



Senate

General Assembly

File No. 597

January Session, 2013

Substitute Senate Bill No. 283

Senate, April 24, 2013

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING VOTING BY MEMBERS OF THE MILITARY SERVING OVERSEAS.

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

1 Section 1. Section 9-153e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2014*):

3 A member of the armed forces who is an elector or an applicant for
4 admission as an elector, or the member's spouse or dependent if living
5 where such member is stationed, may apply before a regular election
6 for a blank absentee ballot to vote for all offices being contested at the
7 election. The clerk shall make such ballots available for this purpose
8 beginning not earlier than ninety days before the election. Application
9 shall be made upon a form prescribed by the Secretary of the State or
10 on the federal postcard application form provided pursuant to the
11 Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924,
12 42 USC 1973ff et seq., as amended from time to time, or any other
13 applicable law and shall be issued only if the applicant states that due

14 to military contingencies the regular application procedure, as set forth
15 in section 9-140, cannot be followed. Upon receipt of the application,
16 the municipal clerk shall issue the ballot and a cover sheet pursuant to
17 section 3 of this act, either by mail or electronic means, as requested by
18 the elector, which shall be prescribed and provided by the Secretary of
19 the State, and a list of the offices to be voted upon indicating the
20 number of individuals for which each elector may vote. As soon as a
21 complete list of nominated candidates, including the party
22 designations of such candidates, and questions is available, the clerk
23 shall send such list to each applicant. If the list of candidates and
24 questions is not available when the ballot is issued, the clerk shall
25 include a statement indicating that such list shall be mailed as soon as
26 it becomes available. The ballot shall permit the elector to vote by
27 writing in the names of specific candidates and offices for which he is
28 voting. The elector may also vote on the questions in a manner
29 prescribed by the Secretary of the State. If such ballot is issued by
30 electronic means, the clerk shall include a certification prescribed by
31 the Secretary of the State that the elector shall be required to complete,
32 sign and return with the completed ballot in order for such ballot to be
33 counted. If the military contingency no longer exists, application for an
34 additional ballot for all offices may be made pursuant to the provisions
35 of section 9-153b.

36 Sec. 2. Section 9-153f of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective January 1, 2014*):

38 Notwithstanding the provisions of section 9-140, any elector who is
39 living, or expects to be living or traveling before and on election day,
40 outside the territorial limits of the several states of the United States
41 and the District of Columbia and any member of the armed forces who
42 is an elector or an applicant for admission as an elector, or the
43 member's spouse or dependent if living where such member is
44 stationed, may apply for a blank absentee ballot to vote for all offices
45 being contested at an election or primary. Application shall be made
46 upon a form prescribed by the Secretary of the State or on the federal
47 postcard application form provided pursuant to the Uniformed and

48 Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et
49 seq., as amended from time to time, or any other applicable law. The
50 municipal clerk receiving such an application shall, as soon as a
51 complete list of candidates and questions to be voted upon at such
52 election or primary becomes available, issue the ballot and a cover
53 sheet pursuant to section 3 of this act, either by mail or electronic
54 means, as requested by the elector, which shall be the blank ballot
55 prescribed and provided by the Secretary of the State under section 9-
56 153e, as amended by this act. The clerk shall include with the ballot a
57 complete list of the offices to be voted upon, the number of individuals
58 for which each elector may vote, the candidates, and, in the case of an
59 election, the party designation of each candidate and questions to be
60 voted upon. If such ballot is issued by electronic means, the clerk shall
61 include a certification prescribed by the Secretary of the State that the
62 elector shall be required to complete, sign and return with the
63 completed ballot in order for such ballot to be counted. If application
64 for an absentee ballot is made at the time of availability of regular
65 absentee ballots as provided in section 9-140, the provisions of section
66 9-140 shall prevail. Except as otherwise provided in this section, the
67 procedures governing the issuance of ballots under this section shall
68 conform as nearly as may be to the procedures provided in section 9-
69 140.

70 Sec. 3. (NEW) (*Effective from passage*) (a) Notwithstanding the
71 provisions of chapter 145 of the general statutes, for any election or
72 primary held on or after January 1, 2014, an elector or an applicant for
73 admission as an elector who applies for an absentee ballot pursuant to
74 the provisions of section 9-153e of the general statutes, as amended by
75 this act, or 9-153f of the general statutes, as amended by this act, may
76 return such ballot, the certification, if required by said section 9-153e or
77 9-153f, and the cover sheet prescribed by the Secretary of the State
78 pursuant to subsection (b) of this section, by facsimile or electronic
79 mail and such ballot shall be counted with other absentee ballots in
80 accordance with the provisions of section 9-150a of the general
81 statutes, provided (1) the municipal clerk receives such electronically
82 returned ballot, certification and signed cover sheet prior to the closing

83 of the polls on the day of the election or primary, as applicable, and (2)
84 such elector does not also mail the original ballot or a hard copy of the
85 ballot to the municipal clerk.

86 (b) Not later than October 1, 2013, the Secretary of the State shall
87 prescribe a cover sheet for electronic transmission of absentee ballots
88 issued pursuant to section 9-153e or 9-153f of the general statutes, as
89 amended by this act. Such sheet shall provide instructions for
90 returning a ballot by electronic means and to include the elector's
91 name, telephone number, facsimile number or electronic mail address
92 from which the ballot is being returned, as applicable. Such cover sheet
93 shall include the following statement:

94 "I understand that by faxing or emailing my voted ballot I am
95 voluntarily waiving my right to a secret ballot only to the extent that
96 the appropriate election official must receive and process my ballot.

97 Signature: Date:".

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2014	9-153e
Sec. 2	January 1, 2014	9-153f
Sec. 3	from passage	New section

Statement of Legislative Commissioners:

Section 3(b) was rewritten to clarify that the ballots are those issued pursuant to section 9-153e or 9-153f.

GAE Joint Favorable Subst. -LCO

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, which allows certain individuals living overseas to return absentee ballots to a municipal clerk by email or facsimile, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 283*****AN ACT CONCERNING VOTING BY MEMBERS OF THE MILITARY SERVING OVERSEAS.*****SUMMARY:**

For elections and primaries occurring on or after January 1, 2014, this bill authorizes military and overseas voters to return their voted absentee ballots by fax or e-mail (see BACKGROUND). Existing law authorizes these voters to also electronically (1) receive and return absentee ballot applications and (2) receive the ballots.

By October 1, 2013, the bill requires the secretary of the state to prescribe a coversheet with instructions, which voters must sign and return with their completed ballots by the close of polls. By signing the coversheet, voters acknowledge that they are voluntarily waiving their right to a secret ballot.

By law and under the bill, the following individuals may receive a military and overseas absentee ballot if they are eligible to vote, or will be eligible to vote, by the applicable election or primary (1) active duty members of the armed forces, (2) their spouses or dependent family members living where they are stationed, and (3) other U.S. citizens living or traveling outside the country.

EFFECTIVE DATE: Upon passage, except that certain technical changes are effective January 1, 2014.

COVERSHEET

By October 1, 2013, the secretary of the state must prescribe a coversheet that (1) provides instructions for returning the ballot by electronic means and (2) includes the elector's name, telephone number, and fax number or email address from which the ballot is

returned. The instructions must contain the following statement:

“I understand that by faxing or emailing my voted ballot I am voluntarily waiving my right to a secret ballot only to the extent that the appropriate election official must receive and process my ballot.

Signature: Date:”.

ACCEPTING AND COUNTING THE ABSENTEE BALLOTS

The bill requires election officials to count the electronically-returned ballots with other absentee ballots according to existing law’s absentee voting procedures. Under the bill, such a ballot may be counted only if:

1. the town clerk receives it by the close of polls,
2. it is accompanied by the secretary of the state-prescribed coversheet, and
3. the voter does not also mail the original ballot or a hard copy to the clerk.

Voters who received their ballot electronically must also include the secretary of the state-prescribed certification form, which existing law requires them to return with their ballot.

BACKGROUND

Military and Overseas Ballots

Town clerks issue one of two types of absentee ballots for military and overseas voters. The first is a blank ballot that members of the armed forces and their family members living with them may use, due to military contingencies, to vote in a regular election. Town clerks make them available beginning 90 days before the election (before the candidates are known) and send the list of candidates as soon as it is available.

The second is a blank ballot that any elector living or traveling

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.

Related Bill

HB 6111, reported favorably by the Government Administration and Elections Committee, has several provisions affecting absentee voting by military and overseas voters.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (04/05/2013)