STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 10

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – PAID LEAVE FOR SCHOOL EMPLOYEES, WAIVER OF COMMUTER LOT RESTRICTIONS TO ESTABLISH VACCINATION SITES, WAIVER OF REFILING REQUIREMENTS FOR ELDERLY AND VETERANS' TAX RELIEF, EXCLUSION OF STIMULUS PAYMENTS FROM STATE BENEFIT ELIGIBILITY CALCULATIONS, LIQUOR PERMIT EXTENSION, RELAXATION OF RELIGIOUS GATHERING LIMITS, ABSENTEE BALLOTS FOR SPECIAL ELECTIONS AND MUNICIPAL PRIMARIES

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 shall remain in effect until February 9, 2021, unless earlier terminated; 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, pursuant to such declarations, I have issued eighty-eight (88) 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 (the "COVID-19 Orders"); 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, COVID-19 has caused unanticipated health effects that are not well understood by the medical community, vaccines and effective treatments for COVID-19 are not widely available, and 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 and that have spread widely in the United Kingdom and elsewhere have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

WHEREAS, Executive Order No. 7CC, issued April 21, 2020, provides that individual stimulus payments made pursuant to Section 2201 of Public Law 116-136 ("CARES Act") shall be temporarily excluded as income and resources when determining eligibility for, or the amount of, benefits or services funded in whole or in part with state funds; and

WHEREAS, additional individual stimulus payments have since been authorized under the Consolidated Appropriations Act of 2021, P.L. 116-136, and additional federal individual stimulus payments may potentially be received in further response to the declared public health and civil preparedness emergencies; and

WHEREAS, counting federal individual stimulus payments as income or resources in determining eligibility for state-funded benefits and services during the declared public health and civil preparedness emergencies could adversely affect the health and welfare of state residents by causing them to lose vital state-funded services, including healthcare, residential home care services and the elimination of basic assistance payments for the state's neediest residents; and

WHEREAS, the Office of Policy and Management wishes to ensure that the property tax exemption be maintained for veterans, or their qualified survivors, who have previously been approved for the state and/or local option additional veteran exemption through the municipal assessor, by waiving the requirement for recertification; and

WHEREAS, Sections 12-170aa(e) and (f), 12-170v, 12-170w, 12-129b, 12-129c and 12-129n of the Connecticut General Statutes create increased risk to those taxpayers applying for tax relief programs in-person who are older than sixty-five years, or are totally disabled; and

WHEREAS, Sections 12-170aa(e) and (f), 12-170v, 12-170w, 12-129b, 12-129c and 12-129n the Connecticut General Statutes require municipalities to conduct specific duties, including but not limited to tax relief claims that require in-person meetings and application filings, which are likely to be delayed due to closures and staffing shortages; and

WHEREAS, the Department of Transportation controls multiple parking facilities throughout Connecticut, that, because of their close proximity to communities where the Department of Public Health determines need additional testing and vaccination sites are ideally suited as locations for COVID-19 testing and vaccination programs and related activities, but are restricted by statute and regulation from being used for purposes beyond commuter parking; and

WHEREAS, because of the likelihood of patrons gathering in close proximity, service of alcohol without food or table service remains a high-risk activity increases the risk of increased transmission of COVID-19, Executive Order No. 9D, dated September 25, 2020, therefore extended the prohibition on the sale of alcohol by certain liquor permittees without the sale of food, thereby preventing some on-premise liquor permittees from enjoying the full benefit of their liquor permit; and

WHEREAS, because of significant challenges for businesses posed by such prohibitions, modifying the effective date of certain changes in permitting fee structures enacted through Public Act 19-24, which took effect on July 1, 2020, during the COVID-19 pandemic, can serve to promote compliance with the prohibition on service of alcohol without the sale of food; and

WHEREAS, Executive Order No. 9E extended permit certain liquor permit renewal deadlines through February 9, 2021; and

WHEREAS, the federal law Families First Coronavirus Response Act (FFCRA) provided certain employees access to up to two weeks of paid leave through December 31, 2020 in situations where the employee was required to self-quarantine due to COVID-19, needed to care for someone subject to quarantine, was diagnosed with COVID-19 or was experiencing COVID-19 symptoms and seeking medical attention, or was required to care a child whose school or place of care was closed or unavailable for reasons related to COVID-19; and

WHEREAS, the provision of paid leave provided for in the FFCRA ended on December 31, 2020, yet school employees continue to be required to quarantine or isolate to limit transmission of COVID-19 in order to protect students, teachers and staff and to limit community transmission; and

WHEREAS, provision of two weeks' paid leave to Board of Education employees affected by COVID-19 would more closely align paid leave measures for school employees with those for people employed by the State, and would provide support to individual employees in their efforts to comply with public health rules related to staying at home; and

WHEREAS, Phase III of Connecticut's reopening efforts began on October 8, 2020 and size and capacity limits were increased for graduation, religious, spiritual, and worship gatherings as well as for certain businesses including restaurants, personal services, libraries and performing arts venues; and

WHEREAS, in early November 2020, a resurgence of COVID-19 infections in the community required a return to lower limits on the size of certain gatherings, including religious, spiritual and worship gatherings, and as a result, I issued Executive Order No. 9K, Section 2, which, in concert with reductions by the Commissioner of Economic and Community Development in the permitted size limits of other social, recreational and civic gatherings and business activities, limited the overall size of indoor religious gatherings to 50 percent of building capacity or 100 people; and

WHEREAS, COVID-19 infections, hospitalizations and deaths, have decreased again so that a relaxation of such limits is appropriate; and

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

WHEREAS, a significant portion of poll workers and volunteers are 60 or older; and

WHEREAS, because elderly registered voters consistently demonstrate the highest rate of voter turnout, providing an alternative to in-person voting could be particularly helpful in reducing the risk of transmission during voting among this population; 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, 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 by reducing the density of in-person voting at polling places; and

WHEREAS, upon a proclamation that a 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; and

WHEREAS, the General Assembly has previously adopted Public Act 20-3 (July 2020 Special Session), which authorized absentee balloting in a manner similar to the provisions in this executive order in order to reduce the risk of transmission of COVID-19;

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. **Exclusion of Individual Stimulus Payments from Benefit Eligibility Calculations.** Section 3 of Executive Order No. 7CC, issued on April 21, 2020, and Section 1-141(a) of the Connecticut General Statutes are modified to provide that any individual stimulus payments received during the declared public health and civil preparedness emergencies that are excluded under 26 USC 6409 for purposes of determining the recipient's eligibility for benefits or assistance under any program funded in whole or in part with federal funds shall also be excluded in all state-funded programs for the duration, including any period of renewal, of the public health and civil preparedness emergencies.

2. **Suspension of Reapplication Filing Requirement for the Additional Veterans Tax Relief Program.** The biennial filing requirements imposed by Sections 12-81g, 12-81f, 12-81ii and 12-81jj of the Connecticut General Statutes for taxpayers who were granted tax relief benefits pursuant to those sections for the Grand List year 2019 and who are required to recertify for the Grand List year 2021, are suspended and such taxpayers shall automatically maintain their benefits for the next biennial cycle ending in Grand List year 2023.

3. **Suspension of Reapplication Filing Requirement for the Homeowners' – Elderly/Disabled Circuit Breaker and Freeze Tax Relief Programs.** The biennial filing requirements imposed by Sections 12-170aa(e) and (f), 12-170v, 12-170w, 12-129b, 12-129c and 12-129n of the Connecticut General Statutes, for taxpayers who were granted tax relief benefits for the Grand List year 2018 and who are required to recertify for the Grand List year 2020, are suspended and such taxpayers shall automatically maintain their benefits for the next biennial cycle ending in Grand List year 2022. The municipal requirement to notify taxpayers concerning re-application requirements by regular mail is waived.

4. **Use of Commuter Parking Facilities for COVID-19 Testing and Vaccination.** Section 13b-29 of the Connecticut General Statutes is modified to suspend the provision that restricts the use of commuter parking facilities to purposes limited to carpools, vanpools and mass transportation, and Section 13b-29-3 of the Regulations of Connecticut State Agencies is modified to

suspend the prohibition on trailer parking, in order to permit at such facilities the establishment of COVID-19 testing and vaccination sites and other activities necessary to respond to the COVID-19 pandemic.

5. **Renewals of Liquor Permits Extended.** The Department of Consumer Protection shall extend all café liquor permits due to expire on or before February 9, 2021, that were club, non-profit club, golf country club, airport airline club liquor, airport bar liquor, airport restaurant liquor, boat liquor, bowling establishment beer and wine, bowling establishment liquor, racquetball facility liquor, railroad liquor, special outing facility beer, special outing facility liquor, special sporting facility bar liquor, special sporting facility concession liquor, special sporting facility guest liquor, special sporting facility restaurant liquor, tavern liquor, university beer only, university beer and wine, or university liquor permits prior to the enactment of Public Act 19-24, such that they shall now expire on April 20, 2021, unless otherwise provided by law.

6. **Paid Leave Requirements for Staff of Local and Regional Boards of Education.** Effective December 31, 2020, and for the duration of the public health and civil preparedness emergencies, unless earlier modified by me, all local and regional boards of education shall continue to make available paid leave for eligible employees as provided for in this Section. Such leave shall be administered consistent with the leave provisions of Division E, the Emergency Paid Sick Leave Act (EPSLA), of the Families First Coronavirus Response Act (FFCRA) to permit full-time employees 80 hours of paid leave and allow part-time employees leave for the number of hours that such employee works, on average, over a 2-week period. Nothing in this Section shall increase the overall duration of leave available to school staff or to require additional leave for staff who, prior to December 31, 2020, used any portion of or the maximum available leave under the EPSLA. The State of Connecticut shall be exempt from the provisions of this Section because its existing implementation of Section 5-248(a) of the Connecticut General Statutes allows state school employees comparable access to paid leave.

7. **Relaxation of Limits on Religious Gatherings.** Executive Order No. 7TT, Section 2, as most recently amended by Executive Order No. 9K, Section 2, is further amended to provide that religious, spiritual, or worship gatherings, if held indoors, are limited to no more than 50 percent of the venue's capacity, and such services, if held outdoors, are limited to the number of people that can be accommodated safely by the venue or location, provided that all persons present at any such indoor or outdoor gathering wear masks, unless speaking from designated safe locations, and that a distance of 6 feet is maintained between all persons or groups not from the same household.

8. **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 eligible elector may vote by absentee ballot for any special election or municipal primary held before April 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 an elector 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 special election or municipal primary before April 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 special election or municipal primary held before April 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 special election or municipal primary to be held before April 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 special election or municipal primary to be held before April 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 special election or municipal primary to be held before April 20, 2021, beginning on the twentieth day before the election 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 elector shall be permitted to deposit such elector's absentee ballot in a secure drop box after the hour prescribed for the closing of the polls in any election unless such elector 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. Such official shall direct all electors to form a line to deposit such elector's absentee ballot 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 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 elector in line at the hour prescribed for the closing of the polls in any election has deposited such elector'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 special election or municipal primary held before April 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 special election or municipal primary held before April 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 by the Governor 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.

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.

Dated at Hartford, Connecticut, this 4th day of February, 2021.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State