
OLR Bill Analysis

sHB 6871 (as amended by House "A")*

AN ACT CONCERNING ELECTION RECANVASS PROCEDURES.

SUMMARY

This bill modifies several procedures for election recanvasses (i.e., recounts). Specifically, the bill requires that recanvass officials meet by 5:00 p.m. on recanvass day (no time is currently set in law). It also authorizes party representatives to view each ballot to discern its markings as it is being recanvassed (§ 3).

However, if disorder interferes with the recanvass, the bill also authorizes moderators to remove offending individuals who do not submit to the moderator's lawful authority. The bill specifies disorderly behaviors includes improperly attempting to take part in a recanvass or communicating with recanvass officials. The removal may be (1) temporary, if the individual becomes orderly, or (2) if needed, until the recanvass is completed (§ 3).

Additionally, the bill requires SOTS to develop an instructional training video on recanvass procedures based on its most recently published Recanvass Procedure Manual. Under the bill, SOTS must distribute it to recanvass officials when a recanvass is required, and the officials must view the video immediately before starting a recanvass (§ 2).

By law, SOTS must approve the number of voting tabulators provided for elections by each town's board of selectmen, city's common council, or borough's warden and burgesses. The bill eliminates a provision giving registrars of voters the discretion to determine the number of voting tabulators that will be available at a special election but requiring at least one for the municipality or one for each voting district. Instead, for all elections, registrars must ensure each

voting district uses at least one dedicated voting tabulator that only registers and counts votes for that district. These provisions do not apply to tabulators at central counting locations or those used in recanvassing (§ 1).

The bill also makes technical changes.

*House Amendment "A" (1) changes the effective date for provisions about voting tabulators from upon passage to July 1, 2025; (2) changes the effective date for provisions about instructional training videos for recanvass procedures from upon passage to July 1, 2024; (3) modifies the underlying bill's requirement for dedicated tabulators for voting districts; (4) requires that the instructional video be viewed immediately before conducting a recanvass; (5) modifies the provision changing the deadline for completing a recanvass; (6) authorizes the moderator to remove individuals causing disorder during a recanvass; and (7) makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the provisions about voting tabulators take effect on July 1, 2025, and provisions on the instructional training video take effect on July 1, 2024.

BACKGROUND

Recanvass Procedures

After a primary or election, a recanvass of the vote generally takes place when there is a discrepancy, close vote, or tie. The recanvass procedures differ depending on the circumstances under which the recanvass was triggered. A recanvass must be open to the public and convene no later than five business days after the applicable primary or election.

Generally, when a recanvass is triggered, the town clerk and registrars of voters must impound the relevant election materials and tools. The recanvass officials must then meet and recount the votes to determine if the original canvass was correct or if a discrepancy remains. If the recanvass reveals the original canvass was incorrect, then the recanvass return is substituted for the original return and has the same

force and effect as an original return (CGS §§ 9-311 through 9-311b & Conn. Agencies Regs., § 9-242a-28).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 19 Nay 0 (03/15/2023)

Appropriations Committee

Joint Favorable

Yea 53 Nay 0 (05/01/2023)