



General Assembly

February Session, 2016

***Raised Bill No. 5611***

LCO No. 2923



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING NOTICES FOR ELECTIONS, PRIMARIES AND  
REFERENDA AND THE HOLDING OF PUBLIC HEARINGS PRIOR TO  
THE DETERMINATION OF POLLING PLACES BY MUNICIPAL  
LEGISLATIVE BODIES.***

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

1 Section 1. Section 9-225 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The town clerk or assistant town clerk of each town shall warn  
4 the electors therein to meet on the Tuesday following the first Monday  
5 in November in the even-numbered years, at six o'clock a.m., which  
6 warning shall be given by publication in a newspaper having a general  
7 circulation in such town, or towns in the case of a joint publication  
8 under subsection (b) of this section, not more than fifteen nor less than  
9 five days previous to holding such election. The clerk in each town  
10 shall, in the warning for such election, give notice of the time and the  
11 location of the polling place in the town, and in towns divided into  
12 voting districts, of the time and the location of the polling place in each

13 district, at which such election will be held. The town clerk shall record  
14 each such warning.

15 (b) Notwithstanding the provisions of any charter or home rule  
16 ordinance, the warning under subsection (a) of this section may be  
17 published jointly by two or more towns in a newspaper, provided all  
18 other requirements of this section with respect to such warning are  
19 met.

20 (c) Any election held pursuant to this section shall be void if not  
21 warned in accordance with subsections (a) and (b) of this section.

22 Sec. 2. Section 9-226 of the general statutes is repealed and the  
23 following is substituted in lieu thereof (*Effective from passage*):

24 (a) The warning of each municipal election shall specify the objects  
25 for which such election is to be held. Notice of a town election shall be  
26 given by the town clerk or assistant town clerk, by publishing a  
27 warning in a newspaper published in such town or having a general  
28 circulation [therein] in such town, such publication to be not more than  
29 fifteen, nor less than five days previous to holding the election. The  
30 town clerk in each town shall, in the warning for such election, give  
31 notice of the time and the location of the polling place in the town and,  
32 in towns divided into voting districts, of the time and the location of  
33 the polling place in each district. The town clerk shall record each such  
34 warning. Notice of an election of a city or borough shall be given by  
35 publishing a warning in a newspaper published within the limits of  
36 such city or borough, or having a general circulation [therein] in such  
37 city or borough, not more than fifteen nor less than five days previous  
38 to holding the election, which warning shall include notice of the time  
39 and the location of the polling place in such city or borough and, in  
40 cities and boroughs divided into voting districts, of the time and the  
41 location of the polling place in each district.

42 (b) Any election held pursuant to this section shall be void if not  
43 warned in accordance with subsection (a) of this section.

44 Sec. 3. Section 9-332 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective from passage*):

46 (a) If the electors fail to choose a candidate for any office by reason  
47 of an equality of votes at any election, and no provision is otherwise  
48 made by law for the election of a candidate to such office, such election  
49 shall stand adjourned for three weeks at the same hour at which the  
50 first election was held. Ballots of the same form and description as  
51 described in sections 9-250 to 9-256, inclusive, except that such ballots  
52 shall contain only the names of the candidates for whom the same are  
53 to be voted, shall be used in the election on such adjourned day, and  
54 the election shall be conducted in the same manner as on the first day,  
55 except that the votes shall be cast for such officer only. Ballots for such  
56 election shall be provided forthwith by the clerk of the municipality  
57 wherein such election stands adjourned, and such clerk shall furnish  
58 the Secretary of the State with an accurate list of all candidates to be  
59 voted for at such adjourned election. The clerk of the municipality  
60 wherein such election so stands adjourned shall, at least three days  
61 prior to the day of such adjourned election, [give] warn such  
62 adjourned election by publishing notice of the day, hours, place and  
63 purpose thereof [by publishing such notice] in a newspaper published  
64 in such municipality or having a circulation [therein] in such  
65 municipality. No such election shall be held if prior to such election all  
66 but one of the candidates for such office die, withdraw their names or  
67 for any reason become disqualified to hold such office, and, in such  
68 event, the remaining candidate shall be deemed to be lawfully elected  
69 to such office. No withdrawal shall be valid until the candidate who  
70 has withdrawn has filed a letter of withdrawal signed by such  
71 candidate with the Secretary of the State or, in the case of a municipal  
72 office, until the candidate who has withdrawn has filed a letter of  
73 withdrawal signed by such candidate with the municipal clerk. When  
74 such an election is required to be held under the provisions of this  
75 section for any office other than a municipal office, and prior to such  
76 election all but one of the candidates for such office die, withdraw their

77 names or for any reason become disqualified to hold such office, the  
78 Secretary of the State shall forthwith notify the clerk of each  
79 municipality wherein such election was to have been held of such fact,  
80 and shall forthwith direct each such clerk that such election shall not  
81 be held. In the case of a multiple opening office only the names of  
82 those candidates whose votes are equal shall be placed on the ballot of  
83 the adjourned election.

84 (b) Any adjourned election held pursuant to this section shall be  
85 void if not warned in accordance with subsection (a) of this section.

86 Sec. 4. Section 9-433 of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective from passage*):

88 (a) After the deadline set forth in section 9-400 for filing candidacies,  
89 and upon the completion of the tabulation of petition signatures, if  
90 any, if one or more candidacies for nomination by a political party to a  
91 state or district office have been filed in accordance with the provisions  
92 of section 9-400, the Secretary of the State shall notify the clerk of each  
93 town within the state or within the district, as the case may be, that a  
94 primary is to be held by such party for the nomination of such party to  
95 such office. Such notice shall include a list of all the proposed  
96 candidates, those endorsed by the convention as well as those filing  
97 candidacies, together with their addresses and the titles of the office  
98 for which they are candidates and, if applicable, a statement that  
99 unaffiliated electors may vote in the primary. The clerk of each such  
100 town shall thereupon [cause] warn such primary by causing such  
101 notice to be published forthwith in a newspaper having a general  
102 circulation in such town, or towns in the case of a joint publication  
103 under subsection (b) of this section, together with a statement of the  
104 date upon which the primary is to be held, the hours during which the  
105 polls shall be open and the location of the polls.

106 (b) Notwithstanding the provisions of any charter or home rule  
107 ordinance, the warning under subsection (a) of this section may be

108 published jointly by two or more towns in a newspaper, provided all  
109 other requirements of this section with respect to such warning are  
110 met.

111 (c) Any primary held pursuant to this section shall be void if not  
112 warned in accordance with subsections (a) and (b) of this section.

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

115 (a) Except as provided in sections 9-418 and 9-419, if in any  
116 municipality, within the time specified in section 9-405, a candidacy for  
117 nomination by a political party to any municipal office or for election  
118 as a town committee member is filed with the registrar, in conformity  
119 with the provisions of sections 9-405 to 9-412, inclusive, and section 9-  
120 414, by or on behalf of any person other than party-endorsed  
121 candidates, the registrar shall forthwith after the deadline for  
122 certification of party-endorsed candidates notify the clerk of such  
123 municipality that a primary is to be held by such party for the  
124 nomination of such party to such office or for the election by such  
125 party of town committee members, as the case may be. Such notice  
126 shall include a list of all the proposed candidates, those endorsed as  
127 well as those filing candidacies, together with their addresses and the  
128 titles of the offices or positions for which they are candidates. In the  
129 case of a primary for justices of the peace, such notice shall also contain  
130 the complete ballot designation of each slate pursuant to subsection (h)  
131 of section 9-437. The clerk of the municipality shall thereupon [cause]  
132 warn such primary by causing such notice to be published forthwith in  
133 a newspaper having a general circulation in such municipality,  
134 together with a statement of the date upon which the primary is to be  
135 held, the hours during which the polls shall be open and the location  
136 of the polls. The clerk of the municipality shall also file such notice  
137 with the Secretary of the State not later than three business days after  
138 receipt of such notice from the registrar of voters. The clerk shall  
139 forthwith publish any change in the proposed candidates, listing such

140 changes.

141 (b) Any primary held pursuant to this section shall be void if not  
142 warned in accordance with subsection (a) of this section.

143 Sec. 6. Section 9-446 of the general statutes is repealed and the  
144 following is substituted in lieu thereof (*Effective from passage*):

145 (a) (1) If two or more candidates obtain the same and the highest  
146 total number of votes at a primary held to nominate candidates for a  
147 state or district office or the municipal office of state senator or state  
148 representative, and a tie vote thereby occurs, any of such candidates,  
149 or the state chairman of the political party, may apply for a recanvass  
150 of the returns in the manner provided in section 9-445. If no such  
151 application is made, or if any such recanvass results in a tie vote, such  
152 primary shall stand adjourned for three weeks at the same hour at  
153 which the first primary was held. Ballots of the same form and  
154 description as described in section 9-437 shall be used in the primary  
155 on such adjourned day, and the primary shall be conducted in the  
156 same manner as on the first day, except that the votes shall be cast for  
157 such office only and may only be cast for a candidate who received  
158 such a tie number of votes in the primary on the first day. Ballots for  
159 the primary on such adjourned day shall be provided forthwith by the  
160 registrars of voters of each municipality wherein such primary stands  
161 adjourned, and each clerk of the municipality shall furnish the  
162 Secretary of the State with an accurate list of all candidates to be voted  
163 for at such adjourned primary. The clerk of each municipality in the  
164 state or the district, whichever is applicable, wherein such primary so  
165 stands adjourned shall, at least three days prior to the day of such  
166 adjourned primary, [give] warn such adjourned primary by publishing  
167 notice of the day, hours, place and purpose thereof [by publishing such  
168 notice] in a newspaper published in such municipality or having a  
169 circulation [therein] in such municipality. No such primary shall be  
170 held if prior to such primary all but one of the candidates for such  
171 office die, withdraw their names or for any reason become disqualified

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

196 (2) Any adjourned primary held pursuant to this subsection shall be  
197 void if not warned in accordance with subdivision (1) of this  
198 subsection.

199 (b) (1) If two or more candidates obtain the same number of votes at  
200 a primary held to nominate candidates for a municipal office, other  
201 than the municipal office of state senator or state representative, or to  
202 elect members of a town committee, or if two or more slates of  
203 candidates obtain the same number of votes at a primary held for  
204 justices of the peace, and a tie vote thereby occurs, any of such

205 candidates, or the town chairman of the political party, may apply for  
206 a recanvass of the returns in the manner provided in section 9-445. If  
207 no such application is made, or if any such recanvass results in a tie  
208 vote, such primary shall stand adjourned for three weeks at the same  
209 hour at which the first primary was held. Ballots of the same form and  
210 description as described in section 9-437 shall be used in the primary  
211 on such adjourned day, and the primary shall be conducted in the  
212 same manner as on the first day, except that the votes shall be cast for  
213 such office only. Ballots for the primary on such adjourned day shall  
214 be provided forthwith by the registrars of voters of the municipality  
215 wherein such primary stands adjourned, and the clerk of the  
216 municipality shall furnish the Secretary of the State with an accurate  
217 list of all candidates to be voted for at such adjourned primary. The  
218 clerk of the municipality wherein such primary so stands adjourned  
219 shall, at least three days prior to the day of such adjourned primary,  
220 [give] warn such adjourned primary by publishing notice of the day,  
221 hours, place and purpose thereof [by publishing such notice] in a  
222 newspaper published in such municipality or having a circulation  
223 [therein] in such municipality. No such primary shall be held if prior to  
224 such primary all but one of the candidates for such office die,  
225 withdraw their names or for any reason become disqualified to hold  
226 such office, and, in such event, the remaining candidate shall be  
227 deemed to be lawfully voted upon as the candidate for such office. No  
228 withdrawal shall be valid until the candidate who has withdrawn has  
229 filed a letter of withdrawal signed by such candidate with the  
230 municipal clerk. When such a primary is required to be held under the  
231 provisions of this section and prior to such primary all but one of the  
232 candidates for such office die, withdraw their names or for any reason  
233 become disqualified to hold such office, the Secretary of the State shall  
234 forthwith notify the municipal clerk of such fact, and shall forthwith  
235 direct the clerk that such primary shall not be held. In the case of a  
236 multiple-opening office only the names of those candidates whose  
237 votes are equal shall be placed on the ballot of the adjourned primary.  
238 If such second primary results in a tie vote, the registrar, in the

239 presence of not fewer than three disinterested persons, and after  
240 notification to the candidates obtaining the same number of votes and  
241 the chairperson of the town committee of the party holding the  
242 primary of the time when and the place where such tie vote is to be  
243 dissolved, shall dissolve such tie vote by lot. The registrar shall execute  
244 a certificate attesting to the result of the dissolution of such tie vote,  
245 and the person so certified or the slate so certified as having been  
246 chosen by lot shall be deemed to have received a plurality of the votes  
247 cast and shall be deemed to have been chosen as the nominee of such  
248 party to such office.

249 (2) Any adjourned primary held pursuant to this subsection shall be  
250 void if not warned in accordance with subdivision (1) of this  
251 subsection.

252 Sec. 7. Section 9-369 of the general statutes is repealed and the  
253 following is substituted in lieu thereof (*Effective from passage*):

254 Whenever at any regular or special state or municipal election any  
255 vote for approval or disapproval of any constitutional amendment or  
256 any question or proposal is taken pursuant to the Constitution, the  
257 general statutes or any special act, unless otherwise provided, such  
258 election shall be warned and held, the vote on such amendment,  
259 question or proposal cast and canvassed and the result determined and  
260 certified as nearly as may be in accordance with the provisions  
261 governing the election of officers in the state or in such municipality,  
262 except that any referendum held under this section shall be void if not  
263 warned in exact accordance with the provisions governing the election  
264 of officers in the state or in such municipality. The warning for such  
265 election shall state that a purpose of such election is to vote for the  
266 approval or disapproval of such amendment, question or proposal and  
267 shall state the section of the Constitution or of the general statutes or  
268 the special act under authority of which such vote is taken. The vote on  
269 such amendment, question or proposal shall be taken by a "Yes" and  
270 "No" vote on the voting tabulator, and the designation of such

271 amendment, question or proposal on the ballot shall be "Shall (here  
272 insert the question or proposal, followed by a question mark)". Such  
273 ballot shall be provided for use in accordance with the provisions of  
274 section 9-250. The municipal clerk shall number on the ballot the  
275 questions to be voted upon according to the order in which they will  
276 appear thereon, provided amendments to the Constitution shall be  
277 numbered by the Secretary of the State in numerical order based upon  
278 the dates on which resolutions proposing such amendments were  
279 passed, precedence being given to the earliest passed unless otherwise  
280 provided by the resolutions proposing such amendments. Each elector  
281 shall vote "Yes" if in favor of the amendment, question or proposal or  
282 "No" if not in favor thereof. If, upon the official determination of the  
283 result of such vote, it appears that a majority of all the votes so cast are  
284 in approval of such amendment, question or proposal, such  
285 amendment, question or proposal shall, unless otherwise provided,  
286 take effect forthwith.

287 Sec. 8. Section 9-169 of the general statutes is repealed and the  
288 following is substituted in lieu thereof (*Effective from passage*):

289 (a) The legislative body of any town, consolidated town and city or  
290 consolidated town and borough may divide and, from time to time,  
291 redivide such municipality into voting districts. The registrars of  
292 voters of any municipality taking such action shall provide a suitable  
293 polling place in each district but, if the registrars fail to agree as to the  
294 location of any polling place or places, the legislative body shall  
295 determine the location thereof in accordance with subsection (b) of this  
296 section. Polling places to be used in an election shall be determined at  
297 least thirty-one days before such election, and such polling places shall  
298 not be changed within said period of thirty-one days except that, if the  
299 municipal clerk and registrars of voters of a municipality unanimously  
300 find that any such polling place within such municipality has been  
301 rendered unusable within such period, they shall forthwith designate  
302 another polling place to be used in place of the one so rendered  
303 unusable and shall give adequate notice that such polling place has

304 been so changed. The registrars of voters shall keep separate lists of the  
305 electors residing in each district and shall appoint for each district a  
306 moderator in accordance with the provisions of section 9-229 and such  
307 other election officials as are required by law, and shall designate one  
308 of the moderators so appointed or any other elector of such town to be  
309 the head moderator for the purpose of declaring the results of elections  
310 in the whole municipality. The registrars may also designate a deputy  
311 head moderator to assist the head moderator in the performance of his  
312 duties, provided the deputy head moderator and the head moderator  
313 shall not be enrolled in the same major party, as defined in subdivision  
314 (5) of section 9-372. The selectmen, town clerk, registrars of voters and  
315 all other officers of the municipality shall perform the duties required  
316 of them by law with respect to elections in each voting district  
317 established in accordance with this section. Voting district lines shall  
318 not be drawn by a municipality so as to conflict with the lines of  
319 congressional districts, senate districts or assembly districts as  
320 established by law, except (1) as provided in section 9-169d and (2) that  
321 as to municipal elections, any part of a split voting district containing  
322 less than two hundred electors may be combined with another voting  
323 district adjacent thereto from which all and the same officers are  
324 elected at such municipal election. Any change in the boundaries of  
325 voting districts made within ninety days prior to any election or  
326 primary shall not apply with respect to such election or primary. The  
327 provisions of this section shall prevail over any contrary provision of  
328 any charter or special act.

329 (b) If the legislative body of any municipality is required to  
330 determine the location of any polling place pursuant to subsection (a)  
331 of this section, the legislative body shall conduct a public hearing in  
332 such municipality on any proposed location of such polling place prior  
333 to the final determination of such location. The legislative body shall  
334 cause notice of the time, place and subject of such public hearing to be  
335 published, not more than ten days and not less than three days prior to  
336 such public hearing, in the newspaper having the greatest circulation

337 in the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-225
Sec. 2	<i>from passage</i>	9-226
Sec. 3	<i>from passage</i>	9-332
Sec. 4	<i>from passage</i>	9-433
Sec. 5	<i>from passage</i>	9-435
Sec. 6	<i>from passage</i>	9-446
Sec. 7	<i>from passage</i>	9-369
Sec. 8	<i>from passage</i>	9-169

**Statement of Purpose:**

To (1) invalidate certain elections, primaries or referenda if not properly warned in accordance with applicable statute, and (2) require that, if a municipal legislative body is to determine the location of any polling place, such legislative body (A) conduct a public hearing on any proposed location of such polling place, and (B) notice such public hearing between ten and three days prior to such public hearing in the most circulated newspaper in such municipality.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*