



General Assembly

January Session, 2017

**Raised Bill No. 896**

LCO No. 4288



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT ASSIGNING CERTAIN ELECTION DISPUTES TO THE  
SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF HARTFORD.***

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

1 Section 1. Section 9-324 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any elector or candidate who claims that such elector or  
4 candidate is aggrieved by any ruling of any election official in  
5 connection with any election for Governor, Lieutenant Governor,  
6 Secretary of the State, State Treasurer, Attorney General, State  
7 Comptroller or judge of probate, held in such elector's or candidate's  
8 town, or that there has been a mistake in the count of the votes cast at  
9 such election for candidates for said offices or any of them, at any  
10 voting district in such elector's or candidate's town, or any candidate  
11 for such an office who claims that such candidate is aggrieved by a  
12 violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-  
13 364, 9-364a or 9-365 in the casting of absentee ballots at such election or  
14 any candidate for the office of Governor, Lieutenant Governor,

15 Secretary of the State, State Treasurer, Attorney General or State  
16 Comptroller, who claims that such candidate is aggrieved by a  
17 violation of any provision of sections 9-700 to 9-716, inclusive, may  
18 bring such elector's or candidate's complaint to any judge of the  
19 [Superior Court, in which such] superior court for the judicial district  
20 of Hartford. Such elector or candidate shall set out in the complaint the  
21 claimed errors of such election official, the claimed errors in the count  
22 or the claimed violations of said sections. In any action brought  
23 pursuant to the provisions of this section, the complainant shall send a  
24 copy of the complaint by first-class mail, or deliver a copy of the  
25 complaint by hand, to the State Elections Enforcement Commission. If  
26 such complaint is made prior to such election, such judge shall proceed  
27 expeditiously to render judgment on the complaint and shall cause  
28 notice of the hearing to be given to the Secretary of the State and the  
29 State Elections Enforcement Commission. If such complaint is made  
30 subsequent to the election, it shall be brought not later than fourteen  
31 days after the election or, if such complaint is brought in response to  
32 the manual tabulation of paper ballots authorized pursuant to section  
33 9-320f, such complaint shall be brought not later than seven days after  
34 the close of any such manual tabulation. [and, in either such  
35 circumstance, such]

36 (b) Such judge shall forthwith order a hearing to be had upon such  
37 complaint, upon a day not more than five nor less than three days  
38 from the making of such order, and shall cause notice of not less than  
39 three nor more than five days to be given to any candidate or  
40 candidates whose election may be affected by the decision upon such  
41 hearing, to such election official, the Secretary of the State, the State  
42 Elections Enforcement Commission and to any other party or parties  
43 whom such judge deems proper parties thereto, of the time and place  
44 for the hearing upon such complaint. Such judge shall, on the day  
45 fixed for such hearing and without unnecessary delay, proceed to hear  
46 the parties. If sufficient reason is shown, such judge may order any  
47 voting tabulators to be unlocked or any ballot boxes to be opened and

48 a recount of the votes cast, including absentee ballots, to be made. Such  
49 judge shall thereupon, in case such judge finds any error in the rulings  
50 of the election official, any mistake in the count of the votes or any  
51 violation of said sections, certify the result of such judge's finding or  
52 decision to the Secretary of the State before the fifteenth day of the next  
53 succeeding December. Such judge may order a new election or a  
54 change in the existing election schedule.

55 (c) Such certificate of such judge of such judge's finding or decision  
56 shall be final and conclusive upon all questions relating to errors in the  
57 rulings of such election officials, to the correctness of such count, and,  
58 for the purposes of this section only, such claimed violations, and shall  
59 operate to correct the returns of the moderators or presiding officers,  
60 so as to conform to such finding or decision, unless the same is  
61 appealed from as provided in section 9-325, as amended by this act.

62 Sec. 2. Section 9-325 of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective from passage*):

64 If, upon any such hearing by a judge of the [Superior Court]  
65 superior court for the judicial district of Hartford, any question of law  
66 is raised which any party to the complaint claims should be reviewed  
67 by the Supreme Court, such judge, instead of filing the certificate of his  
68 finding or decision with the Secretary of the State, shall transmit the  
69 same, including therein such questions of law, together with a proper  
70 finding of facts, to the Chief Justice of the Supreme Court, who shall  
71 thereupon call a special session of said court for the purpose of an  
72 immediate hearing upon the questions of law so certified. A copy of  
73 the finding and decision so certified by the judge of the [Superior  
74 Court] superior court for the judicial district of Hartford, together with  
75 the decision of the Supreme Court, on the questions of law therein  
76 certified, shall be attested by the clerk of the Supreme Court, and by  
77 him transmitted to the Secretary of the State forthwith. The finding  
78 and decision of the judge of the [Superior Court] superior court for the  
79 judicial district of Hartford, together with the decision of the Supreme

80 Court on the questions of law thus certified, shall be final and  
81 conclusive upon all questions relating to errors in the rulings of the  
82 election officials and to the correctness of such count and shall operate  
83 to correct the returns of the moderators or presiding officers so as to  
84 conform to such decision of [said court] the Supreme Court. Nothing  
85 in this section shall be considered as prohibiting an appeal to the  
86 Supreme Court from a final judgment of the [Superior Court] superior  
87 court for the judicial district of Hartford. The judges of the Supreme  
88 Court may establish rules of procedure for the speedy and inexpensive  
89 hearing of such appeals within fifteen days of such judgment of a  
90 judge of the [Superior Court] superior court for the judicial district of  
91 Hartford.

92 Sec. 3. Section 9-328 of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective from passage*):

94 (a) Any elector or candidate claiming to have been aggrieved by any  
95 ruling of any election official in connection with an election for any  
96 municipal office or a primary for justice of the peace, or any elector or  
97 candidate claiming that there has been a mistake in the count of votes  
98 cast for any such office at such election or primary, or any candidate in  
99 such an election or primary claiming that he is aggrieved by a violation  
100 of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-  
101 364a or 9-365 in the casting of absentee ballots at such election or  
102 primary, may bring a complaint to any judge of the [Superior Court]  
103 superior court for the judicial district of Hartford for relief therefrom.  
104 In any action brought pursuant to the provisions of this section, the  
105 complainant shall send a copy of the complaint by first-class mail, or  
106 deliver a copy of the complaint by hand, to the State Elections  
107 Enforcement Commission. If such complaint is made prior to such  
108 election or primary, such judge shall proceed expeditiously to render  
109 judgment on the complaint and shall cause notice of the hearing to be  
110 given to the Secretary of the State and the State Elections Enforcement  
111 Commission. If such complaint is made subsequent to such election or  
112 primary, it shall be brought not later than fourteen days after such

113 election or primary, except that if such complaint is brought in  
114 response to the manual tabulation of paper ballots, authorized  
115 pursuant to section 9-320f, such complaint shall be brought not later  
116 than seven days after the close of any such manual tabulation, to any  
117 judge of the [Superior Court] superior court for the judicial district of  
118 Hartford, in which he shall set out the claimed errors of the election  
119 official, the claimed errors in the count or the claimed violations of said  
120 sections.

121 (b) Such judge shall forthwith order a hearing to be had upon such  
122 complaint, upon a day not more than five nor less than three days  
123 from the making of such order, and shall cause notice of not less than  
124 three nor more than five days to be given to any candidate or  
125 candidates whose election or nomination may be affected by the  
126 decision upon such hearing, to such election official, the Secretary of  
127 the State, the State Elections Enforcement Commission and to any  
128 other party or parties whom such judge deems proper parties thereto,  
129 of the time and place for the hearing upon such complaint. Such judge  
130 shall, on the day fixed for such hearing and without unnecessary  
131 delay, proceed to hear the parties. If sufficient reason is shown, he may  
132 order any voting tabulators to be unlocked or any ballot boxes to be  
133 opened and a recount of the votes cast, including absentee ballots, to  
134 be made. Such judge shall thereupon, if he finds any error in the  
135 rulings of the election official or any mistake in the count of the votes,  
136 certify the result of his finding or decision to the Secretary of the State  
137 before the tenth day succeeding the conclusion of the hearing. Such  
138 judge may order a new election or primary or a change in the existing  
139 election schedule.

140 (c) Such certificate of such judge of his finding or decision shall be  
141 final and conclusive upon all questions relating to errors in the ruling  
142 of such election officials, to the correctness of such count, and, for the  
143 purposes of this section only, such claimed violations, and shall  
144 operate to correct the returns of the moderators or presiding officers,  
145 so as to conform to such finding or decision, except that this section

146 shall not affect the right of appeal to the Supreme Court and it shall  
147 not prevent such judge from reserving such questions of law for the  
148 advice of the Supreme Court as provided in section 9-325, as amended  
149 by this act. Such judge may, if necessary, issue [his] a writ of  
150 mandamus, requiring the adverse party and those under him to  
151 deliver to the complainant the appurtenances of such office, and shall  
152 cause his finding and [decree] decision to be entered on the records of  
153 the Superior Court in the proper judicial district.

154 Sec. 4. Section 9-329a of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective from passage*):

156 (a) Any (1) elector or candidate aggrieved by a ruling of an election  
157 official in connection with any primary held pursuant to (A) section 9-  
158 423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who  
159 alleges that there has been a mistake in the count of the votes cast at  
160 such primary, or (3) candidate in such a primary who alleges that he is  
161 aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-  
162 361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots  
163 at such primary, may bring his complaint to any judge of the [Superior  
164 Court] superior court for the judicial district of Hartford for  
165 appropriate action. In any action brought pursuant to the provisions of  
166 this section, the complainant shall file a certification attached to the  
167 complaint indicating that a copy of the complaint has been sent by  
168 first-class mail or delivered to the State Elections Enforcement  
169 Commission. If such complaint is made prior to such primary such  
170 judge shall proceed expeditiously to render judgment on the complaint  
171 and shall cause notice of the hearing to be given to the Secretary of the  
172 State and the State Elections Enforcement Commission. If such  
173 complaint is made subsequent to such primary it shall be brought, not  
174 later than fourteen days after such primary, or if such complaint is  
175 brought in response to the manual tabulation of paper ballots,  
176 described in section 9-320f, such complaint shall be brought, not later  
177 than seven days after the close of any such manual tabulation, to any  
178 judge of the [Superior Court] superior court for the judicial district of

179 Hartford.

180 (b) Such judge shall forthwith order a hearing to be held upon such  
181 complaint upon a day not more than five nor less than three days after  
182 the making of such order, and shall cause notice of not less than three  
183 days to be given to any candidate or candidates in any way directly  
184 affected by the decision upon such hearing, to such election official, to  
185 the Secretary of the State, the State Elections Enforcement Commission  
186 and to any other person or persons, whom such judge deems proper  
187 parties thereto, of the time and place of the hearing upon such  
188 complaint. Such judge shall, on the day fixed for such hearing, and  
189 without delay, proceed to hear the parties and determine the result. If,  
190 after hearing, sufficient reason is shown, such judge may order any  
191 voting tabulators to be unlocked or any ballot boxes to be opened and  
192 a recount of the votes cast, including absentee ballots, to be made. Such  
193 judge shall thereupon, if he finds any error in the ruling of the election  
194 official, any mistake in the count of the votes or any violation of said  
195 sections, certify the result of his finding or decision to the Secretary of  
196 the State before the tenth day following the conclusion of the hearing.  
197 Such judge may (1) determine the result of such primary; (2) order a  
198 change in the existing primary schedule; or (3) order a new primary if  
199 he finds that but for the error in the ruling of the election official, any  
200 mistake in the count of the votes or any violation of said sections, the  
201 result of such primary might have been different and he is unable to  
202 determine the result of such primary.

203 (c) The certification by the judge of his finding or decision shall be  
204 final and conclusive upon all questions relating to errors in the ruling  
205 of such election official, to the correctness of such count, and, for the  
206 purposes of this section only, such alleged violations, and shall operate  
207 to correct any returns or certificates filed by the election officials,  
208 unless the same is appealed from as provided in section 9-325, as  
209 amended by this act. In the event a new primary is held pursuant to  
210 such [Superior Court] order of the superior court for the judicial  
211 district of Hartford, the result of such new primary shall be final and

212 conclusive unless a complaint is brought pursuant to this section. The  
213 clerk of the court shall forthwith transmit a copy of such findings and  
214 order to the Secretary of the State.

215 Sec. 5. Section 9-329b of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective from passage*):

217 At any time prior to a primary held pursuant to sections 9-423, 9-425  
218 and 9-464, or a special act or prior to any election, the [Superior Court]  
219 superior court for the judicial district of Hartford may issue an order  
220 removing a candidate from a ballot where it is shown that [said] such  
221 candidate is improperly on the ballot.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-324
Sec. 2	<i>from passage</i>	9-325
Sec. 3	<i>from passage</i>	9-328
Sec. 4	<i>from passage</i>	9-329a
Sec. 5	<i>from passage</i>	9-329b

**Statement of Purpose:**

To require that certain disputes concerning elections or primaries be brought before, and adjudicated by, a judge of the superior court for the judicial district of Hartford.

*[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.]*