



House of Representatives

File No. 792

General Assembly

January Session, 2023

(Reprint of File No. 287)

Substitute House Bill No. 6871
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 19, 2023

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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2025*):

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, at least
19 one voting tabulator in each such district] shall ensure that each voting
20 district at any such election uses a dedicated voting tabulator or
21 tabulators that only registers and counts votes cast for such voting
22 district. The provisions of this subsection shall not apply to the counting
23 of ballots at a central location designated for such purpose or to the
24 conduct of a recanvass.

25 Sec. 2. (NEW) (*Effective January 1, 2024*) The Secretary of the State shall
26 develop an instructional training video on recanvass procedures, based
27 on the most recent Recanvass Procedure Manual published on the
28 Internet web site of the office of the Secretary of the State. Whenever a
29 recanvass is required to be conducted, the Secretary shall distribute such
30 instructional training video to the recanvass officials and such recanvass
31 officials shall view such instructional training video immediately before
32 commencing such recanvass.

33 Sec. 3. Section 9-311 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective from passage*):

35 (a) (1) If, within three days after an election, it appears to the
36 moderator that there is a discrepancy in the returns of any voting
37 district, such moderator shall forthwith within said period summon, by
38 written notice delivered personally, the recanvass officials, consisting of
39 at least two checkers of different political parties and at least two
40 absentee ballot counters of different political parties who served at such
41 election, and the registrars of voters of the municipality in which the
42 election was held and such other officials as may be required to conduct
43 such recanvass. Such written notice shall require the clerk or registrars
44 of voters, as the case may be, to bring with them the depository
45 envelopes required by section 9-150a, the package of write-in ballots
46 provided for in section 9-310, the absentee ballot applications, the list of
47 absentee ballot applications, the registry list and the moderators' returns

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

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

80 (b) The moderator shall determine the place or places where the
81 recanvass shall be conducted and, if such recanvass is held before the

82 tabulators are boxed and collected in the manner required by section 9-
83 266, the moderator may either require that such recanvass of such
84 tabulators be conducted in each place where the tabulators are located,
85 or he may require that they be removed to one central place, where such
86 recanvass shall be conducted. All recanvassing procedures shall be open
87 to public observation, subject to the provisions of subsection (d) of this
88 section. Such recanvass officials shall, in the presence of such moderator
89 and registrars of voters, make a record of the number on the seal and
90 the number on the protective counter, if one is provided, on each voting
91 tabulator specified by such moderator. Such registrars of voters in the
92 presence of such moderator shall turn over the keys of each such
93 tabulator to such recanvass officials, and such recanvass officials, in the
94 presence of such registrars of voters and moderator, shall immediately
95 proceed to recanvass the vote cast thereon, and shall then open the
96 package of absentee ballots and recanvass the vote cast thereon. In the
97 course of the recanvass of the absentee ballot vote the recanvass officials
98 shall check all outer envelopes for absentee ballots against the inner
99 envelopes for such ballots and against the registry list to verify
100 postmarks, addresses and registry list markings and also to determine
101 whether the number of envelopes from which absentee ballots have
102 been removed is the same as the number of persons checked as having
103 voted by absentee ballot. The write-in ballots shall also be recanvassed
104 at this time. Any party representative present shall have a right to view
105 each ballot as it is being recanvassed by the recanvass officials, so as to
106 be able to discern the markings on such ballot. All of the recanvass
107 officials shall use the same forms for tallies and returns as were used at
108 the original canvass and the absentee ballot counters shall also sign the
109 tallies.

110 (c) (1) The votes shall be announced and recorded in the manner
111 prescribed in section 9-309 on return forms provided by the registrars of
112 voters and appended thereto shall be a statement signed by the
113 moderator indicating the time and place of the recanvass and the names,
114 addresses, titles and party affiliations of the recanvass officials. The
115 write-in ballots shall be replaced in a properly secured sealed package.

116 Upon the completion of such recanvass, any tabulator used in such
117 recanvass shall be locked and sealed, the keys thereof shall immediately
118 be returned to such registrars of voters and such tabulator shall remain
119 so locked until the expiration of fourteen days after such election or for
120 such longer period as is ordered by a court of competent jurisdiction.
121 The absentee ballots shall be replaced in their wrappers and be resealed
122 by the moderator in the presence of the recanvass officials. Upon the
123 completion of such recanvass, such moderator and at least two of the
124 recanvass officials of different political parties shall forthwith prepare
125 and sign such return forms which shall contain a written statement
126 giving the result of such recanvass for each tabulator and each package
127 of absentee ballots whose returns were so recanvassed, setting forth
128 whether or not the original canvass was correctly made and stating
129 whether or not the discrepancy still remains unaccounted for. Such
130 return forms containing such statement shall forthwith be filed by the
131 moderator in the office of such clerk. If such recanvass reveals that the
132 original canvass of returns was not correctly made, such return forms
133 containing such statement so filed with the clerk shall constitute a
134 corrected return. In the case of a state election, a recanvass return shall
135 be made in duplicate on a form prescribed and provided by the
136 Secretary of the State, and the moderator shall file one copy with the
137 Secretary of the State and one copy with the town clerk not later than
138 ten days after the election. Such recanvass return shall be substituted for
139 the original return and shall have the same force and effect as an original
140 return.

141 (2) Notwithstanding the provisions of subdivision (1) of this
142 subsection, for the state election in 2020, and any election held on or after
143 June 23, 2021, but prior to November 3, 2021, each copy of the recanvass
144 return required under said subdivision to be filed by the moderator with
145 the Secretary of the State and the town clerk shall be so filed not later
146 than twelve days after such election.

147 (d) The moderator may, when any disorder arises that interferes with
148 the conduct of a recanvass, including any attempt by a person other than
149 a recanvass official to take part in such recanvass or to communicate

150 with a canvass official, and the offender refuses to submit to the
151 moderator's lawful authority, order that the offender be removed by the
152 canvass officials from such canvass until the offender conforms to
153 order or, if need be, until such canvass is completed.

154 [(d)] (e) As used in this section, (1) "moderator" means, in the case of
155 municipalities not divided into voting districts, the moderator of the
156 election and, in the case of municipalities divided into voting districts,
157 the head moderator of the election, and (2) "registrars of voters", in a
158 municipality where there are different registrars of voters for different
159 voting districts, means the registrars of voters in the voting district in
160 which, at the last-preceding election, the presiding officer for the
161 purpose of declaring the result of the vote of the whole municipality was
162 moderator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2025</i>	9-238(a)
Sec. 2	<i>January 1, 2024</i>	New section
Sec. 3	<i>from passage</i>	9-311

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.

House Amendment "A" makes several changes to the bill including (1) requiring at least one tabulator to be used in each district and only for that district. (2) Changing some recanvass timelines and security

¹ [Public Citizen voting costs](#)

procedures. The requirement to use tabulators in each district may increase municipal costs depending on the current tabulators and resources available to municipalities. The exact cost increase would vary by municipality.

The Out Years

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

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)