



General Assembly

**Substitute Bill No. 540**

January Session, 2007

\* SB00540APP\_\_050107\_\_ \*

**AN ACT CONCERNING TIE PRIMARIES, THE NOMINATING PROCESS FOR MINOR PARTY CANDIDATES, UNITED STATES SENATE VACANCIES, THE SWITCHING OF POLITICAL PARTIES, LATE MAIL-IN VOTER REGISTRATION APPLICATIONS AND THE DEFINITION OF "BONA FIDE RESIDENT" FOR VOTER REGISTRATION PURPOSES.**

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

1 Section 1. Section 9-12 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Each citizen of the United States who has attained the age of  
4 eighteen years, and who is a bona fide resident of the town to which  
5 the citizen applies for admission as an elector shall, on approval by the  
6 registrars of voters or town clerk of the town of residence of such  
7 citizen, as prescribed by law, be an elector, except as provided in  
8 subsection (b) of this section. For purposes of this section a person  
9 shall be deemed to have attained the age of eighteen years on the day  
10 of the person's eighteenth birthday and a person shall be deemed to be  
11 a bona fide resident of the town to which the citizen applies for  
12 admission as an elector if such person's dwelling unit is located within  
13 the geographic boundaries of such town. No mentally incompetent  
14 person shall be admitted as an elector.

15 (b) Any citizen who will have attained the age of eighteen years on  
16 or before the day of a regular election may apply for admission as an

17 elector. If such citizen is found to be qualified the citizen shall become  
18 an elector on the day of the citizen's eighteenth birthday. The registrars  
19 shall add the name of any person applying under this subsection, if  
20 found qualified, to the registry list and, if applicable, to the enrollment  
21 list, together with the effective date of his registration. The registrars  
22 may place the name of each such person at the end of the registry and  
23 enrollment lists for the voting district.

24 Sec. 2. Section 9-211 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) In case of a vacancy in the office of senator in Congress, the  
27 Governor, [is empowered to fill such vacancy by appointment as  
28 herein provided. If such vacancy occurs one hundred fifty or more  
29 days prior to a state election, the appointee shall serve until the third  
30 day of January following such election, and at such election there shall  
31 be elected a senator in Congress to serve for the remaining portion, if  
32 any, of the term vacated. If such vacancy occurs within less than one  
33 hundred fifty days of a state election and the term vacated does not  
34 expire on the third day of January following such election, the  
35 appointee shall serve until the third day of January following the next  
36 such election but one, and at such next election but one there shall be  
37 elected a senator in Congress to serve for the remaining portion, if any,  
38 of the term vacated. If such vacancy occurs within less than one  
39 hundred fifty days of a state election and the term vacated expires on  
40 the third day of January following, the appointee shall serve until such  
41 third day of January] except as otherwise provided by law, shall, not  
42 more than ten days after the occurrence of such vacancy, issue writs of  
43 election directed to the town clerks or assistant town clerks ordering  
44 an election to be held on the sixtieth day after the issue of such writs  
45 on a day, other than a Saturday or Sunday, to fill such vacancy,  
46 provided (1) if such a vacancy occurs between the one hundred  
47 twenty-fifth day and the sixty-third day before the day of a regular  
48 state or municipal election in November of any year, the Governor  
49 shall so issue such writs on the sixtieth day before the day of such  
50 regular election, ordering an election to be held on the day of such

51 regular election, (2) if such a vacancy occurs after the sixty-third day  
52 before the day of a regular state election but before the regular state  
53 election, the Governor shall not issue such writs and no election shall  
54 be held under this section, unless the position vacated is that of  
55 member-elect, in which case the Governor shall issue such writs and  
56 an election shall be held as provided in this section, and (3) if a  
57 primary for such office occurs pursuant to subparagraph (C) of  
58 subdivision (1) of section 9-450, the Governor shall, not later than ten  
59 days following the filing of a candidacy for nomination by a person  
60 other than the party-endorsed candidate, issue new writs of election, in  
61 place of those first issued pursuant to this section.

62 (b) The Governor shall cause writs of election issued pursuant to  
63 subsection (a) of this section to be conveyed to a state marshal, who  
64 shall forthwith transmit an attested copy thereof to such clerks or  
65 assistant clerks. Such clerks or assistant clerks, on receiving such writs,  
66 shall warn elections to be held on the day appointed therein in the  
67 same manner as state elections are warned, which elections shall be  
68 organized and conducted as are state elections, and the vote shall be  
69 declared, certified, directed, deposited, returned and transmitted in the  
70 same manner as at a state election.

71 Sec. 3. Subsection (d) of section 9-23g of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective from*  
73 *passage*):

74 (d) (1) Except as otherwise provided in this subsection, the  
75 privileges of an elector for any applicant for admission under this  
76 section and section 9-23h shall attach immediately upon approval by  
77 the registrar, and the registrars shall enter the name of the elector on  
78 the registry list.

79 (2) Except as provided in subdivision (3) of this subsection, if a  
80 mailed application is postmarked, or if a delivered application is  
81 received in the office of the registrars of voters, after the fourteenth day  
82 before an election or after the fifth day before a primary, the privileges

83 of an elector shall not attach until the day after such election or  
84 primary, as the case may be. In such event, the registrars of voters may  
85 contact such applicant, either by telephone or mail, in order to inform  
86 such applicant of the effect of such late received mail-in application  
87 and any applicable deadline for applying for admission in person.

88 (3) If an application is received after the fourteenth day before an  
89 election or after the fifth day before a primary by the Commissioner of  
90 Motor Vehicles or by a voter registration agency, the privileges of an  
91 elector shall not attach until the day after the election or primary, as  
92 the case may be, or on the day the registrar approves it, whichever is  
93 later.

94 (4) If on the day of an election or primary, the name of an applicant  
95 does not appear on the official check list, such applicant may present  
96 to the moderator at the polls either a notice of acceptance received  
97 through the mail or an application receipt that was previously  
98 provided to the applicant pursuant to section 9-19e, subsection (b) of  
99 section 9-19h, subsection (b) of this section or section 9-23n. If an  
100 applicant presents said notice or receipt, and either the registrars of  
101 voters find the original application or the applicant submits a new  
102 application at the polls, the registrar, or assistant registrar upon notice  
103 to and approval by the registrar, shall add such person's name and  
104 address to the official check list on such day and the person shall be  
105 allowed to vote if otherwise eligible to vote and the person presents to  
106 the checkers at the polling place a preprinted form of identification  
107 pursuant to subparagraph (A) of subdivision (2) of subsection (a) of  
108 section 9-261.

109 Sec. 4. Section 9-59 of the general statutes is repealed and the  
110 following is substituted in lieu thereof (*Effective October 1, 2007*):

111 Any elector whose name appears on any enrollment list or who has  
112 made application for enrollment may, at any time, make a written  
113 application, on an application form for admission as an elector, which  
114 shall be signed by such elector, to either registrar for erasure of his

115 name from such list or for transfer of his name to the enrollment list of  
116 another party. If an elector makes an application for erasure, his name  
117 shall be erased from said enrollment list and, if a municipality is  
118 having a primary in which unaffiliated electors are authorized to vote,  
119 under section 9-431, such elector's name shall be placed on the list of  
120 unaffiliated electors together with the date he is eligible to vote in a  
121 primary. If an elector makes an application for transfer, his name shall  
122 be transferred to the enrollment list of another party, together with the  
123 effective date of such transfer. Any elector whose name has been  
124 transferred from one enrollment list to another or who has applied for  
125 erasure or transfer of his name from an enrollment list shall not be  
126 entitled to participate or vote in a caucus or primary of any party,  
127 participate in the appointment of members to any board or  
128 commission that is political in nature, be appointed as a member of  
129 any board or commission that is political in nature or be entitled to the  
130 privileges accompanying enrollment in any party for a period of three  
131 months from the date of the filing of his application for transfer or for  
132 erasure. Any elector who removes his name from the registry list and  
133 from an enrollment list in accordance with the provisions of section 9-  
134 35b shall not be entitled to enroll in any political party or vote in any  
135 primary for three months after such removal. The registrars of voters  
136 shall state, on the notice of acceptance sent under sections 9-23g, as  
137 amended by this act, 9-19b and 9-19e, the date enrollment privileges  
138 take effect, if delayed.

139 Sec. 5. Section 9-452a of the general statutes is repealed and the  
140 following is substituted in lieu thereof (*Effective October 1, 2007*):

141 Not later than five days before a minor party holds a party meeting  
142 to nominate a candidate for public office, the presiding officer of such  
143 meeting shall give written notice of the date, time, location and  
144 purpose of the meeting to, in the case of a municipal office, the town  
145 clerk of the municipality served by such office, or in the case of a state  
146 office or district office, the Secretary of the State. Concomitantly, the  
147 presiding officer of such meeting shall cause the written notice of such  
148 meeting to be published in a newspaper with a general circulation in

149 the applicable town for such office. As used in this section, the terms  
150 "minor party", "state office", "district office" and "municipal office"  
151 have the meanings assigned to such terms in section 9-372.

152 Sec. 6. (*Effective from passage*) Notwithstanding any provision of the  
153 general statutes, any minor party whose party designation committee  
154 filed a certificate of changed party designation with the Secretary of  
155 the State on or before January 1, 1988, pursuant to section 1 of public  
156 act 87-472, shall file with the Secretary of the State a copy of the party  
157 rules regulating the manner of nominating a candidate of such party  
158 for any office to be printed on the official ballot and a copy of the party  
159 rules regulating the manner of selecting town committee members and  
160 delegates to conventions not later than sixty days after the effective  
161 date of this section.

162 Sec. 7. Section 9-446 of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective October 1, 2007*):

164 (a) If two or more candidates obtain the same number of votes at a  
165 primary held to nominate candidates for a state or district office, and a  
166 tie vote thereby occurs, any of such candidates, or the state chairman  
167 of the political party, may apply for a recanvass of the returns in the  
168 manner provided in section 9-445. If no such application is made, or if  
169 any such recanvass results in a tie vote, [the Secretary of the State, in  
170 the presence of not fewer than three disinterested persons, and after  
171 notification to the candidates obtaining the same number of votes and  
172 the chairman of the state central committee of the party holding the  
173 primary of the time when and the place where such tie vote is to be  
174 dissolved, shall dissolve such tie vote by lot. The Secretary of the State  
175 shall execute a certificate attesting to the result of the dissolution of  
176 such tie vote, and the person so certified or the slate so certified as  
177 having been chosen by lot shall be deemed to have received a plurality  
178 of the votes cast and shall be deemed to have been chosen as the  
179 nominee of such party to such office] such primary shall stand  
180 adjourned for three weeks at the same hour at which the first primary  
181 was held. Ballot labels of the same form and description as described

182 in section 9-437 shall be used in the primary on such adjourned day,  
183 and the primary shall be conducted in the same manner as on the first  
184 day, except that the votes shall be cast for such office only. Ballot labels  
185 for such primary shall be provided forthwith by the clerk of each  
186 municipality wherein such primary stands adjourned, and each such  
187 clerk shall furnish the Secretary of the State with an accurate list of all  
188 candidates to be voted for at such adjourned primary. The clerk of  
189 each municipality in the state or the district, whichever is applicable,  
190 wherein such primary so stands adjourned shall, at least three days  
191 prior to the day of such adjourned primary, give notice of the day,  
192 hours, place and purpose thereof by publishing such notice in a  
193 newspaper published in such municipality or having a circulation  
194 therein. No such primary shall be held if prior to such primary all but  
195 one of the candidates for such office die, withdraw their names or for  
196 any reason become disqualified to hold such office, and, in such event,  
197 the remaining candidate shall be deemed to be lawfully voted upon as  
198 the candidate for such office. No withdrawal shall be valid until the  
199 candidate who has withdrawn has filed a letter of withdrawal signed  
200 by such candidate with the Secretary of the State. When such a  
201 primary is required to be held under the provisions of this section and  
202 prior to such primary all but one of the candidates for such office die,  
203 withdraw their names or for any reason become disqualified to hold  
204 such office, the Secretary of the State shall forthwith notify the clerk of  
205 each municipality wherein such primary was to have been held of such  
206 fact, and shall forthwith direct each such clerk that such primary shall  
207 not be held. In the case of a multiple-opening office only the names of  
208 those candidates whose votes are equal shall be placed on the ballot  
209 label of the adjourned primary. If such second primary results in a tie  
210 vote, the Secretary of the State, in the presence of not fewer than three  
211 disinterested persons, and after notification to the candidates obtaining  
212 the same number of votes and the chairperson of the state central  
213 committee of the party holding the primary of the time when and the  
214 place where such tie vote is to be dissolved, shall dissolve such tie vote  
215 by lot. The Secretary of the State shall execute a certificate attesting to  
216 the result of the dissolution of such tie vote, and the person so certified

217 or the slate so certified as having been chosen by lot shall be deemed to  
218 have received a plurality of the votes cast and shall be deemed to have  
219 been chosen as the nominee of such party to such office.

220 (b) If two or more candidates obtain the same number of votes at a  
221 primary held to nominate candidates for a municipal office or to elect  
222 members of a town committee, or if two or more slates of candidates  
223 obtain the same number of votes at a primary held for justices of the  
224 peace, and a tie vote thereby occurs, any of such candidates, or the  
225 town chairman of the political party, may apply for a recanvass of the  
226 returns in the manner provided in section 9-445. If no such application  
227 is made, or if any such recanvass results in a tie vote, [the registrar, in  
228 the presence of not fewer than three disinterested persons, and after  
229 notification to the candidates obtaining the same number of votes, and  
230 the chairman of the town committee of the party holding the primary,  
231 of the time when and the place where such tie vote is to be dissolved,  
232 shall dissolve such tie vote by lot. The registrar shall execute a  
233 certificate attesting to the result of the dissolution of such tie vote, and  
234 each person so certified as having been chosen by lot shall be deemed  
235 to have received a plurality of the votes cast and shall be deemed to  
236 have been chosen as the nominee of such party to such office or to  
237 have been elected as a member of the town committee, as the case may  
238 be] such primary shall stand adjourned for three weeks at the same  
239 hour at which the first primary was held. Ballot labels of the same form  
240 and description as described in section 9-437 shall be used in the  
241 primary on such adjourned day, and the primary shall be conducted in  
242 the same manner as on the first day, except that the votes shall be cast  
243 for such office only. Ballot labels for such primary shall be provided  
244 forthwith by the clerk of the municipality wherein such primary stands  
245 adjourned, and such clerk shall furnish the Secretary of the State with  
246 an accurate list of all candidates to be voted for at such adjourned  
247 primary. The clerk of the municipality wherein such primary so stands  
248 adjourned shall, at least three days prior to the day of such adjourned  
249 primary, give notice of the day, hours, place and purpose thereof by  
250 publishing such notice in a newspaper published in such municipality

251 or having a circulation therein. No such primary shall be held if prior  
 252 to such primary all but one of the candidates for such office die,  
 253 withdraw their names or for any reason become disqualified to hold  
 254 such office, and, in such event, the remaining candidate shall be  
 255 deemed to be lawfully voted upon as the candidate for such office. No  
 256 withdrawal shall be valid until the candidate who has withdrawn has  
 257 filed a letter of withdrawal signed by such candidate with the  
 258 municipal clerk. When such a primary is required to be held under the  
 259 provisions of this section and prior to such primary all but one of the  
 260 candidates for such office die, withdraw their names or for any reason  
 261 become disqualified to hold such office, the Secretary of the State shall  
 262 forthwith notify the clerk of each municipality wherein such primary  
 263 was to have been held of such fact, and shall forthwith direct each such  
 264 clerk that such primary shall not be held. In the case of a multiple-  
 265 opening office only the names of those candidates whose votes are  
 266 equal shall be placed on the ballot label of the adjourned primary. If  
 267 such second primary results in a tie vote, the registrar, in the presence  
 268 of not fewer than three disinterested persons, and after notification to  
 269 the candidates obtaining the same number of votes and the  
 270 chairperson of the town committee of the party holding the primary of  
 271 the time when and the place where such tie vote is to be dissolved,  
 272 shall dissolve such tie vote by lot. The registrar shall execute a  
 273 certificate attesting to the result of the dissolution of such tie vote, and  
 274 the person so certified or the slate so certified as having been chosen  
 275 by lot shall be deemed to have received a plurality of the votes cast  
 276 and shall be deemed to have been chosen as the nominee of such party  
 277 to such office.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	9-12
Sec. 2	<i>from passage</i>	9-211
Sec. 3	<i>from passage</i>	9-23g(d)
Sec. 4	<i>October 1, 2007</i>	9-59
Sec. 5	<i>October 1, 2007</i>	9-452a

Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2007</i>	9-446

**GAE**      *Joint Favorable Subst.*

**PD**        *Joint Favorable*

**APP**      *Joint Favorable*