



Office of Secretary of the State

State of Connecticut

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To: All Town Clerks
From: Office of the Secretary of the State
Date: July 28, 2020

****INSTRUCTION REGARDING ABSENTEE BALLOT DROP BOXES****

This opinion is issued pursuant to Connecticut General Statutes §9-3 which states, “(a) The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary’s regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion....”

In an effort to protect the health and safety of our voters, we have provided each municipality with an absentee ballot drop box. This drop box will provide each voter with a safe and trusted method for the contactless delivery of their absentee ballots. No Connecticut voter should have to choose between protecting their health and exercising their right to vote, particularly when the means to protect that health has been provided to their town free of charge.

Governor Lamont issued Executive Order No. 7QQ, which among other changes to the absentee ballot process, made the use of absentee ballot drop boxes a mandatory and valid option that municipalities must offer to each voter for the return of their absentee ballot. The absentee ballot drop box is included and treated as a “mail” option for the return of the absentee ballot.

As such, it is important to receive and install the absentee ballot drop box in an area that is easily accessible to the voting public during all hours of the day, including nights and weekends. Installation of the drop box inside of a building does not comply with the mandate that the ballot box can be used as a valid option for absentee ballot return by our voters.

As you are undoubtedly aware, COVID-19 is a highly contagious disease that passes between direct, person-to-person contact and the risk of contagion appears to be higher indoors. For that Reason, the Centers for Disease Control issued guidelines for polling places that include recommending “a wide variety of voting options” and “other feasible options for reducing the number of voters who congregate indoors in polling locations at the same time.”

Understandably, many voters are fearful of entering a polling place to cast their ballots and are planning to vote by absentee ballot this year. Although our office has provided postage paid return envelopes to help voters cast their ballots conveniently, many voters prefer to drop their ballots in person. Unfortunately, COVID-19 has forced the closure of town halls throughout the state, and many voters will continue to have concerns about entering town halls and engaging in direct, person-to-person contact with other people.

Our vendor, American Security Cabinets, has been making ballot drop boxes for other states for years, and manufactures our secure drop boxes to the most stringent state standards in the country. In addition to the security of the physical drop box, I am sure you are aware of the severity of the penalty that protects tampering with the ballots themselves. In Connecticut, tampering with ballots is a Class C felony, punishable by up to five years in prison and a \$5,000 fine, per ballot (to say nothing of potential federal civil rights and/or mail fraud charges).

We have also provided each town with a copy of the Ballot Drop Box guidance created and promulgated by the federal Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA). This guidance, which calls secure ballot drop boxes “a secure and convenient means for voters to return their [absentee] ballot,” details the security evaluations towns should consider to ensure the security of their drop box.

We hope that this guidance has addressed many of the questions you have encountered regarding the absentee ballot drop boxes.