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## OLR Bill Analysis

### HB 7001

#### *Emergency Certification*

#### **AN ACT CONCERNING THE ADMINISTRATION OF EPINEPHRINE BY EMERGENCY MEDICAL SERVICES PERSONNEL AND PROVISIONS RELATED TO ELECTIONS.**

#### **SUMMARY**

This bill moves up the date of Connecticut's presidential preference primary from the last Tuesday in April to the first Tuesday in April (e.g., from April 30, 2024, to April 2, 2024). A presidential preference primary is an election for state voters to indicate a preference for a political party's presidential nominee. Existing law, unchanged by the bill, sets various deadlines in relation to the primary (e.g., the secretary of the state must publicly announce the list of candidates whose names will appear on the ballot 74 days before the primary (CGS § 9-466))(\$ 2).

The bill also makes various changes in the state's election laws that (1) explicitly apply existing law's provisions on extending terms of offices to municipalities that change their election dates; (2) modify several procedures for election tabulations and recanvasses (i.e., recounts), such as establishing a process for removing disorderly bystanders and adjusting voting tabulator requirements for municipalities; and (3) require the secretary of the state (SOTS) to develop an instructional video on recanvass procedures (§§ 1 & 3-5).

The bill requires (1) any municipality with a population of at least 140,000 (i.e., Bridgeport) to have an election monitor for the 2023 municipal election and 2024 state election and (2) SOTS to contract with an individual to serve in this capacity. Among other things, the monitor must conduct inspections, inquiries, and investigations of any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee (§ 7). The bill correspondingly

transfers \$150,000 appropriated to the State Elections Enforcement Commission (SEEC) under PA 23-204, § 1, to SOTS to fund this position (§ 8).

Lastly, the bill delays by nine months, until July 1, 2024, the start date for a requirement that emergency medical services (EMS) personnel administer epinephrine under specified conditions (§ 6).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023, except that the provisions on (1) election monitors take effect upon passage, (2) voting tabulators take effect on July 1, 2025, and (3) the recanvassing instructional training video take effect on July 1, 2024.

### **§ 1 — TERMS OF ELECTED MUNICIPAL OFFICIALS**

Starting January 1, 2022, state law requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years unless its legislative body votes by a three-fourths majority to hold the election on the first Monday in May of odd-numbered years. Under current law, the terms of any elected officials that are set to expire before the next regular election because of an election date change must be extended to the date of that election. The bill instead requires that their terms be extended to conform to the beginning of the succeeding term, as allowed under existing law.

By law, terms must begin within 70 days after election day on the day set under the town's charter or special act or, if these do not exist, as set by the legislative body. In the absence of these, the terms begin as specified in the law (e.g., for municipalities with November elections, on the Tuesday after the first Monday of November, except that the town clerk's term begins on the first Monday in January). Under the law, when a beginning date is so determined or changed, then conforming extensions or reductions (as appropriate) may be made to incumbents' terms (CGS § 9-187a).

### **§ 3 — VOTING TABULATORS**

By law, SOTS must approve the number of voting tabulators

provided for elections by each town's board of selectmen, city's common council, or borough's warden and burgesses. However, current law allows registrars of voters to determine how many voting tabulators will be available at a special election, as long as there is at least one for the municipality or one for each voting district (if the municipality is divided into districts). The bill eliminates this provision for special elections and instead requires registrars, for all elections, to ensure that each voting district uses at least one dedicated voting tabulator that only registers and counts votes for that district. It also specifies that these provisions do not apply to tabulators at central counting locations or those used in recanvassing.

#### **§§ 4 & 5 — ELECTION RECANVASSES**

After a primary or election, a recanvass of the vote generally takes place when there is a discrepancy, close vote, or tie (see BACKGROUND). Existing law generally allows party representatives to attend the recanvassing and the bill further authorizes them to view each ballot to discern its markings as it is being recanvassed.

If disorder interferes with the recanvass, the bill also authorizes moderators to have offending individuals removed by the recanvass officials if they do not submit to the moderator's lawful authority. The bill specifies that disorderly behaviors include someone who is not a recanvass official attempting to take part in a recanvass or communicating with recanvass officials other than the moderator. The removal may be (1) temporary, if the individual becomes orderly, or (2) until the recanvass is completed if necessary (§ 5).

Additionally, the bill requires SOTS to develop an instructional training video on recanvass procedures based on the most recent Recanvass Procedure Manual published on its website. Under the bill, SOTS must distribute the video to recanvass officials whenever a recanvass is required, and the officials must view the video immediately before starting the recanvass (§ 4).

#### **§§ 7 & 8 — ELECTION MONITOR FOR 2023 AND 2024 ELECTIONS**

For the 2023 municipal election and 2024 state election, the bill

requires the secretary to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000, according to the most recent State Register and Manual (i.e., Bridgeport). The election monitor's purpose is to detect and prevent irregularity and impropriety in how the municipality manages the election administration procedures and conducts the elections.

More specifically, the monitor must (1) conduct inspections, inquiries, and investigations of any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee and (2) immediately report any irregularity or impropriety discovered to SOTS. Toward that end, the bill also requires that the monitor have access to all records, data, and material maintained by or available to the municipal official or appointee.

The bill requires SOTS to contract with the election monitor until December 31, 2024, unless the secretary terminates the contract for any reason before that date. Under the bill, the election monitor must not be considered a state employee but must be compensated in accordance with the contract and reimbursed for necessary expenses. The municipality must provide the monitor with office space, supplies, equipment, and services necessary to properly carry out his or her duties. Costs related to the election monitor's service must be paid from the funds appropriated to SOTS for the position and the bill transfers \$150,000 appropriated to SEEC under PA 23-204, § 1, to SOTS.

The bill specifies that the election monitor provisions do not prohibit SEEC from exercising its authority. By law, SEEC, among other things, investigates alleged election law violations, inspects campaign finance records and reports, refers evidence of violations to the chief state's attorney or the attorney general, and levies civil penalties for election violations.

## **§ 6 — EMS ADMINISTRATION OF EPINEPHRINE**

PA 23-97, § 42, requires EMS personnel, under specified conditions, to administer epinephrine using automatic prefilled cartridge injectors, similar automatic injectable equipment, or prefilled vials and syringes.

For this purpose, “EMS personnel” include emergency medical technicians (EMTs), advanced EMTs, paramedics, and emergency medical responders. Prior law allowed, but did not require, EMTs (including advanced EMTs) and paramedics to do this using automatic prefilled cartridge injectors or similar equipment.

The bill delays the start date of this requirement from October 1, 2023, to July 1, 2024. It allows EMS personnel to administer epinephrine before then in the same manner.

Under the bill, as under PA 23-97, the:

1. EMS professional must have (a) been trained to administer epinephrine according to Department of Public Health-recognized national standards and (b) determined that administering it was necessary to treat the person and;
2. medication must be administered according to written protocols and standing orders of a physician serving as an emergency department director.

## **BACKGROUND**

### ***Recanvass Procedures***

The recanvass procedures differ depending on the circumstances under which the recanvass was triggered. A recanvass must be open to the public and convene no later than five business days after the applicable primary or election.

Generally, when a recanvass is triggered, the town clerk and registrars of voters must impound the relevant election materials and tools. The recanvass officials must then meet and recount the votes to determine if the original canvass was correct or if a discrepancy remains. If the recanvass reveals the original canvass was incorrect, then the recanvass return is substituted for the original return and has the same force and effect as an original return (CGS §§ 9-311 through 9-311b & Conn. Agencies Regs., § 9-242a-28).