



General Assembly

February Session, 2008

Raised Bill No. 5893

LCO No. 3112

* HB05893JUD 041108 *

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING COURT REVIEW OF PRIMARY AND GENERAL ELECTION RESULTS.

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

1 Section 1. Section 9-329a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) Any (1) elector or candidate aggrieved by a ruling of an election
5 official in connection with any primary held pursuant to (A) section 9-
6 423, 9-425 or 9-464 of the 2008 supplement to the general statutes, or
7 (B) a special act, (2) elector or candidate who alleges that there has
8 been a mistake in the count of the votes cast at such primary, or (3)
9 candidate in such a primary who alleges that he is aggrieved by a
10 violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-
11 364, 9-364a or 9-365 in the casting of absentee ballots at such primary,
12 may bring his complaint to any judge of the Superior Court for
13 appropriate action. In any action brought pursuant to the provisions of
14 this section, the complainant shall send a copy of the complaint by
15 first-class mail, or deliver a copy of the complaint by hand, to the State

16 Elections Enforcement Commission. If such complaint is made prior to
17 such primary such judge shall proceed expeditiously to render
18 judgment on the complaint and shall cause notice of the hearing to be
19 given to the Secretary of the State and the State Elections Enforcement
20 Commission. If such complaint is made subsequent to such primary it
21 shall be brought, not later than fourteen days after such primary, or if
22 such complaint is brought in response to the manual tabulation of
23 paper ballots, described in section 9-320f of the 2008 supplement to the
24 general statutes, such complaint shall be brought, not later than seven
25 days after the close of any such manual tabulation, to any judge of the
26 Superior Court.

27 (b) Such judge shall forthwith order a hearing to be held upon such
28 complaint upon a day not more than five nor less than three days after
29 the making of such order, and shall cause notice of not less than three
30 days to be given to any candidate or candidates in any way directly
31 affected by the decision upon such hearing, to such election official, to
32 the Secretary of the State, the State Elections Enforcement Commission
33 and to any other person or persons, whom such judge deems proper
34 parties thereto, of the time and place of the hearing upon such
35 complaint. Such judge shall, on the day fixed for such hearing, and
36 without delay, proceed to hear the parties and determine the result. If,
37 after hearing, sufficient reason is shown, such judge may order any
38 voting machines to be unlocked or any ballot boxes to be opened and a
39 recount of the votes cast, including absentee ballots, to be made. Such
40 judge shall thereupon, if he finds any error in the ruling of the election
41 official, any mistake in the count of the votes or any violation of said
42 sections, certify the result of his finding or decision to the Secretary of
43 the State before the tenth day following the conclusion of the hearing.
44 Such judge may (1) determine the result of such primary; (2) order a
45 change in the existing primary schedule; or (3) order a new primary if
46 he finds [that but for the] error in the ruling of the election official, any
47 mistake in the count of the votes or any violation of said sections. [the
48 result of such primary might have been different and he is unable to
49 determine the result of such primary.]

50 (c) The certification by the judge of his finding or decision shall be
51 final and conclusive upon all questions relating to errors in the ruling
52 of such election official, to the correctness of such count, and, for the
53 purposes of this section only, such alleged violations, and shall operate
54 to correct any returns or certificates filed by the election officials,
55 unless the same is appealed from as provided in section 9-325. In the
56 event a new primary is held pursuant to such Superior Court order,
57 the result of such new primary shall be final and conclusive unless a
58 complaint is brought pursuant to this section. The clerk of the court
59 shall forthwith transmit a copy of such findings and order to the
60 Secretary of the State.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-329a

GAE *Joint Favorable*

JUD *Joint Favorable*