



House of Representatives

General Assembly

File No. 36

January Session, 2003

House Bill No. 5158

House of Representatives, March 18, 2003

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE TRANSMISSION OF ELECTION DAY RESULTS.

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

1 Section 1. Section 9-314 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [The] As used in this subsection, "moderator" means the
4 moderator of each state election in each town not divided into voting
5 districts [,] and the head moderator in each town divided into voting
6 districts. The moderator shall make out a duplicate list of the votes
7 given in [his] the moderator's town for each of the following officers:
8 Presidential electors, Governor, Lieutenant Governor, Secretary of the
9 State, Treasurer, Comptroller, Attorney General, United States senator,
10 representative in Congress, state senator, judge of probate, state
11 representative and registrars of voters when said officers are to be
12 chosen. [Included in said list shall be] Said list shall include a

13 statement of the total number of names on the official check list of such
14 town and the total number checked as having voted. The moderator
15 [or head moderator, as the case may be,] may transmit such list to the
16 Secretary of the State by facsimile machine [, provided] or other
17 electronic means prescribed by the Secretary of the State, not later than
18 midnight on election day. If the moderator transmits such list by such
19 electronic means, the moderator shall also seal and deliver one of such
20 lists to the Secretary of the State not later than the third day after the
21 election. If the moderator does not transmit such list by such electronic
22 means, the moderator shall [also] seal and deliver one of such lists by
23 hand [in accordance with the provisions of this section. One of such
24 lists he shall seal and deliver by hand] either (1) to the Secretary of the
25 State not later than six o'clock p.m. of the day after the election, or (2)
26 to the state police not later than four o'clock p.m. of the day after the
27 election, in which case the state police shall deliver it by hand to the
28 Secretary of the State not later than six o'clock p.m. of the day after the
29 election. Any such moderator [or head moderator, as the case may be,]
30 who fails to so deliver such list to either the Secretary of the State or
31 the state police by the time required shall pay a late filing fee of fifty
32 dollars. [The other of such lists he shall deliver] The moderator shall
33 also deliver one of such lists to the clerk of such town on or before the
34 day after such election. The Secretary of the State shall enter the
35 returns in tabular form in books kept by [him] the secretary for that
36 purpose and present a printed report of the same, with the name of,
37 and the total number of votes received by, each of the candidates for
38 said offices, to the General Assembly at its next session.

39 (b) [The] As used in this subsection, "moderator" means the
40 moderator of each municipal election in each town not divided into
41 voting districts, and the head moderator in each town divided into
42 voting districts. The moderator shall forthwith transmit to the
43 Secretary of the State the results of the vote for each office contested at
44 such election by facsimile machine or other electronic means
45 prescribed by the Secretary of the State, not later than midnight on
46 election day. If the moderator transmits such list by such electronic
47 means, the moderator shall also seal and deliver one of such lists to the

48 Secretary of the State not later than the third day after the election. If
 49 the moderator does not transmit such list by such electronic means, the
 50 moderator shall seal and deliver one of such lists by hand either (1) to
 51 the Secretary of the State not later than six o'clock p.m. of the day after
 52 the election, or (2) to the state police not later than four o'clock p.m. of
 53 the day after the election, in which case the state police shall deliver it
 54 by hand to the Secretary of the State not later than six o'clock p.m. of
 55 the day after the election. Any such moderator who fails to so deliver
 56 such list to either the Secretary of the State or the state police by the
 57 time required shall pay a late filing fee of fifty dollars. Such moderator
 58 [or head moderator] shall include in such return a statement of the
 59 total number of names on the official check list of such town and the
 60 total number checked as having voted. Such return shall be on a form
 61 prescribed by the Secretary of the State.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 03 \$	FY 04 \$
Secretary of the State	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 03 \$	FY 04 \$
All Municipalities	Cost	None	None

Explanation

This bill permits municipalities to electronically transmit election results to the Secretary of the State. It also establishes the same deadlines for delivering municipal election results as apply to delivering state election results.

This bill will have no fiscal impact on the state or municipalities.

OLR Bill Analysis

HB 5158

AN ACT CONCERNING THE TRANSMISSION OF ELECTION DAY RESULTS**SUMMARY:**

This bill expands the way that officials transmit election results to the Office of the Secretary of the State by (1) allowing them to send results electronically for both state and municipal elections and (2) extending to municipal elections the option that officials have after state elections to send them by facsimile. It gives the moderator in each town (and the head moderator in a town with more than one voting district) the option to send state and municipal election results electronically to the secretary by midnight on election day. If he does, the moderator must also seal and deliver the results to the secretary by the third day after the election (no later than Friday after a Tuesday election). Otherwise, the moderator must seal (as prescribed by the bill) and deliver the results as under current law, that is, by hand to the secretary by 6 p.m., or to the State Police by 4 p.m., on the day after election day. By law, the State Police must deliver the results to the secretary by 6 p.m. on the day after the election.

Current law requires moderators to transmit municipal election results to the secretary "forthwith." The bill establishes the same deadlines for delivering results of a municipal election that apply to state election results and applies the same penalty (a \$50 fee) for a late filing.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 17 Nay 0