



General Assembly

Substitute Bill No. 444

February Session, 2008

* SB00444GAE 031808 *

**AN ACT CONCERNING CERTAIN REVISIONS AND TECHNICAL
CHANGES TO THE ELECTION LAWS.**

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

1 Section 1. Section 9-247a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 No candidate, as defined in section 9-601 of the 2008 supplement to
4 the general statutes, [or] member of the immediate family, as defined
5 in section 1-79 of the 2008 supplement to the general statutes, of a
6 candidate or business entity that a candidate is a member of in any
7 capacity shall transport, prepare, repair or maintain a voting machine.
8 No provision of this section shall prohibit (1) a member of the
9 immediate family of a candidate from serving as a moderator, or (2) a
10 candidate for the office of registrar of voters or a member of the
11 immediate family of such a candidate from serving as a voting
12 machine mechanic.

13 Sec. 2. Section 9-250 of the 2008 supplement to the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective from*
15 *passage*):

16 Ballots shall be printed in [black ink, in] plain clear type [,] and on
17 [clear white] material of such size as will fit the tabulator, and shall be
18 furnished by the registrar of voters. The size and style of the type used

19 to print the name of a political party on a ballot shall be identical with
20 the size and style of the type used to print the names of all other
21 political parties appearing on such ballot. The name of each major
22 party candidate for a municipal office, as defined in section 9-372,
23 except for the municipal offices of state senator and state
24 representative, shall appear on the ballot as it appears on the registry
25 list of the candidate's town of voting residence, except as provided in
26 section 9-42a. The name of each major party candidate for a state or
27 district office, as defined in section 9-372, or for the municipal office of
28 state senator or state representative shall appear on the ballot as it
29 appears on the certificate or statement of consent filed under section 9-
30 388, subsection (b) of section 9-391, or section 9-400 or 9-409, as
31 amended by this act. The name of each minor party candidate shall
32 appear on the ballot as it appears on the registry list in accordance
33 with the provisions of section 9-452 of the 2008 supplement to the
34 general statutes. The name of each nominating petition candidate shall
35 appear on the ballot as it is verified by the town clerk on the
36 application filed under section 9-453b. The size and style of the type
37 used to print the name of a candidate on a ballot shall be identical with
38 the size and style of the type used to print the names of all other
39 candidates appearing on such ballot. Such ballot shall contain the
40 names of the offices and the names of the candidates arranged thereon.
41 The names of the political parties and party designations shall be
42 arranged on the ballots, either in columns or horizontal rows as set
43 forth in section 9-249a, immediately adjacent to the column or row
44 occupied by the candidate or candidates of such political party or
45 organization. [When two or more candidates are to be elected to the
46 same office, the] The ballot shall be printed in such manner as to
47 indicate [that] how many candidates the elector may vote for, [any two
48 or such other number as he is entitled to vote for,] provided in the case
49 of a town adopting the provisions of section 9-204a, such ballot shall
50 indicate the maximum number of candidates who may be elected to
51 such office from any party. If two or more candidates are to be elected
52 to the same office for different terms, the term for which each is
53 nominated shall be printed on the official ballot as a part of the title of

54 the office. If, at any election, one candidate is to be elected for a full
55 term and another to fill a vacancy, the official ballot containing the
56 names of the candidates in the foregoing order shall, as a part of the
57 title of the office, designate the term which such candidates are
58 severally nominated to fill. No column, under the name of any political
59 party or independent organization, shall be printed on any official
60 ballot, which contains more candidates for any office than the number
61 for which an elector may vote for that office.

62 Sec. 3. Subsections (e) to (h), inclusive, of section 9-140c of the
63 general statutes are repealed and the following is substituted in lieu
64 thereof (*Effective from passage*):

65 (e) Ballots received not later than eleven o'clock a.m. on such last
66 day before the election, primary or referendum shall be delivered by
67 the clerk to the registrars not earlier than ten o'clock a.m. and not later
68 than twelve o'clock noon on the day of the election or primary and at
69 twelve o'clock noon on the day of a referendum. [for counting,
70 provided that the registrars may at their discretion direct the clerk to
71 retain for later delivery as many of such ballots as they deem necessary
72 to preserve the secrecy of ballots to be counted at later times as
73 provided in this section.] If central counting has been designated
74 pursuant to section 9-147a, the clerk shall also deliver to the registrars
75 at this time the duplicate checklist provided for in subsection (b) of this
76 section, for the use of the absentee ballot counters pursuant to
77 subsection (i) of this section.

78 (f) Absentee ballots timely received by the clerk after eleven o'clock
79 a.m. of such last day before an election, primary or referendum shall be
80 sorted into voting districts by the clerk and retained by him separately
81 until delivered [at the times provided in this section] to the registrars
82 of voters for checking. [and counting.]

83 (g) Any or all of such ballots received after eleven o'clock a.m. of
84 such last day before an election, primary or referendum and before six
85 o'clock p.m. on the day of the election, primary or referendum shall,

86 upon request of the registrars, be delivered to the registrars by the
87 municipal clerk at six o'clock p.m. on the day of the election, primary
88 or referendum for checking. [and counting.]

89 (h) Absentee ballots received after six o'clock p.m. and any ballots
90 received prior to six which were not delivered earlier shall be
91 delivered to the registrars at the close of the polls for checking. [and
92 counting] Although absentee ballots shall be checked by the registrars
93 of voters at various times throughout election, primary or referendum
94 day, absentee ballots may be counted at one single time during such
95 day.

96 Sec. 4. Subsection (a) of section 9-150a of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (a) [Not earlier than ten o'clock a.m. and not later than twelve
100 o'clock noon on the day of the election or primary and not earlier than
101 twelve o'clock noon on the day of a referendum the] The absentee
102 ballot counters shall proceed to the polling places for which they have
103 been assigned ballots or to the central counting location at the times
104 designated by the registrar of voters.

105 Sec. 5. Section 9-435 of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective from passage*):

107 Except as provided in sections 9-418 and 9-419, if in any
108 municipality, within the time specified in section 9-405, a candidacy for
109 nomination by a political party to any municipal office or for election
110 as a town committee member is filed with the registrar, in conformity
111 with the provisions of sections 9-405 to 9-412, inclusive, and section 9-
112 414, by or on behalf of any person other than party-endorsed
113 candidates, the registrar shall forthwith after the deadline for
114 certification of party-endorsed candidates notify the clerk of such
115 municipality that a primary is to be held by such party for the
116 nomination of such party to such office or for the election by such
117 party of town committee members, as the case may be. Such notice

118 shall include a list of all the proposed candidates, those endorsed as
119 well as those filing candidacies, together with their addresses and the
120 titles of the offices or positions for which they are candidates. In the
121 case of a primary for justices of the peace, such notice shall also contain
122 the complete ballot label designation of each slate pursuant to
123 subsection (h) of section 9-437. The clerk of the municipality shall
124 thereupon cause such notice to be published forthwith in a newspaper
125 having a general circulation in such municipality, together with a
126 statement of the date upon which the primary is to be held, the hours
127 during which the polls shall be open and the location of the polls, [,
128 and shall send a copy of such notice to the Secretary of the State and
129 record the same.] The clerk of the municipality shall also file such
130 notice with the Secretary of the State not later than three business days
131 after receipt of such notice from the registrar of voters. The clerk shall
132 forthwith publish any change in the proposed candidates, listing such
133 changes.

134 Sec. 6. Section 9-190 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective from passage*):

136 [Any town divided into two voting districts may, by vote of its
137 legislative body, provide for the election of two registrars of voters for
138 each voting district instead of] Each municipality shall have two
139 registrars of voters for the entire town. Each registrar of voters shall
140 reside in the town [and district] for which he is elected. Any special act
141 to the contrary notwithstanding, in each municipality in which
142 registrars of voters are elected, no elector shall vote for more than one
143 registrar of voters for the voting district in which the elector resides,
144 or, as the case may be, for the municipality at large. The candidate
145 having the highest number of votes and the candidate having the next
146 highest number of votes for the office of registrar of voters, who does
147 not belong to the same political party as the candidate having the
148 highest number, shall be declared elected registrars of voters for the
149 municipality [or district,] provided, if the candidate for registrar of
150 voters of a major party is not one of the registrars so elected, such
151 candidate of such major party shall also be declared elected registrar of

152 voters. For purposes of this section, a major party shall be one having
153 the largest or next largest total number of enrolled party members in
154 the state, as determined by the latest enrollment records in the office of
155 the Secretary of the State submitted in accordance with the provisions
156 of section 9-65 of the 2008 supplement to the general statutes. [The
157 term of office of all registrars of voters for voting districts in office on
158 January 7, 1995, shall expire on January 8, 1997, and on November 5,
159 1996, two registrars shall be elected for each municipality with more
160 than two voting districts which previously elected registrars of voters
161 for voting districts.]

162 Sec. 7. (NEW) (*Effective from passage*) The Secretary of the State, or
163 the Secretary's designee, shall be allowed access to each polling place
164 within the state during any municipal, state or federal election or
165 primary for the purpose of reviewing each polling place for
166 compliance with state and federal law.

167 Sec. 8. Section 9-311 of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective from passage*):

169 (a) If, within three days after an election, it appears to the moderator
170 that there is a discrepancy in the returns of any voting district, such
171 moderator shall forthwith within said period summon, by written
172 notice delivered personally, the recanvass officials, consisting of [the
173 mechanic or mechanics,] at least two checkers of different political
174 parties and at least two absentee ballot counters of different political
175 parties who served at such election, and the registrars of voters [and
176 the clerk] of the municipality in which the election was held and such
177 other officials as may be required to conduct such recanvass. Such
178 written notice shall require [such] the clerk or registrars of voters, as
179 the case may be, to bring with [him] them the depository envelopes
180 required by section 9-150a, as amended by this act, the package of
181 write-in ballots provided for in section 9-310 of the 2008 supplement to
182 the general statutes, the absentee ballot applications, the list of
183 absentee ballot applications, the registry list and the moderators'
184 returns and shall require such recanvass officials to meet at a specified

185 time not later than the fifth business day after such election to
186 recanvass the returns of a voting machine or voting machines or
187 absentee ballots or write-in ballots used in such district in such
188 election. If any of such recanvass officials are unavailable at the time of
189 the recanvass, the registrar of voters of the same political party as that
190 of the recanvass official unable to attend shall designate another
191 elector having previous training and experience in the conduct of
192 elections to take his place. Before such recanvass is made, such
193 moderator shall give notice, in writing, to the chairman of the town
194 committee of each political party which nominated candidates for the
195 election, and, in the case of a state election, not later than twenty-four
196 hours after a determination is made regarding the need for a recanvass
197 to the Secretary of the State, of the time and place where such
198 recanvass is to be made; and each such chairman may send [two]
199 representatives to be present at such recanvass. Such representatives
200 may observe, but no one other than a recanvass official may take part
201 in the recanvass. If any irregularity in the recanvass procedure is noted
202 by such a representative, he shall be permitted to present evidence of
203 such irregularity in any contest relating to the election.

204 (b) The moderator shall determine the place or places where the
205 recanvass shall be conducted and, if such recanvass is held before the
206 machines are boxed and collected in the manner required by section 9-
207 266 of the 2008 supplement to the general statutes, the moderator may
208 either require that such recanvass of such machines be conducted in
209 each place where the machines are located, or he may require that they
210 be removed to one central place, where such recanvass shall be
211 conducted. All recanvassing procedures shall be open to public
212 observation. Such recanvass officials shall, in the presence of such
213 moderator and [clerk] registrars of voters, make a record of the
214 number on the seal and the number on the protective counter, if one is
215 provided, on each voting machine specified by such moderator. Such
216 [clerk] registrars of voters in the presence of such moderator shall turn
217 over the keys of each such machine to such recanvass officials, and
218 such recanvass officials, in the presence of such clerk and moderator,

219 shall immediately proceed to [open the counter compartment of each
220 such machine and, without unlocking such machine against voting,]
221 recanvass the vote cast thereon, and shall then open the package of
222 absentee ballots and recanvass the vote cast thereon. In the course of
223 the recanvass of the absentee ballot vote the recanvass officials shall
224 check all outer envelopes for absentee ballots against the inner
225 envelopes for such ballots and against the registry list to verify
226 postmarks, addresses and registry list markings and also to determine
227 whether the number of envelopes from which absentee ballots have
228 been removed is the same as the number of persons checked as having
229 voted by absentee ballot. The write-in ballots shall also be recanvassed
230 at this time. All of the recanvass officials shall use the same forms for
231 tallies and returns as were used at the original canvass and the
232 absentee ballot counters shall also sign the tallies.

233 (c) The votes shall be announced and recorded in the manner
234 prescribed in section 9-309 on return forms provided by the [municipal
235 clerk] registrars of voters and appended thereto shall be a statement
236 signed by the moderator indicating the time and place of the recanvass
237 and the names, addresses, titles and party affiliations of the recanvass
238 officials. The write-in ballots shall be replaced in a properly secured
239 sealed package. Upon the completion of such recanvass, [such
240 machine] any tabulator used in such recanvass shall be locked and
241 sealed, the keys thereof shall immediately be returned to such [clerk]
242 registrars of voters and such [machine] tabulator shall remain so
243 locked until the expiration of fourteen days after such election or for
244 such longer period as is ordered by a court of competent jurisdiction.
245 The absentee ballots shall be replaced in their wrappers and be
246 resealed by the moderator in the presence of the recanvass officials.
247 Upon the completion of such recanvass, such moderator and at least
248 two of the recanvass officials of different political parties shall
249 forthwith prepare and sign such return forms which shall contain a
250 written statement giving the result of such recanvass for each machine
251 and each package of absentee ballots whose returns were so
252 recanvassed, setting forth whether or not the original canvass was

253 correctly made and stating whether or not the discrepancy still
254 remains unaccounted for. Such return forms containing such statement
255 shall forthwith be filed by the moderator in the office of such clerk. If
256 such recanvass reveals that the original canvass of returns was not
257 correctly made, such return forms containing such statement so filed
258 with the clerk shall constitute a corrected return. In the case of a state
259 election, a recanvass return shall be made in duplicate on a form
260 prescribed and provided by the Secretary of the State, and the
261 moderator shall file one copy with the Secretary of the State and one
262 copy with the town clerk not later than ten days after the election. Such
263 recanvass return shall be substituted for the original return and shall
264 have the same force and effect as an original return.

265 (d) As used in this section, (1) "moderator" means, in the case of
266 municipalities not divided into voting districts, the moderator of the
267 election and, in the case of municipalities divided into voting districts,
268 the head moderator of the election, and (2) "registrars of voters", in a
269 municipality where there are different registrars of voters for different
270 voting districts, means the registrars of voters in the voting district in
271 which, at the last-preceding election, the presiding officer for the
272 purpose of declaring the result of the vote of the whole municipality
273 was moderator.

274 Sec. 9. Section 9-258 of the 2008 supplement to the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective from*
276 *passage*):

277 For municipalities with more than one voting district, the election
278 officials of each polling place, including voting tabulator technicians,
279 shall be electors of the state and shall consist of one moderator, at least
280 one but not more than two official checkers, two assistant registrars of
281 voters of opposite political parties, each of whom shall be residents of
282 the town, not more than two challengers if the registrars of voters have
283 appointed challengers pursuant to section 9-232, and at least one and
284 not more than two ballot clerks and at least one but not more than two
285 voting tabulator tenders for each voting tabulator in use at the polling

286 place. A known candidate for any office shall not serve as an election
287 official on election day or serve at the polls in any capacity, except that
288 a municipal clerk or a registrar of voters, who is a candidate for the
289 same office, may perform his or her official duties. If, in the opinion of
290 the registrar of voters, the public convenience of the electors in any
291 voting district so requires, provision shall be made for an additional
292 line or lines of electors at the polling place and, if more than one line of
293 electors is established, at least one but not more than two additional
294 official checkers and at least one but not more than two ballot clerks
295 for each line of electors shall be appointed and, if more than one
296 tabulator is used in a polling place, at least one and not more than two
297 additional voting tabulator tenders shall be appointed for each
298 additional machine so used. Head moderators, central counting
299 moderators, absentee ballot counters and voting tabulator technicians
300 appointed pursuant to law shall also be deemed election officials. For
301 municipalities with one voting district, the election officials of such
302 polling place, except voting tabulator technicians, shall be electors of
303 the [town] state and shall consist of: One moderator, at least one, but
304 not more than two official checkers, not more than two challengers if
305 the registrars of voters have appointed challengers pursuant to section
306 9-232, at least one and not more than two voting tabulator tenders for
307 each voting tabulator in use at the polling place and at least one but
308 not more than two ballot clerks. Additionally, such election officials
309 may consist of two registrars of voters of opposite political parties, or
310 two assistant registrars of voters of opposite political parties, as the
311 case may be, subject to the requirements of sections 9-259 of the 2008
312 supplement to the general statutes and 9-439, [who shall: (1) Be
313 available by telephone and notify all registrars of voters' offices in the
314 state of such telephone number, (2) be connected to the state-wide
315 computerized registry list, and (3) have all voter card files in the
316 polling place for reference] provided the registrars of voters or their
317 designees are in their office. A known candidate for any office shall not
318 serve as an election official on election day or serve at the polls in any
319 capacity, except that a municipal clerk or a registrar of voters, who is a
320 candidate for the same office, may perform his or her official duties. If,

321 in the opinion of the registrar of voters, the public convenience of the
322 electors in any voting district so requires, provision shall be made for
323 an additional line or lines of electors at the polling place and, if more
324 than one line of electors is established, at least one, but not more than
325 two, additional official checkers for each line of electors shall be
326 appointed and, if more than one tabulator is used in a polling place, at
327 least one and not more than two additional voting tabulator tenders
328 shall be appointed for each additional tabulator so used. Head
329 moderators, central counting moderators, absentee ballot counters and
330 voting tabulator technicians appointed pursuant to law shall be
331 deemed to be election officials. No election official shall perform
332 services for any party or candidate on election day nor appear at any
333 political party headquarters prior to eight o'clock p.m. on election day.

334 Sec. 10. (NEW) (*Effective from passage*) The registrar of voters of each
335 municipality shall, not later than thirty-one days prior to each
336 municipal, state or federal election or primary, notify the Secretary of
337 the State of the polling places that will be used for such election or
338 primary. Such notice shall detail the name, address and corresponding
339 federal, state and municipal districts associated with each polling place
340 used for such election or primary.

341 Sec. 11. Section 9-265 of the 2008 supplement to the general statutes
342 is repealed and the following is substituted in lieu thereof (*Effective*
343 *from passage*):

344 (a) A write-in vote for an office, cast for a person who has registered
345 as a write-in candidate for the office pursuant to subsection (b) of
346 section 9-175 or section 9-373a, shall be counted and recorded. Except
347 as otherwise provided in this section, a write-in vote cast for a person
348 who has not registered shall not be counted or recorded.

349 (b) Except as otherwise provided in this section, in the case of an
350 office for which an elector may vote for only one candidate, a write-in
351 vote cast for a person nominated for that office by a major or minor
352 party or by nominating petition shall be counted and recorded. In the

353 case of an office for which an elector may vote for more than one
354 candidate, a write-in vote cast for a person nominated for that office by
355 a major or minor party or by nominating petition shall [not] be
356 counted [or] and recorded if it can be determined which candidate
357 such vote should be attributed to.

358 (c) A write-in vote for the office of Governor or Lieutenant
359 Governor, cast for a person nominated for either of those offices by a
360 major or minor party or by nominating petition, in conjunction with a
361 write-in vote for the other such office cast for a person nominated for
362 either office by a different party or petition, shall not be counted or
363 recorded for either office.

364 (d) Except as hereinafter provided, a write-in vote for the office of
365 President or Vice-President cast for a person nominated for such office
366 by a major or minor party or by nominating petition shall be counted
367 and recorded and deemed to be a vote for each of the duly-nominated
368 candidates for the office of presidential elector represented by such
369 candidate for President or Vice-President. A write-in vote for the office
370 of President or Vice-President, cast for a person nominated for either of
371 such offices by a major or minor party or by nominating petition, in
372 conjunction with a write-in vote for the other such office cast for a
373 person nominated for either office by a different party or petition, shall
374 not be counted or recorded for either office.

375 (e) If the name of a person is written in for the office of Governor or
376 Lieutenant Governor, or President or Vice-President, as the case may
377 be, and no name is written in for the other office, such write-in vote
378 shall be counted and recorded if it meets the other requirements of this
379 section.

380 (f) A write-in vote shall be cast in its appropriate place on the ballot.
381 A write-in vote for Governor and Lieutenant Governor, or for
382 President and Vice-President, as the case may be, shall be written in a
383 single space, provided that if only one name is written in the space it
384 shall be deemed to be a vote for Governor, or for President, as the case

385 may be, unless otherwise indicated. A write-in vote shall be written
386 upon the ballot.

387 (g) A write-in vote which is not cast as provided in this section shall
388 not be counted or recorded.

389 Sec. 12. Section 9-253 of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective from passage*):

391 When a major or minor party is entitled to nominate two or more
392 candidates for a particular office, the order of the names of its
393 candidates for such office appearing on the [voting machine] ballot
394 [label] shall be determined by the registrars of voters by lot in a
395 ceremony which shall be open to the public, except as hereinafter
396 provided. When such a candidate is nominated for the same office by
397 more than one party, his name shall appear on each appropriate row
398 on the [voting machine] ballot [label] in the same column in which it
399 appears under the foregoing provision in either (1) the party row of the
400 party with which he is enrolled, or (2) the first party row on which his
401 name is to appear if such candidate is an unaffiliated elector in the
402 order that such candidate's name was drawn for each political party.
403 The registrars of voters shall provide at least five days' public notice
404 for each ceremony held under this section. The ballot order of
405 nominating petition candidates for multiple-opening offices shall be as
406 prescribed in section 9-453r.

407 Sec. 13. Section 9-460 of the 2008 supplement to the general statutes
408 is repealed and the following is substituted in lieu thereof (*Effective*
409 *from passage*):

410 If any party has nominated a candidate for office, or, on and after
411 November 4, 1981, if a candidate has qualified to appear on any ballot
412 by nominating petition under a reserved party designation, in
413 accordance with the provisions of this chapter, and such nominee
414 thereafter, but prior to twenty-four days before the opening of the
415 polls on the day of the election for which such nomination has been
416 made, dies, withdraws such nominee's name or for any reason

417 becomes disqualified to hold the office for which such nominee has
418 been nominated (1) such party or, on and after November 4, 1981, the
419 party designation committee may make a nomination to fill such
420 vacancy or provide for the making of such nomination as its rules
421 prescribe, and (2) if another party that is qualified to nominate a
422 candidate for such office does not have a nominee for such office, such
423 party may also nominate a candidate for such office as its rules
424 prescribe. No withdrawal, and no nomination to replace a candidate
425 who has withdrawn, under this section shall be valid unless the
426 candidate who has withdrawn has filed a letter of withdrawal signed
427 by such candidate with the Secretary of the State in the case of a state
428 or district office or the office of state senator, [or] state representative
429 or judge of probate from any district, or with the municipal clerk in the
430 case of a municipal office other than state senator, [or] state
431 representative or judge of probate. A copy of such candidate's letter of
432 withdrawal to the municipal clerk shall also be filed with the Secretary
433 of the State. No nomination to fill a vacancy under this section shall be
434 valid unless it is certified to the Secretary of the State in the case of a
435 state or district office or the office of state senator, [or] state
436 representative or judge of probate from any district, or to the
437 municipal clerk in the case of a municipal office other than state
438 senator, [or] state representative or judge of probate, by the
439 organization or committee making such nomination, at least twenty-
440 one days before the opening of the polls on the day of the election,
441 except as otherwise provided by this section. If a nominee dies within
442 twenty-four days, but prior to twenty-four hours before the opening of
443 the polls on the day of the election for which such nomination has been
444 made, the vacancy may be filled in the manner prescribed in this
445 section by two o'clock p.m. of the day before the election with the
446 municipal clerk or the Secretary of the State, as the case may be. If a
447 nominee dies within twenty-four hours before the opening of the polls
448 and prior to the close of the polls on the day of the election for which
449 such nomination has been made, such nominee shall not be replaced
450 and the votes cast for such nominee shall be canvassed and counted,
451 and if such nominee receives a plurality of the votes cast, a vacancy

452 shall exist in the office for which the nomination was made. The
453 vacancy shall then be filled in a manner prescribed by law. A copy of
454 such certification to the municipal clerk shall also be filed with the
455 Secretary of the State. Such nomination to fill a vacancy due to death or
456 disqualification shall include a statement setting forth the reason for
457 such vacancy. If at the time such nomination is certified to the
458 Secretary of the State or to the municipal clerk, as the case may be, the
459 ballot labels have already been printed, the Secretary of the State shall
460 direct the municipal clerk in each municipality affected to (A) have the
461 ballot labels reprinted with the nomination thus made included
462 thereon, (B) cause printed stickers to be affixed to the ballot labels so
463 that the name of any candidate who has died, withdrawn or been
464 disqualified is deleted and the name of any candidate chosen to fill
465 such vacancy appears in the same position as that in which the vacated
466 candidacy appeared, or (C) cause blank stickers to be so affixed or
467 have the name of such candidate otherwise blackened if the vacancy is
468 not filled.

469 Sec. 14. Section 9-428 of the general statutes is repealed and the
470 following is substituted in lieu thereof (*Effective from passage*):

471 If a party-endorsed candidate for nomination to an office or for
472 election to the position of town committee member, prior to twenty-
473 four hours before the opening of the polls at the primary, dies or, prior
474 to ten days before the day of such primary, withdraws his name from
475 nomination or for any reason becomes disqualified to hold the office or
476 position for which he is a candidate, the state central committee, the
477 town committee or other authority of the party which endorsed such
478 candidate may make an endorsement to fill such vacancy or provide
479 for the making of such endorsement, in such manner as is prescribed
480 in the rules of such party, and certify to the registrar and municipal
481 clerk or to the Secretary of the State, as the case may be, the name of
482 the person so endorsed. If such certification is made at least twenty-
483 four hours prior to the opening of the polls at the primary, in the case
484 of such an endorsement to replace a candidate who has died, or at least
485 seven days before the day of such primary, in the case of such an

486 endorsement to replace a candidate who has withdrawn or become
487 disqualified, such person so endorsed shall run in the primary as the
488 party-endorsed candidate, except as provided in sections 9-416 and 9-
489 417. If such certification of another party-endorsed candidate has been
490 made within the time specified in this section, and if the ballot [labels
491 have] has already been printed and the names of the candidates for
492 such office or position appear on the ballot, [labels,] the Secretary of
493 the State or the registrar, as the case may be, shall direct the clerk of
494 each municipality holding such primary to have the ballot [labels]
495 reprinted with the name of the person so certified included thereon;
496 provided, in the case of such an endorsement to replace a candidate
497 who has died, if such certification has been made less than ninety-six
498 hours but at least twenty-four hours prior to the opening of the polls at
499 the primary, such secretary or registrar shall direct such clerk to have
500 stickers printed and inserted upon the ballot labels, having the name of
501 the person so certified appearing thereon, and the moderator in each
502 polling place shall cause such stickers to be pasted on the ballot labels
503 before the opening of the polls at such primary.

504 Sec. 15. Section 9-409 of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective from passage*):

506 Petition forms for candidacies for nomination to municipal office or
507 for election as members of town committees shall be available from the
508 registrar beginning on the day following the making of the party's
509 endorsement of a candidate or candidates for such office or position, or
510 beginning on the day following the final day for the making of such
511 endorsement under the provisions of section 9-391, whichever comes
512 first. Any person who requests a petition form shall give his name and
513 address and the name, address and office or position sought of each
514 candidate for whom the petition is being obtained, and shall file a
515 statement signed by each such candidate that he consents to be a
516 candidate for such office or position. In the case of the municipal
517 offices of state senator, [and] state representative or judge of probate,
518 each candidate shall include on the statement of consent his name as
519 he authorizes it to appear on the ballot. Upon receiving such

520 information and statement, the registrar shall type or print on a
521 petition form the name and address of each such candidate, the office
522 sought and the political party holding the primary. The registrar shall
523 give to any person requesting such form one or more petition pages,
524 suitable for duplication, as the registrar deems necessary. If the person
525 is requesting the form on behalf of an indigent candidate or a group of
526 indigent candidates listed on the same petition, the registrar shall give
527 the person a number of petition pages determined by the registrar as at
528 least two times the number needed to contain the required number of
529 signatures for a candidacy for nomination to municipal office or a
530 number of petition pages determined by the registrar as at least five
531 times the number needed to contain the required number of signatures
532 for a candidacy for election as a town committee member. An original
533 petition page filled in by the registrar may be duplicated by or on
534 behalf of the candidate or candidates listed on the page and signatures
535 may be obtained on such duplicates. The duplicates may be filed in the
536 same manner and shall be subject to the same requirements as original
537 petition pages. All information relative to primary petitions shall be a
538 public record.

539 Sec. 16. Subsection (b) of section 9-453o of the general statutes is
540 repealed and the following is substituted in lieu thereof (*Effective from*
541 *passage*):

542 (b) Except as otherwise provided in this subsection, the Secretary of
543 the State shall approve every nominating petition which contains
544 sufficient signatures counted and certified on approved pages by the
545 town clerks. In the case of a candidate who petitions under a reserved
546 party designation the secretary shall approve the petition only if it
547 meets the signature requirement and if a statement endorsing such
548 candidate is filed with the secretary by the party designation
549 committee not later than four o'clock p.m. on the [fifty-fifth] sixty-
550 second day before the election. In the case of a candidate who petitions
551 under a party designation which is the same as the name of a minor
552 party the secretary shall approve the petition only if it meets the
553 signature requirement and if a statement endorsing such candidate is

554 filed in the office of the secretary by the chairman or secretary of such
555 minor party not later than four o'clock p.m. on the [fifty-fifth] sixty-
556 second day before the election. No candidate shall be qualified to
557 appear on any ballot by nominating petition unless the candidate's
558 petition is approved by the secretary pursuant to this subsection.

559 Sec. 17. Subsections (a) to (d), inclusive, of section 9-320f of the 2008
560 supplement to the general statutes are repealed and the following is
561 substituted in lieu thereof (*Effective from passage*):

562 (a) Not [earlier than the fifteenth day after any election or primary
563 and not] later than [two] the tenth business [days before the canvass of
564 votes by the Secretary of the State, Treasurer and Comptroller, for any
565 federal or state election or primary or by the town clerk for any
566 municipal election or primary] day after any election or primary, the
567 registrars of voters shall conduct a manual audit of the votes recorded
568 in not less than ten per cent of the voting districts in the state, district
569 or municipality, whichever is applicable. Such manual audit shall be
570 noticed in advance and be open to public observation. Any election
571 official who participates in the administration and conduct of an audit
572 pursuant to this section shall be compensated by the municipality at
573 the standard rate of pay established by such municipality for elections
574 or primaries, as the case may be.

575 (b) The voting districts subject to the audit described in subsection
576 (a) of this section shall be selected in a random drawing by the
577 Secretary of the State and such selection process shall be open to the
578 public. The offices subject to the audit pursuant to this section shall be,
579 (1) in the case of an election where the office of presidential elector is
580 on the ballot, all offices required to be audited by federal law, plus one
581 additional office selected in a random drawing by the Secretary of the
582 State, but in no case less than three offices, (2) in the case of an election
583 where the office of Governor is on the ballot, all offices required to be
584 audited by federal law, plus one additional office selected in a random
585 drawing by the Secretary of the State, but in no case less than three
586 offices, (3) in the case of a municipal election, three offices or twenty

587 per cent of the number of offices on the ballot, whichever is greater,
588 selected at random by the municipal clerk, and (4) in the case of a
589 primary election, all offices required to be audited by federal law, plus
590 one additional office, if any, but in no event less than twenty per cent
591 of the offices on the ballot, selected in a random drawing by the
592 municipal clerk.

593 (c) If a selected voting district has an office that is subject to
594 [recanvass or] an election or primary contest pursuant to the general
595 statutes, the Secretary shall select an alternative district, pursuant to
596 the process described in subsection (b) of this section. If a selected
597 district has an office that is subject to recanvass, such recanvass shall
598 be conducted by counting each ballot included in such recanvass
599 manually. Such manual recanvass shall also satisfy the requirements of
600 the manual audit, as provided in this section. The ballots subject to
601 such recanvass shall not be subject to an additional audit pursuant to
602 this section. The registrars of voters shall comply with any procedures
603 adopted by the Secretary of the State to ensure the reliability and
604 accuracy of voting machines, including, but not limited to, procedures
605 for the shipment of memory cards to the Secretary of the State, or the
606 secretary's designee, for review. Any municipality that fails to comply
607 with such procedures may be subject to and required to conduct, at the
608 municipality's expense, a full hand count of all ballots used in an
609 election or primary in order to ensure accuracy and reliability. Such
610 full hand count shall be ordered at the discretion of the Secretary of the
611 State.

612 (d) The manual audit described in subsection (a) of this section shall
613 consist of the manual tabulation of the paper ballots cast and counted
614 by each voting machine subject to such audit. Once complete, the vote
615 totals established pursuant to the manual tabulation shall be compared
616 to the results reported by the voting machine on the day of the election
617 or primary. The results of the manual tabulation shall be reported on a
618 form prescribed by the Secretary of the State which shall include the
619 total number of ballots counted, the total votes received by each
620 candidate in question, the total votes received by each candidate in

621 question on ballots that were properly completed by each voter and
622 the total votes received by each candidate in question on ballots that
623 were not properly completed by each voter. Such report shall be filed
624 with the Secretary of the State who shall immediately forward such
625 report to The University of Connecticut for analysis, provided The
626 University of Connecticut has entered into an agreement with the
627 Secretary of the State pursuant to section 9-241 of the 2008 supplement
628 to the general statutes. The University of Connecticut shall file a
629 written report with the Secretary of the State regarding such analysis
630 that describes any discrepancies identified. After receipt of such report,
631 the Secretary of the State shall file such report with the State Elections
632 Enforcement Commission.

633 Sec. 18. Subsection (a) of section 9-236b of the general statutes is
634 repealed and the following is substituted in lieu thereof (*Effective from*
635 *passage*):

636 (a) The Secretary of the State shall provide each municipality with
637 sufficient quantities of a poster size copy, at least eighteen by twenty-
638 four inches, of a Voter's Bill of Rights, which shall be posted
639 conspicuously at each polling place. The text of the Voter's Bill of
640 Rights shall be:

641 "VOTER'S BILL OF RIGHTS

642 Every registered voter in this state has the right to:

643 (1) Inspect a sample ballot before voting;

644 (2) Receive instructions concerning how to operate voting
645 equipment, on sample voting equipment before voting;

646 (3) Cast a ballot if the voter is in line when the polls are closing;

647 (4) Ask for and receive assistance in voting, including assistance in
648 languages other than English where required by federal or state law;

649 (5) Vote free from coercion or intimidation by election officials or

650 any other person;

651 (6) Cast a ballot using voting equipment that accurately counts all
652 votes;

653 (7) Vote by provisional ballot if the individual registered to vote and
654 the individual's name is not on the voter list;

655 (8) Be informed of the process for restoring the individual's right to
656 vote if the individual was incarcerated for a felony conviction; [and]

657 (9) Vote independently and in privacy at a polling place, regardless
658 of physical disability; and

659 (10) Be informed of the different voting options available and have
660 the right to use the voting system of their choice from the systems
661 available.

662 If any of your rights have been violated, you have the right to file an
663 official complaint with the State Elections Enforcement Commission at
664 (toll-free telephone number) or the United States Department of
665 Justice at (toll-free telephone number). In addition, before leaving
666 the polling place you may notify the moderator of the violation."

667 Sec. 19. Subsections (a) to (d), inclusive, of section 9-436 of the
668 general statutes are repealed and the following is substituted in lieu
669 thereof (*Effective from passage*):

670 [(a) Voting machines shall be used at each primary, provided, (1) if,
671 because of the number of offices and positions to be voted upon at a
672 primary, there is an insufficient number of vertical columns on any
673 machine to be used in a municipality, the vote in such municipality at
674 such primary for such offices or positions as the Secretary of the State
675 determines shall be taken by paper ballots, and (2) if, because of the
676 number of candidates for any office or position to be voted upon at a
677 primary, there is an insufficient number of horizontal rows with
678 respect to such office or position on any machine to be used in the
679 municipality, the vote in such municipality at such primary for such

680 office or position shall be taken by paper ballots. More than one voting
681 machine may be used in any voting district if the registrar so
682 prescribes.]

683 (a) The registrar shall furnish a number of voting [machines] booths
684 sufficient to provide a voting [machine] booth for each twenty-four
685 hundred or fraction of twenty-four hundred electors eligible to vote at
686 such primary in the municipality or voting district, as the case may be,
687 and other necessary equipment. In each polling place in which a party
688 has authorized unaffiliated electors, pursuant to section 9-431, to vote
689 for some but not all offices to be contested at the primary, a separate
690 voting [machine] booth shall be used for such unaffiliated electors and
691 the registrar shall separately furnish one voting machine for each
692 twenty-four hundred or fraction of twenty-four hundred enrolled
693 party members and one voting [machine] booth for each twenty-four
694 hundred or fraction of twenty-four hundred unaffiliated electors
695 authorized to vote at such primary in such district. In determining
696 such number of electors, enrolled party members or unaffiliated
697 electors, the registrar shall not count the names on the enrollment or
698 registry lists of seventy-five per cent of such electors, unaffiliated
699 electors or enrolled party members who reside in institutions, as
700 defined in section 9-159q. The registrar may provide more than the
701 minimum number of voting [machines] booths required by this
702 section.

703 (b) The registrar [shall] may appoint a suitable mechanic or
704 mechanics to prepare, adjust and place the voting machines for use at
705 the primary under the direction of the registrar. A voting machine
706 mechanic shall be deemed a primary official but need not be an elector
707 of any town.

708 (c) Each machine shall be so arranged that the elector may vote for
709 as many persons for nomination or election to each office or position as
710 there are persons to be nominated or elected, as the case may be, and
711 no more, and so that the elector may vote for individual candidates;
712 provided the vote for justices of the peace shall be by slate, as provided

713 in section 9-443.

714 (d) The registrar shall appoint from among the enrolled party
715 members in the [municipality or political subdivision holding the
716 primary, as the case may be,] state to serve in each polling place, the
717 primary polling place officials, who shall consist of one moderator, at
718 least one but not more than two official checkers, not more than two
719 challengers if he deems it necessary, and at least one and not more
720 than two ballot clerks and at least one but not more than two voting
721 [machine] tabulator tenders for each [machine] tabulator in use at such
722 primary and, in towns with two or more voting districts at least one
723 and not more than two assistant registrars, [provided (1) in the case of
724 a political subdivision holding a primary, if no enrolled party member
725 who resides in the political subdivision and who is a certified
726 moderator consents to serve as a moderator, the registrar may appoint
727 any enrolled party member who resides in the municipality and is a
728 certified moderator to be moderator, (2) in the case of either a
729 municipality or a political subdivision holding a primary, if no
730 enrolled party member can be found or no such person consents to
731 serve as a moderator, the registrar may appoint any elector who
732 resides in the municipality and is a certified moderator to be
733 moderator, (3) in the case of a political subdivision holding a primary,
734 if an insufficient number of enrolled party members who reside in the
735 political subdivision consent to serve as checkers, challengers, voting
736 machine tenders or assistant registrars, the registrar may appoint any
737 enrolled party member who resides in the municipality to be a checker,
738 challenger, voting machine tender or assistant registrar and (4) in the
739 case of either a municipality or a political subdivision holding a
740 primary, if a sufficient number of enrolled party members cannot be
741 found or do not consent to serve in a position described in subdivision
742 (3) of this subsection, the registrar may appoint any elector who
743 resides in the municipality to any such position.] If unaffiliated electors
744 are authorized under section 9-431 to vote for some but not all of the
745 offices to be contested at the primary, the registrar shall appoint two
746 additional checkers to check the list of unaffiliated electors who are

747 authorized to vote on the separate machines. If unaffiliated electors are
748 authorized under section 9-431 to vote in the primary of either of two
749 parties in the same polling place, whether for some or for all offices to
750 be contested at the primary, each such registrar shall appoint two
751 additional checkers to check the list of unaffiliated electors who are
752 authorized to vote in either such primary.

753 Sec. 20. Subsection (a) of section 9-238 of the 2008 supplement to the
754 general statutes is repealed and the following is substituted in lieu
755 thereof (*Effective from passage*):

756 (a) Except as provided in sections 9-271 and 9-272 of the 2008
757 supplement to the general statutes, voting [machines] tabulators shall
758 be used at all elections held in any municipality, or in any part thereof,
759 for voting and registering and counting votes cast at such elections for
760 officers, and upon all questions or amendments submitted at such
761 elections. The board of selectmen of each town, the common council of
762 each city and the warden and burgesses of each borough shall
763 purchase or lease, or otherwise provide, for use at elections in each
764 such municipality a number of voting tabulators approved by the
765 Secretary of the State. Different voting tabulators may be provided for
766 different voting districts in the same municipality. Notwithstanding
767 any provision of this subsection to the contrary, the registrars of voters
768 of a municipality may determine the number of voting tabulators that
769 shall be provided for use at any special election or referendum in such
770 municipality. [provided the registrars shall provide at least one
771 voting tabulator in the municipality or, in a municipality divided into
772 voting districts, at least one voting tabulator in each such district.]

773 Sec. 21. (NEW) (*Effective January 1, 2009*) Any elector who is
774 permanently disabled and who files an application for an absentee
775 ballot along with a certification from a physician indicating that such
776 elector is permanently disabled and unable to appear in person at such
777 elector's designated polling location shall be eligible for permanent
778 absentee ballot status and shall receive an absentee ballot for each
779 election, primary or referendum conducted in the elector's

780 municipality for which such elector is eligible to vote. Such elector's
781 permanent absentee ballot status shall remain in effect until the elector
782 is removed from the official registry list of the municipality or until the
783 elector requests that he or she no longer receive such permanent
784 absentee ballot status.

785 Sec. 22. (NEW) (*Effective from passage*) Notwithstanding any
786 provision of the general statutes, the registrars of voters shall ensure
787 that each voting booth is placed in a location that is in plain view of all
788 election officials and electors waiting to vote provided there shall be
789 not less than three feet between each such voting booth. Each voting
790 booth shall be situated so that no person outside such booth can
791 determine how an individual utilizing such booth voted.

792 Sec. 23. (NEW) (*Effective from passage*) The voting tabulator shall be
793 placed not less than three feet from any wall, partition or guardrail and
794 not less than four feet from the checkers' table. The registrars of voters
795 shall place a guardrail or other marking device around such tabulator
796 to prevent electors waiting in line from encroaching upon an elector
797 who is submitting their ballot into the tabulator. Such guardrail or
798 other marking device shall be placed not less than three feet from the
799 tabulator and shall be arranged in a manner to prevent electors from
800 determining the votes cast on each ballot submitted into the tabulator.

801 Sec. 24. (NEW) (*Effective from passage*) The registrars of voters shall
802 either ensure that each ballot clerk offer every elector a privacy sleeve
803 into which the ballot can be inserted and fully shielded from view or,
804 in the alternative, place such privacy sleeve in every voting booth for
805 the elector's use. No elector shall be required to accept a privacy sleeve.

806 Sec. 25. Subsection (a) of section 9-164 of the general statutes is
807 repealed and the following is substituted in lieu thereof (*Effective*
808 *January 1, 2010*):

809 (a) Notwithstanding any contrary provision of law, there shall be
810 held in each municipality, biennially, a municipal election on [the first
811 Monday of May or the Tuesday after the first Monday of November, of

812 the odd-numbered years, whichever date the legislative body of such
813 municipality determines, provided, if no action is taken by the
814 legislative body to so designate the date of such election, such election
815 shall be held on] the Tuesday after the first Monday of November of
816 the odd-numbered years. In any municipality where the term of any
817 elected official would expire prior to the next regular election held
818 under the provisions of this section, the term of such official shall be
819 extended to the date of such election.

820 Sec. 26. Section 9-187a of the general statutes is repealed and the
821 following is substituted in lieu thereof (*Effective January 1, 2010*):

822 (a) Except as provided in sections 9-164a to 9-164f, inclusive, the
823 term of each elected municipal official shall begin, [within seventy
824 days after the municipal election at which such official is elected, on
825 the day within such period prescribed by special act or charter
826 provision, or, in the absence of such special act or charter provision, on
827 the day within such period as is prescribed by action of the legislative
828 body of such municipality, provided (1) in each municipality which
829 holds its municipal election on the first Monday of May in the odd-
830 numbered years, in the absence of such special act or charter provision,
831 or action of the legislative body, such terms shall begin on the first day
832 of July following the municipal election at which such official is
833 elected, and (2) in each municipality which holds its municipal election
834 on the Tuesday after the first Monday of November in the odd-
835 numbered years, with the exception of the term of the town clerk,] in
836 the absence of [such] any special act, [or charter provision, or action of
837 the legislative body, such term shall begin on the second Tuesday next]
838 on the first day of December following [the day of] the municipal
839 election at which such official is elected, [and (3) in each municipality
840 which holds its municipal election on the Tuesday after the first
841 Monday in November in the odd-numbered years,] except that the
842 term of the town clerk shall [be two years from] begin on the first
843 Monday of January next succeeding his or her election, [, unless
844 otherwise provided by charter or special act.] Whenever the beginning
845 date of the terms of elected municipal officials is so determined or

846 changed, within the limits hereinabove specified, the authority
 847 providing therefor may provide for the conforming diminution or
 848 extension of terms of incumbents.

849 (b) Notwithstanding the provisions of subsection (a) of this section,
 850 any municipality may, by special act or other provision of law, provide
 851 for a deferred start of one year for the term of any office to be elected at
 852 a municipal election.

853 (c) Notwithstanding any provision of the general statutes, the term
 854 of office for a vacancy to be filled at a regular election shall begin on
 855 the date provided in subsection (a) of this section.

856 Sec. 27. (*Effective from passage*) Sections 9-191 and 9-164c of the
 857 general statutes are repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-247a
Sec. 2	<i>from passage</i>	9-250
Sec. 3	<i>from passage</i>	9-140c(e) to (h)
Sec. 4	<i>from passage</i>	9-150a(a)
Sec. 5	<i>from passage</i>	9-435
Sec. 6	<i>from passage</i>	9-190
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	9-311
Sec. 9	<i>from passage</i>	9-258
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	9-265
Sec. 12	<i>from passage</i>	9-253
Sec. 13	<i>from passage</i>	9-460
Sec. 14	<i>from passage</i>	9-428
Sec. 15	<i>from passage</i>	9-409
Sec. 16	<i>from passage</i>	9-453o(b)
Sec. 17	<i>from passage</i>	9-320f(a) to (d)
Sec. 18	<i>from passage</i>	9-236b(a)
Sec. 19	<i>from passage</i>	9-436(a) to (d)
Sec. 20	<i>from passage</i>	9-238(a)

Sec. 21	<i>January 1, 2009</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>January 1, 2010</i>	9-164(a)
Sec. 26	<i>January 1, 2010</i>	9-187a
Sec. 27	<i>from passage</i>	Repealer section

GAE *Joint Favorable Subst.*