October 23, 2020

Covid-19 Emergency Order Authorizes CT Municipalities to Hold Public Meetings and Voting by Remote Participation

On October 20, Connecticut governor Ned Lamont issued emergency Executive Order No. 9H approving remote participation in municipal meetings, including permitting remote voting by eligible voters, notwithstanding any provision of the Connecticut General Statutes, state regulations, or any ordinance, charter, bylaw or other rule to the contrary.

Connecticut municipal agencies, boards, commissions, councils and legislative bodies (for town meeting towns, the board of selectmen) may hold a public meeting or hearing that provides for remote participation in its entirety or for remote participation in conjunction with an in-person meeting (a "hybrid meeting"). Such remote participation must include the opportunity to offer public comment (to the extent generally permitted at such meetings) and the ability of electors or qualified voters to vote, if eligible pursuant to state statute, municipal charter, or other applicable legal authority, at any meeting, annual town meeting or special town meeting.

For purposes of Executive Order No. 9H, "municipalities" include all municipalities and quasi-municipal corporations, whether created by statute, ordinance, charter, legislative or special act, including but not limited to any town, city or borough, whether consolidated or unconsolidated, any village, school, sewer, fire, lighting, special services or special taxing districts, beach or improvement association, any regional water or resource recovery authority or any other political subdivision of the state or of any municipality having the power to make appropriations or to levy assessments or taxes.

In holding an in-person or hybrid meeting, municipal bodies must:

- proceed with such meetings in a manner as closely consistent with applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible;
- allow at least some members of the public and press to attend in the same location as the officials conducting the meeting in a manner consistent with public health guidance;
- take all steps recommended by local or state public health officials to conduct such meetings in a manner that significantly reduces the risk of transmission of COVID-19; and
- comply with public meeting requirements consistent with requirements set forth in Executive Order No. 7B (including that the public has the ability to view or listen to each meeting or proceeding in real time by telephone, video or other technology and that the meeting or proceeding is recorded or transcribed and the recording or transcript is posted on the agency's website within seven days of the meeting or proceeding and made available within a reasonable time in the agency's office).

Executive Order No. 9H does not address the methodology for confirming the eligibility of voters participating remotely. Municipalities taking advantage of Executive Order No. 9H should take care to develop a mechanism for confirming eligibility of remote voters at a public meeting.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center.

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not

an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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