
OLR Bill Analysis

sSB 1535

AN ACT CONCERNING THE SECRETARY OF THE STATE'S RECOMMENDATIONS RELATED TO EARLY VOTING.

SUMMARY

This bill makes several changes to the state election laws. Primarily, it changes the state's early voting procedures to allow ballots cast during early voting to be deposited into voting tabulators instead of requiring they be sealed into ballot envelopes and stored until election day. The bill also requires certain municipalities with a college campus to add an early voting location if a certain number of students live on campus or in institutional housing.

It modifies certification and reporting requirements for early voting and same-day election registration (SDR) locations. The bill also prohibits election and primary officials, while serving in that role during an early voting or SDR period, from performing services for any party or candidate or appearing at any political party headquarters until the early voting or SDR location closes that day.

Additionally, the bill makes various changes concerning moderators, including (1) expanding reports designating moderators and when they are submitted, (2) adding provisions regarding moderators at SDR locations, and (3) specifying certain crimes that make a moderator ineligible for appointment.

It also modifies when party enrollment privileges for unaffiliated voters attach if they do not apply in person. Finally, the bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2025, except that provisions concerning unaffiliated elector party enrollment privileges and prohibitions on individuals convicted of certain crimes from serving as moderators take effect January 1, 2026.

§§ 1 & 2 — EARLY VOTING BALLOT PROCEDURES

The bill makes several changes to the early voting process, primarily to require early voting ballots to be inserted and counted by a voting tabulator instead of being sealed in a ballot envelope, stored by town clerks, and transported to the registrars on election day for counting.

Early Voting Eligibility

Under existing law, to vote early, an elector must (1) appear in person at an early voting location within the designated times, and (2) comply with election day identification requirements by either (a) showing adequate identification or (b) signing an affidavit attesting to his or her identity. The bill eliminates a requirement that the elector also swear an oath that he or she has not previously voted in the election.

Receiving a Ballot

As under existing law, if an elector has established his or her eligibility, the registrars must check the statewide centralized voter registration system (CVRS) to see if the elector has already voted. 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 challenged ballot (see BACKGROUND), and the registrars must report the incident to the State Elections Enforcement Commission, which must investigate.

If a voter is determined not to have previously voted, the elector must be given an early voting ballot and the registrar must record the issuance. The bill additionally requires the registrar to tell the elector their voting district and the correct ballot they should receive.

Casting a Ballot

Under current law, when a voter applies for an early voting ballot, the voter must mark his or her ballot, place it into a ballot envelope, and deposit it in a secured early voting ballot receptacle. Once the day's early voting period has ended, registrars are required to transport the receptacle to the town clerk for storage in as near a manner as possible to the required methods for securing absentee ballots.

Instead, the bill requires the ballot, after it is marked, to be inserted into a voting tabulator. At the end of each day's early voting period, registrars must publicly open the tabulator, secure and seal the day's early voting ballots in a secure receptacle, and secure the tabulator in a locked area. Accordingly, the bill eliminates the requirement that voters be provided an early voting ballot envelope or sign the affirmation on it.

Securing and Storing Ballots

The bill also shifts the responsibility for retaining and storing these ballots from the town clerk to the registrars. The bill specifies they must be secured in a manner as near as possible to that for those cast at a polling place on election day.

After the polls close on the day of an election or primary, the early voting moderator must, in the presence of others, immediately lock the voting tabulator and produce the vote totals. The bill otherwise requires early voting ballots to be subject to all procedures relating to the custody, control, and counting of ballots cast at polling places on election day under existing law, as nearly as possible. As under existing law, a section of the head moderator's return must still show the number of early voting ballots received.

Correspondingly, the bill eliminates provisions for delivering the early voting ballots to the registrars for counting, counting these ballots, storing these ballots in depository envelopes, and putting the early voting ballot tallies in these envelopes.

§§ 1, 3 & 4 — EARLY VOTING AND SDR LOCATIONS

Existing law requires that each municipality have at least one early voting and SDR location. Under the law, registrars of voters are responsible for designating this location for their municipality, which must be able to access the CVRS and certified to the secretary of the state (see below). Under the bill, if the registrars cannot agree on an early voting location, the municipality's legislative body (or the board of selectmen if the municipality's body is a town meeting) must designate the location, subject to the same requirements.

Early Voting and SDR Location Certification

Deadline. In order to designate an early voting or SDR location, registrars must submit a written certification to the secretary of the state with certain information about the location. Current law requires submitting an (1) early voting location certification 60 days before an election or primary and (2) SDR location certification 45 days before an election. The bill instead requires that they be annually submitted by February 15. The SDR certification must be included in the early voting certification.

Content. As part of the early voting certifications, registrars must provide certain information, such as the name, street address, and contact information associated with the location, the number of officials serving at the location, a description of the location's design, and a plan for the efficient conduct of early voting. The bill also requires it to include the SDR implementation plan (see below).

Current law also requires SDR certifications to include similar, but not identical content as the early voting certification, including a plan for the effective completion and processing of SDR registrations. The bill eliminates the requirement for an SDR certification to list the name and address of each election official appointed for a location and instead requires the certification to note the number of officials and their roles like for early voting certifications.

Approval. Additionally, the bill specifies that the secretary must approve or disapprove these certifications by March 1 (instead of 45 days before an election contest for early voting or 29 days before an election contest for SDR certifications). Existing law, unchanged by the bill, outlines procedures if the secretary disapproves the annual location certification.

Amendment. The bill creates a process for registrars to amend their early voting or SDR written certification after it is submitted. Under the bill, they must submit an updated written certification as the secretary determines, and clearly indicate the changes from the earlier certification. The update must be submitted as soon as practicable, but

no later than seven days after the change.

The secretary must approve or disapprove the amended certification as soon as practicable, but no later than seven days after the submission. If the secretary disapproves the certification, she must, as for original certifications, give the municipality a written reason for the disapproval and any order for corrective action she deems necessary (e.g., appointing additional officials or altering any submitted design or plan).

Additional Early Voting Locations

Under existing law, municipalities of 20,000 or more may authorize early voting locations under certain procedures in addition to the one required by law. The bill requires the municipality's legislative body, or board of selectmen if the legislative body is a town meeting, to designate any additional early voting locations instead of its registrars.

The bill also requires registrars to designate an additional early voting location on a college campus in a municipality, regardless of its size, if at least 1,000 students live on campus or in institution-owned, -operated, or -affiliated housing. Like the required early voting location, the added location must be able to connect to CVRS and be certified by the secretary.

§§ 1, 3, 4, 6 & 7 — MODERATORS

Moderator Reports (§§ 1, 3 & 4)

Existing law requires registrars to provide a written report with the names and addresses of all moderators designated to serve at regular polling locations. Currently, this report must be submitted at any time before each election and primary. The bill instead requires that this report be made at least 14 days before an early voting period begins. The bill requires registrars to also include the moderator's cell phone number, if available, and provide this and the above information for early voting and SDR moderators.

SDR Moderators (§ 3)

Current law authorizes registrars of voters to delegate any of their

responsibilities or duties to election officials appointed to serve at SDR locations, subject to the registrars' supervision and training. The bill generally maintains these requirements, but also implements similar moderator requirements for SDR locations as required for early voting locations.

Specifically, registrars must appoint, as previously required in the SDR certification, a moderator and other election officials who will serve at the SDR location. Moderators must perform any duty required by and may exercise any power authorized under the state's election laws in order to complete and process SDR registrations.

The bill specifies that the municipality's registrars of voters may agree to appoint one of themselves to serve as the moderator instead. If they choose to do so, they must submit a certification of their agreement to the secretary of the state as well as a written coverage plan for the registrar's regular duties, to ensure the registrar abstains from any that conflict with his or her role as moderator while serving in that role.

Persons Prohibited From Serving as Moderator (§§ 6 & 7)

The bill restricts registrars of voters from designating or appointing a person as a moderator if the person has been convicted of, or pleaded guilty or no contest to, any offense under the state's election laws, or felonies involving fraud, forgery, larceny, embezzlement, or bribery. Under existing law, moderators are generally required to be certified by the secretary of the state before serving at an election or primary (see BACKGROUND) and are subject to the same restrictions in order to receive their certification.

Registrars of voters are responsible for designating a moderator for each polling place, including early voting and central counting locations. If a moderator is unable to serve, a certified alternate moderator may assume the role of moderator. However, if a town or voting district lacks a moderator, the registrars of voters must appoint a new moderator. The new moderator should, if possible, become certified. If all instructional and certification sessions have already been conducted at the time of the moderator's appointment, he or she must

receive instruction from the registrars.

§ 5 — PARTY ENROLLMENT PRIVILEGES FOR UNAFFILIATED ELECTORS

By law, unaffiliated voters who are eligible to vote, in most cases, are immediately entitled to the privileges of party enrollment (e.g., voting in a party's primary) if they file an application in person with the registrars by noon on the business day before a primary.

However, under current law, if the voter submits the application by other means (e.g., by mail) and it is filed within five days before the primary, the privileges generally attach after the primary except in some instances for members of the armed forces or certain residents temporarily overseas. The bill expands this period to 18 days before a primary (§ 5).

BACKGROUND

Challenged Ballots

Under existing law, a voter's right to cast a ballot may be challenged if a challenger knows, suspects, or reasonably believes that a person is not qualified or entitled to vote (CGS § 9-232 et seq.). A moderator must review these challenges and, if a moderator's decision is unfavorable to the challenged voter, the voter may apply for a challenged ballot. As part of the application, the voter must complete an affidavit attesting to the voter's qualifications and entitlement to vote at the election. The town clerk must preserve the ballots for at least 180 days after an election. In the case of a contested election, the court may order that challenged ballots be delivered to the board of admissions. The board, if ordered, must review all challenged ballots and determine which ones may be counted in the election and added to the vote totals.

Moderator Certification Requirements

State law requires the secretary to provide instructional sessions for moderator training each year, subject to certain geographical and timeliness requirements. At a minimum, the curriculum must include (1) procedures for counting and recording absentee ballots, (2) hands-on training for using voting tabulators, and (3) the moderator's duties

in conducting a primary or election.

The secretary must generally certify anyone who successfully completes an instructional session or regional instructional session (i.e. a session conducted by a regional election advisor) and passes an exam she administers. A person cannot be certified if he or she has been convicted of, or pleaded guilty or no contest to, any felony involving fraud, forgery, larceny, embezzlement, bribery, or any criminal offense under the state's election laws.

The secretary's certification is valid for four years. Before it expires, a certified moderator may undergo an abridged recertification process the secretary administers. Once completed, the certification must be renewed for another four years.

Related Bills

sSB 1163 (File 531), favorably reported by the Government Administration and Elections (GAE) Committee, makes identical changes concerning persons prohibited from serving as moderators.

HB 7129 (File 366), favorably reported by the GAE Committee, provides for the transfer of voting tabulators to municipalities.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/27/2025)