



House of Representatives

General Assembly

File No. 593

January Session, 2013

Substitute House Bill No. 5903

House of Representatives, April 23, 2013

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE RESOLUTION OF TIE VOTES IN
PRIMARIES FOR STATE OR DISTRICT OFFICES AND FOR THE
OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE.***

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

1 Section 1. Section 9-446 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) If two or more candidates obtain the same and the highest total
4 number of votes at a primary held to nominate candidates for a state or
5 district office or the municipal office of state senator or state
6 representative, and a tie vote thereby occurs, any of such candidates,
7 or the state chairman of the political party, may apply for a recanvass
8 of the returns in the manner provided in section 9-445. If no such
9 application is made, or if any such recanvass results in a tie vote, such
10 primary shall stand adjourned for three weeks at the same hour at
11 which the first primary was held. Ballots of the same form and
12 description as described in section 9-437 shall be used in the primary

13 on such adjourned day, and the primary shall be conducted in the
14 same manner as on the first day, except that the votes shall be cast for
15 such office only and may only be cast for a candidate who received
16 such a tie number of votes in the primary on the first day. Ballots for
17 [such] the primary on such adjourned day shall be provided forthwith
18 by the registrars of voters of each municipality wherein such primary
19 stands adjourned, and each clerk of the municipality shall furnish the
20 Secretary of the State with an accurate list of all candidates to be voted
21 for at such adjourned primary. The clerk of each municipality in the
22 state or the district, whichever is applicable, wherein such primary so
23 stands adjourned shall, at least three days prior to the day of such
24 adjourned primary, give notice of the day, hours, place and purpose
25 thereof by publishing such notice in a newspaper published in such
26 municipality or having a circulation therein. No such primary shall be
27 held if prior to such primary all but one of the candidates for such
28 office die, withdraw their names or for any reason become disqualified
29 to hold such office, and, in such event, the remaining candidate shall
30 be deemed to be lawfully voted upon as the candidate for such office.
31 No withdrawal shall be valid until the candidate who has withdrawn
32 has filed a letter of withdrawal signed by such candidate with the
33 Secretary of the State. When such a primary is required to be held
34 under the provisions of this section and prior to such primary all but
35 one of the candidates for such office die, withdraw their names or for
36 any reason become disqualified to hold such office, the Secretary of the
37 State shall forthwith notify the registrars of voters of such fact, and
38 shall forthwith direct the registrars that such primary shall not be held.
39 In the case of a multiple-opening office only the names of those
40 candidates whose votes are equal shall be placed on the ballot of the
41 adjourned primary. If such second primary results in a tie vote with
42 two or more candidates receiving the same highest total number of
43 votes, the Secretary of the State, in the presence of not fewer than three
44 disinterested persons, and after notification to the candidates obtaining
45 the same number of votes and the chairperson of the state central
46 committee of the party holding the primary of the time when and the
47 place where such tie vote is to be dissolved, shall dissolve such tie vote

48 by lot. The Secretary of the State shall execute a certificate attesting to
49 the result of the dissolution of such tie vote, and the person so certified
50 or the slate so certified as having been chosen by lot shall be deemed to
51 have received a plurality of the votes cast and shall be deemed to have
52 been chosen as the nominee of such party to such office.

53 (b) If two or more candidates obtain the same number of votes at a
54 primary held to nominate candidates for a municipal office, other than
55 the municipal office of state senator or state representative, or to elect
56 members of a town committee, or if two or more slates of candidates
57 obtain the same number of votes at a primary held for justices of the
58 peace, and a tie vote thereby occurs, any of such candidates, or the
59 town chairman of the political party, may apply for a recanvass of the
60 returns in the manner provided in section 9-445. If no such application
61 is made, or if any such recanvass results in a tie vote, such primary
62 shall stand adjourned for three weeks at the same hour at which the
63 first primary was held. Ballots of the same form and description as
64 described in section 9-437 shall be used in the primary on such
65 adjourned day, and the primary shall be conducted in the same
66 manner as on the first day, except that the votes shall be cast for such
67 office only. Ballots for [such] the primary on such adjourned day shall
68 be provided forthwith by the registrars of voters of the municipality
69 wherein such primary stands adjourned, and the clerk of the
70 municipality shall furnish the Secretary of the State with an accurate
71 list of all candidates to be voted for at such adjourned primary. The
72 clerk of the municipality wherein such primary so stands adjourned
73 shall, at least three days prior to the day of such adjourned primary,
74 give notice of the day, hours, place and purpose thereof by publishing
75 such notice in a newspaper published in such municipality or having a
76 circulation therein. No such primary shall be held if prior to such
77 primary all but one of the candidates for such office die, withdraw
78 their names or for any reason become disqualified to hold such office,
79 and, in such event, the remaining candidate shall be deemed to be
80 lawfully voted upon as the candidate for such office. No withdrawal
81 shall be valid until the candidate who has withdrawn has filed a letter
82 of withdrawal signed by such candidate with the municipal clerk.

83 When such a primary is required to be held under the provisions of
 84 this section and prior to such primary all but one of the candidates for
 85 such office die, withdraw their names or for any reason become
 86 disqualified to hold such office, the Secretary of the State shall
 87 forthwith notify the municipal clerk of such fact, and shall forthwith
 88 direct the clerk that such primary shall not be held. In the case of a
 89 multiple-opening office only the names of those candidates whose
 90 votes are equal shall be placed on the ballot of the adjourned primary.
 91 If such second primary results in a tie vote, the registrar, in the
 92 presence of not fewer than three disinterested persons, and after
 93 notification to the candidates obtaining the same number of votes and
 94 the chairperson of the town committee of the party holding the
 95 primary of the time when and the place where such tie vote is to be
 96 dissolved, shall dissolve such tie vote by lot. The registrar shall execute
 97 a certificate attesting to the result of the dissolution of such tie vote,
 98 and the person so certified or the slate so certified as having been
 99 chosen by lot shall be deemed to have received a plurality of the votes
 100 cast and shall be deemed to have been chosen as the nominee of such
 101 party to such office.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	9-446

Statement of Legislative Commissioners:

In subsection (a), "a municipal office for" was changed to "the municipal office of" for consistency and "the municipal office of" was added to subsection (b) for clarity.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which makes changes to the structure of adjourned primaries for statewide, district, or legislative office, has no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5903*****AN ACT CONCERNING THE RESOLUTION OF TIE VOTES IN
PRIMARIES FOR STATE OR DISTRICT OFFICES AND FOR THE
OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE.*****SUMMARY:**

This bill changes who is eligible to receive votes in an adjourned primary that is held to resolve a tie vote in a primary between two or more candidates for statewide, district, or legislative office. Under current law, all candidates who ran in the first primary for the office in which there was a tie may receive votes. Under the bill, only the candidates who tied and received the most votes in the first primary are eligible to receive votes in the adjourned primary.

The bill does not affect who is eligible to receive votes in an adjourned primary held to resolve a tie between two or more candidates for municipal office (other than state senator or state representative) or town committee, or slates of candidates for justice of the peace.

By law, the adjourned primary is held three weeks after the first primary. If the adjourned primary results in a tie, the secretary of the state resolves it by drawing lots.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2013

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (04/05/2013)