



General Assembly

February Session, 2024

Raised Bill No. 5310

LCO No. 1151



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING PRESIDENTIAL ELECTORS AND 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 Section 9-176 of the general statutes is repealed and the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, 2024*):

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] Tuesday after
5 the second Wednesday of the December following their election and, as
6 required by the Constitution and laws of the United States, shall cast
7 their ballots for President and Vice President. Each such elector shall
8 cast [his] such elector's ballots for the candidates under whose names
9 [he] such elector ran on the official election ballot, as provided in section
10 9-175. If any such elector is absent or if there is a vacancy in the electoral
11 college for any cause, the electors present shall, before voting for
12 President and Vice President, elect by ballot an elector to fill such
13 vacancy, and the person so chosen shall be a presidential elector, shall
14 perform the duties of such office and shall cast his or her ballots for the

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

27 (b) Any presidential elector who fails to cast such elector's ballots for
28 the candidates under whose names such elector ran on the official ballot,
29 or who fails to cast such elector's ballots for the candidates to whom the
30 elector that he or she is replacing was pledged, shall be ineligible, upon
31 such failure and thereafter, to the office of presidential elector.

32 (c) If, in accordance with Article IV of the Agreement Among the
33 States to Elect the President by National Popular Vote under section 9-
34 175a, said agreement takes effect generally and the chief executive, as
35 defined in said section, of this state notifies the chief executive of all
36 other states that said agreement has taken effect generally, the
37 provisions of subsections (a) and (b) of this section shall cease to be
38 effective upon such notification.

39 Sec. 2. Section 9-315 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2024*):

41 (a) The votes returned as cast for a senator in Congress,
42 representatives in Congress and presidential electors shall be publicly
43 counted by the Treasurer, Secretary of the State and Comptroller on the
44 last Wednesday of the month in which they were cast, and such votes
45 shall be counted in conformity to any decision rendered by the judges
46 of the Supreme Court as provided in section 9-323. In accordance with

47 the count so made, they shall, on said day, declare what persons are
48 elected senators in the Congress of the United States or representatives
49 in Congress, and the Secretary of the State shall forthwith notify them
50 by mail of their election; and they shall declare the proper number of
51 persons having the greatest number of votes to be presidential electors
52 and, in case of an equal vote for said electors, shall determine by lot from
53 the persons having such equal number of votes the persons appointed,
54 and the Secretary of the State shall forthwith notify them by mail of their
55 appointment. Any duty under this subsection that is required of the
56 Treasurer, Secretary of the State or Comptroller is ministerial and is not
57 discretionary.

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

64 Sec. 3. Section 9-316 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2024*):

66 (a) The Treasurer, Secretary of the State and Comptroller shall, within
67 thirty days after a vacancy election for a senator in Congress or
68 representative in Congress, subject to the provisions of section 9-323,
69 publicly count the votes returned, and declare what person is elected,
70 and the Secretary of the State shall forthwith notify [him] such person
71 by mail of [his] such person's election. The Secretary of the State shall
72 enter the returns in tabular form in books kept by [him] the Secretary
73 for that purpose and present a copy of the same, with the name of, and
74 the total number of votes received by, each of the candidates for said
75 office, to the Governor within ten days thereafter. Any duty under this
76 subsection that is required of the Treasurer, Secretary of the State or
77 Comptroller is ministerial and is not discretionary.

78 (b) If the Treasurer, Secretary of the State or Comptroller fails to carry

79 out any duty required under subsection (a) of this section, any resident
80 of the state may bring an action against said officer, as applicable, in the
81 Supreme Court for a writ of mandamus to compel said officer to carry
82 out such duty. Any such resident who prevails in such action shall be
83 entitled to recover court costs and reasonable attorney's fees.

84 Sec. 4. Section 9-317 of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2024*):

86 When any senator in Congress has been elected, the Governor shall
87 certify [his] such election under the seal of the state to the President of
88 the Senate of the United States, which certificate shall be countersigned
89 by the Secretary of the State. The Governor's duty to so certify and the
90 Secretary's duty to so countersign are ministerial and are not
91 discretionary. If the Governor fails to so certify or the Secretary fails to
92 so countersign, any resident of the state may bring an action against said
93 officer, as applicable, in the Supreme Court for a writ of mandamus to
94 compel said officer to carry out such duty. Any such resident who
95 prevails in such action shall be entitled to recover court costs and
96 reasonable attorney's fees.

97 Sec. 5. Section 9-318 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2024*):

99 (a) The votes for Governor, Lieutenant Governor, Secretary of the
100 State, Treasurer, Comptroller and Attorney General shall be canvassed
101 by the persons authorized to receive and count the same, within thirty
102 days next after they were cast, unless a complaint under the provisions
103 of section 9-324 is pending, in which case such canvass shall not be made
104 until after the third Monday of December next after they were cast. In
105 making such canvass, the votes upon the returns made by presiding
106 officers shall be counted in conformity to the decision of the judge of the
107 Superior Court or of the Supreme Court, as the case may be, and such
108 canvass shall be in conformity to such decision, and a fair list of such
109 votes made to conform to the original returns of the presiding officers,
110 as corrected or affected by the finding or decision of such judge, with

111 the original returns of the presiding officers and certified copies of the
112 decision of such judge, shall, on the first day of the session, be laid before
113 the General Assembly, which shall declare who are elected to said
114 offices respectively. Any duty under this subsection that is required of
115 the persons authorized to receive and count the votes for Governor,
116 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or
117 Attorney General, or that is required of the General Assembly, is
118 ministerial and is not discretionary.

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

125 (2) If the General Assembly fails to declare who is elected to any of
126 said offices, as required under subsection (a) of this section and in
127 accordance with the provisions of section 9-173, any resident of the state
128 may bring an action against the General Assembly in the Supreme Court
129 for a writ of mandamus to compel the General Assembly to carry out
130 such duty.

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

134 Sec. 6. Section 9-319 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective October 1, 2024*):

136 (a) The votes for state senators, state representatives and judges of
137 probate, as returned by the moderators, shall be canvassed, during the
138 month in which they are cast, by the Treasurer, Secretary of the State
139 and Comptroller, and they shall declare, except in case of a tie vote, who
140 is elected senator in each senatorial district, representative in each
141 assembly district and judge of probate in each probate district. The
142 Secretary of the State shall, within three days after such declaration, give

143 notice by mail to each person chosen state senator, state representative
144 or judge of probate of [his] such person's election. Any duty under this
145 subsection that is required of the Treasurer, Secretary of the State or
146 Comptroller is ministerial and is not discretionary.

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

153 Sec. 7. Subsections (b) and (c) of section 51-199 of the general statutes
154 are repealed and the following is substituted in lieu thereof (*Effective*
155 *October 1, 2024*):

156 (b) The following matters shall be taken directly to the Supreme
157 Court: (1) Any matter brought pursuant to the original jurisdiction of
158 the Supreme Court under section 2 of article [sixteen] sixteenth of the
159 amendments to the Constitution; (2) an appeal in any matter where the
160 Superior Court declares invalid a state statute or a provision of the state
161 Constitution; (3) an appeal in any criminal action involving a conviction
162 for a capital felony under the provisions of section 53a-54b in effect prior
163 to April 25, 2012, class A felony or any other felony, including any
164 persistent offender status, for which the maximum sentence which may
165 be imposed exceeds twenty years; (4) review of a sentence of death
166 pursuant to section 53a-46b; (5) any election or primary dispute brought
167 to the Supreme Court pursuant to section 9-323 or 9-325, or any action
168 for a writ of mandamus brought to the Supreme Court pursuant to
169 sections 9-315 to 9-319, inclusive, as amended by this act; (6) an appeal
170 of any reprimand or censure of a probate judge pursuant to section 45a-
171 65; (7) any matter regarding judicial removal or suspension pursuant to
172 section 51-51j; (8) an appeal of any decision of the Judicial Review
173 Council pursuant to section 51-51r; (9) any matter brought to the
174 Supreme Court pursuant to section 52-265a; and (10) any other matter
175 as provided by law.

176 (c) The Supreme Court may transfer to itself a cause in the Appellate
177 Court. Except for any matter brought pursuant to its original
178 jurisdiction under section 2 of article [sixteen] sixteenth of the
179 amendments to the Constitution, the Supreme Court may transfer a
180 cause or class of causes from itself, including any cause or class of causes
181 pending on July 1, 1983, to the Appellate Court. The court to which a
182 cause is transferred has jurisdiction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	9-176
Sec. 2	<i>October 1, 2024</i>	9-315
Sec. 3	<i>October 1, 2024</i>	9-316
Sec. 4	<i>October 1, 2024</i>	9-317
Sec. 5	<i>October 1, 2024</i>	9-318
Sec. 6	<i>October 1, 2024</i>	9-319
Sec. 7	<i>October 1, 2024</i>	51-199(b) and (c)

Statement of Purpose:

To (1) nullify the vote of, remove and replace presidential electors who fail to cast their vote as pledged, (2) specify that the duties of certain public officials which are related to the certification or declaration of election results are ministerial, and (3) allow that mandamus actions be brought in the Supreme Court to compel such public officials to carry out such duties.

[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.]