



General Assembly

January Session, 2023

Raised Bill No. 6825

LCO No. 5150



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE APPEARANCE OF UNFILLED
VACANCIES IN CANDIDACIES ON THE 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 Section 9-460 of the general statutes is repealed and the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 forty-six days before the opening of the polls on
8 the day of the election for which such nomination has been made, dies,
9 withdraws such nominee's name or for any reason becomes disqualified
10 to hold the office for which such nominee has been nominated, (1) such
11 party or, on and after November 4, 1981, the party designation
12 committee may make a nomination to fill such vacancy or provide for
13 the making of such nomination as its rules prescribe, and (2) if another
14 party that is qualified to nominate a candidate for such office does not

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17 nomination to replace a candidate who has withdrawn, under this
18 section shall be valid unless the candidate who has withdrawn has filed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

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

58 Sec. 2. Subsection (a) of section 9-437 of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective from*
60 *passage*):

61 (a) At the top of each ballot shall be printed the name of the party
62 holding the primary, and each ballot shall contain the names of all
63 candidates to be voted upon at such primary, except the names of
64 justices of the peace. The vertical columns shall be headed by the
65 designation of the office or position and instructions as to the number
66 for which an elector may vote for such office or position, in the same
67 manner as a ballot used in a regular election. The name of each
68 candidate for town committee or municipal office, except for the
69 municipal offices of state senator and state representative, shall appear
70 on the ballot as authorized by each candidate. The name of each
71 candidate for state or district office or for the municipal offices of state
72 senator or state representative shall appear on the ballot as it appears on
73 the certificate or statement of consent filed under section 9-388, 9-391, 9-
74 400 or 9-409. On the first horizontal line, below the designation of the
75 office or position in each column, shall be placed the name of the party-
76 endorsed candidate for such office or position, such name to be marked
77 with an asterisk; provided, where more than one person may be voted
78 for for any office or position, the names of the party-endorsed
79 candidates shall be arranged in alphabetical order from left to right
80 under the appropriate office or position designation and shall continue,
81 if necessary, from left to right on the next lower line or lines. In the case
82 of no party endorsement there shall be inserted the designation "no
83 party endorsement" at the head of the vertical column, immediately

84 beneath the designation of the office or position. On the horizontal lines
85 below the line for party-endorsed candidates shall be placed, in the
86 appropriate columns, the names of all other candidates as [hereinafter]
87 provided in this section.

88 Sec. 3. Subsection (g) of section 9-437 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective from*
90 *passage*):

91 (g) The name of each candidate shall appear on the ballot in such
92 position as is [hereinbefore] required in this section, and such position
93 shall be determined as of the final time for filing candidacies specified
94 in section 9-400 or 9-405. Vacancies in candidacies thereafter occurring
95 shall not cause the position of any candidate's name on the ballot to be
96 changed to another position. The name of any candidate whose
97 candidacy has been vacated shall not appear on the ballot. If such a
98 vacancy results in the cancellation of a primary for any office, the office
99 column or columns where the names of the candidates and the title of
100 the office would have appeared if the primary for that office had not
101 been cancelled shall be left blank. If a vacancy occurs in a party-
102 endorsed candidacy and a person is chosen in accordance with section
103 9-426 or 9-428 to fill the resulting vacancy in candidacy, the name of the
104 person so chosen shall appear in the same position as that in which the
105 name of the vacating candidate appeared. The municipal clerk shall
106 have the ballot prepared so that the name of any candidate who has
107 vacated such candidate's candidacy is deleted and so that the name of
108 any candidate chosen to fill a vacancy in candidacy appears in the same
109 position as that in which the vacated candidacy appeared. The
110 municipal clerk may use [blank or] printed stickers [, as the case may
111 be,] in preparing the ballots if the ballots were printed before [the
112 occurrence of the vacancy in candidacy or] the selection of a candidate
113 to fill a vacancy in candidacy. The municipal clerk shall cause to be
114 obscured the name of the candidate whose candidacy has been vacated
115 if the vacancy is not filled. The order of the offices and positions shall be
116 as prescribed by the Secretary of the State.

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>	9-437(a)
Sec. 3	<i>from passage</i>	9-437(g)

Statement of Purpose:

To require municipal clerks to, when a vacancy in candidacy is unfilled, obscure the name of the vacated candidate on the ballot.

[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.]