

Office of the Secretary of the State

165 Capitol Avenue

Hartford, CT 06106

To: All Town Clerks and Registrars of Voters

From: Office of the Secretary of the State

Date: October 30, 2020

Re: Pre-Process of Absentee Ballots

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This guidance is limited to absentee ballots issued for the November 3, 2020 General Election and 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….”

**Absentee Ballot Processing Procedures**

We wanted to clarify the process of the absentee ballot pre-processing available to towns that have notified our office.  This is an optional process that is limited only to those towns who have provided proper notice to the public and our office.  As of the deadline, only 41 towns have properly applied for this process and these are the only towns that are now able to participate in the absentee ballot pre-process.

As you are aware, the absentee ballot pre-process allows towns to get a head start on opening the outer envelope of absentee ballots received.  Towns are not allowed to count absentee ballots until election day.

The pre-process of absentee ballots shall include:

(1) The counters shall remove the inner envelopes from the outer envelopes;

(2) The counters shall note the total number of absentee ballots received and shall report such total to the moderator.

(3) The counters shall similarly note and separately report the total numbers of presidential ballots and overseas ballots received;

(4) If the statement on the inner envelope has not been signed such inner envelope shall not be opened or the ballot removed and such inner envelope shall be replaced in the opened outer envelope which shall be marked "Rejected" and the reason therefor endorsed thereon by the counters; and

(5) Each group of ballots delivered shall be kept secure throughout the performance of the pre-processing and after such performance of pre-processing until such time on the day of the election that absentee ballots are counted.  Ballots and outer envelopes shall be kept in a secure locked cabinet or other similar space together with a tamper evident case.

The pre-processing of absentee ballots must be conducted in a central location that is open to public observation.  Should an absentee ballot be rejected because of the lack of a signature on the inner envelope, the name of such voter shall be read out load in a sufficient tone to allow those present to hear such name.

The lack of a date on the inner envelope is not a sufficient reason to reject a ballot if there is a signature on the inner envelope.  In addition, the failure of the inner envelope to be sealed is not a sufficient reason to reject a ballot.  *See In Re Election of U. S. Representative for the Second Congressional District, 231 Conn. 602, 660 (1994) & Conn. Gen. Stat. Sec. 9-140a.*

It is important to remember that this absentee ballot pre-processing procedure is like nothing that we have ever done before in Connecticut. That being said, we have carefully reviewed the new statutory language regarding absentee ballot pre-processing and find that the pre-processing procedure does not mean that a ballot has been cast or counted. This interpretation is supported by other sections of the same statutory section. For example, an absentee ballot that has been pre-checked can be rejected if it is found a voter has voted in person. Clearly, this would not be allowable if a pre-checked absentee ballot was considered cast or counted. *See Conn. Gen. Stat. Sec.* 9-140c(i).

As such, if a voter is notified that their absentee ballot has been rejected because of the lack of a signature on the inner envelope, that voter may appear at the polls on election day and cast a ballot in person.  Although not required, local officials may use their best efforts to notify voters of the defect in their ballot and their opportunity to voter in person.

We hope that this has clarified any questions you may have about the pre-process of absentee ballots.