OLR Bill Analysis
HB 6464


SUMMARY
This bill extends to May 31, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election by PA 20-3, July 2020 Special Session, as a result of COVID-19. Generally, for a state or municipal election, primary, or referendum occurring before June 1, 2021, the bill does the following:

1. expands the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness;

2. authorizes the secretary of the state to change absentee voting forms and materials to conform to the expanded eligibility;

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; and

5. authorizes the secretary of the state, subject to certain conditions, to waive mandatory supervised absentee voting requirements.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

§§ 1-3 — EXPANDED ABSENTEE VOTING AUTHORIZATION AND UPDATED FORMS
For a state or municipal election, primary, or referendum occurring before June 1, 2021 (hereafter, “covered election, primary, or referendum”), 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 a covered election, primary, or referendum 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, 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 a covered election, primary, or referendum when, in her opinion, changes are necessary to conform to law. The authorization applies to prescribed absentee voting forms and printed, recorded, or electronic materials.

§§ 4 & 5 — ABSENTEE BALLOT DELIVERY AND RETURN

Delivery

The bill, with certain exceptions, authorizes town clerks to mail absentee voting sets for a covered election, primary, or referendum using a third-party vendor that the secretary of the state approves and selects. It also requires (1) town clerks to mail the absentee voting sets within 48 hours, rather than within 24 hours, after receiving an application and (2) that 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.

The bill’s provisions on mailing absentee ballot sets do not apply when a referendum is held with fewer than three weeks’ notice since,
by law, town clerks may provide absentee ballots for these referenda only to people who apply in person (CGS § 9-369c(a)).

Return

By law, voters may return completed absentee ballots via mail (e.g., the U.S. Postal Service) or in-person at the town clerk’s office. Under the bill, for a covered state or municipal election, primary, or referendum, 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 a covered election, primary, or referendum, and each weekday thereafter until the polls close, town clerks must retrieve absentee ballots from the secure drop boxes. (Presumably, for primaries and referenda, the requirement applies only after town clerks begin issuing absentee ballot sets (see BACKGROUND).)

§ 6 — MANDATORY SUPERVISED ABSENTEE VOTING

The bill authorizes the secretary of the state to waive any requirements under the mandatory supervised absentee voting law for a covered election or primary (see BACKGROUND). To waive a requirement, she must do so in recognition of the governor’s March 10, 2020, declaration of public health and civil preparedness emergencies. Before any waiver, the secretary must (1) consult with the public health commissioner or the commissioner’s designee and (2) give written notice to the town clerk and registrars of voters in each affected municipality.

BACKGROUND

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).
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.

**Issuing Absentee Ballot Sets**

By law, town clerks begin issuing absentee voting sets 31 days before an election and 21 days before a primary; or, if that day falls on a weekend or holiday, the next preceding business day. Generally, clerks begin issuing the sets 19 days before a referendum or when an elector applies for an absentee ballot, whichever is later. However, when a referendum is held with fewer than three weeks’ notice, clerks must make the sets available no later than four business days after the question is finalized (CGS §§ 9-140(f) and 9-369c(a) & (e)).

**Mandatory Supervised Absentee Voting**

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 municipality 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.

**COMMITTEE ACTION**

Government Administration and Elections Committee

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<th>Joint Favorable</th>
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