



# House of Representatives

General Assembly

**File No. 5**

February Session, 2022

Substitute House Bill No. 5262

*House of Representatives, March 11, 2022*

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT REVISING CERTAIN ABSENTEE VOTING ELIGIBILITY STATUTES.**

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

1 Section 1. Section 9-135 of the 2022 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) Any elector eligible to vote at a primary or an election and any  
5 person eligible to vote at a referendum may vote by absentee ballot if  
6 such elector or person is unable to appear at such elector's or person's  
7 polling place during the hours of voting for any of the following reasons:  
8 (1) Such elector's or person's active service with the armed forces of the  
9 United States; (2) such elector's or person's absence from the town of  
10 such elector's or person's voting residence; [during all of the hours of  
11 voting; (3) such elector's or person's illness; (4) such elector's or person's]  
12 (3) sickness; (4) physical disability; (5) the tenets of such elector's or  
13 person's religion forbid secular activity on the day of the primary,

14 election or referendum; or (6) the required performance of such elector's  
15 or person's duties as a primary, election or referendum official,  
16 including as a town clerk or registrar of voters or as staff of the clerk or  
17 registrar, at a polling place other than such elector's or person's own  
18 during all of the hours of voting at such primary, election or  
19 referendum. [; or (7) for the state election in 2020, and any election,  
20 primary or referendum held on or after June 23, 2021, but prior to  
21 November 3, 2021, the sickness of COVID-19. As used in this section,  
22 "COVID-19" means the respiratory disease designated by the World  
23 Health Organization on February 11, 2020, as coronavirus 2019, and any  
24 related mutation thereof recognized by said organization as a  
25 communicable respiratory disease.]

26 (b) No person shall misrepresent the eligibility requirements for  
27 voting by absentee ballot prescribed in subsection (a) of this section, to  
28 any elector or prospective absentee ballot applicant.

29 Sec. 2. Section 9-137 of the 2022 supplement to the general statutes is  
30 repealed and the following is substituted in lieu thereof (*Effective from*  
31 *passage*):

32 [(a)] Each absentee ballot shall be returned to the municipal clerk,  
33 inserted in an inner envelope which shall be capable of being sealed and  
34 which shall have printed on its face a form containing the following  
35 statements:

36 "I hereby state under the penalties of false statement in absentee  
37 balloting that I am eligible to vote at the primary, election or referendum  
38 in the municipality in which this absentee ballot is to be cast and that I  
39 expect to be unable to appear at my polling place during the hours of  
40 voting at such primary, election or referendum for one or more of the  
41 following reasons: (1) My active service in the armed forces; (2) my  
42 absence from the town in which I am eligible to vote; [during all of the  
43 hours of voting; (3) my illness] (3) sickness or physical disability; (4) the  
44 tenets of my religion which forbid secular activity on the day of the  
45 primary, election or referendum; or (5) my duties as a primary, election  
46 or referendum official.

47 Date ....

48 .... (Signature)"

49 [(b) Notwithstanding the provisions of subsection (a) of this section,  
50 for the state election in 2020, and any election, primary or referendum  
51 held on or after June 23, 2021, but prior to November 3, 2021, each inner  
52 envelope in which an absentee ballot is returned to the municipal clerk  
53 shall have printed on its face a form containing the following statements:

54 "I hereby state under the penalties of false statement in absentee  
55 balloting that I am eligible to vote at the primary, election or referendum  
56 in the municipality in which this absentee ballot is to be cast and that I  
57 expect to be unable to appear at my polling place during the hours of  
58 voting at such primary, election or referendum for one or more of the  
59 following reasons: (1) My active service in the armed forces; (2) my  
60 absence from the town in which I am eligible to vote during all of the  
61 hours of voting; (3) my illness or physical disability; (4) the tenets of my  
62 religion which forbid secular activity on the day of the primary, election  
63 or referendum; (5) my duties as a primary, election or referendum  
64 official; or (6) the sickness of COVID-19.

65 Date ....

66 .... (Signature)"]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-135
Sec. 2	<i>from passage</i>	9-137

**GAE**      *Joint Favorable Subst.*

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*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.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

This bill modifies the statutory reasons for which qualified voters may vote by absentee ballot. These changes are not anticipated to have a fiscal impact on the state or municipalities.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis**

**sHB 5262**

***AN ACT REVISING CERTAIN ABSENTEE VOTING ELIGIBILITY STATUTES.***

**SUMMARY**

This bill expands two of the six statutory reasons for which qualified voters (i.e., electors and people eligible to vote in a referendum) may vote by absentee ballot in an election, primary, or referendum (see BACKGROUND). Under the bill, qualified voters may vote by absentee ballot if they are unable to appear at their polling place during voting hours because of (1) sickness, rather than because of their own illness, or (2) physical disability, rather than because of their own physical disability.

Additionally, the bill authorizes qualified voters to vote by absentee ballot if they are unable to appear at their polling place because of absence from the town of their voting residence. Current law authorizes voters to vote absentee for this reason only if they are absent during all hours of voting.

The bill requires that absentee ballots be updated to reflect the above changes. Specifically, the statement printed on the face of the absentee ballots' inner envelope must show the revised reasons for which electors may vote absentee. By law, absentee voters must sign the statement under penalties of false statement in absentee balloting, which is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both (CGS § 9-359a).

Lastly, the bill makes technical changes, including removing obsolete provisions concerning absentee voting because of the COVID-19 sickness in the 2020 state election and any election, primary, or referendum from June 23, 2021, through November 2, 2021.

EFFECTIVE DATE: Upon passage

**BACKGROUND**

***Related Bill***

sSB 184 (§§ 3 & 4), reported favorably by the Government Administration and Elections Committee, (1) makes similar changes concerning absentee voting due to illness and absence from the town of residence and (2) allows absentee voting because of the COVID-19 sickness for any election, primary, or referendum held through November 8, 2022.

***Permitted Reasons Under the Constitution 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 prohibiting secular activity (Conn. Const. Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13    Nay 6    (03/09/2022)