



General Assembly

Substitute Bill No. 5816

January Session, 2019



AN ACT CONCERNING ABSENTEE BALLOTS.

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

1 Section 1. Section 9-137 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each absentee ballot shall be returned to the municipal clerk,
4 inserted in an [inner] envelope which shall be capable of being sealed
5 and which shall have printed on its face: [a]

6 (1) A form containing the following statements:

7 "I hereby state under the penalties of false statement in absentee
8 balloting that I am eligible to vote at the primary, election or
9 referendum in the municipality in which this absentee ballot is to be
10 cast and that I expect to be unable to appear at my polling place during
11 the hours of voting at such primary, election or referendum for one or
12 more of the following reasons: [(1)] (A) My active service in the armed
13 forces; [(2)] (B) my absence from the town in which I am eligible to
14 vote during all of the hours of voting; [(3)] (C) my illness or physical
15 disability; [(4)] (D) the tenets of my religion which forbid secular
16 activity on the day of the primary, election or referendum; or [(5)] (E)
17 my duties as a primary, election or referendum official.

18 Date

19 (Signature)";

20 (2) An endorsement with the words "OFFICIAL ABSENTEE
21 BALLOT";

22 (3) Blank spaces for the name, voting residence by street and
23 number, voting district, the date of the primary, election or
24 referendum at which the ballot is to be cast and, if the absentee ballot
25 is to be cast at a primary, the name of the party holding the primary;
26 and

27 (4) A notice, sufficient to warn any person handling the ballot, of the
28 restrictions set forth in section 9-140b, as amended by this act,
29 concerning who may possess or return the ballot and the restrictions
30 and penalties set forth in section 9-359 concerning the completion or
31 execution of absentee ballots.

32 (b) The clerk shall inscribe such clerk's official address for the return
33 of the ballot on such envelope prior to issuance of the ballot and
34 envelope. Such envelope shall be serially numbered.

35 Sec. 2. Subsection (a) of section 9-139a of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective from*
37 *passage*):

38 (a) The Secretary of the State shall prescribe and furnish the
39 following materials to municipal clerks: The absentee ballot facsimile,
40 the application for absentee ballot, the [inner envelope, the outer]
41 envelope provided for the return of the ballot to the municipal clerk,
42 the instructions for the use of the absentee ballot and the envelope for
43 mailing of such forms by the clerk to the absentee ballot applicant.

44 Sec. 3. Subsections (d) and (e) of section 9-140 of the general statutes
45 are repealed and the following is substituted in lieu thereof (*Effective*
46 *from passage*):

47 (d) An absentee voting set shall consist of an absentee ballot, [inner

48 and outer envelopes] an envelope for its return, instructions for its use,
49 and, if applicable, explanatory texts concerning ballot questions, as
50 provided for in sections 2-30a and 9-369b. No other material shall be
51 included with an absentee voting set issued to an applicant except as
52 provided in sections 9-153e and 9-153f or where necessary to correct an
53 error or omission as provided in section 9-153c, as amended by this act.

54 (e) Upon receipt of an application, the municipal clerk shall, unless a
55 notice is mailed to the applicant pursuant to subsection (c) of this
56 section, write the serial number of the [outer] envelope included in the
57 absentee voting set to be issued to the applicant in the space provided
58 for that purpose on the application form. Sets shall be issued to
59 applicants in consecutive ascending numerical order of the envelope
60 serial numbers, and the clerk shall keep a list of the numbers indicating
61 beside each number the name of the applicant to whom that set was
62 issued. The list shall be preserved as a public record as required by
63 section 9-150b, as amended by this act.

64 Sec. 4. Section 9-140a of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective from passage*):

66 Each absentee ballot applicant shall sign the form on the [inner]
67 envelope provided for in section 9-137, as amended by this act, which
68 shall constitute a statement under the penalties of false statement in
69 absentee balloting. Any absentee ballot applicant who is unable to
70 write may cause his name to be signed on the form by an authorized
71 agent who shall, in the space provided for the signature, write the
72 name of the applicant followed by the word "by" and his own
73 signature. The failure of the applicant or authorized agent to date the
74 form shall not invalidate the ballot. The ballot shall be inserted in the
75 [inner envelope, and the inner envelope shall be inserted in the outer]
76 envelope [, prior to the return of the ballot to the municipal clerk. If an
77 applicant is required to return identification with the ballot pursuant
78 to the Help America Vote Act, P.L. 107-252, as amended from time to
79 time, such identification shall be inserted in [the outer envelope so
80 such identification can be viewed without opening the inner] such

81 envelope.

82 Sec. 5. Subsection (a) of section 9-140b of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective from*
84 *passage*):

85 (a) An absentee ballot shall be cast at a primary, election or
86 referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a
87 designee of a person who applies for an absentee ballot because of
88 illness or physical disability, or (C) a member of the immediate family
89 of an applicant who is a student, so that it is received by the clerk of
90 the municipality in which the applicant is qualified to vote not later
91 than the close of the polls; (2) it is returned by the applicant in person
92 to the clerk by the day before a regular election, special election or
93 primary or prior to the opening of the polls on the day of a
94 referendum; (3) it is returned by a designee of an ill or physically
95 disabled ballot applicant, in person, to said clerk not later than the
96 close of the polls on the day of the election, primary or referendum; (4)
97 it is returned by a member of the immediate family of the absentee
98 voter, in person, to said clerk not later than the close of the polls on the
99 day of the election, primary or referendum; (5) in the case of a
100 presidential or overseas ballot, it is mailed or otherwise returned
101 pursuant to the provisions of section 9-158g, as amended by this act; or
102 (6) it is returned with the proper identification as required by the Help
103 America Vote Act, P.L. 107-252, as amended from time to time, if
104 applicable, inserted in the [outer envelope so such identification can be
105 viewed without opening the inner] envelope. A person returning an
106 absentee ballot to the municipal clerk pursuant to subdivision (3) or (4)
107 of this subsection shall present identification and, on the [outer]
108 envelope of the absentee ballot, sign his name in the presence of the
109 municipal clerk, and indicate his address, his relationship to the voter
110 or his position, and the date and time of such return. As used in this
111 section, "immediate family" means a dependent relative who resides in
112 the individual's household or any spouse, child or parent of the
113 individual.

114 Sec. 6. Subsections (a) to (c), inclusive, of section 9-140c of the
115 general statutes are repealed and the following is substituted in lieu
116 thereof (*Effective from passage*):

117 (a) The municipal clerk shall retain the envelopes containing
118 absentee ballots received by him under section 9-140b, as amended by
119 this act, and shall not open such envelopes. The municipal clerk shall
120 endorse over his signature, upon each [outer] envelope as he receives
121 it, the date and precise time of its receipt. The clerk shall make an
122 affidavit attesting to the accuracy of all such endorsements, and at the
123 close of the polls shall deliver such affidavit to the head moderator,
124 who shall endorse the time of its receipt and return it to the clerk after
125 all counting is complete. The clerk shall preserve the affidavit for one
126 hundred eighty days in accordance with the requirements of section 9-
127 150b, as amended by this act. The clerk shall keep a list of the names of
128 the applicants who return absentee ballots to the clerk under section 9-
129 140b, as amended by this act. The list shall be preserved as a public
130 record as required by section 9-150b, as amended by this act.

131 (b) Beginning not earlier than the seventh day before the election,
132 primary or referendum and on any weekday thereafter, all absentee
133 ballots received by the municipal clerk not later than eleven o'clock
134 a.m. of such day may be sorted into voting districts by the municipal
135 clerk and checked as provided in this subsection. On any such day,
136 beginning as soon as the ballots have been sorted, the registrars of
137 voters, without opening the [outer] envelopes, may check the names of
138 the applicants returning ballots on the official checklist to be used at
139 the election, primary or referendum by indicating "absentee" or "A"
140 preceding each such name and, if unaffiliated electors are authorized
141 under section 9-431 to vote in the primary of either of two parties, the
142 designation of the party in which the applicants are voting preceding
143 each such name. Unless absentee ballots are to be counted in the
144 respective polling places, pursuant to subsection (b) of section 9-147a,
145 the registrars shall also place such indication on a duplicate of the
146 checklist to be retained by the municipal clerk until he delivers it to the

147 registrars at twelve o'clock noon on election, primary or referendum
148 day for the use of the absentee ballot counters pursuant to subsection
149 (i) of this section. All absentee ballots received not later than eleven
150 o'clock a.m. of the last day before the election, primary or referendum
151 which is not a Sunday or legal holiday, shall be so sorted and checked
152 not later than such day.

153 (c) If the name of the applicant returning the ballot is not on the
154 official checklist for any polling place in such municipality, the
155 registrars shall endorse on the face of such [outer] envelope the word
156 "rejected", followed by a statement of the reasons for rejection, and [the
157 outer] such envelope shall not be opened or the ballot counted.

158 Sec. 7. Subdivision (4) of subsection (i) of section 9-140c of the
159 general statutes is repealed and the following is substituted in lieu
160 thereof (*Effective from passage*):

161 (4) If the name of an applicant returning a ballot has been checked
162 on the official checklist as having voted in person the absentee ballot
163 counters shall, in checking the ballots, endorse on the face of the
164 [outer] envelope the word "rejected" followed by a statement of the
165 reason for rejection, and [the outer] such envelope shall not be opened
166 or the ballot counted.

167 Sec. 8. Subsection (l) of section 9-140c of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective from*
169 *passage*):

170 (l) The municipal clerk shall retain all [outer] envelopes containing
171 absentee ballots received by him after the close of the polls, unopened,
172 for the period prescribed in section 9-150b, as amended by this act.

173 Sec. 9. Subsections (c) to (f), inclusive, of section 9-150a of the
174 general statutes are repealed and the following is substituted in lieu
175 thereof (*Effective from passage*):

176 (c) Except with respect to ballots marked "Rejected" pursuant to

177 section 9-140c, as amended by this act, or other applicable law, the
178 counters shall [remove the inner envelopes from the outer envelopes,
179 shall] note the total number of absentee ballots received and shall
180 report such total to the moderator. They shall similarly note and
181 separately so report the total numbers of presidential ballots and
182 overseas ballots received pursuant to sections 9-158a to 9-158m,
183 inclusive.

184 (d) (1) If the statement on the [inner] envelope has not been signed
185 as required by section 9-140a, as amended by this act, such [inner]
186 envelope shall not be opened or the ballot removed therefrom, and
187 such [inner envelope shall be replaced in the opened outer envelope
188 which] envelope shall be marked "Rejected" and the reason therefor
189 endorsed thereon by the counters.

190 (2) If such statement is signed but the individual completing the
191 ballot is an individual described in subsection (a) of section 9-23r and
192 has not met the requirements of subsection (e) of section 9-23r, as
193 amended by this act, the counters shall replace the ballot in the opened
194 [inner envelope, replace the inner envelope in the opened outer]
195 envelope and mark "Rejected as an Absentee Ballot" and endorse the
196 reason for such rejection on [the outer] such envelope, and the ballot
197 shall be treated as a provisional ballot for federal offices only, pursuant
198 to sections 9-232i to 9-232o, inclusive.

199 (e) The counters shall then remove the absentee ballots from the
200 remaining [inner] envelopes.

201 (f) Before the ballots are counted, all opened [outer and inner]
202 envelopes from which such ballots have been removed, and all [outer]
203 envelopes marked "Rejected" as required by law, shall be placed and
204 sealed by the counters, separately by voting district, in depository
205 envelopes prescribed by the Secretary of the State and provided by the
206 municipal clerk. The counters shall seal such depository envelopes by
207 wrapping them lengthwise and sideways with nonreusable tape,
208 endorse on each such envelope their names, the voting district and the

209 time of the count, and deliver such envelopes to the moderator.

210 Sec. 10. Subsection (i) of section 9-150b of the general statutes is
211 repealed and the following is substituted in lieu thereof (*Effective from*
212 *passage*):

213 (i) For one hundred eighty days after the election, primary or
214 referendum the following shall be preserved by the municipal clerk as
215 a public record open to public inspection: (1) The affidavit regarding
216 the municipal clerk's endorsement of [inner] envelopes, as required by
217 subsection (a) of section 9-140c, as amended by this act; and (2) the
218 affidavit regarding delivery and receipt of ballots, as required by
219 subsection (j) of said section.

220 Sec. 11. Subsections (b) to (d), inclusive, of section 9-153b of the
221 general statutes are repealed and the following is substituted in lieu
222 thereof (*Effective from passage*):

223 (b) Except as provided in subsection (d) of this section for members
224 of the armed forces, the municipal clerk shall mark the serially-
225 numbered [outer] envelope "rejected" and note the reasons therefor on
226 all absentee ballots and envelopes so returned to him and shall seal
227 such unopened ballots in a package and retain them in a safe place
228 until delivered in accordance with section 9-140c, as amended by this
229 act. The municipal clerk shall keep a list of the names of each absentee
230 ballot applicant who has applied for more than one absentee ballot, as
231 provided in section 9-140, as amended by this act, together with the
232 serial number appearing on the [outer] envelope of each absentee
233 voting set issued to each such applicant including the latest one issued.

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

240 (d) Subsections (a), (b) and (c) of this section shall not apply to
241 members of the armed forces, and if more than one absentee ballot is
242 received from any elector who is a member of the armed forces, the
243 ballot of such elector bearing the latest postmark shall be counted if no
244 absentee ballot of such elector has already been counted, provided that
245 the municipal clerk shall mark all serially-numbered [outer] envelopes
246 bearing earlier postmarks "rejected" and note the reasons for rejection
247 and shall deliver such ballots in accordance with section 9-140c, as
248 amended by this act.

249 Sec. 12. Section 9-153c of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective from passage*):

251 (a) If a municipal clerk has omitted the name of a candidate, party
252 or office designation, inserted an incorrect or misspelled name of a
253 candidate, party or office designation, provided an absentee ballot
254 applicant with a ballot which is not the correct ballot for his voting
255 district, or incorrectly imprinted or failed to imprint the designation of
256 a state or local question on an absentee ballot in the appropriate space,
257 and if any such omission or error is likely to mislead any voter, he
258 shall, as soon as he becomes aware of such omission or error, promptly
259 mail to each applicant to whom such an absentee ballot has been
260 issued, a correct absentee ballot, [envelopes] envelope for its return
261 and instructions, a statement explaining the error or omission
262 including the correct name or question and a copy of this section. The
263 municipal clerk shall inform the Secretary of the State when he
264 proceeds under this subsection.

265 (b) Any additional absentee voting sets issued to applicants under
266 this section shall be issued in consecutive ascending numerical order
267 based upon the serial number appearing on the [outer] envelope for
268 return of ballots to the municipal clerk, and the clerk shall keep a
269 record of such numbers by making a notation on, or attaching a
270 memorandum to, the applicant's original application for an absentee
271 ballot.

272 (c) The municipal clerk shall keep a list containing the name,
273 address and voting district of each absentee ballot applicant who has
274 been issued more than one absentee ballot under this section and the
275 serial number appearing on the [outer] envelope of each absentee
276 voting set so issued. The list shall be kept with the list required under
277 section 9-140, as amended by this act.

278 (d) If more than one ballot is received from an applicant who has
279 been sent a correct ballot under subsection (a) of this section, the ballot
280 bearing the latest serial number shall be counted, if no ballot of such
281 applicant has already been counted. The municipal clerk shall inscribe
282 the word "rejected" and note the reasons for rejection on the [outer]
283 envelope of each of such applicant's other ballots not so counted and
284 shall seal them, unopened, in a package and retain them in a safe place
285 until delivered in accordance with section 9-140c, as amended by this
286 act.

287 Sec. 13. Section 9-153d of the general statutes is repealed and the
288 following is substituted in lieu thereof (*Effective from passage*):

289 (a) Either registrar of voters may, not more than ninety days before
290 the day of an election, in a form to be prescribed by the Secretary of the
291 State, direct the municipal clerk forthwith to mail an absentee ballot,
292 with the necessary [envelopes] envelope and instructions, to the best-
293 known address, within the knowledge of the registrar issuing such
294 direction, of an elector or applicant for admission as an elector who is
295 living outside the territorial limits of the several states of the United
296 States and the District of Columbia or who is a member of the armed
297 forces, or the spouse or dependent of a member of the armed forces
298 living where such member is stationed, whether such address is a
299 home address or an armed service address, and such direction shall
300 constitute sufficient application for such absentee ballot. The municipal
301 clerk may, during such period, so act of his own motion and without
302 waiting for the direction of a registrar of voters or other application, if
303 the clerk first completes and retains in his records as an application the
304 same direction form as is used by a registrar of voters.

305 (b) Within the time limits in subsection (b) of section 9-158c for
306 availability of overseas ballots, either registrar of voters may, in a form
307 to be prescribed by the Secretary of the State, direct the municipal clerk
308 forthwith to mail an overseas ballot, with the necessary [envelopes]
309 envelope and instructions, to the best-known address, within the
310 knowledge of the registrar issuing such direction, of a citizen of the
311 United States who is eligible to vote as an overseas elector under
312 sections 9-158a to 9-158m, inclusive, and such direction shall constitute
313 sufficient application for such absentee ballot. Such ballot shall not be
314 counted unless an application form prescribed in subsection (b) of
315 section 9-158d is received by the town clerk prior to the day of the
316 election or primary. The municipal clerk may, during such period, so
317 act on his own motion and without waiting for the direction of a
318 registrar of voters or other application, if the clerk first completes and
319 retains in his records as an application the same direction form that is
320 used by a registrar of voters.

321 Sec. 14. Section 9-158e of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective from passage*):

323 (a) A person applying for a presidential ballot in person shall
324 present: (1) A current and valid photo identification, or (2) a copy of a
325 current utility bill, bank statement, government check, paycheck or
326 other government document that shows the name and address of the
327 voter. The application for a presidential ballot by mail shall be
328 accompanied by: (A) A copy of a current and valid photo
329 identification, or (B) a copy of a current utility bill, bank statement,
330 government check, paycheck or government document that shows the
331 name and address of the voter. Upon receipt of an application for a
332 presidential ballot under sections 9-158a to 9-158m, inclusive, the clerk,
333 if satisfied that the application is proper and that the applicant is
334 qualified to vote under said sections, shall forthwith give or mail to the
335 applicant, as the case may be, a ballot for presidential and vice-
336 presidential electors for use at the election and instructions and
337 [envelopes] an envelope for its return.

338 (b) Upon receipt of an application for an overseas ballot, the clerk, if
339 satisfied that the application is proper and that the applicant is
340 qualified to vote at the federal election for which the application is
341 made, pursuant to the provisions of sections 9-158b to 9-158m,
342 inclusive, shall forthwith mail a ballot containing the names and offices
343 of the candidates for federal office and instructions and [envelopes] an
344 envelope for its return to the applicant.

345 Sec. 15. Section 9-158f of the general statutes is repealed and the
346 following is substituted in lieu thereof (*Effective from passage*):

347 (a) The voter, after marking his presidential ballot so as to express
348 his choice, shall fold it so as to conceal the markings, and enclose it in
349 [an inner] a serially-numbered envelope furnished by the town clerk
350 for such purpose. The envelope shall have imprinted upon its back a
351 statement which shall be signed by the voter. The failure of the voter to
352 date the statement shall not invalidate the ballot. Such statement shall
353 be substantially as follows:

354 Certification of Presidential Voter

355 I, the undersigned, do hereby state under the penalties of false
356 statement in absentee balloting that:

357 (1) I am qualified to vote for Presidential and Vice-Presidential
358 electors in the town of Connecticut, at the presidential election to be
359 held on November, 20...

360 (2) I have not applied, nor do I intend to apply, for a ballot to vote
361 for Presidential and Vice-Presidential electors at said election from any
362 other town, city, county or state, and

363 (3) I have not voted, and I will not vote otherwise than by this ballot
364 in said presidential election.

365 Dated at, this day of 20...

366 (Signature of voter)

367 (b) The overseas elector, after marking his overseas ballot so as to
368 express his choice, shall fold it so as to conceal the markings and
369 enclose it in [an inner] a serially-numbered envelope furnished by the
370 town clerk for such purpose. The envelope shall have imprinted upon
371 its back a statement which shall be signed by the elector. The failure of
372 the elector to date the statement shall not invalidate the ballot. The
373 statement shall be substantially as follows:

374 Certification of Overseas Elector

375 I, the undersigned, do hereby state under the penalties of false
376 statement in absentee balloting that:

377 (1) I am qualified to vote for candidates for federal office in the town
378 of, Connecticut, at the federal election to be held on, 20...

379 (2) I have not applied, nor do I intend to apply, for a ballot to vote
380 for candidates for federal office at said election from any other town,
381 city or county in Connecticut or in any other state or election district of
382 any state or territory or any territory or possession of the United States.

383 (3) I have not voted, and I will not vote otherwise than by this ballot
384 in said federal election.

385 Dated at, this day of, 20...

386 (Signature of overseas elector)

387 Sec. 16. Section 9-158g of the general statutes is repealed and the
388 following is substituted in lieu thereof (*Effective from passage*):

389 The voter shall sign the certification upon the [inner envelope,
390 securely seal it, enclose it in an outer] serially-numbered envelope,
391 securely seal it and return it to the municipal clerk of the town in
392 which he is qualified to vote. The clerk shall keep it in his office until
393 delivered by him to the registrars of voters at the same time and in the

394 same manner as is provided for absentee ballots. If the ballot is
395 returned by a person other than the voter or the United States Postal
396 Service, the person delivering the ballot shall sign his name and
397 address and the date and time of its delivery on the [outer] envelope in
398 the clerk's presence. The ballot, to be cast, shall be returned so that it is
399 received by the town clerk not later than the close of the polls on the
400 day of the election.

401 Sec. 17. Section 9-159o of the general statutes is repealed and the
402 following is substituted in lieu thereof (*Effective from passage*):

403 Any elector who has returned an absentee ballot to the municipal
404 clerk and who finds he is able to vote in person shall proceed before
405 ten o'clock a.m. on election, primary or referendum day to the
406 municipal clerk's office and request that his ballot be withdrawn. The
407 municipal clerk shall remove the ballot from the sealed package and
408 shall mark the serially-numbered [outer] envelope, which shall remain
409 unopened, "rejected" and note the reasons for rejection. The elector
410 shall also endorse the envelope. The rejected ballot shall then be
411 returned to the sealed package until delivered on election, primary or
412 referendum day to the registrars of voters in accordance with section 9-
413 140c, as amended by this act. The municipal clerk shall then give the
414 elector a signed statement directed to the moderator of the voting
415 district in which the elector resides stating that the elector has
416 withdrawn his absentee ballot and may vote in person. Upon delivery
417 of the statement by the elector to the moderator, the moderator shall
418 cause the absentee indication next to the name of the elector to be
419 stricken from the official checklist and the elector may then have his
420 name checked and vote in person. Unless absentee ballots are to be
421 counted in the respective polling places pursuant to subsection (b) of
422 section 9-147a, the municipal clerk shall also cause the absentee
423 indication next to the name of the elector to be stricken from the
424 duplicate checklist to be used by the absentee ballot counters.

425 Sec. 18. Subsections (d) to (h), inclusive, of section 9-159p of the
426 general statutes are repealed and the following is substituted in lieu

427 thereof (*Effective from passage*):

428 (d) Immediately upon receipt of a challenge, the municipal clerk
429 shall send copies of the challenge to each registrar of voters and to the
430 person offering to vote by absentee ballot. The municipal clerk shall
431 send the copy of the challenge to the person offering to vote by first
432 class certified mail to the mailing address shown on the application for
433 the absentee ballot. The municipal clerk shall furnish copies of any
434 written response to the challenge to each registrar of voters. The
435 municipal clerk shall deliver the ballot in the [inner] serially-numbered
436 envelope, which shall not be opened, [the serially-numbered envelope]
437 and any other evidence relevant to the challenge, to the registrars, who
438 shall sign a receipt for the same.

439 (e) Immediately upon receipt of a challenge, the moderator shall
440 deliver copies of the challenge to each registrar of voters. The
441 moderator shall also deliver, or designate another election, primary or
442 referendum official to deliver, the ballot in the [inner] serially-
443 numbered envelope, which shall not be opened, [the serially-
444 numbered envelope] and any other evidence relevant to the challenge
445 to the registrars, who shall sign a receipt for the same.

446 (f) The registrars of voters shall examine the challenge, any written
447 response to the challenge and any other evidence or information they
448 deem relevant to the challenge, including the [inner] envelope, which
449 shall not be opened, and shall determine whether the challenge should
450 be upheld. If the registrars fail to agree that the challenge should be
451 upheld, it shall be deemed to have been denied.

452 (g) The registrars of voters shall make the determination not earlier
453 than noon of the day of the election, primary or referendum at which
454 the ballot is submitted and not later than the time when the counting
455 of all other absentee ballots at the election, primary or referendum has
456 been completed.

457 (h) The registrars of voters shall notify, in writing, the municipal

458 clerk and the central counting moderator, or the moderator of the
459 polling place at which the ballot is to be counted pursuant to
460 subsection (b) of section 9-147a, of their determination. If the challenge
461 is denied, the absentee ballot shall be delivered by the registrars to the
462 appropriate location for counting pursuant to law. If the challenge is
463 upheld, the registrars shall mark the word "rejected" on the serially-
464 numbered [outer] envelope and note the reasons for rejection, and
465 shall return it together with all other evidence received in connection
466 with the challenge to the municipal clerk who shall retain the same
467 until delivered in accordance with section 9-140c, as amended by this
468 act, except that a challenge to a ballot which the municipal clerk has
469 delivered to the registrars of voters for counting pursuant to sections 9-
470 140c, as amended by this act, and 9-147a shall be returned to the
471 moderator to whom the challenge was made.

472 Sec. 19. Subsection (g) of section 9-159q of the general statutes is
473 repealed and the following is substituted in lieu thereof (*Effective from*
474 *passage*):

475 (g) The registrars or their designees, as the case may be, shall jointly
476 deliver the ballots to the respective applicants at the institution and
477 shall jointly supervise the voting of such ballots. The ballots shall be
478 returned to the registrars or their designees by the electors in the
479 envelopes provided and in accordance with the provisions of sections
480 9-137, as amended by this act, [9-139] and 9-140a, as amended by this
481 act. If any elector asks for assistance in voting his ballot, two registrars
482 or their designees of different political parties or, for a primary, their
483 designees of different candidates, shall render such assistance as they
484 deem necessary and appropriate to enable such elector to vote his
485 ballot. The registrars or their designees may reject a ballot when (1) the
486 elector declines to vote a ballot, or (2) the registrars or their designees
487 are unable to determine how the elector who has requested their
488 assistance desires to vote the ballot. When the registrars or their
489 designees reject a ballot, they shall mark the serially-numbered [outer]
490 envelope "rejected" and note the reasons for rejection. Nothing in this

491 section shall limit the right of an elector to vote his ballot in secret.

492 Sec. 20. Subdivision (1) of subsection (a) of section 9-7b of the
493 general statutes is repealed and the following is substituted in lieu
494 thereof (*Effective from passage*):

495 (1) To make investigations on its own initiative or with respect to
496 statements filed with the commission by the Secretary of the State, any
497 town clerk or any registrar of voters or upon written complaint under
498 oath by any individual, with respect to alleged violations of any
499 provision of the general statutes relating to any election or referendum,
500 any primary held pursuant to section 9-423, 9-425 or 9-464 or any
501 primary held pursuant to a special act, and to hold hearings when the
502 commission deems necessary to investigate violations of any
503 provisions of the general statutes relating to any such election, primary
504 or referendum, and for the purpose of such hearings the commission
505 may administer oaths, examine witnesses and receive oral and
506 documentary evidence, and shall have the power to subpoena
507 witnesses under procedural rules the commission shall adopt, to
508 compel their attendance and to require the production for examination
509 of any books and papers which the commission deems relevant to any
510 matter under investigation or in question. Until the commission
511 determines that it is necessary to investigate a violation, commission
512 members and staff shall keep confidential any information concerning
513 a complaint or preliminary investigation, except upon request of the
514 treasurer, deputy treasurer, chairperson or candidate affiliated with a
515 committee that is the subject of the complaint or preliminary
516 investigation. In connection with its investigation of any alleged
517 violation of any provision of chapter 145, or of any provision of section
518 9-359 or section 9-359a, as amended by this act, the commission shall
519 also have the power to subpoena any municipal clerk and to require
520 the production for examination of any absentee ballot, [inner and
521 outer] envelope from which any such ballot has been removed,
522 depository envelope containing any such ballot or [inner or outer]
523 envelope as provided in sections 9-150a, as amended by this act, and 9-

524 150b, as amended by this act, and any other record, form or document
525 as provided in section 9-150b, as amended by this act, in connection
526 with the election, primary or referendum to which the investigation
527 relates. In case of a refusal to comply with any subpoena issued
528 pursuant to this subsection or to testify with respect to any matter
529 upon which that person may be lawfully interrogated, the superior
530 court for the judicial district of Hartford, on application of the
531 commission, may issue an order requiring such person to comply with
532 such subpoena and to testify; failure to obey any such order of the
533 court may be punished by the court as a contempt thereof. In any
534 matter under investigation which concerns the operation or inspection
535 of or outcome recorded on any voting tabulator, the commission may
536 issue an order to the registrars of voters to impound such tabulator
537 until the investigation is completed;

538 Sec. 21. Subsection (e) of section 9-23r of the general statutes is
539 repealed and the following is substituted in lieu thereof (*Effective from*
540 *passage*):

541 (e) If an individual described in subsection (a) of this section does
542 not submit the identification described in subsection (a) of this section
543 as part of the individual's application for admission as an elector, and
544 if the individual votes by absentee ballot in an election for federal
545 office, the individual shall enclose in the [outer absentee ballot
546 envelope, and not in the inner] envelope with the ballot: (1) A copy of
547 a current and valid photo identification, or (2) a copy of a current
548 utility bill, bank statement, government check, paycheck, or other
549 government document that shows the name and address of the voter.
550 If an individual does not meet the requirements of this subsection in an
551 election for federal office, such individual's absentee ballot shall be
552 processed in accordance with the provisions of subdivision (2) of
553 subsection (d) of section 9-150a, as amended by this act, and treated as
554 a provisional ballot for federal office only, pursuant to sections 9-232i
555 to 9-232o, inclusive.

556 Sec. 22. Subsection (b) of section 9-311 of the general statutes is

557 repealed and the following is substituted in lieu thereof (*Effective from*
558 *passage*):

559 (b) The moderator shall determine the place or places where the
560 recanvass shall be conducted and, if such recanvass is held before the
561 tabulators are boxed and collected in the manner required by section 9-
562 266, the moderator may either require that such recanvass of such
563 tabulators be conducted in each place where the tabulators are located,
564 or he may require that they be removed to one central place, where
565 such recanvass shall be conducted. All recanvassing procedures shall
566 be open to public observation. Such recanvass officials shall, in the
567 presence of such moderator and registrars of voters, make a record of
568 the number on the seal and the number on the protective counter, if
569 one is provided, on each voting tabulator specified by such moderator.
570 Such registrars of voters in the presence of such moderator shall turn
571 over the keys of each such tabulator to such recanvass officials, and
572 such recanvass officials, in the presence of such registrars of voters and
573 moderator, shall immediately proceed to recanvass the vote cast
574 thereon, and shall then open the package of absentee ballots and
575 recanvass the vote cast thereon. In the course of the recanvass of the
576 absentee ballot vote the recanvass officials shall check all [outer
577 envelopes for absentee ballots against the inner] envelopes for such
578 ballots [and] against the registry list to verify postmarks, addresses
579 and registry list markings and also to determine whether the number
580 of envelopes from which absentee ballots have been removed is the
581 same as the number of persons checked as having voted by absentee
582 ballot. The write-in ballots shall also be recanvassed at this time. All of
583 the recanvass officials shall use the same forms for tallies and returns
584 as were used at the original canvass and the absentee ballot counters
585 shall also sign the tallies.

586 Sec. 23. Subsection (a) of section 9-359a of the general statutes is
587 repealed and the following is substituted in lieu thereof (*Effective from*
588 *passage*):

589 (a) A person is guilty of false statement in absentee balloting when

590 he intentionally makes a false written statement in or on or signs the
 591 name of another person to the application for an absentee ballot or the
 592 [inner] envelope accompanying any such ballot, which he does not
 593 believe to be true and which statement or signature is intended to
 594 mislead a public servant in the performance of his official function.

595 Sec. 24. Subsection (e) of section 9-369c of the general statutes is
 596 repealed and the following is substituted in lieu thereof (*Effective from*
 597 *passage*):

598 (e) Any person who is eligible to vote by absentee ballot as provided
 599 in this section may apply in person or by mail to the municipal clerk
 600 for an absentee ballot. Application shall be made on a form furnished
 601 by the Secretary of the State, as provided in subsection (d) of this
 602 section. Upon receipt of an application or upon the nineteenth day
 603 before the date of the referendum, whichever is later, the municipal
 604 clerk shall give to the applicant or mail, as the case may be, the
 605 absentee ballot and the [envelopes] envelope furnished by the
 606 Secretary of the State. No absentee ballot shall be issued after the
 607 opening of the polls at the referendum, except as provided in section 9-
 608 150c.

609 Sec. 25. Section 9-139 of the general statutes is repealed. (*Effective*
 610 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-137
Sec. 2	<i>from passage</i>	9-139a(a)
Sec. 3	<i>from passage</i>	9-140(d) and (e)
Sec. 4	<i>from passage</i>	9-140a
Sec. 5	<i>from passage</i>	9-140b(a)
Sec. 6	<i>from passage</i>	9-140c(a) to (c)
Sec. 7	<i>from passage</i>	9-140c(i)(4)
Sec. 8	<i>from passage</i>	9-140c(l)
Sec. 9	<i>from passage</i>	9-150a(c) to (f)
Sec. 10	<i>from passage</i>	9-150b(i)

Sec. 11	<i>from passage</i>	9-153b(b) to (d)
Sec. 12	<i>from passage</i>	9-153c
Sec. 13	<i>from passage</i>	9-153d
Sec. 14	<i>from passage</i>	9-158e
Sec. 15	<i>from passage</i>	9-158f
Sec. 16	<i>from passage</i>	9-158g
Sec. 17	<i>from passage</i>	9-159o
Sec. 18	<i>from passage</i>	9-159p(d) to (h)
Sec. 19	<i>from passage</i>	9-159q(g)
Sec. 20	<i>from passage</i>	9-7b(a)(1)
Sec. 21	<i>from passage</i>	9-23r(e)
Sec. 22	<i>from passage</i>	9-311(b)
Sec. 23	<i>from passage</i>	9-359a(a)
Sec. 24	<i>from passage</i>	9-369c(e)
Sec. 25	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In Section 1(a), "on its face: (1) A form" was changed to "on its face: [a] (1) A form" for accuracy; in Section 2 "and [the] envelope" was changed to "and the envelope" for accuracy and clarity; and in Section 15(b), "in an [inner] envelope" was changed to "in [an inner] a serially-numbered envelope" for accuracy and consistency.

GAE *Joint Favorable Subst. -LCO*