

Recanvass of the Vote After a Municipal Primary or Election

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Issue

Summarize the circumstances under which a recanvass occurs after a municipal primary or election, the related requirements and procedures, and the involved candidates' rights.

Summary

After a municipal primary or election, a recanvass of the vote (i.e., recount) generally takes place when there is a discrepancy, close vote, or tie. A recanvass must be open to the public and convene no later than five business days after the applicable primary or election.

State law sets requirements and procedures concerning notices, equipment and materials, and conducting and completing the recount. These requirements and procedures are substantially the same for a recanvass after a municipal primary or election as they are for a recanvass after a state primary or election recanvass. This report focuses exclusively on municipal recanvasses.

According to the Office of the Secretary of the State's [Recanvass Procedure Manual](#), each candidate subject to a recanvass may have two representatives present to observe the conduct and take notes. Candidates may waive the right to a recanvass that is triggered by a close or tie vote, but not a discrepancy. (The law requires the head moderator to automatically convene a recanvass after any primary or election that results in a discrepancy.)

As with any primary or election, a candidate who is subject to a recanvass may file a complaint with the State Elections Enforcement Commission if he or she believes that an election law violation occurred ([CSG § 9-7b\(a\)](#)). Similarly, a candidate who claims to be aggrieved by a ruling of a recanvass official may bring an action in Superior Court ([CGS §§ 9-328](#) and [-329a](#)).

Recanvass Types

Generally, a municipal primary or election that results in a discrepancy, close vote, or tie triggers a recanvass. Similarly, a municipal referendum question that results in a close vote can trigger a recanvass. In each case, the recanvass must take place no later than five business days after the primary, election, or referendum.

Table 1 briefly describes each type of recanvass, including the circumstances under which they are triggered.

Table 1: Recanvass Types

Type of Recanvass (CGS §)	Description
Discrepancy (§§ 9-311 and 9-381a)	Within three days after a primary or election, the head moderator must call for a recanvass if it appears to the moderator that there is a discrepancy in any voting district's returns. The moderator may limit the recanvass to the machine-counted, hand-counted, or absentee ballots that appear to have the discrepancy.
Close Vote* (§§ 9-311a and 9-445)	The head moderator must call for a recanvass when the difference in the number of votes received by the two highest vote-getters is (1) less than 0.5% of the total number of votes cast for the office, but no more than 1,000 votes for a primary or 2,000 for an election, or (2) less than 20. A recanvass is not held if the defeated candidate files a written statement with the town clerk waiving the right. (After a primary, the statement must be filed within one day.)
Tie Vote* (§§ 9-311b and 9-446(b))	If a primary results in a tie vote, any candidate who ties or chairperson of an involved town committee may apply for a recanvass. If no application is made or if the recanvass results in a tie vote, the tie is resolved at an adjourned primary three weeks later. If an election for any office results in a tie vote, there is an automatic recanvass of the returns for that office, unless all but one of the candidates receiving an equal number of votes dies, withdraws, or becomes disqualified to hold office.
Close Vote on Referendum Question (§ 9-370a)	If the difference between a "Yes" and "No" vote on a referendum question is less than 0.5% of the total number of votes cast for the question, but no more than 2,000 votes, the moderator must notice a recanvass.

*In a recanvass for a multiple-opening office (e.g., Board of Education), officials must recanvass the returns for all candidates for all openings.

Notice Requirements

The law establishes recanvass notice requirements, including for officials, candidates, and the public —Table 2 summarizes these requirements.

Table 2: Recanvass Notice Requirements

Type of Notice	Description
Notice of Recanvass	<p>For a discrepancy recanvass, if the head moderator determines within three days after the primary or election that a recanvass is needed, he or she must summon the other recanvass officials and notify the town committee chairpersons as summarized below.</p> <p>For a recanvass after a close or tie vote, the town clerk must promptly notify the head moderator that a recanvass is required. The moderator must summon the other recanvass officials and notify the candidates and town committee chairpersons as summarized below.</p>
Notice to Recanvass Officials*	When a recanvass is required, the moderator must forthwith summon the recanvass officials by written notice delivered personally. The notice must (1) set the time and place of the recanvass and (2) require the clerk or registrars of voters to bring, among other things, the ballots, memory cards, tabulators, and moderator’s returns.
Notice to Town Committee Chairpersons	The moderator must give written notice of a recanvass to the town committee chairpersons of each political party that held a primary or nominated candidates for election, whichever applies. The notice must (1) set the time and place of the recanvass and (2) indicate that the chairpersons may send representatives to observe, but not participate in, the recanvass. (If a representative notes an irregularity in the recanvass, he or she is permitted to present evidence of the irregularity in any contest relating to the primary or election.)
Notice to Candidates	In the case of a close or tie vote, the moderator must give each candidate written notice of the time and place of the recanvass.
Notice to Public	According to the secretary of the state’s Recanvass Procedure Manual , the registrars of voters should ensure that the recanvass location is adequately identified with signs so that interested members of the public can locate and observe it.

*The recanvass officials are the head moderator; town clerk; registrars of voters (or applicable registrar of voters, in a primary); and at least two official checkers, absentee ballot counters, and ballot clerks of different political parties (or candidates in a primary) (CGS § 9-311 and Conn. Agency Regs., § 9-242a-28).

Procedures

Recanvass procedures are the same after a primary or election, whether triggered by a discrepancy, close vote, or tie vote. Generally, they cover impounding equipment and materials, as well as conducting and completing the recount.

With respect to impounding equipment and materials, immediately after it is determined that a recanvass is required, the town clerk must impound the official check list and the moderator’s returns. Similarly, the registrars of voters must impound the sealed ballot transfer cases; all ballots

and ballot materials; tabulator machines with memory cards sealed in place; and all other notes, worksheets, or written materials. The town clerk must secure the moderator's returns and check lists in a locked file cabinet or drawer, but make them available for public inspection and keep a log of any such inspections.

Generally, when conducting the recanvass:

1. recanvass officials must, in the presence of the moderator and registrars of voters, record the number on the seal for each voting tabulator subject to the recanvass and on any protective counter;
2. registrars of voters must, in the presence of the moderator, give the tabulator keys to the recanvass officials who must immediately recanvass the votes;
3. recanvass officials must use the same tally and return forms as they used at the original canvass;
4. votes must be announced and recorded in the manner as the law prescribes for a regular primary or election; and
5. the moderator must attach a signed statement to the recanvass return forms indicating the time and place of the recanvass, as well as the recanvass officials' names, addresses, titles, and party affiliations.

When the recanvass is complete, any tabulator used in it must be locked and sealed for 14 days (or longer if ordered by a court). The moderator and at least two recanvass officials of different political parties must prepare and sign the return forms with the results for each tabulator and absentee ballot package that was recanvassed. On each form, they must include a statement indicating that (1) the original canvass was correct or (2) a discrepancy remains. The moderator must forthwith file the return forms and statements with the town clerk.

If the recanvass reveals that the original canvass was incorrect, the return form constitutes a corrected return. In that case, the recanvass return is substituted for the original return and has the same force and effect as an original return ([CGS § 9-311](#) and Conn. Agency Regs., [§ 9-242a-28](#)).

For more detailed information on recanvass procedures, please refer to the secretary of the state's [Recanvass Procedure Manual](#).

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