



# House of Representatives

General Assembly

**File No. 443**

February Session, 2024

Substitute House Bill No. 5311

*House of Representatives, April 11, 2024*

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE COUNTING OF ABSENTEE BALLOTS.***

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

1 Section 1. Section 9-153b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) If any absentee ballot applicant applies for an additional absentee  
4 ballot, he shall note on his application the reason for his applying for an  
5 additional absentee ballot and he shall return the absentee voting set  
6 formerly issued to him before another set is issued to him, provided, if  
7 he is unable to return the set formerly issued to him, his application for  
8 an additional ballot shall be accompanied by a statement signed under  
9 the penalties of false statement in absentee balloting in which he shall  
10 set forth the reason for his inability to return the set formerly issued to  
11 him. If he fails to file such a statement, no additional set shall be issued  
12 to him.

13 (b) [Except as provided in subsection (d) of this section for members

14 of the armed forces] For all absentee voting sets or portions thereof  
15 returned under subsection (a) of this section, the municipal clerk shall  
16 mark the serially-numbered outer envelope "rejected" and note the  
17 reasons [therefor] for rejection on all absentee ballots and envelopes so  
18 returned [to him] and shall seal all such [unopened ballots] absentee  
19 voting sets or portions thereof in a package and retain them in a safe  
20 place until delivered in accordance with section 9-140c. The municipal  
21 clerk shall keep a list of the names of each absentee ballot applicant who  
22 has applied for more than one absentee ballot, as provided in section 9-  
23 140, together with the serial number appearing on the outer envelope of  
24 each absentee voting set issued to each such applicant, [including the  
25 latest one issued.]

26 [(c) When an absentee ballot applicant has applied for more than one  
27 absentee ballot, only the latest absentee ballot issued to him by the  
28 municipal clerk as determined by the serial number appearing on the  
29 outer envelope may be counted and all absentee ballots and envelopes  
30 formerly issued to that applicant shall be marked rejected as provided  
31 in subsection (b) of this section and not counted.]

32 (c) [(d) Subsections (a), (b) and (c) of this section shall not apply to  
33 members of the armed forces, and if] If more than one absentee ballot is  
34 received from any elector, [who is a member of the armed forces,] the  
35 ballot of such elector [bearing the latest postmark] last received by the  
36 municipal clerk shall be counted if no absentee ballot of such elector has  
37 already been counted, [ provided that] For all absentee ballots of such  
38 elector that are not counted, the municipal clerk shall mark [all] the  
39 serially-numbered outer envelopes [bearing earlier postmarks]  
40 "rejected" and note the reasons for rejection and shall deliver such  
41 ballots in accordance with section 9-140c.

42 Sec. 2. Section 9-153c of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective July 1, 2024*):

44 (a) If a municipal clerk has omitted the name of a candidate, party or  
45 office designation, inserted an incorrect or misspelled name of a  
46 candidate, party or office designation, provided an absentee ballot

47 applicant with a ballot which is not the correct ballot for his voting  
48 district, or incorrectly imprinted or failed to imprint the designation of  
49 a state or local question on an absentee ballot in the appropriate space,  
50 and if any such omission or error is likely to mislead any voter, he shall,  
51 as soon as he becomes aware of such omission or error, promptly mail  
52 to each applicant to whom such an absentee ballot has been issued, a  
53 correct absentee ballot, envelopes for its return and instructions, a  
54 statement explaining the error or omission including the correct name  
55 or question and a copy of this section. The municipal clerk shall inform  
56 the Secretary of the State when he proceeds under this subsection.

57 (b) Any additional absentee voting sets issued to applicants under  
58 this section shall be issued in consecutive ascending numerical order  
59 based upon the serial number appearing on the outer envelope for  
60 return of ballots to the municipal clerk, and the clerk shall keep a record  
61 of such numbers by making a notation on, or attaching a memorandum  
62 to, the applicant's original application for an absentee ballot.

63 (c) The municipal clerk shall keep a list containing the name, address  
64 and voting district of each absentee ballot applicant who has been issued  
65 more than one absentee ballot under this section and the serial number  
66 appearing on the outer envelope of each absentee voting set so issued.  
67 The list shall be kept with the list required under section 9-140.

68 (d) If more than one ballot is received from an applicant who has been  
69 sent a correct ballot under subsection (a) of this section, the ballot  
70 [bearing the latest serial number] last received by the municipal clerk  
71 shall be counted [,] if no ballot of such applicant has already been  
72 counted. [The] For all ballots of such applicant that are not counted, the  
73 municipal clerk shall inscribe the word "rejected" and note the reasons  
74 for rejection on the outer envelope [of each of such applicant's other  
75 ballots not so counted] and shall seal them, unopened, in a package and  
76 retain them in a safe place until delivered in accordance with section 9-  
77 140c.

78 Sec. 3. Subsection (c) of section 9-140b of the 2024 supplement to the  
79 general statutes is repealed and the following is substituted in lieu

80 thereof (Effective July 1, 2024):

81 (c) (1) For purposes of this section, "mailed" means (A) sent by the  
82 United States Postal Service or any commercial carrier, courier or  
83 messenger service recognized and approved by the Secretary of the  
84 State, or (B) deposited in a secure drop box designated by the municipal  
85 clerk for such purpose, in accordance with instructions prescribed by  
86 the Secretary.

87 (2) In the case of absentee ballots mailed under subparagraph (B) of  
88 subdivision (1) of this subsection, beginning on the first day of issuance  
89 of absentee voting sets, as provided in subsection (f) of section 9-140,  
90 and on each weekday thereafter until the close of the polls at the  
91 election, primary or referendum, including at the close of the polls at  
92 such election, primary or referendum, the municipal clerk shall retrieve  
93 from the secure drop box described in said subparagraph each such  
94 ballot deposited in such drop box.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	9-153b
Sec. 2	July 1, 2024	9-153c
Sec. 3	July 1, 2024	9-140b(c)

**GAE** Joint Favorable Subst.

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*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**

The bill creates a variety of procedural changes around the counting of absentee ballots and results in no fiscal impact to the state or municipalities.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis**

**sHB 5311**

***AN ACT CONCERNING THE COUNTING OF ABSENTEE BALLOTS.***

**SUMMARY**

Existing law allows a voter to request a new absentee ballot by returning the previous absentee ballot or, under penalty of false statement, by signing a statement as to why he or she cannot return the previous ballot. Voters may also be given additional ballots from another person or due to a clerical error or omission on the first ballot provided by the clerk.

In any case, if multiple valid absentee ballots are returned by the same voter, this bill would require the ballot last received by the town clerk to be counted on election day. Current law requires the ballot last issued by the town clerk (as determined by serial number) to be counted. Under the bill and existing law, any other absentee ballots must be marked as rejected and not counted.

The bill makes a conforming change by eliminating an exception for armed service members to require counting the absentee ballot received with the latest postmark.

Existing law also authorizes voters to drop off their absentee ballots in secure drop boxes, which are checked regularly by town clerks. The bill specifies that clerks must check the drop boxes at the close of the polls for every election, primary, or referendum and pick up the absentee ballots inside.

EFFECTIVE DATE: July 1, 2024

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/26/2024)