



Senate

General Assembly

File No. 177

February Session, 2024

Senate Bill No. 257

Senate, April 2, 2024

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING CERTIFICATION OF AND CASTING OF BALLOTS BY PRESIDENTIAL ELECTORS.

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

1 Section 1. Section 9-315 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The votes returned as cast for a senator in Congress, representatives
4 in Congress and presidential electors shall be publicly counted by the
5 Treasurer, Secretary of the State and Comptroller on the last Wednesday
6 of the month in which they were cast, and such votes shall be counted
7 in conformity to any decision rendered by the judges of the Supreme
8 Court as provided in section 9-323, as amended by this act. In
9 accordance with the count so made, they shall, on said day, declare what
10 persons are elected senators in the Congress of the United States or
11 representatives in Congress, and the Secretary of the State shall
12 forthwith notify them by mail of their election; and they shall declare
13 the proper number of persons having the greatest number of votes to be

14 presidential electors and, in case of an equal vote for said electors, shall
15 determine by lot from the persons having such equal number of votes
16 the persons appointed, and the Secretary of the State shall forthwith
17 notify them by mail of their appointment. For the purposes of the
18 Electoral Count Reform Act of 2022, P.L. 117-328, Div. P, Title I, as
19 amended from time to time, the Secretary of the State shall be the
20 executive of the state responsible for issuing a certificate of
21 ascertainment of appointment of presidential electors and, immediately
22 after such issuance, transmitting such certificate to the Archivist of the
23 United States.

24 Sec. 2. Section 9-176 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 The presidential electors shall meet at the office of the Secretary of the
27 State at twelve o'clock [,] noon [,] on the first [Monday] Tuesday after
28 the second Wednesday of the December following their election and, as
29 required by the Constitution and laws of the United States, shall cast
30 their ballots for President and Vice President. Each such elector shall
31 cast [his] such elector's ballots for the candidates under whose names
32 [he] such elector ran on the official election ballot, as provided in section
33 9-175. If any such elector is absent or if there is a vacancy in the electoral
34 college for any cause, the electors present shall, before voting for
35 President and Vice President, elect by ballot an elector to fill such
36 vacancy, and the person so chosen shall be a presidential elector, shall
37 perform the duties of such office and shall cast his or her ballots for the
38 candidates to whom the elector that he or she is replacing was pledged.

39 Sec. 3. Section 9-323 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective from passage*):

41 Any elector or candidate who claims that he or she is aggrieved by
42 any ruling of any election official in connection with any election for
43 presidential electors and for a senator in Congress and for
44 representative in Congress or any of them, held in his or her town, or
45 that there was a mistake in the count of the votes cast at such election
46 for candidates for such electors, senator in Congress and representative

47 in Congress, or any of them, at any voting district in his or her town, or
48 any candidate for such an office who claims that he or she is aggrieved
49 by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive,
50 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election,
51 may bring his or her complaint to any judge of the Supreme Court, in
52 which he or she shall set out the claimed errors of such election official,
53 the claimed errors in the count or the claimed violations of said sections.
54 In any action brought pursuant to the provisions of this section, the
55 complainant shall file a certification attached to the complaint indicating
56 that a copy of the complaint has been sent by first-class mail or delivered
57 to the State Elections Enforcement Commission. If such complaint is
58 made prior to such election, such judge shall proceed expeditiously to
59 render judgment on the complaint and shall cause notice of the hearing
60 to be given to the Secretary of the State and the State Elections
61 Enforcement Commission. If such complaint is made subsequent to the
62 election, it shall be brought not later than fourteen days after the election
63 or, if such complaint is brought in response to the manual tabulation of
64 paper ballots authorized pursuant to section 9-320f, such complaint
65 shall be brought not later than seven days after the close of any such
66 manual tabulation, and in either such circumstance, the judge shall
67 forthwith order a hearing to be had upon such complaint, upon a day
68 not more than five or less than three days from the making of such order,
69 and shall cause notice of not less than three or more than five days to be
70 given to any candidate or candidates whose election may be affected by
71 the decision upon such hearing, to such election official, to the Secretary
72 of the State, to the State Elections Enforcement Commission and to any
73 other party or parties whom such judge deems proper parties thereto,
74 of the time and place for the hearing upon such complaint. Such judge,
75 with two other judges of the Supreme Court to be designated by the
76 Chief Court Administrator, shall, on the day fixed for such hearing and
77 without unnecessary delay, proceed to hear the parties. If sufficient
78 reason is shown, such judges may order any voting tabulators to be
79 unlocked or any ballot boxes to be opened and a recount of the votes
80 cast, including absentee ballots, to be made. Such judges shall
81 thereupon, in the case they, or any two of them, find any error in the

82 rulings of the election official, any mistake in the count of such votes or
 83 any violation of said sections, certify the result of their finding or
 84 decision, or the finding or decision of a majority of them, to the Secretary
 85 of the State before the first [Monday] Tuesday after the second
 86 Wednesday in December. Such judges may order a new election or a
 87 change in the existing election schedule, provided such order complies
 88 with Section 302 of the Help America Vote Act, P.L. 107-252, as amended
 89 from time to time. Such certificate of such judges, or a majority of them,
 90 shall be final upon all questions relating to the rulings of such election
 91 officials, to the correctness of such count and, for the purposes of this
 92 section only, such claimed violations, and shall operate to correct the
 93 returns of the moderators or presiding officers so as to conform to such
 94 finding or decision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-315
Sec. 2	<i>from passage</i>	9-176
Sec. 3	<i>from passage</i>	9-323

GAE *Joint Favorable*

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:** None**Municipal Impact:** None**Explanation**

This bill formally names the Secretary of the State as the state executive responsible for compliance with the Federal Electoral Reform of 2022, and results in no fiscal impact to the state. The bill does not obligate the state to any other action.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**SB 257*****AN ACT CONCERNING CERTIFICATION OF AND CASTING OF BALLOTS BY PRESIDENTIAL ELECTORS.*****SUMMARY**

This bill designates the secretary of the state as the state official responsible for certifying presidential electors under the federal Electoral Count Reform Act of 2022. As the designated official under the bill and the act, she must issue the elector certification and then immediately transmit the certificate to the Archivist of the United States.

Additionally, the bill requires the presidential electors to meet on the Tuesday (rather than the Monday) after the second Wednesday in December. Under existing law, when a voter casts a ballot for a presidential candidate, the ballot is cast for a slate of presidential electors who have pledged to vote for that candidate when all state electors convene to choose the president and vice president of the United States (CGS § 9-175).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

BACKGROUND***Electoral Count Reform Act***

Under the federal Electoral Count Reform Act of 2022 (P.L. 117-328, Division P, § 104), the executive of a state (by default, the governor) must certify the slate of electors being sent to choose the presidential candidates after a general election. However, the act also allows a state to designate someone other than the governor to serve in this role.

Related Bill

sHB 5310, § 1, favorably reported by the Government Administration and Elections Committee, has identical provisions on changing the day

presidential electors meet.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 19 Nay 0 (03/15/2024)