

*Regulations of Connecticut State Agencies*

TITLE 9. Elections

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*Agency*

**Secretary of the State**

*Subject*

**Marksense Voting Tabulator**

*Inclusive Sections*

**§§ 9-242a-1—9-242a-28**

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**Marksense Voting Tabulator**

**Sec. 9-242a-1. General statutes shall apply**

Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of the Connecticut General Statutes concerning procedures relating to voting machines and absentee ballots at elections, primaries and referenda shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes. Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of sections 9-304 and 9-306 of the Connecticut General Statutes concerning penalties relating to paper ballots, shall apply to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes.

(Adopted effective October 1, 1999)

**Sec. 9-242a-2. Number of voting tabulators and ballots**

The officials of a municipality purchasing or leasing an approved marksense voting tabulator shall provide a number of voting tabulators sufficient to provide a voting tabulator for each voting district for each primary and election and shall provide a sufficient number of spare voting tabulators where more than one party is holding a primary in a polling place, and the tabulator can be programmed to separately tabulate the votes cast in each primary, a single tabulator may be used to tabulate the votes cast in all such primaries and different colored ballots may be used for each party holding a primary. Such officials shall provide a number of ballot boxes for each voting district sufficient to hold a number of ballots equal to the number of electors eligible to vote at each primary or election in the voting district. They shall provide a number of voting booths sufficient to provide at least one for each two hundred and fifty or fraction of two hundred and fifty electors eligible to vote at each primary and election in the municipality or voting district, as the case may be, and shall provide other necessary equipment. If the Connecticut General Statutes authorize separate voting tabulators for one voting district in the primary of one party or in an election be placed in the same room of the polling place of another voting district, the Secretary of the State shall prescribe that separate ballots be issued and may prescribe that they may be processed on the same voting tabulator in the primary of such party or in such election. Such officials shall also provide a secure long-term storage location as described in section 9-242A-8 of the Regulations of Connecticut State Agencies in which to store the marksense voting tabulators and memory cards. The location shall remain locked at all times and access to such location shall be exclusively controlled by the registrars of voters. Access shall only be granted to such location for the purpose of tabulator programming, maintenance, testing, set-up and education and voter outreach. Nothing in this section shall preclude the registrars of voters from using alternative secure short-term storage locations for marksense voting tabulators and memory cards after adjustment and programming of the tabulator has taken place pursuant to 9-242a-4 and until the close of the polls on election day. For the purposes

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of this regulation any storage location used, either long term or short term, shall have characteristics as detailed in section 9-242a-8.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-3. Counting of absentee ballots**

The registrars of voters of a town may authorize marksense voting tabulators approved by the Secretary of the State to be used to count absentee ballots at an election, primary or referendum.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-4. Adjustment and programming voting tabulators. Printing ballots and absentee ballots**

The registrars shall direct the preparation, adjustment and programming of the voting tabulator by a suitable technician who is adequately trained by a representative of the manufacturer and approved by the Secretary of the State in accordance with the ballot layout established by the municipal clerk. The municipal clerk and registrars shall direct a printer approved by a representative of the manufacturer or the Secretary of the State to print a number of official ballots determined by the registrar of voters and a number of absentee ballots determined by the municipal clerk in accordance with specifications approved by the Secretary of the State. Official and absentee ballots may be printed on different colored paper to enable poll workers to readily identify the different types of ballots. The ovals on the official ballots may be printed in a color other than black to ensure greater accessibility for individuals with disabilities. Finally, ballots may be printed on both sides of the page as long as a separate page of instructions is provided with each absentee ballot and is available for use in each polling place.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-5. Inspection and test voting the voting tabulator**

Beginning as soon as ballots and ballot cards are available and not later than the tenth day before the election or primary, the registrars shall conduct ballot card testing of every programmed memory card with samples of each different ballot card printed for the election or primary. The purpose of the test is to ensure that (1) ballots are printed properly, (2) timing, diagnostic and card identification marks are correctly located on the ballot, (3) memory cards are programmed with accurate information, and (4) the voting tabulators tally ballots correctly. The Secretary of the State shall prescribe the procedure to (A) test unvoted ballot cards, (B) test fully voted ballot cards, and (C) count a series of test ballots. All those present, including the registrars or their designees, the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies, if any, the town chairmen, candidates and watchers, shall certify (i) as to the numbers of the voting tabulators, (ii) that the voting tabulators have been test-voted with samples of the ballots and found to be working properly, (iii) that the candidate, question and public counters are

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set back to zero, (iv) as to the numbers registered on the protective counters of the tabulator, if provided, and (v) as to the numbers on the seals sealing the memory cards into the voting tabulator. This certificate and the test ballots shall be filed with the municipal clerk and kept for sixty days after the election. Each voting tabulator shall be sealed and placed in its carrying case together with the ender card and sealed in its carrying case. The voting tabulator in its carrying case and any spare tabulators shall be delivered by the registrars to the central secure location designated by the registrars meeting such specifications as the secretary may prescribe, until delivery of such voting tabulators to the election officials as described in 9-242a-8 of the Regulations of Connecticut State Agencies. The registrars shall immediately secure the keys to the voting tabulator. Not later than eight o'clock p.m. of the day before the election, the moderators shall appear in the office of the registrars of voters to receive checklists, the voting tabulator seal number as reported on the report of pre-election testing, and supplies necessary to conduct the election. In addition, the registrars of voters shall deliver ballots to the election officials as described in 9-242a-8 of the Regulations of Connecticut State Agencies.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-6. Election officials**

The election officials of each polling place shall consist of a certified moderator, at least one but not more than two official checkers for each line of electors, two registrars of voters or two assistant registrars of voters, as the case may be, of opposing political parties, at least one but not more than two voting tabulator tenders, at least one but not more than two ballot clerks, zero to two challengers and zero to two demonstrators. Demonstrators shall be appointed for the first election or primary at which the tabulator is used in the municipality. Subsequently, demonstrators shall be optional and other polling place officials of opposing political parties may demonstrate. Each registrar shall appoint half the number of each of such officials in a polling place. If absentee ballots are counted at the polls, other officials may perform this function, but, if needed, each registrar shall appoint half the absentee ballot counters who shall count in teams of two. If there is central counting of absentee ballots, the registrars shall appoint a central counting moderator and each registrar shall appoint half the absentee ballot counters who shall count in teams of two. In a primary, the registrar of the party holding the primary shall appoint one or two assistant registrars and shall divide the polling place officials equally as nearly as may be between designees of the party-endorsed candidates and designees of the challenging candidates. In a primary, the term "opposing political parties" as used in sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, shall mean polling place officials designated by opposing candidacies in the primary. In a primary, the assistant registrar, when performing duties under sections 9-242a-8, 9-242a-9, 9-242a-22, 9-242a-23 and 9-242a-27 of the Regulations of Connecticut State Agencies, and the registrar, when performing duties under sections 9-242a-25 and 9-242a-28 of the Regulations of Connecticut State Agencies, shall be accompanied by another polling place official, and

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one shall be the designee of the party-endorsed candidates and the other shall be the designee of the challenging candidates except in a presidential preference primary where, to the extent practicable, they shall be representatives of opposing candidates. In a presidential preference primary at which no other position is on the ballot, the minimum number of official checkers, voting tabulator tenders and ballot clerks shall be one of each such office, and if two such presidential preference primaries are held on the same day, the registrars may appoint one moderator and one head moderator to serve both primaries.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-7. Instruction of polling place officials. Preparation of polling place**

Before each election, all election officials shall attend an instructional session conducted by the registrars, moderators and, if the registrars deem necessary, the technician or a representative of the manufacturer of the voting tabulator. Prior to the day of the election the registrars shall cause the voting booth, ballot box and necessary furniture and appliances to be delivered to the polling place, and, if there is central counting of absentee ballots, shall cause the ballot box and necessary furniture and appliances to be delivered to such central counting place.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-8. Voting tabulator and ballots delivered to polls**

(a) If the tabulator is stored at a central location after inspection and test voting pursuant to 9-242a-5, two election officials of different parties assigned to each polling place shall arrive one and a half hours before the polls open on election day at the location where the tabulator has been stored to receive the tabulator and a number of ballots sufficient for three hours operation for their polling place from the registrars of voters, if such ballots have not already been delivered to the polling place. Nothing in this subsection shall prevent the election officials from employing individuals who are not sworn election officials to assist in the transportation of the voting tabulators and ballots as long as such individuals are accompanied by and under the direct supervision of the two election officials. (b) If the tabulator is to be stored at a location other than a central location after inspection and test voting pursuant to 9-242a-5, two election officials of different parties shall appear before the registrars of voters at the central long-term storage location at times determined by the registrars of voters to receive the tabulator and a number of ballots sufficient for three hours operation for their polling place and shall immediately transport the tabulator and materials to the alternate, secure, short-term storage location for storage until the opening of the polls on election day. Nothing in this subsection shall prevent the election officials from employing individuals who are not sworn election officials to assist in the transportation of the voting tabulators and ballots as long as such individuals are accompanied by and under the direct supervision of the two election officials. (c) If the election officials have not previously been sworn in, the oath for polling place officials shall be administered by the registrars or moderator. The election officials shall examine the label on the tabulator to

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ensure that it is the correct tabulator for their polling place. Without opening the inner seal of any ballot package, the election officials shall ensure that the ballots are the correct ones for their polling place and shall give the registrar of voters a receipt for the tabulator and the number of ballot packages received. The election officials shall transport the unopened ballots and tabulator directly to their polling place not later than thirty minutes before the polls open or to the short term storage location before the election and then to the polls on election day, whichever is applicable. Once at the polls, they shall immediately deliver the unopened ballots and tabulator to the moderator who shall give the election officials a receipt and shall keep a copy for his records. Any function in this subsection may be performed by one police officer instead of two election officials. For the purposes of this regulation any storage location used, either long term or short term, shall have the following characteristics, (1) the location shall remain locked at all times; (2) access to such location shall be exclusively controlled by the registrars of voters; (3) Access shall only be granted to such location for the purpose of machine programming, maintenance, testing or set-up; and (4) the secure short-term storage location may only be used for storage after adjustment and programming of the machines has taken place pursuant to 9-242a-4 and until the close of the polls on election day.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-9. Preparation of voting tabulator before polls open**

The assistant registrars shall witness the moderator install the tabulator on the ballot box. The moderator shall examine the label on the tabulator, and if it does not indicate his voting district, he shall contact the registrars immediately. In the presence of both assistant registrars, the moderator shall examine the number on the seal on the tabulator to ensure that it has not been tampered with, and if it is not the same as the number which the registrars of voters provided or the seal has been broken, the moderator shall contact the registrars immediately. He shall record the number of the seal and all other information required on a certificate prescribed by the Secretary of the State. In the presence of both assistant registrars, the moderator shall open each of the compartments of the ballot box. The moderator shall remove any ballots or other material found in the compartments, place them in a depository envelope and execute a memorandum. The moderator shall lock all the compartments and the assistant registrars shall check that they are securely locked. The moderator shall remove the printer cover, turn on the power switch and install the tabulator on top of the ballot box in accordance with the manufacturer's instructions. When the voting tabulator prints the election zero report identifying the date, the town and zero votes for all offices, candidates, questions and write-ins on the ballot, the moderator and assistant registrars shall examine it. If the report is correct, the moderator and assistant registrars shall sign it and post it in the polling place. Such officials shall print a second tape, sign it and leave it attached to the tape in the voting tabulator. If the election zero report is not correct, the moderator shall immediately call the registrars and not open the voting tabulator for voting. If the display on the voting tabulator does not display the voting district number



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and show a count of zero, the moderator shall contact the registrars immediately. Using the ballot box key, the moderator shall unlock the top slot of the auxiliary bin. The voting tabulator tenders shall be stationed at the voting tabulator to prevent access to the voting tabulator until the polls are opened. The moderator and assistant registrars shall complete and sign the certificate prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-10. Preparation of ballots before polls open**

The moderator shall give the ballots to the ballot clerks who shall note the number of ballot packages received. They shall open a sufficient number of packages to start the day. They shall enter on the ballot log worksheet the number of packages opened throughout the day and note the number of any additional ballot packages received. Ballots shall not be issued until the polls are declared open at the time prescribed by law.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-11. Location of voting tabulator and voting booths**

The entire polling area shall be in plain view of all election officials and electors waiting to vote. The voting tabulator and voting booths shall be placed, if possible, at least three feet from any wall, partition or guardrail and at least four feet from the checkers' table. The voting booth shall be so placed that no person outside the booth can determine how an individual voted. Each booth shall be equipped with a marking device approved by the manufacturer and a large card containing instructions for marking the ballot, supplied by the manufacturer and approved by the Secretary of the State. At least one voting booth in each voting district shall be accessible to persons with disabilities. The moderator, or another official designated by the moderator, shall regulate the flow of electors from the checkers table to the voting booth to the voting tabulator and out of the polling room.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-12. Opening the polls**

Immediately prior to the time to open the polls, the moderator shall check that the public counter is zero. The moderator shall declare the polls open at the time prescribed by law. If the voting tabulator malfunctions, the moderator shall notify the registrars immediately and direct that ballots shall be issued and deposited in the auxiliary bin. When the voting tabulator is repaired, or replaced, or after the close of the polls, the moderator, in the presence of two election officials of opposing political parties, shall open the auxiliary bin and process the ballots through the voting tabulator for tabulation.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-13. Demonstrators**

Demonstrators shall be located before the checkers table. The demonstrators or the other election officials of the polling place shall offer instruction to electors entering the polling

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place. They may use demonstration ballots which indicate “name of party”, “name of candidate”, “office” and “question-statement of question-yes-no” or prerecorded material. The election officials shall post a sample ballot so that it is visible to an elector receiving instructions. The officials demonstrating shall advise the elector that the demonstration ballot may not represent the actual form of the official ballot, and direct the elector’s attention to the sample ballot posted nearby. In no event should the demonstration ballot contain the names of current candidates.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-14. Ballot clerks**

No ballot shall be issued unless the elector’s name has been checked off the official checklist. As each ballot is spoiled, the ballot clerk shall so indicate on a ballot log worksheet. No replacement ballot shall be issued unless the spoiled ballot is returned to the ballot clerk. The ballot clerk shall mark “spoiled” on any spoiled ballot, avoid looking at the markings on the ballot and place it in a spoiled ballot envelope or other suitable container reserved for spoiled ballots. As ballots are being counted or handled, the ballot clerk shall check for serious printing problems, inform the moderator, mark the defective ballot “spoiled”, place it in a spoiled ballot envelope or other suitable container and account for it on a ballot log worksheet. Any ballot found in a voting booth shall be marked “found in voting booth” and placed in the spoiled ballot envelope or other suitable container after the moderator makes a memorandum of the incident. When the polls close, ballot clerks shall record on a form prescribed by the Secretary of the State the total number of ballot packages received, the number of unopened ballot packages remaining, the number of loose ballots remaining and the number of spoiled ballots.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-15. Assistant registrars of voters**

The assistant registrars of voters or other officials designated by the moderator shall control access to the area containing the voting booths. Only electors with ballots and persons legally entitled to accompany them shall be allowed into the voting booth area. Electors shall only be admitted to this area when a booth is available. Such officials shall periodically examine the voting booths to resupply marking devices, remove campaign literature and repair defaced or damaged booths.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-16. Voting tabulator tenders and voting tabulator malfunction**

The voting tabulator tenders shall be stationed approximately three to four feet from the voting tabulator. They shall control access to the voting tabulator and shall prevent anyone from tampering with the voting tabulator. They shall instruct electors in the proper method for inserting the ballot. They shall ascertain that the ballot has been accepted by the voting tabulator before a voter leaves the polling place. The voting tabulator tender shall advise



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the elector of any error messages displayed by the voting tabulator. If a ballot is rejected by the voting tabulator they shall advise the elector how to correct the problem. They shall not look at the markings on an elector's ballot. If a new ballot is needed, the voting tabulator tender shall direct the elector to the ballot clerks. If the voting tabulator jams or malfunctions, the voting tabulator tender shall summon the moderator or another election official before any corrective action is taken. An election official shall clear any jammed ballots in accordance with instructions provided for the voting tabulator and shall avoid looking at the markings on the ballots. The voting tabulator shall not be opened unless one election official from an opposing political party is present. The moderator shall make a memorandum as to whether the voting tabulator indicates that it has counted the ballot. If the jam cannot be cleared or the voting tabulator malfunction cannot be resolved, the moderator shall call the registrars and shall substitute a perfect voting tabulator for the malfunctioning voting tabulator. Ballots shall continue to be issued, and voted ballots shall be placed in the auxiliary bin. The Secretary of the State shall prescribe the procedure to substitute a voting tabulator for the malfunctioning voting tabulator. When the voting tabulator is repaired or replaced or after the close of the polls, the election officials shall (1) process the ballots from the auxiliary bin through the voting tabulator, (2) return overvoted ballots to the auxiliary bin to be processed and overridden at the end of the day, and (3) return ballots rejected as blank ballots to the auxiliary bin to be hand counted at the end of the day. The moderator shall make a memorandum of such incidents. If the ballot box becomes full, officials of opposing political parties shall empty or replace the ballot box in the manner prescribed by the Secretary of the State. No person shall be permitted to leave the polling place with a ballot, either marked or unmarked. When an elector's ballot has been accepted by the voting tabulator, the elector shall be directed to immediately leave the polls.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-17. Process of voting**

After the checkers check off the name of an elector on the official check list, the ballot clerk shall issue such elector a ballot. The ballot clerk shall also offer the elector a privacy sleeve into which the ballot can be inserted so that the markings on the ballot cannot be seen or such sleeve may be placed in every voting booth for the elector's use. The elector shall not be required to accept a privacy sleeve. When a voting booth is available, the elector shall be directed to enter a booth and mark his ballot. The elector shall then be permitted to proceed to the voting tabulator and insert his ballot for counting. If the voting tabulator accepts his ballot, the elector shall immediately exit the polling place.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-18. Overvote**

An overvote occurs when an elector votes for more candidates for an office than he is entitled to. When an overvote message appears on the voting tabulator, the voting tabulator

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tender shall instruct the elector to recheck the ballot and obtain a new ballot if necessary. If the elector insists that the ballot be processed with the overvote, the voting tabulator tender shall instruct him votes for the overvoted office will not be counted but that the votes for the other offices will be counted. The elector shall be instructed to deposit the ballot in the auxiliary bin.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-19. Blank ballot**

A blank or unreadable ballot is one on which the tabulator cannot read a single vote for any office. If this occurs, the tabulator tender shall review with the elector the instructions and direct the elector to obtain a new ballot. If the elector requests that the ballot be processed when no votes are readable by the tabulator, the voting tabulator tender shall instruct the elector that the ballot will be counted by hand after the polls close, but if the election officials are unable to determine the intent of the elector, some or all of his votes could be lost. If the elector insists that the ballot be processed, the elector shall then be instructed to deposit the ballot in the auxiliary bin.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-20. Replacing a spoiled ballot with a new ballot**

Any elector may request a new ballot at any time prior to the acceptance of his ballot by the voting tabulator. No reason need be given. To obtain a replacement ballot, the elector shall return with his spoiled ballot to the ballot clerk. An elector seeking to obtain a replacement ballot need not go to the end of the line of electors entering the polling place. Before a replacement ballot is issued, the elector shall give his old ballot to the ballot clerk, holding it in such a way that the markings are not visible. The Secretary of the State may prescribe a procedure to ensure secrecy of the vote. Without looking at the markings, the ballot clerk shall mark the word “spoiled” on the old ballot, draw a line through the “timing marks” on the edge of the ballot and place the ballot in a depository envelope, or other suitable container reserved for spoiled ballots. The ballot clerk shall keep track of the number of spoiled ballots. After the ballot clerk has placed the spoiled ballot in the envelope, the ballot clerk shall issue a new ballot to the elector. The ballot clerk shall direct the elector to an available voting booth to mark his new ballot.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-21. Challenged ballot**

A challenged ballot issued under section 9-232e of the Connecticut General Statutes shall be a regular ballot which the elector shall fold and place in the serially-numbered envelope.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-22. Close of polls. Canvass of voting tabulator**

At the close of the polls, the polling place officials shall prepare the moderator’s return

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prescribed by the Secretary of the State. The moderator and assistant registrars of voters shall (1) check that the seal on the voting tabulator sealing the memory card in the tabulator has not been broken and record the number on the seal on the returns, (2) the moderator shall direct the polling place officials to unlock and remove all the ballots from the auxiliary bin, and shall process any ballots which can be so processed. If an “overvote” message appears, the moderator may press the buttons necessary to override that message, thereby causing the voting tabulator to count all contests except the overvoted contest. The number of any ballots from the auxiliary bin which can not be processed should be recorded and they should be counted by hand. The votes on such ballots shall be recorded on the moderator’s returns. Any ballots from the auxiliary bin which were hand counted should be sealed in a depository envelope marked “auxiliary bin” and placed in the ballot transfer case, (3) direct the absentee ballot counters to process any remaining absentee ballots on hand which can be voting tabulator processed and note on the moderator’s returns the number of absentee ballots voting tabulator processed, if absentee ballots are counted at the polls, (4) record on the returns the number on the public counter , (5) lock the tabulator against processing further ballots in accordance with the manufacturer’s instructions, and (6) print an election results report for each candidate and question in accordance with the instructions of the manufacturer and the Secretary of the State. The moderator shall announce the voting tabulator results for each candidate and question. The officials shall remove the original election results report from the voting tabulator, and the moderator and the assistant registrars shall sign it. The original election results report from the voting tabulator shall be attached to the moderator’s return which is provided to the registrar who shall file such return with the municipal clerk by noon the following day. The officials shall produce and sign two additional election results reports and shall post one in the polling place for public inspection and place the other in the ballot transfer case.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-23. Moderator’s returns. Canvass of votes cast and certifications**

The polling place officials shall complete the moderator’s returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrars of voters shall record on the moderator’s returns the voting tabulator result totals for each candidate and question. The moderator and assistant registrars of voters shall unlock and remove all the ballots from the write-in bin. They shall record the number of ballots in the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator’s returns the write-in votes in accordance with the law governing write-in ballots. They shall seal the write-in ballots in a depository envelope marked “write-in bin” and place them in the ballot transfer case. The law providing that the intent of the voter governs when counting absentee ballots shall apply to ballots counted by hand. Ballots counted by hand shall be counted by teams of two officials from opposing political parties and questions shall be submitted to the moderator for decision

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and endorsement on the ballot.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-24. Counting absentee ballots at the polls**

If absentee ballots are counted at the polls, the absentee ballots and the voting tabulator shall be adjusted to provide that the election results report printed by the voting tabulator at the close of the polls indicate for each candidate and question the absentee vote, the non-absentee vote and the totals. Absentee ballots shall be delivered to the polls at the times specified for delivery of absentee ballots in the general statutes. Absentee ballots may be processed through the voting tabulator at times throughout the day or at the end of election. Before processing absentee ballots through the voting tabulator, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the voting tabulator. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting tabulator and there appears to be an overvote, the voting tabulator tender shall override the message and process the ballot with the overvote. If the voting tabulator rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballot counters shall note the total number of absentee ballots processed by the voting tabulator and report such total to the moderator. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the absentee ballots and report such result to the moderator. The moderator shall record such totals and results on the moderator's return prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-25. Central counting of absentee ballots**

If registrars of voters choose to use an approved marksense voting tabulator to count absentee ballots at a central location, on election day the central counting officials shall deliver the voting tabulator, and at the times prescribed by law, absentee ballots, to the central counting place. The central counting officials shall examine the label on the tabulator to ensure that it is the correct tabulator for the central counting place. The central counting officials shall give the municipal clerk a receipt for the absentee ballots received and shall give the registrars a receipt for the tabulator. The central counting officials shall transport the absentee ballots and tabulator to the central counting place and shall immediately deliver them to the central counting moderator. The central counting moderator shall give the central counting officials a receipt and shall keep a copy for his records. The central counting officials and central counting moderator shall record the number on the seal, prepare the voting tabulator in the manner provided in section 9-242a-9 of the Regulations of Connecticut State Agencies and follow the instructions prescribed by the Secretary of the

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State. Before processing absentee ballots through the voting tabulator, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the voting tabulator. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting tabulator and there appears to be an overvote, the officials shall override the message and process the ballot with the overvote. If the voting tabulator rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the handcounted absentee ballots and report such result to the central counting moderator. The results of the voting tabulator processed absentee ballots shall be printed out at the close of the polls. The Secretary of the State shall prescribe the procedure to safeguard the voting tabulator and the voting tabulator processed absentee ballots on election, primary or referendum day, after each time prescribed for processing absentee ballots. The Secretary of the State may prescribe that on election, primary or referendum day, after the first time period prescribed for processing absentee ballots (1) the voting tabulator processed absentee ballots be removed and sealed in a labeled depository envelope, (2) the absentee ballots in the write-in bin be removed, the votes cast for the office in which the elector indicated a write-in vote be counted by hand and the ballots be sealed in a labeled depository envelope, (3) the public counter and seal on the tabulator be noted, (4) the registrars of voters store the tabulator in a secure location and (5) 14 days following the election the registrars return to the municipal clerk all sealed and labeled packages of absentee ballots. After the close of the polls, the absentee ballot counters shall unlock and remove all the ballots from the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. The absentee ballot counters shall seal the write-in ballots in a depository envelope marked "write-in" and place them in the ballot transfer case. Voting tabulator counted absentee ballots shall be placed in the ballot transfer case. The central counting moderator and absentee ballot counters shall follow the procedures prescribed by the Secretary of the State for shutting down the voting tabulator and producing the election results report. The central counting moderator and counters shall sign two copies of the election results report, attach one to the moderator's return and post one in the central counting location. The central counting moderator shall record on the moderator's return prescribed by the Secretary of the State the result of the count of the absentee ballots counted by hand and counted by voting tabulator. The central counting moderator shall announce the results of the absentee ballot vote for each candidate and question. No person shall make known the count of absentee ballots prior to the time for the closing of the polls. The central counting moderator shall follow the procedures prescribed by the Secretary of the State and return the keys, the tabulator, the ballot transfer

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case, the moderator's return with the election results report attached and other election materials to the registrars of voters. The registrars of voters will file the moderator's return with the municipal clerk by noon of the day following the primary or election. The registrars of voters shall store absentee ballots in a secure location for 14 days after which the ballots shall be given to the municipal clerk for the remaining storage period.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-26. Completing ballot log summary after polls close**

After the polls close, the ballot clerks shall complete a ballot log summary prescribed by the Secretary of the State. They shall record on a form prescribed by the Secretary of the State the number of ballot packages received, the number of ballot packages remaining unopened after the polls close and the number of spoiled ballots, challenged ballots and ballots in the auxiliary bin after the voting tabulator was locked against further voting. If absentee ballots are counted in the polling place, the Secretary of the State shall prescribe how absentee ballots are accounted for. The ballot clerks shall place all spoiled ballots in a depository envelope marked "spoiled ballots", seal it with non-reusable tape and deliver it to the moderator for return to the municipal clerk. The ballot clerks shall secure all ballots which are not issued to electors and deliver them to the moderator for return to the registrars of voters. The registrars of voters shall store absentee ballots in a secure location for 14 days after which the ballots shall be given to the municipal clerk for the remaining storage period. All unused printed marksense ballots shall be retained by the municipal clerk in the manner and for the period prescribed by law for the retention of unused absentee ballots and then shall be destroyed.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-27. Closing the machines and polls**

After all election results reports have been produced, the moderator and assistant registrars of voters shall record on the moderator's return the number on the public counter, close down the tabulator and remove the tabulator from the ballot box according to the manufacturer's instructions. They shall not break the seal on the tabulator and they shall record such number on the moderator's return. They shall place the tabulator in its carrying case and seal the case and record such number on the moderator's return. They shall seal all depository envelopes with non-reusable tape. They shall place in the ballot transfer case all depository envelopes from the polling place and all ballots from the regular bin. The Secretary of the State may prescribe that the depository envelopes containing the empty envelopes and rejected absentee ballots, the depository envelope containing the challenged ballots and the depository envelope containing the spoiled ballots need not be placed in the ballot transfer case. If absentee ballots are counted at the polling place, the certificate of absentee ballot count shall be completed and the result of the absentee ballot count shall be entered on the moderator's returns in the manner prescribed by the Secretary of the State. The moderator shall announce the total results for each candidate and question. The



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moderator and assistant registrars of voters shall indicate on the moderator's returns, the number of the seal that will be used to secure the ballot transfer case. They shall place a signed copy of the election results report, which was produced by the tabulator, in the ballot transfer case and seal the ballot transfer case. The moderator shall label the keys in accordance with instructions from the Secretary of the State and return the keys, the tabulator, the ballot transfer case, the original moderator's return with the original election results report attached, and other election materials to the registrars of voters. The registrars of voters shall file the original moderator's return and official registry list with the municipal clerk by noon of the day after the election or primary. The ballot transfer case shall be sealed for the period of time prescribed for sealing absentee ballots and then shall be unsealed and the contents destroyed. The tabulator shall be sealed for the period of time prescribed for sealing voting tabulators.

(Adopted effective October 1, 1999; Amended March 27, 2008)

**Sec. 9-242a-28. Recanvass**

If a recanvass is required by law in a municipality which uses marksense voting tabulators, the head moderator shall summon the recanvass officials consisting of at least two checkers, two ballot clerks and two absentee ballot counters of opposing political parties, the registrars of voters, and the municipal clerk. The registrars of voters shall be required to bring with them the sealed tabulators, the sealed ballot transfer cases, replacement seals, sufficient ballot boxes, new memory cards for each voting district, test ballots prepared in the manner prescribed by the Secretary of the State, and the other materials required by law. The recanvass officials shall, in the presence of the moderator, make a record of the number on the seals on the tabulator and ballot transfer case. The recanvass officials shall break the seal on the tabulator, remove the memory card and place it in a storage container approved by the Secretary of the State. The new memory card shall be installed in the tabulator, the tabulator shall be installed on an empty ballot box, the test ballots shall be test voted in the manner prescribed by the Secretary of the State and a record shall be made. When the tabulator prints the election zero report, the report shall be signed by the moderator and registrars and left attached to the tape in the tabulator. The recanvass officials shall break the seal of the ballot transfer case and begin the recount required by law for that voting district. Two recanvass officials of opposing political parties shall (1) open the depository envelope containing the ballots from the auxiliary bin, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in a labeled depository envelope, (2) open the depository envelopes containing the absentee ballots which were handcounted on election day, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in labeled depository envelopes, and (3) open the depository envelope containing the ballots from the write-in bin, count by tabulator and by hand the votes for the offices and questions subject to recanvass in the manner prescribed by the Secretary of the State, record them on the tally sheets and reseal them in a labeled depository envelope. The recanvass officials of

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opposing political parties shall examine all ballots which were tabulator counted on election day to determine whether the markings for the office being recanvassed are sufficiently clear to be read by the tabulator. If two recanvass officials of opposing political parties agree that such ballots are sufficiently clear to be read by the tabulator, such ballots shall be processed through the tabulator. For each voting district, the recanvass officials shall print and sign two elections results reports, announce the tabulator results for the offices and questions subject to recanvass, post one copy of the report and attach the other copy of the report to the moderator's return. All other ballots which were counted by tabulator on election day shall be counted by hand by recanvass officials of opposing political parties, recorded on the tally sheets and sealed in labeled depository envelopes. The recanvass officials shall complete the moderator's returns for each office and question subject to recanvass and announce the results. All ballots shall be placed in the ballot transfer case which shall be sealed with a new seal, and the seal number recorded on the moderator's return. The memory card shall be sealed in the tabulator and the seal number recorded on the moderator's return. The memory card which has been removed from the tabulator shall be sealed in a storage container in the manner prescribed by the Secretary of the State and the seal number recorded on the moderator's return. The moderator shall return the keys, the tabulator, and the ballot transfer case to the registrars of voters and the polling place moderator's returns with elections results reports attached, and other election materials to the municipal clerk. The moderator shall also prepare the head moderator's return in duplicate as prescribed by law and file one with the municipal clerk and one with the Secretary of the State. The tabulator and memory card storage container shall be sealed for the period of time prescribed for sealing voting machines. The recanvass may be conducted in such other manner as may be prescribed by the Secretary of the State.

(Adopted effective October 1, 1999; Amended March 27, 2008)