

nor the Governor has the constitutional authority to prescribe, expand, or alter the rules governing absentee ballot voting. There is no pandemic exception to the Connecticut Constitution. The Application for Absentee Ballot that the Secretary has prepared for the August 11, 2020 primary election should be rescinded.

JURISDICTION

1. This petition and complaint is presented and brought pursuant to General Statutes §§ 9-323, 52-29, and 52-471.

PARTIES

2. Plaintiff Mary Fay is an elector and a candidate for United States Representative for the 1st Congressional District in Connecticut.

3. Plaintiff Thomas Gilmer is an elector and a candidate for United States Representative for the 2nd Congressional District in Connecticut.

4. Plaintiff Justin Anderson is an elector and a candidate for United States Representative in the 2nd Congressional District in Connecticut.

5. Plaintiff James Griffin is an elector and a candidate for United States Representative in the 1st Congressional District in Connecticut.

6. Defendant Denise Merrill is the Secretary of the State of Connecticut and by virtue of her office, the commissioner of elections with general supervisory authority over elections in the State of Connecticut. Defendant Merrill is an “election official” under General Statutes § 9-323. Defendant Merrill is named solely in her official capacity.

FACTS

7. On August 11, 2020, Connecticut will hold its congressional primary

elections as well as its presidential preference primaries.

8. The Plaintiffs are candidates in the August 11, 2020 primaries being held in the First and Second Congressional Districts.

9. In late June 2020, citing Governor Lamont's Executive Order No. 7QQ and General Statutes § 9-3, Secretary Merrill issued an Application for Absentee Ballot for the August 11, 2020 primaries that unconstitutionally and erroneously expands absentee voting in Connecticut and allows **all** voters to vote by absentee ballot. A copy of the Application for Absentee Ballot is attached hereto as Exhibit A.

10. Merrill's preparation and issuance of the Application for Absentee Ballot for the August 11, 2020 primary constitutes a "ruling of an election official." See Arciniega v. Feliciano, 329 Conn. 293, 303 (2018).

11. In the Application for Absentee Ballot, Secretary Merrill unconstitutionally and erroneously determined that all eligible voters may use "COVID-19 ... as a valid reason for requesting [an absentee] ballot."

12. Article Sixth, Section 5 of the Connecticut Constitution protects the right to vote in secret.

13. Article Sixth, Section 7 of the Connecticut Constitution provides that voting must be done in person and limits the use of absentee voting to circumstances where a person is unable to appear due to one of the limited reasons set forth therein.

14. Specifically, Article Sixth, Section 7 of the state Constitution provides:

The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of

their religion forbid secular activity.

15. The Connecticut Supreme Court has long recognized that any attempt to expand absentee voting must comply with the state Constitution. See Opinion of Judges of the Supreme Court, 30 Conn. 591 (1862) (declaring that statute providing for Civil War soldiers to vote by absentee ballot was unconstitutional necessitating constitutional amendment).

16. In order to implement absentee voting as set forth in Article Sixth, Section 7, the legislature enacted General Statutes § 9-135 (a), in which it specifically enumerated six categories of electors who are eligible to vote by absentee ballot:

Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

17. Only the General Assembly is permitted to alter state law implementing absentee voting as limited by the state Constitution.

18. Only the electorate can expand the use of absentee ballots in Connecticut through amendment of the state Constitution.

19. Neither the Governor nor the Secretary of the State has the constitutional authority to expand the use of absentee ballots.

20. In the November 2014 election, the electorate was presented with a

proposed amendment to the state Constitution that would have removed restrictions on absentee ballot use and authorized the General Assembly to expand the use of absentee ballots, which the electorate rejected.

21. On March 10, 2020, Governor Lamont issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut in response to the COVID-19 pandemic.

22. On May 20, 2020, Governor Lamont issued Executive Order No. 7QQ which, *inter alia*, purported to modify General Statutes § 9-135 to state that an eligible elector may “vote by absentee ballot for the August 11, 2020 primary election 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.” A copy of Governor Lamont’s Executive Order No. 7QQ is attached hereto as Exhibit B.

23. Executive Order No. 7QQ further stated: “For purposes of this modification, a person shall be permitted to lawfully state he or she is unable to appear at a polling place because of COVID-19 if, at the time he or she applies for or casts an absentee ballot for the August 11, 2020 primary election, there is no federally approved and widely available vaccine for prevention of COVID-19.”

24. Executive Order No. 7QQ is unconstitutional because Article Sixth, Section 7 expressly commits the prescription of absentee voting procedure to the General Assembly – not to the Governor.

25. Executive Order No. 7QQ is unconstitutional because it broadens the use of absentee ballots, in contravention of the strict reasons for which absentee ballots may be used in Connecticut elections as set forth in Article Sixth, Section 7.

26. There is no COVID-19 exception in the Connecticut Constitution.

27. In late June 2020, Secretary Merrill released the Application for Absentee Ballot for Connecticut’s August 11, 2020 congressional primaries and the presidential preference primary.

28. Secretary Merrill intends to mail the Application for Absentee Ballot to all voters in Connecticut.

29. Secretary Merrill added to the Application for Absentee Ballot a new seventh category for absentee voting – “COVID-19.”

30. Secretary Merrill listed this new category first on the list of reasons for obtaining an absentee ballot and further encouraged all voters to select this reason by highlighting and bolding it to make it distinct from the other six reasons listed from General Statutes § 9-135:

Section II. – Statement of Applicant

I, the undersigned applicant, believe that I am eligible to vote at the primary indicated above. Pursuant to Executive Order No. 7QQ, I expect to be unable to appear at the polling place during the hours of voting and hereby apply for an absentee ballot: (check only one)

- COVID-19 ► **All voters are able to check this box, pursuant to Executive Order 7QQ** ◀
- My active service in the Armed Forces of the United States
- My absence from the town during all of the hours of voting
- My illness
- My religious tenets forbid secular activity on the day of the election, primary or referendum
- My duties as a primary, election or referendum official at a polling place other than my own during all of the hours of voting
- My physical disability

31. Secretary Merrill’s decision not to limit the reasons for obtaining an absentee ballot to those set forth by the Legislature in General Statutes § 9-135 was a ruling of an election official.

32. Secretary Merrill’s decision to expand absentee voting based on Executive Order No. 7QQ, rather than limit absentee voting in accordance with the

restrictions set forth by the Legislature in General Statutes § 9-135, was a ruling of an election official.

33. Secretary Merrill's broadening of the use of absentee voting in Connecticut through the Application for Absentee Ballot violates the Connecticut Constitution because:

a. The Secretary of the State lacks the constitutional authority to alter the parameters of who is entitled to vote by absentee ballot; and

b. The reasons that electors may vote by absentee ballot are strictly limited by the Connecticut Constitution and can only be expanded by the electorate.

34. Executive Order No. 7QQ included two conditions under which a person could obtain an absentee ballot due to COVID-19:

a. The elector must certify that he or she "is unable to appear at a polling place because of COVID-19"; and

b. "[T]here is no federally approved and widely available vaccine for prevention of COVID-19."

35. Secretary Merrill's decision to add a new category called "COVID-19" and her failure to include the restrictions contained in Executive Order No. 7QQ concerning that reason – i.e. the voter being unable to appear and the unavailability of a vaccine – constitutes a ruling of an election official.

36. In allowing all voters to vote by absentee ballot, Secretary Merrill ignored the important qualification in Executive Order No. 7QQ that "a person shall be permitted to lawfully state he or she is unable to appear at a polling place because of COVID-19 if, at the time he or she applies for or casts an absentee ballot for the

August 11, 2020 primary election, there is no federally approved and widely available vaccine for prevention of COVID-19.”

37. Article Sixth, Section 7 of the state Constitution limits the use of absentee ballots to “qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of their religion forbid secular activity.”

38. The Application for Absentee Ballot expands the use of absentee ballots for reasons beyond those specifically prescribed in Article Sixth, Section 7 of the state Constitution.

39. Through the Application for Absentee Ballot, Secretary Merrill has violated Article Sixth, Section 7 of the state Constitution.

**THE PLAINTIFFS ARE AGGRIEVED BY
THE APPLICATION FOR ABSENTEE BALLOT**

40. Each of the Plaintiffs is aggrieved by the Application for Absentee Ballot.

41. Voters and candidates have a constitutional right to a fair election.

42. Every voter has a right under the United States Constitution to have his or her vote fairly counted without it being debased or diluted by improperly or illegally cast votes. An individual’s right to vote is infringed if his or her vote is cancelled by an unlawfully cast vote. See Anderson v. United States, 417 U.S. 211, 227 (1974); Gray v. Sanders, 372 U.S. 368, 380 (1963); Baker v. Carr, 369 U.S. 186, 208 (1962).

43. A candidate has standing to assert his or her own constitutional rights as well as the constitutional rights of the voters. See Bush v. Gore, 531 U.S. 98, 104 (2000); Anderson v. Celebrezze, 460 U.S. 780, 788 (1983); Walgren v. Board of

Selectmen of Town of Amherst, 519 F.2d 1364 n.1 (1st Cir. 1975)

44. Plaintiff Mary Fay is aggrieved as an elector and as a candidate, specifically based on the right to have votes counted equally and not be diluted by votes that are unlawfully cast in contravention of Article Sixth, Section 7 of the state Constitution, as well as her constitutional right to a fair and honest election.

45. Plaintiff Thomas Gilmer is aggrieved as an elector and as a candidate, specifically based on the right to have votes counted equally and not be diluted by votes that are unlawfully cast in contravention of Article Sixth, Section 7 of the state Constitution, as well as his constitutional right to a fair and honest election.

46. Plaintiff Justin Anderson is aggrieved as an elector and as a candidate, specifically based on the right to have votes counted equally and not be diluted by votes that are unlawfully cast in contravention of Article Sixth, Section 7 of the state Constitution, as well as his constitutional right to a fair and honest election.

47. Plaintiff James Griffin is aggrieved as an elector and as a candidate, specifically based on the right to have votes counted equally and not be diluted by votes that are unlawfully cast in contravention of Article Sixth, Section 7 of the state Constitution, as well as his constitutional right to a fair and honest election.

COUNT ONE: CHALLENGE TO RULING OF ELECTION OFFICIAL PURSUANT TO GENERAL STATUTES § 9-323

48. The Plaintiffs restate all allegations contained in Paragraphs 1 through 47 hereof as if fully rewritten herein.

49. The Plaintiffs are electors and candidates for the office of United States Representative in the United States Congress.

50. The Plaintiffs are aggrieved by a ruling of the Secretary of the State in

connection with the August 11, 2020 primary election for Representative in the United States Congress.

51. The Absentee Ballot Application prepared by the Secretary of the State is inconsistent with:

- a. General Statutes § 9-135;
- b. Executive Order No. 7QQ; and
- c. Article Sixth, Section 7 of the Connecticut Constitution.

COUNT TWO: DECLARATORY JUDGMENT

52. The Plaintiffs restate all allegations contained in Paragraphs 1 through 51 hereof as if fully rewritten herein.

53. The Plaintiffs seek a judicial determination that the Application for Absentee Ballot is unconstitutional because it conflicts with Article Sixth, Section 7 of the state Constitution and is erroneous because it is based on an improper interpretation of Executive Order No. 7QQ and General Statutes § 9-135.

54. There is an actual bona fide and substantial question in dispute and substantial uncertainty of legal relations that requires resolution.

55. There is no other forum of proceeding that can provide the Plaintiffs with timely redress.

COUNT THREE: INJUNCTIVE RELIEF

56. The Plaintiffs restate all allegations contained in Paragraphs 1 through 55 hereof as if fully rewritten herein.

57. The Plaintiffs seek a prohibitory injunction precluding Defendant Merrill from mailing or distributing copies of the Application for Absentee Ballot to any

Connecticut voters.

58. The Plaintiffs seek a mandatory injunction requiring Defendant Merrill to recall any copies of the Application for Absentee Ballot already mailed or distributed to any Connecticut voters.

59. If no such injunctions issue, the Plaintiffs will suffer irreparable harm.

60. The Plaintiffs have no other adequate remedy at law.

WHEREFORE, the Plaintiffs pray for judgment as follows:

- (i) That Secretary Merrill's Application for Absentee Ballot be rescinded;
- (iii) A declaration that the Application for Absentee Ballot is unconstitutional because it conflicts with Article Sixth, Section 7 of the state Constitution and is erroneous because it is based on an improper interpretation of Executive Order No. 7QQ and General Statutes § 9-135;
- (iii) A prohibitory injunction precluding Defendant Merrill from mailing or distributing copies of the Application for Absentee Ballot to any Connecticut voters;
- (iv) A mandatory injunction requiring Defendant Merrill to recall any copies of the Application for Absentee Ballot already mailed or distributed to any Connecticut voters; and
- (v) Such other relief as this Court determines to be just and equitable.

PLAINTIFFS,

MARY FAY, THOMAS GILMER, JUSTIN
ANDERSON, AND JAMES GRIFFIN

By 

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Their Attorneys

CERTIFICATION PURSUANT TO GENERAL STATUTES SECTION 9-323

This is to certify that a copy of the foregoing Petition and Complaint has been sent by first-class mail or delivered to the State Elections Enforcement Commission on this 1st day of July, 2020, at the following address:

State Elections Enforcement Commission
20 Trinity Street
Suite 101, Suite 301
Hartford, CT 06106

By  _____
Proloy K. Das, Esq.
Commissioner of the Superior Court

EXHIBIT A

APPLICATION FOR ABSENTEE BALLOT

You are receiving this application for an absentee ballot because, due to COVID-19, the Secretary of the State has sent an application to every eligible voter in the state. Pursuant to Executive Order 7QQ, COVID-19 may be used as a valid reason for requesting a ballot.

Section I. – Applicant’s Information

Name: _____ Date of Birth _____

Home Address: _____ Zip Code _____
(Number, Street, Town)

Telephone No. _____ E-mail Address _____

Mailing Address: _____

(Use only if the mailing address is different from the address above.)

Date of Primary AUGUST 11, 2020 Republican ____ Democratic ____

For Municipal Clerk’s Use		
Outer Envelope Serial No.		
Date Forms Issued		
Check 	Mailed to Applicant <input type="checkbox"/>	Given to Applicant Personally <input type="checkbox"/>
Pol. Subdivision	Voting District No.	

Section II. – Statement of Applicant

I, the undersigned applicant, believe that I am eligible to vote at the primary indicated above. Pursuant to Executive Order No. 7QQ, I expect to be unable to appear at the polling place during the hours of voting and hereby apply for an absentee ballot: *(check only one)*

- COVID-19 ► **All voters are able to check this box, pursuant to Executive Order 7QQ** ◀
- My active service in the Armed Forces of the United States
- My absence from the town during all of the hours of voting
- My illness
- My religious tenets forbid secular activity on the day of the election, primary or referendum
- My duties as a primary, election or referendum official at a polling place other than my own during all of the hours of voting
- My physical disability

Section III. – Applicant’s Declaration

I declare, under the penalties of false statement in absentee balloting, that the above statements are true and correct, and that I am the applicant named above. *(Sign your legal name in full. If you are unable to write, you may authorize some one to write your name and the date in the spaces provided, followed by the word “by” and the signature of the authorized person. Such person must also complete section IV below.)*

Signature of Applicant: _____ Date Signed: _____

Section IV. – Declaration of person providing assistance *(Completed by any person who assists with completion of application)*

I sign this application under penalties of false statement in absentee balloting.

Signature: _____ Printed Name: _____ Tel. No: _____

Residence Address: _____

SPECIAL INSTRUCTIONS

Connecticut law allows you to receive an absentee ballot if you cannot appear at your assigned polling place on primary day because of active service in the Military, absence from the town during all of the hours of voting, illness, religious tenets forbid secular activity on the day of the primary, duties as a primary official at a polling place other than your own during all of the hours of voting, or physical disability. The State of Connecticut, via Executive Order 7QQ, as interpreted by the Secretary of the State pursuant to CGS §9-3, has determined (1) that having a pre-existing illness allows you to vote by absentee ballot because your pre-existing illness would prevent you from appearing at your designed polling place or (2) that absent a widely available vaccine, the existence of the COVID-19 virus allows you to vote by absentee ballot if you so choose for your own safety. To receive your absentee ballot please complete and sign this application (be sure to check “Illness” for reason (1) or “COVID-19” for reason (2) above) and return it to your Town Clerk using the enclosed postage prepaid envelope. Your absentee ballot will be mailed to you. If you do not receive your absentee ballot within one week contact your local Town Clerk’s office.

STEP 1

MARK YOUR ABSENTEE BALLOT

Completely fill in the oval next to your choice(s) using a black pen.

To vote for a candidate whose name is not on the ballot: Fill in the oval to the left of "Write-in" and print the name clearly in the box.

If you make a mistake while marking your ballot do not cross out. Instead call your local Town Clerk's office to make arrangements to receive a replacement ballot

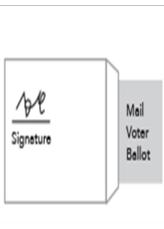


STEP 2

COMPLETE THE INNER ENVELOPE

Insert the voted ballot into the inner envelope (marked B) and seal the envelope.

Sign your name and date the envelope.



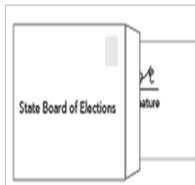
STEP 3

MAIL OR HAND-DELIVER YOUR BALLOT

Place completed inner envelope into the larger mailing envelope (marked C).

Mail the envelope or hand-deliver the envelope to the Town Clerk of your city or town.

Your Town Clerk must receive your absentee ballot by 8:00 p.m. on Election Day.



- Any elector who has returned an absentee ballot and who finds he is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal clerk's office and request that his ballot be withdrawn. The municipal clerk shall mark the ballot "rejected". The municipal clerk shall give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn his absentee ballot and may vote in person.
- No absentee ballot shall be rejected as a marked ballot unless, in the opinion of the moderator, it was marked for the purpose of providing a means of identifying the voter who cast it.
- Any (1) person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, (2) municipal clerk or moderator, elector appointed to count any absentee ballot or other person who wilfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, (3) person who unlawfully opens or fills out, except as provided in section 9-140a with respect to a person unable to write, any elector's absentee ballot signed in blank, (4) person designated under section 9-140a who executes an absentee ballot contrary to the elector's wishes, or (5) person who wilfully violates any provision of chapter 145, shall be guilty of a class D felony.
- A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

NOTE: WHEN SEALING ENVELOPES PLEASE DO NOT LICK ENVELOP TO SEAL. USE AN ALTERNATIVE METHOD SUCH AS A SPONGE OR WET CLOTH TO MOISTEN THE CLOSE TAB.

EXHIBIT B

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7QQ

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – SAFE VOTING DURING STATEWIDE PRIMARY**

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 forty-three (43) 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, 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, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; 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, a statewide primary election is scheduled for August 11, 2020, to select candidates for various state offices and for the 2020 federal presidential election; 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, public health experts have indicated that persons infected with COVID-19 may not show symptoms, 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 COVID-19, 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 have received a negative test result or do not have symptoms; 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 is not in session, there is no announced schedule to reconvene in special session, and no committee hearings have been scheduled to take up any business; and

WHEREAS, the drafting, circulation and review of new or amended regulations is hindered by the limited access to information technology resources and source documents for state employees involved in such processes, the majority of whom continue to work from home to mitigate the transmission of COVID-19, and therefore it is not possible to both follow the requirements of the Uniform Administrative Procedures Act respond efficiently and expeditiously to the COVID-19 pandemic and mitigate its effects;

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. Absentee Voting Eligibility During COVID-19 Pandemic.** 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 the August 11, 2020 primary election 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. For purposes of this modification, a person shall be permitted to lawfully state he or she is unable to appear at a polling place because of COVID-19 if, at the time he or she applies for or casts an absentee ballot for the August 11, 2020 primary election, there is no federally approved and widely available vaccine for prevention of COVID-19. 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.

2. **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 Section 1 of this order, and the inner envelope described in Section 9-137 shall contain a notice describing the modification in Section 1 of this order.
3. **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, the Secretary of the State shall be authorized to modify any 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.
4. **Authority to Issue Absentee Ballots.** Section 9-140(g) of the Connecticut General Statutes is modified and suspended to permit the municipal clerk to use a third party mailing vendor that has been approved and selected by Secretary of the State to fulfill the municipal clerk's duties to mail absentee voting sets for the August 11, 2020 primary election. All other requirements of Section 9-140(g) continue to apply.
5. **Modification of Requirement that Absentee Ballots be Returned by Mail or In Person.** Section 9-140b(c) of the Connecticut General Statutes is modified to provide that the term "mailed" shall include the act of depositing an absentee ballot for the August 11, 2020 primary in a secure drop box designated by the town clerk for that purpose in accordance with instructions to be provided by the Secretary of the State. All other requirements of Section 9-140b(c) continue to apply.
6. **Clarification that Commissioner Orders Issued Pursuant to the Governor's Executive Orders Are Not Regulations Subject to the UAPA.** Section 4-166(16) of the Connecticut General Statutes is modified to clarify that the definition of a regulation does not include any amendment or repeal of an existing regulation and any directive, rule, guidance, or order issued by a Commissioner or Department Head pursuant to a Governor's Executive Order during the existing civil preparedness and public health

emergency and any renewal or extension thereof. Notwithstanding Sections 4-166 to 189, inclusive, of the Connecticut General Statutes, any Commissioner or Department Head, as permitted or directed by any such Governor's executive order, may modify or suspend any regulatory requirements adopted by the Commissioner or Department Head that they deem necessary to reduce the spread of COVID-19 and to protect the public health. This section applies to all orders that have been issued since the declaration of public health and civil preparedness emergencies on March 10, 2020 and for the duration of the public health and civil preparedness emergency, including any period of renewal of such emergency declaration.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 20th day of May, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

