



General Assembly

**Amendment**

February Session, 2022

LCO No. 3925



Offered by:  
SEN. SAMPSON, 16<sup>th</sup> Dist.

To: Subst. House Bill No. 5262

File No. 5

Cal. No. 64

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 9-135 of the 2022 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective from passage*):

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

16 dependent or other person in the care of such elector or person, as a  
17 result of appearing at such polling place; (4) such elector's or person's  
18 physical disability or concern for the physical capability of such elector  
19 or person or any immediate family member, dependent or other person  
20 in the care of such elector or person, as a result of appearing at such  
21 polling place; (5) the tenets of such elector's or person's religion forbid  
22 secular activity on the day of the primary, election or referendum; or (6)  
23 the required performance of such elector's or person's duties as a  
24 primary, election or referendum official, including as a town clerk or  
25 registrar of voters or as staff of the clerk or registrar, at a polling place  
26 other than such elector's or person's own during all of the hours of  
27 voting at such primary, election or referendum. [; or (7) for the state  
28 election in 2020, and any election, primary or referendum held on or  
29 after June 23, 2021, but prior to November 3, 2021, the sickness of  
30 COVID-19. As used in this section, "COVID-19" means the respiratory  
31 disease designated by the World Health Organization on February 11,  
32 2020, as coronavirus 2019, and any related mutation thereof recognized  
33 by said organization as a communicable respiratory disease.]

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

37 Sec. 2. Section 9-137 of the 2022 supplement to the general statutes is  
38 repealed and the following is substituted in lieu thereof (*Effective from*  
39 *passage*):

40 [(a)] Each absentee ballot shall be returned to the municipal clerk,  
41 inserted in an inner envelope which shall be capable of being sealed and  
42 which shall have printed on its face a form containing the following  
43 statements:

44 "I hereby state under the penalties of false statement in absentee  
45 balloting that I am eligible to vote at the primary, election or referendum  
46 in the municipality in which this absentee ballot is to be cast and that I  
47 expect to be unable to appear at my polling place [during the hours of

48 voting at] on the day of such primary, election or referendum for one or  
49 more of the following reasons: (1) My active service in the armed forces;  
50 (2) my absence from the town in which I am eligible to vote during [all  
51 of the hours] any hour of voting; (3) my [illness or physical disability;  
52 (4)] sickness or concern for my health or the health of any immediate  
53 family member, dependent or other person in my care, as a result of  
54 appearing at such polling place; (4) my physical disability or concern for  
55 my physical capability or the physical capability of any immediate  
56 family member, dependent or other person in my care, as a result of  
57 appearing at such polling place; (5) the tenets of my religion which  
58 forbid secular activity on the day of the primary, election or referendum;  
59 or [(5)] (6) my duties as a primary, election or referendum official.

60 Date ....

61 .... (Signature)"

62 [(b) Notwithstanding the provisions of subsection (a) of this section,  
63 for the state election in 2020, and any election, primary or referendum  
64 held on or after June 23, 2021, but prior to November 3, 2021, each inner  
65 envelope in which an absentee ballot is returned to the municipal clerk  
66 shall have printed on its face a form containing the following statements:

67 "I hereby state under the penalties of false statement in absentee  
68 balloting that I am eligible to vote at the primary, election or referendum  
69 in the municipality in which this absentee ballot is to be cast and that I  
70 expect to be unable to appear at my polling place during the hours of  
71 voting at such primary, election or referendum for one or more of the  
72 following reasons: (1) My active service in the armed forces; (2) my  
73 absence from the town in which I am eligible to vote during all of the  
74 hours of voting; (3) my illness or physical disability; (4) the tenets of my  
75 religion which forbid secular activity on the day of the primary, election  
76 or referendum; (5) my duties as a primary, election or referendum  
77 official; or (6) the sickness of COVID-19.

78 Date ....

79 .... (Signature)"]

80 Sec. 3. Subsections (g) and (h) of section 9-140 of the 2022 supplement  
81 to the general statutes are repealed and the following is substituted in  
82 lieu thereof (*Effective from passage*):

83 (g) (1) On the first day of issuance of absentee voting sets the  
84 municipal clerk shall mail an absentee voting set to each applicant  
85 whose application was received by the clerk prior to that day. When the  
86 clerk receives an application during the time period in which absentee  
87 voting sets are to be issued he shall mail an absentee voting set to the  
88 applicant, within twenty-four hours, unless the applicant submits his  
89 application in person at the office of the clerk and asks to be given his  
90 absentee voting set immediately, in which case the clerk shall comply  
91 with the request. Any absentee voting set to be mailed to an applicant  
92 shall be mailed to the bona fide personal mailing address shown on the  
93 application. Issuance of absentee voting sets shall also be subject to the  
94 provisions of subsection (c) of this section, section 9-150c, as amended  
95 by this act, and section 9-159q concerning persons designated to deliver  
96 or return ballots in cases involving unforeseen [~~illness~~] sickness or  
97 disability and supervised voting at certain health care institutions.

98 (2) Notwithstanding the provisions of subdivision (1) of this  
99 subsection, for the state election in 2020, and any election, primary or  
100 referendum held on or after June 23, 2021, but prior to November 3,  
101 2021, each absentee voting set required to be mailed to an applicant  
102 under said subdivision (A) shall be mailed by the municipal clerk within  
103 forty-eight hours after the application for such absentee voting set is  
104 received by the clerk, or (B) may be mailed by a third-party mailing  
105 vendor approved and selected by the Secretary of the State for use by  
106 the municipal clerk for such purpose, provided any contract between  
107 the Secretary of the State and any such vendor shall require that such  
108 vendor mail each absentee voting set within seventy-two hours after the  
109 application for such absentee voting set is received by such vendor from  
110 the clerk.

111 (h) No absentee ballot shall be issued on the day of an election or  
112 primary, or after the opening of the polls on the day of a referendum,  
113 except in cases involving unforeseen [illness] sickness or disability or  
114 presidential or overseas ballots as provided in section 9-150c, as  
115 amended by this act, and sections 9-158a to 9-158m, inclusive.

116 Sec. 4. Subsections (a) and (b) of section 9-140b of the 2022  
117 supplement to the general statutes are repealed and the following is  
118 substituted in lieu thereof (*Effective from passage*):

119 (a) An absentee ballot shall be cast at a primary, election or  
120 referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a  
121 designee of a person who applies for an absentee ballot because of  
122 [illness] sickness or physical disability, or (C) a member of the  
123 immediate family of an applicant who is a student, so that it is received  
124 by the clerk of the municipality in which the applicant is qualified to  
125 vote not later than the close of the polls; (2) it is returned by the applicant  
126 in person to the clerk by the day before a regular election, special  
127 election or primary or prior to the opening of the polls on the day of a  
128 referendum; (3) it is returned by a designee of [an ill] a sick or physically  
129 disabled ballot applicant, in person, to said clerk not later than the close  
130 of the polls on the day of the election, primary or referendum; (4) it is  
131 returned by a member of the immediate family of the absentee voter, in  
132 person, to said clerk not later than the close of the polls on the day of the  
133 election, primary or referendum; (5) in the case of a presidential or  
134 overseas ballot, it is mailed or otherwise returned pursuant to the  
135 provisions of section 9-158g; or (6) it is returned with the proper  
136 identification as required by the Help America Vote Act, P.L. 107-252,  
137 as amended from time to time, if applicable, inserted in the outer  
138 envelope so such identification can be viewed without opening the inner  
139 envelope. A person returning an absentee ballot to the municipal clerk  
140 pursuant to subdivision (3) or (4) of this subsection shall present  
141 identification and, on the outer envelope of the absentee ballot, sign his  
142 name in the presence of the municipal clerk, and indicate his address,  
143 his relationship to the voter or his position, and the date and time of  
144 such return. As used in this section, "immediate family" means a

145 dependent relative who resides in the individual's household or any  
146 spouse, child, parent or sibling of the individual.

147 (b) As used in this section and section 9-150c, as amended by this act,  
148 "designee" means (1) a person who is caring for the applicant because of  
149 the applicant's [illness] sickness or physical disability, including, but not  
150 limited to, a licensed physician or a registered or practical nurse, (2) a  
151 member of the applicant's family, who is designated by an absentee  
152 ballot applicant and who consents to such designation, or (3) a police  
153 officer, registrar of voters, deputy registrar of voters or assistant  
154 registrar of voters in the municipality in which the applicant resides.

155 Sec. 5. Subsection (a) of section 9-140e of the 2022 supplement to the  
156 general statutes is repealed and the following is substituted in lieu  
157 thereof (*Effective from passage*):

158 (a) Any elector who is permanently physically disabled or suffering  
159 from a long-term [illness] sickness and who files an application for an  
160 absentee ballot with a certification from a primary care provider,  
161 indicating that such elector is permanently physically disabled or  
162 suffering from a long-term [illness] sickness and unable to appear in  
163 person at such elector's designated polling location, shall be eligible for  
164 permanent absentee ballot status and shall receive an absentee ballot for  
165 each election, primary or referendum conducted in such elector's  
166 municipality for which such elector is eligible to vote. Such elector's  
167 permanent absentee ballot status shall remain in effect until such elector:  
168 (1) Is removed from the official registry list of the municipality, (2) is  
169 removed from permanent absentee ballot status pursuant to the  
170 provisions of this section, or (3) requests that he or she no longer receive  
171 such permanent absentee ballot status.

172 Sec. 6. Section 9-150c of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective from passage*):

174 An applicant who applies for an absentee ballot because of  
175 unforeseen [illness] sickness or physical disability occurring within six  
176 days immediately preceding the close of the polls at an election, primary

177 or referendum or because the applicant is a patient in a hospital within  
178 such six-day period, may appoint a designee, as defined in subsection  
179 (b) of section 9-140b, as amended by this act, to deliver the ballot to him,  
180 by stating on the application, in a space provided for that purpose, (1)  
181 the date of occurrence of the [illness] sickness or disability or the name  
182 and address of the hospital in which the applicant is a patient within  
183 such six-day period, (2) the name, address and category under said  
184 subsection, of the person so designated, and (3) the delivery which the  
185 person is designated to perform, provided the person so designated  
186 shall also sign a statement on the application to the effect that he  
187 consents to the designation and will perform the delivery without  
188 tampering with the ballot in any way. If the application designates a  
189 person to deliver the ballot to the applicant, that person shall personally  
190 submit the application to the municipal clerk. If such application is  
191 submitted to the clerk in person, within six days immediately preceding  
192 the close of the polls at an election or primary, by a person designated  
193 on the application to deliver the absentee ballot to the applicant as  
194 provided in this section and in subsection (b) of said section 9-140b, and  
195 if the application is dated within such time, the clerk shall give that  
196 person the absentee voting set.

197 Sec. 7. Subsection (a) of section 9-369c of the general statutes is  
198 repealed and the following is substituted in lieu thereof (*Effective from*  
199 *passage*):

200 (a) Whenever a referendum, as defined in subdivision (2) or (3) of  
201 subsection (n) of section 9-1, is to be held on any question or proposal,  
202 the question or proposal shall be submitted to the municipal clerk in the  
203 form in which it will appear on the ballot at least three weeks prior to  
204 the date on which the referendum is to be held, and the municipal clerk  
205 shall make absentee ballots available for use at the referendum in  
206 accordance with the provisions of this section, provided, if any other  
207 provision of the general statutes, a special act, a charter provision or an  
208 ordinance specifically authorizes a referendum to be held with less than  
209 three weeks' notice, absentee ballots shall be made available for each  
210 such referendum within four business days after the question or

211 questions which are to be voted on at the referendum are finalized.  
 212 Notwithstanding any provision of the general statutes to the contrary, a  
 213 municipal clerk may only provide an absentee ballot for such  
 214 referendum held with less than three weeks' notice to a person who  
 215 applies in person at the office of the municipal clerk for an absentee  
 216 ballot (1) for himself, or (2) for a prospective applicant who designates  
 217 such person for such purpose. The designee may be a licensed  
 218 physician, registered or practical nurse or any other person who is  
 219 caring for the applicant because of the applicant's [illness] sickness, a  
 220 member of the applicant's family or a police officer, registrar of voters  
 221 or deputy registrar of voters in the municipality in which the applicant  
 222 resides. The designee may also return the ballot in person to the  
 223 municipal clerk not later than the close of the polls."

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
Sec. 3	<i>from passage</i>	9-140(g) and (h)
Sec. 4	<i>from passage</i>	9-140b(a) and (b)
Sec. 5	<i>from passage</i>	9-140e(a)
Sec. 6	<i>from passage</i>	9-150c
Sec. 7	<i>from passage</i>	9-369c(a)