



Senate

General Assembly

File No. 535

January Session, 2009

Substitute Senate Bill No. 909

Senate, April 8, 2009

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL CHANGES TO ELECTION LAWS.

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

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 Section 9-1 of the general statutes is repealed and the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

3 Except as otherwise provided, the following terms, as used in this
4 title and sections 3-124, 7-5, 7-6, 7-7, 7-17, 7-20, 7-39, 7-157, 7-214, 7-275,
5 7-295, 7-343, 7-407, 8-1, 8-5, 8-19, 10-219, 11-36, 13a-11, 30-10, 30-11, 45a-
6 18, 45a-19 and 51-95 shall have the following meanings:

7 (a) ["Ballot label"] "Ballot" means paper or other material containing
8 the names of the candidates or a statement of a proposed constitutional
9 amendment or other question or proposition to be voted on;

10 (b) "Board for admission of electors" means the board as composed
11 under subsection (a) of section 9-15a;

12 (c) "Clerical error" means any error in the registry list or enrollment

13 list due to a mistake or an omission on the part of the printer or a
14 mistake or omission made by the registrars or their assistants;

15 (d) "Election" means any electors' meeting at which the electors
16 choose public officials by use of voting [machines] tabulators or by
17 paper ballots as provided in [sections 9-271 and] section 9-272;

18 (e) "Elector" means any person possessing the qualifications
19 prescribed by the Constitution and duly admitted to, and entitled to
20 exercise, the privileges of an elector in a town;

21 (f) Repealed by P.A. 77-298, S. 14;

22 (g) "Municipal clerk" means the clerk of a municipality;

23 (h) "Municipal election" means the regularly recurring election held
24 in a municipality at which the electors of the municipality choose
25 public officials of such municipality;

26 (i) "Municipality" means any city, borough or town within the state;

27 (j) "Official ballot" means the official ballot to be used at an election,
28 or the official [paper] ballot to be used thereat in accordance with the
29 provisions of [sections 9-271 and] section 9-272;

30 (k) "Population" means the population according to the last-
31 completed United States census;

32 (l) "Presidential electors" means persons elected to cast their ballots
33 for President and Vice President of the United States;

34 (m) "Print" means methods of duplication of words by mechanical
35 process, but shall not include typewriting;

36 (n) "Referendum" means (1) a question or proposal which is
37 submitted to a vote of the electors or voters of a municipality at any
38 regular or special state or municipal election, as defined in this section,
39 (2) a question or proposal which is submitted to a vote of the electors
40 or voters, as the case may be, of a municipality at a meeting of such

41 electors or voters, which meeting is not an election, as defined in
42 subsection (d) of this section, and is not a town meeting, or (3) a
43 question or proposal which is submitted to a vote of the electors or
44 voters, as the case may be, of a municipality at a meeting of such
45 electors or voters pursuant to section 7-7 or pursuant to charter or
46 special act;

47 (o) "Regular election" means any state or municipal election;

48 (p) "Registrars" means the registrars of voters of the municipality;

49 (q) "Registry list" means the list of electors of any municipality
50 certified by the registrars;

51 (r) "Special election" means any election not a regular election;

52 (s) "State election" means the election held in the state on the first
53 Tuesday after the first Monday in November in the even-numbered
54 years in accordance with the provisions of the Constitution of
55 Connecticut;

56 (t) "State officers" means the Governor, Lieutenant Governor,
57 Secretary of the State, Treasurer, Comptroller and Attorney General;

58 (u) "Voter" means a person qualified to vote at town and district
59 meetings under the provisions of section 7-6;

60 (v) "Voting district" means any municipality, or any political
61 subdivision thereof, having not more than one polling place in a
62 regular election;

63 (w) "Voting tabulator" means a machine, including, but not limited
64 to, a device which operates by electronic means, for the registering and
65 recording of votes cast at elections, primaries and referenda;

66 (x) "Write-in ballot" means a vote cast for any person whose name
67 does not appear on the official ballot as a candidate for the office for
68 which his name is written in;

69 (y) "The last session for admission of electors prior to an election"
70 means the day which is the seventh day prior to an election.

71 Sec. 2. Section 9-4 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective from passage*):

73 The Secretary of the State, in addition to other duties imposed by
74 law, shall, as such commissioner, (1) advise local election officials in
75 connection with proper methods of conducting elections and referenda
76 as defined in subsection (n) of section 9-1, and, upon request of a
77 municipal official, matters arising under chapter 99; (2) prepare
78 regulations and instructions for the conduct of elections, as designated
79 by law; (3) provide local election officials with a sufficient number of
80 copies of election laws pamphlets and materials necessary to the
81 conduct of elections; (4) distribute all materials concerning proposed
82 laws or amendments required by law to be submitted to the electors;
83 (5) recommend to local election officials the form of registration cards
84 and blanks; (6) determine, in the manner provided by law, the forms
85 for the preparation of voting [machines] tabulators, for the recording
86 of the vote and the conduct of the election and certification of election
87 returns; (7) prepare the ballot title or statement to be placed on the
88 ballot for any proposed law or amendment to the Constitution to be
89 submitted to the electors of the state; (8) certify to the several boards
90 the form of official ballots for state and municipal offices; (9) provide
91 the form and manner of filing notification of vacancies, nomination
92 and subsequent appointment to fill such vacancies; (10) prescribe,
93 provide and distribute absentee voting forms for use by the municipal
94 clerks; (11) examine and approve nominating petitions filed under
95 section 9-453o; and (12) distribute corrupt practices forms and provide
96 instructions for completing and filing the same.

97 Sec. 3. Subdivision (1) of subsection (a) of section 9-7b of the general
98 statutes is repealed and the following is substituted in lieu thereof
99 (*Effective from passage*):

100 (1) To make investigations on its own initiative or with respect to
101 statements filed with the commission by the Secretary of the State or

102 any town clerk, or upon written complaint under oath by any
103 individual, with respect to alleged violations of any provision of the
104 general statutes relating to any election or referendum, any primary
105 held pursuant to section 9-423, 9-425 or 9-464 or any primary held
106 pursuant to a special act, and to hold hearings when the commission
107 deems necessary to investigate violations of any provisions of the
108 general statutes relating to any such election, primary or referendum,
109 and for the purpose of such hearings the commission may administer
110 oaths, examine witnesses and receive oral and documentary evidence,
111 and shall have the power to subpoena witnesses under procedural
112 rules the commission shall adopt, to compel their attendance and to
113 require the production for examination of any books and papers which
114 the commission deems relevant to any matter under investigation or in
115 question. In connection with its investigation of any alleged violation
116 of any provision of chapter 145, or of any provision of section 9-359 or
117 section 9-359a, the commission shall also have the power to subpoena
118 any municipal clerk and to require the production for examination of
119 any absentee ballot, inner and outer envelope from which any such
120 ballot has been removed, depository envelope containing any such
121 ballot or inner or outer envelope as provided in sections 9-150a and 9-
122 150b and any other record, form or document as provided in section 9-
123 150b, in connection with the election, primary or referendum to which
124 the investigation relates. In case of a refusal to comply with any
125 subpoena issued pursuant to this subsection or to testify with respect
126 to any matter upon which that person may be lawfully interrogated,
127 the superior court for the judicial district of Hartford, on application of
128 the commission, may issue an order requiring such person to comply
129 with such subpoena and to testify; failure to obey any such order of the
130 court may be punished by the court as a contempt thereof. In any
131 matter under investigation which concerns the operation or inspection
132 of or outcome recorded on any voting [machine] tabulator, the
133 commission may issue an order to the municipal clerk to impound
134 such [machine] tabulator until the investigation is completed.

135 Sec. 4. Section 9-35c of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective from passage*):

137 Notwithstanding the provisions of sections 9-238, 9-406 and 9-436
138 and other provisions of the general statutes, the names of electors on
139 the inactive registry list compiled under section 9-35 shall not be
140 counted for purposes of computing the number of [voting machines
141 required and the number of] petition signatures required. Each elector
142 on such inactive registry list who, in the determination of the
143 registrars, has signed a petition pursuant to the general statutes, giving
144 the same address as appears on the inactive registry list, shall
145 forthwith be placed on the active registry list compiled under said
146 section 9-35. Each such elector shall be counted for purposes of future
147 computations of the number of [voting machines required and the
148 number of] signatures required on future petitions issued for other
149 electoral events. The names of electors on the inactive registry list
150 compiled pursuant to section 9-35 shall not be counted for purposes of
151 computing the minimum percentage of the number of electors
152 required in any charter or special act, if such charter or special act
153 requires approval of a referendum by a minimum percentage of
154 electors qualified on the last-completed registry list or has a similar
155 requirement.

156 Sec. 5. Subsection (a) of section 9-135a of the general statutes is
157 repealed and the following is substituted in lieu thereof (*Effective from*
158 *passage*):

159 (a) Each absentee ballot shall be arranged to resemble the
160 appropriate ballot [label] and sample ballot [label] as prescribed by
161 law, and shall include, as applicable, the offices, party designations,
162 names of candidates and questions to be voted upon and spaces for
163 write-in votes. A replica of the state seal shall be printed on the ballot.
164 The size, type, form, instructions, specifications for paper and printing
165 and other specifications shall be prescribed by the Secretary of the
166 State. [The Secretary of the State shall provide a ballot facsimile to each
167 municipal clerk for use in preparing the ballot form.]

168 Sec. 6. Subsection (a) of section 9-135b of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective from*

170 *passage*):

171 (a) Immediately after the deadline for certification of all candidates
172 whose names are to appear on the ballot, [label,] and in sufficient time
173 to begin issuing absentee ballots on the day prescribed by law, the
174 municipal clerk shall prepare the absentee ballots and have them
175 printed.

176 Sec. 7. Subsections (b) and (c) of section 9-150b of the general
177 statutes are repealed and the following is substituted in lieu thereof
178 (*Effective from passage*):

179 (b) If the absentee ballots were counted at the polls, when all
180 counting is complete the moderator shall publicly declare the result of
181 such count as provided in section 9-309 and add such count to the
182 results from the voting [machines] tabulators recorded on the
183 moderator's return. Such return shall show separately the [machine]
184 tabulator vote and the absentee vote and the totals thereof.

185 (c) If the absentee ballots were counted at a central location, when
186 all counting is complete the moderator shall publicly declare the result
187 of such count. He shall then deliver to the head moderator the central
188 counting moderator's returns, together with all other information
189 required by law or by the Secretary of the State's instructions. The head
190 moderator shall add the results from the voting [machines] tabulators,
191 recorded on the moderator's return for each polling place, to the
192 absentee count recorded on the central counting moderator's return for
193 the corresponding voting district, in the manner prescribed by the
194 Secretary of the State. The returns so completed shall show separately
195 the [machine] tabulator vote and the absentee vote and the totals
196 thereof.

197 Sec. 8. Section 9-150d of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective from passage*):

199 A voting [machine] tabulator approved by the Secretary of the State
200 under section 9-242 may be used to count absentee ballots in any

201 municipality at an election, primary or referendum, provided the
202 registrars of voters of the municipality approve the use of such
203 [machine] tabulator and the Secretary of the State prescribes
204 specifications for (1) the security, testing, set-up, operation and
205 canvassing of the [machine] tabulator, (2) such absentee ballots, and (3)
206 the training of election officials in the use of the [machine] tabulator.

207 Sec. 9. Subsections (a) and (b) of section 9-168a of the general
208 statutes are repealed and the following is substituted in lieu thereof
209 (*Effective from passage*):

210 (a) Any provision of the general statutes to the contrary
211 notwithstanding, in any municipality in which, at any election, or
212 primary, as a result of the assembly, senatorial or congressional district
213 lines in effect, there is a voting district or a part of a voting district
214 which differs geographically from the district lines as constituted in a
215 municipal election year, the registrars of voters may either provide a
216 suitable polling place therein or may, in lieu thereof, with the approval
217 of the legislative body of the municipality, provide separate voting
218 [machines] tabulators in the polling place of another voting district in
219 said municipality for use by such electors. The registrars of voters shall
220 determine which polling place officials are necessary for such separate
221 [machines] tabulators and shall provide the procedure to ensure that
222 the electors use the proper voting [machine] tabulator, which
223 procedure may include the registrars of voters prescribing and
224 providing receipts.

225 (b) Any provision of the general statutes to the contrary
226 notwithstanding, in any municipality in which, at any election or
227 primary, as a result of the assembly, senatorial or congressional district
228 lines in effect, there is a voting district with less than one thousand five
229 hundred electors who vote for a combination of officers that no other
230 electors of the town vote for, the registrars of voters may either
231 provide a suitable polling place therein or may, in lieu thereof, provide
232 separate voting [machines] tabulators in the polling place of another
233 voting district in said municipality for use by such electors. If the

234 registrars of voters provide separate voting [machines] tabulators in
235 the polling place of another voting district, they shall determine which
236 polling place officials are necessary for the district containing less than
237 one thousand five hundred electors and shall provide the procedure to
238 ensure that the electors use the proper voting [machines] tabulator,
239 which procedure may include the registrars of voters prescribing and
240 providing receipts.

241 Sec. 10. Section 9-188 of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective from passage*):

243 Unless otherwise provided by law each town shall, at its regular
244 municipal election, elect a first selectman, who shall be town agent
245 unless otherwise provided by law, and two other selectmen or, in the
246 case of any town having a population of ten thousand or more, not
247 more than six other selectmen. The selectmen so elected shall
248 constitute the board of selectmen for such town. Unless otherwise
249 provided by special act, charter or ordinance the votes cast, including
250 any valid write-in votes, for an unsuccessful candidate for first
251 selectman shall be counted as votes for him as a member of such
252 board, provided no elector may be a candidate for both the office of
253 first selectman and that of selectman by virtue of nomination by a
254 major or minor party or a nominating petition or registration of write-
255 in candidacy, or any combination thereof. The provisions of section 9-
256 167a shall apply to the election of selectmen, except that when the total
257 membership of such board is five, the maximum number who may be
258 members of the same political party shall be three, and provided that
259 for the purpose of determining minority representation, the total
260 membership of such board shall be deemed to include the first
261 selectman, unless otherwise provided by special act or charter. Unless
262 otherwise provided by special act, charter or ordinance, an elector shall
263 not vote for more candidates for the office of selectman than a political
264 party can elect pursuant to section 9-167a, provided that the number of
265 such candidates that an elector can vote for shall be deemed to include
266 the first selectman. If the electors fail to elect a first selectman at any
267 election by reason of an equality of votes, such election for the office of

268 first selectman and the election for selectmen shall stand adjourned
269 and such adjourned election shall be held as provided in section 9-332.
270 The [ballot labels] ballots used in such adjourned election shall contain
271 only the names of the candidates for the offices of first selectman and
272 selectman which appeared on the ballot [label] used in the election at
273 which the tie vote resulted for the office of first selectman.

274 Sec. 11. Section 9-224 of the general statutes is repealed and the
275 following is substituted in lieu thereof (*Effective from passage*):

276 If any special election is called to fill a vacancy in any office on the
277 same day as a regular election, the names of the candidates for such
278 office shall be placed on the same [voting machine] ballot as the names
279 of the candidates to be voted for at such regular election, and except as
280 otherwise specifically provided by statute, the provisions of the
281 statutes governing regular elections shall apply to such special
282 election.

283 Sec. 12. Subsection (b) of section 9-229 of the general statutes is
284 repealed and the following is substituted in lieu thereof (*Effective from*
285 *passage*):

286 (b) The Secretary of the State shall (1) request registrars of voters to
287 volunteer to serve as instructors for moderators and alternate
288 moderators, (2) select registrars from among such volunteers to serve
289 as such instructors, (3) establish a curriculum for instructional sessions
290 for moderators and alternate moderators, (4) establish the number of
291 such instructional sessions, provided at least one such instructional
292 session shall be held in each congressional district in each calendar
293 year, (5) train the instructors for such sessions, and (6) certify
294 moderators and alternate moderators. The curriculum for such
295 instructional sessions shall include, without limitation, procedures for
296 counting and recording absentee ballots, "hands on" training in the use
297 of voting [machines] tabulators, and the duties of a moderator in the
298 conduct of a primary and election. The secretary may employ
299 assistants on a temporary basis within existing budgetary resources for
300 the purpose of implementing the provisions of this section. Such

301 assistants shall not be subject to the provisions of chapter 67. The
302 instructors shall conduct instructional sessions for moderators and
303 alternate moderators in accordance with their training by the Secretary
304 of the State and the curriculum for such sessions. Any elector may
305 attend one or more of such instructional sessions. Each instructor shall
306 provide the Secretary of the State with the name and address of each
307 person who completes such a session.

308 Sec. 13. Section 9-234 of the general statutes is repealed and the
309 following is substituted in lieu thereof (*Effective from passage*):

310 Each registrar shall be present during the taking of the vote at any
311 regular or special state or municipal election in his town or district.
312 The assistants in their respective districts shall, when requested by
313 either registrar, be present at the taking of any such vote and discharge
314 the duties of registrars. Each registrar shall appoint some suitable
315 person to check the list in each district, unless the municipality has
316 established two shifts for election officials under the provisions of
317 section 9-258a, in which case each such registrar shall appoint one such
318 person for each district for each shift. Each such person, who is so
319 appointed checker, shall check the name of each elector thereon when
320 he offers his vote, and no voting [machine] tabulator tender shall
321 permit any vote to be cast upon the voting [machine] tabulator until
322 the name has been so checked.

323 Sec. 14. Subsection (b) of section 9-235 of the general statutes is
324 repealed and the following is substituted in lieu thereof (*Effective from*
325 *passage*):

326 (b) Except for rows of candidates entitled to unofficial checkers
327 under subsection (a) of this section, each group of three or more
328 electors whose names appear in one single row on the [voting
329 machine] ballot [label] in a voting district, may designate not more
330 than two electors of the town in which the voting district is located, to
331 serve as unofficial checkers on behalf of the candidates whose names
332 appear in such row. Such candidates shall submit a list of the names of
333 such designees to the registrars of voters at least forty-eight hours

334 prior to the election. The registrars shall verify that each such designee
335 is an elector of the town and shall appoint not more than two such
336 designees to serve each such row of candidates. The registrars shall, at
337 the request of such a group of three or more electors, change such
338 designations at any time before the closing of the polls on the day of an
339 election.

340 Sec. 15. Section 9-235d of the general statutes is repealed and the
341 following is substituted in lieu thereof (*Effective from passage*):

342 (a) Notwithstanding any provision of sections 9-233, 9-235 and 9-258
343 to the contrary, a United States citizen who is sixteen or seventeen
344 years of age and a bona fide resident of a town may be (1) appointed as a
345 challenger or unofficial checker in an election, or (2) appointed as a
346 checker, translator or voting [machine] tabulator tender in an election
347 after (A) attending poll worker training, and (B) receiving the written
348 permission of a parent, guardian or the principal of the school that the
349 citizen attends if the citizen is a secondary school student and the
350 citizen is to be appointed to work on a day when such school is in
351 session.

352 (b) Notwithstanding any provision of section 9-436 or 9-436a to the
353 contrary, a United States citizen who is sixteen or seventeen years of
354 age and a bona fide resident of a town or political subdivision holding
355 a primary may be (1) appointed as a challenger or candidate checker in
356 the primary, or (2) appointed as a checker, translator or voting
357 [machine] tabulator tender in a primary after (A) attending poll worker
358 training, and (B) receiving the written permission of a parent, guardian
359 or the principal of the school that the citizen attends if the citizen is a
360 secondary school student and the citizen is to be appointed to work on
361 a day when such school is in session.

362 Sec. 16. Section 9-236a of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective from passage*):

364 Any town, on its own initiative or upon a request by the Secretary of
365 the State, and with the approval of the legislative body of the town or,

366 in the case of a town in which the legislative body is a town meeting,
367 the board of selectmen, may require a spare voting [machine] tabulator
368 or ballot box to be provided inside any polling place or in a room
369 adjacent to the polling place, for the educational use of students from
370 kindergarten to grade twelve, inclusive. Upon such approval, the
371 registrars shall establish procedures for the use of the [machine]
372 tabulator or ballot box, including, but not limited to: (1) Location and
373 preparation of the [machine] tabulator or ballot box, (2) duties of
374 [machine] tabulator or ballot box tenders, and (3) canvassing the
375 returns. Any such machine shall be in addition to the demonstrator or
376 spare voting [machine] tabulator required by section 9-260. Ballots
377 completed by students under this section shall be unofficial, and
378 polling place officials shall not be required to handle or count such
379 ballots. Each student who will be using such [machine] tabulator or
380 ballot box inside a polling place or a room adjacent to the polling place
381 shall be accompanied by an adult. The supervisor of such students for
382 the purposes of this section shall submit the names of all adults who
383 will be working with such students to the registrars at least forty-eight
384 hours before the election.

385 Sec. 17. Section 9-238 of the general statutes is repealed and the
386 following is substituted in lieu thereof (*Effective from passage*):

387 (a) Except as provided in [sections 9-271 and] section 9-272, voting
388 [machines] tabulators shall be used at all elections held in any
389 municipality, or in any part thereof, for voting and registering and
390 counting votes cast at such elections for officers, and upon all
391 questions or amendments submitted at such elections. The board of
392 selectmen of each town, the common council of each city and the
393 warden and burgesses of each borough shall purchase or lease, or
394 otherwise provide, for use at elections in each such municipality a
395 number of voting tabulators approved by the Secretary of the State.
396 Different voting tabulators may be provided for different voting
397 districts in the same municipality. Notwithstanding any provision of
398 this subsection to the contrary, the registrars of voters of a
399 municipality may determine the number of voting tabulators that shall

400 be provided for use at any special election in such municipality,
401 provided the registrars shall provide at least one voting tabulator in
402 the municipality or, in a municipality divided into voting districts, at
403 least one voting tabulator in each such district.

404 (b) Upon the purchase or lease of a voting tabulator for use in any
405 municipality, the officials of such municipality purchasing or leasing
406 the same shall forthwith send notification in writing to the Secretary of
407 the State of the name or make of such tabulator, the name of the person
408 who manufactured the same, the name of the person from whom it
409 was purchased or leased and the date on which it was purchased or
410 leased. No voting tabulator shall be used in an election which, in the
411 opinion of the Secretary of the State, does not conform to the
412 requirements of law, is unsuitable for use in such election or does not
413 comply with the voluntary performance and test standards for voting
414 systems adopted by the Election Assistance Commission pursuant to
415 the Help America Vote Act, P.L. 107-252, 43 USC 15481. When in any
416 municipality the use of a voting tabulator at elections is discontinued
417 because of its age or condition or because it is sold, or for any other
418 reason, such officials shall send written notification to the Secretary of
419 the discontinuance of such tabulator, of the time of and reason for such
420 discontinuance and of the information required in connection with
421 notification of original purchasing or leasing.

422 Sec. 18. Section 9-238a of the general statutes is repealed and the
423 following is substituted in lieu thereof (*Effective from passage*):

424 During the first week of February in each year, the town clerk of
425 each town shall notify the Secretary of the State, on a form provided by
426 said secretary, of the total number of [names on the active registry list
427 and on each enrollment list and the total number of unaffiliated
428 electors, in such town, and of the total number of] voting [machines]
429 tabulators therein and, in towns divided into voting districts, in
430 addition, the same information for each voting district. If the number
431 of [machines] tabulators listed in such notification is less than the
432 number required under section 9-238, the town clerk shall include in

433 such notification an explanation of the discrepancy. Each such clerk
434 shall also file a duplicate copy of such notification with the officials
435 who are required to provide voting [machines] tabulators in his
436 municipality under section 9-238.

437 Sec. 19. Section 9-239 of the general statutes is repealed and the
438 following is substituted in lieu thereof (*Effective from passage*):

439 The fiscal authority in each municipality shall authorize payment of
440 the bill incurred for the purchase or lease or other method of
441 acquisition of an adequate number of voting [machines] tabulators
442 incurred by the officials responsible for providing the same under the
443 provisions of section 9-238.

444 Sec. 20. Section 9-240 of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective from passage*):

446 The board of selectmen in each town, unless otherwise provided by
447 law, shall provide or may authorize the registrars to provide a suitable
448 room or rooms and voting [machine] booths for holding all elections.
449 The interior of the booths shall be secure from outside observation.
450 Said board shall provide for each polling place, in accordance with the
451 requirements of section 9-238, one or more voting [machines]
452 tabulators in complete working order, and shall preserve and keep
453 them in repair and have the custody of the voting [machines]
454 tabulators, and the care and custody of the furniture and equipment of
455 the polling place, when not in use at an election.

456 Sec. 21. Section 9-240a of the general statutes is repealed and the
457 following is substituted in lieu thereof (*Effective from passage*):

458 Not more than two hundred ten days nor less than thirty days prior
459 to each regular election for state officers, each voting [machine]
460 tabulator to be used in the next succeeding regular election, including
461 additional [machines] tabulators required under section 9-238, shall be
462 examined by the company which manufactured the same or its
463 successor or, with the approval of the Secretary of the State, by persons

464 skilled in the mechanics and operation of said [machines] tabulator, for
465 the purpose of determining that such [machine] tabulator is in sound
466 operable condition for use in such election. Arrangements for such
467 examination shall be made by the officials responsible for providing
468 voting [machines] tabulators under section 9-238. The company or
469 person making such examination shall file a report with respect to each
470 [machine] tabulator with the Secretary of the State and with said
471 officials, indicating whether or not such [machine] tabulator is in
472 sound operable condition. When, as a result of any such examination, a
473 [machine] tabulator is found not to be in sound operable condition,
474 said officials shall have such machine repaired, or shall provide a
475 voting [machine] tabulator in sound operable condition to replace the
476 [machine] tabulator found inoperable. The cost for such examination in
477 each town shall be paid by such town. Failure to cause the examination
478 of a voting [machine] tabulator, as herein required, shall not, of itself,
479 prevent the use of such [machine] tabulator in any election.

480 Sec. 22. Subsection (a) of section 9-241 of the general statutes is
481 repealed and the following is substituted in lieu thereof (*Effective from*
482 *passage*):

483 (a) Any person owning or holding an interest in any voting
484 [machine] tabulator, as defined in subsection (w) of section 9-1, may
485 apply to the Secretary of the State to examine such [machine] tabulator
486 and report on its accuracy and efficiency. The Secretary of the State
487 shall examine the [machine] tabulator and determine whether, in the
488 Secretary's opinion, the kind of [machine] tabulator so examined (1)
489 meets the requirements of section 9-242, (2) can be used at elections,
490 primaries and referenda held pursuant to this title, and (3) [in the case
491 of an electronic voting machine examined by the Secretary after the
492 Voting Technology Standards Board submits the report required under
493 section 9-242c, complies with the standards adopted by said board
494 under section 9-242c] complies with applicable standards for electronic
495 voting tabulators. If the Secretary of the State determines that the
496 [machine] tabulator can be so used, such [machine] tabulator may be
497 adopted for such use. No [machine] tabulator not so approved shall be

498 so used. Each application shall be accompanied by a fee of one
499 hundred dollars and the Secretary of the State shall not approve any
500 [machine] tabulator until such fee and the expenses incurred by the
501 Secretary in making the examination have been paid by the person
502 making such application. Any voting [machine] tabulator company
503 that has had its voting [machine] tabulator approved and that
504 subsequently alters such [machine] tabulator in any way shall provide
505 the Secretary of the State with notice of such alterations, including a
506 description thereof and a statement of the purpose of such alterations.
507 If any such alterations appear to materially affect the accuracy,
508 appearance or efficiency of the [machine] tabulator, or modify the
509 [machine] tabulator so that it can no longer be used at elections,
510 primaries or referenda held pursuant to this title, at the discretion of
511 the Secretary of the State, the company shall submit such alterations
512 for inspection and approval, at its own expense, before such altered
513 [machines] tabulators may be used. The Secretary of the State may
514 adopt regulations, in accordance with the provisions of chapter 54,
515 concerning examination and approval of voting [machines] tabulators
516 under this section. No voting [machine] tabulator that records votes by
517 means of holes punched in designated voting response locations may
518 be approved or used at any election, primary or referendum held
519 pursuant to this title.

520 Sec. 23. Section 9-242 of the general statutes is repealed and the
521 following is substituted in lieu thereof (*Effective from passage*):

522 (a) A voting [machine] tabulator approved by the Secretary of the
523 State shall be so constructed as to provide facilities for voting for the
524 candidates of at least nine different parties or organizations. It shall
525 permit voting in absolute secrecy. It shall be provided with a lock by
526 means of which any illegal movement of the voting or registering
527 mechanism is absolutely prevented. Such [machine] tabulator shall be
528 so constructed that an elector cannot vote for a candidate or on a
529 proposition for whom or on which he is not lawfully entitled to vote.

530 (b) It shall be so constructed as to prevent an elector from voting for

531 more than one person for the same office, except when he is lawfully
532 entitled to vote for more than one person for that office, and it shall
533 afford him an opportunity to vote for only as many persons for that
534 office as he is by law entitled to vote for, at the same time preventing
535 his voting for the same person twice. It shall be so constructed that all
536 votes cast will be registered or recorded by the machine.

537 (c) Notwithstanding the provisions of subsection (b) of this section,
538 the Secretary of the State may approve a voting [machine] tabulator
539 which requires the elector in the polls to place his ballot into the
540 recording device and which meets the voluntary performance and test
541 standards for voting systems adopted by (1) the Federal Election
542 Commission on January 25, 1990, as amended from time to time, or (2)
543 the Election Assistance Commission pursuant to the Help America
544 Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time
545 to time, whichever standards are most current at the time of the
546 Secretary of the State's approval, and regulations which the Secretary
547 of the State may adopt in accordance with the provisions of chapter 54,
548 provided the voting [machine] tabulator shall (A) warn the elector of
549 overvotes, (B) not record overvotes, and (C) not record more than one
550 vote of an elector for the same person for an office.

551 (d) Any direct recording electronic voting [machine] tabulator
552 approved by the Secretary of the State for an election or primary held
553 on or after July 1, 2005, shall be so constructed as to:

554 (1) (A) Contemporaneously produce an individual, permanent,
555 paper record containing all of the elector's selections of ballot
556 preferences for candidates and questions or proposals, if any, prior to
557 the elector's casting a ballot, as set forth in this subsection, and (B)
558 produce at any time after the close of the polls a voting [machine]
559 tabulator generated, individual, permanent, paper record of each such
560 elector's selections of ballot preferences for candidates and questions
561 or proposals, if any. Both the contemporaneously produced paper
562 record and the voting [machine] tabulator generated paper record of
563 each elector's selections of ballot preferences shall include a voting

564 [machine] tabulator generated unique identifier that can be matched
565 against each other and which preserves the secrecy of the elector's
566 ballot as set forth in subdivision (4) of this subsection;

567 (2) Provide each elector with an opportunity to verify that the
568 contemporaneously produced, individual, permanent, paper record
569 accurately conforms to such elector's selection of ballot preferences, as
570 reflected on the electronic summary screen, and to hear, if desired, an
571 audio description of such electronic summary screen, for the purpose
572 of having an opportunity to make any corrections or changes prior to
573 casting the ballot. If an elector makes corrections or changes prior to
574 casting the ballot, the voting [machine] tabulator shall void such
575 contemporaneously produced paper record, contemporaneously
576 produce another paper record containing such corrections or changes
577 and provide the elector with another opportunity to verify ballot
578 preferences in accordance with the provisions of this subdivision. As
579 used in this section, "electronic summary screen" means a screen
580 generated by a direct recording electronic voting [machine] tabulator
581 that displays a summary of an elector's selections of ballot preferences
582 for candidates and questions or proposals, if any, at an election or
583 primary;

584 (3) Provide that a ballot shall be deemed cast on the voting
585 [machine] tabulator at the time that an elector's contemporaneously
586 produced, individual, permanent, voter-verified paper record,
587 containing all of the elector's final selections of ballot preferences, is
588 (A) deposited inside a receptacle designed to store all such paper
589 records produced by such voting [machine] tabulator on the day of the
590 election or primary, and (B) the elector's selection of ballot preferences
591 is simultaneously electronically recorded inside the voting [machine]
592 tabulator for the purpose of (i) being electronically tabulated
593 immediately after the polls are closed on the day of the election or
594 primary, and (ii) producing, on such other day as required under
595 section 9-242b, a voting [machine] tabulator generated, individual,
596 permanent, paper record of each such elector's selections of ballot
597 preferences for candidates and questions or proposals, if any;

598 (4) Except as otherwise provided in subdivision (1) of section 9-
599 242b, secure the secrecy of each such elector's ballot by making it
600 impossible for any other individual to identify the elector in
601 relationship to such elector's selection of ballot preferences at the time
602 that the elector (A) selects ballot preferences; (B) verifies the accuracy
603 of the electronic summary screen by comparing it to the
604 contemporaneously produced, individual, permanent, paper record or
605 the audio description of such electronic summary screen, prior to
606 casting a ballot; (C) makes corrections or changes by reselecting ballot
607 preferences and verifies the accuracy of such preferences in accordance
608 with the provisions of subdivision (2) of this subsection prior to casting
609 a ballot; and (D) casts the ballot; and at the time that all electors' ballots
610 are canvassed, recanvassed or otherwise tallied to produce a final
611 count of the vote for candidates and questions or proposals, if any,
612 whether through the electronic vote tabulation process or through the
613 manual count process of each elector's contemporaneously produced,
614 individual, permanent, voter-verified paper record, as set forth in
615 section 9-242b; and

616 (5) (A) Be accessible to blind or visually impaired persons by
617 providing each elector, if desired by the elector, an audio description
618 of the contemporaneously produced individual, permanent, paper
619 record containing all of the elector's selections of ballot preferences, in
620 addition to an audio description of the electronic summary screen and
621 comply with such additional standards of accessibility included in
622 regulations that the Secretary of the State may adopt in accordance
623 with the provisions of chapter 54.

624 (B) Notwithstanding the provisions of subparagraph (A) of this
625 subdivision, on or before June 30, 2007, the Secretary of the State may
626 approve an electronic voting [machine] tabulator that does not comply
627 with the provisions of said subparagraph if (i) the Secretary
628 determines that there are no electronic voting [machines] tabulators
629 available for purchase or lease at the time of such approval that are
630 capable of complying with said subparagraph (A), (ii) the electronic
631 voting [machine] tabulator complies with the provisions of

632 subdivisions (1) to (4), inclusive, of this subsection, and (iii) the person
633 applying to the Secretary for approval of the electronic voting
634 [machine] tabulator agrees to include a provision in any contract for
635 the sale or lease of such voting [machines] tabulators that requires such
636 person, upon notification by the Secretary that modifications to such
637 [machines] tabulators that would bring the [machines] tabulators into
638 compliance with said subparagraph (A) are available, to (I) so modify
639 any electronic voting [machines] tabulators previously sold or leased
640 under such contract in order to comply with said subparagraph (A),
641 and (II) provide that any electronic voting [machines] tabulators sold
642 or leased after receipt of such notice comply with said subparagraph
643 (A). No voting [machine] tabulator approved under this subparagraph
644 shall be used on or after July 1, 2007, unless it has been modified to
645 comply with the provisions of subparagraph (A) of this subdivision.

646 Sec. 24. Section 9-242b of the general statutes is repealed and the
647 following is substituted in lieu thereof (*Effective from passage*):

648 The following procedures shall apply to any election or primary in
649 which one or more direct recording electronic voting [machines]
650 tabulators are used:

651 (1) Any elector who requires assistance by reason of blindness,
652 disability, or inability to read or write shall have the right to request
653 assistance inside the voting booth by a person of the elector's choice in
654 accordance with 42 USC 1973aa-6, as amended from time to time, or
655 section 9-264.

656 (2) A canvass of the votes shall take place inside the polling place
657 immediately following the close of the polls on the day of the election
658 or primary in accordance with the requirements of chapter 148. With
659 respect to direct recording electronic voting [machines] tabulators, any
660 such canvass shall be an electronic vote tabulation of all of the votes
661 cast on each such voting [machine] tabulator for each candidate and
662 question or proposal, and the moderator shall attach a printout of such
663 electronic vote tabulation to the tally sheets. The moderator shall then
664 add together all of the votes recorded on each voting [machine]

665 tabulator in use at the polling place, whether or not such voting
666 [machines] tabulators were direct recording electronic voting
667 [machines] tabulators, to produce a cumulative count within the
668 polling place of all candidates and any questions or proposals
669 appearing on the ballot in the election or primary. Any member of the
670 public shall have a right to be present in the polling place to observe
671 the canvass of the votes beginning as soon as the polls are declared
672 closed by the moderator and continuing throughout the canvass of the
673 votes of each voting [machine] tabulator until the final canvass of all of
674 the votes cast on all of the voting [machines] tabulators in use in the
675 polling place are added together for each candidate and question or
676 proposal and publicly announced and declared by the moderator.

677 (3) If a recanvass of the votes is required pursuant to chapter 148,
678 the recanvass officials shall, in addition to the other requirements of
679 said chapter, conduct a manual tally of the individual, permanent,
680 voter-verified, paper records contemporaneously produced by each
681 direct recording electronic voting [machine] tabulator used within the
682 geographical jurisdiction that is subject to such recanvass. The manual
683 tally conducted for the recanvass shall be limited to the particular
684 candidates and questions or proposals that are subject to recanvass. If
685 the manual tabulation of such contemporaneously produced paper
686 records does not reconcile with the electronic vote tabulation of a
687 particular direct recording electronic voting [machine] tabulator or
688 [machines] tabulators, such contemporaneously produced paper
689 records shall be considered the true and correct record of each elector's
690 vote on such electronic voting [machine] tabulator or [machines]
691 tabulators and shall be used as the official record for purposes of
692 declaring the official election results or for purposes of any subsequent
693 recanvass, tally or election contest conducted pursuant to chapters 148
694 to 153, inclusive. If any of the contemporaneously produced
695 individual, permanent, voter-verified paper records are found to have
696 been damaged in such manner as they are unable to be manually
697 tallied with respect to the ballot positions that are the subject of the
698 recanvass, each such damaged record shall be matched against the
699 voting [machine] tabulator generated, individual, permanent, paper

700 record produced by the voting [machine] tabulator bearing the
701 identical [machine-generated] tabulator-generated unique identifier as
702 the damaged record and, in such instance, shall be substituted as the
703 official record for purposes of determining the final election results or
704 for purposes of any subsequent canvass, tally or election contest.

705 (4) Notwithstanding the provisions of section 9-311, the Secretary of
706 the State may order a discrepancy canvass under said section of the
707 returns of an election or a primary for a district office, a state office or
708 the office of elector of President and Vice-President of the United
709 States, if the Secretary has reason to believe that discrepancies may
710 have occurred that could affect the outcome of the election or primary.
711 Any such discrepancy canvass may be conducted of the returns in
712 any or all voting districts in (A) the district in which an election or
713 primary is held, in the case of an election or primary for a district
714 office, or (B) the state, in the case of an election or primary for a state
715 office or the office of elector of President and Vice-President of the
716 United States or a presidential preference primary, whichever is
717 applicable. As used in this subdivision, "district office" and "state
718 office" have the same meanings as provided in section 9-372.

719 (5) Not later than five business days after each election in which a
720 direct recording electronic voting [machine] tabulator is used, the
721 registrars of voters or their designees, representing at least two
722 political parties, shall conduct a manual audit of the votes recorded on
723 at least (A) two direct recording electronic voting [machines]
724 tabulators used in each assembly district, or (B) a number of direct
725 recording electronic voting [machines] tabulators equal to fifty per cent
726 of the number of voting districts in the municipality, whichever is less.
727 Not later than five business days after a primary in which a direct
728 recording electronic voting [machine] tabulator is used, the registrar of
729 voters of the party holding the primary shall conduct such a manual
730 audit by designating two or more individuals, one of whom may be
731 the registrar, representing at least two candidates in the primary. The
732 [machines] tabulators audited under this subdivision shall be selected
733 in a random drawing that is announced in advance to the public and is

734 open to the public. All direct recording electronic voting [machines]
735 tabulators used within an assembly district shall have an equal chance
736 of being selected for the audit. The Secretary of the State shall
737 determine and publicly announce the method of conducting the
738 random drawing, before the election. The manual audit shall consist of
739 a manual tabulation of the contemporaneously produced, individual,
740 permanent, voter-verified, paper records produced by each voting
741 [machine] tabulator subject to the audit and a comparison of such
742 count, with respect to all candidates and any questions or proposals
743 appearing on the ballot, with the electronic vote tabulation reported
744 for such voting [machine] tabulator on the day of the election or
745 primary. Such audit shall not be required if a recanvass has been, or
746 will be, conducted on the voting [machine] tabulator. Such manual
747 audit shall be noticed in advance and be open to public observation. A
748 reconciliation sheet, on a form prescribed by the Secretary of the State,
749 that reports and compares the manual and electronic vote tabulations
750 of each candidate and question or proposal on each such voting
751 [machine] tabulator, along with any discrepancies, shall be prepared
752 by the audit officials, signed and forthwith filed with the town clerk of
753 the municipality and the Secretary of the State. If any
754 contemporaneously produced, individual, permanent, voter-verified,
755 paper record is found to have been damaged, the same procedures
756 described in subdivision (3) of this section for substituting such record
757 with the voting [machine] tabulator generated, individual, permanent,
758 paper record produced by the voting [machine] tabulator bearing the
759 identical [machine] tabulator generated unique identifier as the
760 damaged record shall apply and be utilized by the audit officials to
761 complete the reconciliation. The reconciliation sheet shall be open to
762 public inspection and may be used as prima facie evidence of a
763 discrepancy in any contest arising pursuant to chapter 149. If the audit
764 officials are unable to reconcile the manual count with the electronic
765 vote tabulation and discrepancies, the Secretary of the State shall
766 conduct such further investigation of the voting [machine] tabulator
767 malfunction as may be necessary for the purpose of reviewing whether
768 or not to decertify the voting [machine] tabulator or [machines]

769 tabulators and may order a recanvass in accordance with the
770 provisions of subdivision (4) of this section.

771 (6) The individual, permanent, voter-verified, paper records
772 contemporaneously produced by any direct recording electronic
773 voting [machine] tabulator in use at an election or primary held on or
774 after July 1, 2005, shall be carefully preserved and returned in their
775 designated receptacle in accordance with the requirements of section 9-
776 266, 9-302 or 9-310, whichever is applicable, and may not be opened or
777 destroyed, except during recanvass or manual audit as set forth in this
778 section, for one hundred eighty days following an election or primary
779 that does not include a federal office, pursuant to section 9-310, or for
780 twenty-two months following an election or primary involving a
781 federal office, pursuant to 42 USC 1974, as amended from time to time.

782 (7) Nothing in this section shall preclude any candidate or elector
783 from seeking additional remedies pursuant to chapter 149.

784 (8) After an election or primary, any voting [machine] tabulator may
785 be kept locked for a period longer than that prescribed by sections 9-
786 266, 9-310 and 9-447, if such an extended period is ordered by either a
787 court of competent jurisdiction, the Secretary of the State or the State
788 Elections Enforcement Commission. Either the court, the Secretary of
789 the State or said commission may order an audit of such voting
790 [machines] tabulators to be conducted by such persons as the court, the
791 Secretary of the State or said commission may designate.

792 Sec. 25. Section 9-244 of the general statutes is repealed and the
793 following is substituted in lieu thereof (*Effective from passage*):

794 (a) Such registrars of voters shall give written notice to the
795 chairpersons of the town committees of the political parties of the day
796 and place a [mechanic or mechanics] registrar or registrars will begin
797 the preparation, test voting and sealing of the [machines] tabulators for
798 the election, including any additional [machines] tabulators required
799 under section 9-238. Such notice shall be given at least one day before
800 the work on the preparation of such [machines] tabulators begins.

801 (b) Each such chairperson and any candidate for an office appearing
802 on the ballot may be present, or may designate a watcher who may be
803 present, during the preparation of such [machines] tabulators, but such
804 chairpersons, candidates and watchers shall not interfere with, or
805 assist in, the preparation of the [machines] tabulators.

806 (c) After the [mechanic or mechanics] registrar or registrars have
807 prepared the [machines, (1)] tabulators, the registrars of voters, or their
808 designees [, who shall not include any such mechanics, and (2) all
809 mechanics who prepared such machines shall be present together
810 when the machines are tested and sealed] shall test and seal such
811 tabulators for use in the election. The chairpersons of the town
812 committees of the political parties and any candidate for an office
813 appearing on the ballot may also be present, or may designate a
814 watcher who may be present, during the testing and sealing, but such
815 chairpersons, candidates and watchers shall not interfere with the
816 testing or sealing. All such persons who are present for the testing and
817 sealing of the [machines, except the mechanics,] tabulators shall file a
818 written report, as provided in section 9-245, certifying [(A)] (1) to the
819 numbers of the [machines] tabulators, [(B)] (2) as to whether all the
820 candidate and question counters are set at zero (000), [(C)] (3) as to the
821 numbers registered on the protective counters, if provided, and the
822 numbers on the seals, [(D)] (4) that the ballot [labels are] is properly
823 [placed on the machines] prepared, and [(E)] (5) that the [machines]
824 tabulators have been test-voted and found to be working properly.

825 Sec. 26. Section 9-245 of the general statutes is repealed and the
826 following is substituted in lieu thereof (*Effective from passage*):

827 The reports of the [mechanics] registrars of voters, provided for
828 under section 9-246, and the report provided for under subsection (c)
829 of section 9-244, shall be filed with the municipal clerk and shall be
830 kept by the municipal clerk for at least sixty days after the election for
831 which the [machines] tabulators were so prepared.

832 Sec. 27. Section 9-246 of the general statutes is repealed and the
833 following is substituted in lieu thereof (*Effective from passage*):

834 (a) The [mechanic or mechanics] registrar or registrars shall file a
835 written report of the condition of each [machine] tabulator certifying
836 that (1) they have prepared the [machines] tabulators, (2) all the
837 counters are set at zero (000), (3) [all] the ballot [labels are] is properly
838 placed thereon, (4) the [grouping mechanism] tabulator has been
839 properly adjusted according to the [ballot labels] ballots, and (5) each
840 [machine] tabulator is otherwise in readiness for the election. This
841 report shall include the number of each [machine] tabulator and a
842 statement of any defects or features of the [machine] tabulator that
843 need attention or correction. The [mechanic or mechanics] registrar or
844 registrars shall also place upon each of the [machines] tabulators a
845 numbered [metal] seal, secured in such a way that, before any
846 movement of the registering or voting mechanism can be effected,
847 such seal will be destroyed or broken. All voting [machines] tabulators
848 shall be transferred to the polling places in charge of an elector
849 authorized by the registrars of voters under whose direction the voting
850 [machines] tabulators are to be prepared, as provided in section 9-240a;
851 and such elector shall certify to their delivery in good order.
852 Additional [machines] tabulators required under section 9-238 shall be
853 so located by the registrars of voters as to be available for immediate
854 transfer to the polling places within the municipality. The [mechanic or
855 mechanics] registrar or registrars shall have custody of the keys of the
856 voting [machines only when they are at work on such machines, and
857 immediately thereafter such keys shall be returned to the municipal
858 clerk. The return of such keys shall, in each case, be made before the
859 day of election] tabulators.

860 (b) The [mechanic or mechanics] registrar or registrars shall file a
861 written report detailing any repairs made to a [machine] tabulator on
862 the day of an election. This report shall certify (1) the number of the
863 [machine] tabulator, (2) the time when the problem occurred, (3) a
864 summary description of the work performed, and (4) that no repairs
865 were made to the [machine] tabulator, after any vote was cast on the
866 day of an election, that would affect the manner in which votes were
867 recorded on the [machine] tabulator.

868 Sec. 28. Section 9-247 of the general statutes is repealed and the
869 following is substituted in lieu thereof (*Effective from passage*):

870 The registrars of voters shall, before the day of the election, cause
871 the [mechanic or mechanics to insert on each machine the ballot labels
872 corresponding with the sample diagrams provided and to put each
873 such machine in order in every way and set and adjust the same so
874 that it shall be] test ballots to be inserted in each tabulator to ensure
875 that each tabulator is prepared and ready for use in voting when
876 delivered at the polling place. Such registrars shall cause the [machine]
877 tabulator so [labeled] prepared, in order and set and adjusted, to be
878 delivered at the polling place, together with all necessary furniture and
879 appliances that go with the same, at the room where the election is to
880 be held, not later than six o'clock in the afternoon of the day preceding
881 the election. [Each voting machine shall be furnished with light
882 sufficient to enable electors while voting to read the ballot labels and
883 suitable for use by the election officials in examining the counters. A
884 pencil shall also be provided, within each voting machine, for use in
885 casting a write-in ballot.]

886 Sec. 29. Section 9-248 of the general statutes is repealed and the
887 following is substituted in lieu thereof (*Effective from passage*):

888 When a voting [machine] tabulator is purchased or leased or
889 otherwise provided for use in any municipality, the Secretary of the
890 State shall prepare or approve samples of the following printed matter
891 and supplies and shall furnish one of each to the officials of such
892 municipality who have so provided such [machine] tabulator in
893 accordance with the provisions of section 9-238: (1) Directions for
894 testing and preparing the voting [machines] tabulators for the election;
895 (2) one certificate on which the [mechanic] registrars of voters can
896 certify that [he has] they have properly tested and prepared the
897 [machine] tabulator for the election; (3) one certificate on which some
898 person other than the [mechanic] registrars of voters who prepared the
899 [machine] tabulator can certify that the [machine] tabulator has been
900 examined and found to have been properly prepared for the election;

901 (4) one certificate on which can be certified that party watchers have
902 witnessed the testing and preparing of the [machines] tabulators; (5)
903 one certificate that the [machines] tabulators have been delivered to
904 polling places in good order; (6) one card for each polling place, stating
905 the penalty for tampering with or injuring a voting [machine]
906 tabulator; (7) two seals for sealing the [machine] tabulator; [(8) one
907 envelope in which the keys to the machine can be sealed and delivered
908 to the election officials, such envelope to have printed or written
909 thereon the designation and location of the voting district in which the
910 machine is to be used, the number of the machine, the number shown
911 on the protective counter thereof after the machine has been prepared
912 for the election and the number or other designation on such seal as
913 the machine is sealed with, such envelope to have attached to it a
914 detachable receipt for the delivery of the keys to the voting machine to
915 the election officials; (9) one envelope in which the keys to the voting
916 machine can be returned by the election officials after the election; (10)
917 one card stating the name and telephone number and address of the
918 mechanic on the day of the election; and (11)] and (8) a report of an
919 inspection of the [machines] tabulators by the moderator, registrars
920 and checkers, which inspection shall be made before the opening of the
921 polls. The [municipal clerk] registrars of voters shall, for each election,
922 prepare and furnish said supplies for each voting [machine] tabulator,
923 in conformity with said samples. The [municipal clerk] registrars of
924 voters shall also prepare and furnish to the election officials tally and
925 return blanks [containing the names of all candidates for office on the
926 official ballots,] in such manner as may be directed by the Secretary of
927 the State, except that all blanks furnished by said secretary throughout
928 the state shall be uniform in their printing.

929 Sec. 30. Subsection (a) of section 9-249 of the general statutes is
930 repealed and the following is substituted in lieu thereof (*Effective from*
931 *passage*):

932 (a) Before each election, the registrars of voters [,] and certified
933 moderator [and certified mechanic] shall instruct the election officials.
934 Any provision of the general statutes or of any special act to the

935 contrary notwithstanding, election officials shall be appointed at least
936 twenty days before the election except as provided in section 9-229.
937 The registrars [,] and certified moderator [and certified mechanic] shall
938 instruct each election official who is to serve in a voting district in
939 which a voting [machine] tabulator is to be used in the use of the
940 [machine] tabulator and his duties in connection therewith, and for the
941 purpose of giving such instruction, such instructors shall call such
942 meeting or meetings of the election officials as are necessary. Such
943 instructors shall, without delay, file a report in the office of the
944 municipal clerk and with the Secretary of the State, (1) stating that they
945 have instructed the election officials named in the report and the time
946 and place where such instruction was given, and (2) containing a
947 signed statement from each such election official acknowledging that
948 the official has received such instruction.

949 Sec. 31. Subsection (a) of section 9-249a of the general statutes is
950 repealed and the following is substituted in lieu thereof (*Effective from*
951 *passage*):

952 (a) The names of the parties shall be arranged on the [machines]
953 ballots in the following order:

954 (1) The party whose candidate for Governor polled the highest
955 number of votes in the last-preceding election;

956 (2) Other parties who had candidates for Governor in the last-
957 preceding election, in descending order, according to the number of
958 votes polled for each such candidate;

959 (3) Minor parties who had no candidate for Governor in the last-
960 preceding election;

961 (4) Petitioning candidates with party designation whose names are
962 contained in petitions approved pursuant to section 9-453o, and

963 (5) Petitioning candidates with no party designation whose names
964 are contained in petitions approved pursuant to section 9-453o.

965 Sec. 32. Subsection (a) of section 9-249b of the general statutes is
966 repealed and the following is substituted in lieu thereof (*Effective from*
967 *passage*):

968 (a) If, after applying the provisions of sections 9-249a and 9-453r, the
969 number of party designations and petitioning candidate rows on the
970 ballot exceeds nine, the Secretary of the State may authorize (1) two or
971 more party designations and petitioning candidates to appear on the
972 same row of the [voting machines] ballot, beginning with the ninth
973 row on the [voting machines] ballot and, if necessary, then moving up
974 one or more rows, (2) that an office take two or more columns on the
975 [voting machines] ballot, and (3) that the party designation, or an
976 abbreviation of it, be repeated on the ballot.

977 Sec. 33. Section 9-250a of the general statutes is repealed and the
978 following is substituted in lieu thereof (*Effective from passage*):

979 When a political party has failed to nominate a candidate for any
980 office for which it is entitled to make such nomination, the space on the
981 ballot [label] in which the name of the party's candidate would appear
982 shall be left blank.

983 Sec. 34. Section 9-251 of the general statutes is repealed and the
984 following is substituted in lieu thereof (*Effective from passage*):

985 In the preparation of [ballot labels] ballots for use at a state election
986 precedence shall be given to the offices to be voted for at such election
987 in the following descending order: Presidential electors, Governor and
988 Lieutenant Governor, United States senator, representative in
989 Congress, state senator, state representative, Secretary of the State,
990 Treasurer, Comptroller, Attorney General and judge of probate. In the
991 preparation of [ballot labels] ballots for use at a municipal election,
992 unless otherwise provided by law, the order of the offices shall be as
993 prescribed by the Secretary of the State, which order, so far as
994 practicable, shall be uniform throughout the state.

995 Sec. 35. Section 9-255 of the general statutes is repealed and the

996 following is substituted in lieu thereof (*Effective from passage*):

997 The board of selectmen or the municipal clerk shall provide for all
998 polling places using voting [machines] tabulators at least three sample
999 [ballot labels which shall be arranged in the form of a diagram
1000 showing the entire front of the voting machine as it will appear after
1001 the official ballot labels are arranged for voting on election day or that
1002 portion thereof which will] ballots that shall contain the offices, party
1003 designations, names of candidates, write-in slots and questions to be
1004 voted upon. On each such sample ballot [label] shall be printed
1005 instructions as to the use of the voting [machine] tabulator, which
1006 instructions shall be approved by the Secretary of the State. Such
1007 sample ballot [labels] shall be so posted inside the polling place as to
1008 be visible to those within the polling place during the whole day of
1009 election. At least one of such sample ballot [labels] shall be so posted as
1010 to be visible to an elector being instructed on the [demonstrator or
1011 spare voting machine] use of the voting tabulator under section 9-260.

1012 Sec. 36. Section 9-256 of the general statutes is repealed and the
1013 following is substituted in lieu thereof (*Effective from passage*):

1014 The clerk of each municipality shall, not less than ten days prior to
1015 an election, file with the Secretary of the State a sample ballot [label]
1016 identical with those to be provided for each polling place under section
1017 9-255. The Secretary of the State shall examine the sample ballot [label]
1018 required to be filed under this section, and if such sample ballot [label]
1019 contains an error, the Secretary of the State shall order the municipal
1020 clerk to reprint a corrected sample ballot [label] or to take other such
1021 action as the secretary may deem appropriate.

1022 Sec. 37. Section 9-260 of the general statutes is repealed and the
1023 following is substituted in lieu thereof (*Effective from passage*):

1024 A [metal] demonstrator [machine or spare voting machine] device
1025 shall be provided inside the polling place for the instruction of electors.
1026 [Any such spare voting machine shall not be used for voting and shall
1027 be provided in addition to any additional voting machines required

1028 pursuant to section 9-238.] Any such demonstrator [machine shall
1029 represent at least five office columns of the two upper rows on the
1030 voting machine. Such demonstrator or spare voting machine shall
1031 contain, in each space provided for the name of a party, the
1032 designation "name of party", in each space provided for the name of a
1033 candidate, the designation "name of candidate", in each space
1034 provided for the name of an office, the designation, "office", and in
1035 each space provided for a question, the designation, "Question-
1036 Statement of Question-Yes-No". A spare voting machine provided for
1037 the purposes of this section shall contain, in the upper left-hand corner,
1038 directly opposite the write-in slides, the designation "write-in slides".
1039 The party levers on such demonstrator or spare voting machine shall
1040 be covered. At a primary, each space provided for a question shall be
1041 left blank] device shall instruct electors on the proper method to cast
1042 their vote, including the proper method to cast a write-in vote using
1043 the voting equipment located in each polling place. Upon request by
1044 any elector who desires instruction after he has entered the polling
1045 place and prior to casting his vote, two election officials of different
1046 political parties jointly shall instruct such elector on the demonstrator
1047 [or spare voting machine by causing such elector himself to operate the
1048 parts of such demonstrator or spare voting machine] device.

1049 Sec. 38. Section 9-264 of the general statutes is repealed and the
1050 following is substituted in lieu thereof (*Effective from passage*):

1051 [(a)] An elector who requires assistance to vote, by reason of
1052 blindness, disability or inability to write or to read the ballot, may be
1053 given assistance by a person of the elector's choice, other than (1) the
1054 elector's employer, (2) an agent of such employer or (3) an officer or
1055 agent of the elector's union. The person assisting the elector may
1056 accompany the elector into the voting [machine] booth. Such person
1057 shall register such elector's vote upon the [machine] ballot as such
1058 elector directs. Any person accompanying an elector into the voting
1059 [machine] booth who deceives any elector in registering his vote under
1060 this section or seeks to influence any elector while in the act of voting,
1061 or who registers any vote for any elector or on any question other than

1062 as requested by such elector, or who gives information to any person
1063 as to what person or persons such elector voted for, or how he voted
1064 on any question, shall be fined not more than one thousand dollars or
1065 imprisoned not more than five years or both.

1066 [(b) Paper ballots provided by the municipal clerk to the moderator
1067 pursuant to section 9-259 shall be made available for electors with
1068 disabilities in polling places in which a voting machine cannot be
1069 adjusted to allow all necessary parts to be reached from a chair. Such
1070 paper ballots shall be used at the option of the elector with disabilities.
1071 The elector shall announce the elector's name to the checkers who shall
1072 cross the elector's name off the registry list and add it with the elector's
1073 address to the end of the official checklist where it shall be designated
1074 "paper ballot for persons with disabilities" or "PBD" and serially
1075 numbered. After the elector has so announced the elector's name, the
1076 moderator shall deliver to the elector an absentee ballot and a serially-
1077 numbered envelope. The elector shall forthwith mark the ballot in the
1078 presence of the moderator in such manner that the moderator shall not
1079 know how the ballot is marked. The elector shall fold the ballot in the
1080 presence of the moderator so as to conceal the markings and deposit
1081 and seal it in the serially-numbered envelope. The elector shall deliver
1082 the envelope to the moderator who shall place it in a specially-
1083 designated depository envelope. The paper ballots thus received shall
1084 be counted at the next scheduled absentee ballot count in the same
1085 manner as other absentee ballots. Such ballots so counted shall be
1086 preserved by placing them in the depository envelopes with the
1087 regular absentee ballots, and such serially-numbered envelopes shall
1088 be placed in the depository envelopes with the regular absentee ballot
1089 envelopes.]

1090 Sec. 39. Section 9-266 of the general statutes is repealed and the
1091 following is substituted in lieu thereof (*Effective from passage*):

1092 When the voting tabulator has been locked at the close of an
1093 election, the moderator shall return the keys for the tabulator to the
1094 registrars of voters with the official returns. Except as provided in

1095 section 9-311, such registrars of voters shall securely keep such keys
1096 and not permit the same to be taken, or any tabulator to be unlocked,
1097 for a period of fourteen days from the election, unless otherwise
1098 ordered by a court of competent jurisdiction, the Secretary of the State
1099 or by the State Elections Enforcement Commission. All tabulators shall
1100 be collected immediately on the day after election or as soon thereafter
1101 as possible, and shall be secured and stored in a place or places
1102 directed by the registrars of voters.

1103 Sec. 40. Section 9-267 of the general statutes is repealed and the
1104 following is substituted in lieu thereof (*Effective from passage*):

1105 If, at any time during the performance of his duties, any moderator,
1106 challenger, voting [machine] tabulator tender or checker is, from any
1107 cause, found incompetent, the registrars may remove him and appoint
1108 a competent person in his stead.

1109 Sec. 41. Section 9-272 of the general statutes is repealed and the
1110 following is substituted in lieu thereof (*Effective from passage*):

1111 If, owing to the number of candidates to be voted upon, [or] owing
1112 to inability to obtain a sufficient number of voting tabulators [,] or, if it
1113 is found impracticable to use voting tabulators at any election, primary
1114 or referenda to be held in any municipality, or in one or more of the
1115 voting districts therein, the registrars of voters may discontinue the use
1116 of such tabulators for such election in any of the voting districts
1117 therein, and shall thereupon cause ballots to be procured and used at
1118 such election, [as provided by this part,] primary or referenda in each
1119 of the voting districts wherein the use of voting tabulators has been so
1120 discontinued. The procedures for securing and counting the paper
1121 ballots described in this section shall comply as nearly as may be, in
1122 the manner prescribed by the Secretary of the State, to the counting of
1123 absentee ballots.

1124 Sec. 42. Section 9-307 of the general statutes is repealed and the
1125 following is substituted in lieu thereof (*Effective from passage*):

1126 Immediately after the polls are closed, the official checkers,
1127 appointed under the provisions of section 9-234, shall make and
1128 deliver to the moderator a certificate, in duplicate, stating the whole
1129 number of names on the registry list or enrollment list including, if
1130 applicable, unaffiliated electors authorized under section 9-431 to vote
1131 in the primary, and the number checked as having voted in that
1132 election or primary. For the purpose of computing the whole number
1133 of names on the registry list, the lists of persons who have applied for
1134 presidential or overseas ballots prepared in accordance with section 9-
1135 158h shall be included. Thereupon the registrars or assistant registrars,
1136 as the case may be, acting at the respective polls, shall write and sign
1137 with ink, on the list or lists so used and checked, a certificate of the
1138 whole number of names registered thereon eligible to vote in the
1139 election or primary and the number checked as having voted in that
1140 election or primary, and deposit it in the office of the municipal clerk
1141 of their town on or before the following day. The municipal clerk shall
1142 carefully preserve the same on file, with the marks on it without
1143 alteration, for public inspection, and shall immediately enter a certified
1144 copy of such certificate on the town records. Subject to the provisions
1145 of section 7-109, the municipal clerk may destroy any voting check list
1146 four years after the date upon which it was used. The moderator shall
1147 place one of the duplicate certificates which he received from the
1148 official checkers [in the voting machine] with the voted ballots from
1149 the polling place together with the moderator's return provided for in
1150 sections 9-259 and 9-310 and shall then lock the [machine] tabulator as
1151 provided in section 9-310, and he shall deposit the other of such
1152 duplicate certificates in the office of the municipal clerk on or before
1153 the following day.

1154 Sec. 43. Section 9-308 of the general statutes is repealed and the
1155 following is substituted in lieu thereof (*Effective from passage*):

1156 Immediately on the close of the polls, the election officials shall
1157 proceed to canvass the returns as provided in section 9-309 and shall
1158 not stop for any purpose until the canvass is completed. The room in
1159 which such canvass is made shall be clearly lighted and such canvass

1160 shall be made in plain view of the public. No person or persons,
1161 during the canvass, shall close or cause to be closed the main entrance
1162 to the room in which such canvass is conducted, in such manner as to
1163 prevent ingress or egress thereby, but, during such canvass, no person
1164 other than the election officials shall be permitted to be on the side of
1165 the guard rail where the voting [machine] tabulator is located.

1166 Sec. 44. Section 9-309 of the general statutes is repealed and the
1167 following is substituted in lieu thereof (*Effective from passage*):

1168 As soon as the polls are closed, the moderator, in the presence of the
1169 other election officials, shall immediately lock the voting [machine]
1170 tabulator against voting and immediately [open the counting
1171 compartments, giving a full view of all the counter numbers to all the
1172 election officials present] cause the vote totals for all candidates and
1173 questions to be produced. The moderator shall, in the order of the
1174 offices as their titles are arranged on the [machine] ballot, read and
1175 announce in distinct tones the result as shown, [by the counter
1176 numbers,] giving the number indicated [by each counter] and
1177 indicating the candidate to whom such [counter] total belongs, and
1178 shall read the votes recorded for each office on the [voting machine
1179 ballot label] ballot. He shall also, in the same manner, announce the
1180 vote on each constitutional amendment, proposition or other question
1181 voted on. The vote so announced by the moderator shall be taken
1182 down by each checker and recorded on the tally sheets. Each checker
1183 shall record the number of votes received for each candidate on the
1184 [voting machine ballot label] ballot and also the number received by
1185 each person for whom write-in ballots were cast. The [counter
1186 compartment of the voting machine] result totals shall remain [open]
1187 in full public view until the statement of canvass and all other reports
1188 have been fully completed and signed by the moderator, checkers and
1189 registrars, or assistant registrars, as the case may be. The result of the
1190 votes cast shall be publicly announced by the moderator, who shall
1191 read the name of each candidate, with the designating number and
1192 letter [of his counter and the machine vote registered on such counter]
1193 on the ballot and the absentee vote as furnished the moderator by the

1194 absentee ballot counters; also the vote cast for and against each
1195 question submitted. While such announcement is being made, ample
1196 opportunity shall be given to any person lawfully present to compare
1197 the results so announced with the [counter dials of the machine] result
1198 totals provided by the tabulator and any necessary corrections shall
1199 then and there be made by the moderator, checkers and registrars or
1200 assistant registrars, after which the [doors] compartments of the voting
1201 [machine] tabulator shall be closed and locked. In canvassing,
1202 recording and announcing the result, the election officials shall be
1203 guided by any instructions furnished by the Secretary of the State. [If
1204 the machine is equipped with a device for printing totals of candidate
1205 and question counters, and the device has been made operational at
1206 the instruction of both registrars of voters, the doors concealing the
1207 counters shall not be opened. The printed record produced by the
1208 machine shall be the official return, and the results of the votes as
1209 shown thereon shall be proclaimed in the same manner as herein
1210 provided and ample opportunity shall be given to any person lawfully
1211 present to inspect such printed records. If the moderator finds that the
1212 printed record is not clear, the doors concealing the counters shall be
1213 opened and counting shall proceed as with a machine which does not
1214 have such a device.]

1215 Sec. 45. Section 9-310 of the general statutes is repealed and the
1216 following is substituted in lieu thereof (*Effective from passage*):

1217 As soon as the count is completed and the moderator's return
1218 required under the provisions of section 9-259 has been executed, the
1219 moderator shall place the sealed tabulator in the tabulator bag, and so
1220 seal the bag, and the tabulator shall remain so sealed against voting or
1221 being tampered with for a period of fourteen days, except as provided
1222 in section 9-311 or pursuant to an order issued by the State Elections
1223 Enforcement Commission or the Secretary of the State. If it is
1224 determined that a recanvass is required pursuant to section 9-311 or 9-
1225 311a, immediately upon such determination the tabulators, write-in
1226 ballots, absentee ballots, moderators' returns and all other notes,
1227 worksheets or written materials used at the election shall be

1228 impounded at the direction of the Secretary of the State. Such package
1229 shall be preserved for one hundred eighty days after such election and
1230 may be opened and its contents examined in accordance with section
1231 9-311 or upon an order of a court of competent jurisdiction. At the end
1232 of one hundred eighty days, unless otherwise ordered by the court,
1233 such package and its contents may be destroyed. Any person who
1234 unlocks the voting or operating mechanism of the tabulator or the
1235 counting compartment after it has been locked as above directed or
1236 breaks or destroys or tampers with the seal after it has been affixed as
1237 above directed or changes the indication of the counters on any voting
1238 tabulator within fourteen days after the election or within any longer
1239 period during which the tabulator is kept locked as ordered by a court
1240 of competent jurisdiction, the Secretary of the State or by the State
1241 Elections Enforcement Commission in any special case, except as
1242 provided in section 9-311, shall be imprisoned for not more than five
1243 years. Any tabulator may be released in less than fourteen days, for
1244 use in another election, by order of a court, if there is no disagreement
1245 as to the returns from such machine and no order directing
1246 impoundment has been issued by the State Elections Enforcement
1247 Commission.

1248 Sec. 46. Section 9-311a of the general statutes is repealed and the
1249 following is substituted in lieu thereof (*Effective from passage*):

1250 For purposes of this section, state, district and municipal offices
1251 shall be as defined in section 9-372 except that the office of presidential
1252 elector shall be deemed a state office. Forthwith after a regular or
1253 special election for municipal office, or forthwith upon tabulation of
1254 the vote for state and district offices by the Secretary of the State, when
1255 at any such election the plurality of an elected candidate for an office
1256 over the vote for a defeated candidate receiving the next highest
1257 number of votes was either (1) less than a vote equivalent to one-half
1258 of one per cent of the total number of votes cast for the office but not
1259 more than two thousand votes, or (2) less than twenty votes, there
1260 shall be a recanvass of the returns of the voting [machine] tabulator or
1261 voting [machines] tabulators and absentee ballots used in such election

1262 for such office unless such defeated candidate or defeated candidates,
1263 as the case may be, for such office file a written statement waiving this
1264 right to such canvass with the municipal clerk in the case of a
1265 municipal office, or with the Secretary of the State in the case of a state
1266 or district office. In the case of state and district offices, the Secretary of
1267 the State upon tabulation of the votes for such offices shall notify the
1268 town clerks in the state or district, as the case may be, of the state and
1269 district offices which qualify for an automatic recanvass and shall also
1270 notify each candidate for any such office. When a recanvass is to be
1271 held the municipal clerk shall promptly notify the moderator, as
1272 defined in section 9-311, who shall proceed forthwith to cause a
1273 recanvass of such returns of the office in question in the same manner
1274 as is provided in said section 9-311. In addition to the notice required
1275 under section 9-311, the moderator shall before such recanvass is made
1276 give notice in writing of the time when, and place where, such
1277 recanvass is to be made to each candidate for a municipal office which
1278 qualifies for an automatic recanvass under this section. Nothing in this
1279 section shall preclude the right to judicial proceedings on behalf of a
1280 candidate under any provision of chapter 149. For the purposes of this
1281 section, "the total number of votes cast for the office" means in the case
1282 of multiple openings for the same office, the total number of electors
1283 checked as having voted in the state, district, municipality or political
1284 subdivision, as the case may be. When a recanvass of the returns for an
1285 office for which there are multiple openings is required by the
1286 provisions of this section, the returns for all candidates for all openings
1287 for the office shall be recanvassed. No one other than a recanvass
1288 official shall take part in the recanvass. If any irregularity in the
1289 recanvass procedure is noted by a candidate, he shall be permitted to
1290 present evidence of such irregularity in any contest relating to the
1291 election.

1292 Sec. 47. Section 9-323 of the general statutes is repealed and the
1293 following is substituted in lieu thereof (*Effective from passage*):

1294 Any elector or candidate who claims that he is aggrieved by any
1295 ruling of any election official in connection with any election for

1296 presidential electors and for a senator in Congress and for
1297 representative in Congress or any of them, held in his town, or that
1298 there was a mistake in the count of the votes cast at such election for
1299 candidates for such electors, senator in Congress and representative in
1300 Congress, or any of them, at any voting district in his town, or any
1301 candidate for such an office who claims that he is aggrieved by a
1302 violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-
1303 364, 9-364a or 9-365 in the casting of absentee ballots at such election,
1304 may bring his complaint to any judge of the Supreme Court, in which
1305 he shall set out the claimed errors of such election official, the claimed
1306 errors in the count or the claimed violations of said sections. In any
1307 action brought pursuant to the provisions of this section, the
1308 complainant shall send a copy of the complaint by first-class mail, or
1309 deliver a copy of the complaint by hand, to the State Elections
1310 Enforcement Commission. If such complaint is made prior to such
1311 election, such judge shall proceed expeditiously to render judgment on
1312 the complaint and shall cause notice of the hearing to be given to the
1313 Secretary of the State and the State Elections Enforcement Commission.
1314 If such complaint is made subsequent to the election, it shall be
1315 brought not later than fourteen days after the election or, if such
1316 complaint is brought in response to the manual tabulation of paper
1317 ballots authorized pursuant to section 9-320f, such complaint shall be
1318 brought not later than seven days after the close of any such manual
1319 tabulation, and in either such circumstance, the judge shall forthwith
1320 order a hearing to be had upon such complaint, upon a day not more
1321 than five or less than three days from the making of such order, and
1322 shall cause notice of not less than three or more than five days to be
1323 given to any candidate or candidates whose election may be affected
1324 by the decision upon such hearing, to such election official, to the
1325 Secretary of the State, to the State Elections Enforcement Commission
1326 and to any other party or parties whom such judge deems proper
1327 parties thereto, of the time and place for the hearing upon such
1328 complaint. Such judge, with two other judges of the Supreme Court to
1329 be designated by the Chief Court Administrator, shall, on the day fixed
1330 for such hearing and without unnecessary delay, proceed to hear the

1331 parties. If sufficient reason is shown, such judges may order any voting
1332 [machines] tabulators to be unlocked or any ballot boxes to be opened
1333 and a recount of the votes cast, including absentee ballots, to be made.
1334 Such judges shall thereupon, in the case they, or any two of them, find
1335 any error in the rulings of the election official, any mistake in the count
1336 of such votes or any violation of said sections, certify the result of their
1337 finding or decision, or the finding or decision of a majority of them, to
1338 the Secretary of the State before the first Monday after the second
1339 Wednesday in December. Such judges may order a new election or a
1340 change in the existing election schedule, provided such order complies
1341 with Section 302 of the Help America Vote Act, P.L. 107-252, as
1342 amended from time to time. Such certificate of such judges, or a
1343 majority of them, shall be final upon all questions relating to the
1344 rulings of such election officials, to the correctness of such count and,
1345 for the purposes of this section only, such claimed violations, and shall
1346 operate to correct the returns of the moderators or presiding officers so
1347 as to conform to such finding or decision.

1348 Sec. 48. Section 9-324 of the general statutes is repealed and the
1349 following is substituted in lieu thereof (*Effective from passage*):

1350 Any elector or candidate who claims that such elector or candidate
1351 is aggrieved by any ruling of any election official in connection with
1352 any election for Governor, Lieutenant Governor, Secretary of the State,
1353 State Treasurer, Attorney General, State Comptroller or judge of
1354 probate, held in such elector's or candidate's town, or that there has
1355 been a mistake in the count of the votes cast at such election for
1356 candidates for said offices or any of them, at any voting district in such
1357 elector's or candidate's town, or any candidate for such an office who
1358 claims that such candidate is aggrieved by a violation of any provision
1359 of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the
1360 casting of absentee ballots at such election or any candidate for the
1361 office of Governor, Lieutenant Governor, Secretary of the State, State
1362 Treasurer, Attorney General or State Comptroller, who claims that
1363 such candidate is aggrieved by a violation of any provision of sections
1364 9-700 to 9-716, inclusive, may bring such elector's or candidate's

1365 complaint to any judge of the Superior Court, in which such elector or
1366 candidate shall set out the claimed errors of such election official, the
1367 claimed errors in the count or the claimed violations of said sections. In
1368 any action brought pursuant to the provisions of this section, the
1369 complainant shall send a copy of the complaint by first-class mail, or
1370 deliver a copy of the complaint by hand, to the State Elections
1371 Enforcement Commission. If such complaint is made prior to such
1372 election, such judge shall proceed expeditiously to render judgment on
1373 the complaint and shall cause notice of the hearing to be given to the
1374 Secretary of the State and the State Elections Enforcement Commission.
1375 If such complaint is made subsequent to the election, it shall be
1376 brought not later than fourteen days after the election or, if such
1377 complaint is brought in response to the manual tabulation of paper
1378 ballots authorized pursuant to section 9-320f, such complaint shall be
1379 brought not later than seven days after the close of any such manual
1380 tabulation and, in either such circumstance, such judge shall forthwith
1381 order a hearing to be had upon such complaint, upon a day not more
1382 than five nor less than three days from the making of such order, and
1383 shall cause notice of not less than three nor more than five days to be
1384 given to any candidate or candidates whose election may be affected
1385 by the decision upon such hearing, to such election official, the
1386 Secretary of the State, the State Elections Enforcement Commission and
1387 to any other party or parties whom such judge deems proper parties
1388 thereto, of the time and place for the hearing upon such complaint.
1389 Such judge shall, on the day fixed for such hearing and without
1390 unnecessary delay, proceed to hear the parties. If sufficient reason is
1391 shown, such judge may order any voting [machines] tabulators to be
1392 unlocked or any ballot boxes to be opened and a recount of the votes
1393 cast, including absentee ballots, to be made. Such judge shall
1394 thereupon, in case such judge finds any error in the rulings of the
1395 election official, any mistake in the count of the votes or any violation
1396 of said sections, certify the result of such judge's finding or decision to
1397 the Secretary of the State before the fifteenth day of the next
1398 succeeding December. Such judge may order a new election or a
1399 change in the existing election schedule. Such certificate of such judge

1400 of such judge's finding or decision shall be final and conclusive upon
1401 all questions relating to errors in the rulings of such election officials,
1402 to the correctness of such count, and, for the purposes of this section
1403 only, such claimed violations, and shall operate to correct the returns
1404 of the moderators or presiding officers, so as to conform to such
1405 finding or decision, unless the same is appealed from as provided in
1406 section 9-325.

1407 Sec. 49. Section 9-328 of the general statutes is repealed and the
1408 following is substituted in lieu thereof (*Effective from passage*):

1409 Any elector or candidate claiming to have been aggrieved by any
1410 ruling of any election official in connection with an election for any
1411 municipal office or a primary for justice of the peace, or any elector or
1412 candidate claiming that there has been a mistake in the count of votes
1413 cast for any such office at such election or primary, or any candidate in
1414 such an election or primary claiming that he is aggrieved by a violation
1415 of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-
1416 364a or 9-365 in the casting of absentee ballots at such election or
1417 primary, may bring a complaint to any judge of the Superior Court for
1418 relief therefrom. In any action brought pursuant to the provisions of
1419 this section, the complainant shall send a copy of the complaint by
1420 first-class mail, or deliver a copy of the complaint by hand, to the State
1421 Elections Enforcement Commission. If such complaint is made prior to
1422 such election or primary, such judge shall proceed expeditiously to
1423 render judgment on the complaint and shall cause notice of the hearing
1424 to be given to the Secretary of the State and the State Elections
1425 Enforcement Commission. If such complaint is made subsequent to
1426 such election or primary, it shall be brought not later than fourteen
1427 days after such election or primary, except that if such complaint is
1428 brought in response to the manual tabulation of paper ballots,
1429 authorized pursuant to section 9-320f, such complaint shall be brought
1430 not later than seven days after the close of any such manual tabulation,
1431 to any judge of the Superior Court, in which he shall set out the
1432 claimed errors of the election official, the claimed errors in the count or
1433 the claimed violations of said sections. Such judge shall forthwith

1434 order a hearing to be had upon such complaint, upon a day not more
1435 than five nor less than three days from the making of such order, and
1436 shall cause notice of not less than three nor more than five days to be
1437 given to any candidate or candidates whose election or nomination
1438 may be affected by the decision upon such hearing, to such election
1439 official, the Secretary of the State, the State Elections Enforcement
1440 Commission and to any other party or parties whom such judge deems
1441 proper parties thereto, of the time and place for the hearing upon such
1442 complaint. Such judge shall, on the day fixed for such hearing and
1443 without unnecessary delay, proceed to hear the parties. If sufficient
1444 reason is shown, he may order any voting [machines] tabulators to be
1445 unlocked or any ballot boxes to be opened and a recount of the votes
1446 cast, including absentee ballots, to be made. Such judge shall
1447 thereupon, if he finds any error in the rulings of the election official or
1448 any mistake in the count of the votes, certify the result of his finding or
1449 decision to the Secretary of the State before the tenth day succeeding
1450 the conclusion of the hearing. Such judge may order a new election or
1451 primary or a change in the existing election schedule. Such certificate
1452 of such judge of his finding or decision shall be final and conclusive
1453 upon all questions relating to errors in the ruling of such election
1454 officials, to the correctness of such count, and, for the purposes of this
1455 section only, such claimed violations, and shall operate to correct the
1456 returns of the moderators or presiding officers, so as to conform to
1457 such finding or decision, except that this section shall not affect the
1458 right of appeal to the Supreme Court and it shall not prevent such
1459 judge from reserving such questions of law for the advice of the
1460 Supreme Court as provided in section 9-325. Such judge may, if
1461 necessary, issue his writ of mandamus, requiring the adverse party
1462 and those under him to deliver to the complainant the appurtenances
1463 of such office, and shall cause his finding and decree to be entered on
1464 the records of the Superior Court in the proper judicial district.

1465 Sec. 50. Subsection (b) of section 9-329a of the general statutes is
1466 repealed and the following is substituted in lieu thereof (*Effective from*
1467 *passage*):

1468 (b) Such judge shall forthwith order a hearing to be held upon such
1469 complaint upon a day not more than five nor less than three days after
1470 the making of such order, and shall cause notice of not less than three
1471 days to be given to any candidate or candidates in any way directly
1472 affected by the decision upon such hearing, to such election official, to
1473 the Secretary of the State, the State Elections Enforcement Commission
1474 and to any other person or persons, whom such judge deems proper
1475 parties thereto, of the time and place of the hearing upon such
1476 complaint. Such judge shall, on the day fixed for such hearing, and
1477 without delay, proceed to hear the parties and determine the result. If,
1478 after hearing, sufficient reason is shown, such judge may order any
1479 voting [machines] tabulators to be unlocked or any ballot boxes to be
1480 opened and a recount of the votes cast, including absentee ballots, to
1481 be made. Such judge shall thereupon, if he finds any error in the ruling
1482 of the election official, any mistake in the count of the votes or any
1483 violation of said sections, certify the result of his finding or decision to
1484 the Secretary of the State before the tenth day following the conclusion
1485 of the hearing. Such judge may (1) determine the result of such
1486 primary; (2) order a change in the existing primary schedule; or (3)
1487 order a new primary if he finds that but for the error in the ruling of
1488 the election official, any mistake in the count of the votes or any
1489 violation of said sections, the result of such primary might have been
1490 different and he is unable to determine the result of such primary.

1491 Sec. 51. Section 9-329b of the general statutes is repealed and the
1492 following is substituted in lieu thereof (*Effective from passage*):

1493 At any time prior to a primary held pursuant to sections 9-423, 9-425
1494 and 9-464, or a special act or prior to any election, the Superior Court
1495 may issue an order removing a candidate from a ballot [label] where it
1496 is shown that said candidate is improperly on the ballot.

1497 Sec. 52. Section 9-330 of the general statutes is repealed and the
1498 following is substituted in lieu thereof (*Effective from passage*):

1499 Any judge having jurisdiction over any action brought under
1500 section 9-323, 9-324, 9-328 or 9-329a shall have the power, if sufficient

1501 reason is shown, to order the examination and testing of any voting
1502 [~~machines~~] tabulators.

1503 Sec. 53. Section 9-332 of the general statutes is repealed and the
1504 following is substituted in lieu thereof (*Effective from passage*):

1505 If the electors fail to choose a candidate for any office by reason of
1506 an equality of votes at any election, and no provision is otherwise
1507 made by law for the election of a candidate to such office, such election
1508 shall stand adjourned for three weeks at the same hour at which the
1509 first election was held. [~~Ballot labels~~] Ballots of the same form and
1510 description as described in sections 9-250 to 9-256, inclusive, except
1511 that such [~~ballot labels~~] ballots shall contain only the names of the
1512 candidates for whom the same are to be voted, shall be used in the
1513 election on such adjourned day, and the election shall be conducted in
1514 the same manner as on the first day, except that the votes shall be cast
1515 for such officer only. [~~Ballot labels~~] Ballots for such election shall be
1516 provided forthwith by the clerk of the municipality wherein such
1517 election stands adjourned, and such clerk shall furnish the Secretary of
1518 the State with an accurate list of all candidates to be voted for at such
1519 adjourned election. The clerk of the municipality wherein such election
1520 so stands adjourned shall, at least three days prior to the day of such
1521 adjourned election, give notice of the day, hours, place and purpose
1522 thereof by publishing such notice in a newspaper published in such
1523 municipality or having a circulation therein. No such election shall be
1524 held if prior to such election all but one of the candidates for such
1525 office die, withdraw their names or for any reason become disqualified
1526 to hold such office, and, in such event, the remaining candidate shall
1527 be deemed to be lawfully elected to such office. No withdrawal shall
1528 be valid until the candidate who has withdrawn has filed a letter of
1529 withdrawal signed by such candidate with the Secretary of the State or,
1530 in the case of a municipal office, until the candidate who has
1531 withdrawn has filed a letter of withdrawal signed by such candidate
1532 with the municipal clerk. When such an election is required to be held
1533 under the provisions of this section for any office other than a
1534 municipal office, and prior to such election all but one of the

1535 candidates for such office die, withdraw their names or for any reason
1536 become disqualified to hold such office, the Secretary of the State shall
1537 forthwith notify the clerk of each municipality wherein such election
1538 was to have been held of such fact, and shall forthwith direct each such
1539 clerk that such election shall not be held. In the case of a multiple
1540 opening office only the names of those candidates whose votes are
1541 equal shall be placed on the ballot [label] of the adjourned election.

1542 Sec. 54. Section 9-352 of the general statutes is repealed and the
1543 following is substituted in lieu thereof (*Effective from passage*):

1544 Any election official who, with intent to cause or permit any voting
1545 [machine] tabulator to fail to correctly register all votes cast thereon,
1546 tampers with or disarranges such [machine] tabulator in any way or
1547 any part or appliance thereof, or causes such [machine] tabulator to be
1548 used or consents to its being used for voting at any election with
1549 knowledge of the fact that the same is not in order, or not perfectly set
1550 and adjusted to correctly register all votes cast thereon, or who, for the
1551 purpose of defrauding or deceiving any elector or of causing it to be
1552 doubtful for what candidate or candidates or proposition any vote is
1553 cast, or causing it to appear upon such [machine] tabulator that votes
1554 cast for one candidate or proposition were cast for another candidate
1555 or proposition, removes, changes or mutilates any ballot [label on such
1556 machine or any part thereof,] shall be fined not more than one
1557 thousand dollars or imprisoned not more than five years or both.

1558 Sec. 55. Section 9-353 of the general statutes is repealed and the
1559 following is substituted in lieu thereof (*Effective from passage*):

1560 Any election official who, at the close of the polls, purposely causes
1561 the vote registered on the [machine] tabulator to be incorrectly taken
1562 down as to any candidate or proposition voted on, or who knowingly
1563 causes to be made or signed any false statement, certificate or return of
1564 any kind, of such vote, or who knowingly consents to any such act,
1565 shall be fined not more than one thousand dollars or imprisoned not
1566 more than five years or both.

1567 Sec. 56. Section 9-354 of the general statutes is repealed and the
1568 following is substituted in lieu thereof (*Effective from passage*):

1569 Any person who prints or causes to be printed upon any official
1570 ballot [label] the name of any person not a candidate of a party whose
1571 name is printed at the head of the column containing such nominees or
1572 who prints or causes to be printed any authorized ballot [label] in any
1573 manner other than that prescribed by the Secretary of the State shall be
1574 fined not less than one hundred dollars nor more than one thousand
1575 dollars or be imprisoned not more than five years or be both fined and
1576 imprisoned.

1577 Sec. 57. Section 9-363 of the general statutes is repealed and the
1578 following is substituted in lieu thereof (*Effective from passage*):

1579 Any person who, with intent to defraud any elector of his vote or
1580 cause any elector to lose his vote or any part thereof, gives in any way,
1581 or prints, writes or circulates, or causes to be written, printed or
1582 circulated, any improper, false, misleading or incorrect instructions or
1583 advice or suggestions as to the manner of voting on any [machine]
1584 tabulator, the following of which or any part of which would cause
1585 any elector to lose his vote or any part thereof, or would cause any
1586 elector to fail in whole or in part to register or record the same on the
1587 [machine] tabulator for the candidates of his choice, shall be fined not
1588 more than five hundred dollars or be imprisoned not more than five
1589 years or be both fined and imprisoned.

1590 Sec. 58. Section 9-366 of the general statutes is repealed and the
1591 following is substituted in lieu thereof (*Effective from passage*):

1592 Any person who induces or attempts to induce any elector to write,
1593 paste or otherwise place, on a write-in ballot voted on a voting
1594 [machine] tabulator at any election, any name, sign or device of any
1595 kind, as a distinguishing mark by which to indicate to another how
1596 such elector voted, or enters into or attempts to form any agreement or
1597 conspiracy with any person to induce or attempt to induce electors or
1598 any elector to so place any distinguishing mark on such ballot, or

1599 attempts to induce any elector to do anything with a view to enabling
1600 another person to see or know for what persons or any of them such
1601 elector votes on such [machine] tabulator, or enters into or attempts to
1602 form any agreement or conspiracy to induce any elector to do any act
1603 for the purpose of enabling another person or persons to see or know
1604 for what person or persons such elector votes, or attempts to induce
1605 any person to place himself in such position, or to do any other act for
1606 the purpose of enabling him to see or know for what candidates any
1607 elector other than himself votes on such [machine] tabulator, or
1608 himself attempts to get in such position to do any act so that he will be
1609 enabled to see or know how any elector other than himself votes on
1610 such [machine] tabulator, or does any act which invades or interferes
1611 with the secrecy of the voting or causes the same to be invaded or
1612 interfered with, shall be imprisoned not more than five years.

1613 Sec. 59. Section 9-367 of the general statutes is repealed and the
1614 following is substituted in lieu thereof (*Effective from passage*):

1615 Any person, not being an election official, who, during any election
1616 or before any election [, after a voting machine has had placed upon it
1617 the ballot label for such election,] tampers with [such machine] a
1618 voting tabulator, disarranges, defaces, injures or impairs the same in
1619 any manner, or mutilates, injures or destroys any ballot [label placed
1620 thereon or to be placed thereon,] or any other appliance used in
1621 connection with such [machine] tabulator, shall be imprisoned for not
1622 more than five years.

1623 Sec. 60. Section 9-369 of the general statutes is repealed and the
1624 following is substituted in lieu thereof (*Effective from passage*):

1625 Whenever at any regular or special state or municipal election any
1626 vote for approval or disapproval of any constitutional amendment or
1627 any question or proposal is taken pursuant to the Constitution, the
1628 general statutes or any special act, unless otherwise provided, such
1629 election shall be warned and held, the vote on such amendment,
1630 question or proposal cast and canvassed and the result determined and
1631 certified as nearly as may be in accordance with the provisions

1632 governing the election of officers in the state or in such municipality.
1633 The warning for such election shall state that a purpose of such
1634 election is to vote for the approval or disapproval of such amendment,
1635 question or proposal and shall state the section of the Constitution or
1636 of the general statutes or the special act under authority of which such
1637 vote is taken. The vote on such amendment, question or proposal shall
1638 be taken by a "Yes" and "No" vote on the voting [machine] tabulator,
1639 and the designation of such amendment, question or proposal on the
1640 [voting machine ballot label] ballot shall be "Shall (here insert the
1641 question or proposal, followed by a question mark)". Such ballot [label]
1642 shall be provided for use in accordance with the provisions of section
1643 9-250. The municipal clerk shall number on the ballot [label] the
1644 questions to be voted upon according to the order in which they will
1645 appear thereon, provided amendments to the Constitution shall be
1646 numbered by the Secretary of the State in numerical order based upon
1647 the dates on which resolutions proposing such amendments were
1648 passed, precedence being given to the earliest passed unless otherwise
1649 provided by the resolutions proposing such amendments. Each elector
1650 shall vote "Yes" if in favor of the amendment, question or proposal or
1651 "No" if not in favor thereof. [The registrars of voters shall cause an
1652 adhesive label, three inches high by four inches wide, upon which
1653 shall be imprinted, in clearly discernible lettering, the words "Vote on
1654 the Questions" to be affixed to the upper left-hand corner of each such
1655 voting machine, directly opposite the spaces provided for the
1656 amendment, question or proposal. Such adhesive labels shall be
1657 provided by the Secretary of the State upon receipt of a written order
1658 therefor from the registrars of voters, which order shall specify the
1659 number of such labels required.] If, upon the official determination of
1660 the result of such vote, it appears that a majority of all the votes so cast
1661 are in approval of such amendment, question or proposal, such
1662 amendment, question or proposal shall, unless otherwise provided,
1663 take effect forthwith.

1664 Sec. 61. Subsections (b) and (c) of section 9-369a of the general
1665 statutes are repealed and the following is substituted in lieu thereof
1666 (*Effective from passage*):

1667 (b) When the clerk of the municipality determines that the necessary
1668 action has been taken for submission of the question, he shall, at least
1669 forty-five days prior to the election, file in the office of the Secretary of
1670 the State a statement setting forth the designation of the question as it
1671 is to appear on the [voting machine ballot labels] ballot at the election,
1672 the date upon which the submitting action was taken and the reference
1673 to the law under which the action was taken. Such designation shall be
1674 in the form of a question, as provided in section 9-369. Whenever it is
1675 specifically provided in the general statutes that any such question
1676 may be approved for such submission within the period of forty-five
1677 days prior to such an election, and action is taken to submit a question
1678 within such period, the clerk of the municipality shall file the
1679 statement required by this subsection with the Secretary of the State
1680 immediately upon the taking of such action.

1681 (c) When action is taken for submission of a question, from the time
1682 of such action through the day of the election, the clerk of the
1683 municipality shall make the full text of the question and the
1684 designation which is to appear upon the [voting machine ballot labels]
1685 ballot available for public inspection. If the designation is not
1686 prescribed by law, the clerk shall phrase the designation of the
1687 question in a form suitable for printing on the ballot. [label.] The
1688 warning of the election shall include a statement that the question is to
1689 be voted upon, the designation of the question to appear on the ballot
1690 [labels,] and a statement that the full text of the question is available
1691 for public inspection in the clerk's office.

1692 Sec. 62. Subsection (c) of section 9-369c of the general statutes is
1693 repealed and the following is substituted in lieu thereof (*Effective from*
1694 *passage*):

1695 (c) Upon receipt of the written form of the question or proposal to
1696 be voted on at any such referendum, the municipal clerk shall
1697 immediately prepare and print absentee ballots for the referendum.
1698 The phrasing of the question or proposal on the absentee ballots shall
1699 be identical to the phrasing on the ballot [or ballot label] to be used for

1700 voting in person at the referendum.

1701 Sec. 63. Subsection (b) of section 9-369d of the general statutes is
1702 repealed and the following is substituted in lieu thereof (*Effective from*
1703 *passage*):

1704 (b) (1) The procedures set forth in this subsection shall only apply if
1705 a municipality so chooses and only upon approval of such procedure
1706 by its legislative body or in any town in which the legislative body is a
1707 town meeting, by the board of selectmen.

1708 (2) Voters who are not electors shall vote by separate voting
1709 [machine] tabulator or paper ballot, containing solely the question, at
1710 one separate location which may be a separate room in the location at
1711 which electors vote. Such separate location shall be treated as a
1712 separate voting district and polling place for such voters, except that
1713 the registrars of voters shall appoint a moderator who shall be the
1714 head moderator for the purpose of this question only, and such other
1715 officials as the registrars deem necessary. The moderator of such
1716 separate location shall add the results of the vote by electors on the
1717 question to the results of the vote by voters who are not electors, and
1718 shall file such results in the office of the municipal clerk. The
1719 moderator of such separate location shall be the moderator for the
1720 purposes of a recanvass of a close vote on such question under section
1721 9-370a. The head moderator of the town shall indicate on the return of
1722 vote of such question filed with the Secretary of the State that such
1723 return does not include the return of vote of voters who are not
1724 electors.

1725 Sec. 64. Section 9-371b of the general statutes is repealed and the
1726 following is substituted in lieu thereof (*Effective from passage*):

1727 Any person (1) claiming to have been aggrieved by any ruling of
1728 any election official in connection with a referendum, (2) claiming that
1729 there has been a mistake in the count of votes cast for a referendum, or
1730 (3) claiming to be aggrieved by a violation of any provision of section
1731 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of

1732 absentee ballots at a referendum, may bring a complaint to any judge
1733 of the Superior Court for relief from such ruling, mistake or violation.
1734 In any action brought pursuant to the provisions of this section, the
1735 complainant shall send a copy of the complaint by first class mail, or
1736 deliver a copy of the complaint by hand, to the State Elections
1737 Enforcement Commission. If such complaint is made prior to such
1738 referendum, such judge shall proceed expeditiously to render
1739 judgment on the complaint and shall cause notice of the hearing to be
1740 given to the Secretary of the State and the State Elections Enforcement
1741 Commission. If such complaint is made subsequent to such
1742 referendum, it shall be brought within thirty days after such
1743 referendum to any judge of the Superior Court, in which the person
1744 shall set out the claimed errors of the election official, the claimed
1745 errors in the count or the claimed violations of said sections. Such
1746 judge shall forthwith order a hearing to be held upon such complaint,
1747 upon a day not more than five or less than three days from the making
1748 of such order, and shall cause notice of not less than three or more than
1749 five days to be given to any person who may be affected by the
1750 decision upon such hearing, to such election official, the Secretary of
1751 the State, the State Elections Enforcement Commission and to any
1752 other party or parties whom such judge deems proper parties to the
1753 hearing, of the time and place for the hearing upon such complaint.
1754 Such judge shall, on the day fixed for such hearing and without
1755 unnecessary delay, proceed to hear the parties. If sufficient reason is
1756 shown, such judge may order any voting [machines] tabulator to be
1757 unlocked or any ballot boxes to be opened and a recount of the votes
1758 cast, including absentee ballots, to be made. Such judge shall, if such
1759 judge finds any error in the rulings of the election official or any
1760 mistake in the count of the votes, certify the result of such judge's
1761 finding or decision to the Secretary of the State before the tenth day
1762 succeeding the conclusion of the hearing. Such judge may order a new
1763 referendum or a change in the existing referendum schedule. Such
1764 certificate of such judge's finding or decision shall be final and
1765 conclusive upon all questions relating to errors in the ruling of such
1766 election officials, to the correctness of such count, and, for the purposes

1767 of this section only, such claimed violations, and shall operate to
1768 correct the returns of the moderators or presiding officers, so as to
1769 conform to such finding or decision, except that this section shall not
1770 affect the right of appeal to the Supreme Court and it shall not prevent
1771 such judge from reserving such questions of law for the advice of the
1772 Supreme Court as provided in section 9-325. Such judge may, if
1773 necessary, issue a writ of mandamus, requiring the adverse party and
1774 those under such judge to deliver to the complainant the
1775 appurtenances of such office, and shall cause such judge's finding and
1776 decree to be entered on the records of the Superior Court in the proper
1777 judicial district.

1778 Sec. 65. Subdivision (15) of section 9-372 of the general statutes is
1779 repealed and the following is substituted in lieu thereof (*Effective from*
1780 *passage*):

1781 (15) "Votes cast for the same office at the last-preceding election" or
1782 "votes cast for all candidates for such office at the last-preceding
1783 election" means, in the case of multiple openings for the same office,
1784 the total number of electors checked as having voted at the last-
1785 preceding election at which such office appeared on the ballot. [label.]

1786 Sec. 66. Section 9-377 of the general statutes is repealed and the
1787 following is substituted in lieu thereof (*Effective from passage*):

1788 At a primary votes may be cast and counted only for duly qualified
1789 candidates at such primary whose names appear on the ballot [label]
1790 on primary day. [The write-in slides shall be covered on voting
1791 machines used at a primary, and no write-in spaces shall appear on the
1792 absentee ballots used at a primary] No write-in spaces shall appear on
1793 the ballots used at a primary.

1794 Sec. 67. Subsection (a) of section 9-400 of the general statutes is
1795 repealed and the following is substituted in lieu thereof (*Effective from*
1796 *passage*):

1797 (a) A candidacy for nomination by a political party to a state office

1798 may be filed by or on behalf of any person whose name appears upon
1799 the last-completed enrollment list of such party in any municipality
1800 within the state and who has either (1) received at least fifteen per cent
1801 of the votes of the convention delegates present and voting on any roll-
1802 call vote taken on the endorsement or proposed endorsement of a
1803 candidate for such state office, whether or not the party-endorsed
1804 candidate for such office received a unanimous vote on the last ballot,
1805 or (2) circulated a petition and obtained the signatures of at least two
1806 per cent of the enrolled members of such party in the state, in
1807 accordance with the provisions of sections 9-404a to 9-404c, inclusive.
1808 Candidacies described in subdivision (1) of this subsection shall be
1809 filed by submitting to the Secretary of the State not later than four
1810 o'clock p.m. on the fourteenth day following the close of the state
1811 convention, a certificate, signed by such candidate and attested by
1812 either (A) the chairman or presiding officer, or (B) the secretary of the
1813 convention, that such candidate received at least fifteen per cent of
1814 such votes, and that such candidate consents to be a candidate in a
1815 primary of such party for such state office. Such certificate shall specify
1816 the candidate's name as the candidate authorizes it to appear on the
1817 ballot, the candidate's full residence address and the title of the office
1818 for which the candidacy is being filed. A single such certificate or
1819 petition for state office may be filed on behalf of two or more
1820 candidates for different state offices who consent to have their names
1821 appear on a single row of the primary ballot [label] under subsection
1822 (b) of section 9-437. Candidacies described in subdivision (2) of this
1823 subsection shall be filed by submitting said petition not later than four
1824 o'clock p.m. on the sixty-third day preceding the day of the primary
1825 for such office to the registrar of voters of the towns in which the
1826 respective petition pages were circulated. Each registrar shall file each
1827 page of such petition with the Secretary in accordance with the
1828 provisions of section 9-404c. A petition filed by or on behalf of a
1829 candidate for state office shall be invalid for such candidate if such
1830 candidate is certified as the party-endorsed candidate pursuant to
1831 section 9-388 or as receiving at least fifteen per cent of the convention
1832 vote for such office pursuant to this subsection. Except as provided in

1833 section 9-416a, upon the expiration of the time period for party
1834 endorsement and circulation and tabulation of petitions and
1835 signatures, if any, if one or more candidacies for such state office have
1836 been filed pursuant to the provisions of this section, the Secretary of
1837 the State shall notify all town clerks in accordance with the provisions
1838 of section 9-433, that a primary for such state office shall be held in
1839 each municipality in accordance with the provisions of section 9-415.

1840 Sec. 68. Section 9-426 of the general statutes is repealed and the
1841 following is substituted in lieu thereof (*Effective from passage*):

1842 If only one candidacy has been filed by a person other than a party-
1843 endorsed candidate for the nomination by a political party to a
1844 particular office and the candidate whose candidacy has been so filed
1845 thereafter, but prior to the opening of the polls at such primary, dies,
1846 withdraws his name from nomination or for any reason becomes
1847 disqualified to hold the office for which he is a candidate, no primary
1848 shall be held for the nomination of such party to that office and the
1849 party-endorsed candidate for such office shall be deemed to have been
1850 lawfully chosen in the same manner and to the same extent as is
1851 provided in sections 9-382 to 9-450, inclusive, in the case where no
1852 candidacy other than a party-endorsed candidacy has been filed. If
1853 candidacies have been filed by only one group of persons other than
1854 party-endorsed candidates for election to a town committee, and the
1855 candidates whose candidacies have been so filed thereafter, but prior
1856 to the opening of the polls at such primary, die, withdraw their names
1857 from nomination or for any reason become disqualified to hold the
1858 positions for which they are candidates, so as to render the number of
1859 candidacies so filed less than twenty-five per cent of the number of
1860 town committee members to be elected by such party either in the
1861 municipality or in the political subdivision, as the case may be, no
1862 primary shall be held for those positions and the party-endorsed
1863 candidates for such positions shall be deemed to have been lawfully
1864 chosen in the same manner and to the same extent as is provided in
1865 sections 9-382 to 9-450, inclusive, in the case where no candidacies
1866 other than party-endorsed candidacies have been filed. If any person

1867 on a slate, prior to the opening of the polls at such primary, dies,
1868 withdraws his name from nomination or for any reason becomes
1869 disqualified to hold the position for which he is a candidate, such
1870 partial slate shall appear on the ballot [label] at the primary and, if
1871 such partial slate wins, then the remaining members may fill the
1872 vacancy. If only one such slate other than a slate of party-endorsed
1873 candidates has been filed for election and prior to the opening of the
1874 polls at such primary each of the persons on such slate dies, withdraws
1875 or becomes disqualified, no primary shall be held for those positions
1876 and the party-endorsed candidates for those positions shall be deemed
1877 to have been lawfully chosen in the same manner and to the same
1878 extent as is provided in sections 9-382 to 9-450, inclusive, in the case
1879 where no candidacies other than party-endorsed candidacies have
1880 been filed.

1881 Sec. 69. Section 9-434 of the general statutes is repealed and the
1882 following is substituted in lieu thereof (*Effective from passage*):

1883 Upon the filing with the clerk of a municipality of the names of
1884 party-endorsed candidates pursuant to section 9-390 or upon the filing
1885 with such clerk of petitions for contesting candidates pursuant to
1886 section 9-412, such clerk shall verify and correct the names of such
1887 candidates in accordance with the registry list of such municipality,
1888 endorse the same as having been so verified and corrected and use the
1889 same in the preparation of the [ballot labels] ballots for the primary.
1890 The provisions of this section shall not apply to the municipal offices of
1891 state senator and state representative.

1892 Sec. 70. Section 9-435 of the general statutes is repealed and the
1893 following is substituted in lieu thereof (*Effective from passage*):

1894 Except as provided in sections 9-418 and 9-419, if in any
1895 municipality, within the time specified in section 9-405, a candidacy for
1896 nomination by a political party to any municipal office or for election
1897 as a town committee member is filed with the registrar, in conformity
1898 with the provisions of sections 9-405 to 9-412, inclusive, and section 9-
1899 414, by or on behalf of any person other than party-endorsed

1900 candidates, the registrar shall forthwith after the deadline for
1901 certification of party-endorsed candidates notify the clerk of such
1902 municipality that a primary is to be held by such party for the
1903 nomination of such party to such office or for the election by such
1904 party of town committee members, as the case may be. Such notice
1905 shall include a list of all the proposed candidates, those endorsed as
1906 well as those filing candidacies, together with their addresses and the
1907 titles of the offices or positions for which they are candidates. In the
1908 case of a primary for justices of the peace, such notice shall also contain
1909 the complete ballot [label] designation of each slate pursuant to
1910 subsection (h) of section 9-437. The clerk of the municipality shall
1911 thereupon cause such notice to be published forthwith in a newspaper
1912 having a general circulation in such municipality, together with a
1913 statement of the date upon which the primary is to be held, the hours
1914 during which the polls shall be open and the location of the polls, and
1915 shall send a copy of such notice to the Secretary of the State and record
1916 the same. The clerk shall forthwith publish any change in the proposed
1917 candidates, listing such changes.

1918 Sec. 71. Section 9-437 of the general statutes is repealed and the
1919 following is substituted in lieu thereof (*Effective from passage*):

1920 (a) At the top of each ballot [label] shall be printed the name of the
1921 party holding the primary, and each ballot [label] shall contain the
1922 names of all candidates to be voted upon at such primary, except the
1923 names of justices of the peace. The vertical columns shall be headed by
1924 the designation of the office or position and instructions as to the
1925 number for which an elector may vote for such office or position, in the
1926 same manner as a ballot [label] used in a regular election. The name of
1927 each candidate for town committee or municipal office, except for the
1928 municipal offices of state senator and state representative, shall appear
1929 on the ballot [label] as it appears on the registry list of such candidate's
1930 town of voting residence, except as provided in section 9-42a. The
1931 name of each candidate for state or district office or for the municipal
1932 offices of state senator or state representative shall appear on the ballot
1933 as it appears on the certificate or statement of consent filed under

1934 section 9-388, 9-391, 9-400 or 9-409. On the first horizontal line, below
1935 the designation of the office or position in each column, shall be placed
1936 the name of the party-endorsed candidate for such office or position,
1937 such name to be marked with an asterisk; provided, where more than
1938 one person may be voted for for any office or position, the names of
1939 the party-endorsed candidates shall be arranged in alphabetical order
1940 from left to right under the appropriate office or position designation
1941 and shall continue, if necessary, from left to right on the next lower
1942 line or lines. In the case of no party endorsement there shall be inserted
1943 the designation "no party endorsement" at the head of the vertical
1944 column, immediately beneath the designation of the office or position.
1945 On the horizontal lines below the line for party-endorsed candidates
1946 shall be placed, in the appropriate columns, the names of all other
1947 candidates as hereinafter provided.

1948 (b) (1) In the case of two or more such candidates for the same state
1949 or district office, precedence as to row shall be determined by the
1950 alphabetical order of the surnames of such candidates, except as
1951 provided under subdivision (2) of this subsection. (2) If a single
1952 certificate or a single petition has been filed under subsection (a) of
1953 section 9-400 on behalf of two or more candidates and proposing one
1954 candidate for each state office to be contested at such primary, a single
1955 row shall be used for the names of such candidates and precedence as
1956 to row between such certificates and petitions shall be determined by
1957 the Secretary of the State by lot in a ceremony which shall be open to
1958 the public. The names of all other candidates for state office shall be
1959 placed in the appropriate columns in alphabetical order on the rows
1960 below the row or rows used for candidates whose names are contained
1961 in such a single certificate, certificates, single petition or petitions.

1962 (c) Whenever the position of candidates or slates on the ballot [label]
1963 under the provisions of this section is affected by the time or order of
1964 filing of primary petitions, and the registrar of voters certifies in
1965 writing to the town clerk that (1) two or more of the petitions to which
1966 such provisions apply were filed simultaneously or (2) he is unable to
1967 determine the time or order of filing of two or more such petitions,

1968 then for purposes of this section the order of filing of the petitions
1969 specified in the registrar's certification shall be determined by the town
1970 clerk by lot in a ceremony which shall be open to the public.

1971 (d) In the case of candidates for municipal office, a single row shall
1972 be used for the candidates whose names are contained in one primary
1973 petition, provided such petition proposes at least two candidates and
1974 the full number of candidates for each office to be contested at such
1975 primary as the party may nominate or choose thereat, precedence as to
1976 row being given to the candidates whose names appear in the first
1977 such petition filed, and so on in descending order.

1978 (e) The names of candidates for town committee members which are
1979 contained in one primary petition shall be placed in a separate row,
1980 precedence as to row being given to the candidates whose names
1981 appear in petitions in the order determined in accordance with this
1982 subsection. Petitions filed by nine o'clock a.m. on the first business day
1983 following the day on which petitions become available shall be given
1984 precedence as to row based on the number of valid signatures filed, in
1985 descending order from the greatest to the least. Petitions filed after
1986 nine o'clock a.m. on the first business day following the day on which
1987 petitions become available shall be given precedence as to row based
1988 on the order in which they are filed, if such petitions are filed during
1989 the regular business hours of the office of the registrars of voters or
1990 during any different hours for said office required under the general
1991 statutes. Such order of precedence shall be determined separately for
1992 petitions proposing the full number of candidates which the party may
1993 choose at the primary and for petitions proposing fewer than such full
1994 number of candidates, and provided further that petitions proposing
1995 such full number of candidates shall have precedence as to row over
1996 petitions proposing fewer than such full number of candidates.

1997 (f) Within such row or rows for those whose names are contained in
1998 one primary petition, where more than one person may be voted for
1999 any municipal office or position, such names shall be arranged in
2000 alphabetical order from left to right under the appropriate municipal

2001 office or position designation. The names of all other candidates shall
2002 be placed in the appropriate columns in alphabetical order on the
2003 horizontal lines below the line or lines used for candidates whose
2004 names are contained in one primary petition, if any; provided where
2005 more than one person may be voted for for any office or position, such
2006 names shall be arranged in alphabetical order from left to right under
2007 the appropriate office or position designation and shall continue, if
2008 necessary, from left to right on the next lower line or lines.

2009 (g) The name of each candidate shall appear on the ballot [label] in
2010 such position as is hereinbefore required, and such position shall be
2011 determined as of the final time for filing candidacies specified in
2012 section 9-400 or 9-405. Vacancies in candidacies thereafter occurring
2013 shall not cause the position of any candidate's name on the ballot
2014 [label] to be changed to another position. The name of any candidate
2015 whose candidacy has been vacated shall not appear on the ballot,
2016 [label. The voting machine pointer over each position where no
2017 candidate's name appears shall be locked so that no vote can be cast for
2018 such position.] If such a vacancy results in the cancellation of a
2019 primary for any office, the office column or columns where the names
2020 of the candidates and the title of the office would have appeared if the
2021 primary for that office had not been cancelled shall be left blank. If a
2022 vacancy occurs in a party-endorsed candidacy and a person is chosen
2023 in accordance with section 9-426 or 9-428 to fill the resulting vacancy in
2024 candidacy, the name of the person so chosen shall appear in the same
2025 position as that in which the name of the vacating candidate appeared.
2026 The municipal clerk shall have the ballot [label] prepared so that the
2027 name of any candidate who has vacated his candidacy is deleted and
2028 so that the name of any candidate chosen to fill a vacancy in candidacy
2029 appears in the same position as that in which the vacated candidacy
2030 appeared. The municipal clerk may use blank or printed stickers, as
2031 the case may be, in preparing the [ballot labels] ballots if the [ballot
2032 labels] ballots were printed before the occurrence of the vacancy in
2033 candidacy or the selection of a candidate to fill a vacancy in candidacy.
2034 The order of the offices and positions shall be as prescribed by the
2035 Secretary of the State.

2036 (h) The names of candidates for election as justices of the peace shall
2037 not appear on the ballot. [label.] A single vertical column shall be used
2038 for all the candidates for election to the office of justice the peace of a
2039 particular town. The vertical column used for justices of the peace shall
2040 be headed by the words "justices of the peace". On the first horizontal
2041 line in the vertical column used for justice of the peace shall be placed
2042 the words "party-endorsed slate". On the second and succeeding
2043 horizontal lines, in the order of the time of filing, shall be placed the
2044 words "challenge slate", preceded, in quotation marks, by the letter
2045 designating such line. The municipal clerk shall prepare a list of the
2046 names of all candidates on each slate for election as justices of the
2047 peace, including the complete ballot [label] designation of each such
2048 slate as provided in this subsection, which shall be posted in the
2049 polling places by each moderator for the inspection of the electors
2050 prior to voting.

2051 (i) The names of candidates for nomination to any elective office or
2052 for election as members of a town committee, as the case may be, shall
2053 be separated from each other by a light line, but shall not be separated
2054 from each other on the ballot [label] by names of candidates for any
2055 other office or position or by columns used for any other office or
2056 position; and the column or columns used for each office or position
2057 shall be separated from the columns used for other offices or positions
2058 by a heavy line.

2059 (j) All [ballot labels] ballots used at a primary shall be prepared by
2060 the clerk of the municipality in which such primary is held and shall be
2061 printed at the expense of the municipality. Each municipality shall
2062 provide for all polling places:

2063 (1) At least forty-eight hours before the primary, such clerk shall
2064 have a sample ballot [labels] for general distribution, which shall [be
2065 arranged in the form of a diagram showing the entire front of the
2066 voting machine as it will appear after the official ballot labels are
2067 arranged for voting on the day of the primary or that portion thereof
2068 that will] contain the offices or positions and names of candidates to be

2069 voted upon. Each such sample ballot [label] shall also include printed
2070 instructions approved by the Secretary of the State concerning the use
2071 of the voting [machine] tabulator and information concerning the date
2072 of the primary and the hours during which polling places will be open.
2073 Such clerk shall have available for distribution such number of sample
2074 [ballot labels] ballots as he deems advisable, but in no event less than
2075 three which shall be posted inside the polling place so as to be visible
2076 to those within the polling place during the whole day of the primary.
2077 At least one of such sample [ballot labels] ballots shall be posted so as
2078 to be visible to an elector being instructed on the demonstrator [or
2079 spare voting machine] device, pursuant to section 9-260, as amended
2080 by this act. If paper ballots are used in any primary, such sample paper
2081 ballots shall be overprinted with the word "Sample";

2082 (2) Instructions on how to cast a provisional ballot, as prescribed by
2083 the Secretary of the State;

2084 (3) Instructions for mail-in registrants and first-time voters who
2085 register to vote by mail on or after January 1, 2003, as prescribed by the
2086 Secretary of the State;

2087 (4) General information concerning voting rights under federal and
2088 Connecticut laws, including information on the right of an individual
2089 to cast a provisional ballot and instructions on how to contact the
2090 appropriate officials if such rights are alleged to have been violated, as
2091 prescribed by the Secretary of the State; and

2092 (5) General information on federal and state laws concerning
2093 prohibitions on acts of fraud and misrepresentation, as prescribed by
2094 the Secretary of the State.

2095 (k) When unaffiliated electors are authorized under section 9-431 to
2096 vote for some but not all offices to be contested at a primary, (1)
2097 separate voting [machines] tabulators shall be used for the unaffiliated
2098 electors in a voting district, (2) the ballot [label] shall indicate that it is a
2099 partial ballot for unaffiliated electors, (3) the ballot [label] shall contain
2100 only the offices and names of candidates for which such electors may

2101 vote, with blank columns left wherever necessary to assure that each
2102 candidate's position is the same as on the full ballot for such primary
2103 in the voting district, and (4) three sample [ballot labels] ballots
2104 showing such partial ballot shall also be posted inside the polling place
2105 so as to be visible to such unaffiliated electors.

2106 Sec. 72. Section 9-440 of the general statutes is repealed and the
2107 following is substituted in lieu thereof (*Effective from passage*):

2108 Upon the closing of the polls at any primary held under sections 9-
2109 382 to 9-450, inclusive, the moderator, in the presence of the other
2110 officials, shall immediately lock the voting [machines] tabulators
2111 against voting and shall then proceed to ascertain, record and
2112 announce the result in the manner provided by law for ascertaining,
2113 recording and announcing the result in regular elections. The election
2114 officials shall execute certificates and returns similar to those required
2115 in regular elections. The moderator in each town not divided into
2116 voting districts, and the head moderator in each town divided into
2117 voting districts, shall transmit the results of the vote for each office
2118 contested at any such primary in the same manner and within the
2119 same time as provided under section 9-314 in an election for such
2120 office. The late filing fee provided under section 9-314 shall apply to
2121 late filing of results of primaries for state or district office. In the case of
2122 primaries for state or district offices, the Secretary of the State shall
2123 forthwith cause to be tabulated the result of the votes cast in the
2124 several municipalities in which such primaries have been held and
2125 shall publicly declare the result thereof, and a certificate attesting
2126 thereto shall be entered in his records.

2127 Sec. 73. Section 9-445 of the general statutes is repealed and the
2128 following is substituted in lieu thereof (*Effective from passage*):

2129 Forthwith after a primary for nomination to a municipal office or for
2130 election of members of a town committee, or forthwith upon tabulation
2131 of the vote for a state or district office by the Secretary of the State
2132 when the plurality of an elected or nominated candidate over the vote
2133 for a defeated candidate receiving the next highest number of votes

2134 was either (1) less than a vote equivalent to one-half of one per cent of
2135 the total number of votes cast at the primary for the office or position
2136 but not more than one thousand votes, or (2) less than twenty votes,
2137 there shall be a recanvass of the returns of the voting [machine]
2138 tabulator or voting [machines] tabulators used in such primary for said
2139 office or position unless within one day after the primary, in the case of
2140 nomination to a municipal office or for election of members of a town
2141 committee, or prior to the time the Secretary of the State notifies the
2142 town clerk of state and district offices which qualify for an automatic
2143 recanvass, the defeated candidate or defeated candidates, as the case
2144 may be, for such office or position file a written statement waiving this
2145 right to such recanvass with the municipal clerk in the case of a
2146 municipal office or town committee, or with the Secretary of the State
2147 in the case of a state or district office. In the case of a state or district
2148 office, the Secretary of the State upon tabulation of the votes for such
2149 an office shall notify the town clerks in the state or district, as the case
2150 may be, of the state and district offices which qualify for an automatic
2151 recanvass and shall also notify each candidate for any such office.
2152 When a recanvass is to be held the municipal clerk shall promptly
2153 notify the moderator, as defined in section 9-311, who shall proceed
2154 forthwith to recanvass such returns of the office in question in the
2155 same manner as is provided for a recanvass in regular elections, except
2156 that the recanvass officials shall be divided equally, as nearly as may
2157 be, among the candidates for such office. In addition to the notice
2158 required under section 9-311, the moderator shall, before such
2159 recanvass is made, give notice in writing of the time and place of such
2160 recanvass to each candidate for a municipal office which qualifies for
2161 an automatic recanvass under this section. For purposes of this section,
2162 "the total number of votes cast at the primary for the office or position"
2163 means in the case of multiple openings for the same office or position,
2164 the total number of electors checked as having voted in the primary, in
2165 the state, district, municipality or political subdivision, as the case may
2166 be. When a recanvass of the returns for an office for which there are
2167 multiple openings is required by the provisions of this section, the
2168 returns for all candidates for all openings for the office shall be

2169 recanvassed. Nothing in this section shall preclude the right to judicial
2170 proceedings in behalf of such defeated candidate under any provision
2171 of this chapter.

2172 Sec. 74. Section 9-446 of the general statutes is repealed and the
2173 following is substituted in lieu thereof (*Effective from passage*):

2174 (a) If two or more candidates obtain the same number of votes at a
2175 primary held to nominate candidates for a state or district office, and a
2176 tie vote thereby occurs, any of such candidates, or the state chairman
2177 of the political party, may apply for a recanvass of the returns in the
2178 manner provided in section 9-445. If no such application is made, or if
2179 any such recanvass results in a tie vote, such primary shall stand
2180 adjourned for three weeks at the same hour at which the first primary
2181 was held. [Ballot labels] Ballots of the same form and description as
2182 described in section 9-437 shall be used in the primary on such
2183 adjourned day, and the primary shall be conducted in the same
2184 manner as on the first day, except that the votes shall be cast for such
2185 office only. [Ballot labels] Ballots for such primary shall be provided
2186 forthwith by the clerk of each municipality wherein such primary
2187 stands adjourned, and each such clerk shall furnish the Secretary of the
2188 State with an accurate list of all candidates to be voted for at such
2189 adjourned primary. The clerk of each municipality in the state or the
2190 district, whichever is applicable, wherein such primary so stands
2191 adjourned shall, at least three days prior to the day of such adjourned
2192 primary, give notice of the day, hours, place and purpose thereof by
2193 publishing such notice in a newspaper published in such municipality
2194 or having a circulation therein. No such primary shall be held if prior
2195 to such primary all but one of the candidates for such office die,
2196 withdraw their names or for any reason become disqualified to hold
2197 such office, and, in such event, the remaining candidate shall be
2198 deemed to be lawfully voted upon as the candidate for such office. No
2199 withdrawal shall be valid until the candidate who has withdrawn has
2200 filed a letter of withdrawal signed by such candidate with the
2201 Secretary of the State. When such a primary is required to be held
2202 under the provisions of this section and prior to such primary all but

2203 one of the candidates for such office die, withdraw their names or for
2204 any reason become disqualified to hold such office, the Secretary of the
2205 State shall forthwith notify the municipal clerk of such fact, and shall
2206 forthwith direct the clerk that such primary shall not be held. In the
2207 case of a multiple-opening office only the names of those candidates
2208 whose votes are equal shall be placed on the ballot [label] of the
2209 adjourned primary. If such second primary results in a tie vote, the
2210 Secretary of the State, in the presence of not fewer than three
2211 disinterested persons, and after notification to the candidates obtaining
2212 the same number of votes and the chairperson of the state central
2213 committee of the party holding the primary of the time when and the
2214 place where such tie vote is to be dissolved, shall dissolve such tie vote
2215 by lot. The Secretary of the State shall execute a certificate attesting to
2216 the result of the dissolution of such tie vote, and the person so certified
2217 or the slate so certified as having been chosen by lot shall be deemed to
2218 have received a plurality of the votes cast and shall be deemed to have
2219 been chosen as the nominee of such party to such office.

2220 (b) If two or more candidates obtain the same number of votes at a
2221 primary held to nominate candidates for a municipal office or to elect
2222 members of a town committee, or if two or more slates of candidates
2223 obtain the same number of votes at a primary held for justices of the
2224 peace, and a tie vote thereby occurs, any of such candidates, or the
2225 town chairman of the political party, may apply for a recanvass of the
2226 returns in the manner provided in section 9-445. If no such application
2227 is made, or if any such recanvass results in a tie vote, such primary
2228 shall stand adjourned for three weeks at the same hour at which the
2229 first primary was held. [Ballot labels] Ballots of the same form and
2230 description as described in section 9-437 shall be used in the primary
2231 on such adjourned day, and the primary shall be conducted in the
2232 same manner as on the first day, except that the votes shall be cast for
2233 such office only. [Ballot labels] Ballots for such primary shall be
2234 provided forthwith by the clerk of the municipality wherein such
2235 primary stands adjourned, and such clerk shall furnish the Secretary of
2236 the State with an accurate list of all candidates to be voted for at such
2237 adjourned primary. The clerk of the municipality wherein such

2238 primary so stands adjourned shall, at least three days prior to the day
2239 of such adjourned primary, give notice of the day, hours, place and
2240 purpose thereof by publishing such notice in a newspaper published in
2241 such municipality or having a circulation therein. No such primary
2242 shall be held if prior to such primary all but one of the candidates for
2243 such office die, withdraw their names or for any reason become
2244 disqualified to hold such office, and, in such event, the remaining
2245 candidate shall be deemed to be lawfully voted upon as the candidate
2246 for such office. No withdrawal shall be valid until the candidate who
2247 has withdrawn has filed a letter of withdrawal signed by such
2248 candidate with the municipal clerk. When such a primary is required
2249 to be held under the provisions of this section and prior to such
2250 primary all but one of the candidates for such office die, withdraw
2251 their names or for any reason become disqualified to hold such office,
2252 the Secretary of the State shall forthwith notify the municipal clerk of
2253 such fact, and shall forthwith direct the clerk that such primary shall
2254 not be held. In the case of a multiple-opening office only the names of
2255 those candidates whose votes are equal shall be placed on the ballot
2256 [label] of the adjourned primary. If such second primary results in a tie
2257 vote, the registrar, in the presence of not fewer than three disinterested
2258 persons, and after notification to the candidates obtaining the same
2259 number of votes and the chairperson of the town committee of the
2260 party holding the primary of the time when and the place where such
2261 tie vote is to be dissolved, shall dissolve such tie vote by lot. The
2262 registrar shall execute a certificate attesting to the result of the
2263 dissolution of such tie vote, and the person so certified or the slate so
2264 certified as having been chosen by lot shall be deemed to have received
2265 a plurality of the votes cast and shall be deemed to have been chosen
2266 as the nominee of such party to such office.

2267 Sec. 75. Section 9-447 of the general statutes is repealed and the
2268 following is substituted in lieu thereof (*Effective from passage*):

2269 The voting [machines] tabulators used in any primary shall not be
2270 unlocked for a period of fourteen days from the date of the primary,
2271 unless otherwise ordered by any judge of the Superior Court, the

2272 Secretary of the State or by the State Elections Enforcement
2273 Commission. If a contest or investigation is pending, such [machines]
2274 tabulators shall not be unlocked for such longer period of time as may
2275 be ordered by any judge of the Superior Court, unless a recanvass has
2276 been applied for under the provisions of section 9-445 or unless an
2277 order has been issued by the State Elections Enforcement Commission.

2278 Sec. 76. Section 9-453d of the general statutes is repealed and the
2279 following is substituted in lieu thereof (*Effective from passage*):

2280 Each petition shall be signed by a number of qualified electors equal
2281 to the lesser of (1) one per cent of the votes cast for the same office or
2282 offices at the last-preceding election, or the number of qualified
2283 electors prescribed by section 9-380 with regard to newly-created
2284 offices, or (2) seven thousand five hundred. "Qualified electors" means
2285 electors eligible to vote for all the candidates proposed by the petition.
2286 "Votes cast for the same office at the last-preceding election" means, in
2287 the case of multiple openings for the same office, the total number of
2288 electors checked as having voted at the last-preceding election at
2289 which such office appeared on the ballot. [label.]

2290 Sec. 77. Subsection (b) of section 9-453r of the general statutes is
2291 repealed and the following is substituted in lieu thereof (*Effective from*
2292 *passage*):

2293 (b) On the horizontal rows below the rows so used for candidates, if
2294 any, who are so entitled to a party designation on the [voting
2295 machines] ballot, shall be placed, in the appropriate office columns, the
2296 names of candidates contained in petitions approved pursuant to
2297 section 9-453o bearing no party designation. Such candidates shall not
2298 be entitled to separate rows. Precedence as to horizontal row between
2299 or among such candidates shall be determined, if necessary, by the
2300 order in which their applications for petitions were filed with the
2301 Secretary of the State from the earliest to the latest; provided that
2302 within any such horizontal row the names of as many of such
2303 candidates for the same multiple-opening office as such row will
2304 accommodate shall be placed before placing the names of other such

2305 candidates for such office on the next such row. The order of the names
2306 of such candidates for the same multiple-opening office, within and
2307 between any such horizontal rows, shall be determined by the
2308 registrars of voters by lot in a ceremony which shall be open to the
2309 public. The registrars of voters shall provide at least five days public
2310 notice for each such ceremony. Each row in which a candidate's name
2311 appears who is not entitled to a party designation shall be labeled
2312 "Petitioning Candidates", the print of which shall correspond to that
2313 used for party designations.

2314 Sec. 78. Section 9-453s of the general statutes is repealed and the
2315 following is substituted in lieu thereof (*Effective from passage*):

2316 Vacancies in candidacies occurring after all nominating petitions
2317 have been approved under section 9-453o, shall not cause the position
2318 of any candidate's name on the ballot [label] to be changed to another
2319 position unless a blank row on the [machine] ballot results from such
2320 vacancy or vacancies in which case the position of candidates
2321 appearing on lines under the blank row may change if the consent of
2322 all candidates involved in such a change is filed in the Secretary of the
2323 State's office prior to the time for printing and filing sample [ballot
2324 labels] ballots with said secretary. The name of any candidate whose
2325 candidacy has been vacated shall not appear on the ballot, [label. The
2326 voting machine pointer over each position where no candidate's name
2327 appears shall be locked so that no vote can be cast in that position.]

2328 Sec. 79. Section 9-470 of the general statutes is repealed and the
2329 following is substituted in lieu thereof (*Effective from passage*):

2330 The secretary shall determine by lot, in a public ceremony held on
2331 the thirty-fifth day preceding the day of the primary, the order in
2332 which the names of the candidates will appear on the ballot of each
2333 party at such primary; provided that the category "uncommitted" shall
2334 appear last on such ballots. Notwithstanding any provision of the
2335 general statutes to the contrary, no candidate shall be designated on
2336 the ballot as the party-endorsed candidate. The names of such
2337 candidates shall appear, in the order so determined by the secretary, in

2338 the first vertical column of the [voting machine] ballot. Such column
2339 shall be designated "Nomination for President of the United States";
2340 provided if the number of candidates is such that there is an
2341 insufficient number of places in such column, the secretary shall
2342 determine whether the names of the candidates shall also extend, in
2343 the order so determined, to the second and succeeding columns as
2344 may be necessary, or shall appear on the first and succeeding
2345 horizontal rows as may be necessary. Such columns or rows shall be
2346 designated as hereinabove provided. Except as otherwise provided in
2347 this chapter, the form of the ballot shall be prescribed by the secretary
2348 and shall conform, as nearly as may be, to the provisions of section 9-
2349 437.

2350 Sec. 80. Section 9-476 of the general statutes is repealed and the
2351 following is substituted in lieu thereof (*Effective from passage*):

2352 Except as otherwise provided in this chapter, the provisions of
2353 chapter 145 and chapter 153 concerning absentee voting at primaries,
2354 conduct of primaries and return and tabulation of the vote at such
2355 primaries shall apply as nearly as practicable and in the manner
2356 prescribed by the secretary, to a presidential preference primary. The
2357 primary officials of each party for each polling place shall be as
2358 specified in section 9-436, except that (1) the appointment of assistant
2359 registrars of voters and absentee ballot counters shall be permitted but
2360 not required, (2) the minimum number of official checkers shall be one,
2361 (3) the minimum number of voting [machine] tabulator tenders shall
2362 be one for each two voting [machines] tabulators in use, (4) if two
2363 parties are holding primaries and the registrars of voters of such
2364 parties so agree, such registrars may jointly appoint (A) one enrolled
2365 member of either party to serve as moderator of both primaries and (B)
2366 one enrolled member of either party to serve as head moderator of
2367 both primaries, (5) notwithstanding any reduction in the number of
2368 primary officials as permitted by this section, any duty required of
2369 primary officials by the general statutes may be performed by one or
2370 more primary officials, at the direction of the registrar of voters of the
2371 party of such officials and (6) the registrar of voters shall have the sole

2372 power to appoint such officials. In making such appointments the
 2373 registrar shall attempt, to the extent practicable, to provide
 2374 representation for each candidate at each polling place. The provisions
 2375 of section 9-436a shall apply to each candidate whose name appears on
 2376 the ballot, except that each such candidate, through his authorized or
 2377 known representative, may submit to the registrar the name of one
 2378 designee as candidate checker for each polling place, and the registrar
 2379 shall appoint such designee as candidate checker for such candidate.
 2380 Notwithstanding the provisions of section 9-438, the polls shall be
 2381 open for voting at the primary between the hours of six o'clock a.m.
 2382 and eight o'clock p.m. The moderator or head moderator of the
 2383 primary in each town shall prepare duplicate lists of returns in the
 2384 manner provided by section 9-440, but notwithstanding the provisions
 2385 of said section, he shall hand deliver one of such lists to either the
 2386 secretary or the state police by two o'clock p.m. of the day following
 2387 the primary. Any moderator or head moderator, as the case may be,
 2388 who fails to deliver such list to either the secretary or the state police
 2389 by such time shall pay a late filing fee of fifty dollars.

2390 Sec. 81. Sections 9-6a, 9-242c, 9-243, 9-270, 9-271 and 9-273 to 9-306,
 2391 inclusive, of the general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-1
Sec. 2	<i>from passage</i>	9-4
Sec. 3	<i>from passage</i>	9-7b(a)(1)
Sec. 4	<i>from passage</i>	9-35c
Sec. 5	<i>from passage</i>	9-135a(a)
Sec. 6	<i>from passage</i>	9-135b(a)
Sec. 7	<i>from passage</i>	9-150b(b) and (c)
Sec. 8	<i>from passage</i>	9-150d
Sec. 9	<i>from passage</i>	9-168a(a) and (b)
Sec. 10	<i>from passage</i>	9-188
Sec. 11	<i>from passage</i>	9-224
Sec. 12	<i>from passage</i>	9-229(b)
Sec. 13	<i>from passage</i>	9-234

Sec. 14	<i>from passage</i>	9-235(b)
Sec. 15	<i>from passage</i>	9-235d
Sec. 16	<i>from passage</i>	9-236a
Sec. 17	<i>from passage</i>	9-238
Sec. 18	<i>from passage</i>	9-238a
Sec. 19	<i>from passage</i>	9-239
Sec. 20	<i>from passage</i>	9-240
Sec. 21	<i>from passage</i>	9-240a
Sec. 22	<i>from passage</i>	9-241(a)
Sec. 23	<i>from passage</i>	9-242
Sec. 24	<i>from passage</i>	9-242b
Sec. 25	<i>from passage</i>	9-244
Sec. 26	<i>from passage</i>	9-245
Sec. 27	<i>from passage</i>	9-246
Sec. 28	<i>from passage</i>	9-247
Sec. 29	<i>from passage</i>	9-248
Sec. 30	<i>from passage</i>	9-249(a)
Sec. 31	<i>from passage</i>	9-249a(a)
Sec. 32	<i>from passage</i>	9-249b(a)
Sec. 33	<i>from passage</i>	9-250a
Sec. 34	<i>from passage</i>	9-251
Sec. 35	<i>from passage</i>	9-255
Sec. 36	<i>from passage</i>	9-256
Sec. 37	<i>from passage</i>	9-260
Sec. 38	<i>from passage</i>	9-264
Sec. 39	<i>from passage</i>	9-266
Sec. 40	<i>from passage</i>	9-267
Sec. 41	<i>from passage</i>	9-272
Sec. 42	<i>from passage</i>	9-307
Sec. 43	<i>from passage</i>	9-308
Sec. 44	<i>from passage</i>	9-309
Sec. 45	<i>from passage</i>	9-310
Sec. 46	<i>from passage</i>	9-311a
Sec. 47	<i>from passage</i>	9-323
Sec. 48	<i>from passage</i>	9-324
Sec. 49	<i>from passage</i>	9-328
Sec. 50	<i>from passage</i>	9-329a(b)
Sec. 51	<i>from passage</i>	9-329b
Sec. 52	<i>from passage</i>	9-330
Sec. 53	<i>from passage</i>	9-332
Sec. 54	<i>from passage</i>	9-352

Sec. 55	<i>from passage</i>	9-353
Sec. 56	<i>from passage</i>	9-354
Sec. 57	<i>from passage</i>	9-363
Sec. 58	<i>from passage</i>	9-366
Sec. 59	<i>from passage</i>	9-367
Sec. 60	<i>from passage</i>	9-369
Sec. 61	<i>from passage</i>	9-369a(b) and (c)
Sec. 62	<i>from passage</i>	9-369c(c)
Sec. 63	<i>from passage</i>	9-369d(b)
Sec. 64	<i>from passage</i>	9-371b
Sec. 65	<i>from passage</i>	9-372(15)
Sec. 66	<i>from passage</i>	9-377
Sec. 67	<i>from passage</i>	9-400(a)
Sec. 68	<i>from passage</i>	9-426
Sec. 69	<i>from passage</i>	9-434
Sec. 70	<i>from passage</i>	9-435
Sec. 71	<i>from passage</i>	9-437
Sec. 72	<i>from passage</i>	9-440
Sec. 73	<i>from passage</i>	9-445
Sec. 74	<i>from passage</i>	9-446
Sec. 75	<i>from passage</i>	9-447
Sec. 76	<i>from passage</i>	9-453d
Sec. 77	<i>from passage</i>	9-453r(b)
Sec. 78	<i>from passage</i>	9-453s
Sec. 79	<i>from passage</i>	9-470
Sec. 80	<i>from passage</i>	9-476
Sec. 81	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In Subpara. (B) of Subdiv. (5) of Subsec. (d) of Sec. 23, "with" was inserted for accuracy. In Subdiv. (3) of Subsec. (a) of Sec. 27, "all" was bracketed for clarity. In Subdiv. (3) of Sec. 29, "registrar" was changed to "registrars" for accuracy.

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill makes technical changes to election laws. There is no anticipated fiscal impact associated with this bill.

The Out Years

None

OLR Bill Analysis**sSB 909*****AN ACT CONCERNING TECHNICAL CHANGES TO ELECTION LAWS.*****SUMMARY:**

This bill gives the secretary of the state the same powers as the State Elections Enforcement Commission (SEEC) and court regarding the storage and audit of voting tabulators. By law, SEEC and courts may order tabulators locked for longer than the required statutory periods (i.e., 14 days after a primary or election and sealed for 180 days after a recount). They may also order that tabulators be audited and designate the auditors.

The bill expands the use of paper ballots when voting tabulators are not used. Under the bill, these ballots (which are different from the ballot on paper used with the voting tabulators) may be used when the number of candidates to be voted on, an insufficient number of tabulators, or some other reason makes the use of tabulators impractical at an election, primary, or referendum. Under current law, paper ballots (1) may be used only at a general election for the above-stated reasons, (2) may not be used at a primary, and (3) may be used at a referendum only if there is insufficient space for the question on the voting machine. The bill requires that the procedure for securing and counting paper ballots comply as nearly as possible with the procedure for counting absentee ballots. It eliminates obsolete provisions under current law on formatting, handling, storing, casting, and counting paper ballots. It also eliminates the penalties for violations.

The bill requires registrars of voters, instead of town clerks, to prepare and furnish (1) the supplies prepared or approved by the secretary of the state for newly purchased or leased tabulators that will

be used at an election and (2) blank tally and moderator's return forms to election officials.

It requires that a demonstrator device, rather than a spare machine, be available in each polling place for instructing electors on the proper way to cast their vote.

It makes technical and conforming changes to reflect the change in the state's voting system from lever voting machines to optical scan voting tabulators. Primarily, it changes "machine" to "tabulator" and "ballot labels" to "ballots." However, it also deletes references specific to the characteristics of the lever voting machine. For example, it eliminates references to pointers and counters, a requirement for voters with disabilities to be provided a paper ballot when the lever machine cannot be adjusted to allow the voters to reach all necessary parts, and a requirement for moderators to place duplicate certificates of voter checklists in the voting machine.

The bill also deletes statutes rendered obsolete by the change in voting technology.

Lastly, it makes a technical change by eliminating the obsolete Voting Technology Standards Board, which was established to develop standards for electronic voting systems used in this state, and a requirement for the secretary of the state to comply with the standards adopted by the board when determining whether to approve an electronic voting machine for use in this state. Instead, the bill requires the secretary to comply with applicable standards for electronic voting tabulators. The board was required to terminate after submitting a report on voting standards to the Government Administration and Elections Committee, governor, and secretary of the state. The report was due by January 16, 2006.

EFFECTIVE DATE: Upon passage

OBSOLETE STATUTES

The bill eliminates statutory provisions rendered obsolete by the

change in voting technology. For example, it eliminates a requirement for town clerks to notify the secretary of the state of the total number of voters in their town each February. Under prior law, the secretary would use this number to determine the number of voting machines each town needed. Under current regulations (Conn. Agencies Reg. § 9-242a-2), each town must provide a number of voting tabulators sufficient to provide a voting tabulator for each voting district for each primary and election and a sufficient number of spare voting tabulators when more than one party is holding a primary in a polling place.

The bill also eliminates a requirement for registrars of voters to appoint voting machine mechanics to prepare, adjust, and place voting machines that will be used before state elections and primaries and instead requires the registrars to perform “mechanic’s” duties, including testing tabulators to ensure that they are prepared for use. The optical scan voting tabulators self tests before it is used. If a tabulator jams or otherwise malfunctions, the tabulator tender notifies the appropriate election official who replaces it (Conn. Agencies Reg. §§ 9-242a-9 and -16).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/20/2009)