



SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

May 15, 2022

TO ALL TOWN CLERKS:

Re: Federal Write-In Absentee Ballot (FWAB - blank)--Connecticut accepts for only federal offices.

Acceptance of the Federal Write-In Absentee Ballot (“FWAB”)

Although Connecticut is exempt from accepting the FWAB pursuant to Section 103(f) of P.L. 99-410 and the Report of the Committee on House Administration, 99th Congress, 2nd Session, Report 99-765 at page 17, we advise you to accept the FWAB this year (election and primary) for only federal offices.

Connecticut has a history of providing all members of the military with sufficient opportunity to cast their ballot. We have in the past counted the FWAB from certain APO/FPO zip codes because of emergency measures approved by the Federal Voting Assistance Program. In addition, continued acceptance of the FWAB is consistent with the passage of the recent MOVE Act.

Authority to Accept the FWAB

Federal law authorizes the counting of FWAB's provided a Federal Post Card Application (FPCA) or Application for Absentee Ballot (ED-3) was on file with the town clerk within one year of an election. The Federal Voting Assistance Program recommends that we recognize the detailed Voter's Declaration/Affirmation on the outside of the FWAB (received up to and including election and primary day) as an application for an absentee ballot for federal offices at an election or primary. In addition, Connecticut General Statutes §9-153d(b) allows town clerks to direct overseas ballots without an application if the original signed application is received prior to election or primary day.

FWAB Process

FWAB's from all zip codes **outside** the U.S. should be counted as ballots for federal office only, even if the applicant is not a registered elector. Such FWAB's can be treated as Overseas Ballots.

Use of FWAB by an Elector in Town

If the person who has filed a Federal Write-in Absentee Ballot is an elector in the town, a notice should be sent to the voter notifying the voter that: (a) Connecticut is authorized to count FWAB's only for Federal offices, (b) a Connecticut ballot is being or will be issued beginning on a certain date and (c) he must return the completed Connecticut ballot if he wishes to vote for state and municipal offices.

If a Connecticut absentee ballot has not previously been issued and is available, fill out and file a Direction by Registrar Form ED-12 and send the Connecticut absentee ballot (separately from the notice).

Use of FWAB by a Non Elector

If the individual who filed the Federal Absentee Write-in Ballot is not an elector in the town, the town clerk should: (a) fill out and file a Direction by Registrar Form ED-12 and send the Connecticut absentee ballot when available and (b) (separately from the absentee ballot) send to the voter a notice explaining that: (1) Connecticut is authorized to count FWAB's only for Federal office, (2) a Connecticut ballot is being or will be issued beginning on a certain date and (3) he must return the completed Connecticut ballot if he wishes to vote for state and municipal offices.

Along with the notice above, the ED-20 "Application for Voter Registration" and corresponding return envelope ED-22 should also be sent. The town clerk should ask that the ED-20 or FPCA be returned (separately from the Connecticut Ballot) by 5:00 p.m. on the day before the election or primary.

Use of FWAB within the U.S.

If the FWAB cannot be counted because the FWAB was mailed from within the U.S., the town clerk should: (a) notify the voter that the FWAB cannot be counted and that a Connecticut Absentee ballot is being sent and must be returned by 8:00 p.m. on election or primary day, (b) fill out and file a "Direction by Registrar" Form ED-12 and send the Connecticut absentee ballot (separately from the notice) when available, and (c) if the individual is not a registered elector, enclose with the notice ED-20 "Application for Voter Registration" application and notify the applicant that the application must be returned by 5:00 p.m. on the day before the election or primary. The town clerk should then write on the outside of the FWAB "Rejected by town clerk because submitted from within the U.S." *Important Note:* an APO/FPO address is considered outside the U.S. (42 USC 1973ff)

A suggested form ED-660a is enclosed for your use. Also enclosed is a copy of the FWAB forms.

Counting FWAB's

The following procedure is to be used for Checking and Counting FWAB's received from anywhere outside the U.S. (*Important Note:* an APO/FPO address is considered outside the U.S.).

A. If the individual who returned a FWAB lists a residence in town and is **not** a registered elector by 5:00 p.m. of the day before the election or primary, the town clerk shall give his name and address to the registrars to add to the list of Overseas Voters to be attached to the check list of the proper voting district (9-158j)

B. The town clerk shall make a copy of the Voter's Declaration appearing on the FWAB outer envelope and file the copy with the applications for absentee and overseas ballots.

C. The town clerk shall hold all FWAB's for the 8:00 p.m. count.

D. If a full Connecticut absentee ballot is returned by 8:00 p.m. on election or primary day by an individual who voted a FWAB and who is also an elector by 5:00 p.m. of the day before the election or primary, the town clerk shall write on the envelope for the FWAB received from such individual "Rejected by town clerk because full ballot returned on time". (9-153b, 9-153d, 42 USC 1973ff) At 8:00 p.m. on election or primary day, the counters shall not open such FWAB envelope, but shall check off the full ballot on the check list and count all offices voted on the full absentee ballot.

E. At 8:00 p.m. on election or primary night, the town clerk shall deliver all FWAB's (sorted by voting district) to the registrars to deliver them to the counters. The counters shall treat all FWAB's as Overseas Ballots and list them on the Moderator's Return as Overseas Ballots. If by 8:00 p.m. on election or primary day the town clerk does not receive a full absentee ballot from such an individual who returned

an FWAB, and if the FWAB has not been rejected, the counters shall check off the FWAB on the check list and count (for the offices of Electors of President and Vice-President, United States Senator and Representative in Congress only, where applicable) the FWAB. The counters shall not open any FWAB's that have been rejected by the town clerk and shall report them on the Moderator's Return in the "Total Ballots Rejected" column.

If you have any questions, please call me at (860)509-6100.

Sincerely,

Denise Merrill
Secretary of the State

By:

Theodore E. Bromley
Staff Attorney

Enclosures: ED-660a and FWAB

NOTICE TO FEDERAL WRITE-IN ABSENTEE BALLOT USER

Name: _____ Date: _____

Voting Address: _____
(number, street and town)

Mailing Address: _____

IMPORTANT! THIS CONCERNS YOUR RIGHT TO VOTE BY ABSENTEE BALLOT

The Town Clerk received your Federal Write-In Absentee Ballot (FWAB). Connecticut is authorized to count such ballots only for federal offices for the election and primary.

(Town Clerk to check appropriate paragraphs)

[] 1. If you are a voter of this town, we have directed to you (or will direct to you) on of the following date _____, 2022:

(a) a Connecticut Blank Ballot (ED-81a) together with a list of candidates as soon as the list of candidates is available, or

(b) a Connecticut Official Absentee Ballot (ED-1)

If you wish to vote for state and municipal offices, you must return your completed Connecticut Ballot by 8:00 p.m. on election or primary day.

[] 2. If you are not a voter of this town, we are enclosing an application to register as a voter in Connecticut (ED-20) and a return envelope (ED-22). If you are not a voter of this town, your Connecticut Ballot (ED-1 or ED-81a) (which we are sending separately) will not be counted unless:

(a) we receive the ballot by 8:00 p.m. election or primary day, and

(b) we receive the completed ED-20 or FPCA (Federal Post Card Application) by 5:00 p.m. of the day before the election or primary.

Please return your ED-20 (or FPCA) separately from your absentee ballot. If you wish to vote for state and municipal offices, you must return your completed Connecticut Ballot by 8:00 p.m. on election or primary day.

[] 3. We are not permitted to count your FWAB because your FWAB was submitted from within the U. S. Consequently, your Connecticut ballot (ED-1 or ED-81a) (which we are sending separately) must be returned by 8:00 p.m. on election or primary day (and if you are not a voter in this town, your FPCA with original signature [or ED-20, which we are enclosing] must be returned by 5:00 p.m. of the day before the election or primary). [Note: An APO/FPO address is considered outside the U.S.]

By: _____

Town Clerk (or Designee)

Town of _____, Connecticut