



General Assembly

Substitute Bill No. 6111

January Session, 2013



**AN ACT CONCERNING THE UNIFORM MILITARY AND OVERSEAS
VOTERS ACT.**

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 Section 9-153e of the general statutes is repealed and the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) A member of the armed forces who is an elector or an applicant
4 for admission as an elector, or the member's spouse or dependent if
5 living where such member is stationed, may apply before a regular
6 election for a blank absentee ballot to vote for all offices being
7 contested at the election. The town clerk shall make such ballots
8 available for this purpose beginning not earlier than ninety days before
9 the election. Application shall be made upon a form prescribed by the
10 Secretary of the State or on the federal postcard application form
11 provided pursuant to the Uniformed and Overseas Citizens Absentee
12 Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time
13 to time, or any other applicable law and shall be issued only if the
14 applicant states that due to military contingencies the regular
15 application procedure, as set forth in section 9-140, cannot be followed.
16 Upon receipt of the application, the [municipal] town clerk shall issue
17 the ballot either by mail or electronic means, as requested by the
18 elector, which shall be prescribed and provided by the Secretary of the
19 State, and a list of the offices to be voted upon indicating the number

20 of individuals for which each elector may vote. As soon as a complete
21 list of nominated candidates, including the party designations of such
22 candidates, and questions is available, the town clerk shall send such
23 list to each applicant. If the list of candidates and questions is not
24 available when the ballot is issued, the town clerk shall include a
25 statement indicating that such list shall be mailed as soon as it becomes
26 available. The ballot shall permit the elector to vote by writing in the
27 names of specific candidates and offices for which he is voting. The
28 elector may also vote on the questions in a manner prescribed by the
29 Secretary of the State. If such ballot is issued by electronic means, the
30 town clerk shall include a certification prescribed by the Secretary of
31 the State that the elector shall be required to complete, sign and return
32 with the completed ballot in order for such ballot to be counted. If the
33 military contingency no longer exists, application for an additional
34 ballot for all offices may be made pursuant to the provisions of section
35 9-153b.

36 (b) Notwithstanding the provisions of subsection (a) of this section,
37 any member of the armed forces being deployed from this state or in
38 the process of being deployed from this state may receive a blank
39 absentee ballot from the Secretary of the State, beginning not earlier
40 than ninety days before a regular election. A blank absentee ballot may
41 be delivered to the member of the armed forces directly or given to any
42 member of the armed forces appointed to receive and distribute such
43 blank absentee ballot by such member's commanding officer in
44 consultation and coordination with the Secretary of the State. The
45 member of the armed forces responsible for the coordination of such
46 deployment shall provide notice to the Secretary, not later than one
47 business day before deployment or the process of deployment is
48 scheduled to begin, whichever is later, of the request for issuance of
49 such blank absentee ballots. Such notice shall include the number of
50 blank absentee ballots necessary, the name and town of residence of
51 each member of the armed forces included in such request and the
52 name of the member of the armed forces appointed to receive such
53 blank absentee ballots for distribution, if applicable. If the notice of

54 request for issuance of such blank absentee ballots is received by the
55 Secretary less than one business day before the deployment or process
56 of deployment is scheduled to begin, whichever is later, the Secretary
57 may provide such blank absentee ballots if the Secretary deems there is
58 adequate time. Whenever such blank absentee ballots are delivered,
59 the Secretary or member of the armed forces responsible for
60 distribution of such ballots shall also make available (1) (A)
61 applications for an absentee ballot prescribed by section 9-140, or (B)
62 applications prescribed by any federal department or agency as
63 provided in section 9-153a or pursuant to subsection (a) of this section,
64 and (2) applications for admission as an elector pursuant to section 9-
65 23h or 9-26. No blank absentee ballot delivered under this subsection
66 shall be counted unless an application made upon a form prescribed
67 by the Secretary of the State or on the federal postcard application
68 form provided pursuant to the Uniformed and Overseas Citizens
69 Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended
70 from time to time, or a request for a blank absentee ballot, or both as
71 described in subdivision (1) or (2) of this subsection, has been returned
72 to the town clerk in the applicant's town of residence in accordance
73 with this section. No ballot delivered under this subsection shall be
74 counted unless the name of the member of the armed forces is on the
75 registry list of the municipality to which the member's ballot is
76 returned or an application for admission as an elector or said federal
77 postcard application is returned prior to the close of the polls on the
78 day of the election. The Secretary or member of the armed forces
79 delivering such blank absentee ballots shall not be required to
80 determine the voter registration or eligibility status of any member of
81 the armed forces who receives such blank absentee ballot. No member
82 of the armed forces who receives a blank absentee ballot under this
83 subsection shall receive a list of offices provided in subsection (a) of
84 this section from the Secretary.

85 (c) The Secretary of the State may adopt regulations, in accordance
86 with the provisions of chapter 54, to carry out the provisions of
87 subsection (b) of this section.

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

90 Notwithstanding the provisions of section 9-140, any elector who is
91 living, or expects to be living or traveling before and on election day,
92 outside the territorial limits of the several states of the United States
93 and the District of Columbia and any member of the armed forces who
94 is an elector or an applicant for admission as an elector, or the
95 member's spouse or dependent if living where such member is
96 stationed, may apply for a blank absentee ballot to vote for all offices
97 being contested at an election or primary. Application shall be made
98 upon a form prescribed by the Secretary of the State or on the federal
99 postcard application form provided pursuant to the Uniformed and
100 Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et
101 seq., as amended from time to time, or any other applicable law. The
102 [municipal] town clerk receiving such an application shall, as soon as a
103 complete list of candidates and questions to be voted upon at such
104 election or primary becomes available, but not later than forty-five
105 days prior to such election or primary, issue the ballot either by mail or
106 electronic means, as requested by the elector, which shall be the blank
107 ballot prescribed and provided by the Secretary of the State under
108 section 9-153e, as amended by this act. The town clerk shall include
109 with the ballot a complete list of the offices to be voted upon, the
110 number of individuals for which each elector may vote, the candidates,
111 and, in the case of an election, the party designation of each candidate
112 and questions to be voted upon. If such ballot is issued by electronic
113 means, the town clerk shall include a certification prescribed by the
114 Secretary of the State that the elector shall be required to complete,
115 sign and return with the completed ballot in order for such ballot to be
116 counted. If application for an absentee ballot is made at the time of
117 availability of regular absentee ballots as provided in section 9-140, the
118 provisions of section 9-140 shall prevail. Except as otherwise provided
119 in this section, the procedures governing the issuance of ballots under
120 this section shall conform as nearly as may be to the procedures
121 provided in section 9-140.

122 Sec. 3. (NEW) (*Effective January 1, 2014*) The Secretary of the State
123 shall implement, in consultation with local election officials, an
124 electronic free-access system by which (1) an elector or an applicant for
125 admission as an elector, as described in section 9-153e or 9-153f of the
126 general statutes, as amended by this act, may determine whether (A)
127 the elector's or applicant's application for a blank absentee ballot made
128 upon a form prescribed by the Secretary of the State or on the federal
129 postcard application form provided pursuant to the Uniformed and
130 Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et
131 seq., as amended from time to time, or any other applicable law has
132 been received, and (B) whether such elector's or applicant's absentee
133 ballot has been received, and (2) a citizen of the United States who is
134 eligible to vote for presidential and vice-presidential electors or other
135 federal office pursuant to section 9-158b of the general statutes, may
136 determine whether such citizen's ballot has been received.

137 Sec. 4. (NEW) (*Effective January 1, 2014*) (a) Each town clerk shall
138 request an electronic mail address from each applicant for admission
139 as an elector described in section 9-153e or 9-153f of the general
140 statutes, as amended by this act, as part of such applicant's voter
141 registration application. Any elector described in said section 9-153e or
142 9-153f may update his or her voter registration information by
143 supplying the town clerk of the municipality in which such elector is
144 registered with his or her electronic mail address. No municipal official
145 may make such electronic mail address available to any person other
146 than the town clerk or the registrars of voters of the municipality, or
147 their designees. The town clerk or the registrars of voters, or their
148 designees, may use such electronic mail address only for
149 communication with the elector pursuant to title 9 of the general
150 statutes, including, but not limited to, the transmission of a ballot
151 pursuant to section 9-153e or 9-153f of the general statutes, as amended
152 by this act, and other election materials, if the voter has requested
153 electronic transmission of such ballot or materials, and verification of
154 the elector's mailing address and location. A town clerk shall include
155 with each request of an applicant for an electronic mail address or to

156 any elector who updates his or her registration by supplying his or her
157 electronic mail address pursuant to this subsection, a statement that
158 any use or disclosure of an electronic address, except as provided in
159 this subsection, shall be prohibited. An electronic mail address
160 supplied to a town clerk pursuant to the provisions of this subsection,
161 shall be exempt from disclosure for purposes of the Freedom of
162 Information Act, as defined in section 1-200 of the general statutes.

163 (b) Any such elector or an applicant for admission as an elector
164 whose application for a blank absentee ballot is made upon a form
165 prescribed by the Secretary of the State or on the federal postcard
166 application form provided pursuant to the Uniformed and Overseas
167 Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as
168 amended from time to time, or any other applicable law, who requests
169 that his or her ballot be issued by electronic means, may request and be
170 granted permanent absentee ballot status for the purposes of section 9-
171 153e or 9-153f of the general statutes, as amended by this act. A town
172 clerk shall automatically send a blank ballot pursuant to said section 9-
173 153e or 9-153f to any elector with such permanent absentee ballot
174 status for each election or primary, as applicable. A town clerk shall
175 automatically send a blank ballot for the general election to any citizen
176 of the United States who is eligible to vote for presidential and vice-
177 presidential electors or other federal office pursuant to section 9-158b
178 of the general statutes, who requested a ballot for a primary preceding
179 such general election.

180 Sec. 5. (NEW) (*Effective January 1, 2014*) (a) A municipal election
181 official whose duty is to print and distribute ballots and balloting
182 material shall prepare an election notice for such municipality not later
183 than one hundred days before a regular election, as defined in section
184 9-1 of the general statutes, and as soon as practicable before a special
185 election, as defined in said section 9-1. The election notice shall contain
186 a list of all of the questions and federal, state and local offices that, as
187 of the date of such notice, the official expects to be on the ballot on the
188 date of the election.

189 (b) An elector or an applicant for admission as an elector, as
 190 described in section 9-153e or 9-153f of the general statutes, as
 191 amended by this act, or a citizen of the United States who is eligible to
 192 vote for presidential and vice-presidential electors or other federal
 193 office pursuant to section 9-158b of the general statutes, may request a
 194 copy of such election notice. Upon such request, the municipal official
 195 who prepared the election notice pursuant to subsection (a) of this
 196 section shall send the notice to the elector, applicant or citizen by
 197 facsimile, electronic mail or regular mail, as such person requests.

198 (c) The municipal official who prepared the election notice pursuant
 199 to subsection (a) of this section shall update such notice with the
 200 complete list of candidates and questions to be voted upon at such
 201 election or primary and make the updated notice publicly available as
 202 soon as all candidates and questions are known, and not later than the
 203 date ballots are required to be transmitted to voters under section 9-
 204 153e or 9-153f of the general statutes, as amended by this act. If the
 205 municipality maintains an Internet web site, such municipal official
 206 shall make such notice prepared pursuant to subsection (a) of this
 207 section and any updated notice available on such Internet web site.

208 Sec. 6. (NEW) (*Effective January 1, 2014*) The provisions of sections 3
 209 to 5, inclusive, of this act, modify, limit and supersede the Electronic
 210 Signatures in Global and National Commerce Act, 15 USC Section 7001
 211 et seq., but do not modify, limit, or supersede Section 101(c) of said act,
 212 15 USC Section 7001(c), or authorize electronic delivery of any of the
 213 notices described in Section 103(b) of said act, 15 USC Section 7003(b).

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	9-153e
Sec. 2	<i>January 1, 2014</i>	9-153f
Sec. 3	<i>January 1, 2014</i>	New section
Sec. 4	<i>January 1, 2014</i>	New section
Sec. 5	<i>January 1, 2014</i>	New section
Sec. 6	<i>January 1, 2014</i>	New section

Statement of Legislative Commissioners:

Changed "municipal clerk" to "town clerk" throughout, for consistency. In sections 1(b) and 5, repositioned principal clause to come before subordinate clause for clarity.

GAE *Joint Favorable Subst.*