



General Assembly

Substitute Bill No. 7009

January Session, 2001

AN ACT CONCERNING CONTESTS AND COMPLAINTS IN ELECTIONS FOR PRESIDENTIAL ELECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-323 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Any elector or candidate who claims that [he] such elector or
4 candidate is aggrieved by any ruling of any election official in
5 connection with any election [for presidential electors and] for a
6 senator in Congress and for representative in Congress or [any] either
7 of them, held in [his] said elector's or candidate's town, or that there
8 was a mistake in the count of the votes cast at such election for
9 [candidates for such electors,] senator in Congress and representative
10 in Congress, or [any] either of them, at any voting district in [his] said
11 elector's or candidate's town, or any candidate for such an office who
12 claims that [he] said candidate is aggrieved by a violation of any
13 provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-
14 365 in the casting of absentee ballots at such election, may bring [his]
15 said elector's or candidate's complaint to any judge of the Supreme
16 Court, in which [he] said elector or candidate shall set out the claimed
17 errors of such election official, the claimed errors in the count or the
18 claimed violations of said sections. In any action brought pursuant to
19 the provisions of this section, the complainant shall send a copy of the
20 complaint by first-class mail, or deliver a copy of the complaint by

21 hand, to the State Elections Enforcement Commission.

22 (b) If such complaint is made prior to such election, such judge shall
23 proceed expeditiously to render judgment on the complaint and shall
24 cause notice of the hearing to be given to the Secretary of the State and
25 the State Elections Enforcement Commission.

26 (c) (1) If such complaint is made subsequent to the election, it shall
27 be brought within fourteen days of the election and such judge shall
28 forthwith order a hearing to be had upon such complaint, upon a day
29 not more than five nor less than three days from the making of such
30 order, and shall cause notice of not less than three nor more than five
31 days to be given to any candidate or candidates whose election may be
32 affected by the decision upon such hearing, to such election official, to
33 the Secretary of the State, to the State Elections Enforcement
34 Commission and to any other party or parties whom such judge deems
35 proper parties thereto, of the time and place for the hearing upon such
36 complaint. Such judge, with two other judges of the Supreme Court to
37 be designated by the Chief Court Administrator, shall, on the day fixed
38 for such hearing and without unnecessary delay, proceed to hear the
39 parties.

40 (2) If sufficient reason is shown, such judges may order any voting
41 machines to be unlocked or any ballot boxes to be opened and a
42 recount of the votes cast, including absentee ballots, to be made. Such
43 judges shall thereupon, in the case they, or any two of them, find any
44 error in the rulings of the election official, any mistake in the count of
45 such votes or any violation of said sections, certify the result of their
46 finding or decision, or the finding or decision of a majority of them, to
47 the Secretary of the State before the first Monday after the second
48 Wednesday in December. Such judges may order a new election or a
49 change in the existing election schedule. Such certificate of such
50 judges, or a majority of them, shall be final upon all questions relating
51 to the rulings of such election officials, to the correctness of such count
52 and, for the purposes of this section only, such claimed violations, and
53 shall operate to correct the returns of the moderators or presiding

54 officers so as to conform to such finding or decision.

55 Sec. 2. (NEW) (a) Any elector or candidate who claims that such
56 elector or candidate is aggrieved by any ruling of any election official
57 in connection with any election for presidential electors held in said
58 elector's or candidate's town, or that there was a mistake in the count
59 of the votes cast at such election for candidates for the office of
60 presidential elector at any voting district in said elector's or candidate's
61 town, or any candidate for the office of presidential elector who claims
62 that said candidate is aggrieved by a violation of any provision of
63 section 9-355, sections 9-357 to 9-361, inclusive, section 9-364, 9-364a or
64 9-365 of the general statutes in the casting of absentee ballots at such
65 election, may bring said elector's or candidate's complaint to the
66 Supreme Court, in which said elector or candidate shall set out the
67 claimed errors of such election official, the claimed errors in the count
68 or the claimed violations of said sections. In any action brought
69 pursuant to the provisions of this section, the complainant shall send a
70 copy of the complaint by first-class mail, or deliver a copy of the
71 complaint by hand, to the State Elections Enforcement Commission.

72 (b) If such complaint is made prior to such election, the Supreme
73 Court, sitting en banc, shall proceed expeditiously to render judgment
74 on the complaint and shall cause notice of the hearing to be given to
75 the Secretary of the State and the State Elections Enforcement
76 Commission.

77 (c) (1) If such complaint is made subsequent to the election, it shall
78 be brought not later than fourteen days after the election. The Supreme
79 Court, sitting en banc, shall forthwith order a hearing to be held on
80 such complaint not less than three and not more than five days after
81 the making of such order, and shall cause notice of not less than three
82 and not more than five days to be given to any candidate or candidates
83 whose election may be affected by the decision upon such hearing, to
84 such election official, to the Secretary of the State, to the State Elections
85 Enforcement Commission and to any other party or parties whom
86 such court deems proper parties to the complaint, of the time and

87 place for the hearing on the complaint. The Supreme Court shall, on
88 the day fixed for such hearing and without unnecessary delay, proceed
89 to hear the parties.

90 (2) If sufficient reason is shown, the Supreme Court may order any
91 voting machines to be unlocked or any ballot boxes to be opened and a
92 recount of the votes cast, including absentee ballots, to be made. The
93 Supreme Court shall thereupon, if it finds any error in the rulings of
94 the election official, any mistake in the count of such votes or any
95 violation of said sections, certify the result of its finding or decision, to
96 the Secretary of the State not later than the sixth day before the first
97 Monday after the second Wednesday in December, which is the date
98 on which the final determination by a state of any controversy or
99 contest concerning the appointment of presidential electors is deemed
100 conclusive pursuant to 3 USC 5. Said court may order a new election
101 or a change in the existing election schedule. Such certificate of the
102 Supreme Court shall be final upon all questions relating to the rulings
103 of such election officials, to the correctness of such count and, for the
104 purposes of this section only, such claimed violations, and shall
105 operate to correct the returns of the moderators or presiding officers so
106 as to conform to such finding or decision.

GAE *Joint Favorable Subst.*