



General Assembly

February Session, 2024

Raised Bill No. 441

LCO No. 3020



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

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 purpose 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, and (2) preclude any person from
14 seeking additional remedies under said title, including chapter 151a of
15 the general statutes.

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

44 (2) Members described in subparagraphs (E) and (F) of subdivision
45 (1) of this subsection shall serve for a term of four years and until a
46 successor is appointed, and initial appointment of such members shall
47 be made not later than August 1, 2024. Members described in said
48 subparagraphs shall recuse themselves from participating in any matter
49 in which a conflict exists or where the member is a representative of a

50 municipality subject to oversight of the board. The filling of any vacancy
51 shall be for the remainder of the applicable member's term. The
52 members of the board shall serve without compensation, but shall be
53 reimbursed for expenses incurred in the performance of their duties.

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

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

77 (b) Not later than ten days after a referral under subsection (a) of this
78 section, the Municipal Election Accountability Board shall hold a review
79 hearing described in said subsection for the purpose of presenting to a
80 referred municipality the evidence that accompanied such referral. At
81 such review hearing, the chief executive officer, the corporation counsel
82 or any other duly authorized representative of a referred municipality

83 shall have a right to respond to such evidence, including, but not limited
84 to, rebuttal of any fact alleged and confrontation of any witness. Not
85 later than five days after the review hearing, the board shall vote to
86 determine (1) whether to designate such referred municipality for
87 oversight by the board in accordance with the provisions of section 3 of
88 this act, (2) if such oversight is deemed necessary, the tier to which such
89 municipality shall be designated, and (3) if such oversight is deemed
90 necessary, the length of time such municipality shall be subject to such
91 oversight. In making the determination under subdivisions (1) to (3),
92 inclusive, of this subsection, the board shall consider: (A) The referred
93 municipality's response, if any, to such evidence, (B) the nature and
94 severity of the alleged irregularity or impropriety, including whether
95 any such irregularity or impropriety constitutes a violation of the
96 provisions of chapter 151 or 151a of the general statutes, and (C) the
97 frequency with which any such irregularity or impropriety appears to
98 occur in such referred municipality. The determination of the board
99 under this subsection may be appealed in accordance with the
100 provisions of chapter 54 of the general statutes. Any such appeal shall
101 be privileged with respect to assignment.

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

104 (1) Tier I municipality shall be subject to oversight by the Municipal
105 Election Accountability Board consisting of (A) development by such
106 municipality of a plan to mitigate the concerns that warranted such
107 designation by the board, which shall be submitted to the board for
108 approval and modification as required by the board, (B) mandatory
109 training of election officials in election administration procedures
110 conducted by the office of the Secretary of the State or by a certified
111 moderator, town clerk or registrar of voters, or a combination thereof,
112 selected by the Secretary of the State, and (C) distribution of instruction
113 or training manuals or other resources for promoting best practices in
114 election administration.

115 (2) Tier II municipality shall be subject to oversight by the board

116 consisting of (A) development by such municipality of a plan to mitigate
117 the concerns that warranted such designation by the board, which shall
118 be submitted to the board for approval and modification as required by
119 the board, (B) mandatory training of election officials in election
120 administration procedures conducted by the office of the Secretary of
121 the State or by a certified moderator, town clerk or registrar of voters, or
122 a combination thereof, selected by the Secretary of the State, (C)
123 distribution of instruction or training manuals or other resources for
124 promoting best practices in election administration, and (D) regular
125 contact with the municipality to ensure (i) compliance with such
126 mitigation plan and timely achievement of the benchmarks set forth in
127 such mitigation plan, (ii) attendance of such election officials at such
128 mandatory training, and (iii) distribution of such manuals or resources.

129 (3) Tier III municipality shall be subject to oversight by the board
130 consisting of appointment of an election monitor (A) who shall be
131 authorized to (i) conduct inspections, inquiries and investigations
132 related to any duty or responsibility under title 9 of the general statutes
133 to be carried out by any official of such municipality or appointee of
134 such official, (ii) have access to all records, data and material maintained
135 by or available to any such official or appointee, and (iii) immediately
136 report to the Secretary of the State any irregularity or impropriety in the
137 performance of any duty or responsibility described in subparagraph
138 (A)(i) of this subdivision, and (B) who shall be provided, by such
139 municipality, with any office space, supplies, equipment and services
140 necessary to properly carry out such election monitor's duties and
141 responsibilities.

142 (4) Tier IV municipality shall be subject to oversight by the board
143 consisting of the complete administration by the board of any election,
144 primary or referendum in such municipality, and all procedures related
145 to the orderly conduct of any such election, primary or referendum,
146 notwithstanding the provisions of (A) titles 7 and 9 of the general
147 statutes, (B) any special act, and (C) any charter or home rule ordinance
148 adopted pursuant to chapter 99 of the general statutes.

149 Sec. 4. (NEW) (*Effective July 1, 2024*) Not later than January 1, 2025,
150 the Municipal Election Accountability Board shall adopt regulations, in
151 accordance with the provisions of chapter 54 of the general statutes, as
152 the board deems necessary to implement the provisions of sections 1 to
153 3, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	New section
Sec. 4	<i>July 1, 2024</i>	New section

Statement of Purpose:

To establish a Municipal Election Accountability Board and a process by which said board may be authorized to exercise oversight of municipalities in the administration of their elections, primaries and referenda.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]