



General Assembly

Amendment

January Session, 2021

LCO No. 8938



Offered by:
REP. MASTROFRANCESCO, 80th Dist.
SEN. SAMPSON, 16th Dist.

To: Subst. House Bill No. 6205

File No. 572

Cal. No. 399

"AN ACT REVISING CERTAIN ABSENTEE VOTING STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 9-3 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) (1) The Secretary of the State, by virtue of the office, shall be the
6 Commissioner of Elections of the state, with such powers and duties
7 relating to the conduct of elections as are prescribed by law and, unless
8 otherwise provided by state statute and subject to the provisions of
9 subdivision (2) of this subsection, the Secretary's regulations,
10 declaratory rulings, instructions and opinions, if in written form, and
11 any order issued under subsection (b) of this section [, shall be presumed
12 as correctly interpreting and effectuating the administration of elections
13 and primaries under this title, except for chapters 155 to 158, inclusive,
14 and] shall be executed, carried out or implemented, as the case may be,
15 provided nothing in this section shall be construed to alter the right of

16 appeal provided under the provisions of chapter 54. Any such written
17 instruction or opinion shall be labeled as an instruction or opinion
18 issued pursuant to this section, as applicable, and any such instruction
19 or opinion shall cite any authority that is discussed in such instruction
20 or opinion.

21 (2) (A) In the case of any declaratory ruling issued pursuant to section
22 4-176, or any instruction, opinion or order issued under the provisions
23 of this section, that is so issued earlier than ninety days prior to any
24 regular election, the Secretary of the State shall adopt such declaratory
25 ruling, instruction, opinion or order as a regulation, in accordance with
26 the provisions of chapter 54. Prior to any such issuance, the Secretary
27 shall publish on the eRegulations System a notice of intent to adopt (i)
28 such declaratory ruling as a regulation not later than sixty days after
29 receipt of a petition for a declaratory ruling, and (ii) such instruction,
30 opinion or order as a regulation immediately upon proposing to so issue
31 any such instruction, opinion or order. Such declaratory ruling,
32 instruction, opinion or order shall be effective when the regulation is
33 posted on the eRegulations System by the Secretary of the State under
34 section 4-172.

35 (B) In the case of any declaratory ruling issued pursuant to section 4-
36 176, or any instruction, opinion or order issued under the provisions of
37 this section, that is so issued later than ninety days prior to any regular
38 election, the Secretary of the State shall submit such declaratory ruling,
39 instruction, opinion or order to the General Assembly. The General
40 Assembly may disapprove such declaratory ruling, instruction, opinion
41 or order by a majority vote in each chamber. In any matter challenging
42 a decision of the General Assembly with regard to any such declaratory
43 ruling, instruction, opinion or order, the Supreme Court shall exercise
44 original jurisdiction.

45 (b) During any municipal, state or federal election, primary or
46 recanvass, or any audit conducted pursuant to section 9-320f, the
47 Secretary of the State may issue an order, whether orally or in writing,
48 to any registrar of voters or moderator to correct any irregularity or

49 impropriety in the conduct of such election, primary or recanvass or
50 audit. Any such order shall be effective upon issuance. As soon as
51 practicable after issuance of an oral order pursuant to this subsection,
52 the Secretary shall reduce such order to writing, cite within such order
53 any applicable provision of law authorizing such order and cause a copy
54 of such written order to be delivered to the individual who is the subject
55 of such order or, in the case that such order was originally issued in
56 writing, issue a subsequent written order that conforms to such
57 requirements. The Superior Court, on application of [the Secretary or]
58 the Attorney General, may enforce by appropriate decree or process any
59 such order issued pursuant to this subsection. "

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	9-3