



General Assembly

Amendment

February Session, 2004

LCO No. 2827

HB0501802827HRO

Offered by:
REP. HAMZY, 78th Dist.

To: House Bill No. 5018

File No. 172

Cal. No. 142

**"AN ACT CONCERNING THE PREPARATION OF MATERIALS
FOR REFERENDA CALLED FOR BY A REGIONAL SCHOOL
DISTRICT."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2004*) Any person (1) claiming to
4 have been aggrieved by any ruling of any election official in
5 connection with a referendum, (2) claiming that there has been a
6 mistake in the count of votes cast for a referendum, or (3) claiming to
7 be aggrieved by a violation of any provision of section 9-355, 9-357 to
8 9-361, inclusive, as amended, 9-364, 9-364a or 9-365 of the general
9 statutes in the casting of absentee ballots at a referendum, may bring a
10 complaint to any judge of the Superior Court for relief from such
11 ruling, mistake or violation. In any action brought pursuant to the
12 provisions of this section, the complainant shall send a copy of the
13 complaint by first class mail, or deliver a copy of the complaint by
14 hand, to the State Elections Enforcement Commission. If such
15 complaint is made prior to such referendum, such judge shall proceed

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

51 under such judge to deliver to the complainant the appurtenances of
52 such office, and shall cause such judge's finding and decree to be
53 entered on the records of the Superior Court in the proper judicial
54 district."