



SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

TO: All Town Clerks and Registrars of Voters

FROM: Legislation and Elections Administration Division

DATE: July 22, 2005

RE: Public Act 05-235 An Act Concerning Absentee Voting, Elections Enforcement, A Voting Technology Standards Board, Nomination Procedures, Training for Election Officials, Campaign Finance Reporting, Restoration of Voting Rights and Voter Registration.

On July 8, 2005 the Governor signed into law Public Act 05-235 *An Act Concerning Absentee Voting, Elections Enforcement, A Voting Technology Standards Board, Nomination Procedures, Training for Election Officials, Campaign Finance Reporting, Restoration of Voting Rights and Voter Registration*. Many of the provisions of this Public Act become effective and must be implemented for the upcoming September Primaries and November Elections and any Referenda occurring in 2005. Some of the most important changes made in this Public Act are the changes made to the absentee balloting application process; supervised absentee balloting; certification of enrollment lists by the registrars of voters; and felony restoration.

In addition, many other sections of this Public Act become effective at future dates for future elections. Therefore, you will be receiving other memorandums from our office as those sections of the Public Act become effective. The purpose of this particular memorandum is to detail your obligations regarding the changes made to the absentee ballot application process and the other provisions of the Public Act that will affect the administration of the upcoming Primaries, Elections and Referenda in 2005.

ABSENTEE BALLOT APPLICATION PROCESS

I) Misrepresentation of Absentee Ballot Eligibility Requirements

Section 1 of Public Act 05-235 clarifies that it is illegal to misrepresent the eligibility requirements for voting by absentee ballot to any elector or prospective absentee ballot applicant. Individuals who solicit absentee ballot applications from electors may not misrepresent to such elector the reason that they are eligible to vote by absentee ballot. Only electors who fall within one of the six (6) statutorily prescribed reasons for voting by absentee ballot may file an absentee ballot application with a town clerk. Please note that this clarification does not require a town clerk to do any additional investigation of an absentee ballot application prior to issuing an absentee ballot to an applicant.

II) Absentee Ballot Application Limitations and Application Process by Town Clerks

Sections 2 and 3 of Public Act 05-235 require an individual who will be distributing five (5) or more absentee ballot applications to persons other than their “immediate family”, to register with the town clerk. In addition, such individual must file with the town clerk a list of the people to whom he has distributed the applications.

No individual is allowed to distribute more than five (5) absentee ballot applications without first registering with and receiving the applications from the town clerk of the municipality in which the absentee ballot applications will be distributed. *(For Example: If an individual wants to distribute 10 absentee ballot applications in Town A and 10 absentee ballot applications in Town B, the individual would have to register with and receive 10 absentee ballot applications from the town clerks in both Town A and Town B.)*

Note: The registration requirement **does not** apply to a person who wants to distribute five (5) or more absentee ballot applications to their “immediate family” or to a person who is the designee of an absentee ballot applicant in the case of an emergency (ED-3E) or referenda (ED-3R) application. “Immediate family” is defined as “a dependent relative who resides in the individual’s household or any spouse, child or parent of the individual.”

To register with a town clerk, an individual must provide the individual’s name and address. This registration requirement applies only to those individuals who intent to distribute five (5) or more absentee ballot applications in a municipality and does not apply to those individuals who receive applications for individual use, for use by their “immediate family” or when such person is a designee of an absentee ballot applicant.

After receiving the absentee ballot applications from the appropriate town clerk, the person who distributes the applications must maintain a list of the names and addresses of the individuals to whom they provided an absentee ballot application. This list must be filed with the town clerk of the town in which such applications were distributed prior to the date of the primary, election or referendum.

In addition, the town clerk must maintain a log that will include the name; address and number of absentee ballot applications provided to each individual. This log shall contain the information of every absentee ballot application distributed by the town clerk regardless of whether such individual is required to “register” with the town clerk because they intend to distribute five (5) or more absentee ballot applications. This includes absentee ballot applications ED-3, ED-3A, ED-3E and ED-70. It does not include applications for Presidential Ballot or absentee ballot applications for referenda with less than three weeks notice (ED-3R).

Finally, if an individual who is distributing absentee ballot applications receives an executed application, the individual must “forthwith” file the executed application with the town clerk of the town in which the applicant resides.

Mass Mailing by Candidates, Party Committees or Political Committees

No candidate, party or political committee, or agent of such candidate or committee shall mail unsolicited applications for absentee ballots to any person, unless such mailing includes: (1) a written explanation of the eligibility requirements for voting by absentee ballot and (2) a written warning that voting or attempting to vote by absentee ballot without meeting one or more of the eligibility requirements subjects the elector or applicant to potential civil and criminal penalties. *A sample copy of such notice and warning can be found on the enclosed chart entitled “**ALL YOU NEED TO KNOW ABOUT ABSENTEE BALLOTS** - Information for candidates, party and campaign workers”.* This requirement does not prevent candidates, party or political committees from distributing campaign material with such mailings.

Absentee Ballot Application Process by Town Clerks

Public Act 05-235 **does not** require town clerks to process the actual absentee ballots differently. Once received, an absentee ballot must be handled in the same manner as they have been handled in the past.

However, the Public Act 05-235 **does** change the manner in which town clerks will distribute applications for absentee ballots.

- (1) The town clerk shall consecutively number and stamp (or mark) the name of the municipality on each application issued. Simply typing or printing the name of the municipality and a serial number on the top of the application is sufficient. This provision applies to MOST absentee ballot applications (ED-3, ED-3A, ED-3E and ED-70). The provisions of the Public Act do not apply to applications for

Presidential Ballot or absentee ballot applications for referenda with less than three weeks notice (ED-3R).

- (2) The town clerk must maintain a log of all absentee ballot applications provided to individuals from their office. This log shall include the name and address of each person to whom such applications are provided and the number of applications provided to each such person. This log must include the name and address of each individual to whom absentee ballot applications are provided. This includes those individuals who intend to distribute five (5) or more absentee ballot applications and to those individuals who may be obtaining an absentee ballot application from the town clerk for personal or family use, The statute does not require that such log show which serial numbers were issued to which individuals.
- (3) The town clerk must maintain on file in their office the lists submitted by individuals who distribute absentee ballot applications. This list must include the names and addresses of the absentee ballot applicants.

III) Potential problems and questions

- *Will the Secretary of the State be re-printing the applications for absentee ballot?* Yes, however, town clerks must still administer the new provisions of Public Act 05-235 using the current absentee ballot applications. This means that both the municipal name and consecutive serial number must be placed on the top of the absentee ballot applications even if there is no dedicated space on the form for such information at this time.
- *Do the new absentee ballot application provisions apply to all different types of absentee ballot applications?* No. The new provisions of Public Act 05-235 apply ONLY to ED-3, ED-3A, ED-3E and ED-70 absentee ballot applications. The provisions of the Public Act do not apply to applications for Presidential Ballot or absentee ballot applications for referenda with less than three weeks notice (ED-3R).
- *Can a town clerk issue an absentee ballot in response to an absentee ballot application that is submitted without a consecutive serial number or municipal name?* Yes. It is important to keep in mind that an application for absentee ballot can be obtained from the Secretary of the State's website. Therefore, the town clerk should respond to any absentee ballot application received from an individual.
- *Can individuals have access to the lists filed with the town clerk indicating the names and addresses of individuals who received absentee ballot applications?* Yes. Both the general public and the individual who distributed the absentee ballot applications can have access to and review the lists filed with the town clerk of individuals who have received absentee ballot applications.
- *Do these new absentee ballot application procedures apply to Primaries, Elections and Referenda?* Yes. These new provisions apply equally to all Primaries, Elections and Referenda. However, if the referenda to be held is with less than three weeks notice, such provisions will not apply to such referenda, as the applications for such

referenda do not fall within the changes made to the absentee ballot application process by the Public Act.

- *Must town clerks advise individuals of the requirements of the Public Act when such individuals inquire about the availability of absentee ballot applications? Yes.* Town clerks should make available the enclosed chart to any individual who is requesting five (5) or more absentee ballot applications when such applications are not for use by “immediate family”.
- *Does the log maintained by the town clerk include applications used solely for family or personal use? Yes.* The log maintained by the town clerk must include any applications issued by the town clerk. However, the “registration” requirement applies only to those individuals who distribute five (5) or more absentee ballot applications in a municipality.

SUPERVISED ABSENTEE BALLOTING

Section 4 of Public Act 05-235 allows the registrars of voters (at their discretion) to conduct supervised absentee balloting at *any* location where the town clerk receives twenty or more absentee ballot applications from the same street address; this includes but is not limited to an apartment building or complex.

Therefore, town clerks should use their best efforts to keep track of the physical locations of absentee ballot applicants. Once twenty or more applications have been received from an individual street address, the town clerk should notify the registrar of voters in their town.

NOTE: This does not take the place of the supervised balloting process. In addition, this process is NOT automatic. Unlike mandatory supervised absentee balloting, this process is only triggered once twenty or more absentee ballot applications are received from the same street address. In addition, town clerks should NOT hold up the issuance of absentee ballots in anticipation of receiving twenty or more applications from the same street address. Town clerks should continue issuing absentee ballots in response to applications within the statutorily required 24-hour timeframe. After twenty or more absentee ballot applications are received, (in the aggregate) the town clerk should notify the registrars of voters in their town. Because conducting supervised balloting is discretionary, even after twenty or more applications are received, the town clerk should continue to issue absentee ballots within the 24-hour period until the registrars of voters affirmatively notify the town clerk that they will be conducting supervised balloting at the location in question. After being so notified, both the town clerk and registrars of voters should follow the normal procedures for conducting supervised absentee balloting.

CERTIFICATION OF ENROLLMENT LISTS

Section 19 of Public Act 05-235 requires a registrar of voters who provides an enrollment list of a political party to a candidate who will be circulating a primary petition for nomination by such party to certify on the first page of such enrollment list that such list is the most recent and, to the best knowledge of the registrar, accurate enrollment list of such party in such municipality.

This requirement applies ONLY to enrollment lists that are provided to prospective candidates who will be circulating primary petitions. It does not apply to requests for enrollment lists that will be used for any other purpose.

For your convenience, we have included a sample certification entitled “Certification of Accuracy of Enrollment List”(ED-691) that can be used by the registrars of voters in order to comply with this requirement.

CERTIFICATION OF POLL WORKER TRAINING

Section 21 of Public Act 05-235 requires that before each election, the municipal clerk, registrars of voters, certified moderator and certified mechanic instruct their local election officials. After such training, such instructors shall file a report in the office of the town clerk and with the Secretary of the State (1) stating that they have instructed the election officials named in the report, (2) the time and place where such instruction was given and (3) containing a signed statement from each such election official acknowledging that the official has received such instruction.

For your convenience, we have attached a sample form entitled “Certification of Poll Worker Training”(ED-692) for use by the training officials in compliance with this new requirement.

RESTORATION OF FELON VOTING RIGHTS

Section 25 of Public Act 05-235 no longer requires an individual who has been released from confinement and, if applicable, discharged from parole, to present the specific document provided by the Commissioner of Correction in order to prove that the person has been so discharged.

Therefore, ANY documentation or other evidence (either from the Department of Correction or some other form) provided by such individual with their voter registration application that indicates that such individual is (1) no longer incarcerated and (2) no longer on parole will satisfy the requirements of the general statutes and such individual should be registered to vote by the registrars of voters.

ELECTION OF CANDIDATES TO TWO OR MORE OFFICES

Section 31 of Public Act 05-235 provides that if a candidate is elected to two or more offices in a municipality at the same election and is prohibited by any provisions of the general statutes, a charter or an ordinance from holding more than one such office, the candidate shall notify the registrars of voters and the municipal clerk of the office to which the candidate declines election, and the candidate for such office who receives the next highest number of votes at such election shall be deemed to have been elected to such office.

This new provision is limited to offices in a municipality and only when BOTH offices are on the SAME ballot for the SAME year. This provision does not extend to the municipal offices of state representative or judge of probate.

We hope that this information was helpful. Please contact us if we can be of assistance in the future.

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Certification of Poll Worker Training

Polling Place _____ { Ward
{ District
{ Precinct

Section I

We the undersigned officials listed in Section I do hereby state, under penalties of false statement, that the training required pursuant to Connecticut General Statutes §9-249 has been administered to the election officials listed in Section II below. Such training was held on the _____ day of _____, 20__ at _____ AM/PM at the following location: _____.

Registrars of Voters:

Municipal Clerk

Signed

Signed

Print

Print

Signed

Signed

Print

Print

Certified Machine Mechanic

Signed

Print

Section II

We the undersigned election officials do hereby state, under penalties of false statement, that we have received the training required pursuant to Connecticut General Statutes §9-249 and that such training has been administered to us by the officials listed in Section I above.

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Signature</u>
_____	_____	_____	_____
_____	_____	_____	_____
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(Use Reverse Side If Necessary)