

STATE OF CONNECTICUT
OFFICE OF THE SECRETARY OF THE STATE

2021 Connecticut Safe Polls
Handbook



FROM THE OFFICE OF THE SECRETARY OF THE STATE
165 Capitol Avenue, Hartford CT 06106
(Rev. 8/10/2021)

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OUR CHALLENGE

The foundation of democracy in America is our system of elections. The legitimacy of our electoral system is the bedrock upon which a government of the people, by the people and for the people is accepted and established. That legitimacy depends on public confidence in our election system.

This year, we continue to battle a once in a century pandemic that has created an unprecedented strain on election systems across the country. The ranks of election workers, donned in the gear of first responders, are thinned out due to the crisis. Our ability to conduct elections in a pandemic has been tested and proved to be very successful. However, fear remains, and such fear may cause election officials to abandon their posts. Such fears may cause voters to stay home (and under current conditions in Connecticut) be denied their right to vote.

OUR ANSWER

Here in Connecticut, we have learned from our experiences in 2020 and are ready to work to meet and master this challenge to our democracy for a second time. Our work with the Governor and Legislative leadership has provided the legal authorities necessary to overcome disruptions to the election calendar. Our answer to the challenge before us is to build partnerships and marshal our forces behind a plan that ensures Connecticut's elections will be safe, secure and accessible for all voters.

ACCESS

The people of Connecticut should not have to choose between protecting their health and exercising their right to vote. Current circumstances of this pandemic make that choice a reality for many of our fellow citizens. The Secretary of the State is taking action to ensure that access to voting is a reality no matter what the circumstances.

- (1) Expansion of Absentee Ballot- The Legislature has extended the absentee ballot access afforded voters in 2020 to the September primary and November general election in 2021. Drop boxes have been provided to every municipality in which Absentee ballots may be deposited by voters.
- (2) IVS Hardware Maintenance- We will pay for the maintenance of voting machines used by localities which allow for accommodation for disabled citizens to cast their votes.
- (3) The Secretary of the State will continue the assistance program for those voters with print disabilities. The absentee ballot application has been updated to make it accessible by screen readers and includes a check box to indicate that the voter requires a ballot emailed to them because of a print disability. Once the town clerk receives this application with the specified box checked off, they will send out a ballot packet – containing the outer envelope and inner envelope - WITHOUT a paper ballot, directly to the voter. The town clerk will notify the Office of the Secretary of the State that the voter needs an accessible ballot and will provide the voter's email address. The Office of the Secretary of the State will email an accessible ballot directly to the voter. The voter will be able to read and fill out the ballot using their screen reader, print it out, and return it in the ballot packet that was sent to by the town clerk by US mail no later than the close of the polls.
- (4) Backup Voting Machines- We have procured fifty back up voting machines which can be used to provide for replacement parts for existing voting machines.

Absentee Ballot Roadmap

EXTENDING THE USE OF ABSENTEE BALLOTS

Public Act 21-2 June Special Session

Connecticut law allows you to receive an absentee ballot if you cannot appear at your assigned polling place on election day because of active service in the Armed Forces of the United States, absence from the town during all of the hours of voting, illness, religious tenets forbid secular activity on the day of the election, duties as an election official at a polling place other than your own during all of the hours of voting, physical disability, or COVID 19

Knowing an extended use of absentee ballots will increase the number of ballots the following additional procedures will be used:

- The Secretary of the State will not send out absentee ballot applications to all registered voters in Connecticut this year.

RETURN OF A VOTED ABSENTEE BALLOT

- Once the voter has completed their absentee ballot, they would be able to return their ballot in one of three ways. (1) return their ballot using the US Mail, (2) return their ballot directly to the town clerk's office in person, or (3) return their ballot using the drop box location at the local town hall. Any ballot deposited in the drop box shall be considered 'returned by mail.' This will prevent ballots from being rejected if the designee section is not filled out.
- Once the ballot is returned by the voter, the Town Clerk and Registrars of Voters can begin to pre-check and pre-sort the absentee ballots 14 days prior to the election.
- Any voter who wished to withdraw their absentee ballot must do so with their Town Clerk by 5 PM of the fourth day prior to the election.
- Beginning at 5 PM of the fourth day prior to the election, the Town Clerk can provide the absentee ballots received to the Registrars of Voters who can appoint absentee ballot counter to remove the inner envelope from the outer envelope of the ballot set. No inner envelope shall be opened during this process. If a municipality decides to use this option, the Town Clerk and Registrars of Voters must notify the Secretary of the State of the central location at least 10 days prior to the start of the process.
- If there is an issue with the outer or inner envelope during this process, the absentee ballot shall be rejected, marked and replaced in the outer envelope.
- Once the pre-checking, sorting and opening of outer envelopes has been complete, the normal processing and counting of the ballots will occur within the municipality on election day. No ballots can be counted until election day.
- Counting of ballots may begin as early as 6 AM on election day.
- Reporting of election results must be by district and must be made using the Election Management System.
- The reporting deadline for each municipality have been relaxed. The deadline for reporting results has been moved by the legislature to 96 hours (4 days) after the close of the polls, however, result can be reported earlier than this deadline.

- Any absentee ballots returned on the days before the election will be pre-checked and a notation will be placed next to the voter's name on the official check list "A".
- Any ballots returned on the day of the election shall be held for counting until after the close of the polls. After the close of the polls those ballots will be compared against the registry list used at the appropriate polling place to ensure that an absentee ballot voter did not also appear at the polls to cast a ballot.
- Ballot Drop boxes shall be locked at 8 P.M. on election day.

REQUESTS FOR ADDITIONAL BALLOTS

In a circumstance where an additional ballot is requested, the town clerk will still process these requests. Using existing process, the voter will use an ED-3A and submit the application to the town clerk. The town clerk will automatically reject the first ballot issued, issue a second ballot to the voter and count such ballot if it is filed by the close of the polls on election day.

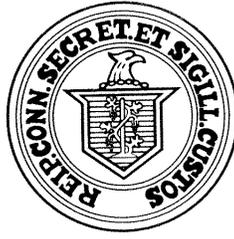
Military/Overseas Ballots – Town Clerks shall continue to process new applications for military ballots and overseas ballots as they normally would do. 45 days before the November 2, 2021 election is September 17, 2021.

Emergency Ballots – Town clerks shall continue to process Emergency Ballots as they have done so in the past.

ACCOMMODATIONS FOR VOTERS WITH PRINT DISABILITIES

The process and procedures for those who need accommodations for print disabilities are as follows:

- The absentee ballot application has been updated to make it accessible by screen readers, and includes a check box to indicate that the voter requires a ballot emailed to them because of a print disability.
- Once the town clerk receives this application with the specified box checked off, they will send out a ballot packet – containing the outer envelope and inner envelope - WITHOUT a paper ballot, directly to the voter.
- The town clerk will notify the Office of the Secretary of the State that the voter needs an accessible ballot and will provide the voter's email address.
- The Office of the Secretary of the State will email an accessible ballot directly to the voter.
- The voter will be able to read and fill out the ballot using their screen reader, print it out, and return it in the ballot packet that was sent to by the town clerk.
- The voter MUST sign the inner envelope, and local election officials have been instructed to approve the inner envelopes that are signed, even if the signature is not in the correct spot.
- Those ballots will be hand counted, as they will be printed on normal paper with normal ink and cannot be fed into the tabulator.



Office of the Secretary of the State
165 Capitol Avenue
Hartford, CT 06106

MEMORANDUM OF OPINION

To: All Town Clerks and Registrars of Voters
From: Office of the Secretary of the State
Date: August 11, 2021
Re: Supervised Absentee Balloting Voting During a State of Health Emergency

We are writing this opinion to ensure that all eligible voters are able to participate in the upcoming November 2, 2021 general election. More specifically, we are clarifying the requirements for Supervised Absentee Balloting at a time when the Governor has declared a public health and civil preparedness emergency throughout the State of Connecticut.

This opinion is limited to absentee ballots issued for the November 2, 2021 election and is issued pursuant to Connecticut General Statutes §9-3 which states, “(a)The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary’s regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion....”

In the State of Connecticut, supervised absentee balloting is administered pursuant to Connecticut General Statutes §§ 9-159q and 9-159r which generally require that absentee balloting conducted at a convalescent or nursing home be supervised by the registrars of voters or their designees. Specifically, Connecticut General Statutes §9-159r states, “(a) Notwithstanding any provision of the general statutes to the contrary, if twenty or more of the patients in any institution in the state are electors, absentee ballots voted by such electors shall be voted under the supervision of the registrars of voters or their

designees of the town in which the institution is located, in accordance with the provisions of this section. As used in this section, the term “institution” shall be construed as defined in section 9-159q.”

We are aware that the Governor has issued Executive Order No. 13A and has renewed on different occasions Executive Order No. 7A which allowed the Department of Public Health to issue visitor restrictions on certain institutions.

For the duration of the aforementioned public health and civil preparedness emergencies, or until such time as I repeal or modify this executive order, notwithstanding Section 19a-550(b)(12) of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, the Commissioner of Public Health is authorized to issue any and all orders restricting entrance into nursing home facilities, residential care homes or chronic disease hospitals that she deems necessary to protect the health and welfare of patients, residents and staff.

On March 10, 2020, September 1, 2020 and January 26, 2021, the Governor declared and renewed public health and civil preparedness emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut. On March 31, 2021, the Governor signed into law Special Act 21-2, through which the General Assembly ratified the previously declarations and endorsed a renewal and extension of such declarations through May 20, 2021. On April 19, 2021, the Governor renewed and issued new declarations of public health and civil preparedness emergency, which ran concurrently and remained in effect through May 20, 2021. On May 13, 2021, the Governor signed into law Special Act 21-4, through which the General Assembly provided procedures for renewal of such declarations and authorized the Governor to continue to exercise the emergency powers provided in Sections 19a-131a and 28-9 of the Connecticut General Statutes through July 20, 2021. On May 17, 2021, the Governor signed into law Special Act 21-5, through which the General Assembly provided procedures for renewal of such declarations and exercise of authorities pursuant thereto for the period after July 20, 2021. On May 18, 2021, the Governor renewed and issued new declarations of public health and civil preparedness emergency, which run concurrently and remained in effect through July 20, 2021. On August 5, 2021, the Governor issued Executive Order 13A, renewing the authority to suspend in supervised voting in light of the pandemic.

On September 17, 2020, the Centers for Medicare and Medicaid Services (CMS) issued a memorandum to all State Survey Agency Directors setting forth new requirements regarding nursing home visitation and COVID-19 (CMS Visitation Memorandum). The CMS Visitation Memorandum directs and expands nursing home visitation beyond the parameters set forth in the Commissioner’s Order dated August 27, 2020.

These principles include, visitors being able to adhere to the core principles of COVID management. Facilities should limit the number of visitors per patient at one time and limit the total number of visitors in the facility one at a time (based on the size of the building and physical space). Facilities should consider scheduling visits for a specified length of time to help ensure all patients are able to receive visitors; and facilities should limit movement in the facility.

This office previously issued an opinion on May 1, 2020 determining that the current public health emergency of COVID-19 and Executive Order 7A and the corresponding Order by the Commissioner of the Department of Public Health eliminate the ability of the Registrars of Voters to conduct Supervised Balloting at nursing homes, residential care homes, and chronic disease hospitals for the August 11, 2020 Republican and Democratic Primaries and the November 3, 2020 general election. This opinion has not changed as a result of the August 5, 2021 order of Governor Ned Lamont, the September 1, 2020 order of Governor Ned Lamont, the previous August 27, 2020 order of the Department of Public Health or the CMS Visitation Memorandum. On August 12, 2021, the Department of Public Health further concluded that continuation of this protocol was prudent from an infection control perspective.

Each Municipal Clerk shall provide a regular absentee ballot to each applicant of such facilities and allow residents of such facilities to vote using such regular absentee ballot and enlist any and all assistance of their choosing without the requirement of Supervised Absentee Ballot voting.

This opinion is also consistent with Centers for Disease Control and Prevention and Connecticut Department of Public Health guidelines regarding the prevention of the spread of COVID-19 within our communities which indicate that older adults are at higher risk of getting very sick from this illness as well as people who have serious chronic medical conditions.

Given the risk to public health, the advice of medical experts, the Governor's Executive Orders No. 7A and 13A, after consultation with the Commissioner of the Department of Public Health, and our ability to interpret and apply Title 9 of the General Statutes to the administration of elections and primaries in the State of Connecticut, our office is duty bound to eliminate the Supervised Balloting requirement for the September 14, 2021 municipal primaries and the November 2, 2021 general election.



Office of the Secretary of the State
165 Capitol Avenue
Hartford, CT 06106
MEMORANDUM OF OPINION

To: All Town Clerks and Registrars of Voters

From: Office of the Secretary of the State

Date: August 11, 2021

Re: Absentee Ballot Procedures for November 2, 2021 General Election

We are writing this opinion to ensure that all eligible voters are able to participate in the upcoming November 2, 2021 general election. More specifically, we are clarifying the procedure for handling voters who present at polling locations on November 2, 2021 with absentee ballots and wish to either vote in person or cast their absentee ballot.

This opinion is limited to absentee ballots issued for the November 2, 2021 general election and is issued pursuant to Connecticut General Statutes §9-3 which states, “(a)The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary’s regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion....”

In the State of Connecticut, absentee ballot return procedure is governed by Connecticut General Statutes C.G.S. §9-137 and §9-140b which restrict the return of absentee ballots to municipal clerks.

Public Act 21-2 of June 2021 repealed and substituted §9-140b subsection (c) to allow the return of absentee ballots to secure drop boxes monitored by the municipal clerks as follows:

(c) (1) For purposes of this section, "mailed" means (A) sent by the United States Postal Service or any commercial carrier, courier or messenger service recognized and approved by the Secretary of the State, or (B) deposited in a secure drop box designated by the municipal clerk for such purpose, in accordance with instructions prescribed by the Secretary.

(2) In the case of absentee ballots mailed under subparagraph (B) of subdivision (1) of this subsection, beginning on the twenty-ninth day before each election, primary or referendum, and on each weekday thereafter until the close of the polls at such election, primary or referendum, the municipal clerk shall retrieve from the secure drop box described in said subparagraph each such ballot deposited in such drop box.

P.A. 21-2 also repealed and substituted C.G.S. §9-159o and states in relevant part:

(b) Notwithstanding the provisions of subsection (a) of this section, for the state election in 2020, and any election, primary or referendum held on or after the effective date of this section but prior to November 3, 2021, any elector who has returned an absentee ballot to the municipal clerk and who finds such elector is able to vote in person shall proceed before five o'clock p.m. on the fourth day before such election, primary or referendum to the municipal clerk's office and request that such elector's ballot be withdrawn.

If the voter appears at a polling location on November 2, 2021 with his absentee ballot in hand and is seeking to cast that absentee ballot, the voter should be instructed to return the ballot to one of the official ballot drop boxes in the municipality. Poll workers, registrars of voters, deputy registrars of voters, and assistant registrars of voters at polling locations should not handle or accept absentee ballots from voters on November 2, 2021. All absentee ballots should be returned to municipal clerks or to the ballot drop box on November 2, 2021 consistent with P.A. 21-2 as cited above. This is also consistent with C.G.S. §9-137(a) which states "Each absentee ballot shall be returned to the municipal clerk..."

If the voter has requested but not cast his absentee ballot and seeks to vote in person at the polling location, they may do so and should be instructed to destroy their absentee ballot at home.

If the voter has cast his absentee ballot and appears at a polling location on November 2, 2021, they are unable to vote in person as pursuant to P.A. 21-2, they had until 5:00 P.M. on the fourth day before the election to withdraw their absentee ballot from the municipal clerk. They should be instructed that they have already voted and may not vote again.



Office of the Secretary of the State
165 Capitol Avenue
Hartford, CT 06106
MEMORANDUM OF OPINION

To: All Town Clerks and Registrars of Voters

From: Office of the Secretary of the State

Date: October 6, 2020 (*Reissued for November 2, 2021 Election*)

Re: Political Clothing

As questions persist regarding the presentation of politically themed clothing and other paraphernalia at the polls, our office believes that registrars and other local officials may need some guidance as to when an individual is able lawfully display such paraphernalia under their Constitutionally protected right of free speech and when local officials are allowed to restrict such presentation under Section 9-236 of the Connecticut General Statutes. In any such decision henceforth, the official shall be guided by this opinion.

This opinion is issued pursuant to Connecticut General Statutes §9-3 which states, “(a)The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary’s regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion....”

In the State of Connecticut, Connecticut General Statutes §9-236 requires a 75-foot zone of neutrality surrounding a polling location. C.G.S. §9-236(a) specifically prohibits any materials which “solicit” stating:

(a) On the day of any primary, referendum or election, no person shall solicit on behalf of or in opposition to the candidacy of another or himself or on behalf of or in opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach.

Connecticut faced the issue of what qualifies as prohibited clothing under C.G.S. §9-236(a) when Linda McMahon ran for U.S. Senate and the question emerged as to whether clothing promoting McMahon's company, the WWE, would be barred from entering the neutral zone. McMahon, by virtue of her involvement with the company, and her husband's position as head of the company, was clearly associated with both the WWE label and name. This raised concerns that the display of such apparel would rise to the definition of "solicit" under C.G.S. §9-236(a). However, the Secretary of the State clarified that the statute is not triggered, and WWE apparel shall not be barred, unless the clothing displays the name or image of the candidate or the campaign name. In this matter, the court found that the WWE logo did not fall under the prohibitions of C.G.S. §9-236(a) See:

<https://www.nbcconnecticut.com/news/local/judge-wear-wwe-gear-to-polls-if-you-like/1873642/>

In approaching the November 3rd, 2020 general election, the question has been raised as to whether candidate slogans that may be closely related to a particular candidate triggers C.G.S. §9-236(a) and requires the individual to either remove the clothing or conceal it to enter the 75-foot zone. It is the opinion of this office such slogans do not trigger C.G.S. §9-236(a) as they do not solicit on behalf of a candidate or against another, nor does it display a candidate's name or photo. Again, only paraphernalia that contains the name or photograph of a candidate may be barred from the polls.

This opinion is consistent with the holding of *Minnesota Voters Alliance v. Mansky*, 585 U.S. ____ (2018) in which the Supreme Court struck down a Minnesota law similar to C.G.S. §9-236(a) prohibiting the wearing of a "political badge, political button, or other political insignia" inside polling places. The law was challenged by voters including one who was twice denied entry to the polls because of his "Please I.D. Me" button and Tea Party Patriots shirt with the words "Don't Tread on Me" and was forced to record his vote with an election judge. *Id.* at 6. The Court found the statute was too vague because it failed to define the term "political" and accordingly was a violation of free speech as applied. *Id.* at 13. The Court reasoned "that if a State wishes to set its polling places apart as areas free of partisan discord, it must employ a more discernible approach than the one Minnesota has offered here." *Id.* at 19.

If voters appear at the polls on November 3rd, 2020 wearing clothing which displays a slogan rather than the candidate's name or photo, they should be allowed to vote as this does not trigger C.G.S. §9-236(a). Only voters who are wearing clothing, hats, buttons or any paraphernalia which display either a candidate's name or photo or which advocates for an issue on the ballot should be asked to remove or cover the item in question before entering the polling location.



Office of the Secretary of the State
165 Capitol Avenue
Hartford, CT 06106

MEMORANDUM OF OPINION

To: All Town Clerks and Registrars of Voters

From: Office of the Secretary of the State

Date: September 30, 2020 (*Reissued for November 2, 2021 Election*)

Re: Face mask requirements on Election day

We are writing this opinion to ensure that all eligible voters are able to participate in the upcoming November 2, 2021 general election. More specifically, we are clarifying the face mask requirement adherence at a time when the Governor has declared a public health and civil preparedness emergency throughout the State of Connecticut and there is a Constitutionally protected right to vote involved.

This opinion is limited to questions regarding whether a person who refuses to wear a face mask may be denied entry to the polls during the November 2, 2021 election and is issued pursuant to Connecticut General Statutes §9-3 which states, "(a)The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary's regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion...."

We are aware that the Governor issued Executive Order No. 7BB which requires individuals to wear face masks as follows:

Cloth Face Coverings or Higher Level of Protection Required in Public Wherever Close Contact is Unavoidable. Effective at 8:00 p.m. on Monday, April 20, 2020, any person in a public place in Connecticut

who is unable to or does not maintain a safe social distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face-covering. In addition, individuals shall use a mask or cloth face covering when using the services of any taxi, car, livery, ride-sharing or similar service or means of mass public transit, or while within any semi-enclosed transit stop or waiting area. The Commissioner of Economic and Community Development shall issue updated versions to the Safe Workplace rules issued pursuant to Executive Order No. 7V, Section 1 and the Safe Stores rules issued pursuant to Executive Order No. 7S, Section 1, which updated versions shall set forth additional requirements for face coverings within those settings. Nothing in this order shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, a child in a child care setting, anyone under the age of 2 years, or an older child if the parent, guardian or person responsible for the child is unable to place the mask safely on the child's face. If a person declines to wear a mask or face covering because of a medical condition as described above, such person shall not be required to produce medical documentation verifying the stated condition. This order shall supersede and preempt any current or future municipal order.

Executive Order No. 7NNN repealed and replaced 7BB on August 14th, 2020, and renewed face mask and social distancing requirements as follows:

I. Executive Order No. 7BB, Section 2, issued on April 17, 2020, is repealed. Effective immediately, any person in a public place in Connecticut, whether indoors or outdoors, who does not maintain a safe social distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face-covering. In addition, individuals shall use a mask or cloth face covering when using the services of any taxi, car, livery, ride-sharing or similar service, or any means of mass public transit, or while within any semi-enclosed transit stop or waiting area. a. Nothing in this order shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, a child in a child care setting, or anyone under the age of 2 years. Any person who declines to wear a mask or face covering because of a medical condition shall be exempt from this order and any requirement to wear masks in Sector Rules or other rules issued by the Commissioner of the Department of Economic and Community Development (DECD), but only if such person provides written documentation that the person is qualified for the exemption from a licensed medical provider, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency. Such documentation need not name or describe the condition that qualifies the person for the exemption

On September 25th, 2020 the Governor issued Executive Order No. 9B section, which established \$100 fines for individuals who violate the face mask requirements as follows:

Any person who, while in any public place or in any location where and for whom wearing a mask or face covering is required by Executive Order No. 7NNN or any DECD Sector Rules, or other lawful authority, as each is amended from time to time, other than a person who qualifies for the medical exemption set forth in Executive Order No. 7NNN or who while outdoors maintains a distance of approximately six feet from every other person, who fails to wear a mask or cloth face covering shall be guilty of a violation and fined one hundred dollars. A business entity, rather than the employee, is liable for a fine of the same amount for any employee's failure to wear a required mask or cloth-face covering while at work.

On August 5th, 2021 the Governor issued Executive Order No. 13A, which requires unvaccinated individuals to wear a mask in indoor settings when social distancing is not available. It also allows the municipalities to set facemask requirements as follows:

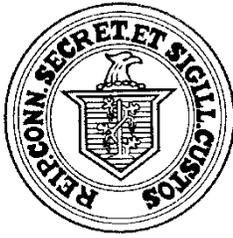
Any business, nonprofit organization, property owner, or state, regional, or municipal government or agency may, subject to the exceptions in subsection (a) of this order and in addition to or in the absence of any municipal order pursuant to Section 28-8a, as described in subsection (d) of this order, require the universal use of masks or face coverings or require staff to wear masks or face coverings in settings under their ownership or control, including, but not limited to, offices, places of public accommodation, public venues, or public meetings.

The question has been raised as to whether a person who declines or refuses to wear a face mask and seeks to vote in person may be denied entry to the polling location in light of the current face mask requirements and Executive Order No. 13A. 13A expires on September 30, 2021, which is prior to the election of November 2, 2021. This guidance will be updated in accordance with any additional executive orders in light of the evolving pandemic and surge of the Delta variant.

It is the opinion of this office that if a person appears at a polling place and is not in compliance with Executive Order No. 13A, the moderator and/or poll workers should offer the voter options to vote in a manner that does not endanger the health of other individuals in the polling place. Those options include (but are not limited to) the following:

- (1) Offer the voter an opportunity to return to their car without losing their space in line to obtain a mask;
- (2) Offer the voter a mask;
- (3) Offer the voter the option to complete their ballot outside of the polling place;
- (4) Offer the voter a provisional ballot that they can complete in their car and leave the ballot with a poll worker upon completion; or
- (5) Offer the voter the opportunity to complete their ballot in a segregated part of the polling location away from other voters.

If multiple voters who are unwilling or unable to wear a face covering or mask seek to vote, poll workers should make efforts to funnel these voters outside using best efforts to ensure 6 foot spacing. Should any voter become unreasonable or attempt to interfere with the process of voting, they should be removed from the polls by the moderator or police officer if necessary.



Office of the Secretary of the State
165 Capitol Avenue
Hartford, CT 06106



State Elections Enforcement Commission
18-20 Trinity Street
Hartford, CT 06106

To: Connecticut Police Chiefs Association

From: Office of the Secretary of the State and The State Elections Enforcement Commission

Date: October 19, 2020 (*Reissued for November 2, 2021 Election*)

Re: Voter Intimidation and Polling Place Restrictions

In Connecticut, our mission is to protect democracy and ensure that citizens can exercise their right to vote and make their voice heard. Connecticut and federal law offer strong protections to voters against intimidation.

We have no information that there will be any intentional acts of interference or intimidation at the polls in Connecticut. We have a long and proud history in our state of orderly and professionally run elections. Working together, we expect that tradition to continue.

In that spirit, we have identified several state statutes that are designed to help preserve public order, protect voting rights and defend democracy.

There are statutes that allow local election officials to partner with local law enforcement in certain circumstances. For example, if there is disorder at the polls the moderator may request assistance from the police.

Sec. 9-230. Authority of registrars and moderators to prevent or suppress disorder. The registrars of voters may request the head of the police department of the municipality, or, if none, a constable serving such municipality, to provide police protection at any polling place of any regular or special state or municipal election where they may anticipate disorder. The moderator of such election may, when any disorder arises in such election and the offender refuses to submit to the moderator's lawful authority, order any officer with power of arrest to take the offender into custody and, if necessary, to remove the offender from such election until the offender conforms to order or, if need be, until such election is closed, and thereupon such officer may command all necessary assistance. Any person refusing to assist when commanded shall be liable to the same penalties as for refusing to assist constables in the execution of their duties, but no person commanded to assist shall

be deprived of such person's right to vote at such election, nor shall the offender be so deprived any longer than the offender refuses to conform to order.

In addition, Connecticut General Statutes Title 9 prohibits certain electioneering within 75 feet of any entrance to a polling location. Should the local moderator be unable to properly handle interference within such 75-foot zone, they may request the assistance of the police.

Sec. 9-236. Activities prohibited in and near polling place; distance markers; entry restricted; exceptions (Excerpt). (a) On the day of any primary, referendum or election, no person shall solicit on behalf of or in opposition to the candidacy of another or himself or on behalf of or in opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach...The moderator shall evict any person who in any way interferes with the orderly process of voting.

This same section also restricts access to the polls to anyone other than a voter, designee of the Secretary of the State or poll workers.

Sec. 9-236. Activities prohibited in and near polling place; distance markers; entry restricted; exceptions (Excerpt)....(c) No person shall be allowed within any polling place for any purpose other than casting his or her vote, except (1) those permitted or exempt under this section or section 9-236a, (2) primary officials under section 9-436, (3) election officials under section 9-258, including (A) a municipal clerk or registrar of voters, who is a candidate for the same office, performing his or her official duties, and (B) a deputy registrar of voters, who is a candidate for the office of registrar of voters, performing his or her official duties, or (4) party checkers under section 9-235. Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator.

(d) Any person who violates any provision of this section or, while the polls are open for voting, removes or injures any such distance marker, shall be guilty of a class C misdemeanor.

Once a voter has voted and placed their ballot in the tabulator, they must leave the polling place immediately. No voter is permitted to linger in the polling place any longer than it takes to cast their ballot.

Sec. 9-261. Process of voting (Excerpt)....(e) If not challenged by anyone lawfully present in the polling place, the elector shall be permitted to pass to the separated area to receive the ballot. The elector shall give any receipt the elector has received to a ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. The elector shall be permitted into the voting booth area, and shall then register his or her vote in secret. Having voted, the elector shall immediately exit the voting booth area and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting booth longer than the time necessary to complete the ballot, and, if the elector refuses to leave such booth after completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator.

In addition to specific statutory sections regarding polling place activities, Connecticut General Statutes Title 9 expressly prohibits voter intimidation and creates a high bar to challenging the eligibility of voters:

Sec. 9-364. Influencing elector to refrain from voting. Any person who, with intent to disenfranchise any elector, influences or attempts to influence by force or threat, bribery or corrupt, fraudulent or deliberately deceitful means any elector to stay away from any election shall be guilty of a class D felony.

Sec. 9-364a. (Formerly Sec. 9-344). Acts prohibited in elections, primaries, referenda, caucuses and conventions. Penalties. Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or willfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, willfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who willfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be guilty of a class C felony.

Sec. 9-232. Challengers. (Excerpt)(b) Challenges shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes such a person not to be qualified and entitled to vote. Any challenge by an elector and the statement of the person challenged shall be under oath, administered by the moderator.

Federal law also offers protection against voter intimidation:

18 U.S. Code §245 Federally protected activities. (Excerpt).... (b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with— (1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from— (A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election ... shall be fined under this title, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under this title, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. As used in this section, the term “participating lawfully in speech or peaceful assembly” shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot.

18 U.S. Code § 594. Intimidation of voters. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined under this title or imprisoned not more than one year, or both.

52 U.S. Code §10101. Voting rights (Excerpt)..... (b) Intimidation, threats, or coercion. No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to

intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

52 U.S. Code §20511. Criminal penalties. A person, including an election official, who in any election for Federal office— (1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for— (A) registering to vote, or voting, or attempting to register or vote; (B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or (C) exercising any right under this chapter; or (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by— (A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

Recently, the issue of firearms at the polls has been raised. According to a recent survey by Giffords Law Center PREVENTING ARMED VOTER INTIMIDATION: A State-by-State Analysis September 2020 summarizes Connecticut as follows:

CONNECTICUT - Connecticut does not prohibit guns at polling locations but does prohibit guns on school grounds. A state permit is required for open carry of handguns. Connecticut generally requires that any person seeking to carry a pistol or revolver, whether openly or concealed, obtain a state permit. Conn. Gen. Stat. § 29-35(a).

Finally, although Connecticut General Statutes Title 9 allows local election officials to regulate activity inside the 75-foot restricted area, it falls to any local ordinance or other state laws with regard to activity occurring outside of the 75-foot restricted area such as the placement of political signs on public property, public gatherings, and access to public or interference with traffic on public roads for example.

Our democracy rests on the consent of the citizens of the United States to the rule of their government as expressed at free and fair elections. Connecticut and federal law have strong protections for the fundamental right of Connecticut citizens to freely make their voices heard in our elections, and as election officials it is our duty to ensure that those votes are able to be cast without fear of intimidation or artificial, extralegal barriers. Every eligible voter in Connecticut must be able to exercise their fundamental right to vote. Thank you for your commitment to this ideal.

If you should you have any questions, please contact the Director of Elections at the Office of the Secretary of the State, Ted Bromley at 860-509-6122 or ted.bromley@ct.gov or the Law Enforcement Unit of the State Elections Enforcement Commission, Attorney Kevin Ahern at 860-256-2940 or kevin.ahern@ct.gov.

GUIDANCE ON UNOFFICIAL CHECKERS

To: All Registrars of Voters and Town Clerks
From: Office of the Secretary of the State
Date: October 19, 2020 (*Reissued for November 2, 2021 Election*)
RE: Unofficial Checkers

We have received several inquiries regarding "poll watchers" or "election observers" and their status at the polls.

To be clear, Connecticut does not have "election observers" or "poll watchers". There is no such position and they are not legally recognized by Title 9 of the general statutes. Any such request for such positions at the polls on election day must be denied and prohibited.

Apart from traditional poll workers such as official checkers, moderators, assistant registrars of voters, tabulator tenders, and ballot clerks, there does exist UNOFFICIAL CHECKERS and CHALLENGERS.

UNOFFICIAL CHECKERS

Unofficial checkers and challengers are both appointed at the sole discretion of the registrars of voters of the municipality.

Unofficial checkers may be appointed by the registrars of voters at the request of the local town chair of the party who must request them no later than 48 hours prior to the opening of the polls.

Sec. 9-235. Unofficial checkers. (a) At least forty-eight hours prior to each election to be held in a municipality, each registrar of voters in such municipality may appoint for each line of electors in each voting district therein, to serve as unofficial checkers, not more than four electors enrolled in the party with which the registrar is enrolled, provided a registrar may establish two or more shifts for unofficial checkers, in which case such registrar may appoint not more than four such unofficial checkers for each line of electors in each district for each shift. The persons so appointed shall be designees of the town chairman of the party with which such registrar is enrolled, provided such town chairman shall submit the names of such designees in writing to such registrar at least forty-eight hours before the election. A registrar of voters shall, at the request of the town chairman of the party with which such registrar is enrolled, change such appointments of designees of such town chairman, at any time before the closing of the polls on the day of an election.

CHALLENGERS

Registrar appointed Challengers have been eliminated from state statute. Conn. Pub. Act 21-2 § 111-114 (June Spec. Sess.) Any elector who is lawfully in a polling place, including election officials, may challenge a voter's right to vote but the challenge is made under oath and penalty of false statement, and the challenger must know, suspect, or reasonably believe that the voter is not who they say they are, does not live where they say they live, or is disenfranchised.

CDC ELECTION GUIDELINES

Background

There is much to learn about the novel coronavirus (SARS-CoV-2) that causes coronavirus disease 2019 (COVID-19). Based on what is currently known about SARS-CoV-2 and about similar coronaviruses, spread from person-to-person happens most frequently among close contacts (within about 6 feet). This type of transmission occurs via respiratory droplets. Transmission of SARS-CoV-2 to persons from surfaces contaminated with the virus has not been documented. Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through contact with contaminated surfaces. Current evidence suggests that SARS-CoV-2 may remain viable for hours to days on surfaces made from a variety of materials. Cleaning of visibly dirty surfaces followed by disinfection is a best practice measure for prevention of COVID-19 and other viral respiratory illnesses in election polling locations.

Purpose

This guidance provides recommendations on the routine cleaning and disinfection of polling location areas and associated voting equipment (e.g., pens, voting machines, computers). It suggests actions that polling station workers can take to reduce the risk of exposure to COVID-19 by limiting the survival of the virus in the environment. This guidance will be updated if additional information becomes available.

Definitions:

Community settings (e.g. polling locations, households, schools, daycares, businesses) encompass most non-healthcare settings and are visited by the general public.

Cleaning refers to the removal of dirt and impurities including germs from surfaces. Cleaning alone does not kill germs. But by removing them, it decreases the number of germs and therefore any risk of spreading infection.

Disinfecting kills germs on surfaces. Disinfecting works by using chemicals to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs. But killing germs remaining on a surface after cleaning further reduce any risk of spreading infection.

Actions for elections officials in advance of election day

Encourage voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations.

Encourage mail-in methods of voting if allowed in the jurisdiction.

Encourage early voting, where voter crowds may be smaller throughout the day. This minimizes the number of individuals a voter may come in contact with.

Encourage drive-up voting for eligible voters if allowed in the jurisdiction.

Encourage voters planning to vote in-person on election day to arrive at off-peak times. For example, if voter crowds are lighter mid-morning, advertise that in advance to the community.

Encourage relocating polling places from nursing homes, long-term care facilities, and senior living residences, to minimize COVID-19 exposure among older individuals and those with chronic medical conditions.

Consider additional social distancing and other measures to protect these individuals during voting.

Preventive actions polling workers can take

Stay at home if you have fever, respiratory symptoms, or believe you are sick

Practice hand hygiene frequently: wash hands often with soap and water for at least 20 seconds. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60% alcohol.

Practice routine cleaning of frequently touched surfaces: including tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, etc.

Disinfect surfaces that may be contaminated with germs after cleaning: A list of products with EPA-approval for use against Covid-19 is available [here](#). Products with EPA-approved emerging viral pathogens claims are expected to be effective against the virus that causes COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, use of personal protective equipment).

Clean and disinfect voting-associated equipment (e.g., voting machines, laptops, tablets, keyboards) routinely. Follow the manufacturer's instructions for all cleaning and disinfection products.

Consult with the voting machine manufacturer for guidance on appropriate disinfection products for voting machines and associated electronics.

Consider use of wipeable covers for electronics.

If no manufacturer guidance is available, consider the use of alcohol-based wipes or spray containing at least 70% alcohol to clean voting machine buttons and touch screens. Dry surfaces thoroughly to avoid pooling of liquids.

Preventive action polling stations workers can take for themselves and the general public

Based on available data, the most important measures to prevent transmission of viruses in crowded public areas include careful and consistent cleaning of one's hands. Therefore:

Ensure bathrooms at the polling station are supplied adequately with soap, water, and drying materials so visitors and staff can wash their hands.

Provide an alcohol-based hand sanitizer with at least 60% alcohol for use before or after using the voting machine or the final step in the voting process. Consider placing the alcohol-based hand sanitizer in visible, frequently used locations such as registration desks and exits.

Incorporate social distancing strategies, as feasible. Social distancing strategies increase the space between individuals and decrease the frequency of contact among individuals to reduce the risk of spreading a disease. Keeping individuals at least 6 feet apart is ideal based on what is known about COVID-19. If this is not feasible, efforts should be made to keep individuals as far apart as is practical. Feasibility of strategies will depend on the space available in the polling station and the number of voters who arrive at one time. Polling station workers can:

Increase distance between voting booths.

Limit nonessential visitors. For example, poll workers should be encouraged not to bring children, grandchildren, etc. with them as they work the polls.

Remind voters upon arrival to try to leave space between themselves and others. Encourage voters to stay 6 feet apart if feasible. Polling places may provide signs to help voters and workers remember this.

Discourage voters and workers from greeting others with physical contact (e.g., handshakes). Include this reminder on signs about social distancing.

Recommendations for processing mail-in ballots

Workers handling mail in ballots should practice hand hygiene frequently.

No additional precautions are recommended for storage of ballots.

CLEANING PROCEDURES FOR OPTICAL SCAN VOTING EQUIPMENT

For the Voter:

Quick drying hand sanitizer and/or plastic gloves should be used to avoid getting the ballots wet.

Additional hand sanitizer and garbage containers to deposit used plastic gloves should be available as the Voter exits the Polling Location, AFTER the ballot has been deposited into the tabulator.

If the voter wishes to use their own pen, it must be blue or black ink that dries quickly. Excess ink pooling on the ballot can damage the voting machines. Please remember the tabulators do not see the color red, red ink should not be used.

For the Election Officials and Staff:

Sanitizer and plastic gloves should be available to all election staff. Sanitizer should be kept away from paper ballots, paper check lists and electronic devices.

Marking Pens, Voting Booths, and any high contact surfaces (table-tops, door handles, etc..) should be wiped down with disinfecting wipes.

Avoiding Damage to Paper Ballots and Voting Equipment

When using hand sanitizer, make sure hands are completely dry before touching paper ballots, check lists or voting equipment. Excess moisture can cause damage to all these items.

Disinfecting wipes can leave behind liquid residue. Make sure all surfaces are dry before placing paper ballots or checklists in the disinfected area.

If ballots become damp from sanitizer or other moisture, make sure they are not fed through your tabulator. Damp ballots can tear inside the voting machine rendering them inoperable. If ballots become damp they should be spoiled or placed in the hand count compartment.

Disinfecting wipes should not be used as gloves for handling ballots or other items in a polling place. Please have disposable gloves available if a poll worker or voter wishes to protect their hands.

If hand sanitizer is made available at the exit of the polling place, make sure it is located after the voter has deposited their ballot in the tabulator, not before.

CLEANING PROCEDURES FOR THE IVS VOTING EQUIPMENT

In light of our current Coronavirus concerns and the upcoming elections, we would like to inform you of a recommended way to clean your IVS Ballot Marking Machines.

Disinfecting wipes are ok to clean the touchscreens, keyboard and keypad before and after each use, but please be sure to wring out the excess liquid before use and do not use wipes containing bleach.

Also, make sure to use a new pair of disposable headphone covers for every voter unless they use their own headphone.

It is always good practice for people to use hand sanitizer when they arrive and leave the polling station, and that's true whether they use the ballot marking system or not.

BALLOT DROP BOXES

Each municipality has received at least one ballot drop box. Some municipalities have received more than one Ballot Box. The Ballot Boxes were dropped shipped to each municipality. Use of the Ballot Boxes has been made permanent by Conn. Pub. Act 21-2 § 102 (June Spec. Sess.).



Ballot Drop Box Model 710

Interior/exterior security cabinet made with a low-maintenance, brushed stainless steel material, used to protect your cabinet from harsh elements. Includes a slot closer for quick attachment at poll closing. ADA compliant – offers one-hand delivery at ADA height.

Each Ballot Box is:

- Low-maintenance, brushed stainless steel material makes it easy to remove graffiti and other harsh elements. ADA Compliant to fit the needs of all the communities.
- Heavy duty, all weather construction.
- Easy installation
- Ships fully assembled

Dimensions:

- Outside Dimensions: (inches) 19" x 20" x 47" high
- Material Type: Brushed Stainless Steel
- Collection Container placed inside the cabinet for easy collection.

Security:

- Double lock access (3) brass locks.
- Double bitted keys
- Lock covers
- Anti-tamper protection

Each Ballot Box meets the strict State of California specifications.

Note: These Ballot Boxes were purchased with Federal Funds so they may not be uninstalled or disposed of without the express permission of the granting agency, in this case, Secretary of the State.