



General Assembly

**Substitute Bill No. 5903**

January Session, 2013



**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 Section 9-446 of the general statutes is repealed and the  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*