

---

---

## OLR Bill Analysis

### HB 7322

#### ***AN ACT CONCERNING BALLOT DESIGN.***

#### **SUMMARY**

This bill makes changes affecting regular and absentee ballots for primary and general elections, including ballot vacancies. Generally, it:

1. requires registrars of voters and town clerks to file regular and absentee ballots, as applicable, with the secretary of the state before a primary or general election;
2. prohibits the use of any such ballot without the secretary's approval;
3. requires that minor and petitioning parties appear on the ballot in alphabetical order; and
4. moves up the deadlines for filling ballot vacancies before a primary or election, thus requiring that changes be made before absentee ballots are printed.

The bill also makes several technical and conforming changes. Among other things, it conforms law with practice by authorizing the secretary of the state or registrars of voters, as applicable, to direct town clerks to affix blank stickers to primary ballots when a vacancy remains unfilled (§ 7).

EFFECTIVE DATE: Upon passage

#### **§§ 1-5 & 8 — BALLOT DESIGN**

##### ***Approval by the Secretary of the State (§§ 1–5)***

The bill eliminates the requirements that (1) at least 10 days before an election, registrars of voters file a sample ballot with the secretary of

the state and (2) the secretary examine the ballot and order registrars to reprint an erroneous ballot. (By law, registrars provide each polling place with sample ballots.)

Instead, the bill requires, at least 10 days before a primary or general election, (1) town clerks to file with the secretary of the state, the ballot for any voting district holding a primary and (2) registrars of voters to file with the secretary of the state, the official ballot for each voting district, respectively. The bill prohibits municipalities from using any ballot in a primary or general election unless the secretary has approved it.

Similarly, the bill requires town clerks to file with the secretary of the state the absentee ballot for each voting district before printing them. It prohibits any absentee ballot from being used in a primary or general election unless the secretary has approved it.

By law, town clerks must prepare and print absentee ballots immediately after the deadline for certifying candidates, and in time for issuing the ballots. They must begin issuing absentee voting sets 31 days before an election and 21 days before a primary (CGS §§ 9-135b & 9-140(f)).

***Party Order (§ 8)***

The bill requires that minor and petitioning parties be listed on the ballot in alphabetical order. Current law requires that these parties be listed on the ballot according to the following rules and in the following order:

1. a party must receive preference if any of its candidates seeks an office representing more people than are represented by an office sought by another party's candidate;
2. a party must receive preference if it previously ran a candidate for president, governor and lieutenant governor, U.S. Senator, U.S. representative, state senator, state representative, secretary of the state, treasurer, comptroller, attorney general, or judge of probate, in that order; and

3. parties are then listed in alphabetical order.

By law, unchanged by the bill, the party of the last-elected governor is listed on the ballot’s top row, followed by other parties that ran gubernatorial candidates, according to vote totals.

**§§ 6 & 7 — BALLOT VACANCIES**

The bill moves up the deadlines for filling ballot vacancies for (1) endorsed candidates before a primary, including those for election to town committees, and (2) nominated candidates before an election, including those who petition onto the ballot under a reserved party designation (i.e., petitioning party candidates). It similarly moves up the deadlines by which vacancy endorsements and nominations must be certified. The deadlines apply to state and municipal primaries and elections.

Under existing law, unchanged by the bill, if a nominated candidate dies after the deadline for filling a vacancy before an election, his or her name remains on the ballot. If that nominee wins, a vacancy exists in the office and it is filled in the manner prescribed by law.

***Calendar for Filling Ballot Vacancies***

Table 1 shows the calendar under current law and the bill for filling ballot vacancies before a primary or election.

By law, for party-endorsed or -nominated candidates in a primary or election, the political party (e.g., state central or town committee) fills the vacancy. For petitioning-party candidates in an election, the party-designation committee fills the vacancy.

Vacancy endorsement and nomination certificates must be filed with the (1) secretary of the state for state and district office candidates or (2) town clerk for municipal office candidates, other than those for state senator or state representative, which are filed with the secretary.

**Table 1: Filling Ballot Vacancies**

<i>Event or Deadline</i>	<i>Party-Endorsed Candidate or Candidate for Election to Town Committee in a</i>	<i>Party-Nominated or Petitioning-Party</i>
--------------------------	--	---

	<b>Primary (§ 7)</b>		<b>Candidate in an Election (§ 6)</b>	
	<b>Current Law</b>	<b>Bill</b>	<b>Current Law</b>	<b>Bill</b>
Time when candidate may withdraw or be disqualified and vacancy may be filled	Prior to 10 days before	Prior to 32 days before	Prior to 24 days before	Prior to 46 days before
Deadline for certifying vacancy endorsement or nomination due to withdrawal or disqualification with the secretary of the state or town clerk, as applicable	7 days before	28 days before	21 days before	42 days before
Time when vacancy due to candidate's death may be filled	Prior to 24 hours before	Prior to 32 days before	Prior to 24 hours before	Prior to 42 days before
Deadline for certifying vacancy endorsement or nomination due to death with the secretary of the state or town clerk, as applicable	24 hours before	28 days before	2:00 p.m. on the day before the election	42 days before

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/29/2019)