



House of Representatives

General Assembly

File No. 489

January Session, 2003

Substitute House Bill No. 6418

House of Representatives, April 22, 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 substitute bill ought to pass.

AN ACT CONCERNING VACANCIES IN CANDIDATE NOMINATIONS.

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

1 Section 1. Section 9-460 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 If any party has nominated a candidate for office, or, on and after
4 November 4, 1981, if a candidate has qualified to appear on any ballot
5 by nominating petition under a reserved party designation, in
6 accordance with the provisions of this chapter, and such nominee
7 thereafter, but prior to ten days before the opening of the polls on the
8 day of the election for which such nomination has been made, dies,
9 withdraws [his] such nominee's name or for any reason becomes
10 disqualified to hold the office for which [he] such nominee has been
11 nominated [,] (1) such party or, on and after November 4, 1981, the
12 party designation committee may make a nomination to fill such
13 vacancy or provide for the making of such nomination as its rules

14 prescribe, and (2) if another party that is qualified to nominate a
15 candidate for such office does not have a nominee for such office, such
16 party may also nominate a candidate for such office as its rules
17 prescribe. No withdrawal, and no nomination to replace a candidate
18 who has withdrawn, under this section shall be valid unless the
19 candidate who has withdrawn has filed a letter of withdrawal signed
20 by such candidate with the Secretary of the State in the case of a state
21 or district office or the office of state senator or state representative
22 from any district, or with the municipal clerk in the case of a municipal
23 office other than state senator or state representative. A copy of such
24 candidate's letter of withdrawal to the municipal clerk shall also be
25 filed with the Secretary of the State. No nomination to fill a vacancy
26 under this section shall be valid unless it is certified to the Secretary of
27 the State in the case of a state or district office or the office of state
28 senator or state representative from any district, or to the municipal
29 clerk in the case of a municipal office other than state senator or state
30 representative, by the organization or committee making such
31 nomination, at least seven days before the opening of the polls on the
32 day of the election, except as otherwise provided by this section. If a
33 nominee dies within ten days, but prior to twenty-four hours before
34 the opening of the polls on the day of the election for which such
35 nomination has been made, the vacancy may be filled in the manner
36 prescribed in this section by two o'clock p.m. of the day before the
37 election with the municipal clerk or the Secretary of the State, as the
38 case may be. If a nominee dies within twenty-four hours before the
39 opening of the polls and prior to the close of the polls on the day of the
40 election for which such nomination has been made, [he] such nominee
41 shall not be replaced and the votes cast for [him] such nominee shall be
42 canvassed and counted, and if [he] such nominee receives a plurality
43 of the votes cast, a vacancy shall exist in the office for which the
44 nomination was made. The vacancy shall then be filled in a manner
45 prescribed by law. A copy of such certification to the municipal clerk
46 shall also be filed with the Secretary of the State. Such nomination to
47 fill a vacancy due to death or disqualification shall include a statement
48 setting forth the reason for such vacancy. If at the time such

49 nomination is certified to the Secretary of the State or to the municipal
50 clerk, as the case may be, the ballot labels have already been printed,
51 the Secretary of the State shall direct the municipal clerk in each
52 municipality affected to [(1)] (A) have the ballot labels reprinted with
53 the nomination thus made included thereon, [(2)] (B) cause printed
54 stickers to be affixed to the ballot labels so that the name of any
55 candidate who has died, withdrawn or been disqualified is deleted
56 and the name of any candidate chosen to fill such vacancy appears in
57 the same position as that in which the vacated candidacy appeared, or
58 [(3)] (C) cause blank stickers to be so affixed if the vacancy is not filled.

This act shall take effect as follows:	
Section 1	July 1, 2003

GAE *Joint Favorable Subst.*

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 04 \$	FY 05 \$
Secretary of the State	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill, which allows a major political party that did not nominate a candidate for office to do so after the deadline if another party's candidate for the office dies, withdraws, or becomes disqualified, has no fiscal impact on the state.

OLR Bill Analysis

sHB 6418

AN ACT CONCERNING VACANCIES IN CANDIDATE NOMINATIONS

SUMMARY:

This bill allows a major political party that did not nominate a candidate for office to do so after the deadline if another party's candidate for the office dies, withdraws, or becomes disqualified. The nomination to fill the vacancy authorized by the bill must be made according to the party's rules. By law, the party whose candidate creates the vacancy can replace its candidate if the vacancy occurs at least 10 days before the election. It must follow its party rules to make the nomination at least seven days before the election.

A major party's nominee is the winner of a primary (held in September) or the party-endorsed candidate if no other candidate qualifies for a primary. A party can make its endorsement for a state or district office candidate at a convention held 68 to 50 days before the primary; and for a municipal office by caucus, convention, or town committee, between the 56th and 49th days before the primary. If it fails to nominate a candidate, the position on the ballot is vacant.

EFFECTIVE DATE: July 1, 2003

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 18 Nay 0