
OLR Bill Analysis

sSB 387

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 (such as early voting, absentee voting, and same-day election registration violations, as well as election official duties). The bill authorizes the board to (1) hold review hearings to determine if violations occurred; (2) if violations took place, order varying oversight levels for election administration and establish procedural safeguards, up to a full intervention; and (3) refer matters to the State Election Enforcement Commission (SEEC).

The bill places the board within the Secretary of the State's office for administrative purposes only and specifies that it does not affect (1) SEEC's or the secretary's existing election oversight authority; (2) the state's Voting Rights Act (VRA, Chapter 151a); and (3) anyone seeking alternative remedies state election law allows, including under the state VRA.

The board must adopt any regulations it deems necessary to implement the bill's provisions by January 1, 2027.

EFFECTIVE DATE: January 1, 2027, except the provisions establishing the board and requiring it to adopt regulations take effect 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 designees,

and 13 appointed members as shown in the table below. The secretary of the state (or her designee) serves as the board's chairperson.

Table: Appointed Members

<i>Appointing Authority</i>	<i>Number</i>	<i>Qualification</i>
House speaker, senate president pro tempore, and house and senate minority leaders	One each	Election administration or election law experience
Secretary of the State	Nine	<ul style="list-style-type: none"> • One admitted to practice law in the state with election law expertise • Two certified moderators from different political parties and chosen from a list of recommendations from an organization representing registrars of voters' interests • Two registrars of voters from different political parties and chosen from a list of recommendations from an organization representing registrars of voters' interests • Two town clerks from different political parties and chosen from a list of recommendations from an organization representing town clerk interests • 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

Any lists an organization provides must have five members of each major party for the secretary to consider and her appointments 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, 2026. Any vacancy must be filled by the appointing authority for the original member's remaining term.

Board Logistics

The bill requires the board to have monthly meetings starting on the

second Tuesday of January in 2027. 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 for transacting business.

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. Immediate family includes a spouse, child, parent, or 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 board vacancy 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 receive, that there is a reasonable likelihood of irregularity or impropriety in municipal election administration (for an election, primary, or referendum). They must include any supporting evidence with the referral, such as affidavits, written or electronic correspondence, or 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 due to there being a reasonable likelihood of irregularity or impropriety. The judge must include any supporting evidence with the referral, including any record developed during a judicial proceeding.

Municipal Officers and Election Officials

The bill allows a town clerk, registrar of voters, or moderator to refer

a municipality to the board if they observe an act or omission in a municipality that may interfere with the timely and orderly administration of required election administration duties. Similarly, a municipality's chief executive officer (CEO) may do this after reviewing the municipality's practices. The municipal official must include any supporting evidence, including affidavits, written or electronic correspondence, procedure manuals and other guidance documents, absentee ballot application logs, moderator's diaries, or 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 give supporting evidence, including things like affidavits, written or electronic correspondence, or documented findings from an investigation. These submissions 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 have a review hearing (see below).

In making the determination, the board must consider if the reported municipality would 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 from 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 happen.

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 do a review hearing on a citizen report, the board must notify the municipality. The municipality must have the opportunity to submit a written response to the referral or report within 10 days after 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 after receiving the municipality's response or (2) 60 days after the board notified the municipality and it received no response, the board must hold 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 VRA occurred; and (3) how often the irregularities or improprieties appeared to occur.

If oversight is approved, the board must determine the tier of oversight to be applied (see below) and specify its duration. The board's determination is appealable under the UAPA and is privileged for

assignment.

SEEC Referral

The bill authorizes the board to refer individuals to SEEC for further proceedings if the board believes, based on matters before it, an individual violated the state’s elections laws. The bill correspondingly authorizes SEEC to investigate based on these referrals.

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

Under the bill, Tier I oversight consists of the following:

1. developing and submitting a plan to mitigate the board’s concerns, subject to the board’s modifications and approval;
2. mandatory training for election officials in election administration procedures and best practices from (a) the secretary of the state; (b) certified moderators, town clerks, or registrars selected by the secretary; or (c) a combination of them the secretary chooses; and
3. distributing 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 with the above requirements.

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 authorized to do 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, it requires that the monitor have access to all 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 needed 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 18 Nay 1 (03/11/2026)