



House of Representatives

General Assembly

File No. 271

January Session, 2001

House Bill No. 6424

House of Representatives, April 12, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT REQUIRING NOTIFICATION OF VOTING OR VOTING REGISTRATION TO CONSERVATORS OF RESIDENTS OF CERTAIN INSTITUTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The administrator of an institution, as defined
2 in subsection (a) of section 9-159q of the general statutes, a residential
3 facility for the mentally retarded licensed pursuant to section 17a-227,
4 or a community residence, as defined in section 19a-507a of the general
5 statutes, shall use his or her best efforts to provide written notice to
6 any conservator or guardian appointed to manage the affairs of a
7 resident of such institution, facility or residence pursuant to sections
8 45a-644 to 45a-663, inclusive, or sections 45a-668 to 45a-684, inclusive,
9 of the general statutes, at least seven days prior to the date any voter
10 registration or voting opportunity is presented to the resident with
11 respect to a primary, referendum or election. Such voter registration or
12 voting opportunity includes, but is not limited to, the solicitation or
13 completion of: (1) An application for admission as an elector; (2) an

14 absentee ballot application; or (3) an absentee ballot, regardless of
15 whether supervised absentee ballot voting will take place at such
16 institution. The administrator of such institution, facility or residence
17 shall also use his or her best efforts to provide written notice to any
18 such conservator or guardian at least seven days prior to the date
19 when the resident may be brought to a polling place to vote in person.

20 (b) Any such notice shall indicate that the resident is entitled to vote
21 or register to vote unless the resident is determined incompetent to do
22 so by a probate court, or unless the registrars of voters or their
23 designees jointly conclude at a supervised voting session that the
24 resident declines to vote the ballot or they are unable to determine how
25 the resident desires to vote the ballot, as provided in subsection (g) of
26 section 9-159q of the general statutes. The notice shall also specify that
27 a resident who requires assistance to vote in accordance with section 9-
28 264 of the general statutes, by reason of blindness, disability or
29 inability to read or write may receive assistance from a person of the
30 resident's choosing.

31 (c) The administrator of any such institution, facility or residence
32 may also provide such notice to a person with a power of attorney for
33 a resident of the institution, facility or residence.

34 Sec. 2. (NEW) Any probate court proceeding to determine an
35 individual's competency to vote in a primary, referendum or election
36 shall be conducted not later than fifteen days after the guardian or
37 conservator files a petition and shall be privileged with respect to
38 assignment for trial.

GAE *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Various Human Services Agencies, Probate Court (Judicial Department)

Municipal Impact: None

Explanation

State Impact:

The bill will result in no fiscal impact to the state as a result of notification to guardians or conservators of voting registration opportunities available to the residents. Currently, clients are notified of voting opportunities and extending that notification to the guardians and conservators, where applicable, may have a minimal impact to the workload of the associated departments. This workload can be handled within the available resources of the departments.

Due to the minimal estimated volume in these cases, it is anticipated that the probate court will not incur any cost associated with expediting a hearing to determine a client's competency to vote.

OLR Bill Analysis

HB 6424

AN ACT REQUIRING NOTIFICATION OF VOTING OR VOTING REGISTRATION TO CONSERVATORS OF RESIDENTS OF CERTAIN INSTITUTIONS.**SUMMARY:**

This bill requires probate courts to conduct hearings regarding a person's competency to vote no later than 15 days after a guardian or conservator files a petition. These hearings must be given priority for trial.

The bill requires administrators of certain institutions, residential facilities for people with mental retardation, and community residences to use their best efforts to notify probate court-appointed conservators and guardians when voting or voting registration opportunities are presented to their wards residing in the facility. The bill permits the administrators to give the same notice to people with a power of attorney over residents in the facilities.

EFFECTIVE DATE: October 1, 2001

ADMINISTRATORS REQUIRED TO PROVIDE NOTICE

The bill affects administrators of veterans' health care facilities; residential care homes; health care facilities for the handicapped; infirmaries operated by educational institutions to care for their students, faculty, and employees; residential facilities for people with mental retardation licensed by the Department of Mental Retardation; and community residential facilities for adults with mental illness licensed by the Department of Public Health to provide supervised, structured group living activities and support services.

NOTICE REQUIREMENTS

The administrator must use his best efforts to give conservators and

guardians written notice at least seven days before a resident ward is (1) presented with any voter registration or voting opportunities regarding a primary, referendum, or election or (2) brought to a polling place to vote.

The notice must indicate resident ward's existing rights to register to, and cast a, vote unless the probate court has made a determination of incompetence or a registrar of voters (or designee) at a supervised voting session cannot determine how the resident desires to vote or concludes that the resident declines to vote.

The notice must also specify that a resident ward who needs assistance to vote because of blindness, disability, or inability to read or write may receive assistance from anyone he chooses.

VOTER REGISTRATION AND VOTING OPPORTUNITIES

Under the bill, voting registration and voting opportunities include the solicitation or completion of:

1. a voter registration application,
2. an absentee ballot application, and
3. an absentee ballot.

BACKGROUND

Conservators

By law, the probate court may appoint a person, municipal or state official, or a private corporation, other than a hospital or nursing home, to be a conservator for a person whom the court determines is incapable of managing his affairs or who voluntarily requests the appointment. A conservator of the estate supervises the person's financial affairs. A conservator of the person supervises the person's personal affairs.

Guardians

By law, the probate court may appoint a person, state official, or a private nonprofit corporation, other than a hospital or nursing home, to supervise either all or limited aspects of the care of an adult with mental retardation who cannot meet any or some of his essential needs.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Change of Reference

Yea 20 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0