



General Assembly

January Session, 2019

**Committee Bill No. 643**

LCO No. 6178



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING THE REPORTING OF ELECTION RESULTS.***

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

1 Section 1. Section 9-150b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) The moderator shall record the result of each count of absentee  
4 ballots, separately by time of count, on (1) a separate moderator's  
5 return for each voting district, and (2) a separate record of the number  
6 of absentee votes cast for each candidate for each voting district.

7 (b) Except as provided in subsection (c) of this section, when all  
8 counting is complete the moderator shall publicly declare the result of  
9 such count. [He] The moderator shall then deliver to the head  
10 moderator the central counting moderator's returns, together with all  
11 other information required by law or by the Secretary of the State's  
12 instructions, including another tabulator tape or a photocopy, digital  
13 scan or digital photograph of such tape. The head moderator shall add  
14 the results from the voting tabulators, recorded on the moderator's  
15 return for each polling place, to the absentee count recorded on the

16 central counting moderator's return for the corresponding voting  
17 district, in the manner prescribed by the Secretary of the State. The  
18 returns so completed shall show separately the tabulator vote and the  
19 absentee vote and the totals thereof, and the head moderator shall  
20 attach the additional tabulator tape or the copy made of such tape to  
21 such returns.

22 (c) If the absentee ballots were counted in the respective polling  
23 places, pursuant to subsection (b) of section 9-147a, when all counting  
24 is complete the moderator shall publicly declare the result of such  
25 count as provided in section 9-309, as amended by this act, and add  
26 such count to the results from the voting tabulators recorded on the  
27 moderator's return. Such return shall show separately the tabulator  
28 vote and the absentee vote and the totals thereof, and the moderator  
29 shall attach an additional tabulator tape or a photocopy, digital scan or  
30 digital photograph of such tape to such return.

31 (d) The Secretary of the State may prescribe the forms and  
32 instructions for the tabulation, counting and return of the absentee  
33 ballot vote.

34 (e) The sealed depository envelopes required by subsections (f) and  
35 (m) of section 9-150a shall be returned by the moderator to the  
36 municipal clerk as soon as practicable on or before the day following  
37 the election, primary or referendum.

38 (f) The municipal clerk shall preserve for sixty days after the  
39 election, primary or referendum the depository envelopes containing  
40 opened envelopes and rejected ballots required by subsection (f) of  
41 section 9-150a, and shall so preserve for one hundred eighty days the  
42 depository envelopes containing counted ballots and related materials  
43 required by subsection (m) of section 9-150a.

44 (g) No such depository envelope shall be opened except by order of  
45 a court of competent jurisdiction, by the State Elections Enforcement  
46 Commission pursuant to a subpoena issued under subdivision (1) of

47 subsection (a) of section 9-7b or within five days of an election,  
48 primary or referendum for the purpose of a recanvass conducted  
49 pursuant to law. After such a recanvass the depository envelopes and  
50 their contents shall be returned to the municipal clerk and preserved  
51 for the stated period.

52 (h) For sixty days after the election, primary or referendum the  
53 following shall be preserved by the municipal clerk as a public record  
54 open to public inspection: (1) All executed absentee ballot application  
55 forms and direction by registrar forms, as required by subdivision (i)  
56 of section 9-140; (2) the list and index of applicants for presidential or  
57 overseas ballots as required by section 9-158h; (3) the numerical list of  
58 absentee voting sets issued as required by subsection (e) of section 9-  
59 140; (4) the list of the names of persons whose absentee ballots are  
60 received by the municipal clerk, as required by subsection (a) of  
61 section 9-140c; (5) all unused absentee ballots; and (6) all envelopes  
62 containing ballots received by the municipal clerk after the close of the  
63 polls, which shall remain unopened.

64 (i) For one hundred eighty days after the election, primary or  
65 referendum the following shall be preserved by the municipal clerk as  
66 a public record open to public inspection: (1) The affidavit regarding  
67 the municipal clerk's endorsement of inner envelopes, as required by  
68 subsection (a) of section 9-140c; and (2) the affidavit regarding delivery  
69 and receipt of ballots, as required by subsection (j) of said section.

70 (j) At the expiration of the applicable retention period, if no contest  
71 is pending and no subpoena has been issued by the State Elections  
72 Enforcement Commission pursuant to subsection (1) of section 9-7b,  
73 the municipal clerk shall destroy the materials preserved under this  
74 section.

75 Sec. 2. Section 9-309 of the general statutes is repealed and the  
76 following is substituted in lieu thereof (*Effective October 1, 2019*):

77 Upon the close of the polls, the moderator, in the presence of the

78 other election officials, shall immediately lock the voting tabulator  
79 against voting and immediately cause the vote totals for all candidates  
80 and questions to be produced, including the production of an  
81 additional tabulator tape or a photocopy, digital scan or digital  
82 photograph of such original tape. The moderator shall, in the order of  
83 the offices as their titles are arranged on the ballot, read and announce  
84 in distinct tones the result as shown, giving the number indicated and  
85 indicating the candidate to whom such total belongs, and shall read  
86 the votes recorded for each office on the ballot. The moderator shall  
87 also, in the same manner, announce the vote on each constitutional  
88 amendment, proposition or other question voted on. The vote so  
89 announced by the moderator shall be taken down by each checker and  
90 recorded on the tally sheets. Each checker shall record the number of  
91 votes received for each candidate on the ballot and also the number  
92 received by each person for whom write-in ballots were cast. The  
93 moderator shall make a preliminary list from the vote totals produced  
94 by the tabulators and shall prepare such preliminary list for  
95 transmission to the Secretary of the State pursuant to section 9-314.  
96 After such preliminary list has been transmitted to the Secretary of the  
97 State, the canvass may be temporarily interrupted, during which time  
98 the moderator shall (1) return the keys for all tabulators to the  
99 registrars of voters, (2) seal the tabulators against voting or being  
100 tampered with, (3) prepare and seal individual envelopes for all (A)  
101 write-in ballots, (B) absentee ballots, (C) moderators' returns, (D) the  
102 additional tabulator tape or the photocopy, digital scan or digital  
103 photograph of the original tape, and ~~[(D)]~~ (E) other notes, worksheets  
104 or written materials used at the election, and (4) store all such  
105 tabulators and envelopes in a secure place or places directed by the  
106 registrars of voters. At the end of such temporary interruption, the  
107 moderator shall receive such keys from the registrars and shall take  
108 possession of and break the seal on all such tabulators and envelopes  
109 for the purpose of completing the canvass. The result totals shall  
110 remain in full public view until the statement of canvass and all other  
111 reports have been fully completed and signed by the moderator,

112 checkers and registrars, or assistant registrars, as the case may be. Any  
 113 other remaining result of the votes cast shall be publicly announced by  
 114 the moderator not later than forty-eight hours after the close of the  
 115 polls. Such public announcement shall consist of reading both the  
 116 name of each candidate, with the designating number and letter on the  
 117 ballot and the absentee vote as furnished to the moderator by the  
 118 absentee ballot counters, and also the vote cast for and against each  
 119 question submitted. While such announcement is being made, ample  
 120 opportunity shall be given to any person lawfully present to compare  
 121 the results so announced with the result totals provided by the  
 122 tabulator and any necessary corrections shall then and there be made  
 123 by the moderator, checkers and registrars or assistant registrars, after  
 124 which the compartments of the voting tabulator shall be closed and  
 125 locked. In canvassing, recording and announcing the result, the  
 126 election officials shall be guided by any instructions furnished by the  
 127 Secretary of the State.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	9-150b
Sec. 2	<i>October 1, 2019</i>	9-309

**Statement of Purpose:**

To supplement the submission of the moderator's return to the Secretary of the State after an election with a tabulator tape or a digital image thereof.

*[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.]*

Co-Sponsors: SEN. FASANO, 34th Dist.; SEN. WITKOS, 8th Dist.  
REP. FISHBEIN, 90th Dist.

S.B. 643

