



General Assembly

Substitute Bill No. 5241

January Session, 2003

AN ACT AUTHORIZING REFERENDUM CONTESTS AND COMPLAINTS.

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

1 Section 1. (NEW) (*Effective July 1, 2003*) Any person (1) claiming to
2 have been aggrieved by any ruling of any election official in
3 connection with a referendum, (2) claiming that there has been a
4 mistake in the count of votes cast for a referendum, or (3) claiming to
5 be aggrieved by a violation of any provision of section 9-355, 9-357 to
6 9-361, inclusive, 9-364, 9-364a or 9-365 of the general statutes in the
7 casting of absentee ballots at a referendum, may bring a complaint to
8 any judge of the Superior Court for relief from such ruling, mistake or
9 violation. In any action brought pursuant to the provisions of this
10 section, the complainant shall send a copy of the complaint by first
11 class mail, or deliver a copy of the complaint by hand, to the State
12 Elections Enforcement Commission. If such complaint is made prior to
13 such referendum, such judge shall proceed expeditiously to render
14 judgment on the complaint and shall cause notice of the hearing to be
15 given to the Secretary of the State and the State Elections Enforcement
16 Commission. If such complaint is made subsequent to such
17 referendum, it shall be brought within thirty days after such
18 referendum to any judge of the Superior Court, in which the person
19 shall set out the claimed errors of the election official, the claimed
20 errors in the count or the claimed violations of said sections. Such
21 judge shall forthwith order a hearing to be held upon such complaint,

22 upon a day not more than five nor less than three days from the
23 making of such order, and shall cause notice of not less than three nor
24 more than five days to be given to any person who may be affected by
25 the decision upon such hearing, to such election official, the Secretary
26 of the State, the State Elections Enforcement Commission and to any
27 other party or parties whom such judge deems proper parties to the
28 hearing, of the time and place for the hearing upon such complaint.
29 Such judge shall, on the day fixed for such hearing and without
30 unnecessary delay, proceed to hear the parties. If sufficient reason is
31 shown, such judge may order any voting machines to be unlocked or
32 any ballot boxes to be opened and a recount of the votes cast, including
33 absentee ballots, to be made. Such judge shall, if such judge finds any
34 error in the rulings of the election official or any mistake in the count
35 of the votes, certify the result of such judge's finding or decision to the
36 Secretary of the State before the tenth day succeeding the conclusion of
37 the hearing. Such judge may order a new referendum or a change in
38 the existing referendum schedule. Such certificate of such judge's
39 finding or decision shall be final and conclusive upon all questions
40 relating to errors in the ruling of such election officials, to the
41 correctness of such count, and, for the purposes of this section only,
42 such claimed violations, and shall operate to correct the returns of the
43 moderators or presiding officers, so as to conform to such finding or
44 decision, except that this section shall not affect the right of appeal to
45 the Supreme Court and it shall not prevent such judge from reserving
46 such questions of law for the advice of the Supreme Court as provided
47 in section 9-325 of the general statutes. Such judge may, if necessary,
48 issue such judge's writ of mandamus, requiring the adverse party and
49 those under such judge to deliver to the complainant the
50 appurtenances of such office, and shall cause such judge's finding and
51 decree to be entered on the records of the Superior Court in the proper
52 judicial district.

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

GAE *Joint Favorable Subst.*