
OLR Bill Analysis

sSB 212

AN ACT CONCERNING PROVISIONAL BALLOTS FOR STATE AND MUNICIPAL ELECTIONS.

SUMMARY:

This bill (1) authorizes provisional ballots for use in state and municipal elections and primaries under the same circumstances as they are currently authorized for use in federal elections and primaries and (2) requires their use in place of challenged ballots.

The bill eliminates challenged ballots and the procedures for casting and counting them, replacing them with provisional ballots. However, it retains the right of (1) individuals and appointed polling place challengers to challenge voters and (2) challenged voters to request a ballot and to vote.

The bill transfers, from town clerks to registrars of voters, certain election duties concerning provisional ballots. It also makes conforming and technical changes.

EFFECTIVE DATE: Upon passage

WHEN PROVISIONAL BALLOTS MAY BE USED

The bill allows an individual to apply for and receive a provisional ballot to vote for candidates for state or municipal office when he or she:

1. appears at the polling place claiming to be eligible to vote but his or her name does not appear on the official registry list and the registrars determine that the name cannot be immediately restored or transferred from another polling place,
2. is the subject of a challenge and the moderator decides he or she is not eligible to vote, or

3. registered by mail without the necessary identification and appears at a polling place or applies for an absentee ballot for the first time after registering without proper identification.

These provisions already apply to federal office elections, which the bill specifies include presidential preference primaries.

If a poll worker denies an individual the opportunity to cast a regular ballot for any reason for which a provisional ballot may be used, the bill also requires a registrar or his or her designee to instead offer that individual a provisional ballot.

AUTHENTICATING AND COUNTING

The registrars have six days after a primary or general election to authenticate the information on each provisional ballot. The ballots are kept separate and counted only after the registrars verify the eligibility of voters who used them. Under current law, challenged ballots are kept separate and counted only if an election is contested.

FORMAT AND PRINTING

By law, the secretary of the state prescribes the provisional ballot format. The bill authorizes these ballots to be in the same format as regular absentee ballots, rather than overseas ballots.

The bill eliminates the requirement that the secretary provide towns with provisional ballots. Instead, towns must print these ballots as they currently print regular and absentee ballots.

The bill also eliminates a requirement that town clerks and registrars of voters agree to an appropriate number of provisional ballot packets for each voting district. Instead, registrars alone must make that determination. Similarly, registrars, rather than town clerks, must provide moderators with provisional ballot packets on the night before a primary or election for municipal, state, or federal office.

INSTRUCTIONS AND OTHER INFORMATION

Current law requires the secretary to prescribe, and town clerks to provide, certain information for polling places during an election for

federal office. The bill transfers the clerks' responsibility to the registrars of voters and extends it to include primaries and elections for municipal and state offices. The information includes instructions on how to cast a provisional ballot, instructions for mail-in registrants and first-time voters, and voting rights information.

BACKGROUND

Provisional Ballots for Federal Office Candidates

To vote by provisional ballot, an individual must fill out an application under penalty of false statement attesting to his or her eligibility and current standing as an elector in the town where the polling place is located. The application includes a field for address, which helps the registrars verify the person's identity, and requires an attestation that the person has not yet voted in the present election.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/12/2012)