



General Assembly

February Session, 2024

Raised Bill No. 5311

LCO No. 1169



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING THE COUNTING OF ABSENTEE BALLOTS.

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

1 Section 1. Section 9-150a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) The absentee ballot counters shall proceed to the central counting
4 location or to the respective polling places when counting is to take
5 place pursuant to subsection (b) of section 9-147a at the times designated
6 by the registrars of voters.

7 (b) At the time each group of ballots is delivered to them pursuant to
8 section 9-140c, the counters shall perform any checking of such ballots
9 required by subsection (i) of said section and shall then proceed as
10 hereinafter provided.

11 (c) Except with respect to ballots marked "Rejected" pursuant to
12 section 9-140c or other applicable law, the counters shall remove the
13 inner envelopes from the outer envelopes, shall note the total number of
14 absentee ballots received and shall report such total to the moderator.

15 They shall similarly note and separately so report the total numbers of
16 presidential ballots and overseas ballots received pursuant to sections 9-
17 158a to 9-158m, inclusive.

18 (d) (1) If the statement on the inner envelope has not been signed as
19 required by section 9-140a, such inner envelope shall not be opened or
20 the ballot removed therefrom, and such inner envelope shall be replaced
21 in the opened outer envelope which shall be marked "Rejected" and the
22 reason therefor endorsed thereon by the counters. (2) If such statement
23 is signed but the individual completing the ballot is an individual
24 described in subsection (a) of section 9-23r and has not met the
25 requirements of subsection (e) of section 9-23r, the counters shall replace
26 the ballot in the opened inner envelope, replace the inner envelope in
27 the opened outer envelope and mark "Rejected as an Absentee Ballot"
28 and endorse the reason for such rejection on the outer envelope, and the
29 ballot shall be treated as a provisional ballot for federal offices only,
30 pursuant to sections 9-232i to 9-232o, inclusive.

31 (e) The counters shall then remove the absentee ballots from the
32 remaining inner envelopes.

33 (f) Before the ballots are counted, all opened outer and inner
34 envelopes from which such ballots have been removed, and all outer
35 envelopes marked "Rejected" as required by law, shall be placed and
36 sealed by the counters, separately by voting district, in depository
37 envelopes prescribed by the Secretary of the State and provided by the
38 municipal clerk. The counters shall seal such depository envelopes by
39 wrapping them lengthwise and sideways with nonreusable tape,
40 endorse on each such envelope their names, the voting district and the
41 time of the count, and deliver such envelopes to the moderator.

42 (g) The counters shall then count such ballots as provided in this
43 section. The moderator shall supervise the counting.

44 (h) The Secretary of the State shall provide a procedure manual for
45 counting absentee ballots. The manual shall include a description of the
46 steps to be followed in receiving, handling, counting and preserving

47 absentee ballots. Facsimile ballots shall be printed in the manual,
48 illustrating potential variations in ballot markings along with the correct
49 interpretation to be given in each situation illustrated.

50 (i) (1) Except as otherwise provided in this section the provisions of
51 section 9-265 shall apply to write-in votes on absentee ballots at
52 elections.

53 (2) Votes cast by absentee ballot at a primary may be counted only for
54 candidates whose names appear on the ballot on primary day, and no
55 write-in vote shall be counted except as provided in subdivision (3) of
56 this subsection.

57 (3) If a write-in vote on an absentee ballot is cast for a candidate for
58 any office whose name appears on the ballot for that office on election
59 or primary day, such candidate's name shall be deemed to have been
60 checked on such ballot and, except as otherwise provided in subsection
61 (j) of this section, one vote shall be counted and recorded for such
62 candidate for such office.

63 (4) Except as otherwise provided in section 9-265, if the name of a
64 registered write-in candidate for an office is written in for such office on
65 an absentee ballot it shall be deemed validly written in for purposes of
66 subsection (j) of this section.

67 (j) In the counting of absentee ballots the intent of the voter shall
68 govern, provided the following conclusive presumptions, where
69 applicable, shall prevail in determining such intent:

70 (1) If the names of more candidates for an office than the voter is
71 entitled to vote for are checked or validly written in, then the vote cast
72 for that office shall be deemed an invalid overvote.

73 (2) If the name of a candidate who has vacated his candidacy is
74 checked such vote shall not be counted.

75 (3) On an absentee ballot on which candidates' names are printed, a
76 vote shall be deemed cast only for each candidate whose name is

77 individually checked or validly written in, except as otherwise provided
78 in this subsection. If a party designation is circled, checked, underscored
79 or similarly marked in any manner, or written in, no vote shall be
80 deemed cast or cancelled for any candidate by virtue of such marking
81 or writing.

82 (k) If the intent of an absentee voter is difficult to ascertain due to
83 uncertain, conflicting or incorrect ballot markings which are not clearly
84 addressed in this section or in the procedure manual for counting
85 absentee ballots provided by the Secretary of the State, the absentee
86 ballot counters shall submit the ballot and their question to the
87 moderator. They shall then count the ballot in accordance with the
88 moderator's decision as to the voter's intent, if such intent is
89 ascertainable. A ballot or part of a ballot on which the intent is
90 determined by the moderator to be not ascertainable, shall not be
91 counted. The moderator shall endorse on the ballot the question and his
92 decision.

93 [(l) No absentee ballot shall be rejected as a marked ballot unless, in
94 the opinion of the moderator, it was marked for the purpose of
95 providing a means of identifying the voter who cast it.]

96 [(m)] (l) After the absentee ballots have been so counted they shall be
97 placed by the counters, separately by voting district, in depository
98 envelopes prescribed by the Secretary of the State and provided by the
99 municipal clerk. Any notes, worksheets, or other written materials used
100 by the counters in counting such ballots shall be endorsed by them with
101 their names, the date and the time of the count and shall also be placed
102 in such depository envelopes together with the ballots, and with the
103 separate record of the number of votes cast on such ballots for each
104 candidate as required by section 9-150b, as amended by this act. Such
105 depository envelopes shall then be sealed, endorsed and delivered to
106 the moderator by the counters in the same manner as provided in
107 subsection (f) of this section.

108 Sec. 2. Subsection (c) of section 9-139a of the general statutes is

109 repealed and the following is substituted in lieu thereof (*Effective July 1,*
110 *2024*):

111 (c) The instructions for the use of the absentee ballot shall be in plain
112 language and shall include the steps to be taken if a vote is to be
113 cancelled or changed, and shall also contain a simple and concise
114 restatement of the provisions of [subsection (l) of section 9-150a and]
115 section 9-159o concerning [rejection of ballots marked in such manner
116 as to identify the voters casting them, and] withdrawal of ballots by
117 persons who find they are able to vote at the polls.

118 Sec. 3. Subsections (e) and (f) of section 9-150b of the 2024 supplement
119 to the general statutes are repealed and the following is substituted in
120 lieu thereof (*Effective July 1, 2024*):

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

125 (f) The municipal clerk shall preserve for sixty days after the election,
126 primary or referendum the depository envelopes containing opened
127 envelopes and rejected ballots required by subsection (f) of section 9-
128 150a, as amended by this act, and shall so preserve for one hundred
129 eighty days the depository envelopes containing counted ballots and
130 related materials required by subsection [(m)] (l) of section 9-150a, as
131 amended by this act.

132 Sec. 4. Section 9-153b of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective July 1, 2024*):

134 (a) If any absentee ballot applicant applies for an additional absentee
135 ballot, he shall note on his application the reason for his applying for an
136 additional absentee ballot and he shall return the absentee voting set
137 formerly issued to him before another set is issued to him, provided, if
138 he is unable to return the set formerly issued to him, his application for
139 an additional ballot shall be accompanied by a statement signed under

140 the penalties of false statement in absentee balloting in which he shall
141 set forth the reason for his inability to return the set formerly issued to
142 him. If he fails to file such a statement, no additional set shall be issued
143 to him.

144 (b) [Except as provided in subsection (d) of this section for members
145 of the armed forces] For all absentee voting sets or portions thereof
146 returned under subsection (a) of this section, the municipal clerk shall
147 mark the serially-numbered outer envelope "rejected" and note the
148 reasons [therefor] for rejection on all absentee ballots and envelopes so
149 returned [to him] and shall seal all such [unopened ballots] absentee
150 voting sets or portions thereof in a package and retain them in a safe
151 place until delivered in accordance with section 9-140c. The municipal
152 clerk shall keep a list of the names of each absentee ballot applicant who
153 has applied for more than one absentee ballot, as provided in section 9-
154 140, together with the serial number appearing on the outer envelope of
155 each absentee voting set issued to each such applicant, [including the
156 latest one issued.]

157 [(c) When an absentee ballot applicant has applied for more than one
158 absentee ballot, only the latest absentee ballot issued to him by the
159 municipal clerk as determined by the serial number appearing on the
160 outer envelope may be counted and all absentee ballots and envelopes
161 formerly issued to that applicant shall be marked rejected as provided
162 in subsection (b) of this section and not counted.]

163 (c) [(d) Subsections (a), (b) and (c) of this section shall not apply to
164 members of the armed forces, and if] If more than one absentee ballot is
165 received from any elector, [who is a member of the armed forces,] the
166 ballot of such elector [bearing the latest postmark] last received by the
167 municipal clerk shall be counted if no absentee ballot of such elector has
168 already been counted. [, provided that] For all absentee ballots of such
169 elector that are not counted, the municipal clerk shall mark [all] the
170 serially-numbered outer envelopes [bearing earlier postmarks]
171 "rejected" and note the reasons for rejection and shall deliver such
172 ballots in accordance with section 9-140c.

173 Sec. 5. Section 9-153c of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective July 1, 2024*):

175 (a) If a municipal clerk has omitted the name of a candidate, party or
176 office designation, inserted an incorrect or misspelled name of a
177 candidate, party or office designation, provided an absentee ballot
178 applicant with a ballot which is not the correct ballot for his voting
179 district, or incorrectly imprinted or failed to imprint the designation of
180 a state or local question on an absentee ballot in the appropriate space,
181 and if any such omission or error is likely to mislead any voter, he shall,
182 as soon as he becomes aware of such omission or error, promptly mail
183 to each applicant to whom such an absentee ballot has been issued, a
184 correct absentee ballot, envelopes for its return and instructions, a
185 statement explaining the error or omission including the correct name
186 or question and a copy of this section. The municipal clerk shall inform
187 the Secretary of the State when he proceeds under this subsection.

188 (b) Any additional absentee voting sets issued to applicants under
189 this section shall be issued in consecutive ascending numerical order
190 based upon the serial number appearing on the outer envelope for
191 return of ballots to the municipal clerk, and the clerk shall keep a record
192 of such numbers by making a notation on, or attaching a memorandum
193 to, the applicant's original application for an absentee ballot.

194 (c) The municipal clerk shall keep a list containing the name, address
195 and voting district of each absentee ballot applicant who has been issued
196 more than one absentee ballot under this section and the serial number
197 appearing on the outer envelope of each absentee voting set so issued.
198 The list shall be kept with the list required under section 9-140.

199 (d) If more than one ballot is received from an applicant who has been
200 sent a correct ballot under subsection (a) of this section, the ballot
201 [bearing the latest serial number] last received by the municipal clerk
202 shall be counted [,] if no ballot of such applicant has already been
203 counted. [The] For all ballots of such applicant that are not counted, the
204 municipal clerk shall inscribe the word "rejected" and note the reasons

205 for rejection on the outer envelope [of each of such applicant's other
 206 ballots not so counted] and shall seal them, unopened, in a package and
 207 retain them in a safe place until delivered in accordance with section 9-
 208 140c.

209 Sec. 6. Subsection (c) of section 9-140b of the 2024 supplement to the
 210 general statutes is repealed and the following is substituted in lieu
 211 thereof (*Effective July 1, 2024*):

212 (c) (1) For purposes of this section, "mailed" means (A) sent by the
 213 United States Postal Service or any commercial carrier, courier or
 214 messenger service recognized and approved by the Secretary of the
 215 State, or (B) deposited in a secure drop box designated by the municipal
 216 clerk for such purpose, in accordance with instructions prescribed by
 217 the Secretary.

218 (2) In the case of absentee ballots mailed under subparagraph (B) of
 219 subdivision (1) of this subsection, beginning on the first day of issuance
 220 of absentee voting sets, as provided in subsection (f) of section 9-140,
 221 and on each weekday thereafter until the close of the polls at the
 222 election, primary or referendum, including at the close of the polls at
 223 such election, primary or referendum, the municipal clerk shall retrieve
 224 from the secure drop box described in said subparagraph each such
 225 ballot deposited in such drop box.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	9-150a
Sec. 2	<i>July 1, 2024</i>	9-139a(c)
Sec. 3	<i>July 1, 2024</i>	9-150b(e) and (f)
Sec. 4	<i>July 1, 2024</i>	9-153b
Sec. 5	<i>July 1, 2024</i>	9-153c
Sec. 6	<i>July 1, 2024</i>	9-140b(c)

Statement of Purpose:

To (1) eliminate an elector's marking of an absentee ballot in such a manner as to disclose the identity of such elector as a reason to reject

such absentee ballot, (2) provide that whenever multiple absentee ballot sets have been issued to an elector only the ballot last received by the municipal clerk shall be counted, and (3) require that the municipal clerk retrieve absentee ballots from drop boxes at the close of the polls at an election, primary or referendum.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]