



General Assembly

Amendment

January Session, 2023

LCO No. 8139



Offered by:

REP. BLUMENTHAL, 147th Dist.

REP. CANDELORA V., 86th Dist.

REP. MASTROFRANCESCO, 80th Dist.

To: Subst. House Bill No. 6871

File No. 287

Cal. No. 196

"AN ACT CONCERNING ELECTION RECANVASS PROCEDURES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 9-238 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*
5 *2025*):

6 (a) Except as provided in section 9-272, voting tabulators shall be
7 used at all elections held in any municipality, or in any part thereof, for
8 voting and registering and counting votes cast at such elections for
9 officers, and upon all questions or amendments submitted at such
10 elections. The board of selectmen of each town, the common council of
11 each city and the warden and burgesses of each borough shall purchase
12 or lease, or otherwise provide, for use at elections in each such
13 municipality a number of voting tabulators approved by the Secretary
14 of the State. Different voting tabulators may be provided for different

15 voting districts in the same municipality. Notwithstanding any
16 provision of this subsection, [to the contrary,] the registrars of voters of
17 a municipality [may determine the number of voting tabulators that
18 shall be provided for use at any special election in such municipality,
19 provided the registrars shall provide at least one voting tabulator in the
20 municipality or, in a municipality divided into voting districts, at least
21 one voting tabulator in each such district] shall ensure that each voting
22 district at any such election uses a dedicated voting tabulator or
23 tabulators that only registers and counts votes cast for such voting
24 district. The provisions of this subsection shall not apply to the counting
25 of ballots at a central location designated for such purpose or to the
26 conduct of a recanvass.

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

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

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

48 provided for in section 9-310, the absentee ballot applications, the list of
49 absentee ballot applications, the registry list and the moderators' returns
50 and shall require such recanvass officials to meet at a specified time, not
51 later than [the fifth business day] five business days after such election
52 and not later than five o'clock p.m. on any such business day, to
53 recanvass the returns of a voting tabulator or voting tabulators or
54 absentee ballots or write-in ballots used in such district in such election.
55 If any of such recanvass officials are unavailable at the time of the
56 recanvass, the registrar of voters of the same political party as that of the
57 recanvass official unable to attend shall designate another elector
58 having previous training and experience in the conduct of elections to
59 take his place. Before such recanvass is made, such moderator shall give
60 notice, in writing, to the [chairman] chairperson of the town committee
61 of each political party which nominated candidates for the election, and,
62 in the case of a state election, not later than twenty-four hours after a
63 determination is made regarding the need for a recanvass to the
64 Secretary of the State, of the time and place where such recanvass is to
65 be made; and each such [chairman] chairperson may send party
66 representatives to be present at such recanvass. Such party
67 representatives may observe, but no one other than a recanvass official
68 may take part in the recanvass. If any irregularity in the recanvass
69 procedure is noted by such a party representative, he shall be permitted
70 to present evidence of such irregularity in any contest relating to the
71 election.

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

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

112 (c) (1) The votes shall be announced and recorded in the manner
113 prescribed in section 9-309 on return forms provided by the registrars of
114 voters and appended thereto shall be a statement signed by the
115 moderator indicating the time and place of the recanvass and the names,

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

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

149 (d) The moderator may, when any disorder arises that interferes with

150 the conduct of a recanvass, including any attempt by a person other than
 151 a recanvass official to take part in such recanvass or to communicate
 152 with a recanvass official, and the offender refuses to submit to the
 153 moderator's lawful authority, order that the offender be removed by the
 154 recanvass officials from such recanvass until the offender conforms to
 155 order or, if need be, until such recanvass is completed.

156 [(d)] (e) As used in this section, (1) "moderator" means, in the case of
 157 municipalities not divided into voting districts, the moderator of the
 158 election and, in the case of municipalities divided into voting districts,
 159 the head moderator of the election, and (2) "registrars of voters", in a
 160 municipality where there are different registrars of voters for different
 161 voting districts, means the registrars of voters in the voting district in
 162 which, at the last-preceding election, the presiding officer for the
 163 purpose of declaring the result of the vote of the whole municipality was
 164 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