



General Assembly

February Session, 2004

Raised Bill No. 526

LCO No. 2052

02052_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

**AN ACT IMPLEMENTING PROCEDURES FOR ABSENTEE VOTING
BASED ON THE PILOT PROGRAM ADMINISTERED BY THE STATE
ELECTIONS ENFORCEMENT COMMISSION.**

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

1 Section 1. (NEW) (*Effective January 1, 2005, and applicable to elections*
2 *and primaries held on or after said date*) (a) Not later than forty-five days
3 before each election and primary in a municipality, absentee ballot
4 coordinators shall be appointed to serve in accordance with this
5 section, section 2 of this act and section 9-140 of the general statutes, as
6 amended by this act. In each municipality in which the registrars of
7 voters serve full time, said registrars shall jointly appoint and
8 supervise such coordinators for each election, and the registrar of the
9 party holding a primary shall appoint and supervise the coordinators
10 for the primary. In each municipality in which the registrars of voters
11 serve part time, the municipal clerk shall appoint and supervise such
12 coordinators for each election or primary. Absentee ballot coordinators
13 shall be electors residing in the municipality holding the election or
14 primary.

15 (b) For each election, at least two absentee ballot coordinators shall
16 be appointed for each three hundred electors who voted by absentee
17 ballot in the most recent election for the same or similar offices. The
18 registrars of voters or the municipal clerk shall make such
19 appointments from names of electors submitted by the chairpersons of
20 the major parties, and shall notify said chairpersons of their right to
21 submit such names for consideration. The party enrollment of absentee
22 ballot coordinators appointed under this subsection shall be divided
23 evenly between the major parties. As used in this subsection, "major
24 party" has the same meaning provided in section 9-372 of the general
25 statutes, as amended.

26 (c) For each party holding a primary, at least one absentee ballot
27 coordinator shall be appointed for each three hundred electors who
28 voted by absentee ballot in the most recent primary for the same or
29 similar offices. The registrar of voters or the municipal clerk shall make
30 such appointments from names of electors submitted by groups of
31 candidates whose names will appear in a single row on the official
32 ballot at the primary, and shall notify all such groups of their right to
33 submit such names for consideration. The absentee ballot coordinators
34 appointed under this subsection shall be divided as evenly as
35 practicable between or among said groups.

36 (d) No candidate for public office, member of a town committee or
37 employee of, or volunteer for, a candidate committee shall serve as an
38 absentee ballot coordinator.

39 (e) Each elector appointed to serve as an absentee ballot coordinator
40 shall be sworn, by the municipal clerk or a registrar of voters, to the
41 faithful performance of the elector's duties as an absentee ballot
42 coordinator. The municipal clerk and registrars of voters shall jointly
43 train absentee ballot coordinators, and shall forthwith, after the
44 training, file a report in the office of the municipal clerk, stating that
45 they have provided such training to the coordinators named in the
46 report and the time and place where the training was provided.

47 Absentee ballot coordinators may be compensated by the
48 municipalities appointing them.

49 Sec. 2. (NEW) (*Effective January 1, 2005, and applicable to elections and*
50 *primaries held on or after said date*) (a) An absentee ballot application
51 may be issued only by the municipal clerk, a registrar of voters or an
52 absentee ballot coordinator. Any such official may issue such
53 application only to the applicant or a designee of the applicant. A
54 designee of an applicant may provide such application only to the
55 applicant for whom the designee is serving. As used in this section,
56 "designee" has the same meaning provided in section 9-140b of the
57 general statutes, as amended.

58 (b) (1) A municipal clerk or registrar of voters may issue absentee
59 ballot applications in person, by mail or by facsimile machine,
60 provided no such application shall be issued by such official in person
61 at a location other than the office of the official.

62 (2) An absentee ballot coordinator may issue absentee ballot
63 applications only to persons whom the coordinator will be assisting
64 under section 9-140 of the general statutes, as amended by this act.
65 Each absentee ballot coordinator shall maintain a log of each
66 application issued by the coordinator, including the date of issuance,
67 the name and address of the applicant and, if applicable, the name of
68 any designee. The log shall be confidential until the Friday before the
69 election or primary, at which time it shall be preserved as a public
70 record open to public inspection.

71 (3) No municipal clerk, registrar of voters or absentee ballot
72 coordinator shall distribute with an absentee ballot application any
73 material that promotes the success or defeat of any candidate or
74 referendum question.

75 (c) A candidate or party committee may request a municipal clerk or
76 registrar of voters to issue absentee ballot applications to electors
77 whose names and addresses the candidate or party committee

78 provides on a written list to the municipal clerk or registrar of voters.
79 Not later than forty-eight hours after receiving such a request, the
80 municipal clerk or registrar of voters shall provide an absentee ballot
81 coordinator with a copy of the list and the coordinator shall make one
82 telephone call to each elector on the list to verify that the elector needs
83 an application. The coordinator shall annotate the list with the results
84 of such calls and return the annotated list to the municipal clerk, who
85 shall send an absentee ballot application to each person verified by the
86 coordinator or whom the coordinator was unable to contact.

87 (d) The provisions of this section shall not apply to supervised
88 absentee voting under section 9-159q or 9-159r of the general statutes.

89 Sec. 3. Section 9-140 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective January 1, 2005, and*
91 *applicable to elections and primaries held on or after said date*):

92 (a) Application for an absentee ballot shall be made to the clerk of
93 the municipality in which the applicant is eligible to vote or has
94 applied for such eligibility. Assistance in the completion of an
95 application may be provided to an applicant by: (1) The municipal
96 clerk or a registrar of voters while said official is in said official's office,
97 (2) a designee, as defined in section 9-140b, as amended, of the
98 applicant, or (3) two absentee ballot coordinators enrolled in different
99 political parties or representing different groups of candidates in a
100 primary. Any person who assists another person in the completion of
101 an application shall, in the space provided, sign the application and
102 print or type his name, residence address and telephone number. Such
103 signature shall be made under the penalties of false statement in
104 absentee balloting. The municipal clerk shall not invalidate the
105 application solely because it does not contain the name of a person
106 who assisted the applicant in the completion of the application. [The
107 municipal clerk shall not distribute with an absentee ballot application
108 any material which promotes the success or defeat of any candidate or
109 referendum question.] No person other than a municipal clerk,

110 registrar of voters, absentee ballot coordinator or designee, as defined
111 in section 9-140b, as amended, of an applicant may assist an applicant
112 in the completion of an application. The application shall be signed by
113 the applicant under the penalties of false statement in absentee
114 balloting on (1) the form prescribed by the Secretary of the State
115 pursuant to section 9-139a, (2) a form provided by any federal
116 department or agency if applicable pursuant to section 9-153a, or (3)
117 any of the special forms of application prescribed pursuant to section
118 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable.
119 Any such absentee ballot applicant who is unable to write may cause
120 the application to be completed by an authorized agent who shall, in
121 the spaces provided for the date and signature, write the date and
122 name of the absentee ballot applicant followed by the word "by" and
123 his own signature. If the ballot is to be mailed to the applicant, the
124 applicant shall list the bona fide personal mailing address of the
125 applicant in the appropriate space on the application. Two absentee
126 ballot coordinators enrolled in different political parties or
127 representing different groups of candidates in a primary may jointly
128 conduct a session for the completion of absentee ballot applications at
129 a multi-family dwelling where twenty or more persons reside who
130 voted by absentee ballot in the most recent election or primary for the
131 same or similar offices.

132 (b) [A municipal clerk may transmit an application to a person
133 under this subsection by facsimile machine.] If a municipal clerk has a
134 facsimile machine, an applicant may return a completed application to
135 the clerk by such a machine, provided the applicant shall also mail the
136 original of the completed application to the clerk, either separately or
137 with the absentee ballot that is issued to the applicant. If the clerk does
138 not receive such original application by the close of the polls on the
139 day of the election, primary or referendum, the absentee ballot shall
140 not be counted.

141 (c) The municipal clerk shall check the name of each absentee ballot
142 applicant against the last-completed registry list and any

143 supplementary registry lists on file in the municipal clerk's office. If the
144 name of such applicant does not appear on any of such lists, the clerk
145 shall send such applicant a notice, in a form prescribed by the
146 Secretary of the State, to the effect that (1) the applicant's name did not
147 appear on the list of electors of the municipality at the time the
148 application was processed, and (2) unless the applicant is admitted or
149 restored as an elector of the municipality by the applicable cutoff dates
150 an absentee ballot will not be mailed to him. Such notice shall not be so
151 mailed if, prior to the mailing of the notice, the registrars provide the
152 clerk with reliable information showing the absentee ballot applicant
153 to be an elector of the municipality.

154 (d) An absentee voting set shall consist of an absentee ballot, inner
155 and outer envelopes for its return, instructions for its use, and if
156 applicable, explanatory texts concerning ballot questions, as provided
157 for in sections 2-30a and 9-369b. No other material shall be included
158 with an absentee voting set issued to an applicant except as provided
159 in sections 9-153e and 9-153f or where necessary to correct an error or
160 omission as provided in section 9-153c.

161 (e) Upon receipt of an application, the municipal clerk shall, unless a
162 notice is mailed to the applicant pursuant to subsection (c) of this
163 section, write the serial number of the outer envelope included in the
164 absentee voting set to be issued to the applicant in the space provided
165 for that purpose on the application form. Sets shall be issued to
166 applicants in consecutive ascending numerical order of the envelope
167 serial numbers, and the clerk shall keep a list of the numbers indicating
168 beside each number the name of the applicant to whom that set was
169 issued. The list shall be confidential until the Friday before the election
170 or primary, at which time it shall be preserved as a public record as
171 required by section 9-150b.

172 (f) Absentee voting sets shall be issued beginning on the thirty-first
173 day before an election and the twenty-first day before a primary or, if
174 such day is a Saturday, Sunday or legal holiday, beginning on the next

175 preceding business day.

176 (g) On the first day of issuance of absentee voting sets the municipal
177 clerk shall mail an absentee voting set to each applicant whose
178 application was received by the clerk prior to that day. When the clerk
179 receives an application during the time period in which absentee
180 voting sets are to be issued he shall mail an absentee voting set to the
181 applicant, within twenty-four hours, unless the applicant submits his
182 application in person at the office of the clerk and asks to be given his
183 absentee voting set immediately, in which case the clerk shall comply
184 with the request. Any absentee voting set to be mailed to an applicant
185 shall be mailed to the bona fide personal mailing address shown on the
186 application. Issuance of absentee voting sets shall also be subject to the
187 provisions of subsection (c) of this section, section 9-150c and section 9-
188 159q concerning persons designated to deliver or return ballots in
189 cases involving unforeseen illness or disability and supervised voting
190 at certain health care institutions.

191 (h) No absentee ballot shall be issued on the day of an election or
192 primary, or after the opening of the polls on the day of a referendum,
193 except in cases involving unforeseen illness or disability or presidential
194 or overseas ballots as provided in section 9-150c and sections 9-158a to
195 9-158m, inclusive.

196 (i) The municipal clerk shall file executed applications in
197 alphabetical order according to the applicants' surnames. Such
198 applications shall be confidential until the Friday before the election,
199 primary or referendum, at which time the applications shall be
200 preserved as a public record as required by section 9-150b, as amended
201 by this act.

202 [(j) No person shall pay or give any compensation to another and no
203 person shall accept any compensation solely for (1) distributing
204 absentee ballot applications obtained from a municipal clerk or the
205 Secretary of the State or (2) assisting any person in the execution of an
206 absentee ballot.]

207 Sec. 4. Subsection (h) of section 9-150b of the general statutes is
208 repealed and the following is substituted in lieu thereof (*Effective*
209 *January 1, 2005*):

210 (h) For sixty days after the election, primary or referendum the
211 following shall be preserved by the municipal clerk as a public record
212 open to public inspection: (1) All executed absentee ballot application
213 forms and direction by registrar forms, as required by [subdivision]
214 subsection (i) of section 9-140, as amended by this act, except that such
215 executed application forms shall be confidential until the Friday before
216 the election, primary or referendum; (2) the list and index of applicants
217 for presidential or overseas ballots as required by section 9-158h; (3)
218 the numerical list of absentee voting sets issued as required by
219 subsection (e) of section 9-140, as amended by this act; (4) the list of the
220 names of persons whose absentee ballots are received by the clerk, as
221 required by subsection (a) of section 9-140c; (5) all unused absentee
222 ballots; and (6) all envelopes containing ballots received by the clerk
223 after the close of the polls, which shall remain unopened.

This act shall take effect as follows:	
Section 1	<i>January 1, 2005, and applicable to elections and primaries held on or after said date</i>
Sec. 2	<i>January 1, 2005, and applicable to elections and primaries held on or after said date</i>
Sec. 3	<i>January 1, 2005, and applicable to elections and primaries held on or after said date</i>
Sec. 4	<i>January 1, 2005</i>

Statement of Purpose:

To promote the integrity of the absentee voting process.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]