

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 10E

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –
ABSENTEE BALLOT USE FOR AN ELECTION, PRIMARY, OR REFERENDUM**

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021, unless earlier terminated; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, public health experts have recommended that, to prevent transmission of COVID19, and in light of the risk of asymptomatic transmission and a significant rate of false negative tests, everyone should assume they can be carrying COVID-19 even when they have received a negative test result or do not have symptoms; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, infections with highly transmissible variants of the coronavirus that causes COVID-19 have spread widely in the United Kingdom and elsewhere and have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

WHEREAS, elections and referendums will be held in the coming months to select candidates for various state and municipal offices; and

WHEREAS, while Connecticut has made significant progress in administering vaccines, significant portions of the population have not yet completed their course of vaccinations, and significant public health risks may still remain to poll workers and voters taking part in municipal elections and referendums; and

WHEREAS, absentee voting offers a proven method of secure voting that reduces the risk of transmission of COVID-19 by allowing individuals to vote by mail and thereby reducing the density of in-person voting at polling places; and

WHEREAS, secure and tamper-proof drop boxes manufactured specifically for the purpose of voting offer a safe and secure way for voters to deliver absentee ballots to election officials without in-person interactions that could increase the risk of transmission of COVID-19; and

WHEREAS, municipalities and regional boards of education do not in all situations have access to venues large enough to conduct town meetings or other meetings for the purpose of voting with sufficient space to provide adequate and safe distancing for all those likely to attend; and

WHEREAS, existing statutes related to permissible uses of absentee ballots in elections, primaries and referendums do not provide sufficient procedural and timeline flexibility to provide safe and secure voting while the risk of COVID-19 transmission remains significant;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 and January 26, 2021 and the new public health and civil preparedness emergencies declared on January 26, 2021, do hereby **ORDER AND DIRECT**:

1. **Repeal of Executive Order No. 10, Section 8.** Executive Order No. 10, Section, 8 is repealed in its entirety and superseded by Section 2 of this order.
2. **Absentee Voting Eligibility During COVID-19 Pandemic.**
 - (a) Section 9-135 of the Connecticut General Statutes is modified to provide that, in addition to the enumerated eligibility criteria set forth in subsection (a) of that statute, an elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot for any election, primary or referendum held before May 20, 2021 if he or she is unable to appear at his or her polling place during the hours of voting because of the sickness of COVID-19. COVID-19 means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by said organization as a communicable respiratory disease. It shall not constitute a misrepresentation under subsection (b) of Section 9-135 of the General Statutes for any person to communicate the provisions of this modification to any elector or prospective absentee ballot applicant.
 - (b) **Notice of Modification Required on Inner Envelope.** Section 9-137 of the Connecticut General Statutes is modified to provide that it shall not constitute a false statement for a person to represent his or her eligibility to vote by absentee ballot pursuant to the modifications of Section 9-135 in subsection (a) of this Section, and the inner envelope described in Section 9-137 shall contain a notice describing the modification in subsection (a) of this Section. For any election, primary, or referendum before May 20, 2021, election officials may use existing absentee ballot sets as directed by the Secretary.
 - (c) **Authority for Secretary of the State to Modify Absentee Ballot Applications, Envelopes, and Printed Materials Regarding Eligibility.** Notwithstanding any provision of Title 9 of the Connecticut General Statutes or any other law or regulation to the contrary, for any election, primary, or referendum held before May 20, 2021, the Secretary of the State shall be authorized to modify any application, required notice, statement, or description of the eligibility requirements for voting by absentee ballot on any printed, recorded, or electronic material in order to provide accurate information to voters about the modifications to absentee voter eligibility and related requirements of this order.
 - (d) **Modification of Requirement that Absentee Ballots be Mailed Within Twenty-Four Hours of Application.** Section 9-140(g) of the Connecticut General Statutes is modified to provide that for any election, primary, or referendum to be held before May 20, 2021, each absentee voting set

required to be mailed to an applicant shall be mailed by the municipal clerk within forty-eight (48) hours after the application for such absentee voting set is received by the municipal clerk.

(e) **Modification of Requirement that Absentee Ballots be Returned by United States Mail or In Person.** Section 9-140b(c) of the Connecticut General Statutes is modified to provide that the term “mailed” also means for any election, primary, or referendum to be held before May 20, 2021 deposited in a secure drop box designated by the municipal clerk for such purpose, in accordance with instructions prescribed by the Secretary of the State.

- i. In the case of absentee ballots mailed for any election, primary, or referendum to be held before May 20, 2021, beginning on the twentieth day before an election, primary, or referendum, and on each weekday thereafter until the close of the polls, the municipal clerk shall (A) retrieve from the secure drop box each such ballot deposited in such drop box, and (B) if the drop box is located outside a building other than the building where the municipal clerk’s office is located, arrange for the municipal clerk or municipal clerk’s designee to be escorted by a police officer during such retrieval. All other requirements of Section 9-140b(c) continue to apply.
- ii. No person shall be permitted to deposit an absentee ballot in a secure drop box after the hour prescribed for the closing of the polls in any election, primary, or referendum unless such person is in line at the drop box at the hour prescribed for the closing of the polls in any such election. An election official or a police officer of the municipality, who is designated by the municipal clerk, shall be placed at the drop box at the hour prescribed for the closing of the polls in any election, primary, or referendum. Such official shall direct all persons to form a line to deposit absentee ballots in the drop box and such official shall not allow any person who was not in such line at the hour prescribed for the closing of the polls in any such election, primary, or referendum to enter such line or to deposit an absentee ballot in the drop box. The municipal clerk, or municipal clerk’s designee, shall lock the drop box after the last person in line at the hour prescribed for the closing of the polls in any election has deposited such person’s absentee ballot in the drop box.

(f) **Modification of Time Period for Sorting of Absentee Ballots into Voting Districts by the Municipal Clerk.** Section 9-140c(b) of the Connecticut General Statutes is modified to provide that for any election, primary, or

referendum held before May 20, 2021, beginning the fourteenth day before the election or primary and on any weekday thereafter, all absentee ballots received by the municipal clerk not later than eleven o'clock a.m. of such day may be sorted into voting districts by the municipal clerk and checked on the official checklist. Ballots received not later than eleven o'clock a.m. on such last day before the special election or municipal primary shall be delivered by the municipal clerk to the registrars at six o'clock a.m. on the day of the election.

- (g) **Waiver of Supervised Absentee Ballot Requirements.** For any election, primary, or referendum held before May 20, 2021, the Secretary of the State may waive any requirement under sections 9-159r and 9-159q of the general statutes, provided the Secretary (1) waives such requirement in recognition of the public health and civil preparedness emergency declared on March 10, 2020, and renewed on September 1, 2020 and January 26, 2021 and has consulted with the Commissioner of Public Health or said commissioner's designee regarding such waiver, and (2) has given written notice to the municipal clerk and registrars of voters in each municipality.
- (h) **Modification of Municipal and Regional Board of Education Budget Adoption Timelines.** For any municipal budget or regional board of education budget prepared for the fiscal year ending June 30, 2022, notwithstanding the provisions of Title 7 and Chapters 164, 170 and 204 of the Connecticut General Statutes and any special act, municipal charter, home rule ordinance, municipal ordinance, regulation or policy, a municipality or regional board of education, upon a majority vote of its legislative body, or in a municipality where the legislative body is a town meeting, the board of selectmen, or of the regional board of education, as applicable, may alter its budget adoption dates, provided such vote to alter budget adoption dates is taken before May 20, 2021 and the final budget is approved before June 30, 2021 or at a minimum the first town meeting, district budget meeting, or referendum that may be required to approve such budget is conducted before June 30, 2021. Such budget adoption dates may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body of a municipality or of a regional board of education pursuant to this order shall include a reference to this order. For the purposes of this section, "municipality" has the same meaning as provided in section 7-401.
- (i) **Suspension of Three-Week Notice Provision for Municipal Referenda.** Notwithstanding the provisions of Section 9-369c(a) and 9-369(e) of the Connecticut General Statutes, absentee ballots may be made available for any referendum as defined in subsections (2) and (3) of Section 9-1(n) of

the Connecticut General Statutes to be held before May 20, 2021 provided that absentee ballots are made available not less than four (4) business days prior to the date on which the referendum is to be held. Absentee ballot applications and absentee ballot sets may be prepared by the municipal clerk, and may be mailed by the municipal clerk provided that such clerk determines that the application or ballot will reach the voter no later than the day before the referendum.

- (j) **Posting of Absentee Ballot Applications on Municipal or Regional Board of Education Web Sites.** Notwithstanding any provision of the Connecticut General Statutes to the contrary, for an election, primary or referendum to be held before May 20, 2021, a municipal clerk or regional board of education may make available on municipal or regional board of education web sites digital versions of absentee ballot applications for download and completion by any person eligible to vote in an election, primary, or referendum subject to this order.

Unless otherwise provided herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergencies declared on March 10, 2020, September 1, 2020, and January 26, 2021, including any extension or renewal of such declarations.

Dated at Hartford, Connecticut, this 6th day of April, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

