



# House of Representatives

General Assembly

**File No. 698**

January Session, 2019

House Bill No. 7322

*House of Representatives, April 17, 2019*

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. Section 9-250 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Ballots shall be printed in plain clear type and on material of  
4 such size as will fit the tabulator, and shall be furnished by the  
5 registrar of voters. The size and style of the type used to print the  
6 name of a political party on a ballot shall be identical with the size and  
7 style of the type used to print the names of all other political parties  
8 appearing on such ballot. The name of each major party candidate for a  
9 municipal office, as defined in section 9-372, except for the municipal  
10 offices of state senator and state representative, shall appear on the  
11 ballot as authorized by each candidate. The name of each major party  
12 candidate for a state or district office, as defined in section 9-372, or for  
13 the municipal office of state senator or state representative shall appear  
14 on the ballot as it appears on the certificate or statement of consent

15 filed under section 9-388, subsection (b) of section 9-391, or section 9-  
16 400 or 9-409. The name of each minor party candidate shall appear on  
17 the ballot as authorized by each candidate. The name of each  
18 nominating petition candidate shall appear on the ballot as it is  
19 verified by the town clerk on the application filed under section 9-  
20 453b. The size and style of the type used to print the name of a  
21 candidate on a ballot shall be identical with the size and style of the  
22 type used to print the names of all other candidates appearing on such  
23 ballot. Such ballot shall contain the names of the offices and the names  
24 of the candidates arranged thereon. The names of the political parties  
25 and party designations shall be arranged on the ballots and followed  
26 by the word "party", either in columns or horizontal rows as set forth  
27 in section 9-249a, as amended by this act, immediately adjacent to the  
28 column or row occupied by the candidate or candidates of such  
29 political party or organization. The ballot shall be printed in such  
30 manner as to indicate how many candidates the elector may vote for  
31 each office, provided in the case of a town adopting the provisions of  
32 section 9-204a, such ballot shall indicate the maximum number of  
33 candidates who may be elected to such office from any party. If two or  
34 more candidates are to be elected to the same office for different terms,  
35 the term for which each is nominated shall be printed on the official  
36 ballot as a part of the title of the office. If, at any election, one candidate  
37 is to be elected for a full term and another to fill a vacancy, the official  
38 ballot containing the names of the candidates in the foregoing order  
39 shall, as a part of the title of the office, designate the term which such  
40 candidates are severally nominated to fill. No column, under the name  
41 of any political party or independent organization, shall be printed on  
42 any official ballot, which contains more candidates for any office than  
43 the number for which an elector may vote for that office.

44 (b) Not later than ten days prior to an election, the registrars of  
45 voters of each municipality shall file with the Secretary of the State, for  
46 each voting district in such municipality, the official ballot to be used  
47 for such voting district. No such official ballot shall be used at any  
48 election unless it has been approved by the Secretary of the State.

49 Sec. 2. Subsection (j) of section 9-437 of the general statutes is  
50 repealed and the following is substituted in lieu thereof (*Effective from*  
51 *passage*):

52 (j) (1) All ballots used at a primary shall be prepared by the clerk of  
53 the municipality in which such primary is held and shall be printed at  
54 the expense of the municipality. Not later than ten days prior to a  
55 primary, such clerk shall file with the Secretary of the State, for each  
56 voting district in such municipality at which such primary is held, the  
57 ballot to be used for such voting district. No such ballot shall be used  
58 at any primary unless it has been approved by the Secretary of the  
59 State.

60 (2) Each municipality shall provide for all polling places:

61 [(1)] (A) At least forty-eight hours before the primary, such clerk  
62 shall have sample ballots for general distribution, which shall contain  
63 the offices or positions and names of candidates to be voted upon.  
64 Each such sample ballot shall also include printed instructions  
65 approved by the Secretary of the State concerning the use of the voting  
66 tabulator and information concerning the date of the primary and the  
67 hours during which polling places will be open. Such clerk shall have  
68 available for distribution such number of sample ballots as such clerk  
69 deems advisable, but in no event less than three which shall be posted  
70 inside the polling place so as to be visible to those within the polling  
71 place during the whole day of the primary. At least one of such sample  
72 ballots shall be posted so as to be visible to an elector being instructed  
73 on the demonstrator device, pursuant to section 9-260. If paper ballots  
74 are used in any primary, such sample paper ballots shall be  
75 overprinted with the word "Sample";

76 [(2)] (B) Instructions on how to cast a provisional ballot, as  
77 prescribed by the Secretary of the State;

78 [(3)] (C) Instructions for mail-in registrants and first-time voters  
79 who register to vote by mail on or after January 1, 2003, as prescribed  
80 by the Secretary of the State;

81 [(4)] (D) General information concerning voting rights under federal  
82 and Connecticut laws, including information on the right of an  
83 individual to cast a provisional ballot and instructions on how to  
84 contact the appropriate officials if such rights are alleged to have been  
85 violated, as prescribed by the Secretary of the State; and

86 [(5)] (E) General information on federal and state laws concerning  
87 prohibitions on acts of fraud and misrepresentation, as prescribed by  
88 the Secretary of the State.

89 Sec. 3. Subsection (a) of section 9-135a of the general statutes is  
90 repealed and the following is substituted in lieu thereof (*Effective from*  
91 *passage*):

92 (a) Each absentee ballot shall be arranged to resemble the  
93 appropriate ballot and sample ballot as prescribed by law, and shall  
94 include, as applicable, the offices, party designations, names of  
95 candidates and questions to be voted upon and spaces for write-in  
96 votes. A replica of the state seal shall be printed on the ballot. The size,  
97 type, form, instructions, specifications for paper and printing and  
98 other specifications shall be prescribed by the Secretary of the State.  
99 Prior to printing such absentee ballots pursuant to section 9-135a, as  
100 amended by this act, the clerk of the municipality shall file with the  
101 Secretary of the State, for each voting district in such municipality, the  
102 absentee ballot to be used for such voting district. No such absentee  
103 ballot shall be used at any election or primary unless it has been  
104 approved by the Secretary of the State.

105 Sec. 4. Section 9-135b of the general statutes is repealed and the  
106 following is substituted in lieu thereof (*Effective from passage*):

107 (a) Immediately after the deadline for certification of all candidates  
108 whose names are to appear on the ballot, and in sufficient time to  
109 begin issuing absentee ballots on the day prescribed by law, the  
110 municipal clerk shall prepare the absentee ballots and have them  
111 printed. Prior to printing such ballots, the registrars of voters of the  
112 municipality may provide comments concerning the content and form

113 of such ballots to the clerk, provided no such ballot shall be printed  
114 unless the Secretary of the State has approved thereof in accordance  
115 with section 9-135a, as amended by this act.

116 (b) A layout model of each different absentee ballot shall be  
117 available for public inspection at the clerk's office prior to printing. The  
118 model shall indicate the type face to be used, the spelling and  
119 placement of names and other information to be printed on the ballots.

120 (c) Immediately upon receiving the printed absentee ballots, the  
121 municipal clerk shall file one with the Secretary of the State or, if there  
122 are different ballots for different political subdivisions, one ballot for  
123 each subdivision. The clerk shall also file his affidavit with the  
124 Secretary, stating the number of ballots printed. The form of affidavit  
125 shall be prescribed by the Secretary. If any correction or alteration is  
126 subsequently made on any absentee ballot the clerk shall immediately  
127 file a corrected or altered ballot and, using the prescribed form, his  
128 affidavit stating the number of such ballots printed, with the Secretary.

129 (d) If a vacancy in candidacy occurs after the ballots have been  
130 printed, the clerk may either reprint the ballots or cause blank or  
131 printed stickers, as the case may be, to be affixed to them so that the  
132 name of any candidate who has vacated his candidacy is deleted and  
133 the name of any candidate chosen to fill the vacancy as provided in  
134 section 9-428, as amended by this act, or section 9-460, as amended by  
135 this act, appears in the same position as that in which the vacated  
136 candidacy appeared except as provided in section 9-426 or 9-453s.

137 (e) [The] Nothing in this section shall be construed to prohibit the  
138 Secretary of the State [shall examine each absentee ballot required to be  
139 filed pursuant to this section and if a ballot contains an omission or  
140 error, the Secretary shall order] from ordering the municipal clerk to  
141 reprint a corrected absentee ballot or to take such other action as the  
142 Secretary may deem appropriate in the case of an absentee ballot that  
143 contains an omission or error.

144 Sec. 5. Section 9-256 of the general statutes is repealed and the

145 following is substituted in lieu thereof (*Effective from passage*):

146 [The registrars of voters of each municipality shall, not less than ten  
147 days prior to an election, file with the Secretary of the State a sample  
148 ballot identical with those to be provided for each polling place under  
149 section 9-255. The Secretary of the State shall examine the sample  
150 ballot required to be filed under this section, and if such sample ballot  
151 contains an error, the Secretary of the State shall order]  
152 Notwithstanding the provisions of subsection (b) of section 9-250, as  
153 amended by this act, the Secretary of the State may order the registrars  
154 of voters to reprint a corrected [sample] ballot or to take other such  
155 action as the Secretary may deem appropriate in the case of any ballot  
156 that contains an omission or error.

157 Sec. 6. Section 9-460 of the general statutes is repealed and the  
158 following is substituted in lieu thereof (*Effective from passage*):

159 If any party has nominated a candidate for office, or, on and after  
160 November 4, 1981, if a candidate has qualified to appear on any ballot  
161 by nominating petition under a reserved party designation, in  
162 accordance with the provisions of this chapter, and such nominee  
163 thereafter, but prior to [twenty-four] forty-six days before the opening  
164 of the polls on the day of the election for which such nomination has  
165 been made, dies, withdraws such nominee's name or for any reason  
166 becomes disqualified to hold the office for which such nominee has  
167 been nominated, (1) such party or, on and after November 4, 1981, the  
168 party designation committee may make a nomination to fill such  
169 vacancy or provide for the making of such nomination as its rules  
170 prescribe, and (2) if another party that is qualified to nominate a  
171 candidate for such office does not have a nominee for such office, such  
172 party may also nominate a candidate for such office as its rules  
173 prescribe. No withdrawal, and no nomination to replace a candidate  
174 who has withdrawn, under this section shall be valid unless the  
175 candidate who has withdrawn has filed a letter of withdrawal signed  
176 by such candidate with the Secretary of the State in the case of a state  
177 or district office or the office of state senator or state representative

178 from any district, or with the municipal clerk in the case of a municipal  
179 office other than state senator or state representative. A copy of such  
180 candidate's letter of withdrawal to the municipal clerk shall also be  
181 filed with the Secretary of the State. No nomination to fill a vacancy  
182 under this section shall be valid unless it is certified to the Secretary of  
183 the State in the case of a state or district office or the office of state  
184 senator or state representative from any district, or to the municipal  
185 clerk in the case of a municipal office other than state senator or state  
186 representative, by the organization or committee making such  
187 nomination, at least [twenty-one] forty-two days before the opening of  
188 the polls on the day of the election, except as otherwise provided by  
189 this section. If a nominee dies within [twenty-four] forty-six days, but  
190 prior to [twenty-four hours] forty-two days before the opening of the  
191 polls on the day of the election for which such nomination has been  
192 made, the vacancy may be filled in the manner prescribed in this  
193 section [by two o'clock p.m. of the day before the election] with the  
194 municipal clerk or the Secretary of the State, as the case may be. If a  
195 nominee dies within [twenty-four hours] forty-two days before the  
196 opening of the polls and prior to the close of the polls on the day of the  
197 election for which such nomination has been made, such nominee shall  
198 not be replaced and the votes cast for such nominee shall be canvassed  
199 and counted, and if such nominee receives a plurality of the votes cast,  
200 a vacancy shall exist in the office for which the nomination was made.  
201 The vacancy shall then be filled in a manner prescribed by law. A copy  
202 of such certification to the municipal clerk shall also be filed with the  
203 Secretary of the State. Such nomination to fill a vacancy due to death or  
204 disqualification shall include a statement setting forth the reason for  
205 such vacancy. If at the time such nomination is certified to the  
206 Secretary of the State or to the municipal clerk, as the case may be, the  
207 [ballot labels] ballots have already been printed, the Secretary of the  
208 State shall direct the municipal clerk in each municipality affected to  
209 (A) have the [ballot labels] ballots reprinted with the nomination thus  
210 made included thereon, (B) cause printed stickers to be affixed to the  
211 [ballot labels] ballots so that the name of any candidate who has died,  
212 withdrawn or been disqualified is deleted and the name of any

213 candidate chosen to fill such vacancy appears in the same position as  
214 that in which the vacated candidacy appeared, or (C) cause blank  
215 stickers to be so affixed if the vacancy is not filled.

216 Sec. 7. Section 9-428 of the general statutes is repealed and the  
217 following is substituted in lieu thereof (*Effective from passage*):

218 If a party-endorsed candidate for nomination to an office or for  
219 election to the position of town committee member, prior to [twenty-  
220 four hours before the opening of the polls at the primary, dies or, prior  
221 to ten] thirty-two days before the day of such primary, dies, withdraws  
222 his or her name from nomination or for any reason becomes  
223 disqualified to hold the office or position for which he or she is a  
224 candidate, the state central committee, the town committee or other  
225 authority of the party which endorsed such candidate may make an  
226 endorsement to fill such vacancy or provide for the making of such  
227 endorsement, in such manner as is prescribed in the rules of such  
228 party, and certify to the registrar and municipal clerk or to the  
229 Secretary of the State, as the case may be, the name of the person so  
230 endorsed. If such certification is made at least [twenty-four hours prior  
231 to the opening of the polls at the primary, in the case of such an  
232 endorsement to replace a candidate who has died, or at least seven]  
233 twenty-eight days before the day of such primary, in the case of such  
234 an endorsement to replace a candidate who has died, withdrawn or  
235 become disqualified, such person so endorsed shall run in the primary  
236 as the party-endorsed candidate, except as provided in sections 9-416  
237 and 9-417. If such certification of another party-endorsed candidate has  
238 been made within the time specified in this section, and if the ballots  
239 have already been printed and the names of the candidates for such  
240 office or position appear on the ballots, the Secretary of the State or the  
241 registrar, as the case may be, shall direct the clerk of each municipality  
242 holding such primary to [have the ballots reprinted with the name of  
243 the person so certified included thereon; provided, in the case of such  
244 an endorsement to replace a candidate who has died, if such  
245 certification has been made less than ninety-six hours but at least  
246 twenty-four hours prior to the opening of the polls at the primary,

247 such Secretary or registrar shall direct such clerk to have stickers  
248 printed and inserted upon the ballots, having the name of the person  
249 so certified appearing thereon, and the moderator in each polling place  
250 shall cause such stickers to be pasted on the ballots before the opening  
251 of the polls at such primary] (1) have the ballots reprinted with the  
252 endorsement thus made included thereon, (2) cause printed stickers to  
253 be affixed to the ballots so that the name of any candidate who has  
254 died, withdrawn or been disqualified is deleted and the name of any  
255 candidate chosen to fill such vacancy appears in the same position as  
256 that in which the vacated candidacy appeared, or (3) cause blank  
257 stickers to be so affixed if the vacancy is not filled.

258 Sec. 8. Section 9-249a of the general statutes is repealed and the  
259 following is substituted in lieu thereof (*Effective from passage*):

260 (a) The names of the parties shall be arranged on the ballots in the  
261 following order:

262 (1) The party [whose candidate for Governor polled the highest  
263 number of votes in] of the Governor elected at the last-preceding  
264 election;

265 (2) Other parties who had candidates for Governor in the last-  
266 preceding election, in descending order, according to the number of  
267 votes polled for each such candidate;

268 (3) Minor parties who had no candidate for Governor in the last-  
269 preceding election;

270 (4) Petitioning candidates with party designation whose names are  
271 contained in petitions approved pursuant to section 9-453o; and

272 (5) Petitioning candidates with no party designation whose names  
273 are contained in petitions approved pursuant to section 9-453o.

274 [(b) Within each of subdivisions (3) and (4) of subsection (a) of this  
275 section, the following rules shall apply in the following order:

276 (1) Precedence shall be given to the party any of whose candidates  
277 seeks an office representing more people than are represented by any  
278 office sought by any candidate of any other party;

279 (2) A party having prior sequence of office as set forth in section 9-  
280 251 shall be given precedence; and

281 (3) Parties shall be listed in alphabetical order.]

282 (b) Within each of subdivisions (3) and (4) of subsection (a) of this  
283 section, the parties shall be listed in alphabetical order.

284 (c) Within subdivision (5) of subsection (a) of this section,  
285 candidates shall be listed according to the provisions of section 9-453r.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-250
Sec. 2	<i>from passage</i>	9-437(j)
Sec. 3	<i>from passage</i>	9-135a(a)
Sec. 4	<i>from passage</i>	9-135b
Sec. 5	<i>from passage</i>	9-256
Sec. 6	<i>from passage</i>	9-460
Sec. 7	<i>from passage</i>	9-428
Sec. 8	<i>from passage</i>	9-249a

**GAE**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill: 1) requires registrars of voters and town clerks to file regular and absentee ballots with the Secretary of the State (SOS) 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, 4) moves up the deadlines for filling ballot vacancies before a primary or election, and 5) makes various changes.

The bill has no fiscal impact to the State or municipalities as it makes procedural changes to voting statutes regarding regular and absentee ballots for primary and general elections.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**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**

<b>Event or Deadline</b>	<b>Party-Endorsed Candidate or Candidate for Election to Town Committee in a Primary (§ 7)</b>		<b>Party-Nominated or Petitioning-Party 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)