



FAQs on Changes Affecting Absentee Voting

Public Act 26-42 (HB 5001)

Handling Pre-Existing Materials

1. Can voters use and town clerks accept the old envelopes? In that case, may town clerks open the envelopes and check them for a signature before election day?

Answer: Town Clerks should make every effort to acquire the new envelopes from LEAD and distribute them going forward. (Certainly, starting with the August 2026 primary, the new materials will be in circulation and must be used.) To the extent a voter used an absentee voting set before the passage of PA 26-42, the envelope and ballots must be accepted.

2. How should towns process AB applications that were submitted under the prior “reason required” system now that the new law is effective? Are previously submitted applications still valid without requiring new applications?

Answer: Town clerks should honor Absentee Ballot Applications submitted under the prior, “reason required” system. This includes applications in which an applicant failed to check off a reason.

3. If ABs have already been issued using the prior inner envelope (signature required, no cure process), but new ABs must be issued using the updated cure-eligible envelope, how should clerks handle both types of envelopes in circulation simultaneously?

Answer: Town clerks must provide an opportunity to cure any returned absentee ballot missing a signature. This means the clerk must allow a voter who received and returns an old AB set to cure a missing signature on the inner envelope.

4. Ballots issued after the law went into effect may be cured, while those issued before that time did not offer the opportunity for a cure. Is this discrepancy permissible? Are clerks required or permitted to reissue materials to ensure uniformity?

Answer: Town clerks should avoid issuing new ballots unless specifically requested by a voter. As stated above, town clerks should provide all AB voters who qualify with the opportunity to cure.

5. How should municipal clerks effectuate curing with ballots returned in the old envelopes?

Answer: The municipal clerk should open the outer envelope of returned ABs to check the inner envelope for a signature. If the inner envelope is signed, keep both envelopes together and sort them as required. There is nothing further to be done here. If the inner envelope is **not** signed, keep the envelopes together and do not sort them with the other, sorted ballots. These ballots require curing. The clerk must use their best efforts to contact the impacted voters (see below). We advise that this procedure be performed with two people, preferably staff members of the Town Clerk's office. Importantly, if there is no inner envelope, take special care to maintain voter privacy; do not look at the ballot. (See attached Curing Instructions for further details.)

Curing Process

6. When does the curing process start and end?

Answer: Under the new law, voters may cure their ballots from the beginning of the absentee voting period until the close of the polls on the day of the election.

7. What must town clerks do if a voter provided no contact information other than a mailing address?

Answer: If a voter provides no contact information other than a mailing address, the clerk must exercise discretion in contacting the voter through other means. At the very least, we recommend sending a letter through USPS, as soon as possible. We will provide a cure notification letter template.

8. What must town clerks do if they reach a voter, but the voter is unable to come into the office to cure the ballot?

Answer: The law only requires efforts to notify the voter. The clerk can inform the voter that failure to cure the ballot will result in the ballot being rejected. The voter may participate in early voting or in-person voting on election day instead of curing the absentee ballot. In this case, the registrar may inform the town clerk when the voter is participating in early or election day voting. Then, the clerk shall reject the absentee ballot. If the registrar does not notify the clerk, the clerk must reject the ballot as it was not cured by the close of polls on election day.

9. May the town clerk send a new absentee ballot instead of having the voter appear before the clerk or vote at polls or during early voting?

Answer: No (see previous 8. Question and Response)

10. Is there a specific time absentee ballots must be delivered to the central count location, and should town clerks hold back the envelopes that are eligible for curing?

Answer: Absentee ballots can be cured at the municipal clerk's office until the polls close on election day. No curing is allowed after the polls close. Stored absentee ballots are to be delivered by 8:00 a.m. on election day.

11. What is considered best effort when contacting a voter?

Answer: Under the new law, "best efforts" include calling the elector and emailing them if a telephone number or email was provided on either their voter registration or their application for an absentee ballot. If no phone number or email was provided, clerks must use their discretion to contact the voter. The clerk must use best efforts to contact impacted voters within 24-hours after receiving the ballot. Beginning 24 hours before the close of polls, the clerk must attempt to contact these voters immediately.

12. Is there a requirement for how many attempts to contact a voter for curing?

Answer: The law does not specify a number of attempts. It requires town clerks to use their best efforts and exercise discretion. We suggest that town clerks maintain a log of their contact efforts including method, date, and time.

13. Is there a requirement to log/journal attempts?

Answer: There is no legal requirement to maintain a record of contact attempts. However, we advise that clerks maintain a record for their own protection.

14. Could the "notes" field in CVRS be used to log the attempts?

Answer: Currently, CVRS does not have this functionality.

Town Clerk Duties

15. Must town clerks be in their offices on Election Day?

Answer: The municipal clerk must be available to cure absentee ballots until the polls close on election day.