



GUIDANCE DOCUMENT #7 - May 28, 2020

Procedures for Local Appointments and Elections Requiring In-Person Vote.

On May 14th Governor Lamont released Executive Order 700 (“EO 700”), which addresses local appointments and elections requiring “in-person” meetings and voting (“Proceedings”). These Proceedings may be required, by state law or charter, to nominate, appoint or elect members to municipal or regional government office, board, agency, commission or quasi-municipal corporations¹; yet, if conducted “in-person” they would necessitate close contact by electors exercising their rights.

Which Municipalities does this Order Cover? Any municipality where the town meeting, annual town meeting, district meeting or other meeting of electors or voters (“applicable municipal authority”) is the authority for appointing or electing members or officials to any municipal or regional governmental office, board, agency, commission or quasi-municipal corporations (“municipal or regional governmental entity or quasi-municipal corporation”).

Deadlines and Timeframes are suspended for all nominations and appointments to be effectuated prior to June 30, 2020. The order suspends “...all deadlines or timeframes for electing such members or officials or making such appointments requiring approval by a town meeting or election that are scheduled to occur prior to June 9 for the purpose of nominating candidates or prior to June 30 for the purposes of electing, nominating or appointing such members or officials.”

In their place the following schedule has been devised:

Nomination of Candidates: June 9, 2020 (EO 700.1a). In the event a separate nominating meeting is required for the office in question, the order establishes June 9th as the uniform date for such Proceedings solely “...for the purposes of nominating but not electing or appointing candidates.” The order is also explicit in stating that “...no other business may be conducted at such meeting.”

Election of Candidates: June 27th through June 30th (EO 700.1b). If separate nominations are not required for the office in question, the order establishes the dates of June 27th through June 30th as the time the Municipality may convene a Town meeting or election “...for the purposes of electing or appointing members or officials to any municipal or regional governmental entity or quasi-municipal corporation, including nomination of candidates².” Again “...no other business shall be conducted at such election or district or town meeting.”

¹ According to the EO the term “municipal or regional governmental entity or quasi-municipal corporation” shall include, but not be limited to regional boards of education, municipal boards and commissions (including town, city or borough, whether consolidated or unconsolidated), any village, school, special services or special taxing districts as defined under Section 7-324 of the Connecticut General Statutes, any regional water or resource recovery authority or any other political subdivision of the state or of any municipality. This Order shall not apply to elections conducted under Title 9 of the General Statutes, other than as specified under Section 10-46(c).”

² See, FAQ dated May 27, 2020 entitled “Local Elections” (“5/27 FAQ”): “EO 700 extended the deadlines for electing municipal and regional government appointees, such that nominations shall be held on June 9, 2020 and elections shall be held between June 27 and June 30, 2020.”

Use “Best Efforts” to Conduct Remote Town Meetings (EO 700.1c). The officials responsible for administering any such Proceedings “...shall use their best efforts to conduct such proceedings using remote means in accordance with the open meeting provisions of Executive Order No. 7B, while also implementing measures to safeguard the integrity of the process³.”

What happens if the Proceedings “cannot be conducted safely and accurately by Remote Means?” If municipal officials determine “...that any such district or town meeting or election cannot be conducted safely and accurately by remote means, officials shall take all reasonable measures to protect the public health, including consulting with local or state public health officials and conducting such meeting or election in a way that significantly reduces the risk of transmission of COVID-19” (EO 700.1c).

Other Scheduled Meetings or Elections Not Affected by this Order (EO 700.1d). Nothing in this order shall permit any election or meeting that is already scheduled or required by current law to be scheduled after June 30, 2020 to be held earlier than its currently scheduled date or the time frame required by current law.

The FAQ issued on May 27, 2020 provides a practical solution to the challenges previously posed by EO 700.1:

5/27 FAQ: A Vote-by Mail Protocol

- This FAQ is designed to facilitate the utilization of “remote means” for “nominating and election town meetings” in accord with the open meeting provisions of Executive Order No. 7B, “*while also implementing measures to safeguard the integrity of the process.*” That is the key.
- The FAQ suggests the following: “...the adoption of online or vote-by-mail ballot procedures by local officials. Such online or vote-by-mail option may be provided following a remote town meeting if it is determined to be the best method for validating the eligibility of electors.”

Drafting Tip: The vote-by-mail protocol provides Town Clerks and Registrars with a tool to assure proper authentication of votes relating to remote town meetings. With experience of these offices in the administration of absentee ballots a reliable and sure system should be easily replicable taking into account the facilitation and integrity of the application process, mailing of ballots and rigorous rules pertaining to appropriate levels of assistance, possession or delivery of completed ballots as well as the authentication of eligible voters (difficult to achieve at a remote meeting); and, finally, protection of the secret ballot.

³ We believe that this would include measures to verify and authenticate the identity of electors.