
OLR Bill Analysis

sSB 5

AN ACT CONCERNING INCREASED OPPORTUNITIES FOR ABSENTEE VOTING, SAFE AND SECURE IN-PERSON VOTING, VOTER REGISTRATION AND CERTAIN OTHER CHANGES REGARDING ELECTION ADMINISTRATION.

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BACKGROUND

§§ 1-5 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS

Requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission

By law, the Department of Motor Vehicles (DMV) commissioner must include a voter registration application as part of each motor vehicle driver's license application or renewal or each identity card application. Similarly, voter registration agencies (see BACKGROUND) must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail voter registration application forms.

The bill requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless the applicants decline to apply for admission. The system must also comply with the National Voter Registration Act (NVRA) (see BACKGROUND). (In practice, DMV must already do this under a memorandum of understanding (MOU) between the agencies (see

BACKGROUND).)

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the changes affecting voter registration agencies and public higher education institutions are effective January 1, 2022.

Eligibility Verification

By law, voter registration forms include a statement that specifies each eligibility requirement and an attestation that the applicant meets each requirement (CGS § 9-20). The bill allows DMV, voter registration agencies, and public higher education institutions to waive attestation for any requirement for which they can verify an applicant’s eligibility independently through a federally approved identity verification program or through other acceptable evidence. The electronic system may provide for transmittal of applicants’ signatures on file with DMV, a voter registration agency, or public higher education institution, as applicable, to the secretary of the state.

The bill prohibits DMV, voter registration agencies, and public higher education institutions from processing voter registration applications using the electronic system if they determine that an individual applying for a credential, service, or assistance is not a U.S. citizen. If they cannot determine whether the individual is a U.S. citizen, then the applicant must attest to his or her citizenship prior to DMV, a voter registration agency, or a public higher institution may process the voter registration application through the electronic system.

Transmittal

Under the bill, if DMV determines that an applicant for a motor vehicle driver’s license or renewal, or for an identity card (i.e., “DMV credential”), meets each eligibility requirement for admission as an elector, then the commissioner must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. Similarly,

if a voter registration agency or public higher education institution determines that an applicant for assistance or services meets each eligibility requirement for admission as an elector, then the agency or institution must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. In all cases, the application must be transmitted to the registrar of voters in the municipality where the individual resides.

Party Enrollment

Under the bill, if the system removes an elector from a political party's enrollment list because he or she did not affirmatively confirm an intent to continue enrollment, the removal must be presumed unintentional. In that case, the bill requires that the elector be restored to the party's enrollment list after the appropriate registrars of voters is notified.

Address Changes

The bill additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the bill, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements.

If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

§ 6 — E-SIGNATURE SYSTEM

Requires the secretary of the state to implement an e-signature system for most elections-related forms and applications

The bill requires the secretary of the state to develop and implement one or more systems through which she may allow individuals to submit an electronic signature to sign elections-related forms and

applications, other than those for campaign finance purposes. It gives the secretary the discretion to determine the forms or applications included in the system. Under the bill, any form or application with such an electronic signature appearing on it is deemed to have the original signature.

The bill requires a state agency to provide any information to the secretary, upon her request, that she deems necessary to maintain the system or systems. The bill prohibits the secretary from using the information obtained from any state agency except for purposes of the elections-related e-signature system.

EFFECTIVE DATE: Upon passage

§ 7 — DISTRIBUTING VOTER REGISTRATION INFORMATION AT HIGH SCHOOLS

Requires registrars of voters to annually distribute voter registration information at public high schools

By law, registrars of voters must hold a voter registration session between January 1 and the last day of school in each public high school in the municipality. In regional school districts, registrars of each member municipality hold the sessions on a rotating basis.

The bill requires registrars of voters to annually distribute information, on the fourth Tuesday in September, at each public high school about the qualifications and procedures for registering to vote. Under the bill, registrars and the principal of any public high school must determine the best distribution method. (Presumably, in regional school districts, registrars would distribute information on a rotating basis.)

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

§ 8 — ELECTION DAY HOLIDAY

Designates Election Day as a legal state holiday, removes the designation of Lincoln's Birthday as a legal state holiday, and renames Washington's Birthday as Presidents' Day

The bill designates Election Day, which is the Tuesday after the first

Monday in November of each year, as a legal state holiday. It also (1) removes the designation of Lincoln's Birthday, which is February 12 of each year, as a legal state holiday and (2) renames Washington's Birthday, which is the third Monday in February of each year, as Presidents' Day.

By law, full-time, permanent state employees receive paid time off for legal holidays (CGS § 5-254). (As the bill changes one date, but not the number of legal state holidays, it presumably would not be considered a change in working conditions requiring negotiation with public employee collective bargaining units.) Legal state holidays are also bank and credit union holidays, during which time bank and credit union transactions are generally suspended (CGS § 36a-23). Private employers are not required to provide employees with a day off (paid or unpaid) on legal holidays and therefore can require their employees to work on these days.

In practice, the decision to close public schools on Election Day (many of which are used as polling places) is made by each public school district. By law, when a legal holiday (other than those in December or January) falls on a weekday, local and regional boards of education may either close public schools in their jurisdiction or hold a suitable educational program in observance.

EFFECTIVE DATE: October 1, 2021

§ 9 — TIME OFF TO VOTE

Requires employers to give an employee two hours of paid time off for state elections and certain special elections if he or she requests it in advance

The bill requires employers to give an employee two hours of paid time off from his or her regularly-scheduled work on the day of a regular state election to vote, if the employee requests it in advance. In the case of a special election for a U.S. Senator, U.S. Representative, state senator, or state representative, the requirement applies only to employees who are already electors.

In both cases, the time off must occur during regular voting hours (i.e., from 6:00 a.m. to 8:00 p.m.), and the employee must make the

request at least two working days before the election. (The bill does not specify what happens if employers deny time-off requests.)

By law, Connecticut conducts Election Day Registration (EDR) during regular, but not special, elections (see BACKGROUND). Therefore, under the bill, it appears that employees who are not yet electors may take time off to register to vote through EDR for a regular state election, if qualified, and then vote.

EFFECTIVE DATE: Upon passage

Background — 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 (CGS § 9-19j).

§§ 10-13 — VOTERS WITH DEVELOPMENTAL DISABILITIES

Eliminates the prohibition on mentally incompetent people being admitted as electors; allows people with developmental disabilities to have a legal representative assist them with registering to vote and voting

The bill makes changes affecting the voting rights of people with developmental disabilities. Principally, it (1) eliminates the prohibition on mentally incompetent people being admitted as electors and (2) allows people with developmental disabilities to have a legal representative assist them with registering to vote and with voting.

Under the bill, “legal representative” means a court-appointed fiduciary, including a guardian or conservator, or a person with power of attorney authorized to act on a person’s behalf.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

Registering to Vote (§ 11)

The bill allows a person with a developmental disability, as

determined by a licensed primary care physician, to have a legal representative assist them with registering to vote in person (i.e., apply for electoral admission). When such a person applies, the applicant or his or her legal representative must give the admitting official documentation from a licensed physician indicating that the physician has determined that the applicant has a developmental disability.

By law, a person who registers to vote in person must, among other things, (1) state his or her name, bona fide address, birthdate, and whether he or she is a U.S. citizen; (2) present a birth certificate, drivers' license, or Social Security card; and (3) sign a statement on the application attesting that he or she meets each eligibility requirement. The statement and signed application must be delivered under penalty of perjury, which by law is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both (CGS § 53a-156).

Under the bill, a legal representative may assist a person with a developmental disability with the above voter registration procedures. In addition, a legal representative may sign the voter registration application statement for the applicant.

Voting (§§ 12 & 13)

The bill allows a legal representative to accompany a voter with a developmental disability into the polling place on the day of a primary, election, or referendum. The representative may assist the voter with performing any action authorized by law, including with voting and with registering to vote at an EDR location. The legal representative must present to the registrar of voters or other election official proof of his or her relationship with the voter.

§§ 13 & 17 — POSSESSING A FIREARM NEAR A POLLING PLACE OR EDR LOCATION

Prohibits anyone from possessing a firearm within a 200-foot radius of a polling place or EDR location; requires local officials to follow the same procedures for securing the 200-foot radius around a polling place as existing law requires for the 75-foot radius around a polling place

Existing law generally prohibits anyone from soliciting support for or opposition to a candidate or a ballot question within a 75-foot radius

of the outside entrance to a polling place, in a hallway or other approach leading from the entrance, or in a room opening upon any such hallway or approach (the “75-foot rule”). The bill additionally prohibits anyone from possessing a firearm within a 200-foot radius of a polling place (the “200-foot rule”).

Similarly, existing law prohibits anyone from soliciting support for or opposition to a candidate or a ballot question within a 75-foot radius of the outside entrance to an EDR location, in a hallway or other approach leading from the entrance, or in a room opening upon any such hallway or approach. The bill additionally prohibits anyone from possessing a firearm within a 200-foot radius of an EDR location.

The bill exempts from these prohibitions a uniformed, on-duty police officer or a firearm located in a residence or parked car within that radius.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

Procedures

For polling places, the bill requires local officials to follow the same procedures for the 200-foot rule as existing law requires for the 75-foot rule. Principally, this means that the (1) selectmen must provide suitable markers indicating the 200-foot radius and (2) moderator and moderator’s assistants must meet at least 20 minutes before the polls open to have a police officer, or primary or election officials they select, place the distance markers.

The markers that the selectmen provide must consist of a board that is at least one foot by one foot, painted a bright color, and bears the following words:

“On the day of any primary, referendum or election no person shall possess a firearm within a radius of two hundred feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such

outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach. This restriction shall not apply in the case of a firearm located in a residence or parked motor vehicle situated within such radius of two hundred feet or in the case of a uniformed on-duty police officer.”

Penalty

The bill imposes the same penalty on violators of the 200-foot rule as existing law imposes on violators of the 75-foot rule for polling places. Specifically, violators are guilty of a class C misdemeanor, which is punishable by up to three months in prison, a fine of up to \$500, or both.

§§ 14-16 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY

Eliminates the forfeiture of convicted felons’ electoral privileges (i.e., voting rights) if they are committed to confinement in an in-state or out-of-state community residence; restores these privileges to convicted felons who are on parole or special parole or who are confined in a community residence

The bill makes several changes concerning the forfeiture and restoration of electoral privileges for certain individuals convicted of a felony.

It also makes technical changes.

EFFECTIVE DATE: July 1, 2021

Forfeiture of Electoral Privileges (§ 15)

Under current law, an individual forfeits his or her right to be an elector, and all accompanying electoral privileges (i.e., the right to vote, run for public office, and hold an office), upon conviction of a felony and commitment to any state or federal prison (CGS § 9-46). Effective July 1, 2021, the bill eliminates a requirement that such individuals forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside of Connecticut) for confinement in a community residence (e.g., halfway house, group home, or mental health facility).

The bill also specifies that if an individual regains his or her electoral privileges after forfeiture, he or she must again forfeit them upon returning to confinement in a correctional institution or facility from the following:

1. parole or special parole;
2. release to (a) an educational program or work, (b) a community residence, (c) a zero-tolerance drug supervision program, (d) home confinement for certain motor vehicle and drug offenses, or (e) a community-based nursing home for palliative and end-of-life care; or
3. specified furloughs granted at the commissioner's discretion (e.g., to permit attendance at a relative's funeral or to obtain medical services not otherwise available).

Notice to Secretary of the State and Registrars of Voters (§ 14)

Effective July 1, 2021, the bill makes conforming changes to monthly reports that the (1) DOC commissioner must send to the secretary of the state and (2) secretary must transmit to registrars of voters. Under current law, the commissioner must send the secretary a list by the 15th of each month of all individuals convicted of a felony and committed to DOC custody in the previous calendar month for confinement in a correctional institution, facility, or community residence. The secretary must then send the list to the registrars of voters in towns where (1) these individuals resided at the time of their conviction or (2) she believes they may be electors.

The bill (1) eliminates the requirement that the DOC commissioner's report include a list of these individuals committed for confinement in a community residence and (2) additionally requires that it include a list of individuals returned to confinement in a correctional institution or facility for violating the terms of their parole, special parole, release, or furlough (see above). It must also include the date and nature of these violations. The bill makes conforming changes to the information the secretary must provide registrars of voters by similarly requiring

her to notify registrars in towns where (1) individuals returned to confinement resided at the time of their parole, special parole, release, or furlough violation (as applicable) or (2) she believes they may be electors.

Under existing law, after sending a written notice by certified mail to the individual's last known address, the registrars must remove his or her name from the registry list (CGS § 9-45).

Restoration of Electoral Privileges (§ 16)

Under current law, an individual imprisoned for a felony regains the right to vote and accompanying electoral privileges after paying all fines and completing any required prison and parole time.

Effective July 1, 2021, the bill allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates current law's requirements that such individuals also, as applicable, (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The bill specifies that any convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the bill, the DOC commissioner must, within available appropriations, inform people who are on parole, special parole, or confined in a community residence of their right to become electors and the process for having their privileges restored.

The bill also makes conforming changes to a monthly report that the DOC commissioner must send to the secretary of the state. Under current law, the commissioner must send the secretary a list by the 15th of each month of all individuals convicted of a felony who were released in the previous calendar month from a correctional institution or facility or a community residence and, if applicable, discharged from parole.

The bill eliminates current law's requirement that the list include

community residence releases and parole discharges and instead requires that it include individuals who have begun confinement in a community residence. By law, unchanged by the bill, the secretary must send this list to the registrars in the towns where (1) the individuals lived at the time of their conviction or (2) she believes they may be electors.

§§ 18 & 19 — ELECTION NOTICES

Requires town clerks to post notices for state and municipal elections on the town website

The bill requires town clerks to post notices of state and municipal elections on their municipal website, in addition to placing them in a town or general circulation newspaper as required under existing law. Just as the law requires for newspaper notices, the online notices must appear not more than 15 days, nor less than 5 days, before an election. The bill also requires that the notices include the time and location for each EDR location, as well as each polling place as under existing law.

By law, state and municipal election notices must indicate whether voters will consider a constitutional amendment or local referendum question at the election (CGS § 9-369).

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

§ 20 — ONLINE OR TELEPHONIC SYSTEM FOR ABSENTEE BALLOT APPLICATIONS

Allows people to apply to the secretary of the state for an absentee ballot using a telephonic or online system, both of which the secretary must establish and maintain

The bill allows people to apply to the secretary of the state for an absentee ballot using either a telephonic system or an online system, both of which the secretary must establish and maintain for that purpose. In both cases, an applicant's signature must be obtained from a state or federal agency's database, or another state's voter registration database, and imported into the telephonic or online system.

By law, unchanged by the bill, people may also apply for an

absentee ballot with the town clerk in the municipality where they are eligible to vote or have applied to register to vote.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2021

Procedure

Under the bill, an applicant using the telephonic system must speak with a representative from the Office of the Secretary of the State to provide his or her name and indicate the municipality in which he or she is eligible to vote or has applied to vote. Similarly, an applicant using the online system must, on a secretary-prescribed form, type his or her name and indicate the municipality in which he or she is eligible to vote or has applied to register to vote. No later than 24 hours after receiving an application through the telephonic or online system, the secretary must transmit it to the applicable town clerk.

Required Affirmation

All applicants, whether using the telephonic or online system, must swear or affirm the following under penalty of false statement in absentee balloting:

1. I am the person whose name is provided, and I desire to apply for an absentee ballot.
2. I am eligible to vote in the municipality indicated or have applied for such eligibility.
3. I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State my signature that is on file with such agency and understand that such signature will be used by the Secretary for an absentee ballot as if I had signed this form personally.

By law, making a false statement in absentee balloting is a class D felony, punishable by up to 5 years in prison, a fine of up to \$5,000, or

both (CGS § 9-359a).

§ 21 — ABSENTEE BALLOT RETURN BY SIBLINGS AND DESIGNEES

Expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee

The bill expands who is eligible to return absentee ballots on behalf of absentee voters. First, the bill authorizes the siblings of absentee voters to return absentee ballots on their behalf, in person to the town clerk, by expanding the definition of “immediate family member” for this purpose. Similarly, it authorizes the siblings of absentee voters who are students to mail absentee ballots on their behalf. Existing law also applies this eligibility to the following immediate family members: a dependent relative living with the voter or a spouse, child, or parent.

The bill also expands who is eligible to be a “designee” for purposes of mailing or returning in person to the town clerk an absentee ballot on behalf of a person with an illness or physical disability. Under the bill, a designee includes a police officer, registrar of voters, or deputy or assistant registrar under any circumstance, not just when another designee is unavailable or does not consent. Under existing law, “designee” also means (1) a person who cares for the applicant because of an illness or physical disability (e.g., physician or nurse) or (2) a designated family member who consents to the designation.

EFFECTIVE DATE: Upon passage

§§ 21-22 & 24-26 — CHANGES IMPLEMENTED FOR THE 2020 STATE ELECTION AS A RESULT OF COVID-19

Makes permanent certain changes affecting absentee voting procedures that were implemented for the 2020 state election as a result of COVID-19

The bill makes permanent certain changes affecting absentee voting procedures that were implemented for the 2020 state election as a result of COVID-19. Generally, for a state or municipal election, primary, or referendum (see BACKGROUND) the bill does the following:

1. requires town clerks to designate secure drop boxes and allows voters to deposit absentee ballots in them;
2. allows town clerks to deliver sorted and checked absentee ballots to registrars of voters before election day to begin certain pre-counting procedures;
3. authorizes municipalities to conduct pre-counting procedures, so long as they do not open the inner-envelope or count the absentee ballot before the day of the election, primary, or referendum; and
4. moves up the deadline by which an elector who has returned a completed absentee ballot but later finds he or she is able to vote in person must go to the town clerk's office to request that the ballot be withdrawn.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

Drop Boxes (§ 21)

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 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 primary, election, 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).) A police officer must escort the town clerk in retrieving absentee ballots from any drop box located outside of a building other than the clerk's office building.

Sorting and Checking Absentee Ballots (§ 22)

As discussed below, the bill moves up the timeframe for town clerks to conduct absentee ballot sorting and checking procedures so that registrars of voters may begin certain pre-counting procedures before an election, primary, or referendum.

By law, town clerks must sort any absentee ballots received by the day before an election, primary, or referendum into voting districts. The bill authorizes clerks to begin sorting ballots 14 days, rather than seven days, beforehand.

For ballots received by 11:00 a.m. on the day before an election, primary, or referendum, the law requires registrars of voters to check the names of applicants returning absentee ballots on the official registry list with "A" or "Absentee." Under the bill, registrars must also mark "A" or "Absentee" on the duplicate list when ballots are counted in their respective polling places, not only when they are counted in a central location.

By law, this sorting and checking must be completed by the day before the election, primary, or referendum, and the clerk must deliver the sorted and checked ballots to the registrars on the day of the election, primary, or referendum. Under current law, the clerk must deliver the ballots between 10:00 a.m. and 12:00 p.m. The bill instead requires that the town clerk deliver these ballots at 6:00 a.m., unless a later time is mutually agreed upon, but not later than 8:00 p.m.

However, the bill also allows town clerks to deliver sorted and checked ballots to the registrars before the day of an election, primary, or referendum to begin certain pre-counting procedures (see below). Specifically, it allows any ballots received, sorted, and checked by 5:00 p.m. on the fourth day before the election, primary, or referendum to be delivered to the registrars at that time. It similarly allows ballots received, sorted, and checked by 5:00 p.m. on the third and second days before the election, primary, or referendum to be delivered to the registrars at those times. In each case, the bill allows the clerk to deliver the ballots at a later time that he or she mutually agrees upon

with the registrars.

By law and under the bill, the (1) clerk must include with the ballots an up-to-date copy of the duplicate checklist and (2) clerk and registrars must execute an affidavit of delivery and receipt stating the number of ballots delivered.

Requirements for Opting in to Pre-Counting (§ 24)

Under the bill, any municipality opting to conduct pre-counting procedures for an election, primary, or referendum must do so at a central location. The registrars of voters must designate the location in writing to their respective town clerks at least 10 days before the election, primary, or referendum, and the location must be published in the warning for the election, primary, or referendum (see below).

If a municipality opts to use the pre-counting procedures, the bill requires the registrars of voters and town clerk to jointly certify this decision to the secretary of the state in writing at least 10 days before the election, primary, or referendum. The certification must include the (1) name, street address, and relevant contact information for the designated central location and (2) name and address of each absentee ballot counter.

The secretary must approve or disapprove the certification within two days after receiving it. The bill also allows her to require the municipality to appoint one or more additional absentee ballot counters.

By law, municipalities must count absentee ballots at a central location unless the registrars of voters agree to count them in each polling place. The bill specifies that any ballots delivered to the registrars on the day of an election, primary, or referendum (i.e., those not delivered for pre-counting procedures) may still be counted in the polling places.

Authorized Pre-Counting Procedures (§ 25)

By law, absentee ballot sets consist of an outer envelope, which contains information about the elector (e.g., name and address), and an

inner envelope, which contains the elector's marked ballot and a statement signed by the elector under penalty of false statement in absentee balloting. (By law, making a false statement in absentee balloting is a class D felony.)

The law sets out numerous steps for counting absentee ballots, which are generally completed by absentee ballot counters or moderators. It requires that each step be completed beginning on election day.

For municipalities that opt to use pre-counting procedures, the bill authorizes them to complete the following steps, beginning at 5:00 p.m. on the fourth day before an election, primary, or referendum:

1. remove the inner envelopes from the outer envelopes;
2. report to the moderator separately the total number of absentee ballots received; and
3. reject ballots for which the inner envelope statement is improperly executed.

Under the bill, once the above steps are completed, the absentee ballots must then be counted beginning on the election, primary, or referendum day in accordance with existing law.

Securing the Absentee Ballots Until Election Day (§ 25)

The bill requires that absentee ballots be secured throughout any pre-counting process. Specifically, the ballots must be secured according to (1) instructions from the secretary of the state and (2) existing statutory requirements on securing absentee ballots and related materials.

Deadline for Withdrawing a Submitted Absentee Ballot (§ 26)

By law, electors who submit an absentee ballot must go to the town clerk's office and request to withdraw it if they later find they can vote in person. The bill moves up this deadline from 10:00 a.m. on the election, primary, or referendum day to 5:00 p.m. on the fourth day

before it, which is the same time that municipalities may begin pre-counting procedures.

Background — Application of Election Procedures to Primaries and Referenda

By law, unless otherwise provided, procedures for regular elections apply to primaries as nearly as possible (CGS § 9-381a). Similarly, absentee ballot procedures for elections (e.g., issuing and returning the ballots and declaring the count) also apply to referenda as nearly as possible (CGS § 9-369c(f)).

Background — 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, on 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)).

§ 23 — PERMANENT ABSENTEE BALLOT STATUS

Makes electors suffering from a long-term illness eligible for permanent absentee ballot status, among other things

The bill makes electors suffering from a long-term illness eligible for permanent absentee ballot status, in addition to those with a permanent physical disability as under existing law. The bill removes the requirement that registrars remove electors from permanent status who do not return the annual address confirmation notice sent to them within 30 days. It retains the requirement that registrars remove electors from permanent status for whom the notice is returned as undeliverable.

By law, electors with permanent absentee ballot status receive an absentee ballot for each election, primary, and referendum in which they are eligible to vote. Registrars of voters send an annual address confirmation notice to determine if those with the status continue to

reside at the address on their permanent absentee ballot application.

The bill also makes a technical change.

EFFECTIVE DATE: Upon passage

§ 27 — VOTER REGISTRATION INFORMATION

Generally limits disclosure of certain voter registration information

The bill limits disclosure of a voter’s date of birth maintained under state election law to year of birth unless the information is requested and used for a governmental purpose, as determined by the secretary of the state. In that case, the complete birth date must be provided. The bill specifies that “a governmental purpose” must at least include jury administration. (The bill does not specify a process for making this determination.)

The bill makes a voter’s name and address confidential and prohibits their disclosure from the voter registry list if the voter submits a signed statement to the secretary of the state indicating that nondisclosure is necessary for the safety of the voter or his or her family. Under the bill, primary, election, or referendum officials may view the voter’s information on the official registry list at the polling place during any primary, election, or referendum. (The bill does not establish procedures for submitting the signed statements or protecting the voter’s information. It is also unclear whether such a voter’s information could be provided for a governmental purpose.)

The bill conforms the law to current practice by making confidential unique identifiers that generate voter registration records or are added to these records pursuant to the federal Help America Vote Act, as well as by prohibiting their disclosure (see BACKGROUND). Under the bill, “unique identifiers” include motor vehicle license numbers, identity card numbers, and Social Security numbers.

EFFECTIVE DATE: Upon passage

Background — Unique Identifiers

The Freedom of Information Commission has consistently declined

to order disclosure of Social Security numbers, employee identification numbers, and drivers' license numbers (see for example Docket #FIC 2014-032 and Docket #FIC 2014-438).

§ 28 — BALLOTS FOR LANGUAGE MINORITY GROUPS

Requires municipalities and voting districts to make ballots available in a language minority group's language under certain circumstances

The bill requires municipalities and voting districts to make ballots available in a language minority group's language for primaries, elections, and referenda under certain circumstances. Specifically, a municipality or voting district must make ballots available in a language minority group's language when, as reported in the (presumably last) decennial U.S. Census:

1. the number of voting age U.S. citizens in a single language minority group (a) is more than 7,500; (b) makes up more than 3% of all voting age citizens in the municipality or voting district; or (c) if on an Indian reservation, makes up more than 3% of all reservation residents or
2. the illiteracy rate of a single language minority group is higher than the national illiteracy rate. (The bill does not specify how or when these rates are determined.)

Federal law already requires states and their political subdivisions to make ballots available in a language minority group's language (see BACKGROUND). However, the bill establishes lower thresholds for doing so and, thus, likely subjects more municipalities or voting districts to the requirement.

Under the bill, as under federal law, "language minority group" means American Indians, Asian Americans, Alaskan Natives, or Spanish-heritage citizens.

EFFECTIVE DATE: Upon passage

Background — Language Minority Group Requirements under the Voting Rights Act

Generally, the federal Voting Rights Act (§ 203) requires that a

political subdivision provide language assistance to voters under the following conditions:

1. there is a language minority group in the jurisdiction that has more than (a) 10,000 voting-age U.S. citizens or (b) 5% of all voting-age citizens in the jurisdiction and
2. these citizens do not speak English well enough to participate in the electoral process and have a lower literacy rate than the national average for voting-age citizens.

Political subdivisions may also be covered through a separate determination for Indian reservations.

The U.S. Census Bureau periodically determines which jurisdictions are subject to these requirements. According to its most recent determination (made on December 5, 2016), the following Connecticut municipalities have the indicated language minority group for purposes of the federal law:

1. Bridgeport (Hispanic),
2. East Hartford (Hispanic),
3. Hartford (Hispanic),
4. Kent (American Indian – all other American Indian Tribes),
5. Meriden (Hispanic),
6. New Britain (Hispanic),
7. New Haven (Hispanic),
8. New London (Hispanic),
9. Waterbury (Hispanic), and
10. Windham (Hispanic).

§§ 29-30 — EXPANDED ABSENTEE VOTING AUTHORIZATION

Expands two of the six statutory reasons for which qualified voters may vote by absentee ballot

The bill expands two of the six statutory reasons for which qualified voters (i.e., electors and people eligible to vote) may vote by absentee ballot (see BACKGROUND). Under the bill, qualified voters may vote by absentee if, during the specified time, they are unable to appear at their polling place because of (1) sickness generally, rather than because of their illness, or (2) physical disability generally, rather than because of their physical disability.

Additionally, the bill generally authorizes qualified voters to vote by absentee ballot if they are unable to appear at their polling place on the day of the primary, election, or referendum, rather than during the hours of voting as under current law. It also specifies that qualified voters may vote by absentee ballot if they are absent from the municipality where they are an inhabitant, rather than the municipality of their voting residence.

The bill requires that absentee ballots be updated to reflect the above changes. Specifically, the statement printed on the face of 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 provisions concerning absentee voting in the 2020 state election.

EFFECTIVE DATE: October 1, 2021

Background — Permitted Reasons for Voting by Absentee Ballot under the Constitution

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 (Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

§§ 31-36 — PETITION CIRCULATORS

Eliminates the prohibition on out-of-state residents circulating primary and nominating petitions

The bill eliminates the prohibition on out-of-state residents circulating (1) primary petitions on behalf of major party candidates seeking congressional, statewide, legislative, or municipal office in a primary, or president in a presidential preference primary, or (2) nominating petitions on behalf of petitioning party candidates seeking congressional, statewide, legislative, or municipal office at a regular or special election (see BACKGROUND).

The bill subjects out-of-state circulators to the same general eligibility requirements as those that the law sets for in-state circulators (i.e., that they be U.S. citizens, age 18 or older, and not on parole for a felony conviction). However, unlike state residents, out-of-state residents need not belong to the political party holding the primary to circulate primary petitions.

By law, each petition page contains a statement that circulators must sign, under penalty of false statement, on their residency, petition circulation eligibility, and signature authenticity. Under the bill, this statement must also require out-of-state residents to agree to submit to Connecticut's jurisdiction in any case or controversy relating to petition circulation. Existing law, unchanged by the bill, requires registrars of voters, the town clerk, secretary of state, or other appropriate person (e.g., notary public), as applicable, to certify that circulators have signed the petition statement (CGS §§ 9-404b(d) & 9-453k(b)).

By law, false statement is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both (CGS § 53a-157b).

The bill also makes several technical changes.

EFFECTIVE DATE: Upon passage

Background — Libertarian Party of Connecticut v. Merrill

In January 2016, a federal judge granted the Libertarian Party's

motion for a preliminary injunction and temporary restraining order against the residency requirement. The party claimed that the requirement (1) imposed an unconstitutional burden on political speech because it was not narrowly tailored to accomplish a compelling state interest and (2) reduced the size of the circulator pool by prohibiting the use of less expensive and more effective out-of-state circulators.

In applying strict scrutiny, the court rejected the state's argument that the residency requirement was narrowly tailored to minimize voter fraud and ensure that circulators were present for pre- and post-election hearings. It also held that (1) the Libertarian Party, in demonstrating the requirement would cause speech suppression, was substantially likely to succeed on the merits and (2) a preliminary injunction would be in the public interest (*Libertarian Party of Conn. v. Merrill*, No. 3:15-CV-1851 (JCH) (D. Conn. Jan. 26, 2016)).

§§ 37 & 38 — DEADLINE TO CHALLENGE CERTAIN CANDIDATES

Moves up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress

The law establishes procedures that major political parties must follow when nominating candidates to run in a special election (i.e., an election to fill a vacancy) (see BACKGROUND). For vacancies in the offices of judge of probate in a multi-town district and U.S. representative and U.S. senator, it generally allows the party's endorsed candidate to be challenged in a primary unless the vacancy occurs between the 125th day and 63rd day before a regular November state or municipal election (in which case the endorsed candidate becomes the nominee).

Under current law, a person who seeks a primary against an endorsed candidate for these offices must file a candidacy for nomination with the secretary of the state within 14 days after the party's endorsement. The bill moves up this filing deadline to the day after the endorsement and makes conforming changes. As under existing law, a person may file a candidacy for nomination to these

offices if he or she (1) receives at least 15% of the convention delegates on any roll-call vote taken on the endorsement or (2) submits a petition with a specified number of signatures from enrolled party members (i.e., 2% of statewide members for U.S. senator; 2% of district members for U.S. representative; and 5% of district members for judge of probate) (CGS § 9-400).

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

Background — Major Parties

By law, a “major party” is one whose (1) candidate for governor received, under the party’s designation, at least 20% of the votes cast for governor in the preceding gubernatorial election or (2) enrolled membership comprises at least 20% of the total number of enrolled members of all political parties in the state (as of the most recent gubernatorial election) (CGS § 9-372(5)).

§ 39 — POST-ELECTION AUDITS

Subjects centrally-counted absentee ballots to post-election audits

The law requires registrars of voters to audit at least 5% of the state’s voting districts after a federal, state, or municipal regular election or primary. The secretary of the state selects the voting districts to be audited in a random drawing that is open to the public.

The bill subjects centrally-counted absentee ballots to post-election audits by designating central-count locations as voting districts for this purpose. Currently, centrally-counted absentee ballots are excluded from post-election audits because they are not counted in a voting district.

EFFECTIVE DATE: Upon passage

§ 40 — SUPERVISED ABSENTEE VOTING

Authorizes the secretary of the state to suspend supervised absentee voting or mandatory supervised absentee voting in recognition of a public health or civil preparedness emergency

The bill authorizes the secretary of the state to suspend supervised

absentee voting that happens upon request, or mandatory supervised absentee voting (see BACKGROUND), so long as she does so in recognition of a public health or civil preparedness emergency declared by the governor. It requires the secretary to submit a report to the Government Administration and Elections Committee advising of the suspension and specifying alternative actions that will be taken to provide absentee voting opportunities for the affected electors.

It also eliminates registrars' current discretionary authority to conduct supervised absentee voting sessions in locations where the town clerk receives at least 20 absentee ballot applications from the same street address in town, such as an apartment building.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

Background — Supervised Absentee Voting

Under supervised absentee voting, registrars of voters or their designees supervise absentee voting at certain "institutions" (e.g., nursing homes and other residential care and mental health facilities). 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.

Registrars must conduct a session in an institution 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). For institutions with fewer than 20 residents, registrars generally conduct a session upon request by the institution's administrator or a registrar of voters of the town in which the residents are electors (CGS §§ 9-159q & 9-159r).

§ 41 — ABSENTEE BALLOTS FOR ELECTORS WITH A VISUAL IMPAIRMENT

Requires the secretary of the state to provide electors who are unable to appear at their polling place because of a visual impairment with an electronic absentee ballot

The bill requires the secretary of the state to electronically provide an absentee ballot to an elector who is unable to appear at his or her polling place because of a visual impairment. The absentee ballot must be in a format capable of being read by a computer-related device and printed. It also requires that the ballot, if signed by the elector, be counted if it otherwise satisfies all the requirements for returned absentee ballots (e.g., returned no later than the close of the polls).

EFFECTIVE DATE: Upon passage

§§ 42-44 & 46-50 — MUNICIPAL ELECTION DATE

Requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date

The bill requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years. It therefore eliminates municipalities' option to hold their biennial municipal election on the first Monday in May of odd-numbered years. It also repeals provisions in current law that allow municipalities to change the date of their biennial municipal election by vote of their legislative body approved at a referendum or by charter.

The bill extends, to municipalities whose election date changes to November, existing law's provisions on transitioning and deferring terms of office.

Lastly, the bill makes several technical and conforming changes.

EFFECTIVE DATE: January 1, 2023, except that most provisions on transitioning and deferring terms of office are effective upon passage.

Transitioning and Deferring Terms of Office Due to Election Date Change

The bill extends, to municipalities that change their election date, existing law's provisions on transitioning and deferring terms of office.

Table 1 below summarizes these provisions.

Table 1: Provisions Triggered by Change in Municipal Election Date

Bill §	Triggered Requirement or Authorization
42	The terms of any elected officials that are set to expire before the next regular election because of an election date change must be extended to the date of that election.
43	For municipal elected officials whose terms will not have expired by the first municipal election after an election date change, the legislative body must, by January 1, 2023, provide for a reasonable transition method, such as term extensions or interim terms.
44 & 48	For boards or commissions with a rotating membership and some members elected before the date change to terms beginning approximately one year after that election, the legislative body may defer the terms in order to continue the rotation. (For certain bodies, such as zoning boards of appeals, this may be done by ordinance.) In the absence of an action by the legislative body, the town clerk must so change the terms when preparing the list of municipal offices to be filled at the next municipal election. (By law, clerks must submit this list to the secretary of the state.) In this case, the town attorney must approve the deferred terms.

Background — Municipalities and Boroughs Holding May Municipal Elections

According to the Office of the Secretary of the State, the following five municipalities hold biennial municipal elections on the first Monday in May in odd-numbered years: Andover, Bethany, Union, Woodbridge, and the City of Groton. The remaining municipalities (including the Town of Groton) hold their elections in November.

In addition, the following eight boroughs hold biennial municipal elections on the first Monday in May in odd-numbered years:

1. Bantam (Litchfield)
2. Danielson (Killingly)
3. Fenwick (Old Saybrook)
4. Jewett City (Griswold)
5. Litchfield

6. Newtown
7. Stonington
8. Woodmont (Milford)

§ 45 — START DATE FOR MUNICIPAL OFFICE TERMS

Generally requires that municipal officials' terms begin on December 1 following a municipal election

Current law generally requires that elected municipal officials' terms begin on a date prescribed by special act, charter provision, or the legislative body, so long as the date is within 70 days after the election. If no date is prescribed, then the term begins on (1) July 1 following a May municipal election or (2) the second Tuesday following a November municipal election. (Current law provides exceptions for treasurers elected to four-year terms and town clerks.)

The bill instead requires that the terms of all municipal offices elected at a municipal election (other than town clerk and treasurer) begin December 1 following the election or another day if prescribed by special act. It allows the municipality's legislative body to delay any of these terms' start date by up to one year.

Current law requires that elected town clerks' terms begin on the first Monday in January following the election unless otherwise provided by charter or special act. The bill eliminates current law's exception for charters and special acts, therefore requiring that all elected clerks' terms begin on the first Monday in January (unless delayed by the legislative body as described above). It similarly requires that the terms of all elected treasurers begin on this date (unless delayed). Under current law, this requirement applies only to treasurers elected to four-year terms.

The bill also specifies that, for special elections to fill municipal office vacancies that are held in conjunction with regular elections, the person elected to fill the unexpired portion of a term must begin his or her service on the applicable date provided under the bill (e.g., generally December 1).

The bill also makes technical changes.

EFFECTIVE DATE: January 1, 2023

BACKGROUND

Related Constitutional Amendment

sHJ 58 (File 96), favorably reported by the Government Administration and Elections Committee, proposes a constitutional amendment to remove the constitution's current restrictions on absentee voting.

Related Bills

SB 353 (File 442), favorably reported by the Government Administration and Elections Committee, (1) requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years, unless its legislative body votes by a two-thirds majority to hold the election on the first Monday in May of odd-numbered years, and (2) and has provisions on transitioning terms of office.

SB 901 (File 114), favorably reported by the Government Administration and Elections Committee, extends to June 30, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19.

sHB 6205, favorably reported by the Government Administration and Elections Committee, contains the same provisions concerning the statutory reasons that qualified electors may vote by absentee ballot.

HB 6464 (File 46), favorably reported by the Government Administration and Elections Committee, extends to May 31, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19.

sHB 6578, favorably reported by the Government Administration and Elections Committee, contains the same provisions on (1) the forfeiture and restoration of electoral privileges for certain individuals convicted of a felony and (2) DMV, voter registration agencies, and

public higher education institutions using an electronic system to automatically transmit voter registration applications.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (04/05/2021)