



SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

To: All Town Clerks and Registrars of Voters
From: The Legislation and Elections Administration Division
Date: December 15, 2012
Re: Permanent Absentee Balloting

Pursuant to Public Act No. 12-57, "An Act Concerning Permanent Absentee Ballot Status for the Permanently Disabled", the General Assembly created permanent absentee balloting status for certain individuals effective January 1, 2013.

IN GENERAL

The bill makes electors with permanent disabilities eligible for permanent absentee ballot status. This status once attained, remains with the voter until they are removed from the permanent absentee ballot list pursuant to the process outline herein or are removed from the town's official registry list, or they request to no longer receive such permanent absentee ballot status. The status enables the elector to receive an **absentee ballot** for each election, primary, and referendum in the municipality in which they are eligible to vote. (*Note: this is a recent change. Prior permanent status entitled the voter to receive an absentee ballot application only.*)

ELIGIBILITY

To be eligible for permanent absentee ballot status, an elector must file an absentee ballot application together with a doctor's certificate stating that they have a permanent disability and are unable to appear in person at their polling place. The law does not prescribe an official form to be used, as such, a note from the elector's doctor (presumably on letterhead) indicating a disability and the statement that they are unable to appear in person at the polls, would satisfy this requirement.

PROCEDURE

Once an absentee ballot application and a doctor's certificate are received from an elector by the municipal clerk, we advise that the clerk forward a copy of such application to the registrars of voters so they can indicate permanent status on the elector's record in the centralized voter registration system. This will enable the system to later identify all electors with the status for easier identification. Once received, the municipal clerk will send out absentee **ballots** to the eligible elector(s) throughout the year for each event for which they would be eligible to vote. The ballots should be sent on the first day on which absentee ballots become available for the event in question (i.e. 21 days before a

primary; 31 days before an election). All absentee ballots sent by the municipal clerk pursuant to this permanent status shall be sent in accordance with existing statutory requirements such as inclusion of the necessary envelopes as well as compliance with any supervised absentee balloting requirements. It is important to remember that although permanent absentee ballot status allows the municipal clerk to send out an absentee ballot for each relevant event without additional absentee ballot applications, it does not allow the municipal clerk to forgo any additional requirements with regard to absentee balloting.

We have inquired with the Freedom of Information Commission about whether the doctor's certification would be subject to disclosure pursuant to a Freedom of Information request. They have indicated that they feel the doctor's note would not be subject to disclosure. The original absentee ballot application, however, would continue to be subject to disclosure just like any other application for absentee ballot. As a reminder, CGS Section 9-140(i) states "The municipal clerk shall file executed applications in alphabetical order according to the applicants' surnames. Such applications shall be preserved as a public record as required by section 9-150b."

ANNUAL NOTICE TO DETERMINE ELIGIBILITY

The registrars of voters must send an annual written notice in January of each year, on a form prescribed by the Secretary of the State, to determine if the elector with this status continues to reside at the address on their permanent absentee ballot application. In response to this letter the registrars of voters can perform three actions. The registrars shall:

1. remove the elector from permanent absentee ballot status if they do not return the notice within 30 days or if the notice is returned as undeliverable;
2. remove the elector from the official registry list and send the elector a voter registration application if they have moved out of town; or
3. leave the elector on permanent absentee ballot status and change the elector's address if they indicate that they have moved within the municipality.

Under the public act, registrars cannot remove electors from the official registry simply because they fail to return the notice. However, as described above, failure to return the notice will result in removal of the elector from the permanent absentee ballot status list.

We have provided a sample notice at the end of this letter for use by the registrars of voters when contacting an elector included on the permanent absentee ballot list and have reproduced the language of the public act in full below for your review.

Public Act No. 12-57
***AN ACT CONCERNING PERMANENT ABSENTEE BALLOT STATUS FOR THE
PERMANENTLY DISABLED.***

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

Section 1. Section 9-140e of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

(a) Any elector who is permanently physically disabled and who files an application for an absentee ballot with a certification from a primary care provider, indicating that such elector is permanently physically disabled and unable to appear in person at such elector's designated polling location, shall be eligible for permanent absentee ballot status and shall receive an absentee ballot for each election, primary or referendum conducted in such elector's municipality for which such elector is eligible to vote. Such elector's permanent absentee ballot status shall remain in effect until such elector: (1) Is removed from the official registry list of the municipality, (2) is removed from permanent absentee ballot status pursuant to the provisions of this section, or (3) requests that he or she no longer receive such permanent absentee ballot status.

(b) The registrars of voters shall send written notice to each such elector with permanent absentee ballot status in January of each year, on a form prescribed by the Secretary of the State, for the purpose of determining if such elector continues to reside at the address indicated on the elector's permanent absentee ballot application. If (1) such written notice is returned as undeliverable, or (2) not later than thirty days after such notice is sent to the elector, the elector fails to return such notice to the registrars of voters, as directed on the form, the elector in question shall be removed from permanent absentee ballot status. If such elector indicates on such notice that the elector no longer resides at such address and the elector's new address is within the same municipality, the registrars of voters shall change the elector's address pursuant to section 9-35 and such elector shall retain permanent absentee ballot status. If the elector indicates on such notice that the elector no longer resides in the municipality, the registrars of voters shall remove such individual from the registry list of the municipality and send such individual an application for voter registration. Failure to return such written notice shall not result in the removal of an elector from the official registry list of the municipality.

Notice of Permanent Absentee Ballot Status

Date: _____

Name _____

Address _____

Post Office Box _____ (optional)

Date of Birth _____ (optional)

Important! This Concerns Your Permanent Absentee Ballot Status

The registrars of voters are conducting an annual review as required by law to determine if you continue to reside at the residence address indicated above for purposes of your permanent absentee ballot status. The address listed above is the address you provided on your permanent absentee ballot application. In addition, this form can be used to remove yourself from the permanent absentee ballot list if you so desire. Please check the statement that applies to you, sign in the space provided below, and immediately return this form.

☐ Remove me from the permanent absentee ballot list.

☐ My residence is at the address shown above.

☐ I have moved. The address of my new residence is:

Note: If this new residence is in another town, you must register to vote in that other town in order to be entitled to vote in the next election. If this new residence address is still within town, we will change your address on the official voter list.

Please record this change on the voter registry list.

Signature of Elector

Important - The Registrars of Voters must receive this form from you within thirty (30) days, completed and signed so you may remain on the list of permanent absentee ballot voters. Failure to return this form will result in your removal from the list of permanent absentee ballot voters. Please cooperate by returning this form within thirty (30) DAYS.