

SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

September 22, 2014

TO ALL REGISTRARS OF VOTERS AND TOWN CLERKS:

Provisional Ballots

Pursuant to the Help America Vote Act of 2002 the State of Connecticut is required to issue provisional ballots. As codified in Connecticut Public Act 03-6, provisional ballots shall be available only for elections and primaries for federal office. If a town is having a primary and federal offices will be on the ballot in November but no federal offices will appear on the ballot for the primary (i.e. you only have a primary for state representative), you will not issue or use provisional ballots for the primary. However, if a Federal Office will appear on your primary ballot, you will need to provide and use provisional ballots. You will be required to issue provisional ballots for the November election.

PROVISIONAL BALLOT SUPPLIES:

Provisional ballot supplies will consist of: (1) a number of provisional ballots (Overseas ballots ED-71 / ED-71 PR) equal to not less than 1% of the number of eligible voters in the district; (2) the appropriate number of serially-numbered envelopes; (3) a provisional ballot inventory form; (4) a provisional ballot depository envelope; and (5) any other necessary forms as prescribed by the Secretary of the State. Your ED-71 Overseas ballots will be shipped to you directly from our printer. You should be receiving them soon.

WHEN PROVISIONAL BALLOTS ARE ISSUED:

Provisional ballots are issued in three different situations and only when there is a federal office on the ballot.

I. The individual declares that they should be on the official registry list for the polling location and they are not.

An individual may apply for and be issued a provisional ballot if: (1) the individual appears at the polling place and declares that such individual is an elector in the town in which the individual desires to vote and that the individual is eligible to vote in the primary or election for federal office in the polling place, but the name of the individual does not appear on the official registry list for such polling place, and (2) *the registrars determine that such name cannot be restored or transferred from another polling place pursuant to C.G.S. 9-42.* The individual should also be advised of their opportunity to register and vote on Election Day using the Election Day Registration (EDR) procedure. If however, the individual refuses to use the EDR procedure or cannot be restored or transferred, they should be issued a provisional ballot for federal office only.

If an individual appears at the polling place during a primary and declares that such individual is an enrolled party member but does not appear on the enrollment list, the moderator should issue a provisional ballot to such individual.

II. The individual is challenged as to want of identity, disfranchisement or lack of bona fide residence.

If the moderator decides that an elector, whose name appears on the registry list and who has been challenged pursuant to section 9-232 to 9-232f, inclusive, of the Connecticut General Statutes is not eligible to vote in the election or primary for federal office, such elector may apply for and cast a provisional ballot. The elector must execute a written affirmation at the polling place affirming that the elector is qualified to vote in the election or primary for federal office in the polling place and has neither offered himself to vote nor voted in person or by absentee ballot at said election or primary for federal office at the polling place.

When using this procedure, a voter may have the ability to vote by both provisional ballot (for federal offices only) and challenge ballot (for state and federal office). The provisional ballots for federal office will be reviewed by the registrar of voters after the election and counted in accordance with any decision made by the registrar of voters. The challenge ballots will not be counted except by court order. However, if a court counts the challenge ballot, the votes for federal office on the challenge ballot will not be counted as prescribed by law.

III. The individual is required to present identification at the polling place.

In addition to the normal identification procedures set forth in C.G.S. 9-261, the Help America Vote Act imposes additional identification procedures on those individuals who register to vote by mail for the first time in Connecticut on or after January 1, 2003. Individuals subject to this additional requirement will be required to either:

(1) Present identification when they appear at the polls to vote for the first time. Voters subject to the additional identification requirements of the Help America Vote Act will

have an asterisk (*) next to their name on the official registry list and will not be allowed to sign the affidavit in lieu of identification at the polls. Acceptable forms of identification include: a copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. (or)

(2) Present identification with their application for voter registration. The voter can satisfy this requirement by providing a copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Or, the voter can provide a valid Connecticut motor vehicle operator's license number or the last four digits of the individual's Social Security Number on the application for voter registration. If the applicant provides a valid Connecticut motor vehicle operator's license number or the last four digits of the individual's Social Security Number on the application for voter registration, the registrar of voters must be able to then independently verify that information prior to the election in order for the voter to have satisfied the additional identification requirements of the Help America Vote Act.

Please Note: Even if the voter has satisfied the additional identification requirements of the Help America Vote Act, the voter will still remain subject to the remaining identification requirements of the Connecticut General Statutes.

If the individual voter, who is subject to the above identification requirements of the Help America Vote Act, does not fulfill any of the above requirements (does not submit identification with their application for voter registration or when they appear at the polls to vote), the voter will not be allowed to sign the affidavit in lieu of identification (Form IV located in the Moderator's Handbook) and will be required to vote by provisional ballot.

Important Exception: Members of the armed forces and persons entitled to use the federal post card application under section 9-153a of the general statutes are not required to provide identification when registering by mail.

POLLING PLACE PROCEDURES:

The provisional ballot application is printed on the provisional ballot envelope. Upon receipt of an application for provisional ballot, the moderator shall provide the applicant with a provisional ballot and fill in the serial number on the envelope and make a record of such issuance on the "Provisional Ballot Inventory Form" (located in the Moderator's Handbook).

When the name of a person requesting a provisional ballot appears on the official check list, his name shall be crossed off the official check list (marking it differently so that the checkers and assistant registrars will know, after the close of the polls, not to include the name among the total number of electors checked as having voted). The checkers shall then add the elector's name to the "Provisional Ballot Inventory Form".

When the name of a person requesting a provisional ballot does not appear on the official check list, his name will not be added to the official check list, but will be added to the “Provisional Ballot Inventory Form”.

The applicant shall then mark the ballot in the presence of a polling place official in such a manner that the official shall not know how the ballot is marked. The applicant shall then fold the ballot in the presence of the polling place official so as to conceal the markings and deposit and seal it in the serially-numbered envelope which has his application printed on it.

The polling place official shall provide documentation to the elector so the elector may later verify whether the elector’s provisional ballot was counted (located in the Moderator’s Handbook), and shall deposit the provisional ballot and envelope in the provisional ballot depository envelope. The elector shall then immediately leave the room.

Immediately after the close of the polls, the moderator shall seal the provisional ballot depository envelope and deliver such envelope to the registrars of voters of the town with a “Delivery and Receipt of Provisional Ballot Form” (located in the Moderator’s Handbook).

ABSENTEE BALLOT PROCEDURE:

If an individual applies for an absentee ballot and pursuant to the Help America Vote Act they are required to submit identification with their absentee ballot there will be an “asterisk” (*) next to the voter’s name on the official registry list.

Such individual will be required to submit identification with their absentee ballot in the “outer envelope” so that the identification can be viewed without opening the “inner” envelope of the absentee ballot set. If no such identification can be found in the “outer” envelope, the absentee ballot checker can open the “inner” envelope to check for the identification if such identification can be viewed without revealing the votes cast on the absentee ballot.

Throughout election / primary day, the counters will receive absentee ballots in the same manner as they currently receive absentee ballots. The counters will check off the names of the electors on the registry list (if the elector has not already voted in person).

If there is an “asterisk” (*) next to the name of a voter who has submitted an absentee ballot, the counters will open the serially-numbered envelope (and the inner envelope, if necessary) to see if the copy of the identification is inside. If so, the counters shall remove the identification without opening the ballot, and examine the “outer” serially-numbered envelope. If the identification is sufficient, the counters shall note on the serially-numbered envelope that the identification was sufficient, shall count the absentee ballot in accordance with normal absentee ballot counting procedures, and shall forward a copy of the identification to the registrar of voters.

If the required identification is not inside the envelope, the counters shall put everything from that elector back into the serially-numbered envelope and mark the serially-numbered envelope “Rejected As An Absentee Ballot”.

The counters shall then record the elector’s name, address, date of birth and serial number of the absentee ballot on the “Provisional Ballot Inventory Form” and place the absentee ballot in the “Provisional Ballot Depository Envelope”.

At the close of the polls, the counters shall place all absentee ballots (that will be considered as Provisional Ballots) in the Provisional Ballot Depository Envelope and forward such materials to the moderator of the polling place.

The moderator shall seal the provisional ballot depository envelope and deliver such envelope to the registrars of voters of the town with a “Delivery and Receipt of Provisional Ballot Form” (Form XI located in the Moderator’s Handbook).

Note: Once rejected as an absentee ballot, the ballot will be considered a provisional ballot for “FEDERAL OFFICE ONLY”.

Important Reminder: If an absentee ballot is rejected for a reason other than lack of identification as required by the Help America Vote Act (i.e. inner envelope not signed), the absentee ballot is rejected outright and will not be treated as a provisional ballot.

PROCEDURE FOR COUNTING PROVISIONAL BALLOTS:

Once the provisional ballots have been delivered to the registrars of voters by the moderators, the registrar of voters should ensure that all of the ballots reported on the “Delivery and Receipt of Provisional Ballot Form” are correct. There is a section on the bottom of the form for the registrars of voters to complete to ensure compliance with this requirement.

The registrar of voters shall then have six days to verify and count the provisional ballots delivered to them. If the registrars of voters determine that the applicant is eligible to vote, they shall note their decision on the provisional ballot envelope (in the section provided) and open and count the provisional ballot in the same manner as an absentee ballot.

If the registrars of voters are unable to determine that the applicant is eligible to vote, the applicant’s provisional ballot envelope shall be marked “rejected”, along with the reason for such rejection, and signed by the registrars of voters.

I. Counting provisional ballots when the individual does not appear on the official voter list.

If an individual applies for a provisional ballot asserting that their name should appear on the official registry list, but their name does not appear on such list, the registrar of voters should use all existing resources available to confirm whether or not such voter should have appeared on the list. These resources may include, but are not limited to, a review

of the actual voter registration applications, prior registry lists, the Centralized Voter Registration System or any other documentation the registrars of voters may have that would confirm whether or not such individual should in fact be registered to vote.

II. Counting provisional ballots when the individual is challenged.

If an individual applies for a provisional ballot because they have been challenged at the polls, the registrars of voters should review any and all evidence gathered as a result of the challenge at the polls.

III. Counting provisional ballots when the individual does not present the identification required pursuant to the Help America Vote Act.

If an individual applies for a provisional ballot because they have failed to present the identification required pursuant to the Help America Vote Act, the registrar of voters should review all existing resources to confirm whether or not such voter in fact produced the required identification with their application for voter registration. This may include, but is not limited to, a review of the actual voter registration application and associated files to determine if identification was provided by the voter but was not recorded by the registrars of voters.

COMPLETING THE REQUIRED PROVISIONAL BALLOT RETURNS:

Once all of the provisional ballots have been reviewed and either counted or rejected by the registrars of voters, the registrars must prepare and sign in duplicate a report showing the number of provisional ballots received, rejected and counted, and showing the additional votes counted for each candidate for federal office on the provisional ballots. We have included a form entitled “Provisional Ballot Report” with this mailing for use in this regard. The registrars shall file one report with the town clerk and shall seal one in the depository envelope with the provisional ballots and file such depository envelope with the town clerk.

Registrars of voters MUST contact the head moderator in their town once this report is complete.

The head moderator shall then file a corrected return for federal offices with the town clerk and the Secretary of the State showing (1) the final votes after any recanvass, (2) the votes on provisional ballots and the totals, and (3) the number of provisional ballots received, rejected, and counted as reported by the registrars of voters. This office has modified the “Recanvass Return Form” located in the Recanvass Procedure Manual for use in this regard.

PROVISIONAL BALLOTS COUNTED IN CONJUNCTION WITH A RECOUNT:

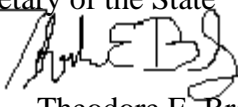
Provisional ballots must be reviewed and counted in each town whether or not the town will conduct a recount of votes for any of the offices on the ballot. However, if a town is conducting a recount of votes cast, the head moderator should report BOTH the recanvass results and the provisional ballot results on the same form. This office has modified the

“Recanvass Return Form” located in the Recanvass Procedure Manual for use in this regard. The form has been modified to enable the head moderator to indicate (1) the provisional ballots received, counted and rejected, (2) if there was a recount conducted for an office listed on the return form (keep in mind an office may not require a recount but may receive provisional ballot votes), (3) the total number of provisional ballots voted, and (4) the total number of votes cast for such office (including provisional ballots, write-in votes and any additional votes as a result of any recount conducted).

Should you have any additional questions, please contact our office at (860) 509-6100.

Sincerely,

SUSAN BYSIEWICZ
Secretary of the State

By: 
Theodore E. Bromley
Staff Attorney

Enclosure(s)
(Provisional Ballot Report)

