

MEMORANDUM OF OPINION

To: All Town Clerks and Registrars of Voters
From: Office of the Secretary of the State
Date: April 20, 2026
Re: Voting for Institutionalized Electors with Disabilities

The purpose of this Opinion is to ensure that institutionalized electors with disabilities are able to exercise their right to vote freely and fairly, consistent with legal requirements. Specifically, this opinion addresses the voting rights of people with disabilities who reside in institutions¹ in Connecticut and who, under Connecticut law, are subject to supervised absentee voting².

This Opinion is issued pursuant to Connecticut General Statutes § 9-3 which states, “(a)The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary’s regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion....”

The Secretary is issuing this Opinion under the above authority to ensure that Connecticut election laws pertaining to institutionalized electors with disabilities are interpreted and applied in a manner consistent with state and federal law, and to resolve

¹ As defined in state law, “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.” Conn. Gen. Stat. § 9-159q(a)(1).

² Supervised absentee voting is a specialized type of absentee voting under which institutional residents must cast absentee ballots at the institution itself, supervised by the Registrars of Voters of the town where the institution is located. See Conn. Gen. Stat. § 9-159q(f)-(j). Supervised absentee voting is mandatory for institutional residents whenever twenty or more residents are electors. *Id.* § 9-159r(a). For institutions with under twenty electors, supervised absentee voting is required if requested by the “registrar of voters in the town of such electors’ voting residence or the administrator of the institution,” unless the Registrars (other than the Registrar of the town where the institution is located) object in writing that supervised absentee voting is unnecessary. *Id.* § 9-159q(b).

any confusion among people with disabilities, those who assist and support them, local elections officials, and others, concerning the interplay and any perceived conflicts between state and federal law. The Secretary construes ambiguities in election laws to allow the greatest scope of public participation for all Connecticut electors, including those with disabilities, in the electoral process, consistent with state and federal law.

As the official charged with enforcing the State's election laws, the Secretary of the State's Opinion is entitled to "great deference." *Starr v. Comm'r of Env't'l Prot.*, 236 Conn. 722, 728 (1996); *see also Katz v. Comm'r of Revenue Servs.*, 234 Conn. 614, 622 (1995).

Connecticut's Constitution and Voting Rights Act

The Equal Protection Clause of the Connecticut Constitution states: "No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or **physical or mental disability**." Conn. Const. art. I, § 20 (emphasis added); *Schiavone v. Destefano*, 48 Conn. Supp. 521, 530-531 (2001) (exercise of "political rights" including "the equality of persons engaged in political activity" is a core right worthy of protection by the constitution); *State v. Jose A. B.*, 342 Conn. 489, 510 (2022) (affirming that Conn. Const. art. I, § 20 is the State's Equal Protection Clause).

The State's Voting Rights Act provides that:

Any provision of the general statutes, regulation adopted thereunder, special act, charter, home rule ordinance or other state or municipal enactment relating to the right to vote shall be construed liberally in favor of (1) protecting the right to cast a ballot and make such ballot effective, (2) ensuring that qualified individuals seeking to be admitted as electors are not impaired in being so admitted, (3) ensuring electors are not impaired in voting, including, but not limited to, having their votes counted, (4) making the fundamental right to vote more accessible to qualified individuals, and (5) ensuring equitable access for protected class members to opportunities to be admitted as electors and to vote.

Conn. Gen. Stat. § 9-368o.

State agencies with responsibility over voting in Connecticut are required to comply with the federal Americans with Disabilities Act (ADA). "Each state agency shall comply in all of its services, programs and activities with the provisions of the Americans with Disabilities Act (42 USC 12101) to the same extent that it provides rights and protections for persons with physical or mental disabilities beyond those provided for by the laws of this state." Conn. Gen. Stat. § 46a-77(c). Under the ADA, state and local

governments must afford institutionalized individuals with disabilities³ the same opportunities to vote as non-institutionalized nondisabled voters and, in addition, must affirmatively ensure that people with disabilities have equal and meaningful access to voting, including by making reasonable accommodations and modifications to election rules, processes and procedures for voters with disabilities.

Pursuant to these provisions, the State of Connecticut affirms and guarantees the right of all qualified electors to participate in all aspects of the voting process, including citizens with disabilities who are institutionalized in institutions administered or funded by, or under contract with, the State. The Secretary has a duty to ensure that all elections and voting procedures are interpreted and implemented in accordance with the State Constitution and the Connecticut Voting Rights Act. The Secretary also has a duty to ensure that, to the full extent of her authority, Connecticut voting laws and procedures comply and conform with federal voting and civil rights laws.

U.S. Department of Justice Interpretation

The U.S. Department of Justice has specifically addressed what is required under federal law to protect the voting rights of people with disabilities who reside in institutions, nursing homes, and other congregate residential settings. According to the Department of Justice:

The [Voting Rights Act (VRA)]⁴ requires election officials to allow voters with a disability to receive assistance from a person of the voter's choice, other than the voter's employer or its agent or an officer or agent of the voter's union.

³ A "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 institutional residents have disabilities within the meaning of the ADA and Section 504.

⁴ Section 208 of the Voting Rights Act (VRA) entitles voters who require assistance to vote because of blindness, disability, or inability to read or write, to "*assistance by a person of the voter's choice,*" so long as the assistant is not "the voter's employer or agent of that employer or officer or agent of the voter's union." 52 U.S.C. § 10508 (emphasis added). The VRA defines "voting" to include "all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration...or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly." 52 U.S.C. § 10310(c)(1); *see also Allen v. Milligan*, 599 U.S. 1, 40 (2023); *OCA-Greater Houston v. Texas*, 867 F.3d 604, 614-615 (5th Cir. 2017). Connecticut law likewise defines "voting" to include "admission as an elector, application for an absentee ballot and any other action required by law to casting a ballot and having such ballot counted, canvassed, or certified properly..." *See Conn. Gen. Stat. § 9-368i(a)(11).*

The ADA also requires that public entities modify their policies to permit voters who require assistance in voting because of their disability to receive assistance. **This includes qualified voters with a disability who reside in congregate settings such as nursing homes. Voters with disabilities may receive assistance in all aspects of the voting process, including in requesting, completing, and returning a ballot, whether in person, absentee, or by mail-in ballot. For example, if a voter with a disability requires assistance to mark a ballot, the voter must be allowed to receive assistance from the person of their choosing and is not limited to assistance from an election worker.** And a voter who needs assistance in placing their ballot in a mailbox or drop box because of disability must be able to receive assistance from a person of their choosing.

U.S. Dep't of Justice, *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities* (Apr. 18, 2024), <https://www.ada.gov/resources/protecting-voter-rights/> (accessed March 31, 2026) (emphasis added).

ENSURING THAT STATE LAW AND PRACTICE CONFORM TO FEDERAL LAW

On October 7, 2024, the Secretary distributed guidance entitled **Guidance to Registrars re Voting Opportunities and Assistance for Institutionalized Electors** (“October 7 Guidance”), which is incorporated herein and attached hereto as Attachment A. This Opinion further clarifies rights and obligations with respect to individuals with disabilities who are subject to the supervised absentee voting program in institutions administered or funded by, or under contract with, the State of Connecticut.

Voter Registration Opportunities for Institutionalized Electors

Under Connecticut law, voter registration applications may be delivered in person, or, if mailed or completed through the Secretary’s online portal, postmarked up to 18 days before a primary or general election Conn. Gen. Stat. § 9-23g(d). Connecticut also allows electors to register in person during the period of early voting and on election day Conn. Gen. Stat. § 9-19j.

Voting Opportunities for Institutionalized Electors

Institutionalized electors with disabilities in Connecticut must be afforded the right to vote in the same manner as other electors, including in person and absentee. While supervised absentee voting may be available or required for certain electors who request to vote *absentee*, this program does not preclude institutionalized

electors from voting *in person*, on election days including early voting, or by *individual absentee ballot*, as set forth below.

1. **Notice of and Repeat Dates for Supervised Absentee Voting:** Election officials and institution administrators must provide sufficient advance notice of supervised absentee voting sessions to enable electors, staff, and assistants to be present and prepared. Connecticut law requires that the Registrars exercise best efforts and are strongly encouraged to return as many times as necessary to accommodate anyone who wants to vote by absentee ballot and have **at least two scheduled days** of supervised absentee voting in **each** institution. If the registrars are not available, they may send a designee who may be any elector of the same town and party as the ROV, so long as the individual is not an employee of the institution pursuant to Conn. Gen. Stat. § 9-159q(a)(2).
2. **In-Person Voting—Early and on Election Day:** The availability of supervised absentee voting, whether mandatory as set forth in Conn. Gen. Stat. § 9-159r or at the option of the facility administrator or Registrar as set forth in Conn. Gen. Stat. § 9-159q, does not preclude an institutionalized elector from exercising their right to vote in person, early as provided for in Conn. Gen. Stat. § 9-163aa, or on Election Day. Every Connecticut elector who resides in an institution and who may leave the institution, has the right under Connecticut law to vote in person. They can choose to do so even if they may also be afforded the opportunity to vote through supervised absentee voting, regardless whether the facility is a mandatory or requested supervised voting facility. Institutionalized voters who wish to vote in person, and may leave their institution, but are unable to gain access to the polling place due to incapacity may vote via curbside voting outside the polling place. Conn. Gen. Stat. § 9-261(b).
3. **Individualized Absentee Voting:** Notwithstanding Conn. Gen. Stat. § 9-159q(d), residents of institutions subject to supervised absentee voting may request, receive, complete, and have accepted an absentee ballot under any of the following situations:
 - a. Supervised absentee voting is not requested (by the facility administrator) or scheduled within the timeframes set forth in Conn. Gen. Stat. §9-159r(c) or §9-159q(c); or
 - b. An elector is not considered a bona fide resident of the state institution pursuant to Conn. Gen. Stat. §§ 9-14 and 9-12 and the clerk of the town in which the resident is eligible to vote cannot, or fails to, deliver the absentee voting set to the Registrar of the town in which the institution is located in advance of the supervised absentee voting dates; or

- c. As a reasonable accommodation when supervised absentee voting is not available to the voter and the voter would otherwise face disenfranchisement without access to individual absentee voting.
- d. An elector who becomes (1) ill or physically disabled, as determined by the elector; (2) is admitted to a nursing home or hospital, including a facility that provides lodging, care, and treatment for a physical or mental disability, within 6 days of the election or primary, is entitled to apply for an emergency absentee ballot pursuant to Conn. Gen. Stat § 9-150c.

All Electors residing in an institution within the state meet the eligibility requirements for individualized absentee voting set forth in Conn. Gen. Stat. § 9-135(a). An institutionalized elector may request assistance in any aspect of the voting process (except for returning their absentee ballot as set forth below) from the assistor of their choice other than the elector’s employer or agent of that employer or officer or agent of the voter’s union, as guaranteed by the VRA Section 208. See n. 4. No candidate on the ballot or agent of a candidate may assist unless they are the immediate family member of the elector. Conn. Gen. Stat. § 9-140b(e). Institutional staff or an institutionalized elector’s chosen assistor who is otherwise eligible to provide assistance under VRA Section 208 shall not be subject to penalties pursuant to Conn. Gen. Stat. § 9-359 or § 9-140(j).

Pursuant to Conn. Gen. Stat. § 9-140b(b), institutionalized electors may assign a designee to return their absentee ballot when not voting via supervised absentee voting. A “designee” includes a person who is caring for the applicant, including institutional staff; a member of the voter’s family; or a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters. Conn. Gen. Stat. § 9-140b(b). Note that the statute does not restrict who can provide care to only medical professionals. The common meaning of caring is broad, encompassing more than medical treatment, and elections officials should not apply an overly narrow or technical definition.

4. **Accessibility Requirements:** Local election officials must affirmatively ensure that supervised absentee voting is physically accessible for institutionalized electors, in accordance with the ADA. This includes accessibility for electors who are limited in mobility, hearing, vision, or any other physical limitations. Thus, for example, absentee voting should not be held in a location that is not accessible to persons in wheelchairs or who have limited mobility. Likewise, Registrars must ensure that institutional electors have the same access to assistive technology devices, communication assistance, and other measures necessary to enable institutional electors to cast their ballot as other voters.⁵

⁵ For further assistance, see: <https://www.ada.gov/topics/voting/> (last accessed March 31, 2026)

Removal of Impediments to Voting; Access to Information

To ensure that all institutionalized electors have an equal opportunity to vote as guaranteed by the State Constitution and Connecticut's Voting Rights Act, Connecticut's election laws must be interpreted and administered consistently with the ADA, which in turn prohibit impediments and barriers that deny people with disabilities meaningful access to voting. For example:

1. Institutionalized electors may not be deprived of the opportunity to vote because of locally-imposed timelines and requirements, including: 1) early cut-offs for registering to vote and 2) requirements to sign up in advance of supervised absentee voting. Specifically, institutionalized electors may not be subject to additional burdens that are not imposed on non-institutionalized electors, such as registration deadlines that exceed those permitted by law or an advance sign-up requirement that precludes voting on a scheduled supervised absentee voting day. In addition, election officials must make reasonable accommodations for institutionalized electors who are unable to vote on the specified supervised absentee voting day(s) by offering alternate dates and by providing and accepting individual absentee ballots as provided above. Further, electors must be provided with opportunities to register to vote in person, vote in person, and/or vote by individual absentee ballot as appropriate and if desired by the elector.
2. Local election officials and designated staff must afford institutionalized electors timely and accurate information about the voting process and timelines, their right to assistance, and voting requirements, to enable them to understand how to participate in the voting process and their rights therein, in a manner and form that is accessible to them.
3. Election officials must treat institutionalized electors with respect and dignity in the voting process. Any belittling or derogatory remarks directed at or about the residents of a facility or the facility itself are inappropriate and may result in, or be indicative of, discriminatory voting processes for disabled and nondisabled electors. See Conn. Gen. Stat. § 9-368n.
4. Any election official, staff person, or facility administrator who has a role in the voting process should have sufficient information and training to provide accurate information in a respectful and appropriate manner, to ensure that institutionalized electors are able to make informed decisions and participate in the voting process.

Voter Registration

1. People with disabilities who live in institutions cannot be subjected to more stringent timelines for registration than what is permitted by state law.
2. Pursuant to the Secretary's authority under Conn. Gen. Stat. § 9-23k and voter registration provisions of Conn. Gen. Stat. Chapter 143 of Title 9, institutionalized electors must have the same access to voter registration as other electors. It may require that local Registrars coordinate with administrators and staff of institutions to conduct voter registration on-site at institutions and ensure that residents are provided with sufficient opportunity and assistance to register.
3. No resident who desires to vote in any primary or general election and whose situation permits access to the internet or the ability to appear in person, may be deprived of the opportunity to register in accordance with the timelines and procedures set forth in Chapter 143, including on-line, same-day, mail, and in-person registration. Residents must be provided with necessary requested assistance in completing or returning their absentee ballot or registration form, to ensure they are not disenfranchised. Pursuant to Conn. Gen. Stat. § 9-23g, applications for admission as an elector must be submitted through the online portal or postmarked by the eighteenth day before an election or primary in order for the individual to be eligible to vote in that election or primary. It is a violation of state and federal law to apply any deadline on institutional electors which conflicts with the 18-day mail and online registration deadline imposed by state law. It is also a violation of state and federal law to impose any restrictions on eligible institutionalized electors from registering through Same Day Registration which differ from state law.
4. For electors who participate in supervised absentee voting, registration as set forth above must take place with sufficient notice and time for them to be able to participate in supervised absentee voting on the scheduled date(s).

Voter Assistance in Supervised Absentee Voting

1. **Information about Voter Assistance:** Electors must be provided with accurate, timely, and appropriate information about the right to voter assistance, including the right to decline assistance, consistent with the following provisions.
2. **Choice of Assistor:** Conn. Gen. Stat. § 9-159q(g), which sets forth voter assistance procedures in supervised absentee voting, does not preclude institutionalized electors from choosing their own assistor, subject only to the limitations in VRA Section 208. See n. 4.

As provided in the attached October 7 guidance, Registrars shall provide sufficient notice to the elector and assistor of the timing and requirements for providing and receiving assistance with supervised absentee voting. The elector shall provide the name of their assistor to the Registrars of Voters, with assistance from staff or others as needed, at least 24 hours before the scheduled supervised absentee voting session.

3. **Scope of Assistance:** As provided in the October 7 guidance, election officials may not limit or refuse to provide voter assistance needed or requested by electors, so long as the assistance being provided does not illegally influence the elector's preferences. Assistance must also enable the elector to communicate their preference and have their preferences be understood.
4. **Right to Privacy:** Electors subject to supervised absentee voting are entitled to privacy in the voting process and are not required to accept assistance by election officials. Conn. Gen. Stat. § 9-159q(g) ("Nothing in this section shall limit the right of an elector to vote his ballot in secret."); see *also* Conn. Gen. Stat. § 9-236b(a)(9). Their decision to decline assistance must be respected by election officials and institution staff. The voter must complete the ballot in the presence of the registrars administering supervised absentee voting, but the voter maintains the right to privacy of their vote and the registrars must respect the privacy of the vote by not observing the ballot while the voter completes their ballot unless asked to do so by the voter. Registrars should also make best efforts to establish proactive privacy protections within the area in which supervised absentee voting is being conducted. This may include privacy screens or spacing between voters as available.
5. **Training and Resources for Voter Assistance:** Registrars and their designees must provide effective and appropriate assistance to disabled electors. This includes ensuring that the IVS devices are available and functioning for electors who request and able to use them during all supervised absentee voting opportunities scheduled before the start of the early voting period. Registrars and others who may provide assistance to disabled electors should familiarize themselves with the available training on disabled electors' rights to choose an assistor or decline assistance and how to assist effectively and appropriately. Some resources for such training include: U.S. Department of Justice: [Effective Communication Guidance](#) and the American Bar Association [Assisting Cognitively Impaired Individuals with Voting: A Quick Guide](#).

Notice to Guardians/Conservators

Under Connecticut law, persons under guardianship or conservatorship retain their right to vote unless a court has specifically held otherwise. Conn. Gen. Stat. §§ 45a-650(m) and 45a-703. If an elector has a guardian, conservator, or agent pursuant to a power of attorney but has retained their voting rights, that elector shall not be prevented from

voting and receiving information about the voting process due to the guardian's, conservator's, or agent's objections.

Accordingly, neither Conn. Gen. Stat. § 9-159s, which provides for notice of upcoming voting to the guardian, conservator, or agent of an institutionalized elector, nor Conn. Gen. Stat. § 9-30, nor any other provision of Connecticut law, permits Registrars or others to refuse to allow any qualified elector with disabilities from voting. The provisions of this Opinion set forth above regarding information, assistance, and opportunities to vote must apply equally to institutionalized electors who have a guardian, conservator, or agent.

Summary

Electors with disabilities who are institutionalized in facilities within the state are entitled to the protections in the voting process contained in the State Constitution, state law, and federal civil rights and voting laws. All relevant parties must understand and comply with the relevant state and federal laws that establish and protect the fundamental right of persons with disabilities to vote. It is imperative that everyone in contact with an institutionalized person with disabilities regarding the voting process in Connecticut understand this right, appreciate their responsibility to facilitate the exercise of this right, and in no way create impediments that undermine or prevent a disabled individual(s) from voting. Any elector or witness who believes the right of an elector has been violated should report the suspected violation to State Elections Enforcement Commission for investigation and action. Additionally, the Secretary of State has responsibility for ensuring Connecticut's compliance with the National Voter Registration Act, and thus has the authority to enforce the ability of institutionalized electors to register to vote in accordance with the same deadlines applicable to all other Connecticut electors.

We encourage you to contact the Connecticut Secretary of State's Office [here](#) with questions about this Opinion, or Disability Rights Connecticut at 860-422-4220 (voice) | 800-842-7303 (toll-free CT) | 860-509-4992 (videophone) or info@disrightsct.org if you have any questions about assistance for electors with disabilities or disability access to voting in general. You can also contact the State Elections Enforcement Commission for concerns about noncompliance with this Opinion. For contact information, go to: [STATE ELECTION ENFORCEMENT COMMISSION](#).