

# Registrar of Voters Certification

## **EARLY IN-PERSON VOTING**

# Early Voting – Statutory Authority

- Public Act 23-5
  - Signed into law June 7, 2023
  - Initially Effective for Elections and Primaries to be held on or after January 1, 2024
- Public Act 23-204 (Budget Bill)
  - Signed into law June 12, 2023
  - Amends Early Voting to be Effective for Elections and Primaries to be held on or after April 1, 2024

# How Early is Early?

- For General Elections
  - Starts on the 15<sup>th</sup> day prior to and ends on the 2<sup>nd</sup> day prior to a general election
  - Excludes legal holidays
- For Special Elections
  - Starts on the 5<sup>th</sup> day prior to and ends on the 2<sup>nd</sup> day prior to a special election
  - Excludes March 31, 2024 and legal holidays, but must be total of four days including both the starting and ending dates, so starting date must be moved back if necessary to achieve total of four days
- For Primary Elections (other than Presidential Preference Primaries)
  - Starts on the 8<sup>th</sup> day prior to and ends on the 2<sup>nd</sup> day prior to a primary election
  - Excludes presidential preference primaries
  - Excludes legal holidays
- For Presidential Preference Primaries
  - Starts on the 5<sup>th</sup> day prior to and ends on the 2<sup>nd</sup> day prior to a Presidential Preference Primary
  - Excludes March 31, 2024 and legal holidays, but must be total of four days including both the starting and ending dates, so starting date must be moved back if necessary to achieve total of four days
- **Does not apply to town committee primaries or referenda**

# Hours for Early Voting

- For general elections and primaries (other than presidential preference primaries):
- Early voting locations must be open from 10:00 a.m. to 6:00 p.m., including weekends (but excluding legal holidays), except that on the last Tuesday and Thursday before the election or primary, the locations must be open from 8:00 a.m. to 8:00 p.m.
- For special elections and presidential preference primaries:
- Early voting locations must be open from 10:00 a.m. to 6:00 p.m., including weekends but excluding legal holidays

# Staffing for Early Voting

- Under PA 23-5, the registrars (1) must appoint a moderator and other officials to serve at each early voting location and (2) may delegate any responsibility to any such official. The registrars must supervise and train these officials.
- The law also requires that any moderator appointed to perform duties related to early voting shall have the same designated powers as provided by Title 9 for elections.
- Registrars may not serve as moderators. If the registrars agree, a deputy or assistant registrar may serve as moderator.
- Town clerks may serve as moderators provided there are available personnel to perform the specific duties of the town clerk.

# Early Voting Locations – Main Location

## Main Location

- The law requires that the registrars of voters of each municipality certify one location within the town to serve as an early voting location. The location must (1) be used for the entire early voting period unless it becomes unusable, (2) have live access to the centralized voter registration system (CVRS), (3) be certified by SOTS, (4) be accessible to voters with physical disabilities, and (5) have at least two parking spaces for handicapped and elderly persons.
- Curbside voting should also be available – requiring one election official from each party to assist
- The early voting location should also have an IVS system or a replacement system

# Early Voting Location – Certification of Main Location – Corrective Action if Denied

A municipality's certification must include:

- 1. the location's name, address, and contact information;
  - 2. the number of officials appointed to serve and their roles;
  - 3. the location's design, including both inside and outside the location; and
  - 4. a plan to conduct early voting effectively.
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- A municipality must certify its chosen location to SOTS no later than 120 days before a general election or primary, other than a special election or presidential preference primary. The secretary must approve or deny certification no later than 90 days before a general election or primary. If SOTS denies the certification, she must give the municipality a written reason for the disapproval and an order for corrective action.
  - Once a municipality has received SOTS approval or complied with any corrective action to the secretary's satisfaction, the registrars must make a final determination on the main early voting location no later than 31 days before a general election or primary. After this determination, the location may not be changed unless all registrars and the municipal clerk unanimously agree that the location is unusable. If this happens, the registrars and clerk must designate a new location and provide adequate notice.

# Early Voting Location – Certification for Special Elections and Presidential Preference Primaries

- The law implements a separate timeline for special elections and presidential preference primaries. For these, the certification of the main early voting location must be submitted no later than 20 days prior and the secretary must respond no later than 15 days before the election or primary. The location must be finalized 11 days before the election or primary.



# Additional Early Voting Locations

- Under the law, for municipalities with a population of at least 20,000, the municipality's legislative body may hold a public hearing on increasing the number of early voting locations at least 15 days before designating them.
- At least 10 days' notice must be given through a newspaper with general circulation in the town and on the municipality's website.
- For this requirement, "population" means the estimated number of people according to the most recent version of the State Register and Manual.
- If the municipality chooses to hold a hearing, the municipality's legislative body must notify SOTS with a detailed explanation of its determination on any additional locations within three days after the hearing.

# Additional Early Voting Locations

- For municipalities that choose not to hold a hearing, the legislative body must determine whether to designate an additional location and must notify the secretary with a detailed explanation of its determination.
- The registrars of voters must designate any additional location for early voting as determined by the municipality's legislative body.
- Adoption of additional locations is subject to the same requirements as the main location.
- The law prohibits SOTS from taking any action on the explanation by the municipal legislative body, but she must preserve it for public inspection.

# 75' Restrictions for Early Voting Locations

- Similar to existing requirements for polling locations, the early voting law prohibits anyone from soliciting, peddling, loitering, or offering certain materials within 75 feet of an entrance to an early voting or SDR location, an indoor path leading to the location, or any room along the path.
- The law provides an exception for individuals doing their official duties or conducting government business within this radius, unless the person is engaging in conduct that violates these provisions.
- Even then, the person may remain in the area (1) only for as long as necessary to perform their duties or conduct business and (2) so long as they are not engaged in any prohibited activity.

# Emergency Contingency Plans

- Under existing law, registrars must consult with the town clerk and create an emergency contingency plan for elections, primaries, and referenda in the municipality.
- The new law adds a requirement that the plan consider early voting and related logistics including (1) solutions for envelope shortages, (2) strategies to address staffing shortages for early voting, (3) a fire or alarm within an early voting location, and (4) disorder in or around an early voting location.

# Secretary of State Access to Early Voting Locations

- Current law requires that the secretary, or her designee, have access to each polling place during elections to review for consistency with state and federal law. The early voting law extends this provision to any early voting location.

# Updating CVRS

- Current law requires registrars of voters, when updating the CVRS after an election or primary, to indicate whether someone voted in person or by absentee ballot.
- The early voting law also requires them to indicate whether an in-person elector voted on election day or during the early voting period.
- It is recommended that, in addition to CVRS, the notation of early voting be made on the paper copy of the registry list and that the list be retained as a security measure.
- A supplemental list for use on the day of the primary or election should be generated after the early voting has concluded.

# Changes to Election Warning Requirements

- The law moves up the deadline for publication of the warning for state and municipal elections to between five and 15 days before the early voting period starts, rather than before election day.
- Additionally, the warning must announce the times and locations designated for early voting.

# Deadlines for Ballot Designation

- PA 23-5 requires registrars and clerks to certify the number of ballots designated as early voting ballots for each early voting location. It also moves the deadline for certifying all ballots (both early voting and election day ballots) to 31 days before the early voting period (21 days for a primary) instead of the same number of days before the election or primary itself.
- Similarly, the law moves up the deadline to request a waiver from this provision to 45 days before the early voting period (30 days for a primary) instead of the same number of days before the election or primary itself.
- The new law also requires registrars and clerks to certify the number of ballots designated as early voting ballots in special elections, but it does not set separate deadlines specific to special elections.



# Deadline Changes for Other Actions

Deadlines for numerous election-related actions are being amended to count back from the commencement of early voting, rather than from the date of the election or primary. Among these are:

- CGS 9-373a – registration as a write-in candidate for a general election is not earlier than 90 days before the election nor later than 14 days before the start of early voting (or the last business day prior to early voting for certain Representative Town Meeting elections)
- CGS 9-224b(a) and (b) – registration as a write-in candidate for a special election is not earlier than 90 days before the election nor later than 14 days before the start of early voting (or the last business day prior to early voting for certain Representative Town Meeting elections)
- CGS 9-329b – judicial removal of a candidate from the ballot (amended by Section 180 of PA 23-204 to delete reference to early voting) may occur at any time prior to the commencement of early voting

# Deadline Changes for Other Actions – cont.

- CGS 9-460 – replacement of candidates in case of death within 46 days before the election but not later than 24 hours before the commencement of early voting
- CGS 9-460 – replacement of candidates for cause other than death must occur not less than 42 days before the opening of polls on election day (same as existing law)
- CGS 9-426 – replacement of candidates in case of death or other vacancy for primary elections now tied to commencement of early voting rather than opening of the polls on the day of the primary

## Deadline Changes for Other Actions – cont.

- CGS 9-428 – replacement of party-endorsed candidates for various primaries may occur if the withdrawal or disqualification occurs at least 10 days prior to the commencement of early voting and the endorsement of the replacement candidate occurs not less than 7 days prior to the commencement of early voting
- CGS 9-428 – replacement of party-endorsed candidates for various primaries may occur if the candidate's death occurs at least 24 hours prior to the commencement of early voting and the endorsement of the replacement candidate occurs not less than 24 hours prior to the commencement of early voting
- CGS 9-429 – cancellation of primaries in event of death, withdrawal or ineligibility occurs if the triggering event occurs prior to the commencement of early voting
- CGS 9-55 – printing list of unaffiliated voters eligible to participate in primaries shall occur prior to the commencement of early voting

## Deadline Changes for Other Actions – cont.

- CGS 9-217 – SOTS deadline for providing lists of candidates to town clerks for special elections shall occur not less than 34 days prior to the commencement of early voting
- CGS 9-229 – appointment of moderators and assistant moderators shall occur not less than 20 days prior to the commencement of early voting
- CGS 9-256 – filing of sample ballot with SOTS shall occur at least 10 days prior to the commencement of early voting

# Voter Registration Deadline Changes

- The law moves up the regular voter registration deadline to 18 days before an election or primary (rather than the seventh day before the election and the fifth day before the primary).
- It also makes several conforming changes including moving up several related deadlines. For example, it correspondingly shifts the time frames during which registrars must send notice of an application's acceptance or rejection on the day it is received.
- The law also similarly shifts the period when registrars must send notice of acceptance or rejection within four days after receiving it. Under previous law, this period is 49 days to 21 days before an election. Under the new law, this period is 60 days to 32 days before an election.

# Voter Registration Deadline Changes

**Table: Periods When Registrars Must Send Notice of Acceptance or Rejection on the Day an Application Is Received**

	<i>Under Current Law</i>	<i>Under the Bill</i>
Regular Applications	From 20 days to seven days before an election	From 31 days to 18 days before an election
	From 21 days to five days before a primary	From 34 days to 18 days before a primary
Applications first received by the Department of Motor Vehicles commissioner or voter registration agency	For applications received by seven days before an election, from six days before an election to election day	For applications received by 18 days before an election, from 17 days before an election to election day
	For applications postmarked or received five days before a primary, from four days before a primary to noon the last weekday before a primary	For applications postmarked or received 18 days before a primary, from 17 days before a primary to noon the last weekday before a primary

# Same Day Registration

- Under Title 9, electors were able to register to vote on election day through EDR during regular state and municipal elections, i.e., a general election. Under EDR, a person may register to vote and cast a ballot on election day if he or she meets the eligibility requirements for voting in Connecticut and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality (CGS § 9-19j).
- The early voting law replaces EDR and provides this opportunity throughout the entire early voting period by establishing same-day election registration (SDR) during the early voting period for a general election and on election day and generally applying the previously existing EDR provisions to SDR.
- SDR applies only to regular general elections.
- Prior law required the registrars of voters to designate a location and allowed them to designate additional locations. The early voting law allows the municipality's legislative body, rather than the registrars of voters, to apply to designate additional SDR locations. Additionally, all early voting locations must offer SDR including a live connection to CVRS.

# Same Day Registration

- To accommodate the increased window of SDR, the early voting law moves up several deadlines by 14 days to include the early voting period for regular elections and primaries.
- This applies to deadlines for the following actions:
  - 1. certifying the location for SDR (changed from 31 days to 45 days before the election),
  - 2. the Secretary of the State's (SOTS) response to a certification request (changed from 15 days to 29 days before the election),
  - 3. certifying additional locations for SDR (changed from 60 days to 74 days before the election), and
  - 4. SOTS response to a certification request for additional locations (changed from 45 days to 59 days before the election).



# Registration for Primaries – Unaffiliated Voters

## Unaffiliated Voters

- Under the early voting law, unaffiliated voters who seek to vote during early voting before a primary may do so if their enrollment application is filed in person with the registrars of voters by noon on the business day preceding the start of the early voting period.
- For example, if the early voting period starts on a Tuesday, the enrollment application must be filed by noon on Monday (or if that day is a state holiday, on Friday). The person may then return starting Tuesday to vote early.

# Registration for Primaries – New Registrants

## New Registrants

- Individuals who are not registered but file their voter registration application in person with the registrars or town clerk by noon the business day immediately before the day they want to vote early may (1) register and enroll in a political party and (2) vote during the early voting period starting the next voting day.
- For example, if a person registers to vote by noon on Wednesday during an early voting period, they may return starting Thursday and vote early.

# Requirements for Casting an Early Vote

Under the Early Voting law, an elector must do the following to vote early:

- 1. appear in person at an early voting location within the designated times,
- 2. comply with election day identification requirements by either (a) showing adequate identification or (b) signing an affidavit attesting to his or her identity, and
- 3. swear an oath that he or she has not previously voted in the election.
- If an elector has established his or her eligibility, the registrars must check the CVRS to see if the elector has already voted. If not, the elector must be given an early voting ballot and envelope and the registrar must record the issuance.
- If the registrars of voters believe that the elector may have already voted in the election, they must review the matter. If they cannot resolve it, the elector may request and cast a challenge ballot and the registrars must report the incident to the State Elections Enforcement Commission, which must investigate.

# Process of Casting an Early Vote

- Under the early voting law, if an elector is eligible, they must mark the ballot in the registrars' presence, but not in a way that reveals how the ballot was marked.
- After completing the ballot, the elector must (1) secure it within an early voting envelope, (2) sign an affirmation printed on the back of the envelope, and (3) deposit the envelope into a secured early voting ballot depository receptacle.
- The signed affirmation attests that the elector:
  - 1. is an elector appearing in person to vote early,
  - 2. is eligible to vote in the election or primary,
  - 3. has sufficiently identified themselves to the registrars,
  - 4. has not otherwise voted in the election and will not otherwise do so, and
  - 5. received an early voting ballot.

# Assisting Electors with an Early Voting Ballot

- Existing law allows electors who need assistance to vote due to blindness, disability, or inability to write or read to be given assistance from a person chosen by the elector.
- PA 23-5 expands this authorization to include providing assistance at early voting locations.

# Chain of Custody for Early Voting Ballots

- Under the Early Voting law, when each day ends, the registrars must transport the receptacles for SDR and early voting ballots to the municipal clerk for storage, if necessary, in as near a manner as possible to the required methods for securing absentee ballots. If the clerk cannot practicably secure the ballots in such a manner, they must be secured as outlined in an alternate plan submitted by the registrars of voters to SOTS for approval. The clerk must keep the ballots until they are delivered to the registrars on election day. A section of the head moderator's return must show the number of early voting and SDR ballots received, separately.
- The registrars of voters must also seal a copy of the vote tally for early voting ballots and a copy of the vote tally for SDR ballots in a depository envelope with their respective ballots and store them with the other election or primary results materials. The depository envelopes must be preserved for the same amount of time as required by law to keep counted ballots.

# Counting Early Voting Ballots

- Ballot counters must proceed to the location where the early voting and SDR ballots will be counted, as designated by the registrars, between 6:00 a.m. and 10:00 a.m. on election day.
- The early voting law requires the municipal clerk to deliver all early voting and SDR ballots received before election day to the registrars within the same timeframe. Once the clerks deliver the ballots, the law requires that the ballot counters process these ballots as nearly as possible in the same way as required under existing law for absentee ballots.
- Except as otherwise required by the new law, SDR and early voting ballots are subject to all procedures relating to absentee ballot custody, control, and counting under existing elections law, as nearly as possible.

# Post-Election Audits and Recanvasses

- PA 23-5 subjects early voting and SDR central counting locations to existing post-election audit requirements. These requirements generally establish a process to select locations to participate in a manual or electronic audit that compares vote totals to results reported by voting tabulators.