

# 2026 Spring ROVAC

Office of the Secretary of the State

# Voting for Institutionalized Electors with Disabilities

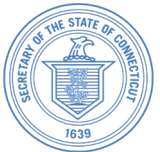
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# Agenda

- Legal Foundations
- Voting Options
- Assistance Rules
- Accessibility Requirements
- Guardianship Notification
- Scenarios
- Q&A



# Key Principles

- Institutionalized electors with disabilities have equal rights to vote
- Maximize access to voting
- Minimize barriers to access
- Provide necessary and appropriate assistance
- Ensure accessibility, respect, and privacy

These principles form the basis of the recent SOTS Memorandum of Opinion “Voting for Institutionalized Electors with Disabilities” that sets forth the SOTS interpretation of the state’s election laws, and other legal requirements



# Definitions

- In Connecticut, an “institution” means “a veterans' health care facility, residential care home, health care facility for the handicapped, nursing home, rest home, mental health facility, alcohol or drug treatment facility, an infirmary operated by an educational institution for the care of its students, faculty and employees or an assisted living facility.” (C.G.S. § 9-159q(a)(1))
- “Disability” under the ADA includes any “physical or mental impairment that substantially limits one or more major life activities.” (42 U.S.C. § 12102(1)). Under this broad definition, most institutionalized electors have disabilities within the meaning of the ADA.



# Legal Framework

- Connecticut Constitution—Equal Protection Clause (Conn. Const. art. I, § 20)
- Connecticut Voting Rights Act (C.G.S. § 9-368o)
- Connecticut Election laws (C.G.S. Title 9)
- Americans with Disabilities Act (ADA) (42 U.S.C. § 12101 et seq.)
- Federal Voting Rights Act Section 208 (52 U.S.C. § 10508)



# Voter Registration

- Applications must be received (delivered in person or completed online) or postmarked no later than 18 days prior to primary or general election (C.G.S. § 9-23g(d))
- Electors may register in person during early voting or on election day (C.G.S. § 9-19)
- Institutionalized electors cannot be subjected to more stringent timelines for registration than what is permitted by state law
- Disabled electors are entitled to assistance needed to complete registration



# Voting Options

- **Supervised Absentee Voting**
- **In person voting**
- **Individual Absentee Ballots**



# Supervised Absentee Voting

**Supervised Absentee Voting**—only applies to absentee voting, does not prohibit in-person voting

- Mandatory = 20 or more electors (C.G.S. § 9-159r)
- At discretion of facility and registrar = fewer than 20 electors (C.G.S. § 9-159q)
- At least two scheduled days, strongly encouraged to return as often as needed
- Coordinate with institution to provide advance notice



# In-person Voting

## In-person voting

- Anyone not prohibited from leaving institution may vote in person, early or on election days, even if Supervised Absentee Voting occurs at institution
- Curbside voting is available
- Transportation options (scooters to polls etc)



# Individual Absentee Voting

**Individual Absentee Voting**-- Notwithstanding C.G.S. § 9-159q(d), institutionalized electors may vote absentee when:

- Supervised absentee voting is not requested (or scheduled) within statutory timeframes
- An institutionalized elector is not a bona fide resident of the town where the institution is located and the clerk of their home town does not deliver their ballot
- As a reasonable accommodation to prevent disenfranchisement

**Emergency absentee ballots** are available when eligible due to hospitalization or institutionalization within 6 days of election (C.G.S. § 9-150c)



# Voter Assistance

- Elector may choose anyone to assist except a candidate or agent of a candidate on the ballot, employer or union representative (federal VRA Section 208, C.G.S. § 9-140b(e)).
- Electors may receive assistance in all aspects of voting process including registration, understanding and completing a ballot—applies to in-person voting, supervised absentee voting, and individual absentee ballots
- One limitation = Elector may select a “designee” to return individual absentee ballot (C.G.S. § 9-140b(b))
  - Designee may be family member, someone caring for disabled individual, police officer, Registrar (inc. deputy or assistant)
  - Broad definition of “caring” includes institution staff, not just medical professionals



# Assistance by Election Officials

- Elector who choose to receive assistance from Registrar or designee have a right to effective and appropriate assistance
- Election officials may not refuse or limit type of requested assistance as long as not being asked to illegally influence elector's preference
- Electors have a right to privacy, officials must respect electors' preference
  - Not required to accept assistance
  - Must not observe ballot markings unless asked by elector
  - Use privacy screens and spacing as possible
- Election officials should be trained and ready to assist with:
  - Use of IVS devices
  - Properly marking the ballot
  - Understanding ballot options



# Accessibility and Respect

- Supervised Absentee Voting must be accessible to electors
  - Location must be physically accessible for electors with mobility limitations or who use wheelchairs
  - Electors must have access to assistive technology devices, large print ballots, communication assistance, etc.
- For more guidance see <https://www.ada.gov/topics/voting>
- Election officials must treat electors with respect and dignity
  - No disparaging remarks about disabled electors or the facilities they reside in
  - Discrimination prohibited (C.G.S. § 9-368n)



# Notice to Guardians

- People with disabilities under guardianship or conservatorship retain the right to vote unless a **court** decides otherwise (C.G.S. §§ 45a-650(m) and 45a-703)
- Disabled electors with a guardian, conservator, or agent pursuant to a power of attorney are entitled to receive information, assistance, and opportunities to vote equal to other voters.
- Objections by a guardian, conservator, or agent pursuant to a power of attorney cannot be a basis for denying a qualified elector the right to vote
- Neither notification of upcoming voting pursuant to C.G.S. §§ 9-159s nor 9-30 permit Registrars or others to refuse to allow any qualified elector with disabilities from voting.



# Compliance and Questions

## Institutionalized electors have a protected right to vote

- Election officials have a responsibility to be informed and to do their part to uphold that right
- All suspected violations should be reported to SEEC
- Secretary is responsible for enforcing voter registration obligations under NVRA



# Scenario #1

## During Supervised Absentee Voting, an elector asks for help. What do you do?

- a) Ask them what kind of help they need and how you can best assist them
- b) Read the names and affiliations of candidates as written on the ballot
- c) Tell them you cannot help them
- d) Recommend who they should vote for by asking their party affiliation



# Scenario #2

## **An absentee ballot request arrives after all Supervised Absentee Voting has occurred. What do you do?**

- a) Contact the elector and tell them that it is too late for them to vote
- b) Schedule another day for Supervised Absentee Voting
- c) Contact the institution and insist that they take the elector to the polls on Election Day
- d) If timely, have TC send elector an absentee ballot as a reasonable accommodation





Thank You All!

Now...Questions?

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