



# House of Representatives

**File No. 724**

General Assembly

January Session, 2021

**(Reprint of File No. 572)**

Substitute House Bill No. 6205  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 26, 2021

**AN ACT REVISING CERTAIN ABSENTEE VOTING STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-135 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any elector eligible to vote at a primary or an election and any  
4 person eligible to vote at a referendum may vote by absentee ballot if  
5 such elector or person is unable to appear at such elector's or person's  
6 polling place [during the hours of voting] on the day of such primary,  
7 election or referendum for any of the following reasons: (1) Such  
8 elector's or person's active service with the armed forces of the United  
9 States; (2) such elector's or person's absence from the town of [such  
10 elector's or person's voting residence during all of the hours of voting]  
11 which such elector or person is an inhabitant; (3) [such elector's or  
12 person's illness] sickness; (4) [such elector's or person's] physical  
13 disability; (5) the tenets of such elector's or person's religion forbid  
14 secular activity; [on the day of the primary, election or referendum;] (6)

15 the required performance of such elector's or person's duties as a  
16 primary, election or referendum official, including as a town clerk or  
17 registrar of voters or as staff of the clerk or registrar, at a polling place  
18 other than such elector's or person's own during all of the hours of  
19 voting at such primary, election or referendum; or (7) for the state  
20 election in 2020, the sickness of COVID-19. As used in this section,  
21 "COVID-19" means the respiratory disease designated by the World  
22 Health Organization on February 11, 2020, as coronavirus 2019, and any  
23 related mutation thereof recognized by said organization as a  
24 communicable respiratory disease.

25 (b) No person shall misrepresent the eligibility requirements for  
26 voting by absentee ballot prescribed in subsection (a) of this section, to  
27 any elector or prospective absentee ballot applicant.

28 Sec. 2. Section 9-137 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective from passage*):

30 (a) Each absentee ballot shall be returned to the municipal clerk,  
31 inserted in an inner envelope which shall be capable of being sealed and  
32 which shall have printed on its face a form containing the following  
33 statements:

34 "I hereby state under the penalties of false statement in absentee  
35 balloting that I am eligible to vote at the primary, election or referendum  
36 in the municipality in which this absentee ballot is to be cast and that I  
37 expect to be unable to appear at my polling place [during the hours of  
38 voting at] on the day of such primary, election or referendum for one or  
39 more of the following reasons: (1) My active service in the armed forces;  
40 (2) my absence from the town in which I am eligible to vote; [during all  
41 of the hours of voting; (3) my illness] (3) sickness or physical disability;  
42 (4) the tenets of my religion which forbid secular activity; [on the day of  
43 the primary, election or referendum;] or (5) my duties as a primary,  
44 election or referendum official.

45 Date ....

46 .... (Signature)"

47 (b) Notwithstanding the provisions of subsection (a) of this section,  
48 for the state election in 2020, each inner envelope in which an absentee  
49 ballot is returned to the municipal clerk shall have printed on its face a  
50 form containing the following statements:

51 "I hereby state under the penalties of false statement in absentee  
52 balloting that I am eligible to vote at the primary, election or referendum  
53 in the municipality in which this absentee ballot is to be cast and that I  
54 expect to be unable to appear at my polling place [during the hours of  
55 voting at] on the day of such primary, election or referendum for one or  
56 more of the following reasons: (1) My active service in the armed forces;  
57 (2) my absence from the town in which I am eligible to vote; [during all  
58 of the hours of voting; (3) my illness] (3) sickness or physical disability;  
59 (4) the tenets of my religion which forbid secular activity; [on the day of  
60 the primary, election or referendum;] (5) my duties as a primary,  
61 election or referendum official; or (6) the sickness of COVID-19.

62 Date ....

63 .... (Signature)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-135
Sec. 2	<i>from passage</i>	9-137

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

This bill expands the statutory reasons for which qualified voters may vote by absentee ballot. These changes are not anticipated to have a fiscal impact on the state or municipalities.

House "A" strikes the original bill and its associated fiscal impact, thus becoming the bill with the above referenced fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 6205 (as amended by House "A")\******AN ACT REVISING CERTAIN ABSENTEE VOTING STATUTES.*****SUMMARY**

This bill expands two of the six statutory reasons for which qualified voters (i.e., electors and people eligible to vote) may vote by absentee ballot (see BACKGROUND). Under the bill, qualified voters may vote by absentee ballot if, during the specified time, they are unable to appear at their polling place because of (1) sickness generally, rather than because of their illness, or (2) physical disability generally, rather than because of their physical disability.

Additionally, the bill generally authorizes qualified voters to vote by absentee ballot if they are unable to appear at their polling place on the day of the primary, election, or referendum, rather than during the hours of voting as under current law. It also specifies that qualified voters may vote by absentee ballot if they are absent from the municipality where they are an inhabitant, rather than the municipality of their voting residence.

The bill requires that absentee ballots be updated to reflect the above changes. Specifically, the statement printed on the face of absentee ballots' inner envelope must show the revised reasons for which electors may vote absentee. By law, absentee voters must sign the statement under penalties of false statement in absentee balloting, which is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both (CGS § 9-359a).

Lastly, the bill makes technical changes.

\*House Amendment "A" makes the bill effective upon passage,

rather than October 1, 2021, and preserves provisions on absentee voting in the 2020 state election.

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Related Constitutional Amendment***

sHJ 58 (File 96), which the House passed by a majority of the membership but less than three-fourths, proposes a constitutional amendment to remove the state constitution's current restrictions on absentee voting.

### ***Related Bill***

sSB 5 (File 570), reported favorably by the Government Administration and Elections Committee, contains similar provisions.

### ***Permitted Reasons Under the Constitution for Voting by Absentee Ballot***

The state constitution authorizes the General Assembly to pass a law allowing eligible voters to cast their votes by absentee ballot if they are unable to appear at a polling place on election day because of (1) absence from their city or town, (2) sickness or physical disability, or (3) the tenets of their religion prohibiting secular activity (Conn. Const. Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13    Nay 6    (04/05/2021)