Handbook Committee Meeting Minutes

Submitted by Darlene Burrell

January 27, 2022 from 10 a.m. to 1 p.m.

Meeting was held at the Cromwell Town Hall and Zoom.

Nine committee members were in attendance. Four attended in-person: Darlene Burrell, Anne Greineder, Monita Hebert & Alice Kelly. Three attended by Zoom: Karen Birck, Dotti Dori, & Jim Simon

Prior to the meeting committee member reviewed assigned chapters. They investigated areas they were not sure of and provide input to the committee.

At the meeting the committee member discussed their suggested changes, additions and deletions. The group voted on what was or was not to be changed in the handbook. There were some suggestions the group did not approve, with some needing more research.

The meeting ended after working on the handbook for three hours. The group will be meeting again once research is completed. No date is set at the time.

Work that still needs to be done:

1. Chapter 4, Voter Reg. & Enrollment

B. 8 Pg 19 Conservatorship – What changes re determinations of competency to vote per PA21-22§95

B. 12 Pgs 20-21 Spanish Requirements – Section needs to be updated with information from the 2021 census

E. Pg 24 Felony Convictions – We need to review PA 21-2 §§ 96-98 regarding felons & make changes accordingly

1. Chapter 9 Petitions pg 50 refers to May elections.
2. Chapter 10 Ballot Types ….

Investigate section B. Pg 55 Absentee Ballots for Supervised Absentee Ballot Voting - Discretionary.  Does PA21-2§ 108 change the term "Discretionary"  to "Mandated" or "Deleted" ?“It also eliminates registrars’ current **discretionary** authority to conduct supervised absentee voting sessions in locations where the town clerk receives at least 20 absentee ballot applications from the same street address in town, such as an apartment building. PA21-2§ 108”

Absentee ballot links Pg 57– AB application links are to COVID AB applications

1. Chapter 12 Primary needs to be reviewed
2. Chapter 14 Pg 50 Investigating law changes regarding May elections
3. Chapter 16 Referenda needs to be reviewed

Changes made at the January 27th meeting are listed below: (brackets [ ] indicate additions, strike through indicates deletions): Determine what changes are needed due to thePA 21-2 §§ 96-98 **law change.**

Chapter 1 Registrars Responsibilities, List of Registrars’ Responsibilities,

E. Education & Training ADDED:

[(f) Distributing voter registration information at high schools - Registrars are required to distribute information, on the fourth Tuesday in September, at each public high school about the qualifications and procedures for registering to vote. Registrars and the principal of any public high school must determine the best distribution method. PA21-2§93]

S. Freedom of Info. Registrars may not share voter’s [day of birth,] social security, and driver’s license numbers per FOI restrictions.

Chapter 2, SOTS, Section (LEAD) - ADDED: [The Legislation and Elections Administration Division (LEAD*)* administers, interprets, and implements all state and federal laws pertaining to elections, primaries, nominating procedures, and the acquisition and exercise of voting rights. The Division encourages and monitors the implementation of the Help America Vote Act (HAVA), the National Voter Registration Act and other voter registration efforts in Connecticut.  In conjunction with local Town Clerks and Registrars of Voters, the division provides training for local elected officials.  The division, working with local officials, has put into operation a statewide-computerized voter registry system, which complies with HAVA].

Chapter 4, Voter Reg. & Enrollment – ADDED:

B. 3. [FPCA – Federal Post Card Application sometimes used as a voter registration application.

When an FPCA CAN be used as a voter registration card *if applicant is not currently a voter*:

a) I am a member of the Uniformed Services or Merchant Marine on active duty or I am an eligible spouse or dependent.

b) I am an activated National Guard member on State orders.

c) I am a U.S. citizen residing outside the United States, and I intend to return.

When an FPCA DOES NOT act as a voter registration card:

a) I am a U.S. citizen residing outside the United States, and my return is uncertain. *(Full ballot if name is on active voter list. Overseas ballot if not registered, inactive or off status.)*

b) I am a U.S. citizen and have never resided in the United States. *(Overseas ballot)* ]

Chapter 5, Canvass - ADDED to clarify what the two canvass forms are used for.

[FORMS

The CT Voter Registration System (CVRS) will generate two canvass forms for you during the canvass of voters, an ED683 & ED642.

ED683 Notice of Change of Address

Moved Within Town (ED-683)- A Notice of Change of Address is mailed to voters on the active and inactive voter lists, during a canvass of voters, who are believed to have moved within town.  (NOTE: There is no form for P.O.Box changes so many registrars send the voter an ED-683 or create their own form.)

ED-642 Notice of Confirmation of Voting Residence (CVR)

Moved Out of Town (ED-642)- A Confirmation of Voter Residence notice (CVR) is mailed to voters on the active voter list, during a canvass of voters, who are believed to have moved out of town.]

Chapter 7, FOI ACT OF CONNECTICUT (§[1-200](https://www.cga.ct.gov/current/pub/chap_014.htm) to [1-242](https://www.cga.ct.gov/current/pub/chap_014.htm)) [open government law - access to public meetings and public records]

Added Information received by Thomas Hennick in Jan. 2022

[FOI pertains to existing records only. If a record does not exist, there is no requirement that it be created under FOI. No prospective requests are allowed. A request for a copy of a document that has not been completed by all is not subject to FOI. (*§*[1-210-15](https://www.cga.ct.gov/current/pub/chap_014.htm)*)*

1. Records to be Released per FOI

Every record held by every public agency in the state is defined as a public record and disclosable to anybody who wants to inspect it or obtain a copy, unless an *exemption*, *exclusion,* or *exception* (*EEE*s) to disclosure exists. Records are to be disclosed "except as otherwise provided by federal law or state statute." If there is such an exception in statute, it would not be in the FOI Act and would override the FOI Act. If there are no "hidden" exceptions, then Registrars' records would be released to anyone who seeks them.

2. Redacting Requirements

*Redact EEE*s from copies of reports requested: voter’s social security number, driver’s license number, identity card number and day of birth (day of birth may be given for governmental purposes only).(PA21-2§ 104) Remember the *EEE*s don't eliminate those records, merely redact them if someone requests records that have them. The month and year of birth are subject to FOI requests and are not to be redacted. Redact all records that are an invasion of privacy, highly offensive and not of public concern.

3. Registrars’ Notes

Registrars’ notes attached to voters’ registration cards are not subject to FOI. There is an exemption for notes in the FOI Act which could be invoked for that portion of the records.

4. Format Requirements

The format of reports subject to FOI are as they exist. A request for change of format is not required by FOI.

5. Request Form

There are no special forms for FOI requests, as of 2021.

6. Requests in Writing

FOI requests are not required to be in writing, but an agency, if it so chooses, has the right to require that requests for copies be put in writing. There is nothing that requires anyone to put a request to inspect records in writing. However, the law does not require any agency to answer questions. You, of course, can answer a verbal request but are not required to do so by law.

7. Requester & ID

A requester can be anyone and there is no ID requirement for FOI requests. In fact, if someone just wants to inspect a record, that individual technically should not be asked who he or she is or what they want a particular record for.

8. Timing for Response

Four Days: Acknowledge an FOI Request within four days from the date you receive the request by communicating with them. You may try to narrow down what records are wanted.

Method: The response method is entirely up to the public agency. There is nothing in FOI law that specifies one form or another.

Prompt Access: Provide the records in a reasonable and expeditious amount of time. The law talks about “prompt access,” which leaves a great deal to interpretation.

9. Fees

Fees for Processing FOI Requests for existing reports in the format they are in:

Paper copies - the fee is fifty cents a page. The fee for any copy of the names of registered voters shall not exceed three cents per name delivered or the cost thereof to the public agency, as determined whichever is less.

Electronic copies are no charge.

Redacting EEEs from records are no charge.

Photos or portable scanning of existing reports by requestor is $20.

Fees for Processing Non-FOI Requests:

Format change to existing report (example: Scanning a hard copy of a report for requester) It is up to the institution what is to be charged for scanning the report. There is no charge for sending electronically.

Non-Existing Reports are not subject to FOI laws. The Registrars of Voters may create reports for requesters and follow their institution’s fee structure. It is up to the individual institutions.

10. Invoice First

If the cost exceeds $10 you may send a bill to requestor before sending the copies

Federal and State laws may override FOI. If records are requested by subpoena or through discovery, then that would be handled differently than an FOI request. There are different legal ramifications for failure to answer a subpoena.]

Chapter 8 Retention & Disposition ….. Created chart

|  |  |  |  |
| --- | --- | --- | --- |
| **Record Type** | **Retention requirement** | **Schedules M5/M6** | **Approval / Form RC-075 Required** |
| Ballots, used tabulator, test, spoiled/abandoned | Local 180 days, Federal 22 months | M6-010 | No - §9‐242a‐ 27 |
| Ballots, Unused | 60 days | 9-150b(h) | No  |
| Canvass – All inquiry notifications / documentations: NCOA, DMV, mail, telephone, & door-to-door inquiries.  | Current plus 1 year | M6-020 | **YES -** §9‐32 |
| Canvass – Removals from Voter List | 1 yr from date of last election | M6-030 | **YES -** §§9‐32, 9‐35, 9‐35a |
| Canvass – CVRS, chg from Active to Inactive list | until off Active list 5 yrs | M6-040 | **YES** - §§9‐35, 9‐58 |
| Conviction Notification of Removal    | 2 years after removal         | M6-060 | **YES** - §9‐45 |
| DMV Change of Address List | 2 years | M6-120 | **YES -** §9‐35(c) |
| Emergency Contingency Plan | until replaced | M6-070 | **YES** – PA 11-46 |
| Enrollment List created prior to a Primary, Political Party | Until new list printed | M6-080 | **YES** - §9‐55(e) |
| Enrollment List Removal | until off Active list 5 yrs | M6-090 | **YES** - §§9‐60, 9‐62, 9‐63 |
| Information Request for Voter Registration | 2 years | M1-080 | **YES** |
| Petition for Caucus, Party rules  | 3 years | [M6-470](http://ctstatelibrary.org/wp-content/uploads/2015/05/M6.pdf) | **YES -** §9‐375 |
| Polling Place officials list | 14 days after election | M6-130 | **YES -** §9‐258 and §9‐436 |
| Registry List, Final & Supplementary | 2 years | M6-140 | **YES** |
| Signature of elector with No Id | Local 180 days, Federal 22 months | M6-160 | **YES** - §9‐261 |

Chapter 10 Links to forms added

Chapter 19 Audit

REFERENCE: Audit Procedure Manual Rev. 8/16 and CT General Statutes §[9-320](https://www.cga.ct.gov/current/pub/chap_148.htm)f and [9-320](https://www.cga.ct.gov/current/pub/chap_148.htm)g

[SELECTION:] ~~PURPOSE:~~ Mandatory post-election ~~hand count~~ audits are to be conducted by Registrars of Voters in 5% of the voting districts [and central absentee ballot counting locations] randomly selected by the Secretary of the State. ~~The audit is to assess how well the tabulators performed and to confirm that the votes cast were counted properly by the optical scanning tabulators.~~ (§ [9-320](https://www.cga.ct.gov/current/pub/chap_148.htm)f &)

[METHODS: Hand count or when authorized to do so by the SOTS by use of UConn/SOTS Electronic Equipment ]

~~ELECTRONIC EQUIPMENT USE FOR AUDITS --See CGS §~~[~~9-320~~](https://www.cga.ct.gov/current/pub/chap_148.htm) ~~(f) and~~ [~~9-320~~](https://www.cga.ct.gov/current/pub/chap_148.htm) ~~(g)~~

~~The Secretary of the State, in consultation and coordination with UConn, may authorize the use of electronic equipment~~ to conduct audits for any primary or general election. [Registrars of voters may conduct audits electronically when authorized to do so by the secretary.] Registrars must continue to conduct audits manually for any primary or election for which electronic authorization has not been granted. ~~For the purposes of post-primary and post-election audits, “manual” means by hand and without the assistance of electronic equipment. “Electronic” means through the use of equipment authorized for that purpose by the secretary of the state~~. ~~The~~

~~Secretary must prescribe the specifications for (1) testing, setting up, and operating the equipment and (2) training election officials on its use.~~

[PURPOSE & DIFFERENCE between an Audit and Recanvass/Recount:

Audit is to determine tabulator’s performance. It is to assess how well the tabulator performed and to confirm that the votes cast were counted properly by the optical scanning tabulators. (§ [9-320](https://www.cga.ct.gov/current/pub/chap_148.htm)f)

Recanvass/Recount is to determine voters’ intent and vote total.]

[TIMING:] Registrars of voters must audit the results on or after the 15th day after an election or primary and must be completed by the date prescribed by the SOTS. Notify SOTS of the date and location at least 3 business days in advance of the audit. ~~Audits are to be performed by hand counting or electronically when authorized to do so by the SOTS~~. Follow established procedures, including requirements for providing notice, chain of custody, and counting procedures. Election officials conducting the audit are to be compensated at the same rate of pay established by the municipality for elections and primaries. §[9-320](https://www.cga.ct.gov/current/pub/chap_148.htm) (f)

[OUTCOME: Statute does not provide for audit results to directly affect the reported vote totals. However, if the audit uncovers sufficiently large discrepancies of 0.5% or more, the SOTS has the authority to investigate further, and a discrepancy recount may be ordered. Statutes do not clearly mention the possibility of additional targeted samples as part of such investigation. [§ [9-320](https://www.cga.ct.gov/current/pub/chap_148.htm)f(f) & (o)]

~~MEMORY CARD TO U-CONN - Following each post-election audit, the Secretary of the State’s Office asks registrars to send to UConn one memory card used in each district subject to the audit. The cards should be sent to Dr. Alexander Russell, 371 Fairfield Way, Unit 4155, Storrs, CT 06269~~.

[COMPLAINT:] CGS § Sec. [9-320](https://www.cga.ct.gov/current/pub/chap_148.htm) (g) specifies that a candidate or elector is not precluded from seeking additional remedies, such as bringing a complaint in Superior Court, because of information revealed by the audit process.

Chapter 20 Taxes a note was added: [While there is IRS language that suggests there is no income tax withholding from election workers pay, some municipal finance directors insist on making poll workers fill out withholding forms, citing their own set of IRS rules and regs. You may want to talk to your Finance Director well before the election calendar begins.]

Chapter 22 CVRS Users Manual alpha index. A suggestion was made to delete the chapter and the majority of the committee voted to keep the chapter in the manual.

Chapter 23 GLOSSARY Some new terms and definitions were added