



General Assembly

January Session, 2023

**Substitute Bill No. 6872**



**AN ACT CONCERNING FAITHLESS PRESIDENTIAL ELECTORS AND AUTHORIZING MANDAMUS ACTIONS RELATED TO 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 Section 9-176 of the general statutes is repealed and the  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, 2023*):

3 (a) The presidential electors shall meet at the office of the Secretary  
4 of the State at twelve o'clock [ ] noon [ ] on the first Monday after the  
5 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  
10 section 9-175. If any such elector is absent or if there is a vacancy in the  
11 electoral college for any cause, the electors present shall, before voting  
12 for 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 he or she is replacing was pledged. In  
16 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 he or she is replacing was pledged, (1)

20 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  
25 cast his or her ballots for the candidates to whom the elector he or she  
26 is replacing was pledged.

27 (b) Any presidential elector who fails to cast such elector's ballots  
28 for the candidates under whose names such elector ran on the official  
29 ballot, or who fails to cast such elector's ballots for the candidates to  
30 whom the elector he or she is replacing was pledged, shall (1) be  
31 ineligible, upon such failure and thereafter, to the office of presidential  
32 elector, and (2) be imprisoned not more than one year, be fined not  
33 more than one thousand dollars, or both.

34 Sec. 2. Section 9-315 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2023*):

36 (a) The votes returned as cast for a senator in Congress,  
37 representatives in Congress and presidential electors shall be publicly  
38 counted by the Treasurer, Secretary of the State and Comptroller on  
39 the last Wednesday of the month in which they were cast, and such  
40 votes shall be counted in conformity to any decision rendered by the  
41 judges of the Supreme Court as provided in section 9-323. In  
42 accordance with the count so made, they shall, on said day, declare  
43 what persons are elected senators in the Congress of the United States  
44 or representatives in Congress, and the Secretary of the State shall  
45 forthwith notify them by mail of their election; and they shall declare  
46 the proper number of persons having the greatest number of votes to  
47 be presidential electors and, in case of an equal vote for said electors,  
48 shall determine by lot from the persons having such equal number of  
49 votes the persons appointed, and the Secretary of the State shall  
50 forthwith notify them by mail of their appointment.

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

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

58 Sec. 3. Section 9-316 of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective October 1, 2023*):

60 (a) The Treasurer, Secretary of the State and Comptroller shall,  
61 within thirty days after a vacancy election for a senator in Congress or  
62 representative in Congress, subject to the provisions of section 9-323,  
63 publicly count the votes returned, and declare what person is elected,  
64 and the Secretary of the State shall forthwith notify [him] such person  
65 by mail of [his] such person's election. The Secretary of the State shall  
66 enter the returns in tabular form in books kept by [him] the Secretary  
67 for that purpose and present a copy of the same, with the name of, and  
68 the total number of votes received by, each of the candidates for said  
69 office, to the Governor within ten days thereafter.

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

77 Sec. 4. Section 9-317 of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2023*):

79 When any senator in Congress has been elected, the Governor shall  
80 certify [his] such election under the seal of the state to the President of  
81 the Senate of the United States, which certificate shall be countersigned  
82 by the Secretary of the State. If the Governor fails to so certify or the

83 Secretary fails to so countersign, any resident of the state may bring an  
84 action against said officer, as applicable, in the Supreme Court for a  
85 writ of mandamus to compel said officer to carry out such duty. Any  
86 such resident who prevails in such action shall be entitled to recover  
87 court costs and reasonable attorney's fees.

88 Sec. 5. Section 9-318 of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective October 1, 2023*):

90 (a) The votes for Governor, Lieutenant Governor, Secretary of the  
91 State, Treasurer, Comptroller and Attorney General shall be canvassed  
92 by the persons authorized to receive and count the same, within thirty  
93 days next after they were cast, unless a complaint under the provisions  
94 of section 9-324 is pending, in which case such canvass shall not be  
95 made until after the third Monday of December next after they were  
96 cast. In making such canvass, the votes upon the returns made by  
97 presiding officers shall be counted in conformity to the decision of the  
98 judge of the Superior Court or of the Supreme Court, as the case may  
99 be, and such canvass shall be in conformity to such decision, and a fair  
100 list of such votes made to conform to the original returns of the  
101 presiding officers, as corrected or affected by the finding or decision of  
102 such judge, with the original returns of the presiding officers and  
103 certified copies of the decision of such judge, shall, on the first day of  
104 the session, be laid before the General Assembly, which shall declare  
105 who are elected to said offices respectively.

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

113 (2) If the General Assembly fails to declare who is elected to any of  
114 said offices, as required under subsection (a) of this section and in

115 accordance with the provisions of section 9-173, any resident of the  
116 state may bring an action against the General Assembly in the  
117 Supreme Court for a writ of mandamus to compel the General  
118 Assembly to carry out such duty.

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

122 Sec. 6. Section 9-319 of the general statutes is repealed and the  
123 following is substituted in lieu thereof (*Effective October 1, 2023*):

124 (a) The votes for state senators, state representatives and judges of  
125 probate, as returned by the moderators, shall be canvassed, during the  
126 month in which they are cast, by the Treasurer, Secretary of the State  
127 and Comptroller, and they shall declare, except in case of a tie vote,  
128 who is elected senator in each senatorial district, representative in each  
129 assembly district and judge of probate in each probate district. The  
130 Secretary of the State shall, within three days after such declaration,  
131 give notice by mail to each person chosen state senator, state  
132 representative or judge of probate of [his] such person's election.

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

140 Sec. 7. Subsections (b) and (c) of section 51-199 of the general  
141 statutes are repealed and the following is substituted in lieu thereof  
142 (*Effective October 1, 2023*):

143 (b) The following matters shall be taken directly to the Supreme  
144 Court: (1) Any matter brought pursuant to the original jurisdiction of  
145 the Supreme Court under section 2 of article [sixteen] sixteenth of the

146 amendments to the Constitution; (2) an appeal in any matter where the  
 147 Superior Court declares invalid a state statute or a provision of the  
 148 state Constitution; (3) an appeal in any criminal action involving a  
 149 conviction for a capital felony under the provisions of section 53a-54b  
 150 in effect prior to April 25, 2012, class A felony or any other felony,  
 151 including any persistent offender status, for which the maximum  
 152 sentence which may be imposed exceeds twenty years; (4) review of a  
 153 sentence of death pursuant to section 53a-46b; (5) any election or  
 154 primary dispute brought to the Supreme Court pursuant to section 9-  
 155 323 or 9-325, or any action for a writ of mandamus brought to the  
 156 Supreme Court pursuant to sections 9-315 to 9-319, inclusive, as  
 157 amended by this act; (6) an appeal of any reprimand or censure of a  
 158 probate judge pursuant to section 45a-65; (7) any matter regarding  
 159 judicial removal or suspension pursuant to section 51-51j; (8) an appeal  
 160 of any decision of the Judicial Review Council pursuant to section 51-  
 161 51r; (9) any matter brought to the Supreme Court pursuant to section  
 162 52-265a; and (10) any other matter as provided by law.

163 (c) The Supreme Court may transfer to itself a cause in the Appellate  
 164 Court. Except for any matter brought pursuant to its original  
 165 jurisdiction under section 2 of article [sixteen] sixteenth of the  
 166 amendments to the Constitution, the Supreme Court may transfer a  
 167 cause or class of causes from itself, including any cause or class of  
 168 causes pending on July 1, 1983, to the Appellate Court. The court to  
 169 which a cause is transferred has jurisdiction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	9-176
Sec. 2	<i>October 1, 2023</i>	9-315
Sec. 3	<i>October 1, 2023</i>	9-316
Sec. 4	<i>October 1, 2023</i>	9-317
Sec. 5	<i>October 1, 2023</i>	9-318
Sec. 6	<i>October 1, 2023</i>	9-319
Sec. 7	<i>October 1, 2023</i>	51-199(b) and (c)

**Statement of Legislative Commissioners:**

In Section 1(a)(2), "position" was changed to "office" for internal consistency; in Section 4, "his election" was changed to "[his] such election" for consistency with standard drafting conventions; in Section 5(b)(1), "Comptroller and Attorney General" was changed to "Comptroller or Attorney General" for clarity and accuracy; in Section 6(a), "his election" was changed to "[his] such person's election" for consistency with standard drafting conventions; in Section 7, "sixteen" was changed to "[sixteen] sixteenth" for consistency with standard drafting conventions, and Subsec. (c) was added to conform with such change.

**GAE**      *Joint Favorable Subst. -LCO*