



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 Section 9-150b of the general statutes is repealed and the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

GAE *Joint Favorable*