



Senate

General Assembly

File No. 389

February Session, 2024

Senate Bill No. 352

Senate, April 10, 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 THE RIGHT TO VIEW A BALLOT DURING RECANVASS PROCEDURES.

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

1 Section 1. Subsection (b) of section 9-311 of the 2024 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2024*):

4 (b) The moderator shall determine the place or places where the
5 recanvass shall be conducted and, if such recanvass is held before the
6 tabulators are boxed and collected in the manner required by section 9-
7 266, the moderator may either require that such recanvass of such
8 tabulators be conducted in each place where the tabulators are located,
9 or he may require that they be removed to one central place, where such
10 recanvass shall be conducted. All recanvassing procedures shall be open
11 to public observation, subject to the provisions of subsection (d) of this
12 section. Such recanvass officials shall, in the presence of such moderator
13 and registrars of voters, make a record of the number on the seal and

14 the number on the protective counter, if one is provided, on each voting
 15 tabulator specified by such moderator. Such registrars of voters in the
 16 presence of such moderator shall turn over the keys of each such
 17 tabulator to such recanvass officials, and such recanvass officials, in the
 18 presence of such registrars of voters and moderator, shall immediately
 19 proceed to recanvass the vote cast thereon, and shall then open the
 20 package of absentee ballots and recanvass the vote cast thereon. In the
 21 course of the recanvass of the absentee ballot vote the recanvass officials
 22 shall check all outer envelopes for absentee ballots against the inner
 23 envelopes for such ballots and against the registry list to verify
 24 postmarks, addresses and registry list markings and also to determine
 25 whether the number of envelopes from which absentee ballots have
 26 been removed is the same as the number of persons checked as having
 27 voted by absentee ballot. The write-in ballots shall also be recanvassed
 28 at this time. Any party representative present shall have a right to view
 29 each ballot as it is being recanvassed by the recanvass officials [,] so as
 30 to be able to discern the markings on such ballot, and any moderator or
 31 recanvass official who interferes with such right shall be subject to a fine
 32 of five hundred dollars. All of the recanvass officials shall use the same
 33 forms for tallies and returns as were used at the original canvass and the
 34 absentee ballot counters shall also sign the tallies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	9-311(b)

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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Elections Enforcement Commission	GF - Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill imposes a right to view any ballot by party representatives during recanvassing procedures and imposes a fine for denial of that right which results in a potential revenue impact to the State Elections Enforcement Commission (SEEC). Previous law empowered the SEEC to impose a penalty of up to \$2,000 per violation. The bill fixes a penalty of \$500 for each violation as a standard going forward. This results in a potential revenue loss will depend on the number of violations imposed.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations imposed.

OLR Bill Analysis**SB 352*****AN ACT CONCERNING THE RIGHT TO VIEW A BALLOT DURING RECANVASS PROCEDURES.*****SUMMARY**

After a primary or an election, a recanvass generally takes place when there is a discrepancy, close vote, or tie that requires election officials to recount each ballot. During the recount, existing law allows party representatives to view each ballot as it is being recounted in order to discern how the ballot was marked. This bill imposes a \$500 fine on any moderator or recanvass official that interferes with that right. Under existing law, the State Elections Enforcement Commission (SEEC) may levy a fine of up to \$2,000 for certain election offenses, including a violation of this provision (CGS § 9-7b(a)(2)(A)). Presumably, the bill fixes the specific amount SEEC must impose for a violation of this right.

EFFECTIVE DATE: July 1, 2024

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 19 Nay 0 (03/22/2024)