



House of Representatives

General Assembly

File No. 454

February Session, 2010

Substitute House Bill No. 5442

House of Representatives, April 12, 2010

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ABSENTEE VOTING BY MEMBERS OF THE MILITARY AND BY CITIZENS LIVING ABROAD.

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

1 Section 1. Section 9-158b of the general statutes is amended by
2 adding subsection (c) as follows (*Effective from passage*):

3 (NEW) (c) Each citizen of the United States born outside of the
4 United States who is at least eighteen years of age, whose parent or
5 guardian was a bona fide resident of a town in this state immediately
6 prior to moving outside the United States, who is not registered to vote
7 and is not voting in any other state or election district of a state or
8 territory or in any territory or possession of the United States, who has
9 a valid passport or card of identity and registration issued under the
10 authority of the Secretary of State of the United States or alternative
11 form of identification and who has not forfeited such citizen's electoral
12 privileges because of a disfranchising crime, shall be eligible to vote
13 pursuant to this section. Such citizen may vote in federal elections in

14 the town in this state in which the citizen's parent or guardian
15 formerly resided immediately prior to the parent's or guardian's
16 departure from the United States, in the manner provided in sections
17 9-158c to 9-158m, inclusive.

18 Sec. 2. Subsection (b) of section 9-17 of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective from*
20 *passage*):

21 (b) Notwithstanding the provisions of subsection (a) of this section,
22 the registrars of voters shall hold a limited session on the last week day
23 before each regular election from nine o'clock a.m. to [twelve o'clock
24 noon] five o'clock p.m. for the purpose of admitting only those persons
25 whose qualifications as to age, citizenship or residence in the
26 municipality were attained after the last session for the admission of
27 electors prior to an election. The registrars shall enter the names of
28 those electors admitted at such limited session on the proper list, with
29 their residences by street and numbers. [, if any, before one o'clock
30 p.m. of such last week day before the election.]

31 Sec. 3. Subsection (b) of section 9-140 of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective from*
33 *passage*):

34 (b) A municipal clerk may transmit an application to a person under
35 this subsection by facsimile machine or other electronic means. If a
36 municipal clerk has a facsimile machine or other electronic means, an
37 applicant may return a completed application to the clerk by such a
38 machine or device, provided the applicant shall also mail the original
39 of the completed application to the clerk, either separately or with the
40 absentee ballot that is issued to the applicant. If the clerk does not
41 receive such original application by the close of the polls on the day of
42 the election, primary or referendum, the absentee ballot shall not be
43 counted.

44 Sec. 4. Section 9-153e of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 A member of the armed forces who is an elector or an applicant for
47 admission as an elector, or the member's spouse or dependent if living
48 where such member is stationed, may apply before a regular election
49 for a blank absentee ballot to vote for all offices being contested at the
50 election. The clerk shall make such ballots available for this purpose
51 beginning not earlier than ninety days before the election. Application
52 shall be made upon a form prescribed by the Secretary of the State or
53 on the federal postcard application form provided pursuant to the
54 Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924,
55 42 USC 1973ff et seq., as amended from time to time, or any other
56 applicable law and shall be issued only if the applicant states that due
57 to military contingencies the regular application procedure, as set forth
58 in section 9-140, as amended by this act, cannot be followed. Upon
59 receipt of the application, the municipal clerk shall issue the ballot
60 either by mail or electronic means, which shall be prescribed and
61 [printed] provided by the Secretary of the State, and a list of the offices
62 to be voted upon indicating the number of individuals for which each
63 elector may vote. As soon as a complete list of nominated candidates,
64 including the party designations of such candidates, and questions is
65 available, the clerk shall send such list to each applicant. If the list of
66 candidates and questions is not available when the ballot is issued, the
67 clerk shall include a statement indicating that such list shall be mailed
68 as soon as it becomes available. The ballot shall permit the elector to
69 vote by writing in the names of specific candidates and offices for
70 which he is voting. The elector may also vote on the questions in a
71 manner prescribed by the Secretary of the State. If such ballot is issued
72 by electronic means, the clerk shall include a certification prescribed by
73 the Secretary of the State that the elector shall be required to complete,
74 sign and return with the completed ballot in order for such ballot to be
75 counted. If the military contingency no longer exists, application for an
76 additional ballot for all offices may be made pursuant to the provisions
77 of section 9-153b.

78 Sec. 5. Section 9-153f of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective from passage*):

80 Notwithstanding the provisions of section 9-140, as amended by this
81 act, any elector who is living, or expects to be living or traveling before
82 and on election day, outside the territorial limits of the several states of
83 the United States and the District of Columbia and any member of the
84 armed forces who is an elector or an applicant for admission as an
85 elector, or the member's spouse or dependent if living where such
86 member is stationed, may apply for a blank absentee ballot to vote for
87 all offices being contested at an election or primary. Application shall
88 be made upon a form prescribed by the Secretary of the State or on the
89 federal postcard application form provided pursuant to the Uniformed
90 and Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC
91 1973ff et seq., as amended from time to time, or any other applicable
92 law. The municipal clerk receiving such an application shall, as soon as
93 a complete list of candidates and questions to be voted upon at such
94 election or primary becomes available, issue the ballot either by mail or
95 electronic means, which shall be the blank ballot prescribed and
96 [printed] provided by the Secretary of the State under section 9-153e,
97 as amended by this act. The clerk shall include with the ballot a
98 complete list of the offices to be voted upon, the number of individuals
99 for which each elector may vote, the candidates, and, in the case of an
100 election, the party designation of each candidate and questions to be
101 voted upon. If such ballot is issued by electronic means, the clerk shall
102 include a certification prescribed by the Secretary of the State that the
103 elector shall be required to complete, sign and return with the
104 completed ballot in order for such ballot to be counted. If application
105 for an absentee ballot is made at the time of availability of regular
106 absentee ballots as provided in [said] section 9-140, as amended by this
107 act, the provisions of [said] section 9-140, as amended by this act, shall
108 prevail. [The] Except as otherwise provided in this section, the
109 procedures governing the issuance of ballots under this section shall
110 conform as nearly as may be to the procedures provided in [said]
111 section 9-140, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-158b
Sec. 2	<i>from passage</i>	9-17(b)
Sec. 3	<i>from passage</i>	9-140(b)
Sec. 4	<i>from passage</i>	9-153e
Sec. 5	<i>from passage</i>	9-153f

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes that result in no fiscal impact. It allows applications for absentee ballots to be issued and submitted by electronic means as well as mail, rather than by mail or facsimile.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5442

AN ACT CONCERNING ABSENTEE VOTING BY MEMBERS OF THE MILITARY AND BY CITIZENS LIVING ABROAD.

SUMMARY:

This bill changes state election law to comply with the federal Military and Overseas Voter Empowerment (MOVE) Act, which Congress passed in October, 2009 and applies to the November 2010 general election (see BACKGROUND). Generally, it allows (1) applications for absentee ballot to be issued and submitted by electronic means and (2) military and overseas absentee ballots to be issued by electronic means. It makes U.S. citizens age 18 and older who were born outside the country but whose parent or guardian was a Connecticut resident before leaving the country eligible to vote by presidential or overseas ballot in a federal election administered in Connecticut. It also extends, from noon to 5:00 p.m., the close of the mandatory voter registration session held to admit certain individuals on the last weekday before a regular election.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

ISSUING APPLICATIONS ELECTRONICALLY

The bill authorizes town clerks to transmit absentee ballot applications by electronic means. However, it does not specify that clerks must transmit an application either by mail or electronically at the applicant's request, which federal law appears to require. By law, clerks may also issue absentee ballot applications in person, by facsimile, or mail.

Under the bill, any application that is transmitted electronically may

also be returned electronically, provided the applicant also mails the original to the town clerk, either separately or together with the completed absentee ballot. An absentee ballot is not counted unless the completed original application is mailed to the clerk.

ISSUING ABSENTEE BALLOTS ELECTRONICALLY

The bill authorizes town clerks to transmit absentee ballots by electronic means to active duty members of the armed forces, their spouses or dependent family members living where they are stationed, and other U.S. citizens living outside the country. However, it does not specify that town clerks must transmit a ballot either by mail or electronically at the applicant's request, which federal law appears to require. Under current law, town clerks issue these absentee ballots by mail or in person.

The bill's provisions apply to two types of overseas absentee ballots. The first is a blank ballot that members of the armed forces and their family members living with them may use to vote in a regular election and that town clerks must make available beginning 90 days before the election before the candidates are known. For this ballot, town clerks subsequently send the list of candidates as soon as it is available.

The second is a blank ballot that any elector living abroad or members of the armed forces and their family members living with them may use to vote in a primary or regular election. Town clerks send this together with the list of candidates and questions to be voted on, as soon as they are available.

In both cases, when the clerk issues a ballot electronically, he or she must include a secretary of the state-prescribed certification that the elector must complete, sign, and return with the completed ballot in order for it to be counted.

ELIGIBILITY

The bill authorizes U.S. citizens age 18 and older who were born outside the U.S. but whose parent or guardian was a Connecticut resident immediately prior to leaving the country to vote in a federal

election administered in Connecticut using a presidential or overseas absentee ballot. Current law does not allow them to do so.

Under the bill, such an individual is eligible to vote in the Connecticut town where his or her parent or guardian formerly resided provided he or she (1) is not registered to vote and not voting in another state, territory, or U.S. possession; (2) has a valid passport or identification card and registration from the U.S. Secretary of State or alternative form of identification; and (3) has not forfeited his or her electoral privileges due to a disenfranchising crime.

VOTER REGISTRATION SESSION

The bill conforms the hours for the mandatory voter registration session held on the last weekday before a regular election for individuals who qualify after the registration cut-off (seven days before the election) to the similar session held on the same day for armed forces members (CGS § 9-25). It does this by extending the closing time, from noon to 5:00 p.m., for the mandatory voter registration session, which must start at 9:00 a.m. By law, current and former (i.e., those discharged within the preceding calendar year) armed forces members may register to vote until 5:00 p.m. on the last weekday preceding a regular election.

BACKGROUND

MOVE Act

The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) (P.L. 99-410) requires U.S. states and territories to allow certain U.S. citizens to register and vote by absentee ballot in federal elections. The MOVE Act (P.L. 111-84) requires states, by the November 2010 general election, to among other things:

1. establish procedures allowing UOCAVA voters to request voter registration and absentee ballot applications by mail or electronically for general, special, and primary elections for federal office;
2. designate at least one means of electronic communication for (a)

UOCAVA voters to request voter registration and absentee ballot applications, (b) sending voter registration and absentee ballot applications to voters, and (c) providing UOCAVA voters with election and voting information;

3. develop procedures for transmitting blank ballots to UOCAVA voters by mail and electronically for general, special, and primary elections for federal office; and
4. develop a free access system that allows a UOCAVA voter to determine whether his or her absentee ballot was received.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/24/2010)