



Substitute House Bill No. 5419

Public Act No. 18-124

**AN ACT CONCERNING CENTRAL COUNTING OF ABSENTEE
BALLOTS.**

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

Section 1. Section 9-147a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) At any election, primary or referendum all absentee ballots shall be counted in the respective polling places except when counted at a central location. Any election official serving in a polling place may observe the counting of absentee ballots at that polling place.]

[(b) At] (a) Except as provided in subsection (b) of this section, at any election, primary or referendum, all absentee ballots [may] shall, within existing resources, be counted at a central location designated by the registrars of voters in writing to the municipal clerk at least twenty days before the election, primary or referendum, which location shall be published in the warning for the election, primary or referendum. [If] Except as provided in subsection (b) of this section, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, [absentee ballots may not be counted at a central location unless both parties decide to have central counting and designate the same room for such central counting. If such

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designation of a central location has been made, the ballots shall not be counted in any polling place but] all absentee ballots shall be separated, counted, tallied [,] and placed in depository envelopes [and returned] by voting district. Any member of the public may observe the counting of absentee ballots at such central location.

(b) At any election, primary or referendum, all absentee ballots may be counted in the respective polling places if the registrars of voters agree that such absentee ballots should be so counted. If unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, absentee ballots may be counted in the respective polling places if the parties agree that such absentee ballots should be so counted. Any election official serving in a polling place may observe the counting of absentee ballots at such polling place.

Sec. 2. Section 9-147c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each registrar of voters shall appoint one or more electors of the town, known to be persons of integrity, to count all absentee ballots. No spouse, parent, grandparent, child or sibling of a candidate may be appointed to count absentee ballots on which the name of such candidate appears. [If central counting has been designated, the] Unless absentee ballots are to be counted in the respective polling places pursuant to subsection (b) of section 9-147a, as amended by this act, the registrars shall also jointly appoint a central counting moderator and alternate moderator pursuant to the requirements of section 9-229. No person shall print, publish, announce, or otherwise make known such count prior to the time for the closing of the polls.

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

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(b) Beginning not earlier than the seventh day before the election, primary or referendum and on any weekday thereafter, all absentee ballots received by the municipal clerk not later than eleven o'clock a.m. of such day may be sorted into voting districts by the municipal clerk and checked as provided in this subsection. On any such day, beginning as soon as the ballots have been sorted, the registrars of voters, without opening the outer envelopes, may check the names of the applicants returning ballots on the official checklist to be used at the election, primary or referendum by indicating "absentee" or "A" preceding each such name and, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, the designation of the party in which the applicants are voting preceding each such name. [If central counting of absentee ballots has been designated by the registrars pursuant to section 9-147a, they] Unless absentee ballots are to be counted in the respective polling places, pursuant to subsection (b) of section 9-147a, as amended by this act, the registrars shall also place such indication on a duplicate of the checklist to be retained by the municipal clerk until he delivers it to the registrars at twelve o'clock noon on election, primary or referendum day for the use of the absentee ballot counters pursuant to subsection (i) of this section. All absentee ballots received not later than eleven o'clock a.m. of the last day before the election, primary or referendum which is not a Sunday or legal holiday, shall be so sorted and checked not later than such day.

Sec. 4. Subsection (e) of section 9-140c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) (1) Except as provided in subdivision (2) of this subsection, ballots received not later than eleven o'clock a.m. on such last day before the election, primary or referendum shall be delivered by the municipal clerk to the registrars not earlier than ten o'clock a.m. and

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not later than twelve o'clock noon on the day of the election or primary and at twelve o'clock noon on the day of a referendum. [If central counting has been designated pursuant to section 9-147a, the] Unless absentee ballots are to be counted in the respective polling places, pursuant to subsection (b) of section 9-147a, as amended by this act, the municipal clerk shall also deliver to the registrars at this time the duplicate checklist provided for in subsection (b) of this section, for the use of the absentee ballot counters pursuant to subsection (i) of this section.

(2) The municipal clerk may deliver the ballots at a time that is later than the time provided in subdivision (1) of this subsection, provided such time is mutually agreed upon by the municipal clerk and registrars and is not later than eight o'clock p.m. on the day of the election, primary or referendum.

Sec. 5. Subsection (i) of section 9-140c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(i) (1) [The] Except as otherwise provided in this subsection, the absentee ballot counters, upon receipt of the ballots delivered by the municipal clerk to the registrars at six o'clock p.m. and at the close of the polls pursuant to subsections (g) and (h) of this section, shall check the names of the applicants returning ballots on the [official] duplicate checklist in the same manner as provided in subsections (b) and (c) of this section. [, except as otherwise provided in this subsection.]

(2) [If central counting has been designated pursuant to section 9-147a, the] (A) Except as provided in subparagraph (B) of this subdivision, the names of applicants whose ballots were delivered at six o'clock p.m. shall be called in to the appropriate polling places where they shall be checked by the checkers on the official checklists, and they shall also be checked by the absentee ballot counters on the

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duplicate checklist required under subsection (b) of this section.

(B) When absentee ballots are counted in any polling place pursuant to subsection (b) of section 9-147a, as amended by this act, the names of applicants whose ballots were delivered at six o'clock p.m. shall be checked by the absentee ballot counters and checkers at such polling place on the official checklist used at such polling place.

(3) [If central counting has been designated] (A) Except as provided in subparagraph (B) of this subdivision, the names of applicants whose ballots were delivered at the close of the polls shall be checked by the absentee ballot counters on the official checklists used at the polling places [The] and such official checklists, bearing the certifications required by section 9-307, shall be delivered by the registrars or assistant registrars to the central counting moderator for that purpose.

(B) When absentee ballots are counted in any polling place pursuant to subsection (b) of section 9-147a, as amended by this act, the official checklist used at such polling place shall remain in such polling place for checking by the absentee ballot counters at such polling place.

(4) If the name of an applicant returning a ballot has been checked on the official checklist as having voted in person the absentee ballot counters shall, in checking the ballots, endorse on the face of the outer envelope the word "rejected" followed by a statement of the reason for rejection, and the outer envelope shall not be opened or the ballot counted.

(5) [When] (A) Except as provided in subparagraph (B) of this subdivision, when central counting is completed and the result is announced, the central counting moderator shall deliver the duplicate checklist, the official checklists and the returns required by section 9-150b, as amended by this act, to the head moderator.

(B) When absentee ballots are counted in any polling place pursuant

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to subsection (b) of section 9-147a, as amended by this act, and such counting is completed and the result for such polling place is announced, the moderator for such polling place shall deliver the official checklist used at such polling place and the return required by section 9-150b, as amended by this act, to the head moderator.

Sec. 6. Subsection (a) of section 9-150a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The absentee ballot counters shall proceed [to the polling places for which they have been assigned ballots or] to the central counting location or to the respective polling places when counting is to take place pursuant to subsection (b) of section 9-147a, as amended by this act, at the times designated by the registrars of voters.

Sec. 7. Section 9-150b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The moderator shall record the result of each count of absentee ballots, separately by time of count, on (1) [the moderator's return, or in the case of central counting] a separate moderator's return for each voting district, and (2) a separate record of the number of absentee votes cast for each candidate [as shown on the moderator's return, or in the case of central counting, such a record] for each voting district.

[(b) If the absentee ballots were counted at the polls, when all counting is complete the moderator shall publicly declare the result of such count as provided in section 9-309 and add such count to the results from the voting tabulators recorded on the moderator's return. Such return shall show separately the tabulator vote and the absentee vote and the totals thereof.

(c) If the absentee ballots were counted at a central location]

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(b) Except as provided in subsection (c) of this section, when all counting is complete the moderator shall publicly declare the result of such count. He shall then deliver to the head moderator the central counting moderator's returns, together with all other information required by law or by the Secretary of the State's instructions. The head moderator shall add the results from the voting tabulators, recorded on the moderator's return for each polling place, to the absentee count recorded on the central counting moderator's return for the corresponding voting district, in the manner prescribed by the Secretary of the State. The returns so completed shall show separately the tabulator vote and the absentee vote and the totals thereof.

(c) If the absentee ballots were counted in the respective polling places, pursuant to subsection (b) of section 9-147a, as amended by this act, when all counting is complete the moderator shall publicly declare the result of such count as provided in section 9-309 and add such count to the results from the voting tabulators recorded on the moderator's return. Such return shall show separately the tabulator vote and the absentee vote and the totals thereof.

(d) The Secretary of the State may prescribe the forms and instructions for the tabulation, counting and return of the absentee ballot vote.

(e) The sealed depository envelopes required by subsections (f) and (m) of section 9-150a shall be returned by the moderator to the municipal clerk as soon as practicable on or before the day following the election, primary or referendum.

(f) The municipal clerk shall preserve for sixty days after the election, primary or referendum the depository envelopes containing opened envelopes and rejected ballots required by subsection (f) of section 9-150a, and shall so preserve for one hundred eighty days the depository envelopes containing counted ballots and related materials

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required by subsection (m) of section 9-150a.

(g) No such depository envelope shall be opened except by order of a court of competent jurisdiction, by the State Elections Enforcement Commission pursuant to a subpoena issued under subdivision (1) of subsection (a) of section 9-7b or within five days of an election, primary or referendum for the purpose of a recanvass conducted pursuant to law. After such a recanvass the depository envelopes and their contents shall be returned to the municipal clerk and preserved for the stated period.

(h) For sixty days after the election, primary or referendum the following shall be preserved by the municipal clerk as a public record open to public inspection: (1) All executed absentee ballot application forms and direction by registrar forms, as required by subdivision (i) of section 9-140; (2) the list and index of applicants for presidential or overseas ballots as required by section 9-158h; (3) the numerical list of absentee voting sets issued as required by subsection (e) of section 9-140; (4) the list of the names of persons whose absentee ballots are received by the municipal clerk, as required by subsection (a) of section 9-140c; (5) all unused absentee ballots; and (6) all envelopes containing ballots received by the municipal clerk after the close of the polls, which shall remain unopened.

(i) For one hundred eighty days after the election, primary or referendum the following shall be preserved by the municipal clerk as a public record open to public inspection: (1) The affidavit regarding the municipal clerk's endorsement of inner envelopes, as required by subsection (a) of section 9-140c; and (2) the affidavit regarding delivery and receipt of ballots, as required by subsection (j) of said section.

(j) At the expiration of the applicable retention period, if no contest is pending and no subpoena has been issued by the State Elections Enforcement Commission pursuant to subsection (1) of section 9-7b,

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the municipal clerk shall destroy the materials preserved under this section.

Sec. 8. Section 9-159o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any elector who has returned an absentee ballot to the municipal clerk and who finds he is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal clerk's office and request that his ballot be withdrawn. The municipal clerk shall remove the ballot from the sealed package and shall mark the serially-numbered outer envelope, which shall remain unopened, "rejected" and note the reasons for rejection. The elector shall also endorse the envelope. The rejected ballot shall then be returned to the sealed package until delivered on election, primary or referendum day to the registrars of voters in accordance with section 9-140c, as amended by this act. The municipal clerk shall then give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn his absentee ballot and may vote in person. Upon delivery of the statement by the elector to the moderator, the moderator shall cause the absentee indication next to the name of the elector to be stricken from the official checklist and the elector may then have his name checked and vote in person. [In the case of central counting, the clerk shall make a similar notation on] Unless absentee ballots are to be counted in the respective polling places pursuant to subsection (b) of section 9-147a, as amended by this act, the municipal clerk shall also cause the absentee indication next to the name of the elector to be stricken from the duplicate checklist to be used by the absentee ballot counters.

Sec. 9. Subsections (c) to (h), inclusive, of section 9-159p of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(c) Challenges made concerning ballots [which] that the municipal clerk has not delivered to the registrars of voters for counting pursuant to sections 9-140c, as amended by this act, and 9-147a, as amended by this act, shall be made in writing to the municipal clerk. Challenges made concerning ballots [which] that the municipal clerk has delivered to the registrars of voters for counting pursuant to sections 9-140c, as amended by this act, and 9-147a, as amended by this act, shall be made in writing to [the moderator of the polling place at which the ballot is to be counted or] the central counting moderator or the moderator of the polling place at which the ballot is to be counted pursuant to subsection (b) of section 9-147a, as amended by this act. All challenges shall be made under oath.

(d) Immediately upon receipt of a challenge, the municipal clerk shall send copies of the challenge to each registrar of voters and to the person offering to vote by absentee ballot. The municipal clerk shall send the copy of the challenge to the person offering to vote by first class certified mail to the mailing address shown on the application for the absentee ballot. The municipal clerk shall furnish copies of any written response to the challenge to each registrar of voters. The municipal clerk shall deliver the ballot in the inner envelope, which shall not be opened, the serially-numbered envelope and any other evidence relevant to the challenge, to the registrars, who shall sign a receipt for the same.

(e) Immediately upon receipt of a challenge, the moderator shall deliver copies of the challenge to each registrar of voters. The moderator shall also deliver, or designate another election, primary or referendum official to deliver, the ballot in the inner envelope, which shall not be opened, the serially-numbered envelope and any other evidence relevant to the challenge to the registrars, who shall sign a receipt for the same.

(f) The registrars of voters shall examine the challenge, any written

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response to the challenge and any other evidence or information they deem relevant to the challenge, including the inner envelope, which shall not be opened, and shall determine whether the challenge should be upheld. If the registrars fail to agree that the challenge should be upheld, it shall be deemed to have been denied.

(g) The registrars of voters shall make the determination not earlier than noon of the day of the election, primary or referendum at which the ballot is submitted and not later than the time when the counting of all other absentee ballots at the election, primary or referendum has been completed.

(h) The registrars of voters shall notify, in writing, the municipal clerk and the central counting moderator, or the moderator of the [central location if central counting of absentee ballots has been designated] polling place at which the ballot is to be counted pursuant to subsection (b) of section 9-147a, as amended by this act, of their determination. If the challenge is denied, the absentee ballot shall be delivered by the registrars to the appropriate location for counting pursuant to law. If the challenge is upheld, the registrars shall mark the word "rejected" on the serially-numbered outer envelope and note the reasons for rejection, and shall return it together with all other evidence received in connection with the challenge to the municipal clerk who shall retain the same until delivered in accordance with section 9-140c, as amended by this act, except that a challenge to a ballot which the municipal clerk has delivered to the registrars of voters for counting pursuant to sections 9-140c, as amended by this act, and 9-147a, as amended by this act, shall be returned to the moderator to whom the challenge was made.

Sec. 10. Subsection (g) of section 9-19j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day registration ballot is marked. The elector shall place the election day registration ballot in the election day registration ballot envelope provided, and deposit such envelope in a secured election day registration ballot depository receptacle. At the time designated by the registrars of voters and noticed to election officials, the registrars of voters shall transport such receptacle containing the election day registration ballots to the [area, either district or] central location or polling place, pursuant to subsection (b) of section 9-147a, as amended by this act, where absentee ballots are counted and such election day registration ballots shall be counted by the election officials present at such central location or polling place. A section of the head moderator's return shall show the number of election day registration ballots received from electors. The registrars of voters shall seal a copy of the vote tally for election day registration ballots in a depository envelope with the election day registration ballots and store such election day registration depository envelope with the other election results materials. The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.

Approved June 6, 2018