STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7MMM

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND CHANGES TO CERTAIN ABSENTEE BALLOT PROCEDURES TO RESPOND TO TROPICAL STORM ISAIAS

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

WHEREAS, pursuant to such declaration, I have issued sixty-four (64) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, on August 4, 2020, I issued a declaration of civil preparedness emergency throughout the State of Connecticut in response to the damage and disruption caused by Tropical Storm Isaias; 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, 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 cancellation of gatherings of ten people or more and social distancing in smaller gatherings; 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

WHEREAS, Executive Order No. 7QQ, issued May 20, 2020, made certain changes to Title 9 of the Connecticut General Statutes, which changes were intended to ensure electors could safely exercise their right to vote in the August 11, 2020 statewide primary during the COVID-19 pandemic by using absentee ballots, including the right of every eligible voter to cast a vote by absentee ballot because of the sickness of COVID-19; and

WHEREAS, the General Assembly passed during its July 2020 Special Session and I signed into law House Bill 6002, which among other things, ratified Executive Order No. 7QQ; and

WHEREAS, election officials have been processing a historically high number of applications for absentee ballots and returned absentee ballots as a result of the expanded availability of absentee voting; and

WHEREAS, in the midst of administration of the August 11, 2020 primary election by state and local election officials, Tropical Storm Isaias struck Connecticut on August 4, 2020, causing widespread damage throughout the state, to include blocked roads and multiday electrical and communications outages, some of which continue to the time of issuance of this order, that affected elections officials, town halls, post offices, and individual voters; and

WHEREAS, because the damage from Tropical Storm Isaias and other issues have delayed the delivery of applications and ballots and affected the ability of elections officials to process ballots and perform other functions, voters, through no fault of their own, could be disenfranchised by this combination of circumstances absent certain relief from standard election receipt deadlines; and

WHEREAS, the Secretary of the State has requested that the deadline for receipt of ballots be extended for ballots sent through the U.S. Mail, provided such ballots are postmarked by primary election day and such ballots are received in time to provide for efficient administration of the primary election and a measure of finality in counting the results; and

WHEREAS, upon a proclamation that a public health or civil preparedness emergency exists, Section 28-9(b) of the Connecticut General Statutes authorizes the modification or suspension in whole or in part by executive order of any statute or regulation or requirement or part thereof that conflicts with the efficient and expeditious execution of civil preparedness functions or the protection of public health;

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, do hereby **ORDER AND DIRECT:**

1. **Clarification of Authority of Election Officials to Accept and Count Absentee Ballot Sets Issued Pursuant to Executive Order No. 7QQ as ratified by HB 6002 (July 2020 Special Session).** Notwithstanding any provision in Title 9 of the Connecticut General Statutes, for the August 11, 2020 primary, election officials are authorized to accept and count absentee ballot sets issued pursuant to Executive Order No. 7QQ Section 4 if either the outer or the inner envelope contains the following information: the elector's name, an address, voting district, the date of the primary at which the ballot is to be cast, the name of the party holding the primary, and the serial number associated with the elector's absentee ballot application.

2. **Inner Envelope Attestation Shall Be Interpreted to Include the Sickness of COVID-19.** An elector's attestation on the inner envelope shall be interpreted to include the sickness of COVID-19 as an illness within the meaning of Section 9-137 of the Connecticut General Statutes, as modified by Executive Order No. 7QQ. An elector shall not be deemed to have made a false statement regarding his or her eligibility to vote by absentee ballot in the August 11, 2020 primary if the elector votes by absentee ballot because of the sickness of COVID-19 and signs an attestation on the inner envelope that does not reference COVID-19.

3. **Clarification of Authority of Election Officials to Open Outer Envelopes of Absentee Ballot Set Issued Pursuant to Executive Order No. 7QQ, Section 4.** Sections 9-140c and 9-150a of the Connecticut General Statutes are modified to authorize election officials to process absentee ballot sets received by them for the August 11, 2020 primary as follows:

    (a) Upon receipt of an absentee ballot set issued pursuant to Executive Order No. 7QQ Section 4, the municipal clerk shall open the outer envelope for purposes of maintaining accurate voter lists required by Sections 9-140c and 9-150a of the Connecticut General Statues.
    (b) The clerk shall date stamp the inner envelope of each absentee ballot.
    (c) Upon receipt of each absentee ballot set issued pursuant to Executive Order No. 7QQ Section 4, the clerk shall write the corresponding serial number on the outer envelope of the ballot set and shall retain the outer envelope with the corresponding inner envelope of the ballot set.
    (d) For each absentee ballot rejected pursuant to Section 9-140c(c) of the Connecticut General Statutes, the clerk shall return the inner envelope of the absentee ballot to its corresponding outer envelope. The outer envelope of each rejected ballot shall be marked and retained in a manner consistent with the Connecticut General Statutes governing retention of absentee ballots. The inner envelope shall not be opened nor the ballot counted.

4. **Authority of Election Officials to Accept and Count Absentee Ballots Postmarked by August 11, 2020 and Delivered by August 13, 2020.** Notwithstanding the deadlines in Section 9-140c of the Connecticut General Statutes, for the August 11, 2020 primary, absentee ballot sets postmarked on or before August 11, 2020 and delivered via U.S. mail to election officials on or before August 13, 2020 shall be counted and included in the totals provided by the head moderator for each municipality. Absentee ballot sets delivered to election officials after August 13, 2020 shall not be counted and shall be kept separate from all other absentee ballots by election officials and retained by election officials in a manner

consistent with the Connecticut General Statutes governing retention of absentee ballots.

Nothing in this order shall preclude processing and counting of absentee ballot sets issued in a manner other than by Executive Order No. 7QQ, Section 4 that otherwise comply with the provisions of Title 9 of the Connecticut General Statutes.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for six months, unless earlier modified or terminated.

Dated at Hartford, Connecticut, this 10th day of August, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State