



General Assembly

Substitute Bill No. 441

February Session, 2024



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.*