

PERMANENT ABSENTEE BALLOT

Pursuant to Public Act No. 11-173, “An Act Concerning Revisions to Elections Related Statutes”, the General Assembly created permanent absentee balloting status for certain individuals effective January 1, 2012.

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 not to receive an application in the future. The status enables the elector to receive an absentee ballot **application** for each election, primary, and referendum in the municipality in which they are eligible to vote.

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 additional absentee ballot **applications** to the eligible elector(s) throughout the year for each event for which they would be eligible to vote. The applications should be sent on or before 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).

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.