



General Assembly

January Session, 2023

Raised Bill No. 6872

LCO No. 4913



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING FAITHLESS PRESIDENTIAL ELECTORS AND
AUTHORIZING MANDAMUS ACTIONS RELATED TO THE
CERTIFICATION OR DECLARATION OF ELECTION RESULTS.***

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

1 Section 1. Section 9-176 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) The presidential electors shall meet at the office of the Secretary of
4 the State at twelve o'clock, noon, on the first Monday after the second
5 Wednesday of the December following their election and, as required
6 by the Constitution and laws of the United States, shall cast their ballots
7 for President and Vice President. Each such elector shall cast [his] such
8 elector's ballots for the candidates under whose names [he] such elector
9 ran on the official election ballot, as provided in section 9-175. If any
10 such elector is absent or if there is a vacancy in the electoral college for
11 any cause, the electors present shall, before voting for President and
12 Vice President, elect by ballot an elector to fill such vacancy, and the
13 person so chosen shall be a presidential elector, shall perform the duties
14 of such office and shall cast his or her ballots for the candidates to whom
15 the elector he or she is replacing was pledged. In the case of any such
16 elector who fails to cast such elector's ballots for the candidates under

17 whose names such elector ran on the official election ballot, or who fails
18 to cast such elector's ballots for the candidates to whom the elector he or
19 she is replacing was pledged, (1) the votes of such elector shall be
20 nullified, (2) such elector shall forfeit such elector's position as
21 presidential elector, causing a vacancy in the electoral college, and (3)
22 the other electors present shall elect by ballot an elector to fill such
23 vacancy, and the person so chosen shall be a presidential elector, shall
24 perform the duties of such office and shall cast his or her ballots for the
25 candidates to whom the elector he or she is replacing was pledged.

26 (b) Any presidential elector who fails to cast such elector's ballots for
27 the candidates under whose names such elector ran on the official ballot,
28 or who fails to cast such elector's ballots for the candidates to whom the
29 elector he or she is replacing was pledged, shall (1) be ineligible, upon
30 such failure and thereafter, to the office of presidential elector, and (2)
31 be imprisoned not more than one year, be fined not more than one
32 thousand dollars, or both.

33 Sec. 2. Section 9-315 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2023*):

35 (a) The votes returned as cast for a senator in Congress,
36 representatives in Congress and presidential electors shall be publicly
37 counted by the Treasurer, Secretary of the State and Comptroller on the
38 last Wednesday of the month in which they were cast, and such votes
39 shall be counted in conformity to any decision rendered by the judges
40 of the Supreme Court as provided in section 9-323. In accordance with
41 the count so made, they shall, on said day, declare what persons are
42 elected senators in the Congress of the United States or representatives
43 in Congress, and the Secretary of the State shall forthwith notify them
44 by mail of their election; and they shall declare the proper number of
45 persons having the greatest number of votes to be presidential electors
46 and, in case of an equal vote for said electors, shall determine by lot from
47 the persons having such equal number of votes the persons appointed,
48 and the Secretary of the State shall forthwith notify them by mail of their
49 appointment.

50 (b) If the Treasurer, Secretary of the State or Comptroller fails to carry
51 out any duty required under subsection (a) of this section, any resident
52 of the state may bring an action against said officer, as applicable, in the
53 Supreme Court for a writ of mandamus to compel said officer to carry
54 out such duty. Any such resident who prevails in such action shall be
55 entitled to recover court costs and reasonable attorney's fees.

56 Sec. 3. Section 9-316 of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective October 1, 2023*):

58 (a) The Treasurer, Secretary of the State and Comptroller shall, within
59 thirty days after a vacancy election for a senator in Congress or
60 representative in Congress, subject to the provisions of section 9-323,
61 publicly count the votes returned, and declare what person is elected,
62 and the Secretary of the State shall forthwith notify [him] such person
63 by mail of [his] such person's election. The Secretary of the State shall
64 enter the returns in tabular form in books kept by [him] the Secretary
65 for that purpose and present a copy of the same, with the name of, and
66 the total number of votes received by, each of the candidates for said
67 office, to the Governor within ten days thereafter.

68 (b) If the Treasurer, Secretary of the State or Comptroller fails to carry
69 out any duty required under subsection (a) of this section, any resident
70 of the state may bring an action against said officer, as applicable, in the
71 Supreme Court for a writ of mandamus to compel said officer to carry
72 out such duty. Any such resident who prevails in such action shall be
73 entitled to recover court costs and reasonable attorney's fees.

74 Sec. 4. Section 9-317 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective October 1, 2023*):

76 When any senator in Congress has been elected, the Governor shall
77 certify his election under the seal of the state to the President of the
78 Senate of the United States, which certificate shall be countersigned by
79 the Secretary of the State. If the Governor fails to so certify or the
80 Secretary fails to so countersign, any resident of the state may bring an
81 action against said officer, as applicable, in the Supreme Court for a writ

82 of mandamus to compel said officer to carry out such duty. Any such
83 resident who prevails in such action shall be entitled to recover court
84 costs and reasonable attorney's fees.

85 Sec. 5. Section 9-318 of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2023*):

87 (a) The votes for Governor, Lieutenant Governor, Secretary of the
88 State, Treasurer, Comptroller and Attorney General shall be canvassed
89 by the persons authorized to receive and count the same, within thirty
90 days next after they were cast, unless a complaint under the provisions
91 of section 9-324 is pending, in which case such canvass shall not be made
92 until after the third Monday of December next after they were cast. In
93 making such canvass, the votes upon the returns made by presiding
94 officers shall be counted in conformity to the decision of the judge of the
95 Superior Court or of the Supreme Court, as the case may be, and such
96 canvass shall be in conformity to such decision, and a fair list of such
97 votes made to conform to the original returns of the presiding officers,
98 as corrected or affected by the finding or decision of such judge, with
99 the original returns of the presiding officers and certified copies of the
100 decision of such judge, shall, on the first day of the session, be laid before
101 the General Assembly, which shall declare who are elected to said
102 offices respectively.

103 (b) (1) If any of the persons authorized to receive and count the votes
104 for Governor, Lieutenant Governor, Secretary of the State, Treasurer,
105 Comptroller and Attorney General fail to carry out any duty required
106 under subsection (a) of this section, any resident of the state may bring
107 an action against such person, as applicable, in the Supreme Court for a
108 writ of mandamus to compel such person to carry out such duty.

109 (2) If the General Assembly fails to declare who is elected to any of
110 said offices, as required under subsection (a) of this section and in
111 accordance with the provisions of section 9-173, any resident of the state
112 may bring an action against the General Assembly in the Supreme Court
113 for a writ of mandamus to compel the General Assembly to carry out

114 such duty.

115 (3) Any resident of the state who prevails in an action brought under
116 subdivision (1) or (2) of this subsection shall be entitled to recover court
117 costs and reasonable attorney's fees.

118 Sec. 6. Section 9-319 of the general statutes is repealed and the
119 following is substituted in lieu thereof (*Effective October 1, 2023*):

120 (a) The votes for state senators, state representatives and judges of
121 probate, as returned by the moderators, shall be canvassed, during the
122 month in which they are cast, by the Treasurer, Secretary of the State
123 and Comptroller, and they shall declare, except in case of a tie vote, who
124 is elected senator in each senatorial district, representative in each
125 assembly district and judge of probate in each probate district. The
126 Secretary of the State shall, within three days after such declaration, give
127 notice by mail to each person chosen state senator, state representative
128 or judge of probate of his election.

129 (b) If the Treasurer, Secretary of the State or Comptroller fails to carry
130 out any duty required under subsection (a) of this section, any resident
131 of the state may bring an action against said officer, as applicable, in the
132 Supreme Court for a writ of mandamus to compel said officer to carry
133 out such duty. Any such resident who prevails in such action shall be
134 entitled to recover court costs and reasonable attorney's fees.

135 Sec. 7. Subsection (b) of section 51-199 of the general statutes is
136 repealed and the following is substituted in lieu thereof (*Effective October*
137 *1, 2023*):

138 (b) The following matters shall be taken directly to the Supreme
139 Court: (1) Any matter brought pursuant to the original jurisdiction of
140 the Supreme Court under section 2 of article sixteen of the amendments
141 to the Constitution; (2) an appeal in any matter where the Superior
142 Court declares invalid a state statute or a provision of the state
143 Constitution; (3) an appeal in any criminal action involving a conviction
144 for a capital felony under the provisions of section 53a-54b in effect prior

145 to April 25, 2012, class A felony or any other felony, including any
 146 persistent offender status, for which the maximum sentence which may
 147 be imposed exceeds twenty years; (4) review of a sentence of death
 148 pursuant to section 53a-46b; (5) any election or primary dispute brought
 149 to the Supreme Court pursuant to section 9-323 or 9-325, or any action
 150 for a writ of mandamus brought to the Supreme Court pursuant to
 151 sections 9-315 to 9-319, inclusive, as amended by this act; (6) an appeal
 152 of any reprimand or censure of a probate judge pursuant to section 45a-
 153 65; (7) any matter regarding judicial removal or suspension pursuant to
 154 section 51-51j; (8) an appeal of any decision of the Judicial Review
 155 Council pursuant to section 51-51r; (9) any matter brought to the
 156 Supreme Court pursuant to section 52-265a; and (10) any other matter
 157 as provided by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	9-176
Sec. 2	<i>October 1, 2023</i>	9-315
Sec. 3	<i>October 1, 2023</i>	9-316
Sec. 4	<i>October 1, 2023</i>	9-317
Sec. 5	<i>October 1, 2023</i>	9-318
Sec. 6	<i>October 1, 2023</i>	9-319
Sec. 7	<i>October 1, 2023</i>	51-199(b)

Statement of Purpose:

To (1) nullify the vote of, remove, replace and impose certain penalties upon faithless presidential electors, and (2) allow for mandamus actions to be brought in the Supreme Court to compel certain officers to comply with laws relating to certification or declaration of election results.

[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.]