



General Assembly

Amendment

January Session, 2023

LCO No. 8497



Offered by:
REP. ELLIOTT, 88th Dist.

To: House Bill No. 6825

File No. 488

Cal. No. 315

**"AN ACT CONCERNING THE APPEARANCE OF UNFILLED
VACANCIES IN CANDIDACIES ON THE BALLOT."**

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

3 "Section 1. (NEW) (*Effective January 1, 2024*) (a) As used in this section
4 and sections 9-473 and 9-476 of the general statutes, as amended by this
5 act:

6 (1) "Active candidate" means, with respect to a round of tabulation
7 under ranked-choice voting, a candidate (A) whose name appears on
8 the ballot or who is registered as a write-in candidate, and (B) who has
9 not been eliminated after tabulation from a prior round has been
10 completed.

11 (2) "Inactive ballot" means, with respect to a round of tabulation
12 under ranked-choice voting, a ballot on which no vote is tabulated
13 because (A) any vote cast is not for an active candidate; (B) votes are cast
14 at the highest order of preference for more than one candidate; or (C) no

15 vote is cast for such round and no vote is cast for the immediately
16 following round.

17 (3) "Ranked-choice voting" means a system of casting and tabulating
18 votes under which, with respect to a particular office, (A) each elector is
19 able to rank candidates on the ballot in the order of such elector's
20 preference, (B) one or more rounds of tabulation are used to determine
21 active candidates in accordance with electors' preferences, and (C) the
22 active candidate with the greatest number of votes after all rounds of
23 tabulation are complete is the winning candidate.

24 (4) "Undervote" means, with respect to all rounds of tabulation under
25 ranked-choice voting for a particular office, a ballot on which no vote is
26 cast.

27 (5) "Winning candidate" means the candidate with the greatest
28 number of votes, under ranked-choice voting, at the completion of
29 tabulation.

30 (b) (1) At each presidential preference primary conducted under
31 ranked-choice voting, the Secretary of the State shall prescribe the type
32 of ballot to be used, the instructions to appear on such ballot and the
33 layout and orientation of such ballot. The use of any ballot at any such
34 presidential preference primary shall be subject to the approval of the
35 Secretary.

36 (2) The ballot at each presidential preference primary conducted
37 under ranked-choice voting shall:

38 (A) Be simple, easy to understand and in a form prescribed by the
39 Secretary of the State;

40 (B) List all candidates duly qualified to appear on such ballot for such
41 presidential preference primary and in such a manner as to allow each
42 elector eligible to vote in such presidential preference primary to rank
43 all such candidates in the order of such elector's preference, except that,
44 if such ballot cannot allow for ranking of all such candidates, the

45 Secretary may for any such presidential preference primary limit
46 ranking to not less than six such candidates; and

47 (C) Display any information the Secretary may deem necessary to
48 effectively instruct electors on how to (i) rank on such ballot any
49 candidate capable of being ranked, and (ii) properly vote in such
50 presidential preference primary.

51 (c) (1) Except as provided in subdivision (2) of this subsection, at each
52 presidential preference primary conducted under ranked-choice voting,
53 each ballot shall be tabulated as one vote cast for the highest-ranked
54 active candidate on such ballot, and tabulation shall proceed in
55 sequential rounds such that:

56 (A) In a round with three or more active candidates, the candidate
57 with the least number of votes at the completion of tabulation is
58 eliminated, the vote for such eliminated candidate is transferred to a
59 remaining active candidate in accordance with the ranked preference
60 expressed on such ballot and all remaining active candidates advance to
61 the next round; and

62 (B) In a round with fewer than three active candidates, the candidate
63 with the greatest number of votes at the completion of tabulation shall
64 be declared the winning candidate and no further rounds are required.

65 (2) (A) (i) In any round with three or more active candidates, if at the
66 completion of tabulation a tie occurs in the least number of votes and
67 tabulation is unable to proceed until such tie is resolved, the candidate
68 to be eliminated shall be determined by lot in accordance with
69 regulations adopted under subsection (d) of this section.

70 (ii) In a round with fewer than three active candidates, if at the
71 completion of tabulation a tie occurs in the greatest number of votes,
72 such tie shall be resolved in accordance with the provisions of section 9-
73 332 of the general statutes unless otherwise provided by law.

74 (B) (i) If a ballot is an inactive ballot with respect to any round, no

75 vote shall be tabulated for such round.

76 (ii) If a ballot is an undervote, no vote shall be tabulated for all
77 rounds.

78 (d) The Secretary of the State shall adopt regulations, in accordance
79 with the provisions of chapter 54 of the general statutes, to implement
80 the provisions of this section.

81 Sec. 2. Section 9-473 of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective January 1, 2024*):

83 (a) The Secretary shall establish a process and timeline for the
84 certification, by the chairman of each party to the Secretary, of the
85 number of delegates to which such party is entitled.

86 (b) Not later than the [fourteenth day before the day of the primary]
87 deadline set by the Secretary pursuant to subsection (a) of this section,
88 the chairman of each party shall certify in writing to the [secretary]
89 Secretary the number of delegates to which such party is entitled
90 pursuant to its rules. If such rules provide that such delegates are to be
91 chosen from districts, the chairman shall also certify the number of
92 delegates allocated to each district and the number to be selected at
93 large, if any. Such rules (1) may [(1)] provide for ranked-choice voting,
94 as described in section 1 of this act, at any presidential preference
95 primary held after January 1, 2024, subject to the provisions of section 4
96 of this act, and (2) may (A) prescribe a formula for the allocation of
97 delegates to candidates based upon the percentages of the total votes
98 [cast for] received in any round of tabulation under ranked-choice
99 voting by such candidates at the primary, or [(2)] (B) require that all
100 delegates shall be allocated to the candidate receiving the greatest
101 number of votes in any round of tabulation under ranked-choice voting,
102 notwithstanding such candidate's percentage of the total votes cast for
103 all candidates. If such rules prescribe a formula for the allocation of
104 delegates to candidates based upon the percentages of the total votes
105 [cast for] received in any round of tabulation under ranked-choice
106 voting by, such candidates at the primary, the chairman shall also certify

107 such formula and all information necessary for the application of such
108 formula to the results of the primary.

109 (c) The chairman of a party shall furnish to the [secretary] Secretary,
110 upon request, a written interpretation or explanation of any ranked-
111 choice voting for which provided, or any application of [such] a delegate
112 allocation formula prescribed, under subsection (b) of this section.

113 Sec. 3. Section 9-476 of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective January 1, 2024*):

115 (a) Except as otherwise provided in this chapter or as required for the
116 purposes of implementing ranked-choice voting, the provisions of
117 chapter 145 and chapter 153 concerning absentee voting at primaries,
118 conduct of primaries and return and tabulation of the vote at such
119 primaries shall apply as nearly as practicable and in the manner
120 prescribed by the Secretary of the State, to a presidential preference
121 primary.

122 (b) Subject to the provisions of section 4 of this act, after January 1,
123 2024, if a party's rules so provide pursuant to subdivision (1) of
124 subsection (b) of section 9-473, as amended by this act, each presidential
125 preference primary shall be conducted under ranked-choice voting, as
126 described in section 1 of this act. The Secretary shall issue written
127 instructions for the implementation of policies and procedures
128 regarding tabulation and publication of preliminary and final results,
129 including the results of each round. Such instructions shall take into
130 account any procedures requested in writing by the chairman of the
131 party holding such primary, which procedures are reasonable,
132 compatible with the use of ranked-choice voting ballots and capable of
133 being implemented using existing voting tabulators, including any
134 associated hardware and software. The Secretary shall post all such
135 written instructions on the Internet web site of the office of the Secretary
136 of the State.

137 (c) The primary officials of each party for each polling place shall be
138 as specified in section 9-436, except that (1) the appointment of assistant

139 registrars of voters and absentee ballot counters shall be permitted but
140 not required, (2) the minimum number of official checkers shall be one,
141 (3) the minimum number of voting tabulator tenders shall be one for
142 each two voting tabulators in use, (4) if two parties are holding
143 primaries and the registrars of voters of such parties so agree, such
144 registrars of voters may jointly appoint (A) one moderator of both
145 primaries and (B) one enrolled member of either party to serve as head
146 moderator of both primaries, (5) notwithstanding any reduction in the
147 number of primary officials as permitted by this section, any duty
148 required of primary officials by the general statutes may be performed
149 by one or more primary officials, at the direction of the registrar of
150 voters of the party of such officials, and (6) the registrar of voters shall
151 have the sole power to appoint such officials. In making such
152 appointments the registrar shall attempt, to the extent practicable, to
153 provide representation for each candidate at each polling place. The
154 provisions of section 9-436a shall apply to each candidate whose name
155 appears on the ballot, except that each such candidate, through such
156 candidate's authorized or known representative, may submit to the
157 registrar of voters the name of one designee as candidate checker for
158 each polling place, and the registrar of voters shall appoint such
159 designee as candidate checker for such candidate.

160 (d) Notwithstanding the provisions of section 9-438, the polls shall be
161 open for voting at the primary between the hours of six o'clock a.m. and
162 eight o'clock p.m.

163 (e) The moderator or head moderator of the primary in each town
164 shall prepare duplicate head moderator returns in the manner provided
165 by section 9-440, but notwithstanding the provisions of said section, the
166 moderator or head moderator may electronically transmit such returns
167 not later than eleven fifty-nine o'clock p.m. on primary day, provided a
168 hard copy is mailed to the Secretary of the State not later than two
169 o'clock p.m. of the day following the primary or shall hand deliver one
170 of such returns to either the Secretary or the state police by two o'clock
171 p.m. of the day following the primary. Any moderator or head
172 moderator, as the case may be, who fails to deliver such returns to either

173 the Secretary or the state police by such time shall pay a late filing fee of
174 fifty dollars.

175 Sec. 4. (NEW) (*Effective January 1, 2024*) If, prior to March 1, 2024, the
176 Secretary of the State certifies in writing to the Governor and the joint
177 standing committee of the General Assembly having cognizance of
178 matters relating to elections that the provisions of section 1 of this act
179 and sections 9-473 and 9-476 of the general statutes, as amended by this
180 act, are unable to be implemented by the presidential preference
181 primary to be held in 2024, despite the best efforts of the Secretary, the
182 date on and after which presidential preference primaries are required
183 to be conducted under ranked-choice voting shall be January 1, 2028."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2024</i>	New section
Sec. 2	<i>January 1, 2024</i>	9-473
Sec. 3	<i>January 1, 2024</i>	9-476
Sec. 4	<i>January 1, 2024</i>	New section