
OLR Bill Analysis

HB 6002 (as amended by House "A" and "D")*

AN ACT CONCERNING ABSENTEE VOTING AND REPORTING OF RESULTS AT THE 2020 STATE ELECTION AND ELECTION DAY REGISTRATION.

SUMMARY

This bill makes various changes affecting absentee voting, canvassing and reporting election returns, and Election Day Registration (EDR). The changes concerning absentee voting and election returns apply only to the state election to be held on November 3, 2020. By law, a state election is a regular election and includes candidates running for federal office.

With respect to absentee voting and election returns in the 2020 state election, the bill generally does the following:

1. allows eligible electors to vote by absentee ballot due to the COVID-19 sickness;
2. gives the secretary of the state authority to change absentee voting forms and materials to conform to the expanded authorization;
3. authorizes town clerks to mail absentee voting sets using a third-party vendor that the secretary of the state approves and selects;
4. requires town clerks to designate, and authorizes absentee voters to return absentee ballots to, drop boxes;
5. authorizes the secretary of the state, subject to certain conditions, to waive mandatory supervised absentee voting requirements; and

6. extends certain deadlines and timeframes associated with processing absentee ballots and canvassing and reporting election returns.

With respect to EDR, the bill generally does the following:

1. requires registrars of voters to certify at least one EDR location to the secretary of the state no later than 31 days before the election;
2. authorizes registrars to apply, no later than 60 days before the election, to designate additional EDR locations, which must also be certified; and
3. authorizes individuals who are admitted electors under EDR but whose registrations are not processed until after 8:00 p.m., to vote as long as they were in line by 8:00 p.m.

The bill also ratifies Executive Order 7QQ (§§ 1-5), which the governor issued on May 20, 2020, in response to the COVID-19 sickness after declaring public health and civil preparedness emergencies (§ 501). Generally, the order allows eligible electors to vote by absentee ballot in the 2020 primary if they are unable to appear at their polling place due to the COVID-19 sickness (see BACKGROUND).

Finally, the bill makes various technical and conforming changes.

* House Amendment "A" adds the provisions ratifying Executive Order 7QQ (§§ 1-5).

* House Amendment "D" (1) extends the deadline by which a third-party vendor must mail absentee voting sets, from 48 hours after the town clerk receives an absentee ballot application to 72 hours after the vendor receives the application from the town clerk, and (2) makes a technical correction.

EFFECTIVE DATE: Upon passage

§§ 1-8 & 11-15 —THE 2020 STATE ELECTION

Expanded Absentee Voting Authorization and Updated Forms (§§ 1-3)

For the 2020 state election, the bill expands the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness (see BACKGROUND). Under the bill, "COVID-19" means the respiratory disease designated as "coronavirus 2019" by the World Health Organization (WHO) on February 11, 2020, and any related mutation of it that the WHO recognizes as a communicable respiratory disease.

The bill requires that absentee ballots be updated for the 2020 state election by inserting on the inner envelope's statement, "the sickness of COVID-19" as a reason for which electors may vote absentee. As with other types of absentee voters, those who vote by absentee ballot due to the COVID-19 sickness must sign the ballot under penalties of false statement in absentee balloting. By law, the penalty for false statement in absentee balloting is a class D felony, punishable by up to five years in prison, up to a \$5,000 fine, or both (CGS § 9-359a).

The bill also gives the secretary of the state broad authority to make changes to absentee voting forms and materials for the 2020 election when, in her opinion, they are necessary to conform to law. The authorization applies to prescribed absentee voting forms and printed, recorded, or electronic materials.

Absentee Ballot Delivery and Return (§§ 4 & 5)

By law, town clerks begin issuing absentee voting sets 31 days before the election, or if that day falls on a weekend or holiday, the next preceding business day (i.e., October 2, 2020). Once this period starts, they must mail a set within 24 hours after receiving an absentee ballot application unless an applicant appears in person requesting a set.

For the 2020 state election, the bill authorizes town clerks to mail absentee voting sets using a third-party vendor that the secretary of the state approves and selects. The bill requires that (1) town clerks

mail absentee voting sets within 48 hours, rather than within 24 hours, after receiving an application and (2) any contract between the secretary and a third-party vendor require the vendor to mail each set within 72 hours after receiving it from the clerk.

By law, voters may return voted absentee ballots via the United States Postal Service or in person at the town clerk's office. Under the bill, they may also deposit them in secure drop boxes designated by their town clerk for that purpose. Town clerks must designate the drop boxes following instructions that the secretary of the state prescribes.

Beginning 29 days before the election (i.e., October 5, 2020), and each weekday thereafter until the polls close, town clerks must retrieve absentee ballots from the secure drop boxes. A police officer must escort the town clerk in retrieving absentee ballots from any drop box that is located outside of a building other than the clerk's office building.

Mandatory Supervised Absentee Voting (§ 8)

The bill authorizes the secretary of the state to waive any requirements under the mandatory supervised absentee voting law for the 2020 state election. To waive a requirement, she must do so in recognition of the governor's March 10, 2020, public health and civil preparedness emergency declaration. Before any waiver, the secretary must do the following:

1. consult with the public health commissioner, or the commissioner's designee;
2. give written notice to the town clerk and registrars of voters in each affected municipality; and
3. submit a report to the Government Administration and Elections Committee, advising of the waiver and specifying alternative actions that will be taken to provide absentee voting opportunities for the affected electors.

Under the mandatory supervised absentee voting law, registrars of voters or their designees must supervise absentee voting at "institutions" (e.g., nursing homes and other residential care and mental health facilities) in which at least 20 patients are registered voters (including patients who are registered in a town other than the one where the institution is located). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and are available to assist upon request.

Extension of Certain Deadlines and Timeframes (§§ 6-7 & 11-15)

The bill extends, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting election returns (see Table 1 below). Additionally, it gives town clerks more time to sort and check absentee ballots by allowing them to begin the process 14 days before election day, rather than seven days before as under current law.

The bill also advances the deadlines by which (1) an elector who returns a completed absentee ballot may withdraw it in order to vote in person and (2) town clerks must deliver to registrars of voters absentee ballots that were received by 11:00 a.m. the day before the election.

Table 1 lists, in chronological order, the deadlines and timeframes under the bill and current law.

Table 1: Changes to the 2020 Election Calendar

<i>Bill §</i>	<i>Requirement</i>	<i>Deadline or Timeframe Under Current Law</i>	<i>Deadline or Timeframe Under the Bill</i>
§ 6	Town clerks may begin sorting and checking absentee ballots (i.e., sorting ballots into voting districts and, without opening the outer envelopes, checking the names of	Beginning seven days before the election for absentee ballots received by 11:00	Beginning 14 days before the election for absentee ballots received by 11:00

Bill §	Requirement	Deadline or Timeframe Under Current Law	Deadline or Timeframe Under the Bill
	applicants returning ballots on the official registry list with “A” or “Absentee”)	a.m. on that day	a.m. on that day
§ 7	Elector who has returned a completed absentee ballot but finds he or she is able to vote in person, must go to the town clerk’s office to request that the absentee ballot be withdrawn	Before 10:00 a.m. on election day	Before 5:00 p.m. the day before the election
§ 6	Town clerks deliver to registrars of voters absentee ballots that were received by 11:00 a.m. the day before the election	From 10:00 a.m. to 12:00 p.m. on election day, unless a later time is mutually agreed upon with the registrars	At 6:00 a.m. on election day, unless a later time is mutually agreed upon with the registrars
§ 12	After submitting the preliminary list, moderator completes the canvass, which includes announcing (1) each candidate’s name and any other absentee votes they received and (2) results for any ballot questions	48 hours after the polls close	96 hours after the polls close
§ 14	Moderator submits to the secretary of the state the duplicate list of election returns (1) by electronic means and (2) in sealed, hard copy	<ul style="list-style-type: none"> • 48 hours after the polls close for the electronic submission • Three days after the election for the sealed, hard 	<ul style="list-style-type: none"> • 96 hours after the polls close for the electronic submission • Five days after the election for the sealed,

Bill §	Requirement	Deadline or Timeframe Under Current Law	Deadline or Timeframe Under the Bill
		copy	hard copy
§ 11	Moderator deposits certificate (from the official checkers) with town clerk indicating the total number of names on the official checklist and the number checked as having voted	48 hours after the polls close	96 hours after the polls close
§ 11	Registrars deposit signed registry list with town clerk	48 hours after the polls close	96 hours after the polls close
§ 15	Registrars provide town clerk with results of votes cast	48 hours after the polls close	96 hours after the polls close
§ 15	For municipalities divided into voting districts, the (1) head moderators, town clerk, and registrars meet to identify any errors in the election night returns and (2) moderators correct any errors and file an amended return with the secretary of the state, town clerk, and registrars	<ul style="list-style-type: none"> • 9:00 a.m. on the third day after the election for the meeting • 1:00 p.m. on the third day after the election for any amended return 	<ul style="list-style-type: none"> • 9:00 a.m. on the fifth day after the election for the meeting • 1:00 p.m. on the fifth day after the election for any amended return
§ 13	If there appears to be a discrepancy in any voting district's returns, the head moderator calls for a recanvass	Three days after the election	Five days after the election
§ 13	When a recanvass is required due to a discrepancy, close vote, or tie vote, the recanvass officials meet to recanvass the returns (CGS §§ 9-	Five business days after the election	Seven business days after the election

Bill §	Requirement	Deadline or Timeframe Under Current Law	Deadline or Timeframe Under the Bill
	311a & -311b)		
§ 13	If a discrepancy, close vote, or tie vote recanvass results in a correction to the original returns, the moderator files one copy of the corrected recanvass return with the secretary of the state and another with the town clerk	10 days after the election	12 days after the election

§§ 9-10 — EDR

Connecticut conducts EDR during regular state and municipal elections. Under EDR, a person may register to vote and cast a ballot on election day if he or she meets the eligibility requirements for voting in Connecticut and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality.

Locations

Required Location. Existing law requires registrars of voters to designate one location in the municipality to complete and process EDR applications. The location must be one where registrars can access the statewide centralized voter registration system (CVRS) to determine if applicants are already registered.

The bill requires registrars of voters to certify, in writing, at least one EDR location to the secretary of the state no later than 31 days before election day (i.e., the day of a regular state or municipal election). The certification must:

1. include the name, street address, and relevant contact information for the location;

2. list the name and address of any election official appointed to serve there;
3. provide a description of the location's design; and
4. provide a plan to effectively complete and process EDR applications.

The bill requires the secretary to approve or disapprove the certification no later than 15 days before the election. She may require the registrars to appoint additional election officials or alter the design or plan.

Optional Additional Locations. The bill authorizes registrars of voters to apply to the secretary of the state, in a form and manner she prescribes, to designate additional EDR locations. If doing so, registrars must apply at least 60 days before election day, and the secretary must approve or disapprove the application no later than 45 days before the election. Any additional EDR location must (1) have CVRS access and (2) comply with the above certification requirements.

EDR Hours

The bill allows individuals who are admitted as electors under EDR but whose registrations are not processed until after 8:00 p.m. to vote as long as they were in line by 8:00 p.m. Currently, EDR applicants may not vote if they are not admitted as electors by the 8:00 p.m. deadline. By law, individuals admitted as electors before the day of an election may vote if they are in the line at their polling place by 8:00 p.m.

The bill requires moderators to designate a municipal police officer or election official to mark the end of the EDR line, starting at 8:00 p.m., to stop individuals from entering the line after that time. Existing law establishes the same requirement for non-EDR lines at polling places.

BACKGROUND

EO 7QQ

For the August 11, 2020, primary, EO 7QQ (§§ 1-5) does the following:

1. allows eligible electors to (a) vote by absentee ballot if they are unable to appear at their polling place due to the COVID-19 sickness and (b) lawfully state that they are unable to appear because of COVID-19 if, when applying for or casting an absentee ballot, a federally approved vaccine is not widely available;
2. requires that the inner envelope for returning absentee ballots have a notice indicating that eligible voters may vote by absentee ballot in the primary, as described above, due to COVID19 sickness;
3. authorizes the secretary of the state to modify any required notice, statement, or description of absentee voting eligibility requirements on any printed, recorded, or electronic material in order to provide accurate information to voters about the modifications related to COVID-19 sickness;
4. authorizes town clerks to use a third-party vendor that the secretary of the state approves and selects to mail absentee voting sets; and
5. permits absentee ballots to be returned by depositing them in a secure drop box designated by the town clerk and in accordance with instructions that the secretary of the state provides.

Permitted Reasons for Voting by Absentee Ballot

The state constitution authorizes the General Assembly to pass a law allowing eligible voters to cast their votes by absentee ballot if they are unable to appear at a polling place on election day because of (1) absence from their city or town, (2) sickness or physical disability, or (3) the tenets of their religion prohibit secular activity (Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

CGS § 9-135 permits eligible voters to vote by absentee ballot if:

1. they are absent from the municipality in which they reside during all hours of voting;
2. they are ill or have a physical disability;
3. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
4. they are in active service in the U.S. Armed Forces; or
5. their duties as a primary, election, or referendum official outside of their voting district will keep them away during all hours of voting.