
OLR Bill Analysis

sHB 7229

AN ACT CONCERNING ACCESSIBILITY TO ABSENTEE BALLOTS FOR ELECTORS IN STATE CUSTODY.

SUMMARY

This bill simplifies the process for people in state custody to vote by absentee ballot, if they retain their voting rights while in custody.

Generally, if a person is convicted of a felony, the person forfeits the right to vote for the duration of his or her incarceration. However, certain people may still be eligible to vote while incarcerated, such as those (1) serving a sentence for a misdemeanor or (2) confined in a community residence (such as a halfway house).

Under existing law, in order to apply for and cast an absentee ballot, a voter must be unable to appear at his or her designated polling place on election day due to, among other reasons, absence from their city or town during all voting hours. Current law specifies that an eligible voter being held in state custody at a community correctional center or a correctional institution is deemed absent from their town, even if the center or institution is in the voter's town. The bill explicitly extends this to eligible voters in state custody being held in any Department of Correction (DOC) facility.

This bill requires the secretary of the state to create absentee ballot application forms for use by eligible voters within DOC facilities and provide these forms to DOC. It also creates procedures for distributing and processing these applications. (Currently, incarcerated voters must apply in writing to the municipal clerk for an absentee ballot.)

The bill also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2026

ABSENTEE BALLOT FORM REQUIREMENTS

The bill specifies that the ballot application the secretary creates must include spaces for the following information:

1. the applicant's signature and printed or typed name;
2. the signature of any person who assisted the applicant in completing the application as well as their printed or typed name, residential address, and telephone number; and
3. a mailing address within a DOC facility.

The form must be signed by the applicant and, if applicable, any assistant under the penalty of false statement in absentee balloting. By law, false statement in absentee balloting is a class D felony, punishable by up to five years in prison, up to a \$5,000 fine, or both (CGS § 9-359a).

These forms must be consecutively numbered, clearly and conspicuously note the year the application is authorized for, and indicate they are only for the use of an applicant incarcerated in a DOC facility. Further, the bill specifies that the applicant must provide a mailing address within a DOC facility in order to receive an absentee ballot.

The bill's requirements for the DOC-specific form are similar to those for absentee ballots under existing law.

PROCESSING APPLICATIONS

Under existing law, absentee ballots and ballot applications must generally be submitted to the municipal clerk where the applicant is eligible to vote. Under the bill, any DOC employee who distributes applications must promptly file completed absentee ballot applications he or she receives with the municipal clerk. The same filing requirement applies under existing law to others who distribute ballots and receive completed ones.

The clerk must maintain a log of applications received from incarcerated applicants, including, for each, (1) the applicant's name

and address; (2) the date the application was received; and (3) as applicable, the date the clerk mailed the ballot or the reason for rejecting the application. The bill requires municipal clerks to reject any application made on the DOC-specific form that indicates an address other than a DOC facility.

If an applicant included a DOC facility mailing address but is subsequently transferred to another DOC facility, the correction commissioner must ensure the absentee ballot's delivery to the applicant.

CORRECTION EMPLOYEE EXEMPTIONS

Under existing law, a person distributing absentee ballot applications generally must comply with certain requirements. The bill exempts DOC employees from the following requirements when providing incarcerated voters with applications:

1. registering with the municipal clerk before distributing five or more applications for an election, primary, or referendum to individuals other than their immediate family; and
2. maintaining and filing with the municipal clerk a list of names and addresses of any individuals to which they distribute applications.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 5 (03/26/2025)