices. The officer or official must provide any supporting evidence, including affidavits, written or electronic correspondence, procedure manuals and other guidance documents, absentee ballot application logs, moderator's diaries, and other contemporaneously-produced notes or records.

BOARD REVIEW

Under the bill, when a municipality is referred by one of the above entities, the board must (1) notify the referred municipality and (2) hold a review hearing within 10 days after the referral to present to the municipality the evidence provided by the referring entity. Before the hearing, the municipality must have the opportunity to submit a written response to the board about the referral.

At the hearing, the municipality has the right to respond to the evidence, including to rebut any fact alleged or confront witnesses. The municipality may be represented by the municipal CEO, corporation counsel, or any other authorized representative.

Within five days after the hearing, the board must vote on whether to designate a municipality for oversight. In making its decision, the board must consider (1) the municipality's response to the evidence; (2) the nature and severity of the alleged irregularities and improprieties, including if an election crime or a violation of the state's voting rights act occurred; and (3) how often these irregularities and improprieties appear to occur.

If oversight is approved, the board must determine the tier of oversight to be applied (see below) and how long the municipality will be subject to oversight. (The bill does not specify voting procedures or what voting threshold is required to take action.) The board's determination may be appealed under the Uniform Administrative Procedures Act and is privileged for assignment.

OVERSIGHT TIERS

The bill establishes four tiers of oversight that the board may implement. Low-numbered tiers generally warrant less oversight while high-numbered tiers warrant more.

Tiers I & II

Tier I oversight consists of the following:

1. developing and submitting a plan to mitigate the board's concerns, subject to any modifications and approval of the board;

2. mandatory training for election officials in election administration procedures conducted by (a) the secretary of the state; (b) moderators, town clerks, or registrars selected by her; or (c) a combination of both; and
3. distribution of instruction or training manuals or other resources to educate on election administration best practices.

Tier II oversight consists of all measures for Tier I, plus regular board contact with the municipality to ensure compliance.

Tier III

Under Tier III oversight, the municipality is subject to a board-appointed election monitor who is authorized to conduct inspections, inquiries, and investigations related to election administration duties and responsibilities performed by municipal officials and their appointees. The bill requires a monitor to immediately report any irregularity or impropriety discovered in these efforts to the secretary. To carry out these duties, the bill requires that the monitor have access to any records, data, and material maintained or available to the officials or appointees.

Further, the municipality must give the monitor any office space, supplies, equipment, and services necessary to perform these responsibilities.

Tier IV

Tier IV oversight consists of complete board administration of any election, primary, or referendum in the municipality and related procedures, regardless of any other provision of state municipal or election laws, any special act, or any charter or home rule ordinance.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 5 (03/26/2024)