



House of Representatives

General Assembly

File No. 287

January Session, 2023

Substitute House Bill No. 6871

House of Representatives, March 28, 2023

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ELECTION RECANVASS PROCEDURES.

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

1 Section 1. Subsection (a) of section 9-238 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) Except as provided in section 9-272, voting tabulators shall be
5 used at all elections held in any municipality, or in any part thereof, for
6 voting and registering and counting votes cast at such elections for
7 officers, and upon all questions or amendments submitted at such
8 elections. The board of selectmen of each town, the common council of
9 each city and the warden and burgesses of each borough shall purchase
10 or lease, or otherwise provide, for use at elections in each such
11 municipality a number of voting tabulators approved by the Secretary
12 of the State. Different voting tabulators may be provided for different
13 voting districts in the same municipality. Notwithstanding any
14 provision of this subsection, [to the contrary,] the registrars of voters of
15 a municipality [may determine the number of voting tabulators that
16 shall be provided for use at any special election in such municipality,

17 provided the registrars shall provide at least one voting tabulator in the
18 municipality or, in a municipality divided into voting districts,] shall
19 use at least one voting tabulator in each [such] voting district.

20 Sec. 2. (NEW) (*Effective from passage*) The Secretary of the State shall
21 develop an instructional training video on recanvass procedures, based
22 on the Recanvass Procedure Manual, revised August 2012, which is
23 published on the Internet web site of the office of the Secretary of the
24 State, provided the Secretary shall revise such instructional training
25 video whenever said manual is revised. Prior to the conduct of each
26 recanvass, the Secretary shall distribute such instructional training
27 video to the recanvass officials, who shall view such instructional
28 training video before commencing such recanvass.

29 Sec. 3. Subsections (a) and (b) of section 9-311 of the general statutes
30 are repealed and the following is substituted in lieu thereof (*Effective*
31 *from passage*):

32 (a) (1) If, within three days after an election, it appears to the
33 moderator that there is a discrepancy in the returns of any voting
34 district, such moderator shall forthwith within said period summon, by
35 written notice delivered personally, the recanvass officials, consisting of
36 at least two checkers of different political parties and at least two
37 absentee ballot counters of different political parties who served at such
38 election, and the registrars of voters of the municipality in which the
39 election was held and such other officials as may be required to conduct
40 such recanvass. Such written notice shall require the clerk or registrars
41 of voters, as the case may be, to bring with them the depository
42 envelopes required by section 9-150a, the package of write-in ballots
43 provided for in section 9-310, the absentee ballot applications, the list of
44 absentee ballot applications, the registry list and the moderators' returns
45 and shall require such recanvass officials to meet at a specified time, not
46 later than [the fifth business day after] five business days after the
47 moderator transmits to the Secretary of the State the duplicate list
48 required under section 9-314 for such election and not later than twelve
49 o'clock noon on any such business day, to recanvass the returns of a

50 voting tabulator or voting tabulators or absentee ballots or write-in
51 ballots used in such district in such election. If any of such recanvass
52 officials are unavailable at the time of the recanvass, the registrar of
53 voters of the same political party as that of the recanvass official unable
54 to attend shall designate another elector having previous training and
55 experience in the conduct of elections to take his place. Before such
56 recanvass is made, such moderator shall give notice, in writing, to the
57 [chairman] chairperson of the town committee of each political party
58 which nominated candidates for the election, and, in the case of a state
59 election, not later than twenty-four hours after a determination is made
60 regarding the need for a recanvass to the Secretary of the State, of the
61 time and place where such recanvass is to be made; and each such
62 [chairman] chairperson may send party representatives to be present at
63 such recanvass. Such party representatives may observe, but no one
64 other than a recanvass official may take part in the recanvass. If any
65 irregularity in the recanvass procedure is noted by such a
66 representative, he shall be permitted to present evidence of such
67 irregularity in any contest relating to the election.

68 (2) Notwithstanding the provisions of subdivision (1) of this
69 subsection, for the state election in 2020, and any election held on or after
70 June 23, 2021, but prior to November 3, 2021, (A) if, within five days
71 after such election, it appears to the moderator that there is a
72 discrepancy in the returns of any voting district, such moderator shall
73 forthwith within said period summon, by written notice delivered
74 personally, the recanvass officials to conduct such recanvass in
75 accordance with the provisions of said subdivision, and (B) such written
76 notice shall require such recanvass officials to meet not later than the
77 seventh business day after such election for such purpose.

78 (b) The moderator shall determine the place or places where the
79 recanvass shall be conducted and, if such recanvass is held before the
80 tabulators are boxed and collected in the manner required by section 9-
81 266, the moderator may either require that such recanvass of such
82 tabulators be conducted in each place where the tabulators are located,
83 or he may require that they be removed to one central place, where such

84 recanvass shall be conducted. All recanvassing procedures shall be open
 85 to public observation. Such recanvass officials shall, in the presence of
 86 such moderator and registrars of voters, make a record of the number
 87 on the seal and the number on the protective counter, if one is provided,
 88 on each voting tabulator specified by such moderator. Such registrars of
 89 voters in the presence of such moderator shall turn over the keys of each
 90 such tabulator to such recanvass officials, and such recanvass officials,
 91 in the presence of such registrars of voters and moderator, shall
 92 immediately proceed to recanvass the vote cast thereon, and shall then
 93 open the package of absentee ballots and recanvass the vote cast
 94 thereon. In the course of the recanvass of the absentee ballot vote the
 95 recanvass officials shall check all outer envelopes for absentee ballots
 96 against the inner envelopes for such ballots and against the registry list
 97 to verify postmarks, addresses and registry list markings and also to
 98 determine whether the number of envelopes from which absentee
 99 ballots have been removed is the same as the number of persons checked
 100 as having voted by absentee ballot. The write-in ballots shall also be
 101 recanvassed at this time. Any party representative present shall have a
 102 right to view each ballot as it is being recanvassed by the recanvass
 103 officials, so as to be able to discern the markings on such ballot. All of
 104 the recanvass officials shall use the same forms for tallies and returns as
 105 were used at the original canvass and the absentee ballot counters shall
 106 also sign the tallies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-238(a)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	9-311(a) and (b)

Statement of Legislative Commissioners:

In Section 3(a)(1), "not later than twelve o'clock" was changed to "not later than twelve o'clock noon" for clarity.

GAE *Joint Favorable Subst. -LCO*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$
Secretary of the State	GF - Cost	100,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill results in a one-time cost of \$100,000 requiring the Secretary of State's staff to develop a uniform recanvassing training to be used whenever a recanvassing is required by the state. The estimate for the creation of that material is currently \$100,000 to develop it and it may require incidental updates in the future.

The bill additionally requires each municipality in the state to have at least one tabulator. For those with tabulators there will be no fiscal impact. Most municipalities are known to have tabulators available with about 2,500 in usage statewide. If there are municipalities without tabulators the cost may increase by around \$50,000¹ in order to meet the requirements of the new bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ [Public Citizen voting costs](#)

OLR Bill Analysis**sHB 6871*****AN ACT CONCERNING ELECTION RECANVASS PROCEDURES.*****SUMMARY**

This bill modifies several procedures for election recanvasses (i.e., recounts). Specifically, the bill:

1. requires that recanvasses be done no later than five business days after moderators submit the duplicate lists of votes to the Secretary of the State (SOTS), rather than five business days after the election as current law provides;
2. requires that recanvass officials meet by 12:00 p.m. on recanvass day (no time is currently set in law);
3. authorizes party representatives to view each ballot to discern its markings as it is being recanvassed; and
4. makes technical changes.

The bill also requires SOTS to develop an instructional training video on recanvass procedures based on the Recanvass Procedure Manual's August 2012 revision. Under the bill, SOTS must (1) publish the recanvass procedures instructional video on its website, (2) revise it whenever the procedure manual is revised, and (3) distribute it to recanvass officials. These officials must view the video before starting a recanvass.

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 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, the bill requires at least one voting tabulator be used in each voting district for all elections.

EFFECTIVE DATE: Upon passage

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, under current law, 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, 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 and Conn. Agency Regs., § 9-242a-28).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 19 Nay 0 (03/15/2023)