



General Assembly

January Session, 2019

Committee Bill No. 5610

LCO No. 3791



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING REPLACEMENT OF A CANDIDATE ON A
BALLOT.**

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

1 Section 1. Section 9-460 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 If any party has nominated a candidate for office, or, on and after
4 November 4, 1981, if a candidate has qualified to appear on any ballot
5 by nominating petition under a reserved party designation, in
6 accordance with the provisions of this chapter, and such nominee
7 thereafter, but prior to [twenty-four] forty-six days before the opening
8 of the polls on the day of the election for which such nomination has
9 been made, dies, withdraws such nominee's name or for any reason
10 becomes disqualified to hold the office for which such nominee has
11 been nominated, (1) such party or, on and after November 4, 1981, the
12 party designation committee may make a nomination to fill such
13 vacancy or provide for the making of such nomination as its rules
14 prescribe, and (2) if another party that is qualified to nominate a
15 candidate for such office does not have a nominee for such office, such

16 party may also nominate a candidate for such office as its rules
17 prescribe. No withdrawal, and no nomination to replace a candidate
18 who has withdrawn, under this section shall be valid unless the
19 candidate who has withdrawn has filed a letter of withdrawal signed
20 by such candidate with the Secretary of the State in the case of a state
21 or district office or the office of state senator or state representative
22 from any district, or with the municipal clerk in the case of a municipal
23 office other than state senator or state representative. A copy of such
24 candidate's letter of withdrawal to the municipal clerk shall also be
25 filed with the Secretary of the State. No nomination to fill a vacancy
26 under this section shall be valid unless it is certified to the Secretary of
27 the State in the case of a state or district office or the office of state
28 senator or state representative from any district, or to the municipal
29 clerk in the case of a municipal office other than state senator or state
30 representative, by the organization or committee making such
31 nomination, at least [twenty-one] forty-two days before the opening of
32 the polls on the day of the election, except as otherwise provided by
33 this section. If a nominee dies within [twenty-four] forty-six days, but
34 prior to [twenty-four hours] forty-two days before the opening of the
35 polls on the day of the election for which such nomination has been
36 made, the vacancy may be filled in the manner prescribed in this
37 section [by two o'clock p.m. of the day before the election] with the
38 municipal clerk or the Secretary of the State, as the case may be. If a
39 nominee dies within [twenty-four hours] forty-two days before the
40 opening of the polls and prior to the close of the polls on the day of the
41 election for which such nomination has been made, such nominee shall
42 not be replaced and the votes cast for such nominee shall be canvassed
43 and counted, and if such nominee receives a plurality of the votes cast,
44 a vacancy shall exist in the office for which the nomination was made.
45 The vacancy shall then be filled in a manner prescribed by law. A copy
46 of such certification to the municipal clerk shall also be filed with the
47 Secretary of the State. Such nomination to fill a vacancy due to death or
48 disqualification shall include a statement setting forth the reason for
49 such vacancy. If at the time such nomination is certified to the

50 Secretary of the State or to the municipal clerk, as the case may be, the
51 [ballot labels] ballots have already been printed, the Secretary of the
52 State shall direct the municipal clerk in each municipality affected to
53 (A) have the [ballot labels] ballots reprinted with the nomination thus
54 made included thereon, (B) cause printed stickers to be affixed to the
55 [ballot labels] ballots so that the name of any candidate who has died,
56 withdrawn or been disqualified is deleted and the name of any
57 candidate chosen to fill such vacancy appears in the same position as
58 that in which the vacated candidacy appeared, or (C) cause blank
59 stickers to be so affixed if the vacancy is not filled.

60 Sec. 2. Section 9-428 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective from passage*):

62 If a party-endorsed candidate for nomination to an office or for
63 election to the position of town committee member, prior to [twenty-
64 four hours before the opening of the polls at the primary, dies or, prior
65 to ten] thirty-two days before the day of such primary, dies, withdraws
66 his or her name from nomination or for any reason becomes
67 disqualified to hold the office or position for which he or she is a
68 candidate, the state central committee, the town committee or other
69 authority of the party which endorsed such candidate may make an
70 endorsement to fill such vacancy or provide for the making of such
71 endorsement, in such manner as is prescribed in the rules of such
72 party, and certify to the registrar and municipal clerk or to the
73 Secretary of the State, as the case may be, the name of the person so
74 endorsed. If such certification is made at least [twenty-four hours prior
75 to the opening of the polls at the primary, in the case of such an
76 endorsement to replace a candidate who has died, or at least seven]
77 twenty-eight days before the day of such primary, in the case of such
78 an endorsement to replace a candidate who has died, withdrawn or
79 become disqualified, such person so endorsed shall run in the primary
80 as the party-endorsed candidate, except as provided in sections 9-416
81 and 9-417. If such certification of another party-endorsed candidate has
82 been made within the time specified in this section, and if the ballots

83 have already been printed and the names of the candidates for such
84 office or position appear on the ballots, the Secretary of the State or the
85 registrar, as the case may be, shall direct the clerk of each municipality
86 holding such primary to have the ballots reprinted with the name of
87 the person so certified included thereon. [; provided, in the case of
88 such an endorsement to replace a candidate who has died, if such
89 certification has been made less than ninety-six hours but at least
90 twenty-four hours prior to the opening of the polls at the primary,
91 such Secretary or registrar shall direct such clerk to have stickers
92 printed and inserted upon the ballots, having the name of the person
93 so certified appearing thereon, and the moderator in each polling place
94 shall cause such stickers to be pasted on the ballots before the opening
95 of the polls at such primary.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-460
Sec. 2	<i>from passage</i>	9-428

Statement of Purpose:

To ensure that absentee and overseas ballots accurately reflect the candidates for nomination or election.

[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.]

Co-Sponsors: REP. COOK, 65th Dist.

H.B. 5610