
OLR BILL ANALYSIS

LCO 3576: AN ACT CONCERNING ABSENTEE VOTING AT THE 2020 STATE ELECTION AND ELECTION DAY REGISTRATION.

SUMMARY:

This bill makes various changes affecting absentee voting and Election Day Registration (EDR). The absentee voting changes apply only to the state election that will be held on November 3, 2020. By law, a state election is a regular election and includes candidates running for federal office.

Concerning absentee voting in the 2020 state election, the bill generally does the following:

1. allows eligible electors to vote by absentee ballot due to the COVID-19 sickness;
2. gives the secretary of the state authority to change absentee voting forms and materials to conform to the expanded authorization;
3. authorizes the secretary of the state to select a third-party vendor for use by town clerks in mailing absentee voting sets;
4. requires town clerks to designate, and authorizes absentee voters to return absentee ballots to \, drop boxes;
5. authorizes the secretary of the state to waive mandatory supervised absentee voting requirements; and
6. extends certain deadlines and timeframes associated with

processing absentee ballots and canvassing and reporting election returns, generally by 48 hours.

Concerning EDR, the bill generally does the following:

1. requires registrars of voters to certify EDR locations to the secretary of the state at least 31 days before the election;
2. authorizes registrars to apply to designate additional EDR locations; and
3. authorizes individuals who are in line by 8:00 p.m. at an EDR location to vote, not only register, after they complete the voter registration process and are admitted as electors.

The bill also makes various technical and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 1-5 & 8-14 — ABSENTEE VOTING IN THE 2020 STATE ELECTION
Expanded Authorization and Updated Forms (§§ 1-3)

For the 2020 state election, the bill expands the reasons for which an elector may vote by absentee ballot to include the COVID-19 sickness (see BACKGROUND). Under the bill, "COVID-19" means the respiratory disease designated as "coronavirus 2019" by the World Health Organization (WHO) on February 11, 2020, and any related mutation of it that the WHO recognizes as a communicable respiratory disease.

The bill requires that absentee ballots be updated for the 2020 state election by inserting on the inner envelope "the sickness of COVID-19" as a reason for which electors may vote absentee. As with other types of absentee voters, those who vote by absentee ballot due to the COVID-19 sickness must sign the ballot under penalties of false statement in absentee balloting. By law, the penalty for false statement in absentee balloting is a class D felony, punishable by up to five years in prison, up to a \$5,000 fine, or both (CGS § 9-359a).

The bill also gives the secretary of the state broad authority to make changes to absentee voting forms and materials for the 2020 election when, in her opinion, the changes are necessary to conform to law. The authorization applies to prescribed absentee voting forms and printed, recorded, or electronic materials.

Absentee Ballot Delivery and Return (§§ 4 & 5)

The bill authorizes the secretary of the state to approve and select a third-party vendor for town clerks' use in mailing absentee voting sets. By law, town clerks begin issuing absentee ballot sets 31 days before the election, or if that day falls on a weekend or holiday, the next business day (i.e., October 5, 2020). Once this period starts, they must mail sets within 24 hours after receiving an application, unless an applicant appears and requests a set in person.

By law, voters may return voted absentee ballots via the United States Postal Service or in person at the town clerk's office. Under the bill, 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 the election (i.e., October 5, 2020), and each weekday thereafter until the polls close, town clerks must retrieve absentee ballots from the secure drop boxes. A police officer must escort the town clerk in retrieving absentee ballots from any drop box that is located outside of a building other than the clerk's office building.

Mandatory Supervised Absentee Voting (§ 8)

The bill authorizes the secretary of the state to waive any requirements under the mandatory supervised absentee voting law for the 2020 general election. To do so, she must consult with the public health commissioner, or the commissioner's designee, and give written notice to the town clerk and registrars of voters in each municipality.

Under this law, registrars of voters or their designees must supervise absentee voting at "institutions" (e.g., nursing homes and other residential care and mental health facilities) in which at least 20 patients

are registered voters (including patients who are registered in a town other than the one where the institution is located). 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.

Extension of Certain Deadlines and Timeframes (§§ 9-14)

The bill extends, by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting election returns (see Table 1 below). Additionally, it gives town clerks more time to sort and check absentee ballots by allowing them to begin the process 14 days before election day, rather than seven days before as under current law.

The bill also advances the deadline by which an elector who returns a completed absentee ballot may withdraw it in order to vote in person. The bill requires that these electors go to their town clerk’s office to request that their absentee ballot be withdrawn by 5:00 p.m. the day before the election, rather than by 10:00 a.m. on election day.

Table 1 lists, in sequential order, the deadlines and timeframes under the bill and current law.

Table 1: Changes to 2020 Election Calendar

Bill §	Requirement	Deadline or Timeframe Under Current Law	Deadline or Timeframe Under the Bill
§ 13	Town clerks may begin sorting and checking absentee ballots (i.e., sorting ballots into voting districts and, without opening the outer envelopes, checking the names of applicants returning ballots on the official registry list with “A” or “Absentee”)	Beginning seven days before the election, for absentee ballots received by 11:00 a.m. on that day	Beginning 14 days before the election, for absentee ballots received by 11:00 a.m. on that day

Bill §	Requirement	Deadline or Timeframe Under Current Law	Deadline or Timeframe Under the Bill
§ 14	Elector who has returned a completed absentee ballot but finds he or she is able to vote in person, may go to the town clerk's office to request that the absentee ballot be withdrawn	Before 10:00 a.m. on election day	Before 5:00 p.m. the day before the election
§ 13	Town clerks deliver to registrars of voters absentee ballots that were received by 11:00 a.m. the day before the election	From 10:00 a.m. to 12:00 p.m. on election day, unless a later time is mutually agreed upon with the registrars	At 6:00 a.m. on election day, unless a later time is mutually agreed upon with the registrars
§ 12	Moderator transmits to secretary of the state preliminary list of election returns for offices voted on at the 2020 state election	Midnight on election day	Midnight two days after election day
§ 10	After submitting the preliminary list, moderator completes the canvass, which includes announcing (1) each candidate's name and any other absentee votes they received and (2) results for any ballot questions	48 hours after the polls close	96 hours after the polls close
§ 12	Moderator submits to the secretary of the state the duplicate list of election returns (1) by electronic means and (2) in sealed, hard copy	<ul style="list-style-type: none"> • 48 hours after the polls close for the electronic submission • Three days after the 	<ul style="list-style-type: none"> • 96 hours after the polls close for the electronic submission • Five days after the election for

Bill §	Requirement	Deadline or Timeframe Under Current Law	Deadline or Timeframe Under the Bill
		election for the sealed, hard copy	the sealed, hard copy
§ 9	Moderator deposits certificate (from the official checkers) with town clerk indicating the total number of names on the official checklist and the number checked as having voted	48 hours after the polls close	96 hours after the polls close
§ 9	Registrars deposit signed registry list with town clerk	48 hours after the polls close	96 hours after the polls close
§ 11	If there appears to be a discrepancy in any voting district's returns, the (1) head moderator must call for a recanvass and (2) recanvass officials must meet to recanvass the returns	<ul style="list-style-type: none"> • Three days after the election for the call to recanvass • Five business days after the election for the meeting to recanvass 	<ul style="list-style-type: none"> • Five days after the election for the call to recanvass • Seven business days after the election for the meeting to recanvass
§ 11	If a discrepancy recanvass results in a correction to the original returns, the moderator files one copy of the corrected recanvass return with the secretary of the state and another with the registrars of voters	10 days after the election	12 days after the election

§§ 6-7 — 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.

Locations

Existing law requires registrars of voters to designate one location in the municipality for completing and processing EDR applications. The location must be one where registrars can access the statewide centralized voter registration system (CVRS) to determine if applicants are already registered.

The bill requires registrars of voters to certify, in writing, the EDR location to the secretary of the state at least 31 days before election day (i.e., the day of a regular state or municipal election). The certification must:

1. include the name, street address, and relevant contact information for the location;
2. list the name and address of any election official appointed to serve there;
3. provide a description of the location's design; and
4. provide a plan to effectively complete and process EDR applications.

After reviewing the certification, the secretary may require the registrars to (1) appoint additional election officials or (2) alter the design or plan.

The bill authorizes registrars of voters to apply to the secretary of the state, in a form and manner she prescribes, to designate additional EDR locations. Under the bill, registrars must apply to the secretary at least 90 days before election day, and the secretary must make a decision on the application no later than 30 days after receiving it. Any additional

EDR location must (1) have CVRS access and (2) comply with the above certification requirements.

EDR Hours

Under the bill, individuals who are in line for EDR by 8:00 p.m. may vote, not only register, after they complete the voter registration process and are admitted as electors. Currently, EDR applicants may not vote if they are not admitted as electors by the 8:00 p.m. deadline. By law, individuals admitted as electors before the day of an election may vote if they are in the line at their polling place by 8:00 p.m.

The bill requires moderators to designate a municipal police officer or election official to mark the end of the EDR line, starting at 8:00 p.m., in order to stop individuals from entering the line after that time. Existing law establishes the same requirement for non-EDR lines at polling places.

BACKGROUND

Permitted Reasons for Voting by Absentee Ballot

The state constitution authorizes the General Assembly to pass a law allowing eligible voters to cast their votes by absentee ballot if they are unable to appear at a polling place on election day because of (1) absence from their city or town, (2) sickness or physical disability, or (3) the tenets of their religion prohibit secular activity (Art. VI, § 7). The General Assembly has exercised this authority and passed laws codified at CGS § 9-135.

CGS § 9-135 permits eligible voters to vote by absentee ballot if:

1. they are absent from the municipality in which they reside during all hours of voting;
2. they are ill or have a physical disability;
3. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
4. they are in active service in the U.S. Armed Forces; or

5. their duties as a primary, election, or referendum official outside of their voting district will keep them away during all hours of voting.

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