

---

## **OLR Bill Analysis**

### **sSB 1515**

#### ***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, election and municipal officials, and state citizens (e.g., early voting, absentee voting, and same-day election registration violations, as well as election official duties). 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 that 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 (1) the State Election Enforcement Commission's (SEEC) or the secretary's existing election oversight authority, (2) the state's Voting Rights Act (VRA, Chapter 151a), and (3) anyone from seeking alternative remedies allowed by state election law, including under the state VRA.

By January 1, 2026, the board is required to adopt any regulations it deems necessary to implement the bill's provisions.

EFFECTIVE DATE: January 1, 2026, except that provisions establishing the board and requiring it to adopt regulations are effective upon passage.

#### **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><b>Appointing Authority</b></i>	<i><b>Number</b></i>	<i><b>Qualification</b></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	Nine	<ul style="list-style-type: none"> <li>• One admitted to practice law in the state with election law expertise</li> <li>• Two certified moderators from different political parties and chosen from a list of recommendations from an organization representing registrars of voter interests</li> <li>• Two registrars of voters from different political parties and chosen from a list of recommendations from an organization representing registrars of voter interests</li> <li>• Two town clerks from different political parties and chosen from a list of recommendations from an organization representing town clerk interests</li> <li>• Two municipal chief elected officials of different political parties and from a list of joint recommendations from an organization that advocates for small town interests and a statewide organization of municipal leaders</li> </ul>

Any lists provided by an organization must include five members of each major party for the secretary to consider. 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, 2025. Any vacancy must be filled by the appointing authority for the original member's remaining term.

### ***Board Logistics***

The bill requires the board to begin meeting in January 2026 and have

a regularly scheduled monthly meeting on the second Tuesday. These meetings must be noticed on the secretary of the state's website, and any review hearing or preliminary review (see below) must be added to this notice at least 48 hours before the scheduled meeting. A majority of the total membership constitutes a quorum.

Under the bill, appointed members must recuse themselves from participating in a board proceeding if they, a town they represent, or an immediate family member is involved in the matter before the board. Immediate family includes a spouse, child, parent, and sibling, as well as any 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 performing their duties. Further, a vacancy on the board does not impair the right of the remaining members to exercise the board's powers.

## **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 matter before the court about an alleged election violation by the municipality based on there being a 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 the timely and orderly administration of required election administration duties. Similarly, a municipality's chief executive officer (CEO) may do this after a review of the municipality's practices. The municipal 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.

***State Citizens***

A state citizen may file a report with the board for a preliminary review if he or she has a good-faith belief that there is a reasonable likelihood of an irregularity or impropriety in municipal election administration. The citizen must provide supporting evidence, including affidavits, written or electronic correspondence, and documented findings from an investigation. All submissions of evidence must be made under the penalty of false statement. By law, false statement is a class A misdemeanor, punishable by up to 364 days in prison, a fine of up to \$2,000, or both (CGS § 53a-157b).

**BOARD REVIEW*****Preliminary Review***

After receiving a report from a state citizen, the board must conduct a preliminary review at the next regularly scheduled board meeting and vote on whether to conduct a review hearing (see below).

In making the determination, the board must consider if the reported municipality would be likely be designated for oversight under the bill's provisions if everything in the citizen report is considered accurate based on (1) the report's plausibility, based on the supporting evidence; (2) the nature and severity of the alleged irregularity or impropriety, including whether it would constitute an election crime or violate the state VRA; and (3) how often these irregularities or improprieties appear

to occur.

The bill specifies that a preliminary review is not considered a contested case under the Uniform Administrative Procedure Act (UAPA).

### ***Review Hearing***

Under the bill, when a municipality is referred by one of the above state or municipal entities, or if the board voted to conduct a review hearing for a citizen report, the board must notify the municipality. The municipality must be given the opportunity to submit a written response to the referral or report within 10 days of receiving the notice. (The bill does not require the board to give the municipality any information or evidence on the matter.)

Within (1) 45 days of receiving the municipality's response or (2) 60 days after the board gave the municipality notice and no response was received, the board must conduct a review hearing during a regularly scheduled meeting. At the hearing, the board must present any evidence that accompanied the referral or report. The bill authorizes the board to subpoena to compel (1) any witness to testify and (2) the production or examination of any books or papers the board deems relevant to the matter.

The municipality has the right to respond to this evidence, including rebutting any fact alleged or confronting witnesses. The municipality may be represented by the municipal CEO, corporation counsel, or any other authorized representative.

By the next regularly scheduled meeting, 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 or improprieties, including if an election crime or a violation of the state's voting rights act occurred; and (3) how often these irregularities or improprieties appear to occur.

If oversight is approved, the board must determine the tier of

oversight to be applied (see below) and specify the duration of the oversight. The board's determination may be appealed under the UAPA 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 and best practices conducted by (a) the secretary of the state; (b) certified moderators, town clerks, or registrars selected by the secretary; or (c) a combination of them; and
3. distribution of instruction or training manuals or other resources to promote election administration best practices.

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

### ***Tier III***

Under Tier III oversight, a municipality may be subject to any interventions authorized under lower oversight tiers. The municipality is also 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 the state's 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    17    Nay    2    (03/26/2025)