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## The Latest: Executive Order 700 and the Rescheduling of Certain Local Elections and Appointments

May 18, 2020

by Mark Sommaruga

On May 14, 2020, Governor Lamont signed Executive Order 700 (“EO 700”), which addresses the procedures and scheduling for certain local appointments and elections requiring in-person voting. While the Governor previously issued executive orders that addressed voting at town meetings and referenda on (for example) budgets and special appropriations, none of these prior orders had addressed local elections and appointments of local board members or officials. Obviously, the concerns with in-person voting that have led to the cancellation of local budget referenda/meetings and the postponement of the presidential primary to August 11, 2020 would exist with voting for membership on local boards (whether regional school boards, fire districts or the like). EO 700 serves to fill in the gap and provide a measure of protection to voters and poll workers by delaying certain in-person voting, which will ostensibly permit safer proceedings.

**TO WHOM DOES THIS APPLY:** EO 700 applies to situations where:

1. A town or district meeting, or other meeting of electors or voters (e., an election) is the authority for appointing or electing members or officials to any municipal or regional governmental office, board, agency, commission or quasi-municipal corporation, and
2. The deadlines or timeframes for electing such members or officials or making such appointments requiring approval by such a meeting or election are scheduled to occur prior to June 9, 2020 for the sole purpose of nominating candidates or prior to June 30, 2020 for the purposes of electing, nominating or appointing such members or officials

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EO 700 lists as examples of governmental entities or quasi-municipal corporations that it covers: regional boards of education, municipal boards and commissions (including a town, city or borough, whether consolidated or unconsolidated), any village, school, special services or special taxing districts, any regional water or resource recovery authority, and any other political subdivision of the state or of any municipality.

**CHANGE IN TIMELINES:** Overriding certain potentially conflicting statutes, charters, ordinances, and regional school board “plans of reapportionment”, EO 700 suspends the timelines for such meetings and elections, and provides that they instead shall be held as follows:

1. Any district or town meeting that was to be held solely for the purpose of **nominating** (but **not** electing or appointing) candidates **shall be held on June 9, 2020**; no other business may be conducted at the
2. Any election, and any district or town meeting required for the purpose of electing or appointing members or officials to any covered governmental entity or quasi-municipal corporation (including nomination of candidates, if applicable) shall be conducted between June 27 and June 30, 2020. Again, no other business shall be conducted at this election or meeting.

EO 700 explicitly provides that it does **not** apply to any election or meeting that is already scheduled (or required by law to be scheduled) after June 30, 2020; thus, it cannot be used to move up or expedite a previously scheduled meeting or election (but rather just serves to provide a delay for the conducting of such proceedings).

**CONDUCT OF MEETINGS:** The officials responsible for administering any such district or town meetings, election and nominations shall use their best efforts to conduct such proceedings using remote means in accordance with the revised “open meeting” provisions contained in Executive Order No. 7B, while also implementing measures to safeguard the integrity of the process. If it is determined that any such meeting or election cannot be conducted safely and accurately by remote means, officials shall take all reasonable measures to protect the public health, including consulting with local or state public health officials and “conducting such meeting or election in a way that significantly reduces the risk of transmission of COVID-19”.

**WHAT DOES THIS ALL MEAN?** Practically speaking, an election (with “secret” votes and broader hours for casting votes as opposed to taking place at a discreet meeting) cannot be conducted remotely. Entities conducting such non-remote meetings or elections may wish to consult applicable CDC guidelines. In addition, the delay in the timelines from EO 700 will permit entities to either a) make remote meetings more effective, or b) make non-remote meetings and elections safer. **Please note:** EO 700 provides that the only “elections” that it applies to are those conducted for membership on a regional board of education; otherwise, this order mainly addresses the selection of officers at town and district meetings, as opposed to “at the polls”.

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Please contact an attorney with our firm should you have any questions regarding the meaning and application of the above provisions or any of the issues emanating from the current COVID-19 outbreak. In addition, please stay tuned for further developments.

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