



House of Representatives

General Assembly

File No. 636

January Session, 2013

Substitute House Bill No. 6670

House of Representatives, April 24, 2013

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ABSENTEE VOTING IN DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES OPERATED MENTAL HEALTH FACILITIES, APPLICATIONS FOR ABSENTEE BALLOTS AND DUTIES AND RESPONSIBILITIES ASSIGNED TO MODERATORS.

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

1 Section 1. (*Effective from passage*) (a) The Secretary of the State and
2 the Commissioner of Mental Health and Addiction Services shall
3 jointly develop a plan to modernize the way patients in mental health
4 facilities operated by the Department of Mental Health and Addiction
5 Services vote. Such plan shall ensure that each such patient is provided
6 an opportunity to vote in any primary, as defined in section 9-372 of
7 the general statutes, or election, as defined in section 9-1 of the general
8 statutes, for which such patient is eligible to vote pursuant to title 9 of
9 the general statutes, in a manner that maintains such patient's right to
10 vote in privacy.

11 (b) The Secretary and the commissioner shall submit such plan and

12 any recommendations for legislation to implement such plan not later
13 than January 1, 2014, in accordance with the provisions of section 11-4a
14 of the general statutes, to the joint standing committee of the General
15 Assembly having cognizance of matters relating to elections.

16 Sec. 2. Subsection (a) of section 9-140 of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2013*):

19 (a) Application for an absentee ballot shall be made to the clerk of
20 the municipality in which the applicant is eligible to vote or has
21 applied for such eligibility. Any person who assists another person in
22 the completion of an application shall, in the space provided, sign the
23 application and print or type his name, residence address and
24 telephone number. Such signature shall be made under the penalties of
25 false statement in absentee balloting. The municipal clerk shall not
26 invalidate the application solely because it does not contain the name
27 of a person who assisted the applicant in the completion of the
28 application. The municipal clerk shall not distribute with an absentee
29 ballot application any material which promotes the success or defeat of
30 any candidate or referendum question. The municipal clerk shall
31 maintain a log of all absentee ballot applications provided under this
32 subsection, including the name and address of each person to whom
33 applications are provided and the number of applications provided to
34 each such person. Each absentee ballot application provided by the
35 municipal clerk shall [be consecutively numbered and] be stamped or
36 marked with the name of the municipality issuing the application and
37 the municipal clerk shall assign a unique number to the person to
38 whom the applications are provided. The application shall be signed
39 by the applicant under the penalties of false statement in absentee
40 balloting on (1) the form prescribed by the Secretary of the State
41 pursuant to section 9-139a, (2) a form provided by any federal
42 department or agency if applicable pursuant to section 9-153a, or (3)
43 any of the special forms of application prescribed pursuant to section
44 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable.
45 Any such absentee ballot applicant who is unable to write may cause

46 the application to be completed by an authorized agent who shall, in
47 the spaces provided for the date and signature, write the date and
48 name of the absentee ballot applicant followed by the word "by" and
49 his own signature. If the ballot is to be mailed to the applicant, the
50 applicant shall list the bona fide personal mailing address of the
51 applicant in the appropriate space on the application.

52 Sec. 3. (NEW) (*Effective from passage*) Any duty or responsibility
53 assigned to a moderator under title 9 of the general statutes shall be
54 carried out by the moderator or the moderator's designee, if applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2013</i>	9-140(a)
Sec. 3	<i>from passage</i>	New section

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 requires the Secretary of the State and Department of Mental Health and Addiction Services (DMHAS) to jointly develop and report on a plan to modernize the way that certain patients in facilities operated by DMHAS vote. There is no fiscal impact arising from these provisions.

The bill also requires municipal clerks to assign a unique number to persons that are provided an absentee ballot application. There is no fiscal impact arising from this requirement.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6670*****AN ACT CONCERNING ABSENTEE VOTING IN DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES OPERATED MENTAL HEALTH FACILITIES, APPLICATIONS FOR ABSENTEE BALLOTS AND DUTIES AND RESPONSIBILITIES ASSIGNED TO MODERATORS.*****SUMMARY:**

This bill makes unrelated changes affecting absentee voting procedures and election moderators. Specifically, it:

1. requires the secretary of the state and the Department of Mental Health and Addiction Service (DMHAS) commissioner to jointly develop a plan to modernize the way patients in DMHAS-run mental health facilities vote,
2. eliminates a requirement that town clerks number absentee ballot applications consecutively and instead requires them to assign a unique number to the person receiving the applications, and
3. requires moderators or their designees to carry out any duty or responsibility that the law establishes for moderators.

Concerning the last provision listed above, the law does not authorize moderators to appoint designees. Thus, it appears that the bill effectively prohibits anyone other than a moderator from carrying out these duties and responsibilities. By law, moderators must be certified by the secretary of the state.

Finally, the bill makes technical changes.

EFFECTIVE DATE: Upon passage, except that the absentee ballot application provision is effective October 1, 2013.

VOTING BY DMHAS PATIENTS

Under the bill, the plan that the secretary of the state and DMHAS commissioner establish must ensure that patients have the opportunity to vote, in a way that maintains privacy, in any primary or general election for which they are eligible. By January 1, 2014, the secretary and commissioner must submit the plan, and any legislative recommendations for implementing it, to the Government Administration and Elections Committee.

By law, unchanged by the bill, patients in DMHAS-operated mental health facilities may vote during supervised absentee voting sessions (see BACKGROUND).

ABSENTEE BALLOT APPLICATIONS

The bill eliminates a requirement for absentee ballot applications that town clerks issue to be consecutively numbered. It instead requires the clerks to assign a unique number to the person receiving the application.

Existing law, unchanged by the bill, requires town clerks to (1) stamp or mark absentee ballot applications with the issuing municipality's name and (2) keep a log of all applications they issue. The log must include the names and address of each recipient and the number of applications they received.

BACKGROUND

Supervised Absentee Voting Sessions

Under state absentee voting laws, registrars of voters or their designees supervise absentee voting at nursing homes and other residential care and mental health facilities. During supervised absentee voting sessions, registrars or their designees deliver absentee ballots to the facility and jointly supervise voters while they fill them out. The voter has the right to complete his or her ballot in secret, but registrars observe the process and are available to provide assistance if asked. The sessions are optional or mandatory, depending on the number of patients at the facility who are registered voters. If at least

20 patients are registered voters in the town, registrars must conduct a session.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 3 (04/05/2013)