

Attorneys:

- **Michael J. Andreaana**
mandreana@pullcom.com
203.330.2235
- **Megan Youngling Carannante**
mcarannante@pullcom.com
860.424.4325
- **Michael A Ceccorulli**
mceccorulli@pullcom.com
860-424-4394
- **Adam J. Cohen**
ajcohen@pullcom.com
203.330.2230
- **Sandra D. Dawson**
sdawson@pullcom.com
860.424.4348
- **Monte E. Frank**
mfrank@pullcom.com
203.330.2262
- **Andrew C. Glassman**
aglassman@pullcom.com
860.541.3316
- **Joshua A. Hawks-Ladds**
jhawks-ladds@pullcom.com
860.541.3306
- **Lee D. Hoffman**
lhoffman@pullcom.com
860.424.4315
- **Melinda B. Kaufmann**
mkaufmann@pullcom.com
860.424.4390
- **Jessica Grossarth Kennedy**
jkennedy@pullcom.com
203.330.2215
- **Edward P. McCreery III**
emccreery@pullcom.com
203.330.2216
- **Michael P. McKeon**
MMcKeon@pullcom.com
860.424.4386
- **Gary B. O'Connor**
goconnor@pullcom.com
860.424.4366

Executive Order 10E and the Municipal Budget Process in 2021: Similar (But Not Quite Back) to "Normal"

April 13, 2021

by Mark J. Sommaruga

On April 6, 2021, Governor Lamont issued Executive Order 10E, which pertains to 1) absentee voting, and 2) municipal and regional school district budget adoption timelines.

ABSENTEE BALLOTS: Executive Order 10E largely extends the provisions addressing expanded absentee ballot eligibility contained in Executive Order 10, which applied to “special elections” and “municipal primaries” and were set to expire on April 20, 2021; however, Executive Order 10E makes these expanded absentee ballot provisions applicability to **any election, primary or referendum held before May 20, 2021.**

These extended absentee ballot provisions allow for any eligible elector to vote by absentee ballot in any such election, primary or referendum held before May 20, 2021 if the elector is “unable to appear at his or her polling place during the hours of voting because of the sickness of COVID-19.” **What does that mean?** As noted by the Governor in his press release, this essentially entitles ALL voters to use absentee ballots (not just those who happen to be sick with COVID-19), similar to the elections held during 2020.

In light of this expansion of absentee voting, Executive Order 10E allows municipal clerks to mail absentee ballots within 48 hours of receiving applications for absentee voting (instead of the usual 24 hours). Executive Order 10E allows for absentee ballots to be deposited into “**secure drop boxes**” designated by the municipal clerk, beginning on the 20th day before the election at issue and each weekday up until the close of the polls. Executive Order 10E provides that beginning with the 14th day before the vote, the municipal clerk may begin to sort such absentee ballots.

Executive Order 10E and the Municipal Budget Process in 2021: Similar (But Not Quite Back) to "Normal"

- **Jean Perry Phillips**
jphillips@pullcom.com
860.424.4368
- **Marie V. Phelan**
mphelan@pullcom.com
860.424.4337
- **Richard C. Robinson**
rrobinson@pullcom.com
860.541.3333
- **Erick A. Russell**
erussell@pullcom.com
203.330.2154
- **Zachary D. Schurin**
ZSchurin@pullcom.com
860.424.4389
- **Stephen M. Sedor**
ssedor@pullcom.com
203.330.2137
- **Mark J. Sommaruga**
MSommaruga@pullcom.com
860.424.4388
- **John F. Stafstrom Jr.**
jstafstrom@pullcom.com
203.330.2210
- **Steven J. Stafstrom Jr.**
sstafstrom@pullcom.com
203.330.2266

BUDGET ADOPTION TIMELINES: Unlike last year, when the usual budget adoption processes were suspended in their entirety (and municipalities and districts were empowered to adopt budgets without a vote by eligible electors), Executive Order 10E is simply focused on extending the timelines for adopting a budget for the 2021-2022 fiscal year. Executive Order 10E provides that notwithstanding any contrary state statutes, municipal charters, ordinances, regulations or policies, a municipality or regional board of education, upon a majority vote of its legislative body (or in a municipality where the legislative body is a town meeting, the board of selectmen) or of the regional board of education, as applicable, may alter its budget adoption dates, provided 1) such vote to alter budget adoption dates is taken before May 20, 2021, and 2) the final budget is approved before June 30, 2021 *or at a minimum* the **first** town meeting, district budget meeting, or referendum to approve such budget is conducted before June 30, 2021. The fact that Executive Order 10E only requires that the *first* such meeting or referendum to approve a budget take place before June 30, 2021 is a recognition that it is not uncommon for budgets to be initially rejected by the voters. Indeed, with the return in 2021 of the pre-pandemic ability of eligible electors to approve budgets comes the ability of such electors to reject budgets.

Executive Order 10E provides that such budget adoption dates subject to the Order may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body or of a regional board of education pursuant to Executive Order 10E **must** include a specific reference to the Executive Order. **PLEASE NOTE:** For the purposes of Executive Order 10E, "municipality" is defined as "any town, city or borough, whether consolidated or unconsolidated, and any school district, regional school district, district, as defined in [Connecticut General Statute] section 7-324, metropolitan district, and each municipal corporation, organization or authority and taxing district."

SO HOW CAN ONE GET ABSENTEE BALLOTS? Unlike the "usual" rules, absentee ballots for a referendum held before May 20, 2021 merely must be available not less than four business days prior to the referendum; applications and absentee ballots may be mailed by the municipal clerk provided that the clerk determines that the application or ballot will reach the voter no later than the day before the referendum. In addition, a municipal clerk *or* regional board of education *may*

Executive Order 10E and the Municipal Budget Process in 2021: Similar (But Not Quite Back) to "Normal"

make available on municipal or regional board of education websites digital versions of absentee ballot applications for download and completion by any person eligible to vote in an election, primary, or referendum subject to Executive Order 10E.

SOME FINAL THOUGHTS (I.E., WHAT ABOUT TOWN MEETINGS?) It is important to remember that the Executive Order provisions addressing absentee ballots apply to elections, primaries, and referenda. These absentee ballot provisions do **not** apply to town or district meetings and the votes that may take place at these meetings. The conduct of such town and district meetings are currently governed by Executive Order 9H, which permits remote and hybrid meetings, and allows for persons to participate (and even “vote”) remotely. In light of recent action by the Connecticut General Assembly and the Governor via Special Act 21-2, Executive Order 9H has been extended until May 20, 2021. However, there are at least two bills pending before the General Assembly that would revise the Freedom of Information Act and extend the Executive Order/pandemic era remote meetings provisions into the future as part of a new status quo.

This publication is intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters in this update. This report may be considered attorney advertising. To be removed from our mailing list, please email unsubscribe@pullcom.com with "Unsubscribe" in the subject line. Prior results do not guarantee a similar outcome.