



General Assembly

**Amendment**

January Session, 2011

LCO No. 5331

**\*HB0633005331HDO\***

Offered by:

REP. MORIN, 28<sup>th</sup> Dist.  
SEN. SLOSSBERG, 14<sup>th</sup> Dist.  
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To: Subst. House Bill No. 6330

File No. 91

Cal. No. 81

**"AN ACT CONCERNING TECHNICAL AND MINOR REVISIONS TO ELECTIONS RELATED STATUTES."**

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1 In lines 1201 and 1208, insert brackets around "town clerk" and  
2 insert "registrars of voters" immediately thereafter

3 After the last section, add the following and renumber sections and  
4 internal references accordingly:

5 "Sec. 501. Section 9-244 of the general statutes is repealed and the  
6 following is substituted in lieu thereof (*Effective from passage*):

7 (a) Such registrars of voters shall give written notice to the  
8 chairpersons of the town committees of the political parties of the day  
9 and place a [mechanic or mechanics] registrar or registrars will begin  
10 the preparation, test voting and sealing of the [machines] tabulators for  
11 the election, including any additional [machines] tabulators required  
12 under section 9-238. Such notice shall be given at least one day before

13 the work on the preparation of such [machines] tabulators begins.

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

19 (c) After the [mechanic or mechanics] registrar or registrars have  
20 prepared the [machines, (1)] tabulators, the registrars of voters, or their  
21 designees, [who shall not include any such mechanics, and (2) all  
22 mechanics who prepared such machines shall be present together  
23 when the machines are tested and sealed] shall test and seal such  
24 tabulators for use in the election. The chairpersons of the town  
25 committees of the political parties and any candidate for an office  
26 appearing on the ballot may also be present, or may designate a  
27 watcher who may be present, during the testing and sealing, but such  
28 chairpersons, candidates and watchers shall not interfere with the  
29 testing or sealing. All such persons who are present for the testing and  
30 sealing of the [machines, except the mechanics,] tabulators shall file a  
31 written report, as provided in section 9-245, certifying [(A)] (1) to the  
32 numbers of the [machines, (B)] tabulators, (2) as to whether all the  
33 candidate and question counters are set at zero (000), [(C)] (3) as to the  
34 numbers registered on the protective counters, if provided, and the  
35 numbers on the seals, [(D)] (4) that the ballot [labels are] is properly  
36 [placed on the machines] prepared, and [(E)] (5) that the [machines]  
37 tabulators have been test-voted and found to be working properly.

38 Sec. 502. Section 9-246 of the general statutes is repealed and the  
39 following is substituted in lieu thereof (*Effective from passage*):

40 (a) The [mechanic or mechanics] registrar or registrars shall file a  
41 written report of the condition of each [machine] tabulator certifying  
42 that (1) they have prepared the [machines] tabulators, (2) all the  
43 counters are set at zero (000), (3) [all] the ballot [labels are] is properly  
44 [placed thereon] prepared, (4) the [grouping mechanism] tabulator has

45 been properly adjusted according to the [ballot labels] ballots, and (5)  
46 each [machine] tabulator is otherwise in readiness for the election. This  
47 report shall include the number of each [machine] tabulator and a  
48 statement of any defects or features of the [machine] tabulator that  
49 need attention or correction. The [mechanic or mechanics] registrar or  
50 registrars shall also place upon each of the [machines] tabulators a  
51 numbered [metal] seal, secured in such a way that, before any  
52 movement of the registering or voting mechanism can be effected,  
53 such seal will be destroyed or broken. All voting [machines] tabulators  
54 shall be transferred to the polling places in charge of an elector  
55 authorized by the registrars of voters under whose direction the voting  
56 [machines] tabulators are to be prepared, as provided in section 9-240a;  
57 and such elector shall certify to their delivery in good order.  
58 Additional [machines] tabulators required under section 9-238 shall be  
59 so located by the registrars of voters as to be available for immediate  
60 transfer to the polling places within the municipality. The [mechanic or  
61 mechanics] registrar or registrars shall have custody of the keys of the  
62 voting [machines only when they are at work on such machines, and  
63 immediately thereafter such keys shall be returned to the municipal  
64 clerk. The return of such keys shall, in each case, be made before the  
65 day of election] tabulators.

66 (b) The [mechanic or mechanics] registrar or registrars shall file a  
67 written report detailing any repairs made to a [machine] tabulator on  
68 the day of an election. This report shall certify (1) the number of the  
69 [machine] tabulator, (2) the time when the problem occurred, (3) a  
70 summary description of the work performed, and (4) that no repairs  
71 were made to the [machine] tabulator, after any vote was cast on the  
72 day of an election, that would affect the manner in which votes were  
73 recorded on the [machine] tabulator.

74 Sec. 503. Subsection (a) of section 9-400 of the general statutes is  
75 repealed and the following is substituted in lieu thereof (*Effective from*  
76 *passage*):

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

78 may be filed by or on behalf of any person whose name appears upon  
79 the last-completed enrollment list of such party in any municipality  
80 within the state and who has either (1) received at least fifteen per cent  
81 of the votes of the convention delegates present and voting on any roll-  
82 call vote taken on the endorsement or proposed endorsement of a  
83 candidate for such state office, whether or not the party-endorsed  
84 candidate for such office received a unanimous vote on the last ballot,  
85 or (2) circulated a petition and obtained the signatures of at least two  
86 per cent of the enrolled members of such party in the state, in  
87 accordance with the provisions of sections 9-404a to 9-404c, inclusive.  
88 Candidacies described in subdivision (1) of this subsection shall be  
89 filed by submitting to the Secretary of the State not later than four  
90 o'clock p.m. on the fourteenth day following the close of the state  
91 convention, a certificate, signed by such candidate and attested by  
92 either (A) the chairman or presiding officer, or (B) the secretary of the  
93 convention, that such candidate received at least fifteen per cent of  
94 such votes, and that such candidate consents to be a candidate in a  
95 primary of such party for such state office. Such certificate shall specify  
96 the candidate's name as the candidate authorizes it to appear on the  
97 ballot, the candidate's full residence address and the title of the office  
98 for which the candidacy is being filed. A single such certificate or  
99 petition for state office may be filed on behalf of two or more  
100 candidates for different state offices who consent to have their names  
101 appear on a single row of the primary ballot [label] under subsection  
102 (b) of section 9-437. Candidacies described in subdivision (2) of this  
103 subsection shall be filed by submitting said petition not later than four  
104 o'clock p.m. on the sixty-third day preceding the day of the primary  
105 for such office to the registrar of voters of the towns in which the  
106 respective petition pages were circulated. Each registrar shall file each  
107 page of such petition with the Secretary of the State in accordance with  
108 the provisions of section 9-404c. A petition filed by or on behalf of a  
109 candidate for state office shall be invalid for such candidate if such  
110 candidate is certified as the party-endorsed candidate pursuant to  
111 section 9-388 or as receiving at least fifteen per cent of the convention  
112 vote for such office pursuant to this subsection. Except as provided in

113 section 9-416a, upon the expiration of the time period for party  
114 endorsement and circulation and tabulation of petitions and  
115 signatures, if any, if one or more candidacies for such state office have  
116 been filed pursuant to the provisions of this section, the Secretary of  
117 the State shall notify all [town clerks] registrars of voters in accordance  
118 with the provisions of section 9-433, that a primary for such state office  
119 shall be held in each municipality in accordance with the provisions of  
120 section 9-415.

121 Sec. 504. Section 9-434 of the general statutes is repealed and the  
122 following is substituted in lieu thereof (*Effective from passage*):

123 Upon the filing with the clerk of a municipality of the names of  
124 party-endorsed candidates pursuant to section 9-390 or upon the filing  
125 with such clerk of petitions for contesting candidates pursuant to  
126 section 9-412, [such clerk] the registrars of voters shall verify and  
127 correct the names of such candidates in accordance with the registry  
128 list of such municipality, endorse the same as having been so verified  
129 and corrected and use the same in the preparation of the [ballot labels]  
130 ballots for the primary. The provisions of this section shall not apply to  
131 the municipal offices of state senator and state representative.

132 Sec. 505. Section 9-440 of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective from passage*):

134 Upon the closing of the polls at any primary held under sections 9-  
135 382 to 9-450, inclusive, the moderator, in the presence of the other  
136 officials, shall immediately lock the voting [machines] tabulators  
137 against voting and shall then proceed to ascertain, record and  
138 announce the result in the manner provided by law for ascertaining,  
139 recording and announcing the result in regular elections. The election  
140 officials shall execute certificates and returns similar to those required  
141 in regular elections. The moderator in each town not divided into  
142 voting districts, and the head moderator in each town divided into  
143 voting districts, shall transmit the results of the vote for each office  
144 contested at any such primary in the same manner and within the

145 same time as provided under section 9-314 in an election for such  
146 office. The late filing fee provided under section 9-314 shall apply to  
147 late filing of results of primaries for state or district office. In the case of  
148 primaries for state or district offices, the Secretary of the State shall  
149 forthwith cause to be tabulated the result of the votes cast in the  
150 several municipalities in which such primaries have been held and  
151 shall publicly declare the result thereof, and a certificate attesting  
152 thereto shall be entered in [his] the secretary's records.

153 Sec. 506. Section 9-446 of the general statutes is repealed and the  
154 following is substituted in lieu thereof (*Effective from passage*):

155 (a) If two or more candidates obtain the same number of votes at a  
156 primary held to nominate candidates for a state or district office, and a  
157 tie vote thereby occurs, any of such candidates, or the state chairman  
158 of the political party, may apply for a recanvass of the returns in the  
159 manner provided in section 9-445, as amended by this act. If no such  
160 application is made, or if any such recanvass results in a tie vote, such  
161 primary shall stand adjourned for three weeks at the same hour at  
162 which the first primary was held. [Ballot labels] Ballots of the same  
163 form and description as described in section 9-437 shall be used in the  
164 primary on such adjourned day, and the primary shall be conducted in  
165 the same manner as on the first day, except that the votes shall be cast  
166 for such office only. [Ballot labels] Ballots for such primary shall be  
167 provided forthwith by the [clerk] registrars of voters of each  
168 municipality wherein such primary stands adjourned, and each [such]  
169 clerk of the municipality shall furnish the Secretary of the State with an  
170 accurate list of all candidates to be voted for at such adjourned  
171 primary. The clerk of each municipality in the state or the district,  
172 whichever is applicable, wherein such primary so stands adjourned  
173 shall, at least three days prior to the day of such adjourned primary,  
174 give notice of the day, hours, place and purpose thereof by publishing  
175 such notice in a newspaper published in such municipality or having a  
176 circulation therein. No such primary shall be held if prior to such  
177 primary all but one of the candidates for such office die, withdraw  
178 their names or for any reason become disqualified to hold such office,

179 and, in such event, the remaining candidate shall be deemed to be  
180 lawfully voted upon as the candidate for such office. No withdrawal  
181 shall be valid until the candidate who has withdrawn has filed a letter  
182 of withdrawal signed by such candidate with the Secretary of the State.  
183 When such a primary is required to be held under the provisions of  
184 this section and prior to such primary all but one of the candidates for  
185 such office die, withdraw their names or for any reason become  
186 disqualified to hold such office, the Secretary of the State shall  
187 forthwith notify the [municipal clerk] registrars of voters of such fact,  
188 and shall forthwith direct the [clerk] registrars that such primary shall  
189 not be held. In the case of a multiple-opening office only the names of  
190 those candidates whose votes are equal shall be placed on the ballot  
191 [label] of the adjourned primary. If such second primary results in a tie  
192 vote, the Secretary of the State, in the presence of not fewer than three  
193 disinterested persons, and after notification to the candidates obtaining  
194 the same number of votes and the chairperson of the state central  
195 committee of the party holding the primary of the time when and the  
196 place where such tie vote is to be dissolved, shall dissolve such tie vote  
197 by lot. The Secretary of the State shall execute a certificate attesting to  
198 the result of the dissolution of such tie vote, and the person so certified  
199 or the slate so certified as having been chosen by lot shall be deemed to  
200 have received a plurality of the votes cast and shall be deemed to have  
201 been chosen as the nominee of such party to such office.

202 (b) If two or more candidates obtain the same number of votes at a  
203 primary held to nominate candidates for a municipal office or to elect  
204 members of a town committee, or if two or more slates of candidates  
205 obtain the same number of votes at a primary held for justices of the  
206 peace, and a tie vote thereby occurs, any of such candidates, or the  
207 town chairman of the political party, may apply for a recanvass of the  
208 returns in the manner provided in section 9-445, as amended by this  
209 act. If no such application is made, or if any such recanvass results in a  
210 tie vote, such primary shall stand adjourned for three weeks at the  
211 same hour at which the first primary was held. [Ballot labels] Ballots of  
212 the same form and description as described in section 9-437 shall be

213 used in the primary on such adjourned day, and the primary shall be  
214 conducted in the same manner as on the first day, except that the votes  
215 shall be cast for such office only. [Ballot labels] Ballots for such primary  
216 shall be provided forthwith by the [clerk] registrars of voters of the  
217 municipality wherein such primary stands adjourned, and [such] the  
218 clerk of the municipality shall furnish the Secretary of the State with an  
219 accurate list of all candidates to be voted for at such adjourned  
220 primary. The clerk of the municipality wherein such primary so stands  
221 adjourned shall, at least three days prior to the day of such adjourned  
222 primary, give notice of the day, hours, place and purpose thereof by  
223 publishing such notice in a newspaper published in such municipality  
224 or having a circulation therein. No such primary shall be held if prior  
225 to such primary all but one of the candidates for such office die,  
226 withdraw their names or for any reason become disqualified to hold  
227 such office, and, in such event, the remaining candidate shall be  
228 deemed to be lawfully voted upon as the candidate for such office. No  
229 withdrawal shall be valid until the candidate who has withdrawn has  
230 filed a letter of withdrawal signed by such candidate with the  
231 municipal clerk. When such a primary is required to be held under the  
232 provisions of this section and prior to such primary all but one of the  
233 candidates for such office die, withdraw their names or for any reason  
234 become disqualified to hold such office, the Secretary of the State shall  
235 forthwith notify the municipal clerk of such fact, and shall forthwith  
236 direct the clerk that such primary shall not be held. In the case of a  
237 multiple-opening office only the names of those candidates whose  
238 votes are equal shall be placed on the ballot [label] of the adjourned  
239 primary. If such second primary results in a tie vote, the registrar, in  
240 the presence of not fewer than three disinterested persons, and after  
241 notification to the candidates obtaining the same number of votes and  
242 the chairperson of the town committee of the party holding the  
243 primary of the time when and the place where such tie vote is to be  
244 dissolved, shall dissolve such tie vote by lot. The registrar shall execute  
245 a certificate attesting to the result of the dissolution of such tie vote,  
246 and the person so certified or the slate so certified as having been  
247 chosen by lot shall be deemed to have received a plurality of the votes

248 cast and shall be deemed to have been chosen as the nominee of such  
249 party to such office."