

# Absentee Voting in Connecticut

## Connecticut General Assembly



LEGISLATIVE  
PROGRAM REVIEW  
AND  
INVESTIGATIONS  
COMMITTEE

December 1986

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979. Review of the original schedule of sunset entities was completed in 1984. Review of the list will begin again in 1988.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	i
I.    INTRODUCTION.....	1
II.   LEGAL STATUS AND FORMS OF ABSENTEE VOTING.....	3
III.  VOTING PATTERNS.....	5
IV.   CURRENT LAW.....	13
Roles of Official Bodies.....	13
Absentee Voting Process.....	15
Protections and Sanctions.....	25
V.   ENFORCEMENT OUTCOMES.....	31
VI.  FINDINGS AND RECOMMENDATIONS.....	33
APPENDICES	
A.   Absentee Voting Rate by Town.....	45
B.   Recommendations of Persons Testifying at Preliminary Hearing.....	49
C.   Selected Practices from Other States.....	54
D.   Signature Comparison in Absentee Voting.....	62
E.   Election Survey.....	68
F.   Application for Absentee Ballot.....	71
G.   Sample Ballot Set.....	72
H.   House Joint Resolution No. 505.....	75



## EXECUTIVE SUMMARY

By joint resolution adopted by both houses during Special Session II, the General Assembly on June 30, 1986, mandated a study by the Legislative Program Review and Investigations Committee of the state's absentee voting laws and procedures. The resolution set January 15, 1987, as the deadline for submission of the committee's report to the legislature.

In the conduct of the study, the committee held three public hearings, one each in Hartford, Bridgeport, and Waterbury. Committee staff evaluated state procedures, interviewed voting officials at both the state and town levels, compared the process with other states, and assembled state voter participation data covering more than a decade.

Pursuant to a constitutional grant of authority, voting policy in Connecticut is established by the General Assembly, transformed into a process by the secretary of the state, implemented by the town clerks and registrars of voters in 169 towns, and enforced by the State Elections Enforcement Commission, the chief state's attorney and the various state's attorneys. Implementation of the policy and process is highly decentralized involving hundreds of actors in each of the national, state, and local primaries and elections throughout a four-year cycle.

The committee in its final recommendations sought to avoid any thrust that would constrict or negatively impact the voting franchise. The committee focused on the process, and the deterrence and detection of fraud. The result of the committee deliberations are the following recommendations:

1. Applications shall only be picked up in person by an elector, mailed to an elector pursuant to a telephone call or written request from the elector, or picked up in person by an individual designated by the elector. Identifying information about the elector shall be required, if a request is made by telephone.

The designated person shall be one of the following: a medical doctor, a nurse, or anyone else caring for the elector if ill; a member of the elector's family; a police officer; or the registrar of voters or deputy registrar from the elector's municipality. (These are the same categories of individuals who can now be designated to assist a voter who becomes ill or disabled six days before an election). The person shall sign the application form and indicate the designation next to the signature.

Application forms distributed by the town clerk shall be numbered in the order of distribution. The town clerks shall keep a log of applications requested and sent, the manner of the request, and the number assigned to the application form.

2. The applicant list and the log required to be kept by the town clerk under recommendation 1 shall be confidential and, therefore, exempt from disclosure under the freedom of information law. A list of persons whose ballots have been returned shall be available beginning three business days before an election, primary, or referendum.

3. When an application is returned, the town clerk shall check the application signature against the registration card signature, while checking the applicant's registration status. If, in the opinion of the town clerk, the similarity between the two signatures is questionable, the applicant shall be sent notice of such question, and no ballot set sent.

4. The information currently provided on the outer envelope--the elector's name and residence, voting district, places for the town clerk's signature, date, and time notation--shall be moved to the inner envelope, and serial numbers matching outer envelope serial numbers shall be printed on the inner envelopes. A place shall be provided on the inner envelope for the registrar's endorsement of the voter's signature.

When the ballot set is returned, the town clerk shall open the outer envelope and remove the inner envelope, and endorse and date the inner envelope. The registrars shall compare the signature on the inner envelope to the registration card signature and shall endorse the inner envelope as evidence of the signature check. If, in the opinion of the registrars, the signature similarity is questionable, notice shall be sent immediately to the elector, and the question shall be resolved by the close of election day.

5. Supervised voting at institutions with 10 or more patients who are registered voters shall be mandatory.

6. Central counting of absentee ballots shall be mandatory.

7. The secretary of the state shall have the statutory duty and responsibility to provide education on absentee voting.

8. The State Elections Enforcement Commission shall review any election in which the number of absentee votes exceeded 50, and either reversed the outcome of the machine vote or resulted in a difference of 15 or more between a candidate's percentage of the total machine vote and the candidate's percentage of the total absentee vote.

9. An automatic judicial hearing in an election contest shall be held upon the filing of a complaint containing the certified results of an election or primary where the number of absentee votes exceeded 50, and the absentee vote count reversed the machine count.

10. The State Elections Enforcement Commission shall have jurisdiction over absentee violations in all elections and primaries.

11. The investigatory grand jury statute shall permit the review of crimes involving the electoral process.

12. The application form for absentee ballots shall be simplified and made more clear.

13. Absentee ballots shall be printed in such a way as to deter counterfeiting.



## I. INTRODUCTION

On June 30, 1986, the final day of Special Session II, both the House and Senate of the Connecticut General Assembly passed House Joint Resolution No. 505, entitled "Resolution Proposing a Study of the State's Absentee Voting Laws and Procedures." By that action, the General Assembly resolved "that the legislative program review and investigations committee conduct a study in consultation with the joint standing committee on government administration and elections, to determine the changes which are needed in the state's absentee balloting laws and procedures..."

The resolution called for the program review committee to report its findings and recommendations to the General Assembly no later than January 15, 1987. Pursuant to the resolution, on July 11, 1986, the Legislative Program Review and Investigations Committee voted to conduct a review of absentee voting laws and procedures.

This report is intended to provide the General Assembly with: background information on the legal status of absentee voting and the various forms of absentee ballots; voting pattern data to put absentee voting in perspective; a description of the current statutory process, highlighting the protections and sanctions presently built into the system; a presentation of civil and criminal enforcement outcomes; and findings and recommendations for changes in the absentee voting process in Connecticut.

By way of background, the General Assembly's action was taken in an apparent reaction to events earlier in the year. On May 20, 1986, primaries were held across the state to select delegates to the Democratic nominating convention in July. Soon after the primaries, newspaper accounts raised questions about possible absentee voting violations in Waterbury. The Waterbury state's attorney began an investigation, and criminal charges were filed against 10 individuals for their alleged illegal involvement with absentee ballots. At the time of this writing, the cases were pending.

In addition, one of the candidates attempted a court challenge to the Waterbury primary based upon the alleged absentee voting violations. The challenge was unsuccessful, the court ruling prior to the nominating convention that the candidate did not file the challenge within the required time limit as set by statute. The appeal to the state Supreme Court was ruled moot because of the intervening convention between the challenge filing and the appeal.

## Methodology

In gathering information for this study, committee and staff reviewed the current law on absentee voting in Connecticut, including a study of the legislative history of the statutes in place now. Numerous unsuccessful legislative proposals made in past years with respect to absentee voting were reviewed also.

On August 18, the program review committee held a preliminary public hearing to identify issues and gather information. A number of state and local officials and representatives from the major political parties were invited to participate.

During the statewide Republican gubernatorial primary and primaries for two congressional districts and several House and Senate seats on September 9, committee staff observed absentee ballot counting at three different locations: Southington, Waterbury, and Windsor.

Election data from secretary of the state records and questionnaires sent to all town clerks were compiled and analyzed. In addition, staff reviewed statistics for dispositions of both absentee voting criminal charges and State Elections Enforcement Commission complaints.

On the following pages of the report, the historical, legal, and technical aspects of absentee voting in Connecticut are discussed. Further, the report describes and analyzes state voting patterns, the current law, and enforcement outcomes where voting statutes have been violated. Finally, the committee presents 13 recommendations intended to protect the integrity of the absentee ballot through procedural changes, adjustments to the process, and institution of detection mechanisms. The committee does not propose any changes in the law or process that would restrict the voting franchise currently enjoyed by Connecticut electors.

## II. LEGAL STATUS AND FORMS OF ABSENTEE VOTING

In theory, absentee voting is intended to promote the goal of high voter participation, a central value in a democracy. A goal of equal weight is to ensure the integrity of each vote. The current detailed statutory scheme in Connecticut is an attempt to strike a balance between the two.

Connecticut, like many other states, first allowed absentee voting for soldiers serving in the Civil War. The privilege was granted for the duration of the war by an 1864 amendment to the 1818 Connecticut Constitution. A similar provision was enacted by legislation for soldiers in World War I.

In 1932, the Connecticut Constitution was amended to allow certain civilians to vote by absentee ballot for the first time. Specifically, the amendment provided the General Assembly the power to authorize qualified voters who were absent from their towns on election days or who were ill or disabled and, therefore, not able to appear at the polls the opportunity to vote absentee.

Today, the power of the General Assembly to provide the opportunity for electors in certain specific circumstances to vote by absentee ballot remains in the Constitution. Article VI, Sec. 7 of the Connecticut Constitution states:

The general assembly may provide by law for voting in the choice of any office to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of their religion forbid secular activity.

Sec. 9-135 of the Connecticut General Statutes reflects and adds to the constitutional provision:

Any elector who is unable to appear at his polling place during the hours of voting of any state, municipal or special election, (1) because of absence from the town of his voting residence during all of the hours between the opening of the polls in such town in the morning and the closing thereof in the evening of the day of such election, or (2) because of illness, or (3) because of physical disability, or (4) because the tenets of his religion forbid secular activity, or (5) because of the required performance of his duties as an election official at a polling place other than his own during all of the hours of voting at such election, may cause his vote to be cast at such election by absentee ballot.

Voting by absentee ballot is also allowed in primaries and referenda. Separate constitutional and statutory sections apply to military personnel.

Other statutory sections governing absentee voting establish detailed mandatory procedures by which absentee ballots are to be received initially by the elector, voted, returned to municipal officers, counted, and recorded. The process outlined in these sections is described in Chapter IV.

#### Forms of ballots

There are three different types of absentee ballots used in Connecticut. The majority of electors, currently registered by town, use an absentee ballot prepared by their town clerks for all federal, state, and local offices and any questions to be voted on.

A presidential ballot is used by individuals who, because of an untimely change of residence, cannot register in their new jurisdictions in time to vote in a presidential election. The presidential ballot, required by the federal Voting Rights Act Amendment of 1970, allows such individuals to vote for presidential and vice-presidential candidates either through their new residences or their former residences.

The overseas ballot is for U.S. citizens who currently live outside of the United States and meet certain criteria, enabling them to vote in federal elections. The application forms for the presidential and overseas ballots are different from the general absentee ballot applications. However, all absentee ballots are subject to most of the same statutory provisions with regard to their handling.

### III. VOTING PATTERNS

Statistics describing the magnitude and pattern of absentee voting in state elections were obtained from the secretary of the state's office. Unfortunately, the same data are not compiled and reported for municipal elections; therefore, much of the analysis presented in this section is limited to state elections.

Table 1 is a compilation of basic voting data for the 1974 through 1986 statewide elections. The upper portion of the table contains the actual number of registered voters, those voting, and their method of voting. The lower portion translates the relevant data into percentages.

Table 1. Statewide Voting Statistics.

Year	Reg. Voters	Number Voting	Voting Machine	Voting Absentee	Absentee Rejected
1974	1,562,228	1,124,858	1,079,281	45,577	1,281
1976	1,677,449	1,408,480	1,325,346	83,134	1,551
1978	1,588,077	1,061,022	1,014,952	46,070	893
1980	1,719,108	1,423,403	1,333,463	89,940	1,181
1982	1,647,514	1,112,428	1,067,867	44,561	681
1984	1,809,017	1,490,946	1,390,548	100,398	1,298
1986	1,670,798	1,025,605	988,006	37,599	499

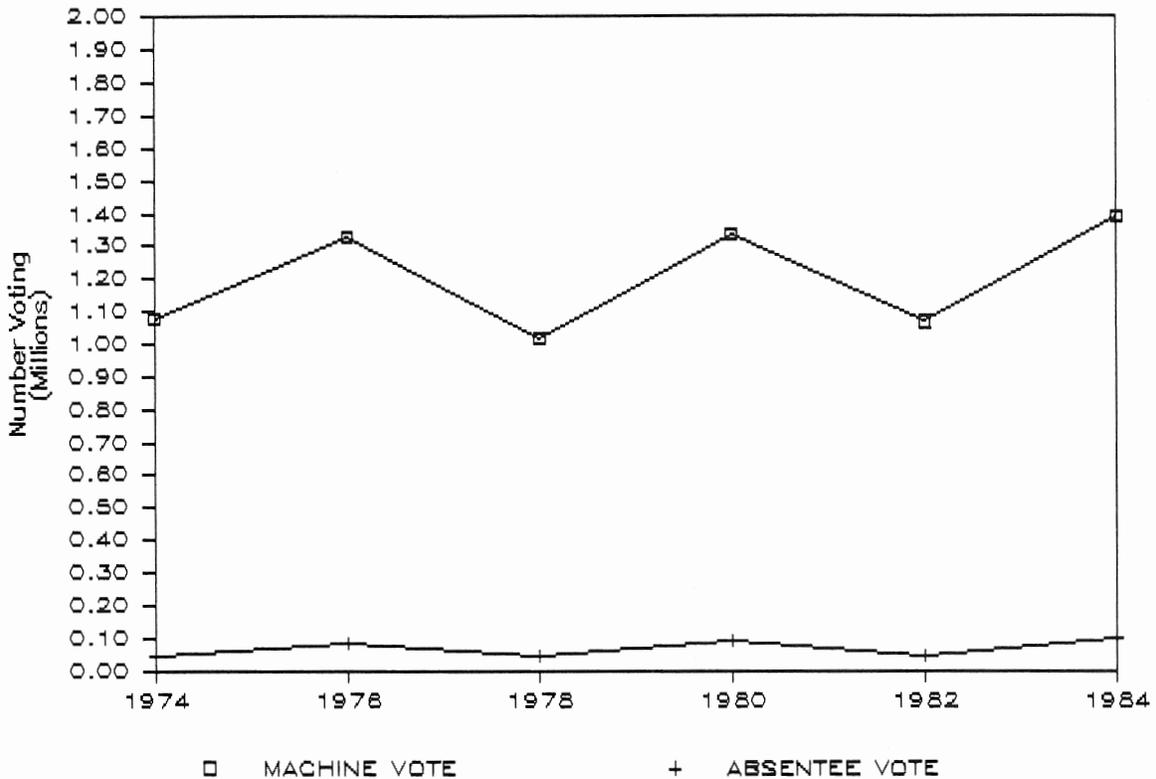
  

Year	Percent Voting	Percent Machine	Percent Absentee	Percent Rejected
1974	72.0%	95.9%	4.1%	2.7%
1976	84.0%	94.1%	5.9%	1.8%
1978	66.8%	95.7%	4.3%	1.9%
1980	82.8%	93.7%	6.3%	1.3%
1982	67.5%	96.0%	4.0%	1.5%
1984	82.4%	93.3%	6.7%	1.3%
1986	61.4%	96.3%	3.7%	1.3%

Source: Secretary of the State.

The machine and absentee vote totals are the data of interest in this study. Figure 1 compares the machine and absentee vote in each of the six state elections held between 1974 and 1984. A careful examination of Figure 1 reveals that machine and absentee voting have the same pattern; they both increase in presidential election years (1976, 1980, 1984) and decrease in gubernatorial election years (1974, 1978, 1982).

Figure 1. Comparison of Machine and Absentee Voting (1974-1984).



The scale used to draw the graph illustrated in Figure 1 is too large to provide a clear picture of changes in the number of absentee votes being cast in state elections. Figure 2, which uses a scale ranging from 40 to 110 thousand, demonstrates the voting pattern more clearly. It shows that the statewide absentee vote can change from year to year by as much as 65,000 votes. Because the size of the absentee vote in presidential elections overshadows the vote in gubernatorial years, a quick glance at Figure 2 could give the impression that absentee voting in Connecticut is increasing. However, Figure 3, which displays separate trend lines for presidential and gubernatorial elections, clearly shows that while absentee voting is increasing in presidential elections, it remains fairly constant in gubernatorial elections.

The final graphic description of absentee voting is shown in Figure 4. Here, the percentage change in absentee voting from one year to the next is compared with the percentage change in machine voting. Figure 4 shows that while both types of voting move in the same direction, either increasing or decreasing depending on the election, the absentee vote exhibits much more volatility.

Figure 2. Absentee Voting Statewide (1974-1984).

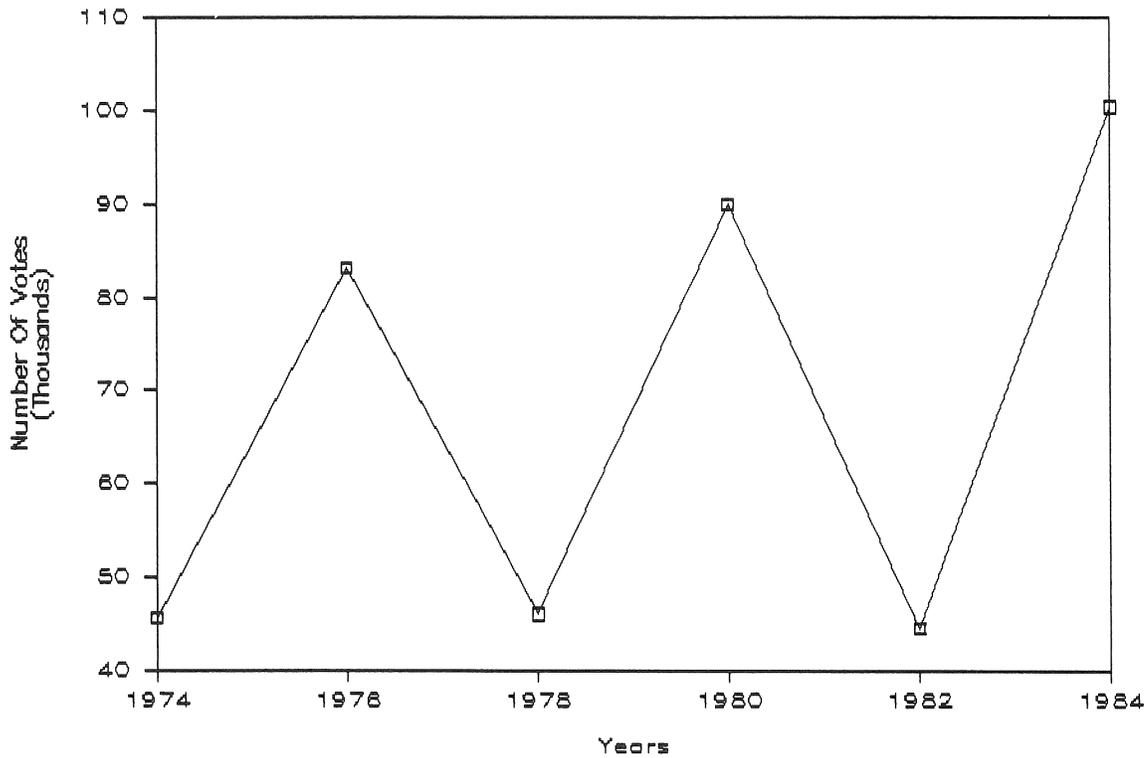
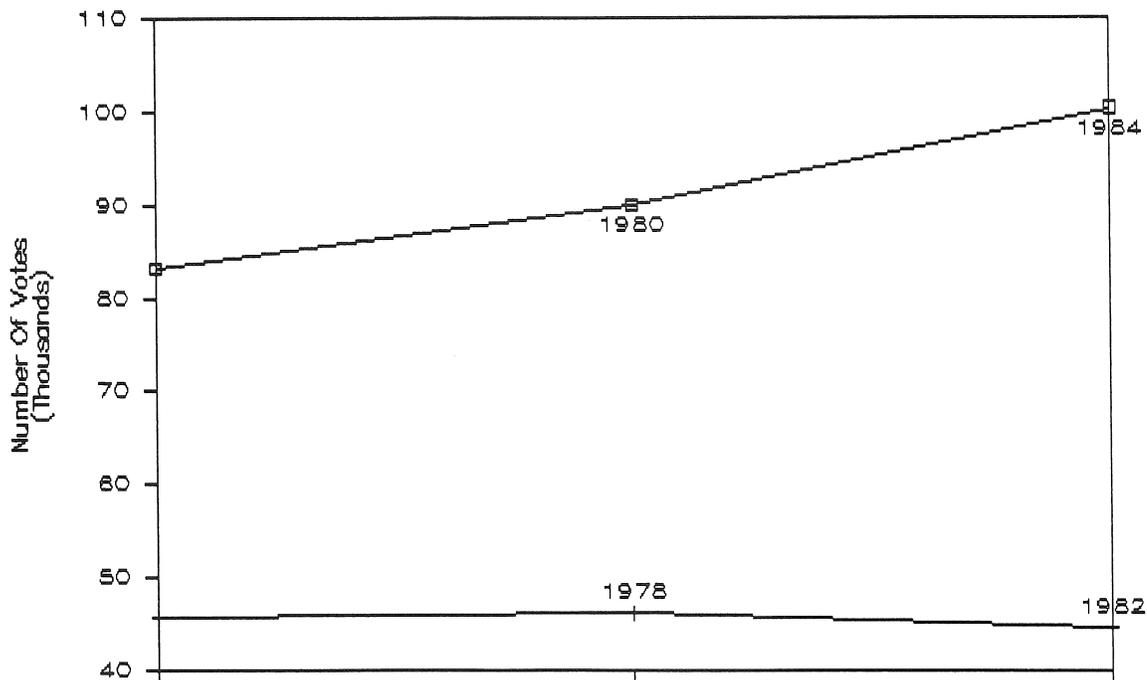


Figure 3. Absentee Voting Statewide for Presidential and Gubernatorial Election Years (1974-1984).



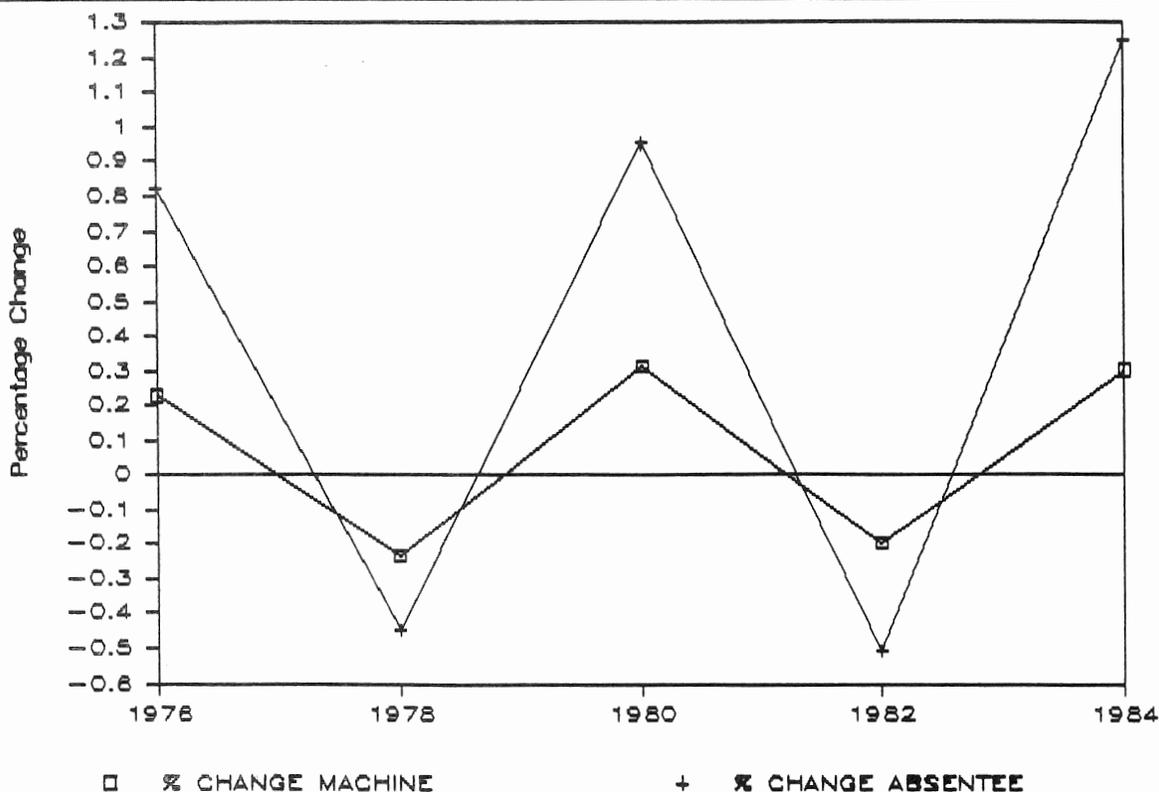
□ PRESIDENTIAL ELECT.

+ GUBERNATORIAL ELECT

That is, in each year shown, the change in absentee voting is greater than the change in machine voting.

In terms of numbers, the average absentee vote count in the past three presidential elections in Connecticut has been 91,157. This is slightly more than double the 45,403 vote average for gubernatorial elections. As a percentage of total vote, absentee ballots have accounted for 6.3 percent of the presidential vote and 4.1 percent of the gubernatorial vote.

Figure 4. Percentage Change in Machine and Absentee Voting (1974-1984).



The data upon which the above descriptions were based are presented in Appendix A. The tables in this appendix show the average machine and absentee votes in the past three presidential and gubernatorial elections in each municipality. The tables also include the average percentage of each municipality's vote that was cast by absentee ballot. The latter ranges from slightly over 15 percent in New Canaan in presidential elections to 1.2 percent in Voluntown.

The map in Figure 5 shows the 20 municipalities with the highest and lowest rates of absentee voting. The map indicates



that high rates of absentee voting have a definite geographic bias toward western Connecticut.

To gain an understanding of the effect of absentee voting on individual election contests, a survey of all 169 Connecticut municipalities was conducted. The survey, a copy of which is located in Appendix E, requested municipal clerks to report the 1982 machine and absentee vote totals for each gubernatorial candidate and all major party candidates for state Senate and House seats. In addition, clerks were asked to provide the same information for all 1982 party primaries held for General Assembly seats.

Data on the 1985 local elections were also requested. However, this request was limited to machine and absentee vote totals for candidates for the highest contested local office, and any related primaries.

Approximately half of the municipalities responded. The results are summarized in Table 2. It is important to note the data for the Senate and House races in the survey were reported by town and not by district. This fact means that the analysis is based on returns per town and explains why data for 81 Senate contests are included in the table even though there are only 36 Senate districts.

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Table 2. Survey of 1982 Statewide and 1985 Local Elections.

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Type of Election	Number	Absentee Vote Exceeds Machine Margin		Absentee Vote Opposite of Machine		Absentee Vote Reversed Machine Outcome
Senate	81	10	12%	18	22%	0
House	116	17	15%	18	15%	1
Governor	77	15	20%	18	23%	1
Local	69	20	20%	12	17%	0
Total	343	62	18%	66	19%	2
Primaries	21	4	19%	4	19%	0

Source: Legislative Program Review and Investigations Committee Survey of Municipal Clerks.

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An examination of the data in Table 2 reveals that in 10 to 20 percent of the reported elections, the total number of absentee votes counted exceeded the margin of difference recorded on the machines. That is, there were enough absentee votes cast to make it theoretically possible to change the outcome of the election. On average, the absentee vote outcome was the opposite of the machine vote in approximately 20 percent of the reported contests. However, in only 2 of the 343 town elections reported in the survey did the absentee vote reverse the outcome of the machine vote.

There were 21 primaries reported by the municipal clerks responding to the survey. A statistical breakdown of the primary data shows the proportion of the primaries in which the absentee vote exceeded and reversed the machine vote was not significantly different than the results reported for regular elections.



#### IV. CURRENT LAW

Absentee voting in Connecticut is regulated by detailed statutory procedures. Many people play an official role in the voting process: the elector, the town clerks, the town registrars of voters, the secretary of the state, designated ballot counters, checkers, moderators, and certain authorized individuals designated in the case of disabled or ill electors or electors unable to write.

Additional participants enter the scene when errors or violations in the administration of the law are claimed, including the State Elections Enforcement Commission, the chief state's attorney, the various state's attorneys, and the courts.

The focus of this section is on current law and the official participants in its implementation. Clearly, there are also unofficial participants in the form of campaign workers for candidates and political parties who involve themselves in the process, and may well do so at various points within current law. This involvement, albeit unofficial, cannot be ignored in any discussion of absentee voting.

##### Roles of Official Bodies

Office of Secretary of the State. Many of the functions of the secretary of the state are performed in anticipation of electors applying for ballots. Thus, the summary here of the role of the secretary is more detailed than those of the other participants, whose duties become apparent in the process description below.

The secretary of the state, as the chief election official in the state, is authorized to establish absentee ballot specifications and to prescribe and furnish absentee voting documents and materials. The secretary prescribes all the specifications for printing absentee ballots and provides a ballot facsimile to each town clerk for use in preparing the ballot form. The secretary approves the affidavit form used by the town clerks to report the number of absentee ballots printed. Once the ballot is printed, the town clerk files a copy of the local ballot and the affidavit stating the number printed with the secretary. Any subsequent correction or change must also be submitted to the secretary, who is also required to examine the ballot for accuracy and completeness.

The secretary prescribes, prints, and furnishes to town clerks:

- o the application forms for an absentee ballot;
- o the sealable inner envelopes;

- o the serially-numbered outer envelopes;
- o instructions for use of the absentee ballot; and
- o envelopes for mailing a voting set to an applicant.

The secretary prescribes all required forms, including: the notice sent to an applicant whose name is not on the registry list, and those for tabulating, counting, and returning the absentee ballot vote.

By law, the secretary must:

- o approve any courier or messenger service that can be used to return an absentee ballot application or ballot;
- o develop and provide a procedure manual for counting absentee ballots;
- o provide instructional sessions for prospective moderators;
- o designate information to be included in the report of absentee ballot results;
- o provide the depository envelopes in which absentee ballot counters seal all materials to be kept after an election;
- o receive the town clerk's filing for used and unused absentee ballots and the account for any discrepancies; and
- o direct that all election result materials be impounded if a recanvass is required.

Finally, the elections division within the Office of the Secretary of the State, among other duties, advises on the statutory interpretation of absentee voting laws.

Town Clerk. The town clerk plays a significant role in the absentee voting process. The clerk is responsible for: 1) preparing the ballots, 2) distributing and receiving ballot applications, 3) supervising the issuance of ballots, and 4) maintaining custody of the returned, marked ballots until election day. Finally, the town clerk keeps and accounts for all absentee ballot materials after the election.

Registrars of Voters. The registrars of voters are responsible for checking and counting the absentee ballots. Counters and moderators are appointed by and accountable to the registrars. The registrars may direct the town clerk to send

absentee ballots to military personnel and their spouses or dependents even if they have not completed an application. Registrars may also request supervised voting of absentee ballots by patients at institutions and supervise such voting (e.g., at a veteran's hospital, nursing home, rest home, mental health facility, or home for the aged).

The registrars may designate central counting of ballots by notifying the town clerk at least 20 days before the election.

Absentee ballot counters. Counters are appointed by registrars in each town. By statute, they must be electors, and known to be "persons of integrity." Before any election, absentee ballot counters participate in a training session with registrars, the clerks, and moderator to review and study the manual on counting absentee ballots prepared by the secretary of the state.

Moderators. Moderators are the chief public officials at each polling place on election or primary days. They are appointed by the registrars and must be certified by the secretary of the state to serve in that capacity. To become certified, the prospective moderator must attend an instructional session conducted by the secretary. A moderator, among other duties:

- o resolves questions of uncertain or conflicting ballot markings and endorses on the ballot the question and decision; and
- o publicly declares the result of the absentee ballot count and adds it to the machine results.

Enforcement bodies. The State Elections Enforcement Commission is authorized to investigate, among other areas, any alleged violation of the absentee voting laws on its own initiative, in connection with any statement filed by the secretary of the state or a town clerk, or upon receipt of a written sworn complaint by any individual. Upon a finding of a violation, the commission can levy a civil fine against an individual. The commission also refers evidence of possible criminal conduct to the chief state's attorney.

The chief state's attorney and the various state's attorneys may investigate and prosecute criminal violations of absentee voting law.

### Absentee Voting Process

All of the preceding officials interact when an election, primary, or referendum is conducted, and actual absentee ballots are cast. The following delineates a complex process involving many participants. Though cumbersome, the intent is to insure the integrity of the ballot.

To vote by absentee ballot, any eligible elector must first obtain an application form, complete it, and return it either by mail or in person to the town clerk.

Absentee ballot application forms are available from the town clerk, who can give multiple copies of the forms to individuals for distribution to prospective voters. The applicant must sign the application, although there are provisions in the law for those who cannot write.

Upon receiving a completed application, the town clerk:

- o checks for the applicant's name on the most recent voter registry list;
- o writes on the application the serial number of the outer envelope for the voting set to be sent or given to the applicant, and completes the information required on the outer envelope;
- o gives a voting set to an applicant who appears in person or mails the set within 24 hours after receiving an application;
- o makes a list of the serial numbers appearing on the distributed outer envelopes and indicates next to each number the name of the applicant to whom the absentee voting set was issued; and
- o files all executed applications in alphabetical order.

Ballots are issued in consecutive, ascending numerical order based on the outer envelope serial number.

The elector receives a voting set including the following: a ballot; an inner envelope with a printed statement and space for the date and the voter's signature; an outer envelope; a copy of instructions for absentee voting; and any explanatory text concerning a proposed constitutional amendment or any local questions, if any.

The clerk is required to keep a list of voting set numbers along with the corresponding names of applicants receiving them. The clerk files all executed applications in alphabetical order open to public inspection. When the clerk must send corrected ballots, he or she keeps a list of all persons who received them as well as those who have applied for more than one absentee ballot. The clerk monitors the return of ballots from persons who have received more than one ballot and marks the earlier postmarked ballot "rejected" if two or more are returned.

The elector marks the ballots for the candidate(s) of his or her choice and votes for or against any ballot questions. The

voter signs and dates the inner envelope and fills in the name of the town. He or she inserts the ballot in the inner envelope and seals it, and inserts the inner envelope in the outer envelope and seals it.

The voter can return the ballot to the town clerk in person by the day before the election or before the polls open on primary day. The voter can personally mail the ballot or, if ill or disabled, ask an eligible, designated person (doctor, nurse, family member, registrar, deputy registrar of voters, or police officer) to mail the ballot so that it is received by the clerk before the polls close on election day. A different process may be used for ballot delivery and return under the specific circumstance of an unforeseen illness or physical disability within six days of the polls closing.

As the town clerk receives the envelopes containing the marked ballots, he or she signs, dates, and marks the time of receipt on each outer envelope. The unopened envelopes are kept by the clerk until the checking procedure begins. The town clerk and registrar of voters must sort and check all absentee ballots received by 11 a.m. on the day before the election.

Beginning on the seventh day before the election, the town clerk may sort ballots into voting districts. The registrars of voters take each sorted ballot and check the name on the outer envelope against the voter registry list. The registrars mark "A" on the list next to the person's name and also on the duplicate list used when central counting has been designated. The marked lists used at the polling places alert poll workers to those voters who have already voted by absentee ballot. If the person's name is not on the registry list, the outer envelope is marked "rejected," and the ballot is not counted.

After the unopened envelopes are checked each day, the clerk seals them in a package and keeps them in a safe place. At noon on election day, the clerk delivers the ballots to the registrars to be counted. Ballots received between 11 a.m. of the day before the election and the close of the polls also must be sorted and checked. The town clerk sorts them by voting district and delivers them at 6 p.m. and at 8 p.m. to the registrars. The town clerk and registrars execute an affidavit of receipt and delivery each time ballots are delivered. The names of voters whose ballots are delivered after noon are checked against the names on the registry lists at the polls. All ballots received by the close of the polls are given to the registrars for counting. Ballots received after 8 p.m. cannot be counted, but are kept unopened by the town clerk for 60 days.

The absentee ballot counters appointed by the registrars begin counting at noon at either a central counting location or at polling places. Central counting is done in public view, but no results can be made known until the time the polls close. The counters receive ballots from the registrars and check any

previously unchecked envelopes against the registry list. They remove the inner envelopes from the outer envelopes and count, separately note, and report to the moderator the total number of absentee, presidential, and overseas ballots received. The counters make sure that the statement on the inner envelope has been signed; then they remove the ballots from the inner envelopes, secure all the envelopes in a depository envelope, and begin to count the ballots. Any questions a counter may have about how a ballot should be counted are brought to the moderator, who resolves any questions of uncertain or conflicting ballot markings, and notes on the ballot the question and decision.

After the counting, all the absentee ballots are placed in a second depository envelope, which is sealed and given to the moderator. The head moderator endorses the clerk's affidavit on receipt of the absentee ballot envelopes. The moderator returns the envelope to the town clerk for retention. In the case of central counting, absentee ballots are always separated, tabulated, placed in envelopes, and returned by voting districts. The result of the absentee vote count is announced by the moderator of each polling place or by the head moderator where there is central counting. The appropriate moderator adds the absentee results to the machine totals.

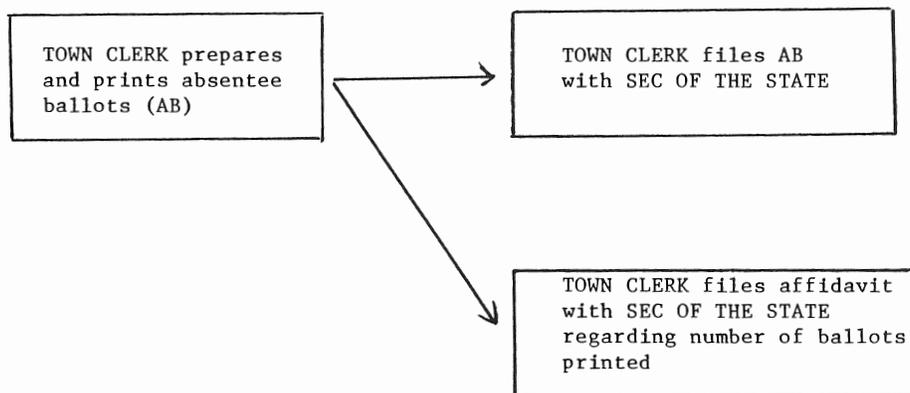
The town clerk keeps all used absentee voting materials for statutorily specified periods. The materials can be destroyed according to that schedule, unless a contest is pending or the State Elections Enforcement Commission has issued a subpoena. Within 10 days after an election, the clerk must file a statement with the secretary of the state accounting for all absentee ballots issued and unused. Figure 6 on the following pages depicts the absentee voting process described above.

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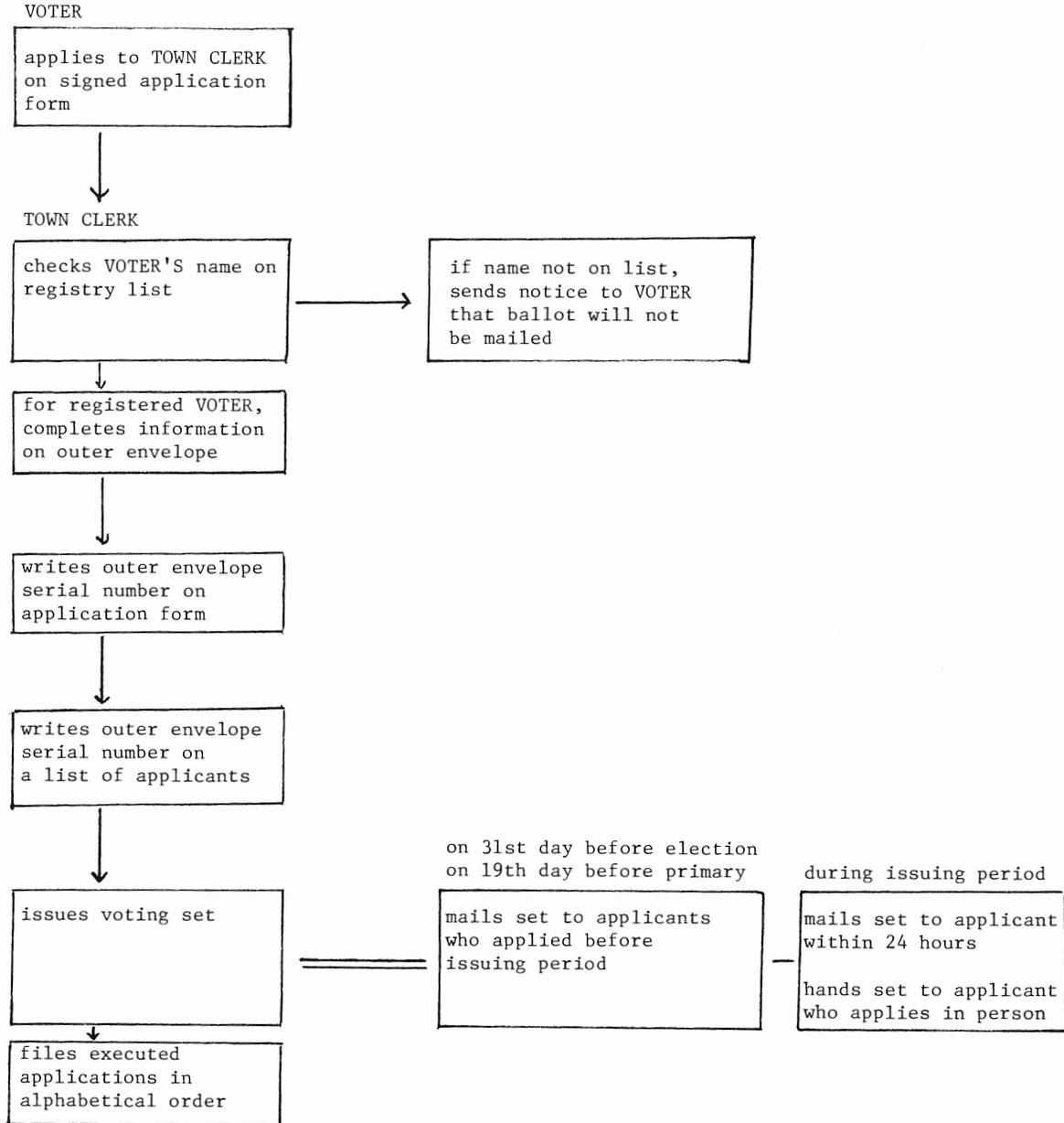
Figure 6. Absentee Voting Process in Connecticut.

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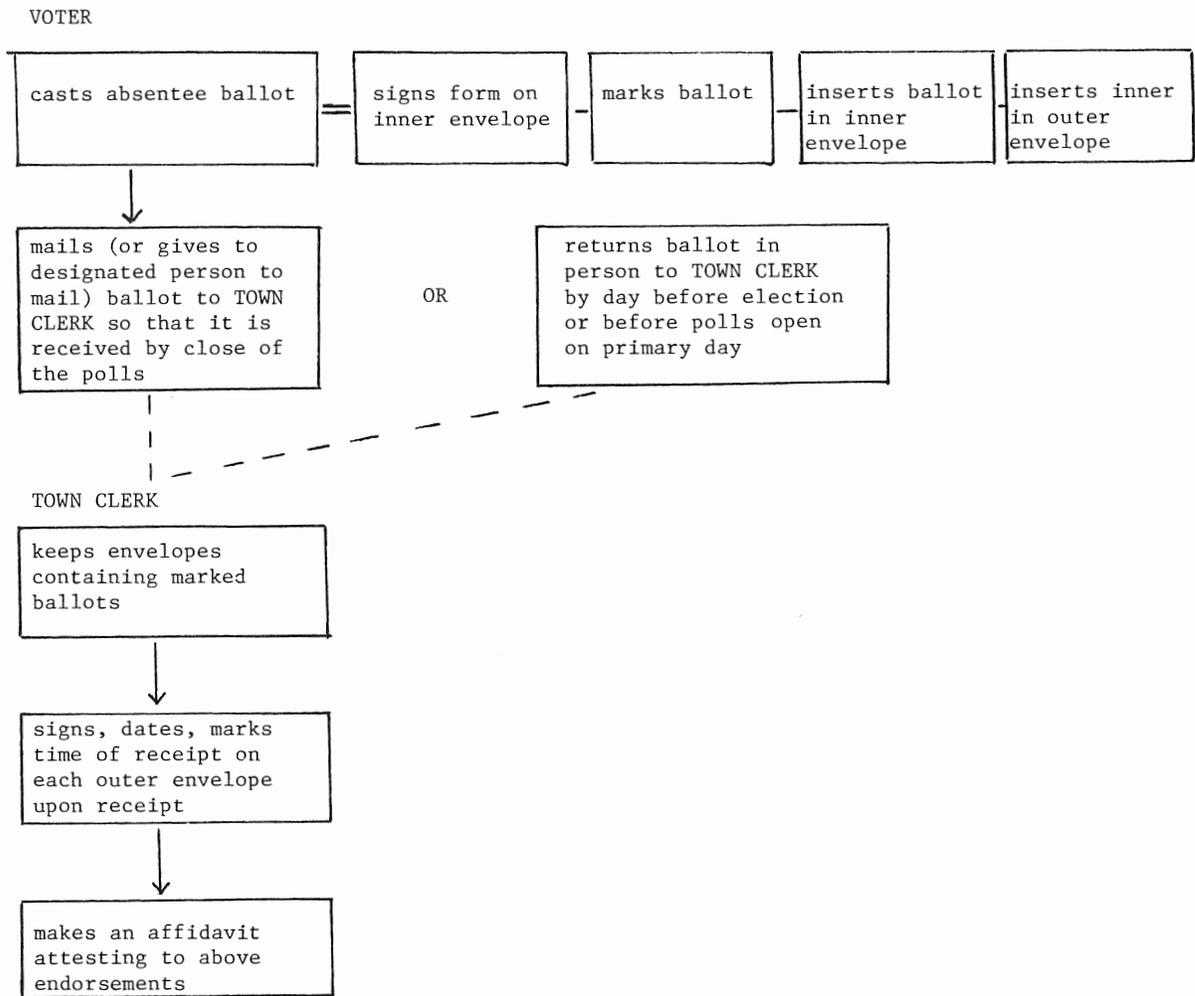
FORMS



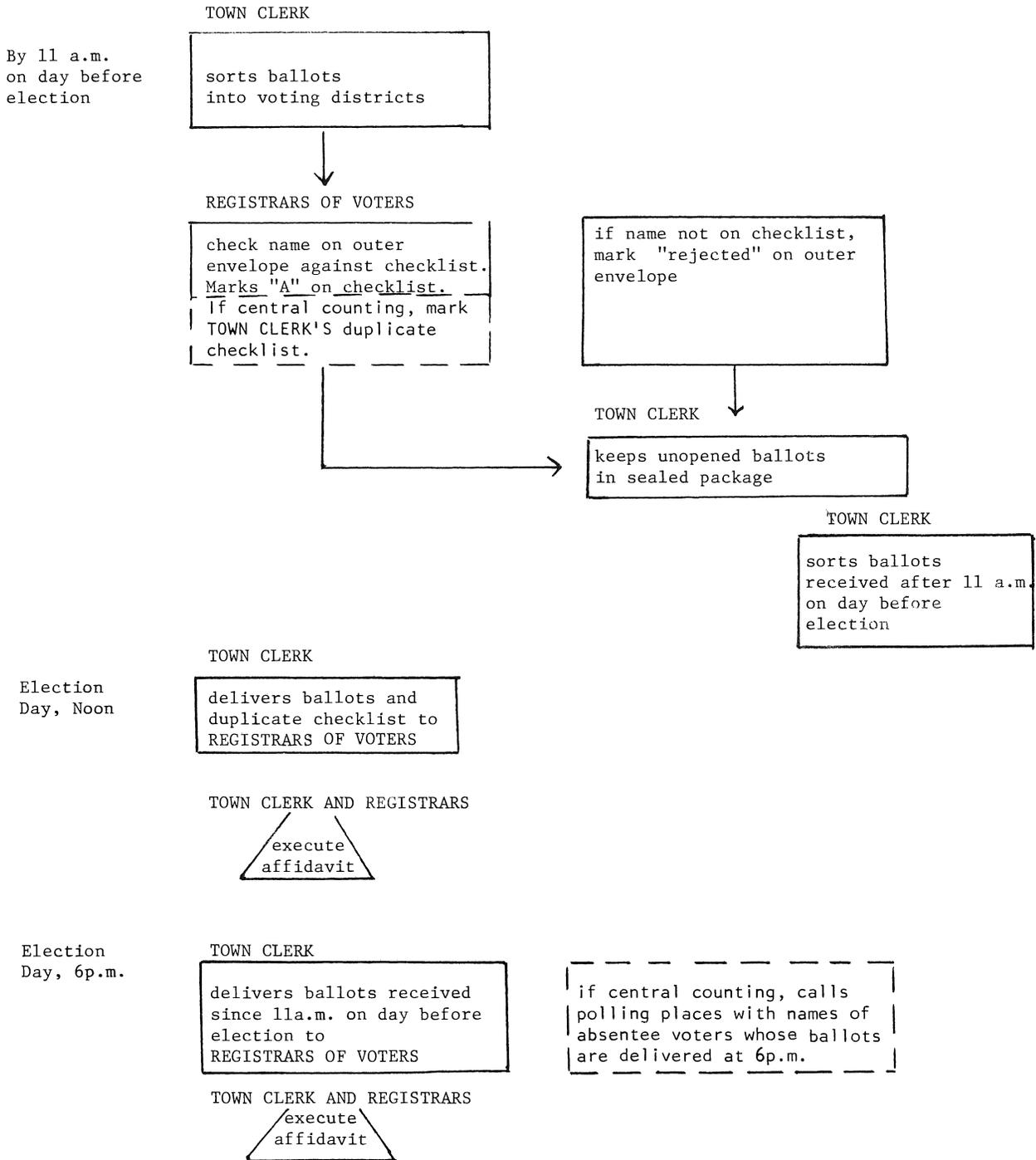
# ISSUANCE



# BALLOT RETURN

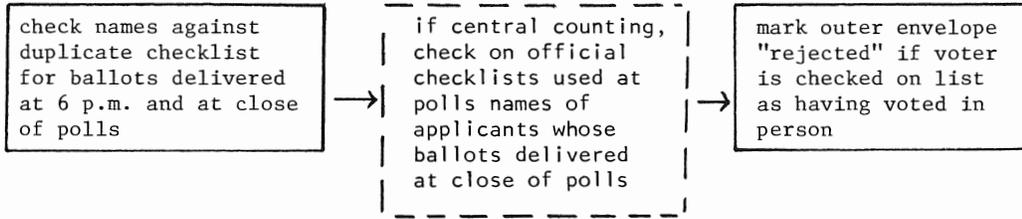


## CHECKING AND DELIVERY



ABSENTEE BALLOT  
COUNTERS

Election  
Day, Close  
of Polls



TOWN CLERK

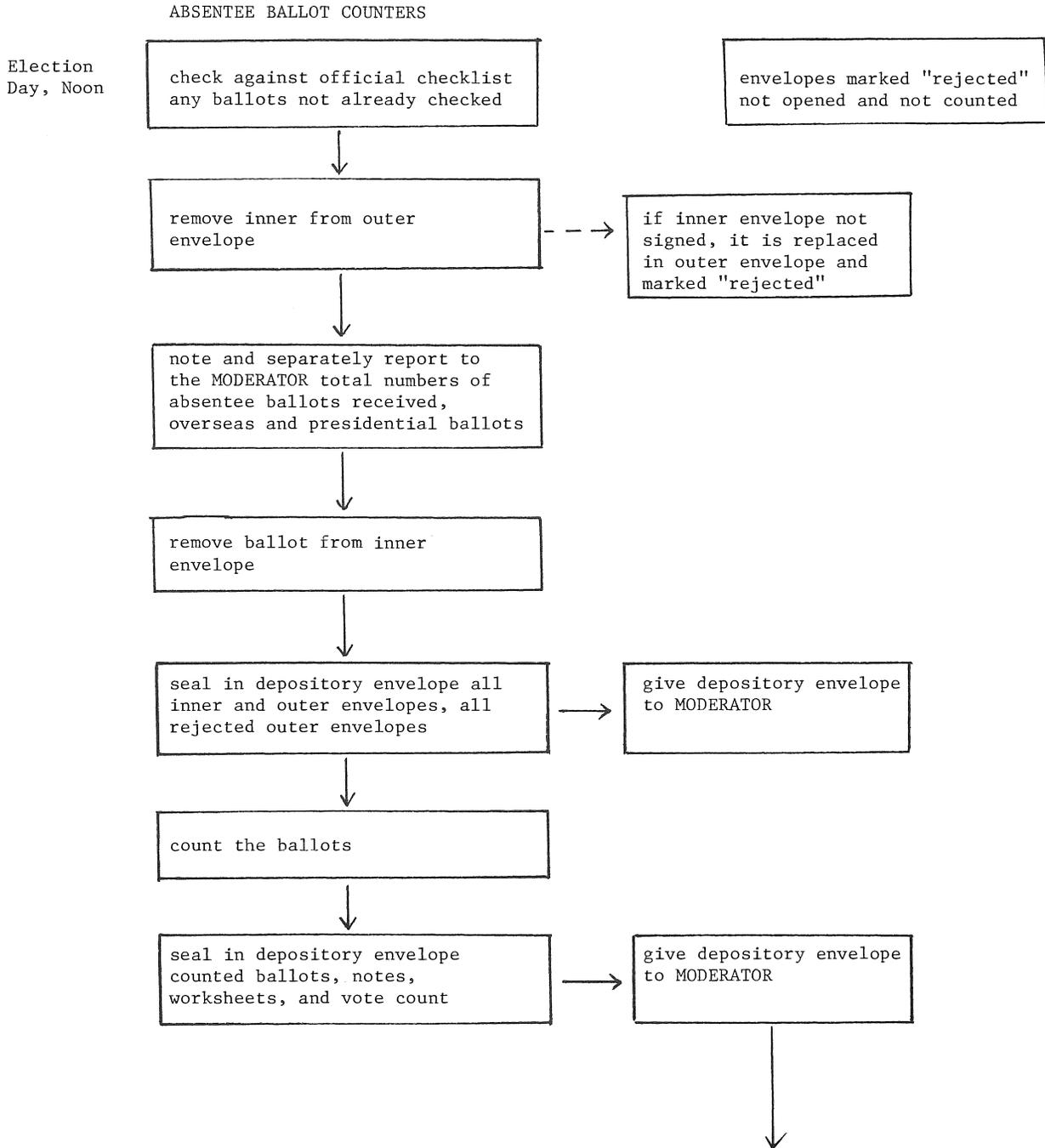
delivers ballots to  
REGISTRARS OF VOTERS

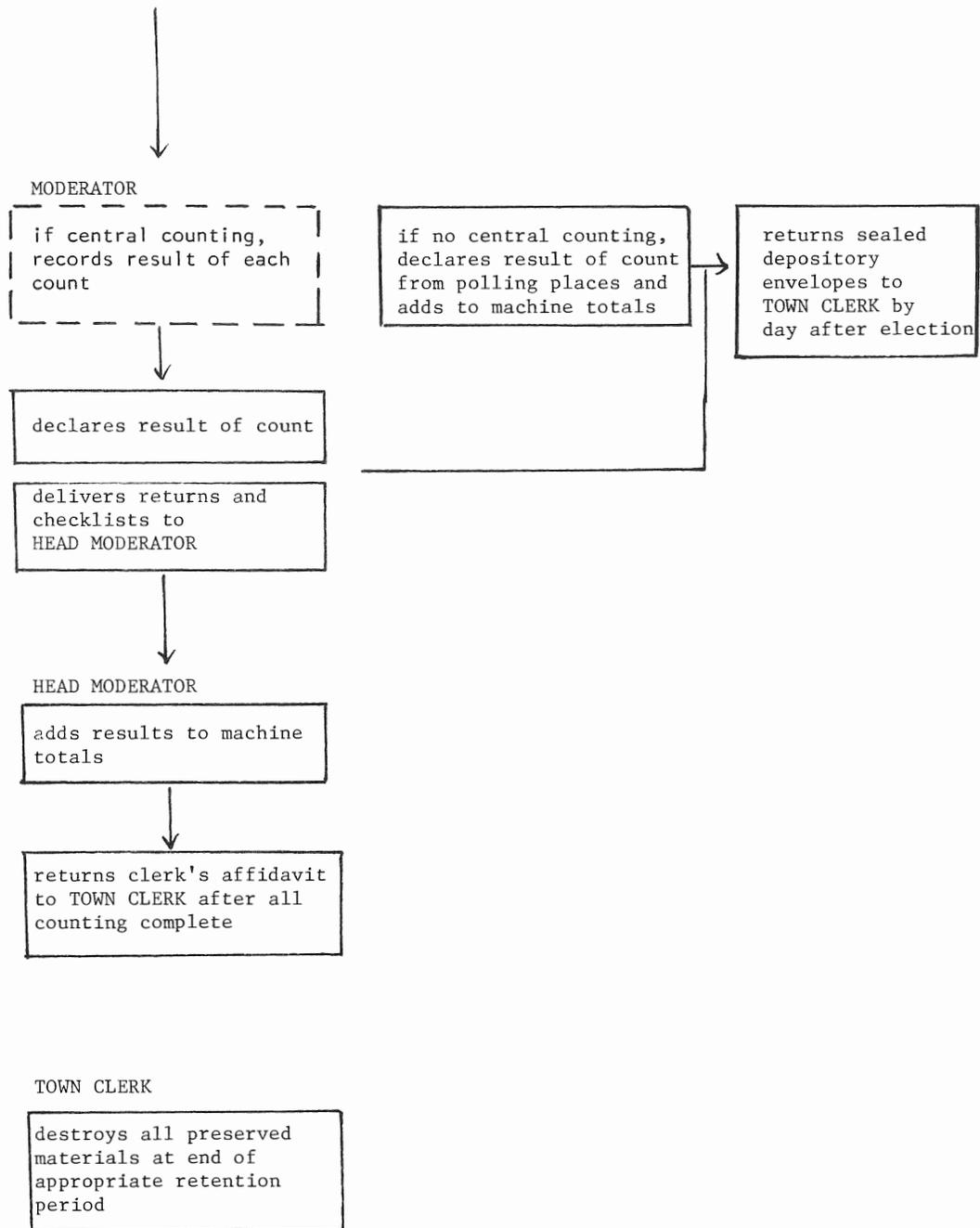
delivers affidavit to  
HEAD MODERATOR

TOWN CLERK AND REGISTRARS

execute  
affidavit

# COUNTING





## Protections and Sanctions

Checks are in place at several points throughout the absentee voting process to ensure that statutory requirements are met. In this section, the statutory checks will be highlighted, and other mechanisms will be described.

Statutory checkpoints. An absentee ballot is rejected if:

- o when checked against the official registry list by either the registrar or an election checker, depending upon when the ballot was received by the town clerk, the name on the outer envelope is not on the registry list;
- o the ballot was the first of two or more issued to an elector, either because the first ballot issued was incorrect or for some other reason claimed by the elector (the latest issued ballot is counted);
- o during the ballot count, the counters discover that the required endorsement of the town clerk along with the date and time of receipt is not present;
- o during the ballot count, if upon opening the outer envelope, the counter finds that the ballot is not inside the inner envelope (the ballot is not rejected if it is inserted in an unsealed inner envelope);
- o in the opinion of the moderator, the ballot was marked to provide a means for its identification;
- o during the ballot count, the counters find that there is no required elector signature on the inner envelope; or
- o an elector, after voting by absentee ballot, finds he or she is able to vote in person on election day, goes to the town clerk's office before 12 noon on election day and asks that his or her ballot be withdrawn (the elector must endorse the rejected outer envelope, and receives a statement from the clerk to present to the polling place moderator to allow the individual to vote in person.)

The requirements for determining the actual choices made on a ballot by an elector can result in the invalidation of a ballot. The general rule regarding the ballot count is that the intent of the voter shall govern. When the intent is difficult to determine, certain statutory presumptions prevail. In one circumstance, the whole ballot must be declared invalid, where the

party block is checked, and the names of as many candidates as the elector may vote for are either checked on other lines or are written in.

Rejection of ballot on challenge. A ballot may also be rejected upon an affirmative act of an elector challenging the right of any person offering to vote by absentee ballot. Pursuant to C.G.S. Sec. 9-232g, such a challenge may be made on the grounds of want of identity, lack of bona fide residence, or disenfranchisement for conviction of a felony. Ultimately, the registrars of voters determine the outcome of the challenge, and must do so before all the absentee ballots are counted.

Challenges must be made under oath in writing to either the town clerk or the polling place moderator, depending upon when the challenge is made. Copies of the challenge, and any written responses, are sent to each registrar of voters, along with the sealed ballot, the outer envelope, and any other relevant evidence.

The registrars must decide whether the challenge should be upheld no earlier than noon of the day of the election or primary and no later than when all other absentee ballots have been counted. If the registrars cannot agree that the challenge be upheld, it is deemed to be denied.

The clerk and moderator are notified in writing of the registrar's decision regarding the challenge. If the challenge is denied, the ballot is presented to the registrars for counting. If the challenge is upheld, the registrars mark the outer envelope rejected, and return the ballot and other evidence to the town clerk or the moderator. Within five days after the primary or election, the town clerk sends the person who was challenged a copy of the written determination of the registrar and a statement as to the disposition of the absentee ballot.

Contesting elections and primaries. Chapter 149 of the Connecticut General Statutes provides a mechanism for electors or candidates who claim to be aggrieved by a ruling of an election official or claim that there is a mistake in the vote counts to bring complaints to the Superior Court in connection with certain elections and primaries. The outcomes of any such complaints are limited to the specific remedies provided in the pertinent statutes.

Specifically, C.G.S. Sec. 9-324 applies to electors or candidates in connection with any election for governor, lieutenant governor, secretary of the state, treasurer, attorney general, comptroller, sheriff, or judge of probate.

C.G.S. Sec. 9-329a applies to electors or candidates in connection with a primary. Both sections, 9-324 and 9-329a, require the complainant to provide notice of the complaint to the State Elections Enforcement Commission. In both situations, where

the complaint is filed before the election or primary, the judge is to proceed expeditiously to render judgement on the complaint.

After an election, the complaint must be brought within 10 days of the election. As of July 1, 1986, after a primary, the complaint must be brought within five days after the primary.

The remedies available when an election is the basis of the complaint are as follows:

- o the judge may order a recount of the votes cast, including absentee ballots, if sufficient reason is shown; or
- o the judge may order a new election or a change in the existing election schedule.

When a primary is the basis of the complaint, the judge may, after a hearing:

- o determine the result of the primary;
- o order a change in the existing primary schedule; or
- o order a new primary if he or she finds that the result of the primary might have been different if there had not been an error in the ruling of the election official or any mistake in the count of the votes.

Chapter 149 also provides for challenges to federal elections and elections for municipal officers and primaries for justices of the peace. There is no provision under this chapter to contest an election for state representative or state senator. Under the state constitution, each house is the final judge of the election outcomes of its own members.

Recanvass. Another mechanism designed to address any potential problems with an election or primary in general, and thus affecting the absentee voting system, is the recanvass.

Chapter 148 of the Connecticut General Statutes provides for three circumstances in which recanvasses can occur for elections and primaries: 1) recanvass in case of discrepancy; 2) recanvass on close vote; and 3) recanvass on tie vote.

In the first instance, if the moderator believes that there is a discrepancy in the returns of any voting districts within three days after an election, a recanvass is conducted within five days after the election. The statute prescribes a detailed method of examining any absentee ballot materials involved in the recanvass. The results of the recanvass are stated; if the original count was incorrect, the recanvass statement is the corrected return.

In the second case, a recanvass is held if the plurality of an elected candidate over the vote for the defeated candidate was either:

- o less than a vote equivalent to one-half of one percent of the total number of votes cast for the office but not more than 2,000 votes; or
- o less than 20 votes.

The defeated candidate may waive his or her right to such a recanvass.

Civil penalties. Any person found to be in violation of any provision of the absentee voting laws by the State Elections Enforcement Commission can be assessed a civil penalty of up to \$1,000 per offense (except for incidents related to delegate primaries). The commission has the statutory authority to make its own investigation, to investigate statements filed with it by the secretary of the state or any town clerk, and to investigate written complaints made under oath by any person. Out of a staff of seven, there are two investigators to investigate all the complaints handled by the commission.

In addition to levying civil fines, the commission issues reprimands and formulates consent orders, which can also include fines. Additionally, the commission refers cases to the chief state's attorney's office for possible criminal prosecution. It should be noted that one action of an individual could make him or her liable for a civil fine and also guilty of a crime, if intent is proven.

Criminal penalties. Under Section 9-359 of the Connecticut General Statutes, the following people, by their actions, have committed a class D felony:

- o any person who executes an absentee ballot for the purpose of informing any other person how he or she votes, or procures any absentee ballot to be prepared for such purpose;
- o any municipal clerk or moderator, any elector appointed to count any absentee ballot, or any other person, who willfully attempts to ascertain how any elector marked his or her absentee ballot or how it was cast;
- o any person who unlawfully opens or fills out (except as allowed elsewhere in statute), with respect to a person unable to write, any elector's absentee ballot signed in blank; or
- o any person who willfully violates any provision of Chapter 145 (absentee voting).

A class D felony is punishable by a fine of up to \$5,000 and/or a prison sentence of up to five years.

Pursuant to C.G.S. Sec. 9-146, only certain persons may have in their possession an official ballot or ballot envelope. An intentional violation of this section would make an individual guilty of a felony under C.G.S. Sec. 9-359, just described. The people to whom possession is restricted are:

- o the elector to whom the ballot was issued;
- o the secretary of the state or her authorized agents;
- o any official printer of absentee ballot forms and his or her designated carriers;
- o U. S. Postal Service (and any other carrier designated by the secretary of the state);
- o any person authorized by a municipal clerk to receive and process absentee ballot forms on behalf of such municipal clerk;
- o any authorized election official; and
- o any other person authorized by any provision of the general statutes (e.g., when a person casts an absentee ballot because of illness or disability, the elector may designate one of certain individuals to mail the envelope [physician, nurse, or other person caring for elector, a member of elector's family, police officer, registrar or deputy registrar of voters]).

Under C.G.S. Sec. 9-359a, a person is guilty of false statement in absentee balloting, another class D felony, when:

- o he or she intentionally makes a false written statement in or on, or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot; and
- o the individual does not believe the statement or signature to be true and is intended to mislead a public servant in the performance of his official function.

Section 9-364a, in pertinent part, provides a fine of not more than \$1,000 and/or imprisonment for not more than a year for:

- o any person who influences or attempts to influence by force or threat the vote of any person;
- o any person who willfully or fraudulently suppresses or destroys any vote or ballot properly given or cast; and
- o any person, who in counting votes and ballots, willfully miscounts or misrepresents the number of the votes.

Pursuant to C.G.S. Sec. 9-140, as amended by P.A. 85-514, no one may pay or give any compensation to someone else solely for: 1) distributing absentee ballot applications obtained from a town clerk or the secretary of the state; or 2) assisting any person in the execution of an absentee ballot. The law proscribes anyone from accepting any such compensation solely for those activities.

Under C.G.S. Sec. 9-360, penalties for fraudulent voting are set out. The following persons can be fined from \$300 to \$500, imprisoned from one to two years, and disenfranchised:

- o any person not legally qualified who fraudulently votes in any town meeting, primary or election in which he or she is not qualified to vote; and
- o any legally qualified person who, at such meeting, primary, or election, fraudulently votes more than once.

Also, any person who votes or attempts to vote at any election or primary by assuming the name of another who is registered or enrolled, shall be fined \$500, imprisoned one year, and disenfranchised.

Finally, specific violations regarding false statements and neglect of official duty are spelled out for presidential and overseas ballots.

## V. ENFORCEMENT OUTCOMES

As noted, civil and criminal sanctions can be imposed upon individuals who violate provisions of the absentee voting law. The State Elections Enforcement Commission can levy a fine of up to \$1,000 per offense; penalties of fines and prison sentences can be imposed by the criminal justice process.

Table 3 shows the alternate dispositions of complaints filed with the State Elections Enforcement Commission regarding absentee voting law violations. The information was obtained from a case report prepared by the commission.

Table 3 shows that from 1976 to 1985, 29 cases were disposed. Of the 29 cases, 17, or nearly 60 percent, were dismissed. The most common reason cited for dismissing a case was insufficient evidence (8). In only two of the dismissed cases did the commission report a finding of no violation. Also noteworthy is that four of the cases were dismissed because the violation was judged unintentional or technical.

In 7 of the 29 cases, the commission did impose a sanction. Five of these involved a reprimand; in the remaining two, a fine was levied. An additional five cases were referred to criminal justice agencies for further investigation.

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Table 3. Dispositions By The State Elections Enforcement Commission.

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<u>Year</u>	<u>Referred</u>	<u>Reprimand</u>	<u>Fine</u>	<u>Dismissed</u>
1976	1			
1977				2
1978	1			2
1979				1
1980	1	2		2
1981	1	1	1	3
1982	1	1		1
1983			1	1
1984				2
1985		1		3
<b>Totals</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>17</b>

Source: State Elections Enforcement Commission.

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It should be noted that the table may understate the number of absentee ballot cases handled by the State Elections Enforcement Commission. According to the commission, only cases in which absentee balloting violations were the sole or primary complaint are indicated as such in the case reports, and thus reported in the table here. Therefore, if an absentee ballot violation was one among several other complaints, it might not be among the cases categorized here.

The outcome of absentee ballot violation charges disposed of by the state Judicial Department over a five year period is contained in Table 4 below. Three points are important to keep in mind when examining this table. First, the data reflect charges disposed of, and not the number of individuals or cases. It is entirely possible for several charges to involve only one case or individual. Second, the data show only those instances in which the original charge involved a violation of absentee ballot laws. For example, if the original charge was for a violation other than one pertaining directly to absentee balloting, it would not appear in the table. Third, the information was obtained from the Judicial Department's automated information system, and the department cautions that the data for the first couple of years may be incomplete.

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Table 4. Dispositions By The Judicial Department.

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<u>Dispo. Year</u>	<u>No. Charges Disposed</u>	<u>No. Guilty Original Charge</u>	<u>No. Guilty Substitute Charge</u>	<u>No. Nolled Dismissed</u>	<u>No. Not Guilty</u>
1981	None	-	-	-	-
1982	None	-	-	-	-
1983	1	-	-	-	1
1984	None	-	-	-	-
1985	34	-	10	24	-

Source: Judicial Department.

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Unless 1985 represents the beginning of a trend, the information in the table indicates that it does not appear there is much court activity related to absentee balloting laws. Indeed, taken as a whole, the volume of activity generated by the state courts and the State Elections Enforcement Commission suggests one of two things. Either violations of absentee balloting laws are relatively few in number, or such activities or crimes go largely undetected or unreported.

## VI FINDINGS AND RECOMMENDATIONS

Testimony before the program review committee indicated that people are confused and concerned about absentee voting. The committee believes that the integrity of the election process has suffered as a result. Further, the committee realizes that bad acts cannot be legislated away, and anyone bent on manipulating a system will probably find a way to do so. It is the committee's belief, though, that systematic deterrent and detection elements can be put in place to reduce the opportunity for, and increase the difficulty of, such manipulation.

The thrust of the following 13 recommendations is directed then at minimizing the opportunity for wrongdoing during the absentee vote process, and integrating detection checkpoints into the process. It is the committee's intent to strike a balance between the goals of voter participation and vote integrity. In the following presentation, the committee's recommendations in bold precede discussion of the findings and rationale.

### 1. Availability of Applications

Applications shall only be picked up in person by an elector, mailed to an elector pursuant to a telephone call or written request from the elector, or picked up in person by an individual designated by the elector. Identifying information about the elector shall be required, if a request is made by telephone.

The designated person shall be one of the following: a medical doctor, a nurse or anyone else caring for the elector if ill, a member of the elector's family, a police officer, or the registrar of voters or deputy registrar from the elector's municipality. (These are the same categories of individuals who can now be designated to assist a voter who becomes ill or disabled six days before an election). The person shall sign the application form and indicate the designation next to the signature.

Application forms distributed by the town clerk shall be numbered in the order of distribution. The town clerks shall keep a log of applications requested and sent, the manner of the request, and the number assigned to the application form.

Discussion. Under current law, applications are available to anyone for distribution. It is common practice for campaign workers to obtain large numbers of applications. In some cases campaign workers have encouraged electors to apply for absentee ballots by telling them they could vote absentee even though they did not meet any of the eligibility criteria. Also, more than one application has been solicited from a single voter. In other cases, applications were filled out in electors' names without their knowledge. Application distribution can begin a

relationship of undue influence between a voter and a campaign worker.

A major 1955 revision of the absentee voting laws eliminated the use of an agent in the distribution of absentee ballot sets for many of the same reasons cited here for restricting the handling of applications. A 1974 reform restricted the handling of absentee ballots to the voter alone or, if the voter were ill or disabled, to those persons specifically designated in statutes, e.g., a family member, physician, nurse, registrar, or police officer. These changes were principally designed to insure the voter's privacy and to protect the voter from harassment.

This recommendation does not prevent or impede anyone who wants to apply for an absentee ballot from doing so; it merely prevents campaign workers from playing a dominant role in the distribution of applications, and should also impede the possibility of forging signatures.

## **2. Confidentiality of Applicant List**

The applicant list and the log required to be kept by the town clerk under recommendation 1 shall be confidential and, therefore, exempt from disclosure under the freedom of information law. A list of persons whose ballots have been returned shall be available beginning three business days before an election, primary, or referendum.

Discussion. Under current law, the town clerks keep lists of applicants, including the names and the dates applications were received and ballot sets mailed or given to electors. Campaign workers routinely use these lists to learn who has requested ballots and when these ballots are likely to be received by the voter. Some workers then arrange to visit these electors when the ballots arrive in the mail, and offer assistance. The possibility of undue influence arises, and the ability to detect such influence after the fact is minimal. The disclosure of names of persons whose ballots have been returned shortly before the election, primary, or referendum meets the need to review the lists for potential ineligible voters.

Town clerks have always been required to keep a list of ballot sets sent to applicants, but it was not until 1955 that a revision of the absentee voting laws made the executed applications public records. That change was part of an extensive revision of the process passed after problems of fraud and abuse surfaced. A 1957 act required that clerks keep a list of applicants' names and that the list be public, eliminating the handling of the applications themselves.

### 3. Application Signature Check

When an application is returned, the town clerk shall check the application signature against the registration card signature, while checking the applicant's registration status. If, in the opinion of the town clerk, the similarity between the two signatures is questionable, the applicant shall be sent notice of such question, and no ballot set sent.

Discussion. As noted earlier, in some cases, applications are filled out in persons' names without their knowledge. To do this, obviously, signatures are forged. The committee believes this signature check would serve as a deterrent to forgeries and would short-circuit obviously fraudulent applications, preventing unrequested ballots from being sent out.

### 4. Modification of Inner and Outer Envelopes and Envelope Signature Check

The information currently provided on the outer envelope--the elector's name and residence, voting district, places for the town clerk's signature, date and time notation--shall be moved to the inner envelope, and serial numbers matching outer envelope serial numbers shall be printed on the inner envelopes. A place shall be provided on the inner envelope for the registrar's endorsement of the voter's signature.

When the ballot set is returned, the town clerk shall open the outer envelope and remove the inner envelope, endorse and date the inner envelope. The registrars shall compare the signature on the inner envelope to the registration card signature and shall endorse the inner envelope as evidence of the signature check. If, in the opinion of the registrars, the signature similarity is questionable, notice shall be sent immediately to the elector, and the question shall be resolved by the close of election day.

Discussion. Under current law, the outer envelopes are opened by the counters on election day, and the only check of the signature on the inner envelope is whether it is present. The committee believes that a signature comparison intended to isolate obviously dissimilar signatures would be valuable to sidetrack and hold any questionable ballot before it was removed from its envelope and, therefore, was untraceable.

The committee does not believe the inner envelope signature comparison should be the responsibility of the ballot counters, however, and, therefore, recommends that the registrars check the signatures. The inner and outer envelope modification recommendation is to facilitate the signature check. As an additional benefit, removal of the outer envelope prior to counting on election day would eliminate the need to keep track of them by counters.

## 5. Mandatory Supervised Voting

Supervised voting at institutions with 10 or more patients who are registered voters shall be mandatory.

Discussion. Current law permits the registrars of voters or the administrator at an institution to request a supervised voting session to be conducted at an institution by the registrars of voters, or their designees, in the town where the facility is located.

An institution, for purposes of supervised voting, includes a veteran's health care facility, a home for the aged, a health care facility of the handicapped, a nursing home, rest home, a mental health facility, an alcohol or drug treatment facility, or an infirmary operated by an educational institution.

Enabling legislation providing for supervised voting at institutions was passed in Connecticut in 1981. The provision was passed on a voice vote in the House with no debate; there was no discussion in the Senate. Proponents argued at a public hearing that the proposal would create an atmosphere in institutions similar to that of a polling place where questions could be answered for residents by qualified officials who would not exert undue influence, and that it would reduce allegations of fraud.

Under this recommendation, no one other than election officials would be involved in the absentee ballot application or voting process. Any question about a ballot irregularity would be directed to them. The voting sessions would take place within a specified time period. The town clerk would not mail ballots to resident patients in the institution. As under current law, ballots would be prepared by the town clerk and delivered to the registrars or their designees. Ballots would be voted and returned according to existing provisions.

To accommodate patients who are residents of a town other than that in which the institution is located, the administrator of the facility should be responsible for determining whether the patient wants to cast an absentee ballot and for assisting him or her in applying for one. (A patient's family member could also, under recommendation 1, assist in requesting an application.) The clerk of the town where the patient is a resident could send the voting set to the clerk of the town where the facility is to keep until the voting session is to take place. At that time, all ballots for all registered voters at a facility would be turned over to the registrars. These registrars of the town where the facility is located, or their designees, would be available to offer assistance while conducting the session to all patients voting and would collect all ballots. They would be responsible for mailing or delivering ballots from other towns to the appropriate town clerk.

The Legislative Program Review and Investigations Committee believes that the privilege of absentee voting at such a facility must be carefully regulated to prevent the potential for fraud or abuse, to prevent overzealous solicitation of absent electors who may prefer not to participate in an election, and to prevent undue influence on an absentee elector to vote for or against a candidate or question. Strict and uniform adherence to the requirements for supervised voting provides a safeguard to the integrity of the electoral process and reaffirms for all citizens a sense of confidence in the validity of the election process.

## **6. Mandatory Central Counting**

**Central counting of absentee ballots shall be mandatory.**

Discussion. Central counting instead of counting at polling places would consolidate the process with resultant increased control. Ballot delivery from the registrars to the absentee ballot counters would be to one rather than several locations. Errors in sorting a ballot into the wrong voting district could be easily corrected.

Existing central counting procedures would apply. The same or a fewer number of absentee ballot counters would be needed. A single moderator at the central location could provide better supervision and more consistency in the resolution of decisions on uncertain ballots. Counting would be conducted away from the activity, confusion, and congestion at the polling place on election day.

The statutes have allowed officials to count absentee ballots at a central location since 1975. Counting absentee ballots in polling places had been continued from the time when bipartisan election officials actually cast the absentee voters' ballots on a machine in the voting districts. That practice was changed when casting absentee ballots began to significantly interfere with others voting at the polls. Absentee ballots, however, were still taken to the districts for counting.

Strong arguments were made for permitting central counting. It separates the responsibility for counting absentee ballots from the concerns of those involved with voting at the polls. Absentee ballot counters can delay the process and interfere with lines of voters at the polls. When counting must be done at the polls, the town must assign two absentee ballot counters to each voting district which is time-consuming and expensive when several voting districts are involved, particularly where there are very few ballots to count. Problems occur when ballots must be delivered up to the moment of poll closing. Further, the time-consuming delivery of ballots to multiple districts can cause delays in finalizing the vote count. Central counting helps preserve the secrecy of the absentee ballot when few ballots are returned or only a small group are returned late on election day. Central counting was also supported in 1975 because, unlike counting at the polling place, it was made open to the public.

## 7. Public Education on Absentee Voting

The secretary of the state shall have the statutory duty and responsibility to provide education on absentee voting.

Discussion. The Legislative Program Review and Investigations Committee believes that an extensive multimedia campaign is needed to inform voters, candidates, and campaign workers about what is allowed and prohibited in the absentee voting process. Clearly, if all participants were knowledgeable about the process, then both technical and deliberately engineered violations of the law would be reduced. To be successful, the education should involve, at the least, widespread use of television and radio spots, and the print media, as well as targeting particularly vulnerable segments of the voting population.

## 8. Post-election Audit of Absentee Ballots

The State Elections Enforcement Commission shall review any election in which the number of absentee votes exceeded 50, and either reversed the outcome of the machine vote or resulted in a difference of 15 or more between a candidate's percentage of the total machine vote and the candidate's percentage of the total absentee vote.

Discussion. In conducting its review, the program review committee sought to determine the mechanisms used to detect, apprehend, and punish those engaging in absentee voting fraud. It quickly became apparent that the state did not have a systematic detection effort. There was no governmental agency that was specifically charged with routinely searching for fraud in absentee voting.

This void is probably related to the fact that traditional law enforcement units such as police and prosecutorial agencies are overburdened with matters they deem more serious than providing the amount of investigatory time necessary to make even a preliminary determination that absentee voting fraud has occurred.

Currently, an individual must file a complaint with either the State Elections Enforcement Commission or the criminal authorities to allow even the possibility of any investigation. Evidence indicates that sometimes the very person whose absentee ballot has been handled illegally is not aware of any wrongdoing. Public confidence in the integrity of the elections system, and the relatively private nature of much of the absentee voting process, call for a strong detection effort by the state.

The committee believes that the State Elections Enforcement Commission is the most logical agency to systematically review election results and determine whether there is sufficient

evidence to conduct a full civil investigation or refer the evidence to the chief state's attorney's office for a criminal investigation.

Recognizing that the resources available to the elections commission are likely to be only marginally increased, it is proposed that the number of investigations undertaken by the commission be limited. This would be accomplished through establishment of a procedure for automatically selecting which absentee voting results would be investigated. The committee recommends that the State Elections Enforcement Commission investigate any election in which the number of absentee votes exceeded 50, and either reversed the outcome of the machine vote or resulted in a difference of 15 or more between a candidate's percentage of the total machine vote and the candidate's percentage of the total absentee vote.

The assumption underlying the second element of the selection method is that the greater the difference between a candidate's proportion of the machine and absentee vote, the higher the probability that the difference is based on some factor(s) other than chance. Selecting a difference of 15 as the key number in determining whether to conduct an investigation is based on an analysis of the data available to the committee that indicated a difference of this magnitude is not likely to be the result of chance.

Applying the selection criteria to the data obtained through the committee's survey of municipal clerks revealed that approximately 6 percent (20) of all the reported elections would have qualified for an audit. Separated by type, those qualifying represented 3.8 percent of the gubernatorial, 7.4 percent of the Senate, 6.9 percent of the House, and 4.3 percent of the local elections.

The committee believes that the elections commission's investigation should take the form of an audit directed at:

- o verifying the identity of those casting absentee votes;
- o reviewing returned absentee voting applications, envelopes, ballots, and related records to identify any unusual patterns; and
- o taking testimony from election officials.

Upon completion of its investigation, the elections commission should issue a statement of its findings. Such a statement should clearly indicate that

- o no evidence was found to indicate that absentee vote violations occurred;

- o there was reasonable evidence that civil violations of absentee voting law occurred, and sanctions were imposed by the commission; or
- o there was reasonable evidence that absentee vote fraud occurred, and the case was referred to the chief state's attorney.

## 9. Automatic Judicial Hearing for Election Contests

An automatic judicial hearing in an election contest shall be held upon the filing of a complaint containing the certified results of an election or primary where the number of absentee votes exceeded 50 and the absentee vote count reversed the machine count.

Discussion. The election contest procedure, an expedited judicial proceeding challenging election results, requires that complaints be filed within days after an election or primary. Gathering enough specific information within the short time period to file a complaint sufficient to prompt a hearing may be unduly burdensome. There is a great public interest in assuring that the person the voters elected is in fact the person who takes office.

Certainly, adequate complaints have been filed under the current statutory scheme because elections have been ordered rerun. Also, the committee understands the concern regarding the possibility of fishing expeditions by unsuccessful candidates designed to harass successful candidates. However, public confidence in election outcomes is vital, and recent events have shaken public confidence. The committee believes that where the outcome of an election is reversed by the absentee ballot count, there is a sufficient independent reason to review the outcome.

Recommendation 8, discussed above, is based on similar reasoning. The difference between the two recommendations is consequence. A review by the elections enforcement commission may affect individuals, but not the ultimate outcome of the election. Under this recommendation, the election result may be affected.

The committee does not believe that this recommendation would be unnecessarily burdensome to either the state's election or judicial systems. This assertion is based on the fact that in less than 1 percent (2 out of 364) of the elections analyzed by the committee would a complainant have been entitled to an automatic hearing

## 10. Expanded State Elections Enforcement Commission Jurisdiction

The State Elections Enforcement Commission should have jurisdiction over absentee violations in all elections and primaries.

Discussion. Currently, the State Elections Enforcement Commission has no jurisdiction over delegate primaries. The committee believes that the integrity of the absentee voting process is as important in one type of election as another. Delegate primaries are part of the process that ultimately result in elected officials holding office.

#### **11. Grand Jury Review of Election Law Violations**

The investigatory grand jury statute should permit the review of crimes involving the electoral process.

Discussion. It has been noted above that detection of absentee voting abuses is difficult, given the relatively private nature of the absentee voting process. Amending the grand jury statute to permit an investigation of absentee ballot abuse, with the subpoena and immunity tools available for use, would increase the arsenal against election fraud. The statute currently provides for the investigation of government corruption; the committee believes fraud in the electoral process is an equally serious crime against the public trust.

#### **12. Simplified Application Form**

The application form for absentee ballots shall be simplified and made more clear.

Discussion. The Legislative Program Review and Investigations Committee believes that the level of information required and the complex nature of the language used on the application form may discourage applicants from completely reading and understanding their rights and responsibilities. In the view of the committee, only four things need to be elicited from the applicant:

- o the identity of the applicant;
- o the election for which the absentee ballot is sought;
- o the reason the applicant needs an absentee ballot; and
- o the penalties for providing false information.

All wording on the application should be limited to achieving these four ends, and should be in tune with the state's plain language law.

The application form should be simplified and made more efficient. In addition to straightforward voter identification information and the reason for wanting to vote absentee, the current form requires the applicant to identify: the political subdivision of the municipal clerk with whom the application is

being filed; whether the application is for an election, primary, or referendum; the date of the election, primary or referendum; the type of election; and in the case of a primary, the voter's political affiliation.

Information supplied by the applicant should be limited to personal identification and the type of election for which a ballot is requested (i.e., election, party primary, or referendum.) The remainder of the information can be determined by the clerk and incorporated onto the applicant's signed form if necessary.

### **13. Ballot Printing Requirements**

**Absentee ballots shall be printed in such a way as to deter counterfeiting.**

Discussion. In order to increase assurances that no fraudulent ballot is voted or substituted for a legitimate ballot, the ballot itself should be identifiably official. To prevent simple and widespread ballot duplication on any copy machine, town clerks should arrange to have ballots printed on paper that is not widely available, that cannot be easily counterfeited, and that has some identifying official mark or designation, such as a watermark or the town seal.

The secretary of the state should devise the paper specifications and contract with a single supplier through competitive bidding. The current responsibilities of town clerks to prepare and print the ballots should remain unchanged. There should, however, be strict measures to account for the ballot paper used. Absentee ballot counters should be trained to determine that each ballot they count is printed on the official paper.

APPENDICES



## APPENDIX A

## Absentee Voting Rates By Town

TOWN	PRESIDENTIAL (Avg. '76, '80, & '84)			GUBERNATORIAL (Avg. '74, '78 & '82)		
	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE
ANDOVER	1,084	51	4.49%	851	29	3.30%
ANSONIA	8,419	393	4.46%	7,223	266	3.56%
ASHFORD	1,422	63	4.26%	1,033	33	3.07%
AVON	5,988	588	8.94%	4,585	233	4.83%
BARKHAMSTED	1,327	72	5.12%	1,003	34	3.28%
BEACON FALLS	1,794	71	3.79%	1,532	50	3.18%
BERLIN	8,088	459	5.37%	6,854	249	3.51%
BETHANY	2,312	207	8.22%	1,910	138	6.75%
BETHEL	6,882	409	5.61%	4,863	181	3.59%
BETHLEHEM	1,335	118	8.10%	1,096	74	6.30%
BLOOMFIELD	9,443	687	6.78%	7,909	416	5.00%
BOLTON	1,959	89	4.33%	1,538	30	1.89%
BOZRAH	992	77	7.17%	764	44	5.44%
BRANFORD	11,476	715	5.86%	8,617	348	3.88%
BRIDGEPORT	46,211	2,253	4.65%	35,321	1,291	3.53%
BRIDGEWATER	823	79	8.76%	669	36	5.15%
BRISTOL	23,825	1,159	4.64%	19,784	617	3.02%
BROOKFIELD	5,668	494	8.01%	3,952	185	4.48%
BROOKLYN	2,299	122	5.04%	1,787	61	3.30%
BURLINGTON	2,517	102	3.88%	1,885	46	2.40%
CANAAN	469	44	8.58%	384	27	6.49%
CANTERBURY	1,408	77	5.19%	1,042	40	3.70%
CANTON	3,867	268	6.47%	2,938	118	3.85%
CHAPLIN	743	21	2.71%	578	11	1.81%
CHESHIRE	10,343	757	6.82%	7,907	302	3.67%
CHESTER	1,475	125	7.83%	1,194	59	4.68%
CLINTON	5,035	337	6.27%	3,727	132	3.41%
COLCHESTER	3,679	228	5.83%	2,908	183	5.92%
COLEBROOK	659	48	6.83%	569	24	4.04%
COLUMBIA	1,824	112	5.78%	1,446	66	4.37%
CORNWALL	673	115	14.60%	584	68	10.43%
COVENTRY	3,958	184	4.45%	3,136	96	2.96%
CROMWELL	5,022	267	5.05%	3,722	133	3.44%
DANBURY	22,647	1,383	5.76%	16,223	840	4.92%
DARIEN	9,524	1,364	12.53%	6,986	475	6.37%
DEEP RIVER	1,938	179	8.47%	1,573	146	8.49%
DERBY	5,198	228	4.20%	4,295	124	2.80%
DURHAM	2,438	165	6.34%	1,945	91	4.49%
EAST GRANBY	2,073	141	6.38%	1,655	79	4.54%
EAST HADDAM	2,704	155	5.41%	2,103	99	4.48%
EAST HAMPTON	4,077	260	5.99%	3,339	170	4.85%
EAST HARTFORD	22,537	1,079	4.57%	17,919	516	2.80%
EAST HAVEN	10,554	454	4.12%	8,167	300	3.55%
EAST LYME	6,299	547	7.99%	4,783	272	5.38%
EAST WINDSOR	3,617	161	4.25%	2,754	98	3.45%
EASTFORD	576	50	7.99%	477	27	5.36%
EASTON	3,109	314	9.16%	2,399	144	5.65%
ELLINGTON	4,484	204	4.34%	3,359	99	2.86%
ENFIELD	17,636	719	3.92%	13,375	258	1.89%

## PRESIDENTIAL

(Avg. '76, '80, &amp; '84)

## GUBERNATORIAL

(Avg. '74, '78, &amp; '82)

TOWN	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE
ESSEX	2,724	274	9.15%	2,289	156	6.37%
FAIRFIELD	28,362	2,584	8.35%	22,497	1,328	5.57%
FARMINGTON	8,517	672	7.32%	6,829	328	4.58%
FRANKLIN	866	56	6.11%	707	29	3.98%
GLASTONBURY	12,940	1,016	7.28%	10,245	429	4.02%
GOSHEN	885	82	8.48%	718	59	7.63%
GRANBY	3,811	285	6.95%	2,889	111	3.69%
GREENWICH	29,991	3,094	9.35%	21,420	1,047	4.66%
GRISWOLD	3,266	154	4.49%	2,542	75	2.85%
GROTON	12,077	980	7.50%	8,514	359	4.04%
GUILFORD	7,878	583	6.89%	5,722	213	3.59%
HADDAM	3,065	195	5.99%	2,529	93	3.54%
HAMDEN	25,369	1,600	5.93%	20,366	788	3.72%
HAMPTON	664	48	6.78%	514	28	5.23%
HARTFORD	40,570	1,572	3.73%	31,398	867	2.69%
HARTLAND	679	31	4.41%	508	13	2.43%
HARWINTON	2,364	109	4.40%	1,965	77	3.77%
HEBRON	2,590	117	4.32%	1,867	49	2.57%
KENT	1,130	161	12.45%	893	84	8.63%
KILLINGLY	5,382	320	5.61%	4,250	178	4.03%
KILLINGWORTH	1,971	120	5.74%	1,506	63	4.00%
LEBANON	2,169	115	5.02%	1,733	76	4.18%
LEDYARD	5,176	647	11.12%	3,614	314	7.99%
LISBON	1,255	57	4.34%	977	22	2.17%
LITCHFIELD	3,675	329	8.22%	3,103	222	6.67%
LYME	983	117	10.64%	779	76	8.93%
MADISON	6,847	690	9.15%	4,984	231	4.43%
MANCHESTER	23,646	1,517	6.03%	18,761	817	4.17%
MANSFIELD	5,965	409	6.42%	4,304	201	4.45%
MARLBROOUGH	2,218	95	4.12%	1,733	49	2.75%
MERIDEN	23,401	1,320	5.34%	19,310	807	4.01%
MIDDLEBURY	3,083	258	7.72%	2,571	136	5.02%
MIDDLEFIELD	2,019	92	4.34%	1,633	68	4.02%
MIDDLETOWN	16,961	969	5.41%	13,138	618	4.49%
MILFORD	22,146	1,160	4.98%	16,748	489	2.83%
MONROE	6,018	344	5.40%	4,152	115	2.70%
MONTVILLE	6,297	319	4.83%	4,682	132	2.74%
MORRIS	932	84	8.30%	799	60	6.95%
NAUGATUCK	10,796	625	5.47%	8,913	428	4.58%
NEW BRITAIN	29,619	1,316	4.26%	25,174	896	3.44%
NEW CANAAN	9,061	1,613	15.11%	6,626	424	6.01%
NEW FAIRFIELD	4,952	308	5.85%	3,410	107	3.04%
NEW HARTFORD	2,373	136	5.43%	1,831	76	3.97%
NEW HAVEN	45,847	2,247	4.67%	33,331	1,362	3.93%
NEW LONDON	9,634	826	7.89%	7,519	418	5.27%
NEW MILFORD	7,309	574	7.28%	4,953	268	5.13%
NEWINGTON	14,682	725	4.71%	11,775	299	2.48%
NEWTOWN	8,268	635	7.13%	6,037	281	4.45%
NORFOLK	865	142	14.08%	754	87	10.31%

PRESIDENTIAL  
(Avg. '76, '80, & '84)

GUBERNATORIAL  
(Avg. '74, '78 & '82)

TOWN	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE
NORTH BRANFORD	5,238	284	5.14%	4,045	147	3.51%
NORTH CANAAN	1,417	156	9.93%	1,202	116	8.80%
NORTH HAVEN	11,368	652	5.42%	9,369	299	3.09%
NORTH STONINGTON	1,948	151	7.20%	1,383	76	5.23%
NORWALK	31,763	1,899	5.64%	22,008	703	3.10%
NORWICH	14,124	730	4.91%	11,187	298	2.60%
OLD LYME	3,234	350	9.77%	2,636	204	7.18%
OLD SAYBROOK	4,408	462	9.49%	3,620	307	7.81%
ORANGE	7,219	600	7.68%	5,896	281	4.55%
OXFORD	2,838	137	4.62%	2,152	72	3.22%
PLAINFIELD	4,635	218	4.50%	3,758	117	3.03%
PLAINVILLE	7,129	281	3.79%	5,883	137	2.27%
PLYMOUTH	4,647	163	3.40%	3,597	95	2.57%
POMFRET	1,271	94	6.86%	1,021	62	5.70%
PORTLAND	4,309	301	6.52%	3,680	191	4.94%
PRESTON	1,829	109	5.62%	1,359	43	3.07%
PROSPECT	3,217	146	4.34%	2,638	82	3.03%
PUTNAM	3,882	341	8.07%	3,319	281	7.80%
REDDING	3,496	392	10.09%	2,625	194	6.87%
RIDGEFIELD	9,743	1,132	10.41%	6,783	339	4.76%
ROCKY HILL	7,056	438	5.84%	5,356	249	4.44%
ROXBURY	807	125	13.38%	658	80	10.84%
SALEM	969	53	5.15%	709	20	2.74%
SALISBURY	2,047	327	13.78%	1,699	175	9.35%
SCOTLAND	494	30	5.73%	406	19	4.47%
SEYMOUR	6,037	261	4.15%	4,859	145	2.89%
SHARON	1,242	191	13.33%	964	107	9.96%
SHELTON	13,567	694	4.87%	10,245	359	3.38%
SHERMAN	1,078	145	11.83%	799	77	8.82%
SIMSBURY	10,839	1,099	9.20%	8,509	467	5.21%
SOMERS	3,549	220	5.85%	2,701	92	3.29%
SOUTH WINDSOR	8,633	498	5.45%	6,564	203	3.00%
SOUTHBURY	6,767	574	7.82%	5,366	263	4.68%
SOUTHINGTON	15,247	603	3.80%	11,896	300	2.46%
SPRAGUE	1,296	86	6.25%	1,068	54	4.78%
STAFFORD	4,433	217	4.66%	3,705	154	3.99%
STAMFORD	44,190	3,570	7.48%	32,120	1,261	3.78%
STERLING	732	34	4.44%	566	18	3.03%
STONINGTON	7,524	592	7.29%	5,670	304	5.09%
STRATFORD	24,557	1,140	4.44%	19,663	457	2.27%
SUFFIELD	4,840	371	7.11%	3,866	188	4.64%
THOMASTON	3,077	221	6.71%	2,685	179	6.26%
THOMPSON	3,705	195	5.00%	2,816	129	4.37%
TOLLAND	4,269	175	3.94%	3,180	70	2.14%
TORRINGTON	14,573	974	6.26%	12,485	608	4.64%
TRUMBULL	16,572	1,180	6.65%	12,735	444	3.37%
UNION	305	19	5.86%	262	10	3.80%
VERNON	12,131	569	4.48%	9,494	293	2.99%
VOLUNTOWN	667	20	2.87%	528	6	1.19%

PRESIDENTIAL

(Avg. '76, '80, & '84)

GUBERNATORIAL

(Avg. '74, '78 & '82)

TOWN	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE	AVERAGE MACHINE VOTE	AVERAGE ABSENTEE VOTE	PERCENT VOTING ABSENTEE
WALLINGFORD	16,189	997	5.80%	12,508	469	3.61%
WARREN	513	58	10.11%	405	36	8.16%
WASHINGTON	1,738	194	10.06%	1,391	108	7.20%
WATERBURY	40,777	2,508	5.79%	35,033	1,693	4.61%
WATERFORD	8,512	654	7.13%	6,756	288	4.08%
WATERTOWN	8,688	483	5.27%	7,239	222	2.97%
WESPORT	12,981	1,938	12.99%	9,759	764	7.26%
WEST HARTFORD	35,827	3,491	8.88%	31,323	2,168	6.47%
WEST HAVEN	23,667	1,200	4.83%	18,726	717	3.69%
WESTBROOK	2,429	188	7.20%	1,872	94	4.78%
WESTON	4,083	674	14.17%	2,945	231	7.28%
WETHERSFIELD	14,897	974	6.14%	12,918	566	4.20%
WILLINGTON	2,082	84	3.86%	1,483	29	1.92%
WILTON	7,569	1,078	12.47%	5,340	352	6.18%
WINCHESTER	4,660	526	10.14%	4,051	351	7.97%
WINDHAM	8,111	498	5.78%	6,336	349	5.22%
WINDSOR	12,011	816	6.36%	9,723	460	4.52%
WINDSOR LOCKS	6,069	305	4.78%	5,125	187	3.52%
WOLCOTT	5,998	307	4.87%	5,005	176	3.39%
WOODBIDGE	4,285	520	10.82%	3,464	255	6.87%
WOODBURY	3,598	324	8.26%	2,837	190	6.29%
WOODSTOCK	2,450	208	7.83%	1,881	116	5.82%

## APPENDIX B

### Recommendations of Persons Testifying at Preliminary Hearing

The following recommendations were made by persons testifying at the preliminary hearing held on August 18 by the Program Review and Investigations Committee in connection with its investigation of absentee voting in the state. Supporters (and opponents) of each suggestion are cited.

**The Office of the Secretary of the State should develop and promote a public awareness program aimed at educating the public in the absentee voting process**

Assistant State's Attorney John Connelly  
Registrars of Voters Association of Connecticut (ROVAC)  
Town Clerks Association  
Fairfield County Town Clerks  
Connecticut Elections Enforcement Commission (CEEC)  
Democratic State Chairman

#### THE APPLICATION PROCESS

**To discourage the frivolous use of absentee ballots (for convenience, etc.)**

Attorney General  
Secretary of the State  
Representative Pauline Kezer  
Assistant State's Attorney John Connelly  
ROVAC

**To require documentation of the reason a voter is applying for an absentee ballot**

Assistant State's Attorney John Connelly  
Opposed by the Democratic State Chairman and the Town Clerks Association

**To restrict the distribution of absentee ballot applications to town clerks, the secretary of the state, or deputy registrars.**

Under this proposal, an application would go directly to the voter and not be handled by a political worker.

Secretary of the State  
Town Clerks Association has no objection

To require some method of accounting for the distribution of absentee ballot application forms. To require anyone who distributes absentee ballot applications to persons other than his immediate family to sign a register.

Subsequently, to instruct solicitors regarding the absentee voting laws and the duties and responsibilities of distributors

Attorney General  
The Chief State's Attorney's Office  
Assistant State's Attorney John Connelly, who would also require a circulator to state for whom an application is intended  
CEEC, also would require a circulator to provide a list of the persons given applications  
ROVAC

To require the circulator to inform an applicant of the eligibility requirements for absentee voting

CEEC

To eliminate the mass mailing of absentee ballot applications

Representative Pauline Kezer  
ROVAC  
Town Clerks Association has no objection but does not want to issue massive numbers of applications themselves

To require the person issuing or distributing an absentee ballot application to sign the application

Representative Pauline Kezer  
The Chief State's Attorney's Office  
CEEC  
Town Clerks Association has no objection

To serially-number absentee ballot application forms

Attorney General  
Secretary of the State qualifies by saying that numbering may not be necessary if application handling is restricted to town clerks.  
Assistant State's Attorney John Connelly, also suggests that the application numbers correspond to the outer envelope numbers  
ROVAC and suggests that the town name also be stamped on each application  
CEEC

To color-code absentee ballot application forms

Attorney General  
Representative Pauline Kezer  
ROVAC

The Absentee Ballot

To issue an absentee ballot that cannot be copied

Assistant State's Attorney John Connelly

To redesign the format and clarify the language of the instructions on how to use the absentee ballot and application

Attorney General  
Representative Pauline Kezer

To prohibit a candidate or political worker from being in the room with a person filling out an absentee ballot

Secretary of the State

To expand the category of people who can mail or deliver an absentee ballot

Secretary of the State, qualified  
Town Clerks Association

ROVAC supports maintaining the present system  
Opposed by Assistant State's Attorney John Connelly  
Opposed by CEEC which suggests naming the designated ballot handler on the outer envelope

To clarify who may deliver or mail an absentee ballot for both a regular absentee voter and for a person voting absentee due to sudden illness

Attorney General

To compare the inner envelope signature with the ballot application signature

Assistant State's Attorney John Connelly  
Democratic State Chairman  
Opposed by ROVAC and the Fairfield County Town Clerks

**To keep confidential the identities of those who have applied for absentee ballots**

Attorney General  
Assistant State's Attorney John Connelly  
Office of the Chief State's Attorney  
Fairfield County Town Clerks  
CEEC - only the date when the absentee ballot mailed

ROVAC - destroy the list of absentee voters after the retention period for each election so that they cannot be used as a resource in a subsequent election

ROVAC - keep applicants' identities confidential until three days before the election and prosecute town clerks who violate this provision

Town Clerks Association has no problem with the existing system

#### Enforcement of Absentee Voting Laws

**To promote better enforcement, stronger prosecution and stricter penalties for existing absentee voting laws**

ROVAC  
Town Clerks Association  
Fairfield County Town Clerks add a hot line for reporting complaints  
CEEC  
Democratic State Chairman

**To clarify on the ballot in delegate primaries the affiliation between delegate slates and the candidate (including underticket candidates)**

Attorney General

**To require stricter enforcement of provisions for absentee voting in institutions**

Attorney General  
ROVAC supports mandating supervised voting at institutions  
Fairfield County Town Clerks  
CEEC supports expanded supervision  
Democratic State Chairman

**To extend the jurisdiction of the state Elections Enforcement Commission to cover delegate primaries**

Attorney General  
CEEC, with adequate staffing

Post-election Procedures

To establish vicarious liability for a candidate or campaign chairman for the conduct of campaign workers with respect to absentee ballot abuse

Assistant State's Attorney John Connelly  
Opposed by Democratic State Chairman

To implement stricter accounting of unused absentee ballots

Assistant State's Attorney John Connelly

To extend the time period for challenging an election or primary result

Attorney General

To monitor or spot-check absentee voting procedures

Democratic State Chairman

APPENDIX C  
SELECTED PRACTICES FROM OTHER STATES

During the Civil War, many states adopted temporary laws permitting soldiers to vote absentee. Vermont, in 1896, became the first state to enact legislation allowing civilian absentee voting. Today all states provide for some form of absentee voting. Only four states (California, Hawaii, Maine, and Washington) allow every registered voter who wants to vote by absentee ballot to do so. However, several other states have quite broad criteria for voting absentee. For example, in Wisconsin a person who cannot get to the polls can vote by absentee. The law, after specifying certain conditions under which a voter would be eligible because he or she could not vote at a polling place, permits the voter to apply "for any other reason."

In most states those who are ill, disabled or who expect to be away from home are allowed to vote by absentee ballot; and most states have additional, differing categories of persons who are eligible.

Application procedures differ among the states. In about half the states, the voter can apply for an absentee ballot up until the day before the election. There are 14

states that require the application on an official form. While most states require the applicant to provide information in writing or in person, some allow the voter to apply by telephone. About eight states require a physician's certificate to prove illness as a reason for voting absentee. Some states give certain categories of voters, such as students and the elderly, automatic or permanent absentee status.

There are significant variations among states' procedures for voting and returning the absentee ballot. In 15 states a notary or other official authorized to take an oath must certify that the voter is qualified to vote by absentee ballot or has complied with the required procedures related to voting and returning the ballot. In five other states, non-official witnesses perform a similar function. The remaining states typically require only that the voter certify that he or she is qualified and has followed the absentee voting required procedures. Third party return of voted ballots is allowed only in California, Iowa, and South Dakota.

It has not been especially unusual for the absentee vote to be decisive in an election, particularly at the local level. Outstanding examples are the 1960 presidential race in California where John F. Kennedy won by a narrow margin on election day, but Richard M. Nixon won after absentee ballots

were counted; and the 1982 gubernatorial race, also in California, won by George Deukmejian on the strength of his absentee vote. More commonly however, absentee votes add to the victor's electoral margin.

### California

In the late 1970's, the California legislature enacted a number of election law reforms aimed at encouraging voter turnout. As a part of the package, liberalized absentee voting laws there have resulted in high voter turnouts, block voting, and strategic absentee ballot drives. Certain elections can be conducted entirely by mail. In both the San Francisco mayoral recall election and the 1982 gubernatorial contest between George Deukmejian and Tom Bradley, the absentee vote was significant and decisive. Widespread use of the absentee ballot has become a campaign tool.

The 1978 change in the California election law required that an absentee ballot must be available to any registered voter. The applicant need not specify any reason for requesting an absentee ballot. California officials maintain a permanent absentee list of voters who, for reasons of physical hardship or job-related travel, vote absentee in every election and are not required to apply to receive a ballot. Pursuant to an attorney general's opinion which held that the law does not limit the manner in which applications

are distributed, candidates and party workers have sent applications for absentee ballots to targeted and extensive groups of voters. Completed applications can be returned to a third party to forward them to election officials.

A third party can mail a voted absentee ballot, but may not deliver it to election officials in person unless a voter has applied for the ballot within seven days before the election. A person applying within that period due to sudden illness or absence from town can authorize someone to pick up and deliver the absentee ballot.

California law recommends that the election official check the voter's address and signature on an absentee ballot application with that on his or her original affidavit or registration. The law requires comparison of the signature on the returned ballot envelope with that appearing on the affidavit of registration before the ballot can be counted. If the signatures do not compare, the ballot is rejected.

The percentage of absentee voting in California has been increasing. Until 1976, the absentee vote accounted for about 3% of the total California vote. In the 1984 general election absentee voters constituted roughly 9% of the ballots cast.

## Illinois

Illinois election laws include provisions intended to safeguard the absentee voting process and certain State Board of Elections practices are intended to minimize abuse. In Illinois, three signature comparisons are made: the application and ballot envelope signatures are both compared to the voter's signature on the registration form and they are compared to each other. A third party can distribute an absentee ballot application (his or her initials or signature are not required), but a third party may not be involved at all in delivering or collecting the ballot. In nursing homes where there is a particular problem with absentee voting, election judges visit and allow absentee electors to vote on the Friday, Saturday, or Sunday before a Tuesday election.

The Board of Elections issues press releases around election time which clearly describe what constitutes a valid absentee ballot. The board conducts spot checks and monitors the process in counties where there is a high percentage of absentee voters. The board encourages prosecutions. Very loose eligibility criteria for absentee voting are cited as the main cause of abuse in Illinois.

## Missouri

Missouri has restricted availability of absentee voter lists after some registered voters complained of being

harrassed by campaign workers. Candidates cannot get voter lists until the Friday before an election.

### New York

In New York, the main protection against irregularities in the absentee voting process is signature comparison. An absentee voter signs an oath on the ballot envelope and that signature is compared with the signature on the voter's registration form. A second safeguard is the provision that an absentee ballot may be challenged at the polling place or the county board of elections office on the grounds that a voter is not eligible to vote by absentee ballot (e.g., the voter is not out of town or is deceased). Copies of the list of voters requesting absentee ballots are sent to the chairmen of each party county committee several days before the election. Party workers can check and prepare challenges.

### New Jersey

Signature comparison is the control for abuse used in New Jersey. A voter sends an application for an absentee ballot to the county clerk who compares the signature on the application with that on the voter's registration form. If the signatures do not appear to be made by the same person, the clerk does not send an absentee ballot. When a completed

absentee ballot is returned to the clerk, a second signature comparison is made between the signatures on the inner envelope flap and the one on the application. If there is no question, the flap is torn off and the ballot counted.

### Wisconsin

In Wisconsin any registered voter who cannot get to the polls for any reason is allowed to vote by absentee ballot. Wisconsin enjoys a reputation for not experiencing much fraud, but there are certain safeguards which have been enacted in response to some isolated problems.

Anyone can distribute absentee ballot applications but a voter must make a written request for a ballot, even when applying in person. Lists of ballot applicants are public. Ballots must be mailed not given to applicants, and they cannot be mailed to a post office box or any party organization or candidates address.

Interestingly, voting at an institution (nursing home) with 10 or more registered voters must be under supervised conditions. This is the only way a person in a nursing home can vote. The county clerk is responsible for appointing special voting deputies from each party who arrange to conduct voting at nursing homes within four weeks before an election.

All prosecutions for violations of absentee voting laws are handled by the district attorney.

# Connecticut General Assembly



JOINT COMMITTEE ON LEGISLATIVE MANAGEMENT  
OFFICE OF LEGISLATIVE RESEARCH

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November 18, 1986

86-R-0883

TO:

FROM: Office of Legislative Research  
Mary M. Janicki, Senior Research Analyst

RE: Signature Comparison in Absentee Voting

You have asked us to identify other states that require some form of signature comparison in the absentee voting process and to describe how they implement it.

## SUMMARY

More than half the states (27) require some type of signature comparison in the absentee voting process. In some states, election officials must check the signature on the application for an absentee ballot before the ballot can be sent to the voter. When election officials are required to compare the signature on the ballot envelope with either the application form or registration card signature, they must do so before the ballot can be counted. If they reject the ballot because the signatures do not compare, they do not count the ballot.

In the states where signature comparison is required, the most common type of comparison is the signature on the ballot envelope with that on the application (14 states). In 11 states, election officials must compare the ballot envelope signature with the signature on the voter's registration form. In six states, officials are required to make two signature comparisons, one when the absentee ballot application is received before a ballot can be mailed to the voter and the other when the voted ballot is returned.

In most states where no signature comparison is required, the law specifies that an absentee voter must have his ballot notarized or signed by some unofficial witness.

Of the 20 states that require signature comparison at the polls, 13 include signature comparison in the absentee voting process.

#### **SIGNATURE COMPARISON REQUIREMENTS**

There are 27 states that include some provision for verification of a voter's signature in the absentee voting process. In 23 states, including Connecticut, there is no such requirement. Table 1 lists the states and indicates if signature comparison is required and if so what comparison is made. In two of the states where signature identification is not required specifically (Pennsylvania and South Dakota), the law does require election officials to "compare the information" on the application with the voter's registration or the information on the ballot affidavit with the application.

Election laws require signature comparison during the absentee voting process as indicated below.

One signature comparison	19 states
Two signature comparisons	6 states
A second comparison is discretionary	1 state
Not specified	1 state

#### **SIGNATURES COMPARED**

Election officials most commonly use the signature on the ballot statement or affidavit to verify an absentee ballot. They compare that signature with either the signature on the voter's application for the ballot or with that on his registration. In one state, Arkansas, signature comparison is only required when the ballot is delivered by a third person; the type of verification is left to the election official. In the states where the signature on the application for an absentee ballot is compared to the signature on the voter's registration card, this is the first of two occasions for signature comparison.

The following types of signature comparisons are made in the number of states indicated.

Application form with registration	7 states
Ballot envelope with registration	11 states
Ballot envelope with application	14 states
Ballot envelope with application (discretionary)	1 state
Not specified	1 state

#### **NO SIGNATURE COMPARISON**

In 15 of the 23 states that do not require signature comparisons in the absentee voting process, voting an absentee ballot must be somehow witnessed. In nine states, the voter must have his ballot notarized; in six, he must have some individual sign a ballot envelope statement as a witness.

Table 1

Signature Comparison in Absentee Voting

State	Signature Comparison Required		Comparison Made		
	No	Yes	Application Signature With Registration Signature	Ballot Envelope Signature With Registration Signature	Ballot Envelope Signature With Application Signature
AL	X				
AK	X				
AZ		X		X	
AR		X (1)			
CA		X	X	X	
CO	X				
CT	X				
DE		X		X	
FL	X				
GA		X		X	
HI		X			X
ID		X		X	
IL		X			X
IN		X			X (2)
IA	X				
KS	X				
KY		X		X	
LA	X				
ME		X			X

Table 1 (Continued)

State	Signature Comparison Required		Comparison Made		
	No	Yes	Application Signature With Registration Signature	Ballot Envelope Signature With Registration Signature	Ballot Envelope Signature With Application
MD	X				
MA		X			X
MI		X	X	X	
MN		X			X
MS	X				
MO	X				
MT		X	X		X (3)
NE		X			X
NV		X		X	
NH	X				
NJ		X			X
NM	X				
NY		X		X	
NC	X				
ND		X			X
OH		X		X	
OK	X				
OR		X	X		X
PA	X				
RI		X	X		X

Table 1 (Continued)

Comparison Made

State	Signature Comparison Required		Application Signature With Registration Signature	Ballot Envelope Signature With Registration Signature	Ballot Envelope Signature With Application Signature
	No	Yes			
SC	X				
SD	X				
TN		X	X	X	
TX		X			X
UT		X			X
VT	X				
VA	X				
WA		X	X		X
WV	X				
WI	X				
WY	X				

- (1) When ballot delivered by a third party. Method of voter signature verification not specified.
- (2) Ballot envelope signature is compared with application signature or any other genuine signature. The signature comparison is made twice, when the election board receives the ballot and prior to counting.
- (3) Discretionary, not required.

MJ:pp

ELECTION SURVEY

In the space provided, please indicate the name of your town and its highest elected local office. Also, identify by number all state Senate and House districts wholly or partially located within your town.

Town \_\_\_\_\_ Highest Elected Office \_\_\_\_\_

Senate Districts

House Districts

# \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_

In the space below, please provide the machine and absentee vote totals of the candidates for the highest municipal office elected in 1985.

Name of Office (_____)	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

If there was a primary for the above office in either or both of the major parties please, provide the vote totals in the appropriate spaces below.

DEMOCRATS

REPUBLICANS

Name of Office (_____)	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

Name of Office (_____)	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

If there was a primary for a Senate nomination in either of the major parties, please provide the vote totals in the appropriate space provided below. IF THERE WAS A PRIMARY IN MORE THAN ONE SENATE DISTRICT, PROVIDE INFORMATION FOR THE LOWEST NUMBERED DISTRICT ONLY.

DEMOCRATS

REPUBLICANS

No. _____ State Senate District	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

No. _____ State Senate District	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

If there was a primary for a House nomination in either of the major parties, please provide the vote totals in the appropriate space provided below. IF THERE WAS A PRIMARY IN MORE THAN ONE HOUSE DISTRICT, PROVIDE INFORMATION FOR THE LOWEST NUMBERED DISTRICT ONLY.

DEMOCRATS

REPUBLICANS

No. _____ State House District	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Highest Vote Getter		
Second Highest Vote Getter		
All Others		

For the 1982 state election, please provide the machine and absentee vote totals for governor and all state Senate and House seats that are wholly or partially within your municipality. (Please identify each Senate and House district number in the space provided.)

GOVERNOR	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State Senate District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State Senate District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

No. _____ State House District	Machine Vote	Absentee Vote
Dem.Candidate		
Rep.Candidate		
All Others		

You must complete a separate Application for each election, primary and referendum.

THIS APPLICATION TO BE RETURNED TO MUNICIPAL CLERK. ABSENTEE BALLOT SETS ARE TO BE PROVIDED BY THE MUNICIPAL CLERK beginning the 31st day before an election or the 19th day before a primary or referendum, upon application properly made.

In the case of regular elections only, blank ballots may be sent to certain military persons beginning 90 days before election and to Connecticut electors temporarily residing outside the U. S. beginning approximately 45 days before election.

OUTER ENVELOPE SERIAL NO.

DATE FORMS ISSUED

THIS APPLICATION IS FOR (Check one) <input type="checkbox"/> Election Forms <input type="checkbox"/> Primary Forms <input type="checkbox"/> Referendum Forms	APPLICATION MADE TO MUNICIPAL CLERK OF (Check one) Town <input type="checkbox"/> City <input type="checkbox"/> Borough <input type="checkbox"/> of <input type="checkbox"/> Conn.
---	--

DATE OF ELECTION, PRIMARY OR REFERENDUM	TYPE OF ELECTION OR PRIMARY (Check all applicable) State & District <input type="checkbox"/> (including National) City <input type="checkbox"/> Town <input type="checkbox"/> Borough <input type="checkbox"/> Special <input type="checkbox"/> Ward <input type="checkbox"/> Delegates <input type="checkbox"/> Town Committee <input type="checkbox"/> Referendum <input type="checkbox"/>
---	--

For PRIMARY Only <input type="checkbox"/>	INDICATE PARTY IN WHICH APPLICANT IS ELIGIBLE TO VOTE AND WISHES TO VOTE <input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Other (Enter name)
---	---

NAME OF APPLICANT (Please print)	APPLICANT'S DATE OF BIRTH	RESIDENCE (VOTING) ADDRESS (No., street, town)
----------------------------------	---------------------------	--

<input type="checkbox"/> (Check)	MAILED TO APPLICANT	GIVEN TO APPLICANT PERSONALLY
	VOTING DIST. No.	

POL. SUBDIVISION (if applicable)	VOTING DIST. No.
----------------------------------	------------------

**STATEMENT OF APPLICANT**

I, THE UNDERSIGNED, an elector (or applicant for admission as an elector) residing in the municipality and political subdivision named above, (and if applying for primary forms, entitled to vote in the primary indicated), (or if applying for referendum forms, entitled to vote in the referendum indicated), do hereby state that I expect to be unable to appear at the required polling place during the hours of voting of the indicated election, primary or referendum for the reason checked below:

- MY ACTIVE SERVICE IN THE ARMED FORCES of the United States
- MY ABSENCE FROM THE TOWN during all of the hours of voting
- MY ILLNESS  MY PHYSICAL DISABILITY
- MY RELIGIOUS TENETS, which forbid secular activity on the day of the election, primary or referendum
- MY DUTIES as an election official at a polling place other than my own during all of the hours of voting.

I, THEREFORE, APPLY for a set of absentee voting forms to be used at such election, primary or referendum, which forms are:

- TO BE GIVEN TO ME PERSONALLY (Check this box if you apply in person to the Municipal Clerk at his office, unless you wish the forms mailed to you.)
- TO BE MAILED TO ME at the following address, which is my bona fide personal mailing address. (Your bona fide personal mailing address may be either your voting residence or any other address to which you wish the forms mailed. The forms may only be mailed to you personally.)

MAILING ADDRESS (No., street, town or city, state, zip code, or foreign country)

**MEMBERS OF ARMED FORCES AND ELECTORS TEMPORARILY RESIDING OVERSEAS, for REGULAR ELECTIONS only, may also check one of the following, if applicable:**

- I am a member of the armed forces or the spouse or dependent living where such member is stationed who **due to military contingencies** cannot follow the procedure whereby my ballot will be mailed out beginning the 31st day before election. I therefore request that a **blank absentee ballot** be issued to me beginning **90 days** before the **regular election**. I understand that if the military contingency ceases to exist, I may apply for an additional ballot with candidates printed on it to be issued beginning the 31st day before election.
- I am an **elector** of the above municipality who is **temporarily living outside** the territorial limits of the several states of the **United States** and the District of Columbia and I request that a **blank absentee ballot**, together with a complete list of nominated candidates and questions to be voted upon at the **regular election** be issued to me as soon as such list is available (approximately **45 days** before election). If this application reaches the municipal clerk after the 31st day before the election, I understand that I will be sent a regular ballot with candidates printed on it.

**PENALTIES FOR FALSE STATEMENTS**

[a] PERSONS ARE GUILTY OF FALSE STATEMENT IN ABSENTEE BALLOTING when they intentionally make a false written statement on, or sign the name of another person to, the application for absentee voting forms. (Sec. 9-359a) [b] False Statement in absentee balloting is a class D felony. (Sec. 9-359a) [c] A SENTENCE OF IMPRISONMENT for a class D felony shall not exceed five years...(Sec. 53a-35) [d] A FINE for the conviction of a class D felony shall not exceed five thousand dollars...(Sec. 53a-41)

I DECLARE, under the penalties of false statement in absentee balloting, that the above statements are true and correct, and that I am the applicant named above. (Sign your legal name in full. A married woman must sign her own first name, not her husband's)

DATE SIGNED	SIGNATURE OF APPLICANT
	X

ANY. . . ABSENTEE BALLOT APPLICANT WHO IS UNABLE TO WRITE BECAUSE OF ILLNESS OR PHYSICAL DISABILITY may cause the date and his/her name to be affixed to such application by an authorized agent who shall, in the spaces provided for the date and signature, write the date and name of such absentee ballot applicant followed by the word "by" and his/her own signature. (Sec. 9-140)

APPENDIX G

Sample Absentee Ballot Set  
(absentee voting materials are printed  
in English and Spanish)

INNER ENVELOPE

ESPAÑOL EN OTRO LADO

**B** INNER ENVELOPE FOR ABSENTEE BALLOT

INSTRUCTIONS: Enter the date and your signature below. Put your completed ballot (A)—and nothing else—inside this envelope, seal the envelope, and put it inside the outer serially-numbered envelope (C). Seal and mail envelope (C) to clerk of municipality of your voting residence.

I, the undersigned, do hereby state under the penalties of false statement in absentee balloting (1) that I am a citizen of the United States, and a resident and elector, or have made application to become an elector, of the town, city or borough of \_\_\_\_\_ In the state of Connecticut, in which town, city or borough I desire to vote [or, in the case of certain referenda, (1) I am a citizen of the age of 18 years or more, eligible to vote in the referendum in the municipality indicated,]; (2) that I expect to be unable to appear at my polling place in the town of my voting residence during the hours of voting of the day of election at which the enclosed ballot is to be cast because of active service in the armed forces; or that I expect to be absent from the town of my voting residence during all of the hours between the opening of the polls in the town of my voting residence in the morning and the closing thereof in the evening of the day of such election; or that I expect to be unable to appear at my polling place on the day of such election because of illness or physical disability; or because the tenets of my religion forbid secular activity on the day of such election; or because of the required performance of my duties as an election official.

Dated this \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_  
(day) (month)

X

Elector's Signature

**IMPORTANT!**

Your vote will not be counted unless you sign this envelope above.

ED-9 1986 (Sec. 9-137)

SAMPLE

OUTER ENVELOPE

**C**

NAME OF SENDER \_\_\_\_\_  
RETURN ADDRESS \_\_\_\_\_

No 157521

Place Stamp Here

<i>To be filled in by Municipal Clerk before issuing</i>			
NAME OF ELECTOR	ELECTOR'S VOTING RESIDENCE (No. and Street)	DATE OF ELECTION AT WHICH BALLOT IS TO BE CAST	CITY OR BOROUGH (if applicable)
VOTING DIST NO			

Official ABSENTEE BALLOT . . . PLEASE RUSH

MUNICIPAL CLERK: Fill in your name, address, and Zip Code at right before issuing. TO:

SAMPLE

ED-8-1986 (Sec. 9-139)

# INSTRUCTIONS FOR ABSENTEE VOTING

ED 15 REV 1986 (Secs. 9-133d, 9-133e, 9-144, 9-146, 9-151a and 9-155)

(Español en otro lado)

## INSTRUCTIONS FOR ABSENTEE VOTING

THE MATERIALS you will need to cast your absentee vote are enclosed with these instructions. Each item is marked with an identifying letter, as follows:

- A - a Ballot
- B - an Inner Return Envelope
- C - an Outer Return Envelope

BY LAW, ONLY THIS BALLOT and these envelopes may be used to cast an absentee vote.

### HOW TO USE THE BALLOT AND ENVELOPES

#### A. The Ballot.

Mark the ballot to show how you wish to vote. Follow instructions printed on the ballot.

#### B. The Inner Return Envelope.

1. SIGN THE STATEMENT on the face of the envelope. **This is important.** Your vote will not be counted unless this statement is signed under penalties of false statement in absentee balloting.

If you are unable to write because of illness or physical disability, you may authorize someone to write your name and the date in the spaces provided, followed by the word "by" and the signature of the authorized person.

2. PLACE COMPLETED BALLOT A **INSIDE** INNER RETURN ENVELOPE B. SEAL ENVELOPE B.

#### C. The Outer Return Envelope.

1. Write your name and address in the space provided at the upper left.
2. Insert Inner Return Envelope B, containing your completed ballot, into Outer Return Envelope C; seal Envelope C. USE ONLY YOUR OWN OUTER RETURN ENVELOPE C OR YOUR BALLOT WILL BE INVALIDATED.
3. MAIL EARLY ENOUGH SO THAT IT WILL BE RECEIVED BY MUNICIPAL CLERK NOT LATER THAN 8 P.M. ON ELECTION, PRIMARY OR REFERENDUM DAY or bring in person to the municipal clerk (1) by the day before the regular election or (2) prior to the opening of the polls on the day of a primary, special election or referendum.

MUNICIPAL CLERK, as used in these instructions, usually means the Town Clerk of the applicant's voting residence. However, in certain city or borough elections - under a charter provision or special act - it may mean the City or Borough Clerk. In any case, your Outer Return Envelope C will have been preaddressed by the proper clerk.

## VOTING IN PERSON AFTER MAILING ABSENTEE BALLOT

If you have mailed in your absentee ballot, but find on Election, Primary or Referendum Day that you **are** able to vote in person, the law requires that you do so. You **must** go to the office of the Municipal Clerk no later than twelve o'clock noon on Election, Primary or Referendum Day **before** going to your polling place to vote in person.

### WARNING!

#### RETURNING AND POSSESSION OF ABSENTEE BALLOTS

(From Sec. 9-146, G.S.)

- A. ILL OR PHYSICALLY DISABLED - An elector who casts an absentee ballot because of illness or physical disability must either:

1. **Mail** the ballot personally or
2. Designate one of the following persons, and no other person, to **mail** it for him: a licensed physician, registered or practical nurse, or any other person who is caring for such elector because of such elector's illness or physical disability; a member of such elector's family; or, if no such person consents or is available, then a police officer, registrar of voters or deputy registrar of voters in the municipality in which such elector resides.

**Note:** A person in one of the above categories may deliver a ballot to the municipal clerk **only** in the special case where an unforeseen illness or physical disability occurs within 6 days before the close of the polls at an election or primary and the special procedures for designating such person to return the ballot have been complied with.

- B. ALL OTHER ELECTORS casting absentee ballots must personally mail or personally return the ballot.
- C. NO PERSON SHALL HAVE IN HIS POSSESSION any official absentee ballot or ballot envelope for use at any election or primary except the elector to whom it was issued, the secretary of the state or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier designated by the secretary of the state, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of such municipal clerk, any authorized election official or any other person authorized in the general statutes to possess such ballot or ballot envelope.

## EXCERPTS FROM CONNECTICUT GENERAL STATUTES

#### Section 9-145. Marking of ballots.

No absentee ballot shall be rejected as a marked ballot unless such ballot, in the opinion of the moderator, was marked in such way for the purpose of providing a means for its identification.

#### Section 9-359. Absentee ballots.

Any person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, and any municipal clerk or moderator, any elector appointed to count any absentee ballot, or any other person, who willfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, and any person who unlawfully opens or fills out, except as provided in section 9-138 with respect to a person unable to write, any elector's absentee ballot signed in blank, or any person who willfully violates any provision of chapter 145, shall be guilty of a class D felony.

#### PENALTIES FOR FALSE STATEMENTS

- A. PERSONS ARE GUILTY OF FALSE STATEMENT IN ABSENTEE BALLOTING when they intentionally make a false written statement on, or sign the name of another person to, the inner envelope accompanying any absentee ballot. (Sec. 9-359a)
- B. False Statement in absentee balloting is a class D felony. (Sec. 9-359a)
- C. A SENTENCE OF IMPRISONMENT for a class D felony shall not exceed five years. (Sec. 53a-35)
- D. A FINE for the conviction of a class D felony shall not exceed five thousand dollars. (Sec. 53a-41)

OFFICIAL ABSENTEE BALLOT  
 VOTO OFICIAL EN AUSENCIA  
 ED-1 REV. 6/86

TOWN OR CITY • PUEBLO O CIUDAD DE

, Connecticut State Election

November 4, 1986

Sheet 1 of Sheets  
 Página 1 de Páginas

• Be sure to read instructions on reverse side before marking this ballot. • Asegúrese de leer las instrucciones en el otro lado antes de marcar esta papeleta.

WRITE-IN VOTES VOTOS POR ESCRITO	1	2	3	4	5	6	7	8	9	10	11	12
Vote on the questions Vote en las Preguntas	<input type="checkbox"/> Yes - Si <input type="checkbox"/> No			<input type="checkbox"/> Yes - Si <input type="checkbox"/> No			<input type="checkbox"/> Yes - Si <input type="checkbox"/> No			<input type="checkbox"/> Yes - Si <input type="checkbox"/> No		
	1. Shall there be a Constitutional Convention to amend or revise the Constitution of the State? 1. ¿ Se debe celebrar una Convención constitucional para enmendar o modificar la Constitución del Estado?			2. Shall the constitution of the state be amended to eliminate the use of party levers on voting machines? 2. ¿ Se debe enmendar la Constitución del Estado para eliminar de las máquinas de votación el uso de la palanca para votar en general por candidatos bajo un solo partido?			3. Shall the constitution of the state be amended to establish a commission to recommend candidates to the governor for nomination as judges? 3. ¿ Se debe enmendar la Constitución del Estado para establecer una comisión que recomiende candidatos al Gobernador para nombramiento como jueces?			4.		
OFFICE CARGO PARTY PARTIDO	1 Governor and Lieutenant Governor Gobernador y Vice Gobernador	2 United States Senator Senador De Los Estados Unidos	3 Representative in Congress Representante En El Congreso	4 State Senator Senador Estatal	5 State Representative Representante Estatal	6 Secretary of the State Secretario del Estado	7 Treasurer Tesorero	8 Comptroller Contador General	9 Attorney General Abogadojefe	10 Sheriff Sheriff	11 Judge of Probate Juez del Tribunal Testimentario	12 Registrar of Voters Registrador de Votantes
DEMOCRATIC <input type="checkbox"/>	<input type="checkbox"/> 1A	<input type="checkbox"/> 2A	<input type="checkbox"/> 3A	<input type="checkbox"/> 4A	<input type="checkbox"/> 5A	<input type="checkbox"/> 6A	<input type="checkbox"/> 7A	<input type="checkbox"/> 8A	<input type="checkbox"/> 9A	<input type="checkbox"/> 10A	<input type="checkbox"/> 11A	<input type="checkbox"/> 12A
REPUBLICAN <input type="checkbox"/>	<input type="checkbox"/> 1B	<input type="checkbox"/> 2B	<input type="checkbox"/> 3B	<input type="checkbox"/> 4B	<input type="checkbox"/> 5B	<input type="checkbox"/> 6B	<input type="checkbox"/> 7B	<input type="checkbox"/> 8B	<input type="checkbox"/> 9B	<input type="checkbox"/> 10B	<input type="checkbox"/> 11B	<input type="checkbox"/> 12B
	<input type="checkbox"/> 1C	<input type="checkbox"/> 2C	<input type="checkbox"/> 3C	<input type="checkbox"/> 4C	<input type="checkbox"/> 5C	<input type="checkbox"/> 6C	<input type="checkbox"/> 7C	<input type="checkbox"/> 8C	<input type="checkbox"/> 9C	<input type="checkbox"/> 10C	<input type="checkbox"/> 11C	<input type="checkbox"/> 12C
	<input type="checkbox"/> 1D	<input type="checkbox"/> 2D	<input type="checkbox"/> 3D	<input type="checkbox"/> 4D	<input type="checkbox"/> 5D	<input type="checkbox"/> 6D	<input type="checkbox"/> 7D	<input type="checkbox"/> 8D	<input type="checkbox"/> 9D	<input type="checkbox"/> 10D	<input type="checkbox"/> 11D	<input type="checkbox"/> 12D
	<input type="checkbox"/> 1E	<input type="checkbox"/> 2E	<input type="checkbox"/> 3E	<input type="checkbox"/> 4E	<input type="checkbox"/> 5E	<input type="checkbox"/> 6E	<input type="checkbox"/> 7E	<input type="checkbox"/> 8E	<input type="checkbox"/> 9E	<input type="checkbox"/> 10E	<input type="checkbox"/> 11E	<input type="checkbox"/> 12E
	<input type="checkbox"/> 1F	<input type="checkbox"/> 2F	<input type="checkbox"/> 3F	<input type="checkbox"/> 4F	<input type="checkbox"/> 5F	<input type="checkbox"/> 6F	<input type="checkbox"/> 7F	<input type="checkbox"/> 8F	<input type="checkbox"/> 9F	<input type="checkbox"/> 10F	<input type="checkbox"/> 11F	<input type="checkbox"/> 12F

SAMPLE BALLOT

SAMPLE

APPENDIX H

EMERGENCY CERTIFICATION

STATE OF CONNECTICUT	4
House Joint Resolution No. <i>505</i>	6
Referred to Committee on	7
LCO No. 4285	8
Introduced by REP. VAN NORSTRAND, 141st District,	9
SEN. ROBERTSON, 34th District	10
General Assembly,	11
Special Session II, June 23, A.D., 1986	12
RESOLUTION PROPOSING A STUDY OF THE STATE'S ABSENTEE VOTING LAWS AND PROCEDURES.	16
Resolved by this Assembly:	19
That the legislative program review and investigations committee conduct a study in consultation with the joint standing committee on government administration and elections, to determine the changes which are needed in the state's absentee balloting laws and procedures and that said legislative program review and investigations committee report its findings and recommendations to the general assembly not later than January 15, 1987.	21 22 23 24 25 26 27



