

House of Representatives, April 6, 1998. The Committee on Government Administration and Elections reported through REP. BYSIEWICZ, 100th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ALLOWING CERTAIN REFERENDA TO BE CONDUCTED BY MAIL AND AUTHORIZING THE USE OF OPTICAL, ELECTRONIC OR MECHANICAL EQUIPMENT FOR THE CASTING AND COUNTING OF BALLOTS IN SUCH REFERENDA.

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

1 Section 1. (NEW) As used in this section and
2 sections 2 to 5, inclusive, of this act:

3 (1) "Referendum" means a question or proposal
4 which, pursuant to the provisions of sections 7-7,
5 7-9b and 7-9c of the general statutes, as amended,
6 any other provision of the general statutes or a
7 charter or special act, is submitted to a vote of
8 the electors or voters, as the case may be, of a
9 municipality at a meeting of such electors or
10 voters, which meeting is not an election or a town
11 meeting.

12 (2) "Referendum date" means the last day on
13 which ballots may be received by a municipal clerk
14 in a referendum conducted by mail under sections 2
15 to 5, inclusive, of this act.

16 Sec. 2. (NEW) (a) Notwithstanding the
17 provisions of sections 7-7, 7-9b and 7-9c of the
18 general statutes, as amended, any other provision
19 of the general statutes or any charter or special
20 act, a municipality may, by vote of its

21 legislative body, or the selectmen in towns whose
22 legislative body is a town meeting, provide that a
23 referendum, otherwise authorized by provisions of
24 the general statutes or a special act or charter,
25 shall be conducted by mail instead of at a meeting
26 of the electors or voters of such municipality at
27 polling places. Such vote shall specify the
28 referendum date. No such referendum may be held
29 unless (1) the provisions of the general statutes,
30 special act or charter authorizing the referendum
31 allow publication of a warning of the referendum
32 not later than the thirtieth day before such
33 referendum date and (2) the municipal clerk has
34 published such warning in a newspaper having a
35 general circulation in the municipality not later
36 than the thirtieth day before such referendum
37 date.

38 (b) Except as otherwise provided by sections
39 1 to 5, inclusive, of this act, the provisions of
40 chapter 145 of the general statutes shall apply,
41 as nearly as practicable and in the manner
42 prescribed by the Secretary of the State, to
43 procedures relating to voting at a referendum held
44 under said sections. The Secretary of the State
45 shall prescribe and provide applications,
46 instructions and inner and outer envelopes for
47 such a referendum. The official ballots shall be
48 provided by the municipal clerk and approved by
49 the Secretary of the State. The provisions of
50 section 9-159o of the general statutes shall not
51 apply to voting at such a referendum.

52 (c) In such a referendum, the municipal clerk
53 shall mail ballots to all electors on the active
54 registry list, to the address listed on the
55 registry list, between the twentieth and
56 fourteenth days, inclusive, before the referendum
57 date. All other persons eligible to vote in the
58 referendum may file with the municipal clerk an
59 application, in a form prescribed by the Secretary
60 of the State. The provisions of section 9-153b of
61 the general statutes relating to requesting and
62 counting additional ballots shall apply to the
63 referendum. The provisions of sections 9-159q and
64 9-159r of the general statutes relating to
65 supervised voting shall also apply to the
66 referendum.

67 (d) The first count of such ballots received
68 by 12:00 noon of the last day before the

69 referendum date which is not a Sunday or legal
70 holiday shall begin at a central place at 6:00
71 a.m. on the referendum date. The second count of
72 all ballots received after 12:00 noon of such last
73 day before the referendum date shall begin
74 immediately after the first count is finished and
75 shall continue until all ballots received by the
76 municipal clerk by 8:00 p.m. of the referendum
77 date are counted. Upon receipt of the ballots to
78 be counted at the second count, the counters shall
79 check the names of the applicants returning
80 ballots on the official checklist.

81 (e) A municipality conducting such a
82 referendum shall, by vote of its legislative body,
83 or the selectmen in towns whose legislative body
84 is a town meeting, give an elector or voter the
85 option to return a completed ballot by either (1)
86 United States mail, (2) depositing the ballot at
87 the office of the municipal clerk until 8:00 p.m.
88 on the referendum date or (3) depositing the
89 ballot at any place of deposit supervised by the
90 municipal clerk or employees of the municipal
91 clerk. Such legislative body or selectmen may vote
92 to require that the postage for ballots in the
93 referendum that are returned by mail be paid by
94 the municipality.

95 (f) Not later than thirty days after a
96 municipality holds a referendum under sections 1
97 to 5, inclusive, of this act, the municipality
98 shall submit a report to the Secretary of the
99 State which shall include, but not be limited to,
100 the following information: (1) The cost of the
101 referendum and the percentage of electors and
102 voters who cast a ballot, as compared to previous
103 referenda; (2) a description of the process for
104 handling and counting returned ballots; (3) any
105 reported problems in the administration and
106 conduct of the referendum; and (4) the overall
107 advantages and disadvantages of holding the all
108 mail referendum.

109 Sec. 3. (NEW) Before the referendum date, a
110 municipality, by vote of its legislative body, or
111 the selectmen in towns whose legislative body is a
112 town meeting, may authorize the use of optical,
113 electronic or mechanical equipment for scanning
114 ballot envelope signatures and signatures on
115 applications for admission as electors or canvass
116 cards returned by electors, whichever is most

117 recent, and, if applicable, tax records, provided
118 such equipment shall be used only in accordance
119 with the provisions of this section. Such
120 equipment may be used on ballot envelopes only as
121 a demonstration project after the referendum is
122 finalized. The procedures for the use of such
123 equipment shall be approved by the Secretary of
124 the State before the referendum date.
125 Notwithstanding the requirement under the general
126 statutes that the package of ballot envelopes be
127 sealed for sixty days after a referendum, if the
128 use of such equipment is approved by the Secretary
129 of the State, the ballot counters shall, after the
130 referendum date, open the package of ballot
131 envelopes and scan the ballot envelope signatures
132 in accordance with procedures approved by the
133 Secretary of the State. After completion of
134 scanning, such package of ballot envelopes shall
135 be resealed. The registrars of voters of such
136 municipality shall submit a report to the
137 Secretary of the State.

138 Sec. 4. (NEW) Notwithstanding any provision of
139 title 9 of the general statutes to the contrary,
140 the Secretary of the State may authorize the use
141 of optical, electronic or mechanical equipment for
142 the casting and counting of ballots in a
143 referendum under sections 1 to 5, inclusive, of
144 this act, provided (1) the registrars of voters
145 for the municipality approve the use of such
146 equipment and (2) the secretary prescribes
147 specifications for: (A) The security, testing,
148 set-up, operation and canvassing of the equipment,
149 (B) the ballots used with the equipment, and (C)
150 the training of election officials in the use of
151 the equipment.

152 Sec. 5. (NEW) Not later than January 1, 2000,
153 the Secretary of the State shall submit a report
154 to the joint standing committee of the General
155 Assembly having cognizance of matters relating to
156 elections, in accordance with the provisions of
157 section 11-4a of the general statutes, (1) on the
158 implementation of sections 1 to 5, inclusive, of
159 this act and (2) setting forth recommendations
160 concerning the extension of the provisions of said
161 sections to primaries and special elections.

162 Sec. 6. This act shall take effect January 1,
163 1999.

164 GAE COMMITTEE VOTE: YEA 14 NAY 3 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5689

STATE IMPACT None, see explanation below

MUNICIPAL IMPACT Net Savings, see explanation below

STATE AGENCY(S) Secretary of the State

EXPLANATION OF ESTIMATES:

STATE IMPACT: Under the bill, the Secretary of the State has the authority to approve the use of optical, electronic or mechanical equipment to cast and count the ballots for a referendum by mail. Since the bill is permissive, it is anticipated that the agency will proceed in a manner that maintains the integrity of its budgetary resources.

MUNICIPAL IMPACT: The passage of this bill is expected to result in a net savings to those towns that elected to exercise their option to conduct a referendum entirely by mail. The net savings to each municipality would be contingent upon the actual costs of opening the polls less the cost of conducting the referendum by mail.

To the extent that a town acquired the scan equipment prescribed by the Secretary of the State, additional costs would result. Since, however, the use of the equipment is not mandated, it is anticipated that these towns would only purchase or lease the equipment if it can be handled within the normal budget of the municipality.

In addition, complying with the bill's reporting requirements is not expected to have a fiscal impact on municipalities.

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OLR BILL ANALYSIS

sHB 5689

AN ACT ALLOWING CERTAIN REFERENDA TO BE CONDUCTED BY MAIL AND AUTHORIZING THE USE OF OPTICAL, ELECTRONIC OR MECHANICAL EQUIPMENT FOR THE CASTING AND COUNTING OF BALLOTS IN SUCH REFERENDA

SUMMARY: This bill gives towns the option to conduct the vote on a referendum entirely by mail where every eligible voter receives and returns a ballot using the mail and no polling places are open. It gives a town's legislative body, or the board of selectmen in a town with a town meeting form of government, the authority to decide to hold the referendum by mail rather than at polling places.

The bill requires a 30-day notice for a referendum by mail. It applies, where practicable, the absentee voting laws to procedures for preparing, handling, casting, returning, and counting the referendum ballots. The town clerk mails ballots 14 to 20 days before the referendum to every registered voter. Anyone else who is eligible to vote can apply for a ballot with the clerk. The legislative body decides how voters can return ballots, either by mail or in person. They can vote to have the town pay the return postage.

Counting takes place at a central location beginning at 6 a.m. on the referendum date and continues until all the ballots that the clerk receives by 8:00 p.m. on that day are tabulated.

The bill gives the secretary of the state authority to approve the use of optical, electronic, or mechanical equipment to cast and count the ballots for a referendum conducted by mail and permits towns to use such equipment to scan signatures as part of a demonstration of its use for this purpose at a mail referendum.

The bill requires reports (1) from towns that conduct a referendum by mail to the secretary, (2) from towns

that conduct a demonstration of signature scanning equipment to the secretary, and (3) from the secretary to the Government Administration and Elections (GAE) Committee. The reports include information on the experience with mail referendums and the secretary must make recommendations related to expanded use of all-mail elections.

EFFECTIVE DATE: January 1, 1999

FURTHER EXPLANATION

Application

A town can choose to hold the vote on a question by mail if the ballot measure is authorized:

1. as an adjourned town meeting (when the fewer of 200 people or 10% of those qualified to vote have submitted a petition calling for a vote or the board of selectmen has decided to submit a question to the town);
2. under other provisions of the General Statutes such as votes on permitting bazaars and raffles or establishing a regional school district; or
3. under a charter or special act.

The bill's mail election provisions cannot be used at a regular state or municipal election or a town meeting.

Conditions for Holding a Referendum by Mail

The town's legislative body can opt to hold a referendum by mail as long as the law's provisions authorizing the vote permit publication of a notice by at least 30 days before the referendum date and the town clerk has done so. The legislative body must set the date for the referendum when it takes its vote. And it must decide how voters are to return their completed ballots: (1) by U.S. mail with postage paid by the town or by the voter; (2) by depositing it in the town clerk's office by 8:00 p.m. on the date set for the referendum; or (3) by depositing it at other deposit locations that are supervised by the clerk's office.

Procedures for Holding a Referendum by Mail

The bill applies the law's procedures for voting by absentee ballot to referendums conducted by mail. Thus, existing provisions for preparing, handling, casting, and returning absentee ballots apply and the secretary has the authority to prescribe how. The secretary must also prescribe and provide towns with the applications, instructions, and inner and outer envelopes for a referendum conducted by mail. The secretary must also approve the actual ballot; the town clerk provides them.

The bill requires the town clerk to mail ballots to every registered voter between the 14th and 20th days before the date set for the referendum. Those who are also eligible to vote but whose names are not on the registry list (for example, newly registered voters or property owners who live elsewhere or who are not registered to vote) can apply to the clerk for a ballot, as can those whose ballots got lost. At a referendum by mail, registrars of voters or their designees must conduct supervised voting at institutions like nursing homes or health care facilities on request or as required depending on the number of voters who live there, just as they do for absentee voters.

Counting Ballots for a Referendum by Mail

At 6:00 a.m. on the referendum date, the people designated as ballot counters must begin counting all the ballots that the clerk received by noon on the last Saturday or business day before the referendum. Once those ballots are counted, the second count begins of ballots received after the first cutoff. This session lasts until they have counted all the ballots that are received up to 8:00 p.m. on the referendum date.

Scanning Equipment

The bill allows the secretary to authorize towns' use of optical, electronic, or mechanical equipment for casting and counting ballots in a referendum conducted by mail. The secretary must prescribe specifications for the equipment, the ballots, and election officials' training. Before a town can use the equipment, its registrars must approve.

The legislative body can vote to use optical, electronic, or mechanical equipment to scan and compare ballot envelope signatures with voters' signatures on their registration application forms, canvass cards, or tax records as a demonstration project only after the referendum is complete. If a town decides to use the equipment, before the referendum date, the secretary must approve it as well as the procedures to use. The town's registrars of voters must report to the secretary on the demonstration.

Reports

Within 30 days of a referendum conducted by mail, the town must send the following information in a report to the secretary:

1. the cost of conducting the referendum by mail and the turnout percentage compared to prior referendums;
2. a description of its handling and counting for returned ballots;
3. any reported problems; and
4. the overall advantages and disadvantages of holding the referendum entirely by mail.

By January 1, 2000, the secretary must report to the GAE Committee on towns' experiences conducting referendums by mail, including his recommendations on its application to primaries and special elections.

BACKGROUND

Electors and Voters

The law defines "electors" to mean people who are at least 18 years old and have registered to vote. A "voter" is a person who can vote at a town meeting because he is a registered voter or is a citizen, but not necessarily a town resident, who is at least 18 years old and owns property in the town assessed at \$1,000 or more.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 14 Nay 3