

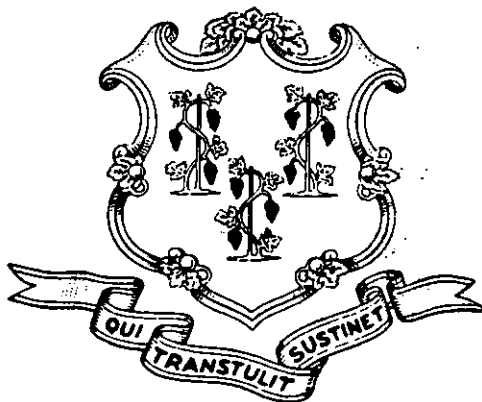
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# ELECTION LAWS



STATE OF CONNECTICUT

*F. Clifton White Resource Center*  
International Foundation  
for Election Systems 5198  
1101 15th Street, NW  
Washington, DC 20005

SECRETARY OF THE STATE

Hartford, Connecticut

JANUARY 1997



SECRETARY OF THE STATE  
30 TRINITY STREET  
HARTFORD, CT 06106

It is my pleasure to dedicate this compilation of the Connecticut Election Laws to local election officials who are responsible for administering them. The citizens of Connecticut are indebted to the thousands of men and women who carry out our elections process and preserve the fine tradition of integrity and efficiency we have in our elections system. As Secretary of the State, I am extremely thankful for the dedication and commitment to democracy exhibited by Registrars, Deputy Registrars, Town Clerks, Moderators, and so many others in our communities who play an essential role in our election process.

This edition has been compiled by the Office of the Secretary of the State pursuant to Conn. Gen. Stat. §3-87. It contains all the provisions of the Connecticut statutes relating to citizens' voting rights, the conduct of primaries and elections and campaign financing. Excerpts from the United States and Connecticut Constitutions are included, as are the pertinent sections from the Home Rule and other statutes of interest to election officials.

The compilation of these laws is kept up to date by an annual supplement which is available in loose-leaf form and may be obtained from the Elections Services Division of the Office of the Secretary of the State.

A handwritten signature in cursive script, reading "Miles S. Rapoport".

MILES S. RAPOPORT  
Secretary of the State

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**GENERAL INFORMATION**

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**ELECTIONS AND PRIMARIES**

**GENERAL INFORMATION  
PERTAINING TO ELECTIONS AND PRIMARIES**

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**QUALIFICATIONS OF ELECTORS**

A person, in order to be admitted as an elector in a Connecticut town, must meet the following requirements:

- a. he shall be a **United States Citizen**;
- b. he shall have attained the **age of 18 years**;
- c. he shall be a **bona fide resident** of the town in which he seeks to be admitted. (A bona fide resident is one whose fixed home is in the town in which he applies and to which home or town he intends to return when he is temporarily absent.)

In addition, any citizen 17 years of age may register, with such registration being effective on the citizen's 18th birthday. (Sec. 9-12, 26th Amendment to U.S. constitution, and Article 6 of Connecticut Constitution as amended)

**HOURS OF VOTING**

**All Elections and Primaries:** 6 a.m. to 8 p.m. (Secs. 9-174 and 9-438)

**ABSENTEE VOTING**

**Who May Vote by Absentee Ballot.** Any registered eligible voter, if unable to vote in person, may vote by absentee ballot for one of the following reasons:

1. absence from the town during all hours of voting
2. illness
3. physical disability
4. active service in the United States armed forces
5. religious tenets which forbid secular activity on day of election, primary or referendum
6. service as an election official at a polling place other than the official's usual place of voting during all hours of voting.

**WHEN APPLICATIONS MAY BE MADE**

Absentee ballots are available beginning on the 31st day before an election and the 21st day before a primary, upon application properly made, either in person or by mail to the municipal clerk. (Sec. 9-140(e))

The absentee voting set shall be mailed to the applicant, provided, if the applicant submits his application to the municipal clerk at his office in person, such clerk may deliver such forms to the applicant. If an elector is applying for an absentee ballot because of unforeseen illness or physical disability occurring within six days immediately preceding the close of the polls, he may designate a person to deliver the ballot to him. Either

registrar of voters may direct the municipal clerk to mail an absentee voting set to a qualified elector or applicant for admission as an elector who (1) is living outside the U.S. or (2) is a member of the armed forces, or the spouse or dependent of a member of the armed forces living where such member is stationed; moreover, the municipal clerk may so act on his own motion and such direction shall constitute sufficient application for such absentee ballot. No absentee ballot may be issued on the day of an election or primary or after the opening of the polls on the day of a referendum except in cases involving unforeseen illness or disability or presidential or overseas ballots as provided in section 9-150c and sections 9-158a to 9-158m, inclusive. (Secs. 9-140(h), 9-140b and 9-153d)

#### WHEN BALLOT MUST BE RETURNED

In order to be cast the absentee ballot must be mailed so that it is received by the municipal clerk not later than the close of the polls on the day of such election or returned by the elector in person to said clerk by the day before an election or primary or prior to the opening of the polls on the day of a referendum. If an elector is casting an absentee ballot because of illness or physical disability, he may designate certain persons to deliver the ballot to the municipal clerk by the close of the polls. A presidential ballot or overseas ballot must be mailed or otherwise returned by the elector or applicant so that it is received by the town clerk not later than the close of the polls on election day. (Sec. 9-140b)

Please note: Section 9-140b places strict limitations on those persons who may have absentee ballots in their possession. Under this section, no person shall have in his possession any official absentee ballot or ballot envelope for use at any election except the elector to whom it was issued, the secretary of the state or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier designated by the secretary of the state, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of such municipal clerk, any authorized election official or any other person authorized in the general statutes to possess such ballot or ballot envelope. This section also provides that an elector who casts an absentee ballot because of illness or physical disability must mail the ballot personally or designate one of the following persons who consents thereto, and no other, to mail it for him or to return it in person to the municipal clerk for him by the close of the polls: a person who is caring for such elector because of such elector's illness or physical disability (including but not limited to a licensed physician or a registered or practical nurse), a member of such elector's family, or, if no such person consents or is available, then a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which such elector resides. This section also provides that an applicant who is a student may have a member of his immediate family mail his ballot for him.

There are special provisions for absentee voting at referenda with less than three weeks' notice. (Sec. 9-369c)

#### "SPECIAL" ABSENTEE BALLOTS

In addition to voting by regular absentee ballot as indicated above, "special" absentee ballots are also available from the municipal clerk.

1. **BLANK ABSENTEE BALLOTS** are available 90 days prior to a regular election, to members of the armed forces and their spouses and dependents, who due to military contingencies cannot follow the regular 31-day absentee ballot procedure. These blank absentee ballots are also available approximately 45 days before an election, approximately 30 days before a primary and as soon as possible before a special election, to Connecticut electors who are temporarily living (or expecting to be traveling) outside the United States and to servicemen, spouses and dependents whether living within or outside the United States, together with a list of candidates. (Secs. 9-153e and 9-153f)

2. **OVERSEAS BALLOTS** permit U. S. citizens residing outside the United States, who were formerly residents of a Connecticut town, to vote for federal offices, i.e. Presidential Electors, U.S. Senator, and Representative in Congress. (Federal Uniformed and Overseas Citizens Absentee Voting Act and Subsection (b) of Secs. 9-158a through 9-158m)

3. In a presidential election year, **PRESIDENTIAL BALLOTS** permit unregistered Connecticut residents and former Connecticut residents to vote for the office of Presidential Electors only. (Federal Voting Rights Act of 1965 and subsection (a) of Secs. 9-158a through 9-158m)

**REGISTRATION OF ELECTORS  
MANDATORY SESSIONS OF THE REGISTRARS OF VOTERS  
UNDER GENERAL STATUTES**

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In towns having a population of more than 25,000 persons the registrars of voters must be in session for admission of electors on the 14th day before the date set for a primary for state, district, or municipal offices under Section 9-423 of the General Statutes any two hours between 5 p.m. and 9 p.m. regardless of whether or not the town is actually having a primary. In all towns, on the Saturday of the 3rd week before a regular election, the registrars must be in session for admission of electors from 9 a.m. to 3 p.m., and on the 14th day before a regular election they must be in session from 9 a.m. to 8 p.m. On the last week day before such election, the registrars must hold a limited session from 9 a.m. to 12 noon to admit only those whose qualifications as to age, citizenship or residence were attained since the 14th day before election. (Sec. 9-17)

**NOTICE OF SESSIONS**

Not more than 15 nor less than 5 days before session, newspaper notice thereof must be given as required by law (but it need not be legal notice). (Sec. 9-16)

Admission of electors at public high schools. Between January 1 and the last day of the school year registrars must hold one registration session at each public high school in town. No newspaper notice required for this session. (Sec. 9-17 (c))



**APPLICATION FOR ADMISSION SUBMITTED TO  
TOWN CLERK OR REGISTRARS OF VOTERS**

Except during the period between the last session for the admission of electors prior to an election and the day following that election, the qualifications of any person applying to be admitted as an elector may be examined by the town clerk, or assistant town clerk at the office of such official during office hours.

Except during the period between the last session for admission of electors prior to an election and the day following that election, either registrar of voters, or a deputy registrar, assistant registrar or special assistant registrar may examine the qualifications of any person applying to be admitted as an elector and administer the elector's oath (1) at the office of such official; (2) at any enrollment session of the registrars of voters; (3) at any public place; (4) at any time and at any place in the town, other than a public place; and (5) at any public office of the Department of Motor Vehicles, Department of Labor or Department of Social Services which is located in the town in which the registrar serves if written notice of the date and time is given seven days in advance thereof to the commissioner of such department. The admission of a person applying under procedure (4) is effective on the date when both registrars approve such application. However, during the period between the last session and the opening of the limited session held on the last week day before the election, the town clerk or assistant town clerk during office hours and at the office of such official and either registrar or deputy or assistant registrar at the office of such official may examine the qualifications of only those applicants applying in person to be admitted in such town whose qualifications as to age, citizenship or residence were attained during such period. (Sec. 9-19b)

During the period between the last session for the admission of electors prior to an election (cut-off date) and the opening of the limited "matured rights" session held on the last weekday before the election, the town clerk or assistant town clerk during office hours, or either registrar, deputy or assistant registrar at the office of such official, may also accept applications for admission as electors from persons applying in person to be admitted in such town who do not fall into a "matured rights" category--but such applications are not effective until the third day following the date of election. In other words, persons who are eligible to register by the cutoff, but fail to do so, may register after that deadline--but may not vote in the election to which the cutoff pertains. (Sec. 9-19g)

Except during the period between the last session for the admission of electors prior to an election and the day following that election, an admitting official may, at the times and places prescribed by law, accept applications for admission as an elector from persons who reside in another Connecticut town and examine their qualifications. The application shall provide space for application for party enrollment. A receipt shall be handed

to the applicant and the application shall be mailed to the town clerk or registrars of voters of the town of residence of the applicant. Such town clerk or registrars shall act on such application and send written notification of the action to the applicant. The applicant is not an elector until his town clerk or registrars approve his application. (Sec. 9-19e)

Except during the period between seven days before the last session for the admission of electors prior to an election and the day following that election, 25 or more persons who are employed by the same employer at the same place of employment in a town, or 25 or more persons who attend the same school, college or university which is located in a town, or who reside at the same hospital, home for the aged, rest home, nursing home or convalescent home, and believe themselves qualified to become voters in any Connecticut town, may sign and submit a request to the town clerk or either registrar of voters for an admitting official to go to such place of employment, school, college, or university or hospital, home for the aged, rest home, nursing home or convalescent home in order to take and act upon applications for admission as electors. The admitting official, once present, may accept applications for admission as electors from persons who are authorized to be on the premises and who reside in any Connecticut town. (In the case of out-of-town applicants, the admitting official must send such application to the town of residence of such applicant for final action thereon.) Within seven days after receipt of such request, the official to whom such request is presented shall inform each registrar of voters and the employer or chief administrative officer, of the date and the time at which he will go to such place for such purpose, which date shall be not less than seven days nor more than ten days after the sending of the notice by such official to the employer or chief administrative officer except that no session shall be held after the last session for admission of electors prior to an election. (Sec. 9-19c)

#### "MAIL-IN" VOTER REGISTRATION PROCEDURE

Persons may also apply for admission as an elector by utilizing the mail-in voter registration procedure. Application forms are available from several sources, including town clerks, registrars of voters and the Secretary of the State. There is also a Federal mail-in registration form available nationwide. The application is signed by the applicant (or if unable to write, by applicant's designated agent). The completed application may be mailed or returned in person to the office of the registrars of voters or the office of the town clerk of the applicant's town of residence or a Voter Registration Agency described below. Town clerks shall promptly forward such applications to the registrars.

The applicant's registration and enrollment (if any) privileges attach immediately upon approval of the application by the registrar, unless the application is either delivered in person to the registrar or a voter registration agency or postmarked after the 14-day registration deadline before an election.

If an application is received by the Department of Motor Vehicles or a Voter Registration Agency described below or is postmarked after the 14-day registration deadline before an election, the applicant's registration and enrollment (if any) privileges do not attach until the day after the election, or on the day the registrar approves it, whichever is later.

All registrars (both full-time and part-time) are required to act on an application and mail out the notice of acceptance/rejection within a certain period of time following receipt of the application depending upon the time of the election year. The time periods are: (1) between the 49th and 21st day, inclusive, before an election, registrars have 4 days to mail the notice; (2) between the 20th and 14th day inclusive, before an election, the notice must be sent on the day the application is received; (3) between the 13th day before election and election day, if the application has been received by the 14th day before election by the Department of Motor Vehicles or a Voter Registration Agency described below, the notice must be sent on the day the application is received; (4) between the 21st day and 12:00 noon on the last weekday before a primary the notice must be sent on the day the application is received (applications received after the 12:00 noon deadline shall not be acted upon until after the primary); and (5) at all other times, the registrars have 10 calendar days.

Registrars must decide whether to accept or reject the application and must fill in certain information on the application. If rejected, the reason for rejection must be indicated on the application form. The registrars then send a notice of acceptance or rejection to the applicant's bonafide residence. If only one registrar made the decision on the application, a copy of the notice must be given to the other registrar. If the notice of acceptance is returned undelivered, then the registrars must send the elector a notice of confirmation of voting residence, and if the elector does not return the postage-prepaid return card within 30 days, his name is placed on the inactive registry list. Also, such person may be challenged at the polls. (Secs. 9-23g and 9-23h, and NVRA of 1993)

#### REGISTRATION APPLICATIONS AT DEPARTMENT OF MOTOR VEHICLES.

The Department of Motor Vehicles distributes and accepts special applications for admission as an elector, indicates on each form the date of receipt by DMV, and forthwith transmits the applications to the registrars of voters of the applicant's town of residence. The registrars must generally process them as they would any registration by mail. (Sec. 9-19h)

#### REGISTRATION APPLICATIONS AT VOTER REGISTRATION AGENCIES

The following Voter Registration Agencies also distribute and accept mail-in voter registration applications:

- (1) offices of State agencies that administer or provide services under the Food Stamp, Medicaid, WIC (Women, Infants and Children), and AFDC (Aid to Families with Dependent Children) programs;
- (2) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities (including at the person's home);
- (3) libraries that are open to the public; and
- (4) U.S. Armed Forces Recruitment offices.

The Voter Registration Agency assists applicants, indicates the date of its receipt of the applications, and forthwith transmits them to the registrars of voters of the town of residence of the applicants. Forms received by an agency by the 14th day before election are received by the voter registration deadline. The registrars must generally process them as they would any registration by mail. (Secs. 9-23j, 9-23n, 9-23o, and NVRA of 1993)

#### **ABSENTEE ADMISSION**

Members of the armed forces and related groups and persons temporarily out of the country may, until the last weekday before election, make application upon a special form, in person or by mail, to the town clerk for admission as an elector. In addition, such persons may apply for absentee admission on the Federal Post Card Application or the mail-in application described above. (Secs. 9-23g, 9-26, 9-27 and 9-30)

#### **SPECIAL SESSIONS FOR ADMISSION OF MEMBERS OF ARMED FORCES UPON REQUEST**

On any week day and at any time before 5 p.m. of the last week day before election, an admitting official, upon written request, may examine qualifications and admit as electors members of armed forces or any former member of the armed forces discharged therefrom within the calendar year immediately preceding such request. (Sec. 9-25)

#### **ADMISSION AS ELECTORS OF PERMANENTLY PHYSICALLY DISABLED PERSONS**

Any permanently physically disabled person may apply by mail to the town clerk or either registrar of voters of the town wherein such person resides on a form provided by the town clerk or either registrar of voters for admission as an elector at his place of confinement. Such application shall be mailed to the town clerk or either registrar so that it will be received by such official NOT LATER THAN THE LAST SESSION FOR ADMISSION OF ELECTORS PRIOR TO AN ELECTION (being on the 14th day before the day of a regular election). Upon receipt of the application, the official shall notify the applicant of the time (which must be within ten days of the receipt of the application) at which an admitting official shall go to the place of the applicant's temporary or permanent residence for the purpose of examining his qualifications as an elector, and admitting him as an elector. Such persons whose rights as to age, citizenship or residence mature after the above date may apply up to 9 a.m. of the last week day before a regular election. (Sec. 9-31a)

#### **ENROLLMENT SESSIONS UNDER GENERAL STATUTES**

Registrars may make changes and corrections in the enrollment list as are provided for in Sections 9-54 and 9-59 to 9-64 inclusive, at any time. (Sec. 9-54)

**Mandatory Session Before Each Primary:**

On the 14th day before each primary, the registrars of voters in each town shall hold a mandatory enrollment session for the purpose of making an enrollment of the electors who are entitled to vote in primaries. The session must be at least two consecutive hours in length and held between 12 noon and 9 p.m. (Sec. 9-51). At this session, the registrars shall also hear appeals from persons whose names have been removed, after notice, since the last regular election, and newspaper notice of such session shall be published at least five days before such session (but it need not be legal notice). (Sec. 9-37). New voters and unaffiliated voters who apply for enrollment after 12 noon of the last business day before the primary or on the day of a caucus or convention are entitled to the privileges of party enrollment immediately after the primary, caucus or convention. (Secs. 9-23a, 9-56 and 9-57).

**Discretionary Sessions:**

In addition to mandatory sessions, additional discretionary sessions may be held if all the registrars agree. Such sessions may not be held on the day of a caucus or a primary, or within 14 days before a primary or on the day before a caucus. (Sec. 9-52)

**Not more than 15 nor less than 5 days before enrollment session:**

Not more than 15 nor less than 5 days before enrollment session, registrars must give newspaper notice of such session (but it need not be legal notice). (Sec. 9-53)

**Printing of lists:**

At least once during the calendar year the registrars shall cause to be printed complete new certified enrollment lists. In addition, a supplementary list shall be printed within one week after a session held on the 14th day before a primary. (Sec. 9-55)

**PRIMARY CALENDAR  
FOR MUNICIPAL OFFICES**

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**PLEASE NOTE:** For details of sessions for admission of electors and sessions for enrollment of electors, see separate summaries immediately preceding this calendar.

**At Least 60 Days Before Endorsement**

At least 60 days before endorsement, one copy of party rules governing such endorsement must be filed with the Secretary of the State. Party rules must also be filed forthwith in the office of the town clerk of the municipality to which they relate and with the appropriate State Central Committee. (Sec. 9-374)

**3 Months Before Primary**

Last day that enrolled elector can transfer from one party to another or, if unaffiliated electors are permitted to vote in a party primary, to erase from a party, and be eligible to vote in municipal primary of new party. (Sec. 9-59)

**90 Days Before Primary**

Changes in the boundaries of voting districts made within the period of 90 days prior to a primary shall not apply with respect to such primary. (Sec. 9-169)

Last day for registrars, when necessary, to designate to the town clerk a polling place in an adjacent voting district for municipal primary. Within 10 days after such filing, town clerk to publish notice. (Sec. 9-168b)

**61 Days Before Primary**

Notice of endorsement caucus must be published at least 5 full days before caucus, if caucus is the endorsing authority. Party rules may require earlier notice. (Sec. 9-390(a))

**60 Days Before Primary**

Last day that registrars may file with secretary of the state a request for a waiver to provide accessible polling place for physically disabled, for primary. (Sec. 9-168d)

**56th Day Before Primary**

Not earlier than the 56th day before a primary, party may endorse candidates. (Sec. 9-391)

#### **49th Day Before Primary**

Not later than 49th day before primary, party endorsements must be made. (Sec. 9-391). Petition forms for persons desiring to oppose party-endorsed candidates for municipal office must be available from the registrar of voters beginning on the day following the making of the party's endorsement of candidates for municipal office or beginning on the day following the final day for the making of such endorsements, whichever comes first. (Secs. 9-372(5) and 9-409)

No party may endorse more candidates for municipal office than number for which an elector may vote. (Sec. 9-414). See also Section 9-204a re Board of Education.

#### **48th Day Before Primary**

Not later than 4 p.m. on the 48th day before primary, the chairman or the presiding officer and the secretary of the town committee, caucus or convention, as the case may be, shall certify to the municipal clerk the name of each candidate endorsed. (Secs. 9-372(5) and 9-391)

#### **Forthwith Upon Certification**

Forthwith upon certification of endorsement, the municipal clerk publishes in a newspaper having general circulation in the municipality, the fact of such certification, that a list of the persons endorsed as candidates is on file in his office and copies thereof are available for public distribution, and information concerning primary and filing of candidacies. Form of such notice is prescribed by the Secretary of the State. (Sec. 9-395)

#### **Not more than 34 Days Before Primary Nor later than the 7th Day Before Primary**

In order to have supervised absentee balloting in a nursing home, rest home, etc. with less than 20 electors a written designation must be made between these dates by either registrar of voters or the administrator of the institution, for the municipal primary. (Sec. 9-159q). These deadlines do not apply to a nursing home or rest home, etc. with 20 or more electors because supervised voting is mandated at such institutions. (Secs. 9-159q and 9-159r)

#### **34th Day Before Primary**

Not later than 4 p.m. of the 34th day before primary, petitions bearing 5% of signatures of enrolled party members (or less if the party rules so prescribe) must be filed with the registrar. Registrar of voters, deputy registrar or assistant registrar must be in their office or office facilities between 1:00 p.m. and 4:00 p.m. to accept petitions. (Secs. 9-372(5), 9-405 and 9-406)

#### **Failure to Endorse**

Single-opening municipal office: petition candidate is deemed nominated if no endorsement has been made and certified to municipal clerk and there is only one petition candidate.

Multiple-opening municipal office: party-endorsed candidates and petition candidates are all deemed nominated if there are an insufficient number of endorsements certified to the municipal clerk and no more petition candidates than the number for which no endorsement is made. (Sec. 9-418)

#### **Notice of Primary**

On filing of valid petition, and after checking the same, registrar notifies municipal clerk that primary is to be held and clerk publishes registrar's notice and information concerning candidates, primary date, hours, and location of polls, files one copy with Secretary of the State, and records said notice. If central counting designated by the registrars, the notice of primary shall include such central location. (Secs. 9-147a and 9-435)

#### **Absentee Ballots**

Immediately after all the challenge candidates for municipal offices are known from the registrars (usually about thirty days before the primary), the municipal clerk must send the official blank absentee ballot, together with a list of candidates, to electors temporarily living (or expecting to be traveling) outside the United States and to servicemen, spouses, and dependents, whether living within or outside the United States, who have applied for an absentee ballot. (Sec. 9-153f)

Registrars may direct the clerk to mail such blank ballot set to a qualified elector or applicant for admission as an elector who (1) is living outside the U.S. or (2) is a member of the armed forces, spouse or dependent, or municipal clerk may so act on his own motion. (Sec. 9-153d)

At this time, the municipal clerk must also begin making arrangements to have the absentee ballots for the primary printed. If unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, a separate partial absentee ballot must be printed. A layout model of each different absentee ballot shall be available for public inspection at the municipal clerk's office prior to printing. Immediately upon receiving the printed absentee ballots, the municipal clerk must file a printed absentee ballot for the town or for each different political subdivision, as the case may be, with the Secretary of the State, and file an affidavit as to the number of such ballots printed. (Sec. 9-135b)

#### **31 Days Before Primary**

Last day to determine polling places for municipal primary. Polling places may be changed within thirty-one day period only if municipal clerk and registrars of voters unanimously find that polling place has been rendered unusable. If polling place found unusable, another polling place must be designated forthwith and adequate notice of such change published. (Secs. 9-168 and 9-169)

#### **29th Day Before Primary**

Candidates in municipal primary must have changed their name on the registry list by this date in order to have that change reflected on the primary ballot label. (Sec. 9-42a)



#### 21 Days Before Primary

Last day for candidate to submit list of desired certified primary moderators to registrar. Registrar must notify all candidates of their right to submit a list of designees. (Sec. 9-436)

#### 21st Day Before Primary

Beginning the 21st day before the primary, absentee ballots are to be provided by municipal clerk upon application properly made. Registrars of voters may direct municipal clerk to send absentee ballot forms to any elector or applicant for admission as an elector who (1) is living outside the U.S., or (2) is a member of the armed forces or the spouse or dependent of a member of the armed forces living where such member is stationed. The municipal clerk may, during this period, so act on his own motion. (Secs. 9-133f, 9-140(f) and 9-153d)

#### 20 Days Before Primary

Registrar of voters must notify town clerk in writing if he decides to count absentee ballots at a central location, which location shall be published in notice of primary. (Sec. 9-147a)

#### 10 Days Before Primary

Last day for candidates to submit to registrar lists of desired primary day officials, except moderators. Registrar must notify all candidates of their right to submit a list of designees. (Sec. 9-436)

#### 7th Day Before Primary

Last day to request supervised absentee balloting in a nursing home or rest home, etc. with less than 20 electors. A written designation must be made by this date, by either registrar of voters or the administrator of the institution, for the primary. This deadline does not apply to a nursing home or rest home, etc. with 20 or more electors because supervised voting is mandated at such institutions. (Secs. 9-159q and 9-159r)

#### 7th Day Before Primary Absentee Ballot Check-off

Whether central counting of absentee ballots has been designated or not, beginning as soon after 11 a.m. as the absentee ballots are available from the municipal clerk the registrars may begin checking the absentee ballots on this day and each weekday before the primary. The ballots shall be checked not later than the last weekday before the primary.

The registrars shall check without opening the outer envelopes the names of such absentee voters on the official check list to be used at such primary by indicating "Absentee" or "A" preceding such name, and in the case of central counting shall also note such designation on a duplicate list. After checking is completed, municipal clerk seals unopened ballots for delivery between 10 a.m. and 12 noon, primary day. (Sec. 9-140c)

#### 48 Hours Before Primary

At least 48 hours before primary, sample primary ballot labels prepared and provided by the municipal clerk must be available. A number of such sample ballot labels for the primary must be available for distribution as such clerk deems advisable. (Sec. 9-437)

Deadline for candidates to submit list of designees for unofficial checkers to the registrar of voters. Such list must be submitted at least 48 hours prior to the opening of the polls. The registrar must notify all candidates of their right to submit a list of designees. (Sec. 9-436a). In addition, any person (other than a candidate or election official) may serve as a runner. (Sec. 9-235b)

#### 11 a.m. of Day Before Primary

Whether central counting of absentee ballots has been designated or not, beginning as soon after 11 a.m. as the absentee ballots are available from the municipal clerk, the registrars shall check, without opening the outer envelopes, the names of absentee voters on the official check list to be used at such primary by indicating "Absentee" or "A" preceding the name, and in the case of central counting shall also note such designation on duplicate list. After checking is completed, municipal clerk seals unopened ballots for delivery between 10 a.m. and 12 noon, primary day. Although checking may begin on the 7th day before the primary, it must be completed by this day. (Sec. 9-140c)

#### Last Business Day Before Primary

Deadline for supervised absentee voting (Secs. 9-159q and 9-159r)

#### Day Before Primary

**Enrollment List.** Separate supplementary list compiled, which list shall include the name of any person who was admitted as an elector or whose privileges of party enrollment attached since the printing of the supplementary enrollment list a week earlier (Sec. 9-55)

Last day to remove electors from registry list (and enrollment list) who have died, become disfranchised or confirmed in writing that they have moved out of town. An elector is deemed to have confirmed in writing that he has moved out of town if (1) the registrars have received a cancellation form, or (2) the elector has notified DMV of a change of address out of town concerning a driver's license. (DMV notifies the registrars, and the registrars remove the name and send Notice of Removal.) The names of persons removed are not sent to the polls and such persons may be restored on primary day only if the registrar is contacted and consents to approve the applicant's request for restoration. (Secs. 9-32 and 9-35)

**Inactive List.** The registrars prepare an inactive list of (1) any person whose notice of approval of mail-in was returned undeliverable and who did not respond to a Confirmation of Voting Residence Notice sent thirty days prior to this date, and (2) any person who was sent a Confirmation of Voting Residence Notice between January 2nd and May 1st on the basis of the canvass and did not

respond within thirty days after it was sent (and was not restored). The inactive list is sent to the polls. Electors on the inactive list may sign a restoration form at the polls and, if the registrar or assistant registrar of voters in the polls consents, such elector may vote. (Secs. 9-23g(c), 9-35 and 9-42(c))

#### **56th Day Before Election (Day of Primary)**

The primaries for nomination to municipal office of all parties shall be held on the 56th day preceding the day of the election if valid petition or petitions have been filed. Hours: 6:00 a.m. to 8:00 p.m. (Secs. 9-376 and 9-423)

In order to be cast at a primary, the absentee ballot must be received by the municipal clerk (1) by the close of the polls if it is mailed or if it is returned by the designee of an ill or physically-disabled ballot applicant in person, or (2) by the day before the primary if it is returned in person by the applicant. (Sec. 9-140b). No absentee ballot may be issued on primary day except in cases involving unforeseen illness or disability or overseas ballots as provided in Section 9-150c and Sections 9-158a to 9-158m, inclusive. (Sec. 9-140(h))

#### **Day of Primary**

With respect to all primaries, all absentee ballots received before 11 a.m. of the last weekday before the primary are to be delivered to the registrars of voters between 10 a.m. and 12 noon on primary day. If the registrars choose the optional 6 p.m. count, ballots received after 11 a.m. of the last weekday before the primary and before 6 P.M. of primary day are to be delivered at 6 p.m. (except that some may be retained until the polls close, if desired, in order to ensure ballot secrecy); and all ballots timely received after 6 p.m. are to be delivered at the close of the polls. If the optional 6 p.m. count is not designated, then all ballots timely received after 11 a.m. of the last weekday before the primary are to be delivered to the registrars at the close of the polls and not before. In municipalities which have central counting of absentee ballots, at close of polls, registrars or assistant registrars shall deliver official check list to moderator of central location for checking. When counting of absentee ballots is complete, moderator delivers check list and other information to head moderator. (Sec. 9-140c)

#### **Forthwith After Primary**

The moderator, or, in a municipality or political subdivision thereof divided into voting districts, the head moderator designated by the registrar, shall forthwith cause to be tabulated the result of the vote of the whole municipality or political subdivision as returned by the moderators of the several voting districts; shall publicly declare the same; shall make out a duplicate list of the votes for each candidate in the primary, including therein the total number of names on the official check list in such municipality or subdivision, and the total number checked as having voted; shall forthwith mail or otherwise transmit to Secretary of the State one copy of duplicate certificate of votes cast for candidates. (Secs. 9-314 and 9-440). The other copy of the return is filed with the municipal clerk.

Names of persons requesting a challenged ballot are crossed off official check list and added at end of list. (Sec. 9-232e)

In municipalities which have central counting of absentee ballots, the head moderator shall add the results from the voting machines (on each polling place moderator's returns) to the absentee count recorded on the central counting moderator's return for the corresponding voting district. (Sec. 9-150b(c))

#### **Automatic Recanvass on Close Vote**

For provisions relating to automatic recanvass, see Sections 9-311 and 9-445.

#### **Tie Vote**

Registrar shall dissolve tie by lot in presence of not fewer than three disinterested persons and after notice to town chairman and interested candidates. Registrar shall issue certificate attesting to said result. (Sec. 9-446)

#### **10 Days After Primary**

Within 10 days after a primary, municipal clerk to file with Secretary of the State statement accounting for number of absentee ballot forms and challenged ballot forms received from said Secretary. (Secs. 9-139c and 9-232e)

#### **14 Days After Primary**

Complaint contesting ruling of official or count must be brought within 14 days after primary. (Sec. 9-329a)

Voting machines to remain locked for 14 days from date of primary. (Sec. 9-447)

#### **60 Days After Primary**

Reports of machine mechanics and party watchers provided for in Sections 9-244 and 9-246 from municipal primary to be kept by municipal clerk until this day. (Secs. 9-245 and 9-436)

#### **60 Days After Primary**

Municipal clerk must preserve for 60 days after the primary and then destroy if no contest is pending, and no subpoena has been issued by the State Elections Enforcement Commission, the following forms used at the primary: sealed depository envelopes by district containing inner and outer envelopes from which absentee ballots have been removed, together with the contents of serially-numbered outer envelopes marked "rejected"; all executed absentee ballot applications and direction by registrar forms; the numerical list of serially-numbered absentee envelopes issued; the list of applicants who have

been issued more than one absentee ballot under Sec. 9-153c; all unused printed absentee ballots; absentee ballots received after the polls close; and list of absentee ballot applicants who returned their absentee ballots. (Secs. 9-140(e), 9-150a(f) 9-150b(f), (h) and (j), and 9-153c(c))

#### 180 Days After Primary

The municipal clerk preserves for 180 days after the primary and then destroys if no contest is pending, and no subpoena has been issued by the State Elections Enforcement Commission, the following forms used at the primary: Sealed depository envelopes by district containing absentee ballots counted; and absentee ballot counters' notes, worksheets or written materials and record of votes cast by absentee ballot for each candidate; sealed depository envelope containing challenged ballots; and affidavit of municipal clerk attesting to accuracy of endorsement of date and time of receipt of outer envelopes; and the affidavit(s) regarding municipal clerk's delivery and registrars' receipt of ballots. Secs. 9-140c(a) and (j), 9-150a(m), 9-150b(f), (i) and (j) and 9-232f)

**Sec. 9-2 Calculation of period of time.** In this title and the sections listed in section 9-1, when a period of time is prescribed for the doing of any act, Saturdays, Sundays and holidays shall be included in computing such period, except that, if the last day of such period is a Saturday, Sunday or holiday, such day shall not be counted, and the last day shall be the day following such Saturday, Sunday or holiday.

**Sec. 9-376. Postponement of primary day.** (a) (1) If the day fixed for any primary falls on a Sunday or legal holiday or on a day on which the tenets of a religion forbid secular activity, the primary shall be held on the next succeeding day other than a Sunday or a legal or such religious holiday. (2) If the day fixed for any primary falls on the Tuesday immediately following Labor Day, the primary shall be held on the next succeeding Tuesday.

(b) If a primary is held on a day prescribed by subdivision (1) of subsection (a) of this section, the day of the primary shall be considered to be the day on which such primary would have been held except for subdivision (1) of said subsection, for all other purposes including the calculation of any period of time having reference to such primary, except that the calculation of any deadline relating to a person becoming eligible to vote in such primary shall be made from the day on which the primary is actually held.

(November, 1955, S. N53; September, 1957, P.A. 1, S. 4; 1958 Rev., S. 9-82; 1963, P.A. 17, S. 5; 1967, P.A. 767, S. 1; P.A. 83-544, S. 1, 4; P.A. 87-472, S. 2, 14; P.A. 89-297 S.17)

## MUNICIPAL ELECTION CALENDAR

Chronological Summary of certain requirements of the General Statutes relating to elections, applicable in the absence of a special act to the contrary. **PLEASE NOTE:** For details of sessions for admission of electors and sessions for enrollment of electors, see separate summaries immediately preceding this calendar.

### Between January 1st and May 1st

Period for conducting annual house-to-house canvass of electors to be done (1) in person, (2) by mail or by the National Change of Address System [NCOA] of the U. S. Postal Service, (3) by telephone or (4) by a combination thereof, by registrars or their designees. During any such canvass, a canvasser may distribute nonpartisan literature, prescribed by the Secretary of the State, which describes opportunities for voter registration. Canvass by mail should be completed by March 31st because regulations give electors thirty days to respond to canvass by mail and May 1st is the last day to send Notice of Confirmation of Voting Residence to electors on the basis of the canvass. Towns which hold May elections need not conduct a canvass in the odd-numbered years. (Sec. 9-32, and Regs. 9-32-1 to 9-32-9)

### 180th Day Before Election

Not later than the 180th day prior to election day, municipal clerk must file with the Secretary of the State on approved form a list of offices to be filled, terms thereof and number of candidates for which each elector may vote. Within 70 days, Secretary must return a copy of such list to the municipal clerk. Municipal clerk shall, within 10 days after the receipt of the returned list, mail a copy to each town chairman. (Sec. 9-254)

### 90 Days Before Election

Changes in the boundaries of voting districts made within the period of ninety days prior to an election shall not apply with respect to such election. (Sec. 9-169)

Last day for registrars, when necessary, to designate to the municipal clerk a polling place in an adjacent voting district for municipal election. Within 10 days after such filing, municipal clerk to publish notice. (Sec. 9-168b)

### 90 Days Before Election

The special 90-day election blank ballot for all offices for military contingencies becomes available this day upon application properly made. (Sec. 9-153e)

Explanatory text and/or arguments concerning local questions are an option. (Secs. 9-140(d) and 9-369b)

Registrars may direct the clerk to mail such special ballot set to qualified persons or municipal clerk may so act on his own motion. (Sec. 9-153d)

First day that write-in candidates for any office being contested at election may register as write-in candidates with secretary of the state. (Sec. 9-373a)

#### 90 Days Before Election

Nominating petitions for a place on voting machine ballot labels must be submitted to appropriate town clerk or Secretary of State not later than 4 p.m. on the final day for filing primary petitions for municipal office under Sec. 9-405. Circulator's statement must be completed and signed and acknowledged in presence of town clerk, Secretary of the State, a judge of a court of record, a family support magistrate, a clerk or deputy clerk of a court having a seal, a commissioner of deeds, a notary public, a justice of the peace, or an attorney admitted to the bar of this state prior to town clerk's accepting page. Town clerk or assistant town clerk must be in his office between 1 p.m. and 4 p.m. on this final day to accept petitions. Town clerk shall process and file each nominating petition page with secretary of the state within two weeks after it was submitted to him. (Secs. 9-453i, 9-453j, 9-453k, 9-453L and 9-453n)

#### 60 Days Before Election

Local questions to be voted on at an election must be approved for submission at least 60 days before the election unless otherwise specifically provided by the General Statutes. (Sec. 9-370) Municipal clerk must keep full text of question on file in his office open to public inspection from time question is approved for submission through election. (Sec. 9-369a)

At least forty-five days before election, municipal clerk must file with Secretary of the State a statement setting forth the designation of each question to be voted on as it will appear on the voting machine, the date upon which the submitting action was taken, and a reference to the law under which such action was taken. (Sec. 9-369a)

If questions are submitted within period of forty-five days before election under specific authority of General Statutes, such statement must be filed forthwith upon the taking of such action. (Sec. 9-369a)

#### 60 Days Before Election

Last day that registrars may file with Secretary of the State a request for waiver to provide accessible polling place for physically disabled for election. (Sec. 9-168d)

#### 55th Day Before Election

All "minor" parties as defined in Sec. 9-372(6), that are entitled to place candidates on the ballot label shall make and certify to the municipal clerk such nominations not later than the 55th day before the day of the election. (Sec. 9-452)

Last day that party designation committee or chairman or secretary of a minor party may file statement of endorsement of nominating petition candidate with a party designation with Secretary of the State. (Sec. 9-453o)

Last day for candidates for municipal office to change name on registry list and have name change reflected on the ballot label at the election. (Sec. 9-42a)

After the nomination of candidates for a multiple-opening office by a major or minor party or nominating petition is finalized, registrars hold public lottery to determine horizontal order of such names within a row on election ballot. Registrars must provide at least 5 days public notice for ceremony. (Secs. 9-253 and 9-453r)

#### **Absentee Ballots**

Immediately after the deadline for the certification of all candidates whose names are to appear on the ballot label, the municipal clerk must begin making arrangements to have the absentee ballots for the election printed. A layout model of each different absentee ballot shall be available for public inspection at the municipal clerk's office prior to printing. Immediately upon receiving the printed absentee ballots, the municipal clerk must file a printed absentee ballot for the town or for each different political subdivision, as the case may be, with the Secretary of the State, and file an affidavit as to number of such ballots printed. (Sec. 9-135b)

Beginning as soon as possible after a complete list of candidates and questions is available, blank ballots (for all offices), together with a complete list of candidates and questions, should be sent to electors temporarily living (or expecting to be traveling) outside the United States and to servicemen, spouses and dependents whether living within or outside the United States who have applied for an absentee ballot. (Sec. 9-153f). Explanatory text and/or arguments concerning local questions are an option. (Secs. 9-140(d) and 9-369b)

Registrars may direct the clerk to mail such blank ballot set to a qualified elector or applicant for admission as an elector who (1) is living outside the U.S., or (2) is a member of the armed forces, spouse or dependent, or municipal clerk may so act on his own motion. (Sec. 9-153d)

#### **49th Day Before Election**

Not later than the seventh day following the date set for the primary, municipal clerk must file with Secretary of the State on prescribed form, a list of names and addresses of candidates, party, office, term, number of candidates for whom each elector may vote for each office and term, and certification that candidates' names have been compared with registry list, verified and corrected. Clerk shall also notify Secretary of any change in such list. (Sec. 9-461)

#### **Not more than 45 Days Before Election Nor later than the 7th Day Before Election**

In order to have supervised absentee balloting in a nursing home, rest home, etc. with less than 20 electors a written designation must be made between these dates by either registrar of voters or the administrator of the institution for the election. (Sec. 9-159q) These deadlines do not apply to a nursing home or rest home, etc. with 20 or more electors because supervised voting is mandated at such institutions. (Secs. 9-159q and 9-159r)



### 5 Days Before Tuesday of the Fifth Week Before Election

At least five days before the Tuesday of the fifth week before the election, the registrars shall publish and post notice of the session to be held on Tuesday of the fifth week before the election for completing a preliminary registry list. Applicable to the registrars of voters of all towns. (Sec. 9-35)

### 5 Weeks Before Election

When the registrars are unable to agree on erasure (relating to residence), they must send out challenge, by registered or certified mail, as to retention of name on active registry list, at least five weeks before election. (Sec. 9-43)

### Tuesday of the Fifth Week Before Election

On Tuesday of the fifth week before election, registrars must be in session during such hours between 9 a.m. and 5 p.m. as the registrars find necessary to complete preliminary registry list. (Sec. 9-35).

**Registry List.** At this session (and on any day except election day or primary day), registrars remove electors from the registry list who have died, become disfranchised or confirmed in writing that they have moved out of town. An elector is deemed to have confirmed in writing that he has moved out of town if (1) the registrars have received a cancellation form or (2) the elector has notified the DMV of a change of address out of town concerning a driver's license. (DMV notifies the registrars, and the registrars remove the name and send Notice of Removal.) The names of persons removed are not sent to the polls and such persons may be restored on election day only if both registrars are contacted and consent to approve the applicant's request for restoration. (Secs. 9-32 and 9-35)

Names removed from the registry list must also be removed from the enrollment list. Immediately after session, registrars must post names and addresses of electors removed from registry list and statement that list of remedies is available from registrars. (Secs. 9-35, 9-35a and 9-64a)

**Inactive List.** The registrars prepare an inactive list of (1) any person whose notice of approval of mail-in was returned undeliverable and who did not respond to a Notice of Confirmation of Voting Residence sent thirty days prior to this date, and (2) any person who was sent a Confirmation of Voting Residence Notice by May 1st on the basis of the canvass and did not respond within thirty days after it was sent (and was not restored). The inactive list is sent to the polls. Electors on the inactive list may sign a restoration form at the polls and if both registrars or both assistant registrars of voters in the polls consent, such elector may vote. (Secs. 9-23g(c), 9-35 and 9-42(c))

### 31 Days Before Election

Registrars must deposit completed preliminary registry list in town clerk's office for public inspection at least 31 days before election. (Sec. 9-36)

### **31 Days Before Election**

At least thirty-one days before election, polling places for such election must be determined. Polling places may be changed within thirty-one day period only if municipal clerk and registrars of voters unanimously find that polling place has been rendered unusable. If polling place found unusable, another polling place must be designated forthwith and adequate notice of such change given. Polling places must meet the standards of accessibility to handicapped persons required under the state building code revised pursuant to section 29-269, except that a site not meeting these standards may be chosen only if no available site within the voting district or town can reasonably be made accessible to the physically disabled and a request for waiver has been granted by the Office of Protection and Advocacy for Persons with Disabilities. (Secs. 9-168, 9-168d and 9-169 and P.L. 98-435)

### **31 Days Before Election**

Beginning on the thirty-first day before election, absentee ballots are to be provided to all applicants by the municipal clerk upon application properly made. (Secs. 9-135 and 9-140(f)). Explanatory text and/or arguments concerning local questions are an option. (Secs. 9-140 (d) and (9-369b)

Either registrar may direct the municipal clerk forthwith to mail an absentee ballot set to any elector or applicant for admission as an elector who is (1) a member of the armed forces, or the spouse or dependent of a member of the armed forces living where such member is stationed, or (2) a person living outside the United States. The municipal clerk may, during this period, so act on his own motion. (Sec. 9-153d)

### **Municipalities of More than 5,000 Saturday of Fifth Week Before Election**

In each municipality of more than 5,000 in population, certified copy of preliminary registry list for each voting district must be reproduced and posted for public inspection on or before the Saturday of the fifth week before election and copies of such list must be made available for distribution by the registrars. (Sec. 9-36)

### **Saturday of Fifth Week to Saturday of Fourth Week Before Election**

Registrars must hold one or more sessions during period between Saturday of Fifth week and Saturday of Fourth week before election to revise and correct preliminary registry list. Number of sessions is to be fixed by registrars. Required NOTICE must be given at least five days before first of such sessions. Registrars may hold additional sessions of which no notice need be given, except during period of six days before election. (Sec. 9-37)

### **20 Days Before Election**

Registrars of voters must notify town clerk in writing at least 20 days before election if they decide to count absentee ballots at a central location, which location shall be published in the warning for the election. (Sec. 9-147a)

### **20 Days Before Election**

At least twenty days before election, the election officials must be appointed. Thereafter the municipal clerk, registrars of voters, moderator and mechanic must instruct the election officials in the use of the voting machine. A report of these instructions must be certified and filed in the office of the municipal clerk. (Sec. 9-249)

### **Not More Than 15 Nor Less Than 5 Days Before Election**

Not more than 15 nor less than five days before town election, town clerk or assistant town clerk must give notice once of election which notice shall include the time and location of the polling places and record each such warning. (Sec. 9-226). (For warning of city or borough election, see Sec. 9-226)

If central counting of absentee ballots is timely designated by registrars of voters, the warning for the election shall include such central location. (Sec. 9-147a)

The warning must also include a statement concerning any question to be included on the ballot. (Secs. 9-369 and 9-369a)

### **14th Day Before Election**

Not later than 4 p. m. on the fourteenth day before election, write-in candidates for any office (except certain representative town meeting members) being contested at election must register with Secretary of the State. (Sec. 9-373a)

### **Second Friday Before Election**

Second Friday before election is day for registrars to file certified, corrected final registry list in town clerk's office. (Sec. 9-38)

### **10 Days Before Election**

Not less than ten days before election, municipal clerk must file with Secretary of the State a sample ballot label identical with those to be provided for each polling place under Sec. 9-255. (Sec. 9-256)

### **7 Days Before Election**

Not later than seven days before election there must be filed with registrars, application for retention of name on registry list, when registered letter has been sent challenging right to have name continued on list. (Sec. 9-43).

### **7 Days Before Election**

Last date for correction or revision of preliminary registry list by registrars. (Sec. 9-37)

### **7 Days Before Election**

Whether central counting of absentee ballots has been designated or not, beginning as soon after 11 a.m. as the absentee ballots are available from the municipal clerk, the registrars may begin checking the absentee ballots on this and each weekday before the election. The ballots shall be checked not later than the last weekday before the election. The registrars shall check, without opening the outer envelopes, the names of such absentee voters on the official check list to be used at such election by indicating "Absentee" or "A" preceding such name, and in the case of central counting shall also note such designation on a duplicate list. After checking is completed, municipal clerk seals unopened ballots for delivery between 10 a.m. and 12 noon, election day. (Secs. 9-140c(b))

### **7th Day Before Election**

Last day to request supervised absentee balloting in a nursing home or rest home, etc. with less than 20 electors. A written designation must be made by this date by either registrar of voters or the administrator of the institution for the election. (Sec. 9-159q). This deadline does not apply to a nursing home or rest home, etc. with 20 or more electors because supervised voting is mandated at such institutions. (Secs. 9-159q and 9-159r)

### **6th Day Before Election**

Last day for registrars to file with town clerk supplementary registry list containing names and addresses of electors transferred, restored or added to registry list prior to this date, provided in municipalities of under 25,000, such additional names may be inserted in writing in final list. (Sec. 9-38)

### **48 Hours Before Election**

Deadline for Town Chairman or candidates (if qualified) to designate unofficial checkers to the registrars of voters. Registrar, at request of his town chairman, shall change appointments up to close of polls. (Sec. 9-235) In addition, any person other than a candidate or election official) may serve as a runner. (Sec. 9-235b)

**Unofficial Checkers for Questions:** Registrars must notify (1) each committee and person on whose behalf a political committee statement of organization or a certificate of exemption has been filed for a question with the town clerk, and (2) each other group known to be for or against a referendum issue, of their right to submit designees to the registrars at least 48 hours before the opening of the polls, indicating their position on the question. (Sec. 9-235(e))

### **11 A.M. of Day Before Election**

Whether central counting of absentee ballots has been designated or not, beginning as soon after 11 a.m. as the absentee ballots are available from the municipal clerk, the registrars shall check without opening the outer envelopes, the names of such absentee voters on the official check list to be used at such election by indicating "Absentee" or "A" preceding such name, and

shall in the case of central counting also note such designation on duplicate list. After checking is completed, municipal clerk seals unopened ballots for delivery between 10 a.m. and 12 noon election day. Although checking may begin on the seventh day before the election, it must be completed by this day. (Sec. 9-140c)

#### **6 P.M. of Day Before Election**

Not later than 6 p.m. of day before election, registrars are to cause to be prepared and delivered to polling places voting machines with all necessary furniture and equipment. (Secs. 9-238 and 9-247)

#### **8 P.M. of Day Before Election**

Not later than 8 p.m. of the day before election, moderator is to receive from municipal clerk sample ballot labels, three sets of ballot labels, all necessary check lists, other supplies needed to conduct election and keys for voting machines in a sealed envelope. (Sec. 9-259)

#### **Last Business Day Before Election**

Deadline for supervised absentee voting. (Secs. 9-159q and 9-159r)

#### **Day Before Election**

No absentee ballot shall be issued on the day of an election or after the opening of the polls on the day of a referendum except in cases involving unforeseen illness or disability or presidential or overseas ballots as provided in Section 9-150c and Sections 9-158a to 9-158m, inclusive. (Sec. 9-140 (h))

#### **Day Before Election**

**Registry List.** Last day before election to remove electors from registry list who have died, become disfranchised or confirmed in writing that they have moved out of town. An elector is deemed to have confirmed in writing that he has moved out of town if (1) the registrars have received a cancellation form or (2) the elector has notified the DMV of a change of address out of town concerning a driver's license. (DMV notifies the registrars, and the registrars remove the name and send Notice of Removal). The names of persons removed are not sent to the polls and such persons may be restored on election day only if both registrars are contacted and consent to approve the applicant's request for restoration. (Secs. 9-32 and 9-35)

**Inactive List.** The registrars prepare an inactive list of (1) any person whose notice of approval of mail-in was returned undeliverable and who did not respond to a Confirmation of Voting Residence Notice sent thirty days prior to this date, and (2) any person who was sent a Confirmation of Voting Residence Notice by May 1st on the basis of the canvass and did not respond within thirty days after it was sent (and was not restored). The inactive list is sent to the polls. Electors on the inactive list may sign a restoration form at the polls and if both registrars or both assistant registrars of voters in the polls consent, such elector may vote. (Secs. 9-23g(c), 9-35 and 9-42(c))

#### 5:15 A.M. of Election Day

Election officials are to hold meeting with moderator at least 45 minutes before polls open. (Secs. 9-174 and 9-259)

#### 5:40 A.M. of Election Day

Moderator and his assistants must meet at least 20 minutes before opening of polls to place distance markers. (Sec. 9-236)

#### Election Day

Polls are to be open from 6 a.m. until 8 p.m. in all municipal elections. Those electors who are in line at 8 p.m. as determined by the moderator according to provisions of law may vote. (Sec. 9-174)

Demonstrator voting machine must be provided inside polling place for appropriate instruction of elector desiring instruction before casting his vote. (Sec. 9-260)

An absentee ballot at an election must be received by the municipal clerk (1) by the close of the polls if it is mailed or if it is returned by the designee of an ill or physically-disabled ballot applicant in person, or (2) by the day before the election if it is returned in person by the applicant. (Sec. 9-140b)

With respect to all elections, all absentee ballots received before 11 a.m. of the last weekday before the election are to be delivered to the registrars of voters between 10 a.m. and 12 noon on election day. If the registrars choose the optional 6 p.m. count, ballots received after 11 a.m. of the last weekday before the election and before 6 p.m. of election day are to be delivered at 6 p.m. (except that some may be retained until the polls close, if desired, in order to ensure ballot secrecy); and all ballots timely received after 6 p.m. are to be delivered at the close of the polls. If the optional 6 p.m. count is not designated, then all ballots timely received after 11 a.m. of the last weekday before the election are to be delivered to the registrars at the close of the polls and not before. In municipalities which have central counting of absentee ballots, at close of polls, registrars or assistant registrars shall deliver official check list to moderator of central location for checking. When counting of absentee ballots is complete, moderator delivers check list, duplicate check list and returns required by Sec. 9-150b to head moderator. (Sec. 9-140c)

Immediately after the close of the polls, checkers must deliver to moderator a certificate in duplicate, stating whole number of names on registry list and number checked thereon as having voted. Names of persons requesting a challenged ballot are crossed off registry list and added at end of list. (Sec. 9-232e). Registrars at the respective polls must add their certificate to the check list. Moderator must lock duplicate copy of moderator's return in voting machine. (Secs. 9-307 and 9-309)

In municipalities which have central counting of absentee ballots, the head moderator shall add the results from the voting machines (on each polling place moderator's returns) to the absentee count recorded on the central counting moderator's return for the corresponding voting district. (Sec. 9-150b(c))

### **Automatic Recanvass on Close Vote**

For provisions relating to automatic recanvass where tie vote or where plurality of winning candidate was within limits prescribed by statute, see Sections 9-310, 9-311a and 9-311b. Recanvass of close question vote--Section 9-370a.

#### **Day After Election**

The moderator or head moderator shall forthwith mail or otherwise transmit to Secretary of the State the result of the vote for each office contested, the total number of names on the registry list, and the total checked as having voted on a form prescribed by the Secretary of the State. (Sec. 9-314). The results of the vote on any question shall be filed in the same manner and time. (Sec. 9-369a). The other copy of the return is filed with the municipal clerk.

#### **Day After Election**

Certified check list is to be deposited with municipal clerk by registrars on or before day following election. (Sec. 9-307)

#### **3 Days After Election**

Within three days after election head moderator must order recount when there is a discrepancy in returns. (Secs. 9-310 and 9-311)

#### **10 Days After Election**

Within 10 days after election, municipal clerks are to file with Secretary of the State a statement of name, post-office address and term of each person elected to municipal office. If an elected town clerk is registrar of vital statistics, ex officio, such return shall so indicate. (Sec. 9-320)

#### **10 Days After Election**

Within 10 days after election, municipal clerk must file with Secretary of the State accounting as to absentee ballot and challenged ballot forms. (Secs. 9-139c and 9-232e)

#### **14 Days After Election**

Any complaint contesting ruling of moderator or count for certain offices must be brought to the superior court within 14 days after election. (Sec. 9-328)

#### **14 Days After Election**

Voting machines are to remain locked for 14 days after election. (Secs. 9-266 and 9-310)

### 15 Days After Election

Within 15 days, municipal clerk to file with Secretary of the State result of a referendum (a) on charter or charter amendment, or (b) on the question of the acceptance of a special act, or (c) conducted in accordance with the provisions of a special act. (Sec. 9-371)

### 3 Weeks After Election

Run-off election for offices in which tie-vote resulted is to be held three weeks after election. At least three days' notice of such adjourned election must be given by municipal clerk. (Sec. 9-332)

### 30 Days After Election

Within 30 days after an election, town or city clerk to file with Secretary of the State 3 certified copies of any charter, charter amendments or home rule ordinance amendments approved at such election, with the effective date indicated and in the case of the approval of charter or home rule ordinance amendments, three certified copies of the complete charter or ordinance incorporating such amendments. (Sec. 7-191(h))

### 30th Day After Election

Last day for registrars of voters to file with Secretary of the State a certificate signed under penalties of false statement stating that the annual canvass of voters was completed in the event that canvass was conducted. (Sec. 9-32)

### 60 Days After Election

Reports of machine mechanics and party watchers provided for in Sections 9-244 and 9-246 from municipal election to be kept by municipal clerk until this day. (Sec. 9-245)

### 60 Days After Election

Municipal clerk must preserve for 60 days after the election and then destroy if no contest is pending, and no subpoena has been issued by the State Elections Enforcement Commission, the following forms used at the election: sealed depository envelopes by district containing inner and outer envelopes from which absentee ballots have been removed, together with the contents of serially-numbered outer envelopes marked "rejected"; all executed absentee ballot applications and direction by registrar forms; the numerical list of serially-numbered absentee envelopes issued; the list of applicants who have been issued more than one absentee ballot under Sec. 9-153c; all unused printed absentee ballots; absentee ballots received after the polls close; and list of absentee ballot applicants who returned their absentee ballots. (Secs. 9-140(e), 9-150a(f) 9-150b(f), (h) and (j), and 9-153c(c))



## 180 Days After Election

The municipal clerk preserves for 180 days after the election and then destroys if no contest is pending, and no subpoena has been issued by the State Elections Enforcement Commission, the following forms used at the election: Sealed depository envelopes by district containing absentee ballots counted and absentee ballot counters' notes, worksheets or written materials and record of votes cast by absentee ballot for each candidate; sealed depository envelope containing challenged ballots; affidavit of municipal clerk attesting to accuracy of endorsement of date and time of receipt of outer envelopes; the affidavit(s) regarding municipal clerk's delivery and registrars' receipt of ballots; and the sealed package containing write-in ballots (voting machine paper roll). (Secs. 9-140c(a) and (j), 9-150a(m), 9-150b(f), (i) and (j), 9-232f and 9-310)

### MISCELLANEOUS PROVISIONS

**Voting Machines--number required.** Municipality must provide a voting machine for each 900 or fraction of 900 electors on registry list; and in municipalities divided into voting districts, a voting machine for each 900 or fraction of 900 electors on the registry list in each voting district. Spare machines are required to be provided according to number of electors. (Secs. 9-238 and 9-239) For a primary, the registrar must provide one machine for each 1200 electors eligible to vote in the primary in the municipality or voting district as the case may be. (Sec. 9-436)

**Final date for filing party rules.** A copy of party rules (including any amendment thereto) must be on file in office of Secretary of the State at least 60 days before endorsement. (In the case of "minor parties," filing must be at least 60 days before nomination.) Copy of local party rules must also be on file with the party's State Central Committee and the town clerk. Rules are not effective until 60 days after filing with Secretary of the State. (Sec. 9-374)

**Purging of Registry and Enrollment Lists.** On any day except election day or primary day, registrars remove electors from the registry list who have died, become disfranchised or confirmed in writing that they have moved out of town. An elector is deemed to have confirmed in writing that he has moved out of town if (1) the registrars have received a cancellation form or (2) the elector has notified the DMV of a change of address out of town concerning a driver's license. (DMV notifies the registrars, and the registrars remove the name and send Notice of Removal.) The names of persons removed are not sent to the polls and such persons may be restored on election day only if both registrars are contacted and consent to approve the applicant's request for restoration and their names were on the active registry list during one of the last four years. (Secs. 9-32, 9-35, 9-42 and 9-42-1)

Names removed from the registry list must also be removed from the enrollment list. At the proper time, registrars must post names and addresses of electors removed from registry list and statement that list of remedies is available from registrars. (Secs. 9-31L, 9-35, 9-35a, 9-37, 9-42 and 9-64a)

**Canvass.** Annually, between January 1st and May 1st, the registrars or their designees must conduct a house-to-house canvass of electors (1) in person, (2) by mail or by the National Change of Address System [NCOA] of the U. S. Postal Service, (3) by telephone or (4) by a combination thereof. Canvass by mail should be completed by March 31st because regulations give electors thirty days to respond to canvass by mail and May 1st is the last day to send Confirmation of Voting Residence Notice to electors on the basis of the canvass. Towns which hold May elections need not conduct a canvass in the odd-numbered years. (Sec. 9-32 and Regs. 9-32-1 to 9-32-9)

If the canvass (including information from the Post Office during the canvass) indicates an elector moved out of town and there is no written confirmation from the elector, the registrars shall send the elector a Confirmation of Voting Residence Notice and a postage prepaid pre-addressed return card on which the elector may state his current address. This notice must be sent by May 1st (and in the year of a presidential preference primary, may not be sent earlier than the presidential preference primary). If the card is not returned within 30 days, the elector's name shall be placed on the inactive registry list for four years from the date the notice was sent. At the expiration of four years on the inactive registry list, the name shall be removed from the registry list unless the elector has applied to restore his name to the active registry list during that time.

**Inactive List.** The registrars prepare an inactive list of (1) any person whose notice of approval of mail-in was returned undeliverable and who did not respond to a Notice of Confirmation of Voting Residence sent thirty days prior to this date, and (2) any person who was sent a Notice of Confirmation of Voting Residence by May 1st on the basis of the canvass and did not respond within thirty days after it was sent. The inactive list is sent to the polls. Electors on the inactive list may sign a restoration form at the polls and if both registrars or both assistant registrars of voters in the polls consent, such elector may vote and be restored to the active list. (Secs. 9-23g(c), 9-35 and 9-42(c))

**Notification re. forfeited rights.** On or before the fifteenth day of each month, the State Judicial Department must transmit to the Secretary of the State a list of names, addresses, birth dates, and dates of conviction of persons convicted in Superior Court of disfranchising crimes during the preceding calendar month. The Secretary of the State must transmit such lists to the Registrars of appropriate towns. Registrars must give written notice by certified mail to each person listed as being convicted and shall remove such names from the registry list. It is recommended that the person be given a ten day period in which to respond before his name is removed. (Sec. 9-45)

Similarly, the United States Attorney must notify the Secretary of the State concerning persons convicted of a felony in Federal District Court. (N.V.R.A. Sec. 8(g))

CONSTITUTION OF THE UNITED STATES  
(Provisions Concerning Elections)

ARTICLE I.

U. S. Senators and Representatives

Sec. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians, not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumerations shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

Section 3.\* The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

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\*See Art. XX, CA

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

**Section 4.\*** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

**Section 5.** Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

**Section 6.** No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

## ARTICLE II.

### Presidential Electors

**Section 1.\*\*** The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a list of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and the House of Representatives, open all the Certificates, and the Votes shall be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who

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\*See Art. XX, CA

\*\*Art. XII, CA; Art. XX, CA; Art. XXV, CA

have such Majority and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President, and if no person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

**AMENDMENTS TO THE CONSTITUTION  
OF THE UNITED STATES**

**ARTICLE XII.\***

**Manner of Choosing President and Vice-President**

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state as themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; - The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the

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\*Amended Art. XX, CA

certificates and the votes shall then be counted; - The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. - The person having the greatest number of votes as Vice-President shall be Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of the President shall be eligible to that of the Vice-President of the United States.

ARTICLE XIV.

**Citizenship Defined  
Apportionment of Representatives**

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Section 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously

taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

ARTICLE XV.

**Race and color not to disqualify citizens as electors**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

ARTICLE XVII.

**U.S. Senators**

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XIX.

**Equal Suffrage**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XX.

**Terms of President, Vice President, Senators  
and Representatives**

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have

ended if this article had not been ratified; and the terms of their successors shall then begin.

**Section 3.** If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

**Section 4.** The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

#### ARTICLE XXII.

##### Limitation of Terms of President

**Section 1.** No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

#### ARTICLE XXIII.

##### Presidential Electors for District of Columbia

**Section 1.** The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.



ARTICLE XXIV.

Poll Tax Prohibited

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XXV.

Presidential Succession

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of this office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required

to assembly, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

ARTICLE XXVI.

18 Year Old Suffrage

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION OF CONNECTICUT  
(Provisions Concerning Elections)

ARTICLE THIRD

Of the Legislative Department.

(Senate, number, qualifications.)

Sec. 3. The senate shall consist of not less than thirty and not more than fifty members, each of whom shall be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

*(Sec. 3 amended in 1970. See Art. II, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)*

(House of representatives, how constituted.)

Sec. 4. The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

*(Sec. 4 amended in 1970. See Art. II, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)*

(Districts to be consistent with federal standards.)

Sec. 5. The establishment of districts in the general assembly shall be consistent with federal constitutional standards.

*(Sec. 5 amended in 1980. See Art. XVI, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)*

(Decennial reapportionment.)

Sec. 6a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to enact a plan of districting by the first day of the April next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission consisting of the eight members designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of

the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the July next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least six members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

d. If by the first day of the July next succeeding the appointment of its members the commission fails to submit a plan of districting, a board of three persons shall forthwith be empaneled. The speaker of the house of representatives and the minority leader of the house of representatives shall each designate, as one member of the board, a judge of the superior court of the state, provided that there are members of no more than two political parties in the house of representatives. In the event that there are members of more than two political parties in the house of representatives, all members belonging to the parties other than that of the speaker shall select one of their number, who shall then designate, as one member of the board, a judge of the superior court of the state, in lieu of the designation by the minority leader of the house of representatives. The two members of the board so designated shall select an elector of the state as the third member.

e. The board shall proceed to consider the alteration of districts in accordance with the principles recited in this article and shall, by the first day of the October next succeeding its selection, submit a plan of districting to the secretary. No plan shall be submitted to the secretary unless it is certified by at least two members of the board. Upon receiving such plan, the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have full force of law.

*(Sec. 6, subsections a through e, amended in 1976. See Art. XII of Amendments to the Constitution of the State of Connecticut; amended in 1980. See Art. XVI, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)*

(Canvass and declaration of votes. Return and result to be submitted to both houses.)

Sec. 7. The treasurer, secretary of the state, and comptroller shall canvass publicly the votes for senators and representatives. The person in each senatorial district having the greatest number of votes for senator shall be declared to be duly elected for such district, and the person in each assembly district having the greatest number of votes for representative shall be declared to be duly elected for such district. The general assembly shall

provide by law the manner in which an equal and the greatest number of votes for two or more persons so voted for for senator or representative shall be resolved. The return of votes, and the result of the canvass, shall be submitted to the house of representatives and to the senate on the first day of the session of the general assembly. Each house shall be the final judge of the election returns and qualifications of its own members.

(General assembly, election.)

Sec. 8. A general election for members of the general assembly shall be held on the Tuesday after the first Monday of November, biennially, in the even-numbered years. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such members, for filling vacancies in either the house of representatives or the senate, and providing for the election of representatives or senators at some time subsequent to the Tuesday after the first Monday of November in all cases when it shall so happen that the electors in any district shall fail on that day to elect a representative or senator.

(Counting of votes. Return of votes.)

Sec. 9. At all elections for members of the general assembly the presiding officers in the several towns shall receive the votes of the electors, and count and declare them in open meeting. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state.

(Term of office.)

Sec. 10. The members of the general assembly shall hold their offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday after the first Monday of the third January next succeeding their election, and until their successors are duly qualified.

(Dual job ban.)

Sec. 11. No member of the general assembly shall, during the term for which he is elected, hold or accept any appointive position or office in the judicial or executive department of the state government, or in the courts of the political subdivisions of the state, or in the government of any county. No member of congress, no person holding any office under the authority of the United States and no person holding any office in the judicial or executive department of the state government or in the government of any county shall be a member of the general assembly during his continuance in such office.

ARTICLE FOURTH.  
OF THE EXECUTIVE DEPARTMENT.

(State officers, election date.)

Sec. 1. A general election for governor, lieutenant-governor, secretary of the state, treasurer and comptroller shall be held on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter.

(Sec. 1 amended in 1970. See Art. I of Amendments to the Constitution of the State of Connecticut.)

(Terms.)

Sec. 2. Such officers shall hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are duly qualified.

(Governor and lieutenant-governor voted for as unit.)

Sec. 3. In the election of governor and lieutenant-governor, voting for such offices shall be as a unit. The name of no candidate for either office, nominated by a political party or by petition, shall appear on the voting machine ballot labels except in conjunction with the name of the candidate for the other office.

(Counting of votes. Return of votes. Canvass and declaration of votes.  
Choice by general assembly, when and how made.)

Sec. 4. At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller, within the month of November. The vote for treasurer shall be counted, canvassed and declared by the secretary and comptroller only; the vote for secretary shall be counted, canvassed and declared by the treasurer and comptroller only; and the vote for comptroller shall be counted, canvassed and declared by the treasurer and secretary only. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary and comptroller, made and laid before the general assembly, then next to be held, on the first day of the session thereof. In the election of governor, lieutenant-governor, secretary, treasurer, comptroller and attorney general, the person found upon the count by the treasurer, secretary and comptroller in the manner herein provided, to be made and announced before December fifteenth of the year of the election, to have received the greatest number of votes for each of such offices, respectively, shall be elected thereto; provided, if the election of any of them shall be contested as provided by statute, and if such a contest shall proceed to final

judgment, the person found by the court to have received the greatest number of votes shall be elected. If two or more persons shall be found upon the count of the treasurer, secretary and comptroller to have received an equal and the greatest number of votes for any of said offices, and the election is not contested, the general assembly on the second day of its session shall hold a joint convention of both houses, at which, without debate, a ballot shall be taken to choose such officer from those persons who received such a vote; and the balloting shall continue on that or subsequent days until one of such persons is chosen by a majority vote of those present and voting. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such officers. The general assembly shall by law prescribe the manner in which all questions concerning the election of a governor or lieutenant-governor shall be determined.

**(Governor. Qualifications.)**

Sec. 5. The supreme executive power of the state shall be vested in the governor. No person who is not an elector of the state, and who has not arrived at the age of thirty years, shall be eligible.

**(Lieutenant-governor)**

Sec. 6. The lieutenant-governor shall possess the same qualifications as are herein prescribed for the governor.

**(When to succeed governor. When to act as governor.)**

Sec. 18. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified. In case of the inability of the governor to exercise the powers and perform the duties of his office, or in case of his impeachment or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until the disability is removed or, if the governor has been impeached, he is acquitted or, if absent, he has returned.

**(When president pro tempore to become lieutenant-governor or act as lieutenant-governor.)**

Sec. 19. If the lieutenant-governor succeeds to the office of governor, or if the lieutenant-governor dies, resigns, refuses to serve or is removed from office, the president pro tempore of the senate shall, upon taking the oath of office of lieutenant-governor, be lieutenant-governor of the state until another is chosen at the next regular election for lieutenant-governor and is duly qualified. Within fifteen days of the administration of such oath the senate, if the general assembly is in session, shall elect one of its members president pro tempore. In case of the inability of the lieutenant-governor to exercise the powers and perform the duties of his office or in case of his impeachment or absence from the state, the president

pro tempore of the senate shall exercise the powers and authority and perform the duties appertaining to the office of lieutenant-governor until the disability is removed or, if the lieutenant-governor has been impeached, he is acquitted or, if absent, he has returned.

**(Election of president pro tempore when general assembly in recess.)**

Sec. 20. If, while the general assembly is not in session, there is a vacancy in the office of president pro tempore of the senate, the secretary of the state shall within fifteen days convene the senate for the purpose of electing one of its members president pro tempore.

**(Death or failure to qualify of governor-elect.)**

Sec. 21. If, at the time fixed for the beginning of the term of the governor, the governor-elect shall have died or shall have failed to qualify, the lieutenant-governor-elect, after taking the oath of office of lieutenant-governor, may qualify as governor, and upon so qualifying, shall become governor. The general assembly may by law provide for the case in which neither the governor-elect nor the lieutenant-governor-elect shall have qualified, by declaring who shall, in such event, act as governor or the manner in which the person who is so to act shall be selected, and such person shall act accordingly until a governor or a lieutenant-governor shall have qualified.

**(Sheriffs.)**

Sec. 25. Sheriffs shall be elected in the several counties, on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, for the term of four years, commencing on the first day of June following their election. They shall become bound with sufficient sureties to the treasurer of the state, for the faithful discharge of the duties of their office. They shall be removable by the general assembly. In case the sheriff of any county shall die or resign, or shall be removed from office by the general assembly, the governor may fill the vacancy occasioned thereby, until the same shall be filled by the general assembly.

**ARTICLE FIFTH.  
OF THE JUDICIAL DEPARTMENT.**

**(Probate court judges, election, terms.)**

Sec. 4. Judges of probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, and shall hold office for four years from and after the Wednesday after the first Monday of the next succeeding January.

**(Justices of the peace.)**

Sec. 5. Justices of the peace for the several towns in the state shall be elected by the electors in such towns; and the time and manner of their election, the number for each town, the period for which they shall hold their offices and their jurisdiction shall be prescribed by law.

*(Sec. 5 repealed in 1974. See Art. VIII, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)*



(Age limitation, exception.)

Sec. 6. No judge or justice of the peace shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

(Sec. 6 amended in 1974. See Art. VIII, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)

ARTICLE SIXTH.  
OF THE QUALIFICATIONS OF ELECTORS.

(Qualifications of electors.)

Sec. 1. Every citizen of the United States who has attained the age of twenty-one years, who has resided in the town in which he offers himself to be admitted to the privileges of an elector at least six months next preceding the time he so offers himself, who is able to read in the English language any article of the constitution or any section of the statutes of the state, and who sustains a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

(Sec. 1. amended in 1976. See Art. IX of Amendments to the Constitution of the State of Connecticut. See Art. XXVI of Amendments to the Constitution of the United States of America.)

(Determination of qualifications.)

Sec. 2. The qualifications of electors as set forth in Section 1 of this article shall be decided at such times and in such manner as may be prescribed by law.

(Forfeiture and restoration of electoral privileges.)

Sec. 3. The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

(Sec. 3 amended in 1974. See Art. VII of Amendments to the Constitution of the State of Connecticut.)

(Free suffrage.)

Sec. 4. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

(Voting by ballot or machine. Optional party lever.)

Sec. 5. In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting

may be used in all elections in the state, under such regulations as may be prescribed by law. The right of secret voting shall be preserved. At every election where candidates are listed by party designation and where voting machines or other mechanical devices are used, each elector shall be able at his option to vote for candidates for office under a single party designation by operating a straight ticket device, or to vote for candidates individually after first operating a straight ticket device, or to vote for candidates individually without first operating a straight ticket device.

*(Sec. 5 amended in 1986. See Art. XXIV of Amendments to the Constitution of the State of Connecticut.)*

**(Privilege of electors from arrest.)**

Sec. 6. At all elections of officers of the state, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

**(Absentee voting.)**

Sec. 7. The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness, or physical disability or because the tenets of their religion forbid secular activity.

**(Admission of electors in absentia.)**

Sec. 8. The general assembly may provide by law for the admission as electors in absentia of members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons.

*(Sec. 8 amended in 1992. See Art. XXVII of Amendments to the Constitution of the State of Connecticut.)*

**(Removal to another town.)**

Sec. 9. Any person admitted as an elector in any town shall, if he removes to another town, have the privileges of an elector in such other town after residing therein for six months. The general assembly shall prescribe by law the manner in which evidence of the admission of an elector and of the duration of his current residence shall be furnished to the town to which he removes.

*(Sec. 9 repealed in 1980. See Art. XIII of Amendments to the Constitution of the State of Connecticut.)*

**(Eligibility to office.)**

Sec. 10. Every elector shall be eligible to any office in the state, except in cases provided for in this constitution.

*(Sec. 10 amended in 1970. See Art. II, Sec. 3 of Amendments to the Constitution of the State of Connecticut.)*

*(Art. Sixth amended in 1976. See Art. X of Amendments to the Constitution of the State of Connecticut.)*

ARTICLE TENTH.  
OF HOME RULE.

(Delegation of legislative authority to political subdivisions. Terms of town, city and borough elective officers. Special legislation.)

Sec. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

(Regional governments and compacts.)

Sec. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

ARTICLE ELEVENTH.  
GENERAL PROVISIONS.

(Official oath. Form.)

Sec. 1. Members of the general assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation to wit:

You do solemnly swear (or affirm, as the case may be) that you will support the constitution of the United States, and the constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of.....to the best of your abilities. So help you God.

*Sec. 2 amended in 1982. See Art. XIX of Amendments to the Constitution of the State of Connecticut.)*

(Emergency provision for temporary succession to powers and duties of public offices.)

Sec. 3. In order to insure continuity in operation of state and local governments in a period of emergency resulting from disaster caused by enemy attack, the general assembly shall provide by law for the prompt and temporary succession to the powers and duties of all public offices, the incumbents of which may become unavailable for carrying on their powers and duties.

ARTICLE TWELFTH\*.  
OF AMENDMENTS TO THE CONSTITUTION.

(Method of proposing and approving amendments.)

Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. An amendment so proposed, approved upon roll call by a yea vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a yea vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

*\*(Art. Twelfth amended in 1974. See Art. VI of Amendments to the Constitution of the State of Connecticut.)*

ARTICLE THIRTEENTH.  
OF CONSTITUTIONAL CONVENTIONS.

(Method of convening by vote of general assembly.)

Sec. 1. The general assembly may, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, provide for the convening of a constitutional convention to amend or revise the constitution of the state not earlier than ten years from the date of convening any prior convention.

(Method of convening by vote of electors.)

Sec. 2. The question "Shall there be a Constitutional Convention to amend or revise the Constitution of the State?" shall be submitted to all the electors of the state at the general election held on the Tuesday after the first Monday in November in the even-numbered year next succeeding the expiration of a period of twenty years from the date of convening of the last convention called to revise or amend the constitution of the state, including the Constitutional Convention of 1965, or next succeeding the expiration of a period of twenty years from the date of submission of such a question to all electors of the state, whichever date shall last occur. If a majority of the electors voting on the question shall signify "yes", the general assembly shall provide for such convention as provided in Section 3 of this article.

(Selection of membership, date of convening.)

Sec. 3. In providing for the convening of a constitutional convention to amend or revise the constitution of the state the general assembly shall, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, prescribe by law the manner of selection of the membership of such convention, the date of convening of such convention, which shall be not later than one year from the date of the roll call vote under Section 1 of this article or one year from the date of the election under Section 2 of this article, as the case may be, and the date for final adjournment of such convention.

(Submission or proposals to electors, approval, effective date.)

Sec. 4. Proposals of any constitutional convention to amend or revise the constitution of the state shall be submitted to all the electors of the state not later than two months after final adjournment of the convention, either as a whole or in such parts and with such alternatives as the convention may determine. Any proposal of the convention to amend or revise the constitution of the state submitted to such electors in accordance with this section and approved by a majority of such electors voting on the question shall be valid, to all intents and purposes, as a part of this constitution. Such proposals when so approved shall take effect thirty days after the date of the vote thereon unless otherwise provided in the proposal.

AMENDMENTS TO THE CONSTITUTION  
OF THE STATE OF CONNECTICUT

ARTICLE I.

(State officers, election date.)

Section 1 of article fourth of the constitution is amended to read as follows: A general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.

*Adopted November 25, 1970.*

ARTICLE II.

(Senate number, qualifications.)

Section 1. Section 3 of article third of the constitution is amended to read as follows: The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of twenty-one years and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

*(Sec. 1 amended in 1980. See Art. XV of Amendments to the Constitution of the State of Connecticut.)*

**(House of representatives, how constituted.)**

Sec. 2. Section 4 of said article third is amended to read as follows: The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of twenty-one years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

*(Sec. 2 amended in 1980. See Art. XV of Amendments to the Constitution of the State of Connecticut.)*

**(Eligibility to office.)**

Sec. 3. Section 10 of article sixth of the constitution is amended to read as follows: Every elector who has attained the age of twenty-one years shall be eligible to any office in the state, but no person who has not attained the age of twenty-one shall be eligible therefor, except in cases provided for in this constitution.

*(Sec. 3 amended in 1980. See Art. XV of Amendments to the Constitution of the State of Connecticut.)*

*Adopted November 25, 1970.*

**ARTICLE III.**

**(General Assembly, when and where held. Adjournment. Reconvened session to consider vetoes.)**

Section 2 of article third of the constitution is amended to read as follows: There shall be a regular session of the general assembly on the Wednesday following the first Monday of January in the odd-numbered years and on the Wednesday following the first Monday of February in the even-numbered years, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session in the odd-numbered years not later than the first Wednesday after the first Monday in June and in the even-numbered years not later than the first Wednesday after the first Monday in May and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly

shall adjourn sine die not later than three days following its reconvening. In the even year session the general assembly shall consider no business other than budgetary, revenue and financial matters, bills and resolutions raised by committees of the general assembly and those matters certified in writing by the speaker of the house of representatives and president pro tempore of the senate to be of an emergency nature.

*Adopted November 25, 1970.*

ARTICLE VI.

(Method of proposing and approving amendments.)

Article Twelfth of the constitution is amended to read as follows: Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. An amendment so proposed, approved upon roll call by a yea vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a yea vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

*Adopted November 27, 1974.*

ARTICLE VII.

(Forfeiture and restoration of electoral privileges.)

Section 3 of article sixth of the constitution is amended to read as follows: The general assembly shall by law prescribe the offenses on conviction of which the right to be an elector and the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

*Adopted November 27, 1974.*

ARTICLE VIII.

(Justices of the peace.)

Section 1. Section 5 of article fifth of the constitution is repealed.

**(Age limitation, exception.)**

Sec. 2. Section 6 of said article fifth is amended to read as follows: No judge shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

*Adopted November 27, 1974.*

**ARTICLE IX.**

**(Qualifications of electors.)**

Section 1 of article sixth of the constitution is amended to read as follows: Every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector.

*Adopted November 24, 1976.*

**ARTICLE X.**

**(Pre-registration of seventeen year old citizens as electors.)**

Article sixth of the constitution is amended by adding the following section:

Sec. 11. Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector within the period of four months prior to such election, at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday.

*Adopted November 24, 1976; amended in 1980. See Art. XIV of Amendments to the Constitution of the State of Connecticut.)*

**ARTICLE XII.**

**(Reapportionment procedure. Reapportionment Committee. Reapportionment Commission.)**

Section 6 of article third of the constitution is amended to read as follows:

a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. On or before the fifteenth day of February next following the completion of the decennial census of the United States, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of



the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to enact a plan of districting by the fifteenth day of the May next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within fifteen days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the September next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the first day of September, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any

error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the first day of September as said court may deem appropriate. Any such petition shall be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a plan of districting. The supreme court shall render its decision not later than sixty days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of December next following the completion of the decennial census of the United States. Upon receiving such plan the secretary shall publish the same forthwith and, upon publication, such plan of districting shall have the full force of law.

*Adopted November 24, 1976; amended in 1980. See Art. XVI of Amendments to the Constitution of the State of Connecticut.*

ARTICLE XIII.

(Removal to another town.)

Section 9 of Article sixth of the constitution is repealed.

ARTICLE XIV.

(Pre-registration of seventeen year old citizens as electors.)

Article tenth of the amendments to the constitution is amended to read as follows: Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday.

*Adopted November 26, 1980.*

ARTICLE XV.

(Senate, number, qualifications.)

Sec. 1. Section 1 of article two of the amendments to the constitution is amended to read as follows: The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of eighteen years and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

(House of representatives, how constituted.)

Sec. 2. Section 2 of article two of the amendments to the constitution is amended to read as follows: The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of eighteen years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall

elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

(Eligibility to office.)

Sec. 3. Section 3 of article two of the amendments to the constitution is amended to read as follows: Every elector who has attained the age of eighteen years shall be eligible to any office in the state, but no person who has not attained the age of eighteen shall be eligible therefor, except in cases provided for in this constitution.

ARTICLE XVI.

(Congressional and general assembly districts to be consistent with federal standards.)

Sec. 1. Section 5 of article third of the constitution is amended to read as follows: The establishment of congressional districts and of districts in the general assembly shall be consistent with federal constitutional standards.

(Reapportionment procedure. Reapportionment Committee. Reapportionment Commission.)

Sec. 2. Article twelve of the amendments to the constitution is amended to read as follows:

a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the

general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a sheriff, deputy sheriff, constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the first day of the August next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the October next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the thirtieth day of October, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of October as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of January next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

(Sec. 2 amended in 1990. See Art. XXV of Amendments to the Constitution of the State of Connecticut.)

#### ARTICLE XIX.

##### (Increase in compensation of elected officials prohibited, when.)

Section 2 of the article eleventh of the constitution is amended to read as follows: Except as provided in this section, neither the State nor any political subdivision of the State shall pay or grant to any elected official of the State or any political subdivision of the State, any compensation greater than the amount of compensation set at the beginning of such official's term of office for the office which such official holds or increase the pay or compensation of any public contractor above the amount specified in the contract. The provisions of this section shall not apply to elected officials in towns in which the legislative body is the town meeting. The compensation of an elected official of a political subdivision of the State whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him.

#### ARTICLE XXII

##### (Lieutenant-governor, when to succeed governor. When to act as governor.)

Section 18 of article fourth of the constitution is amended to read as follows:

a. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the State until another is chosen at the next regular election for governor and is duly qualified.

b. In case of the impeachment of the governor or of his absence from the State, the lieutenant-governor shall exercise the powers and authority and

perform the duties appertaining to the office of governor until, if the governor has been impeached, he is acquitted or, if absent, he has returned.

c. Whenever the governor transmits to the lieutenant-governor his written declaration that he is unable to exercise the powers and perform the duties of his office, and until the governor transmits to the lieutenant-governor a written declaration to the contrary, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor.

d. In the absence of a written declaration of incapacity by the governor, whenever the lieutenant-governor or a majority of the members of the Council on Gubernatorial Incapacity transmits to the Council on Gubernatorial Incapacity a written declaration that the governor is unable to exercise the powers and perform the duties of his office, the Council shall convene within forty-eight hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the Council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the Senate and the speaker of the House of Representatives and to the lieutenant-governor and the lieutenant-governor, upon receipt of such declaration, shall exercise the powers and authority and discharge the duties appertaining to the office of the governor as acting governor; otherwise, the governor shall continue to exercise the powers and discharge the duties of his office. Upon receipt by the president pro tempore of the Senate and the speaker of the House of Representatives of such a written declaration from the Council, the General Assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the written declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

e. In the absence of a written declaration of incapacity by the governor and in an emergency, when the governor is unable to exercise the powers and perform the duties of his office and the business of the State requires the immediate exercise of those powers and performance of those duties, the lieutenant-governor shall transmit to the Council on Gubernatorial Incapacity a written declaration to that effect and thereupon shall exercise the powers and authority and discharge the duties appertaining to the office of governor as acting governor. The Council shall convene or the members of the Council shall otherwise communicate with each other collectively within twenty-four hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the Council, within fourteen days after it is required to convene,

determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the Senate and the speaker of the House of Representatives and to the lieutenant-governor and the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor; otherwise, the governor shall resume the powers and duties of his office. Upon receipt by the president pro tempore of the Senate and the speaker of the House of Representatives of such a written declaration from the Council, the General Assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the written declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

f. Whenever the governor transmits to the president pro tempore of the Senate and the speaker of the House of Representatives his written declaration that no inability exists he shall resume the powers and duties of his office upon the determination by a majority vote of each house of the General Assembly, in accordance with its rules, that he is able to exercise the powers and perform the duties of his office.

g. There shall be a Council on Gubernatorial Incapacity, the membership procedures and terms of office of the members of which the General Assembly shall establish by law.

h. The Supreme Court shall have original and exclusive jurisdiction to adjudicate disputes or questions arising under this section.

#### ARTICLE XXIV

(Party lever prohibited.)

Section 5 of article sixth of the constitution is amended to read as follows: In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. No voting machine or device used at any state or local election shall be equipped with a straight ticket device. The right of secret voting shall be preserved.

Adopted November 19, 1986.

#### ARTICLE XXVI

(Reapportionment procedure. Reapportionment Committee.  
Reapportionment Commission.)

Section 2 of article sixteen of the amendments to the constitution is amended to read as follows:

a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a sheriff, deputy sheriff, constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the fifteenth day of the September next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than



two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the November next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the thirtieth day of November, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of November as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of February next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

Adopted November 28, 1990.

#### ARTICLE XXVII

##### (Absentee admission as an elector.)

Section 8 of article sixth of the constitution is amended to read as follows:

The general assembly may provide by law for the absentee admission of electors.

Adopted November 25, 1992.

**FEDERAL VOTING RIGHTS ACT OF 1965**  
**(As amended through 1992)**  
**(Excerpts)**

**Denial or abridgement of right to vote on account of race or color**  
**through voting qualifications or prerequisites; establishment of**  
**violation**  
**(42 U.S.C. §1973)**

Sec. 2. (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

**Congressional findings of voting discrimination against language**  
**minorities; prohibition of English-only elections; other**  
**remedial measures**  
**(42 U.S.C. §1973b)**

Sec. 4. (f)(1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State, or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

**Application of Prohibition to Other States**  
(42 U.S.C. §1973aa)

Sec. 201.(a) No citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State or local election conducted in any State or political subdivision of a State.

(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

**Residence Requirements for Voting**  
(42 U.S.C. §1973aa-1)

Sec. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections:

- (1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;
- (2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;
- (3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;
- (4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;
- (5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and
- (6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to

voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President or Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizens of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizens to be physically present in such state or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(h) The term "State" as used in this section includes each of the several States and the District of Columbia.

(i) The provisions of section 11 (c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

**BILINGUAL ELECTION REQUIREMENTS**

(42 U.S.C. 1973aa-1a)

(Also, see 28 CFR 55.1 - 55.24)

**Sec. 203. (b) BILINGUAL VOTING MATERIALS REQUIREMENT.**

(1) **GENERALLY.** Before August 6, 2007, no covered State or political subdivision shall provide voting materials only in the English language.

(2) **COVERED STATES AND POLITICAL SUBDIVISIONS.**

(A) **GENERALLY.** A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on census data, that- (i) (I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient; (II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or (III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and (ii) the illiteracy rate of the citizens in the language minority group is higher than the national illiteracy rate.

(B) **EXCEPTION.** The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

(3) **DEFINITIONS.** - As used in this section -

(A) the term 'voting materials' means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

(B) the term 'limited-English proficient' means unable to speak or understand English adequately enough to participate in the electoral process;

(C) the term 'Indian reservation' means any area that is an American Indian or Alaska Native area as defined by the Census Bureau for the purposes of the 1990 decennial census;

(D) the term 'citizen' means citizens of the United States; and

(E) the term 'illiteracy' means the failure to complete the 5th primary grade.

(4) **SPECIAL RULE** - The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: Provided, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

(e) For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

**VOTING ASSISTANCE**

(42 U.S.C. 1973aa-6)

Sec. 208. Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

P.L. 98-435 (42 U.S.C. 1973ee)

VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED

Section 1. This Act may be cited as the "Voting Accessibility for the Elderly and Handicapped Act".

Sec. 2. It is the intention of Congress in enacting this Act to promote the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.

Sec. 3. (a) Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.

(b) Subsection (a) shall not apply to a polling place--

(1) in the case of an emergency, as determined by the chief election officer of the State; or

(2) if the chief election officer of the State--

(A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved;

and

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)--

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

(c) (1) Not later than December 31 of each even-numbered year, the chief election officer of each State shall report to the Federal Election Commission, in a manner to be determined by the Commission, the number of accessible and inaccessible polling places in such State on the date of the preceding general Federal election, and the reasons for any instance of inaccessibility.

(2) Not later than April 30 of each odd-numbered year, the Federal Election Commission shall compile the information reported under paragraph (1) and shall transmit that information to the Congress.

(3) The provisions of this subsection shall only be effective for a period of 10 years beginning on September 28, 1984.

Sec. 4. (a) Each State or political subdivision responsible for registration for Federal elections shall provide a reasonable number of accessible permanent registration facilities.

(b) Subsection (a) does not apply to any State that has in effect a system that provides an opportunity for each potential voter to register by mail or at the residence of such voter.

Sec. 5. (a) Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including--

(1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and

(2) information by telecommunications devices for the deaf.

(b) No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot, except that medical certification may be required when the certification establishes eligibility, under State law--

(1) to automatically receive an application or a ballot on a continuing basis; or

(2) to apply for an absentee ballot after the deadline has passed.

(c) The chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under section 208 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-6), and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

Sec. 6. (a) If a State or political subdivision does not comply with this Act, the United States Attorney General or a person who is personally aggrieved by the noncompliance may bring an action for declaratory or injunctive relief in the appropriate district court.

(b) An action may be brought under this section only if the plaintiff notifies the chief election officer of the State of the noncompliance and a period of 45 days has elapsed since the date of notification.

(c) Notwithstanding any other provision of law, no award of attorney fees may be made with respect to an action under this section, except in any action brought to enforce the original judgment of the court.

Sec. 7. This Act shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

Sec. 8. As used in this Act, the term--



(1) "accessible" means accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined under guidelines established by the chief election officer of the State involved;

(2) "elderly" means 65 years of age or older;

(3) "Federal election" means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) "handicapped" means having a temporary or permanent physical disability; and

(5) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Sec. 9. This Act shall apply with respect to elections taking place after December 31, 1985.

Public Law 101-336  
(42 U.S.C. 12101)

AMERICANS WITH DISABILITIES ACT OF 1990 (A.D.A.)  
(Excerpts)

Sec. 3. DEFINITIONS.

As used in this Act:

- (1) AUXILIARY AIDS AND SERVICES.--The term "auxiliary aids and services" includes --
  - (A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
  - (B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
  - (C) acquisition or modification of equipment or devices; and
  - (D) other similar services and actions.
- (2) DISABILITY.--The term "disability" means, with respect to an individual --
  - (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - (B) a record of such an impairment; or
  - (C) being regarded as having such an impairment.

**TITLE II--PUBLIC SERVICES**

**Subtitle A--Prohibition Against Discrimination  
and Other Generally Applicable Provisions**

Sec. 201. DEFINITION.

As used in this title:

- (1) PUBLIC ENTITY.--The term "public entity" means --
  - (A) any State or local government;
  - (B) any department, agency, special purpose district, or other instrumentality of a State or States or local government; and ...
- (2) QUALIFIED INDIVIDUAL WITH A DISABILITY.--The term "*qualified individual with a disability*" means an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Sec. 202. DISCRIMINATION.** [42 U.S.C. 12132]

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

**Sec. 203. ENFORCEMENT.** [42 U.S.C. 12133]

The remedies, procedures and rights set forth in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be the remedies, procedures and rights this title provides to any person alleging discrimination on the basis of disability in violation of section 202.

**Sec. 204. REGULATIONS.** [42 U.S.C. 12134]

- (a) **IN GENERAL.**--Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this subtitle. Such regulations shall not include any matter within the scope of the authority of the Secretary of Transportation under section 223, 229 or 244.

**Sec. 205. EFFECTIVE DATE.** [42 U.S.C. 12131]

- (a) **GENERAL RULE.**--Except as provided in subsection (b), this subtitle shall become effective 18 months after the date of enactment of this Act.

*Approved July 26, 1990.*

(28 CFR §35.1 of Dept. of Justice Regs. pursuant to ADA (7/91)  
(Excerpts)

**PART 35--NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL  
GOVERNMENT SERVICES**

**Subpart A--General**

**§35.101 Purpose.**

The purpose of this part is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.

**§35.102 Application.**

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs and activities provided or made available by public entities.

**§35.104 Definitions.**

For purposes of this part, the term --

**"Auxiliary aids and services"** includes --

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large-print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

**"Public entity"** means --

(1) Any State or local government;

**"Qualified interpreter"** means an interpreter who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary.

**§35.106 Notice.**

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs or activities of the public entity, and make such information available to them

in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

**Subpart B--General Requirements**

**§35.135 Personal devices and services.**

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs.

**Subpart D--Program Accessibility**

**§35.149 Discrimination prohibited.**

Except as otherwise provided in §35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any public entity.

**§35.150 Existing facilities.**

(a) **General.** A public entity shall operate each service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

This paragraph does not --

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities; ...

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or in undue financial and administrative burdens.

**Subpart E--Communications**

**§35.160 General.**

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

**§35.163 Information and signage.**

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

**§35.164 Duties.**

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or in undue financial and administrative burdens...and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

*Published July 26, 1991.*

PUBLIC LAW 99-410  
(42 U.S.C. 1973ff)

UNIFORMED AND OVERSEAS CITIZENS  
ABSENTEE VOTING ACT (IN PART)

TITLE I - REGISTRATION AND VOTING BY ABSENT UNIFORMED  
SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL  
OFFICE (IN PART)

SEC. 101. FEDERAL RESPONSIBILITIES.

(a) **PRESIDENTIAL DESIGNEE.**--The President shall designate the head of an executive department to have primary responsibility for Federal functions under this title.

- (b) **DUTIES OF PRESIDENTIAL DESIGNEE** -- The Presidential designee shall--
- (1) consult State and local election officials in carrying out this title;
  - (2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by the States as recommended in section 104;
  - (3) carry out section 103 with respect to the Federal write-in absentee ballot for overseas voters in general elections for Federal office;
  - (4) prescribe a suggested design for absentee ballot mailing envelopes for use by the States as recommended in section 104;
  - (5) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the extent practicable, facts relating to specific elections, including dates, offices involved, and the text of ballot questions; and
  - (6) not later than the end of each year after a presidential election year, transmit to the President and the Congress a report of the effectiveness of assistance under this title, including a statistical analysis of voter participation under this Act, and a description of State-Federal cooperation.

(c) **DUTIES OF OTHER FEDERAL OFFICIALS.**--

- (1) **IN GENERAL**--The head of each Government department, agency, or other entity shall, upon request of the Presidential designee, distribute balloting materials and otherwise cooperate in carrying out this title.
- (2) **ADMINISTRATOR OF GENERAL SERVICES.**--As directed by the Presidential designee, the Administrator of General Services shall furnish official post card forms (prescribed under subsection (b) and Federal write-in absentee ballots (prescribed under section 103).

SEC. 102. STATE RESPONSIBILITIES.

Each State shall--

- (1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

- (2) accept and process, with respect to any general, special, primary, or runoff election for Federal office, any otherwise valid voter registration application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election; and
- (3) permit overseas voters to use Federal write-in absentee ballots (in accordance with section 103) in general elections for Federal office.

**SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT FOR OVERSEAS VOTERS IN GENERAL ELECTIONS FOR FEDERAL OFFICE.**

(a) **In General**--The Presidential designee shall prescribe a Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in general elections for Federal office by overseas voters who make timely application for, and do not receive, States, absentee ballots.

(b) **SUBMISSION AND PROCESSING**--Except as otherwise provided in this title, a Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved. A Federal write-in absentee ballot of an overseas voter shall not be counted--

- (1) if the ballot is submitted from any location in the United States;
- (2) if the application of the overseas voter for a State absentee ballot is received by the appropriate State election official less than 30 days before the general election; or
- (3) if a State absentee ballot of the overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.

(c) **SPECIAL RULES**--The following rules shall apply with respect to Federal write-in absentee ballots:

- (1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).
- (2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.
- (3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

(d) **SECOND BALLOT SUBMISSION; INSTRUCTION TO OVERSEAS VOTER**--An overseas voter who submits a Federal write-in absentee ballot and later receives a State absentee ballot, may submit the State absentee ballot. The Presidential designee shall assure that the instructions for each Federal write-in absentee ballot clearly state that an overseas voter who submits a Federal write-in absentee ballot and later receives and submits a State absentee ballot should make every reasonable effort to inform the appropriate State election official that the voter has submitted more than one ballot.



(e) **USE OF APPROVED STATE ABSENTEE BALLOT IN PLACE OF FEDERAL WRITE-IN ABSENTEE BALLOT.**--The Federal write-in absentee ballot shall not be valid for use in a general election if the State involved provides a State absentee ballot that--

- (1) at the request of the State, is approved by the Presidential designee for use in place of the Federal write-in absentee ballot; and
- (2) is made available to overseas voters at least 60 days before the deadline for receipt of the State ballot under State law.

(f) **CERTAIN STATES EXEMPTED.**--A State is not required to permit use of the Federal write-in absentee ballot, if, on and after August 28, 1986 the State has in effect a law providing that--

- (1) a State absentee ballot is required to be available to any voter described in section 107(5)(A) at least 90 days before the general election involved; and
- (2) a State absentee ballot is required to be available to any voter described in section 107(5)(B) or (C), as soon as the official list of candidates in the general election is complete.

**SEC. 104. RECOMMENDATIONS TO THE STATES TO MAXIMIZE ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.**

To afford maximum access to the polls by absent uniformed services voters and overseas voters, it is recommended that the States--

- (1) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application;
- (2) adopt the suggested design for absentee ballot mailing envelopes prescribed under section 101;
- (3) waive registration requirements for absent uniformed services voters and overseas voters who, by reason of service or residence, do not have an opportunity to register;
- (4) if an application other than an official post card form (prescribed under section 101) is required for absentee registration, provide that registration forms be sent with the absentee ballot and may be returned with it;
- (5) expedite processing of balloting materials with respect to absent uniformed services voters and overseas voters;
- (6) permit any oath required for a document under this title to be administered by a commissioned officer of the Armed Forces or any official authorized to administer oaths under Federal law or the law of the State or other place where the oath is administered;
- (7) assure that absentee ballots are mailed to absent uniformed services voters and overseas voters at the earliest opportunity;
- (8) assist the Presidential designee in compiling statistical and other information relating to this title; and
- (9) provide late registration procedures for persons recently separated from the Armed Forces.

**SEC. 105. ENFORCEMENT.**

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

**SEC. 106. EFFECT ON CERTAIN OTHER LAWS.**

The exercise of any right under this title shall not affect, for purposes of any Federal, State or local tax, the residence or domicile of a person exercising such right.

**SEC. 107. DEFINITIONS.**

As used in title, the term--

(1) "*absent uniformed services voter*" means--

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in sub-paragraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) "*balloting materials*" means official post card forms (prescribed under section 101), Federal write-in absentee ballots (prescribed under section 103), and any State balloting materials that, as determined by the Presidential designee, are essential to the carrying out of this title;

(3) "*Federal office*" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) "*member of the merchant marine*" means an individual (other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways)--

(A) employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(B) enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel;

(5) "*overseas voter*" means--

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) "*State*" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(7) "uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; and

(8) "United States", where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

**TITLE II--POSTAL, CRIMINAL, AND GENERAL PROVISIONS**

**SEC. 201. AMENDMENTS TO TITLE 39, UNITED STATES CODE.**

(a) **IN GENERAL.**--Chapter 34 of title 39, United States Code, is amended by adding at the end the following new section:

**"§3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act**

"(a) Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act (individually or in bulk)--

"(1) shall be carried expeditiously and free of postage; and

"(2) may be mailed at a post office established outside the United States under section 406 of this title, unless such mailing is prohibited by treaty or other international agreement of the United States.

"(b) As used in this section, the term 'balloting materials' has the meaning given that term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act".

**SEC. 202. AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

(a) **IN GENERAL.**--Chapter 29 of title 18, United States Code, is amended by adding at the end the following new sections:

**§608. Absent uniformed services voters and overseas voters**

"(a) Whoever knowingly deprives or attempts to deprive any person of a right under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

"(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Voting Act, or pays or offers to pay, or accepts payment for registering or voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

**§609. Use of military authority to influence vote of member of Armed Forces**

"Whoever, being a commissioned, noncommissioned, warrant, or petty officer in the Armed Forces, uses military authority to influence the vote of any member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in

(Overseas)

this section shall prohibit free discussion of political issues or candidates for public office."

**SEC. 203. REPEALS.**

The Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc et seq.) and the Overseas Citizens Voting Rights Act of 1975 (42 U.S.C. 1973dd et seq.) are repealed.

**SEC. 204. EFFECTIVE DATE.**

The amendments and repeals made by this Act shall apply with respect to elections taking place after December 31, 1987.

P.L. 103-31 (42 U.S.C. 1973gg)

NATIONAL VOTER REGISTRATION ACT OF 1993

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Voter Registration Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.--The Congress finds that--

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State and local governments to promote the exercise of that right; and
- (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.--The purposes of this Act are--

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

**SEC. 3. DEFINITIONS. [42 USC 1973gg-1.]**

As used in this Act--

- (1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
- (2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
- (3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;
- (4) the term "State" means a State of the United States and the District of Columbia; and
- (5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

**SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE. [42 USC 1973gg-2.]**

(a) IN GENERAL--Except as provided in subsection (b) notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office--

- (1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;
- (2) by mail application pursuant to section 6; and
- (3) by application in person--
  - (A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

- (B) at a Federal, State or nongovernmental office designated under section 7.
- (b) NONAPPLICABILITY TO CERTAIN STATES.--This Act does not apply to a State described in either or both of the following paragraphs:
- (1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.
  - (2) A State in which, under law that is in effect continuously on and after March 11, 1993\*, or that was enacted on or prior to March 11, 1993\*, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.  
[\*Date changed to "August 1, 1994", pursuant to P.L. 104-99 signed 1/26/96, to "take effect as if included in the" NVRA of 1993. (Sec. 116 of report on Committee of Conference, House Report 104-378)]

**SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE. [42 USC 1973gg-3.]**

- (a) IN GENERAL.--
- (1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.
  - (2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.
- (b) LIMITATION ON USE OF INFORMATION.--No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.
- (c) FORMS AND PROCEDURES.--
- (1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.
  - (2) The voter registration application portion of an application for a State motor vehicle driver's license--
    - (A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));
    - (B) may require only the minimum amount of information necessary to--
      - (i) prevent duplicate voter registrations; and
      - (ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
- (C) shall include a statement that--
- (i) states each eligibility requirement (including citizenship);
  - (ii) contains an attestation that the applicant meets each such requirement; and

- (iii) requires the signature of the applicant, under penalty of perjury;
- (D) shall include, in print that is identical to that used in the attestation portion of the application--
  - (i) the information required in section 8(a)(5)(A) and (B);
  - (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
  - (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and
- (E) shall be made available (as submitted by the applicant, or in machine-readable or other format) to the appropriate State election official as provided by State law.
- (d) CHANGE OF ADDRESS.--Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (e) TRANSMITTAL DEADLINE.--
  - (1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.
  - (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

**SEC. 6. MAIL REGISTRATION. [42 USC 1973gg-4.]**

- (a) FORM.--
  - (1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.
  - (2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.
  - (3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

- (b) AVAILABILITY OF FORMS.--The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.
- (c) FIRST-TIME VOTERS.--
  - (1) Subject to paragraph (2), a State may by law require a person to vote in person if--
    - (A) the person was registered to vote in a jurisdiction by mail; and
    - (B) the person has not previously voted in that jurisdiction.
  - (2) Paragraph (1) does not apply in the case of a person--
    - (A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);
    - (B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or
    - (C) who is entitled to vote otherwise than in person under any other Federal law.
- (d) UNDELIVERED NOTICES.--If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

**SEC. 7. VOTER REGISTRATION AGENCIES. [42 USC 1973gg-5.]**

- (a) DESIGNATION.--
  - (1) Each State shall designate agencies for the registration of voters in elections for Federal office.
  - (2) Each State shall designate as voter registration agencies--
    - (A) all offices in the State that provide public assistance; and
    - (B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.
  - (3) (A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.  
(B) Voter registration agencies designated under subparagraph (A) may include--
    - (i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and
    - (ii) Federal and nongovernmental offices, with the agreement of such offices.
  - (4) (A) At each voter registration agency, the following services shall be made available:
    - (i) Distribution of mail voter registration application forms in accordance with paragraph (6).



- (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.
  - (iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.
  - (B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.
- (5) A person who provides service described in paragraph (4) shall not--
- (A) seek to influence an applicant's political preference or party registration;
  - (B) display any such political preference or party allegiance;
  - (C) make any statement to an applicant or take any action, the purpose or effect of which is to discourage the applicant from registering to vote; or
  - (D) make any statement to an applicant or take any action, the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- (6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall--
- (A) distribute with each application for such service or assistance, and with each recertification, renewal or change of address form relating to such service or assistance--
    - (i) the mail voter registration application form described in section 9(a)(2), including a statement that--
      - (I) specifies each eligibility requirement including (citizenship);
      - (II) contains an attestation that the applicant meets each such requirement; and
      - (III) requires the signature of the applicant, under penalty of perjury; or
    - (ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;
  - (B) provide a form that includes--
    - (i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"
    - (ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

- (iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
    - (iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
    - (v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_.", the blank being filled by the name, address and telephone number of the appropriate official to whom such a complaint should be addressed; and
  - (C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.
- (7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.
- (b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.--**All departments, agencies and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.
  - (c) **ARMED FORCES RECRUITMENT OFFICES.--**
    - (1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.
    - (2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.
  - (d) **TRANSMITTAL DEADLINE.--**
    - (1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

- (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

**SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**  
[42 USC 1973gg-6.]

- (a) IN GENERAL.--In the administration of voter registration for elections for Federal office, each State shall--
  - (1) ensure that any eligible applicant is registered to vote in an election--
    - (A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
    - (B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
    - (C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and
    - (D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
  - (2) require the appropriate State election official to send notice to each applicant of the disposition of the application;
  - (3) provide that the name of a registrant may not be removed from the official list of eligible voters except--
    - (A) at the request of the registrant;
    - (B) as provided by State law, by reason of criminal conviction or mental incapacity; or
    - (C) as provided under paragraph (4);
  - (4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of--
    - (A) the death of the registrant; or
    - (B) a change in the residence of the registrant, in accordance with subsections (b), (c) and (d);
  - (5) inform applicants under sections 5, 6 and 7 of--
    - (A) voter eligibility requirements; and
    - (B) penalties provided by law for submission of a false voter registration application; and

- (6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.
- (b) CONFIRMATION OF VOTER REGISTRATION.--Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office--
  - (1) shall be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and
  - (2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.
- (c) VOTER REMOVAL PROGRAMS.--
  - (1) A State may meet the requirement of subsection (a)(4) by establishing a program under which--
    - (A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and
    - (B) if it appears from information provided by the Postal Service that--
      - (i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or
      - (ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.
  - (2) (A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.
  - (B) Subparagraph (A) shall not be construed to preclude--
    - (i) the removal of names from official lists of voters on a basis described in paragraph (3)(A) or (B) or (4)(A) of subsection (a); or
    - (ii) correction of registration records pursuant to this Act.
- (d) REMOVAL OF NAMES FROM VOTING ROLLS.--
  - (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant--
    - (A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or
    - (B) (i) has failed to respond to a notice described in paragraph (2); and

- (ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.
  - (2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:
    - (A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.
    - (B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.
  - (3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.
- (e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.--
- (1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.
  - (2) (A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant--
    - (i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or
    - (ii) (I) shall be permitted to correct the voting records and vote at a central location within the same

registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

- (II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.
- (B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A) (i) or (A) (ii) (II), voting at the other locations described in subparagraph (A) need not be provided as options.
- (3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.
- (f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.--In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).
- (g) CONVICTION IN FEDERAL COURT.--
  - (1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.
  - (2) A notice given pursuant to paragraph (1) shall include--
    - (A) the name of the offender;
    - (B) the offender's age and residence address;
    - (C) the date of entry of the judgment;
    - (D) a description of the offenses of which the offender was convicted; and
    - (E) the sentence imposed by the court.
  - (3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.--

(1) Subchapter II of Chapter 36 of Title 39, United States Code is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title", and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title", and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"§3629. Reduced rates for voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.--

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.--For the purposes of this section, the term "registrar's jurisdiction" means--

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

- (3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 9. FEDERAL COORDINATION AND REGULATIONS. [42 USC 1973gg-7.]**

(a) **IN GENERAL.**--The Federal Election Commission--

- (1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);
- (2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;
- (3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and
- (4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**--The mail voter registration form developed under subsection (a) (2)--

- (1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
- (2) shall include a statement that--
  - (A) specifies each eligibility requirement (including citizenship);
  - (B) contains an attestation that the applicant meets each such requirement; and
  - (C) requires the signature of the applicant, under penalty of perjury;
- (3) may not include any requirement for notarization or other formal authentication; and
- (4) shall include, in print that is identical to that used in the attestation portion of the application--
  - (i) the information required in section 8(a) (5) (A) and (B);
  - (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
  - (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

**SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL. [42 USC 1973gg-8.]**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.



**SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION. [42 USC 1973gg-9.]**

- (a) **ATTORNEY GENERAL.**--The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.
- (b) **PRIVATE RIGHT OF ACTION.**--
- (1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.
  - (2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.
  - (3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).
- (c) **ATTORNEY'S FEES.**--In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.
- (d) **RELATION TO OTHER LAWS.**--
- (1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).
  - (2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.)

**SEC. 12. CRIMINAL PENALTIES. [42 USC 1973gg-10.]**

A person, including an election official, who in any election for Federal office--

- (1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for--
  - (A) registering to vote, or voting, or attempting to register or vote;
  - (B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or
  - (C) exercising any right under this Act; or
- (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by--
  - (A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious or fraudulent under the laws of the State in which the election is held; or
  - (B) the procurement, casting or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election

is held, shall be fined in accordance with Title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

**SEC. 13. EFFECTIVE DATE. [42 USC 1973gg, note]**

This Act shall take effect--

- (1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of--
  - (A) January 1, 1996; or
  - (B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and
- (2) with respect to any State not described in paragraph (1), on January 1, 1995.

*Approved May 20, 1993.*

**42 U.S.C. 1974**

**Retention and Preservation of Records**

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

**ELECTIONS**

**Title 9**

**of the General Statutes**

## TITLE 9

### ELECTIONS

#### CHAPTER 141

#### GENERAL PROVISIONS

**Sec. 9-1. Definitions.** Except as otherwise provided, the following terms, as used in this title and sections 3-124, 7-5, 7-6, 7-7, 7-17, 7-20, 7-39, 7-157, 7-214, 7-275, 7-295, 7-343, 7-407, 8-1, 8-5, 8-19, 10-219, 11-36, 13a-11, 30-10, 30-11, 45a-18, 45a-19 and 51-95 shall have the following meanings:

(a) "Ballot label" means that portion of cardboard, paper or other material placed on the front of the voting machine, containing the names of the candidates or a statement of a proposed constitutional amendment or other question or proposition to be voted on;

(b) "Board for admission of electors" means the board as composed under subsection (a) of section 9-15a;

(c) "Clerical error" means any error in the registry list or enrolment list due to a mistake or an omission on the part of the printer or a mistake or omission made by the registrars or their assistants;

(d) "Election" means any electors' meeting at which the electors choose public officials by use of voting machines or by paper ballots as provided in sections 9-271 and 9-272;

(e) "Elector" means any person possessing the qualifications prescribed by the constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town;

(f) Repealed by P.A. 77-298, S. 14;

(g) "Municipal clerk" means the clerk of a municipality;

(h) "Municipal election" means the regularly recurring election held in a municipality at which the electors of the municipality choose public officials of such municipality;

(i) "Municipality" means any city, borough or town within the state;

(j) "Official ballot" means the official ballot label to be used at an election, or the official paper ballot to be used thereat in accordance with the provisions of sections 9-271 and 9-272;

(k) "Population" means the population according to the last-completed United States census;

(l) "Presidential electors" means persons elected to cast their ballots for president and vice president of the United States;

(m) "Print" means methods of duplication of words by mechanical process, but shall not include typewriting;

(n) "Referendum" means (1) a question or proposal which is submitted to a vote of the electors of a municipality at any regular or special state or municipal election, as defined in this section, (2) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters, which meeting is not an election, as defined in subsection (d) of this section, and is not a town meeting, or (3) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters pursuant to section 7-7 or pursuant to charter or special act;

- (o) "Regular election" means any state or municipal election;
- (p) "Registrars" means the registrars of voters of the municipality;
- (q) "Registry list" means the list of electors of any municipality certified by the registrars;
- (r) "Special election" means any election not a regular election;
- (s) "State election" means the election held in the state on the first Tuesday after the first Monday in November in the even-numbered years in accordance with the provisions of the constitution of Connecticut;
- (t) "State officers" means the governor, lieutenant governor, secretary of the state, treasurer, comptroller and attorney general;
- (u) "Voter" means a person qualified to vote at town and district meetings under the provisions of section 7-6;
- (v) "Voting district" means any municipality, or any political subdivision thereof, having not more than one polling place in a regular election;
- (w) "Voting machine" means a machine, including but not limited to, a device which operates by electronic means, for the registering and recording of votes cast at elections, primaries and referenda;
- (x) "Write-in ballot" means a vote cast for any person whose name does not appear on the official ballot as a candidate for the office for which his name is written in;
- (y) "The last session for admission of electors prior to an election" means the day which is the fourteenth day prior to an election.

(1949 Rev., S. 1030; 1953, S. 503d; November, 1955, S. N39; 1957, P.A. 13, S. 99; 442, S. 13; March, 1958, P.A. 27, S. 34; 1961, P.A. 274, S. 2; February, 1965, P.A. 393, S. 1; 1967, P.A. 831, S. 1; 1971, P.A. 871, S. 63; P.A. 73-616, S. 8; P.A. 75-567, S. 54, 80; P.A. 76-311; P.A. 77-298, S. 14; P.A. 79-189, S. 1, 9; P.A. 84-319, S. 1, 49; P.A. 88-364, S. 116, 123; P.A. 91-351, S. 22, 28.)

**Sec. 9-1a. "Municipal clerk" defined.** The term "municipal clerk" or "clerk of the municipality" as used in this title shall mean the town clerk in or for the municipality to which reference is made, unless otherwise provided by charter or special act.

(1969, P.A. 704, S. 1.)

**Sec. 9-2. Calculation of period of time.** In this title and the sections listed in section 9-1, when a period of time is prescribed for the doing of any act, Saturdays, Sundays and holidays shall be included in computing such period, except that, if the last day of such period is a Saturday, Sunday or holiday, such day shall not be counted, and the last day shall be the day following such Saturday, Sunday or holiday.

(1949 Rev., S. 1031; 1953, S. 504d; 1963, P.A. 393, S. 1; P.A. 84-319, S. 2, 49; P.A. 87-382, S. 1, 55.)

**Sec. 9-2a. Notice and warning requirements.** (a) Whenever in this title newspaper publication of any notice or warning is required to be given by a municipal clerk, it may be given by an assistant clerk.

(b) Any provision of any special act contrary to the notice or warning requirements of this title is repealed.

(1963, P.A. 393, S. 2.)

**Sec. 9-3. Secretary to be commissioner of elections.** Presumption concerning rulings and opinions. The secretary of the state, by virtue of the office, shall be the commissioner of elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary's regulations, declaratory rulings, instructions and opinions, if in written form, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapter 150, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54.

(1953, S. 505d; P.A. 84-319, S. 46, 49.)

**Sec. 9-4. Duties of secretary.** The secretary of the state, in addition to other duties imposed by law, shall, as such commissioner, (1) advise local election officials in connection with proper methods of conducting elections and referenda as defined in subsection (n) of section 9-1, and, upon request of a municipal official, matters arising under chapter 99; (2) prepare regulations and instructions for the conduct of elections, as designated by law; (3) provide local election officials with a sufficient number of copies of election laws pamphlets and materials necessary to the conduct of elections; (4) distribute all materials concerning proposed laws or amendments required by law to be submitted to the electors; (5) recommend to local election officials the form of registration cards and blanks; (6) determine, in the manner provided by law, the forms for the preparation of voting machines, for the recording of the vote and the conduct of the election and certification of election returns; (7) prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the electors of the state; (8) certify to the several boards the form of official ballots for state and municipal offices; (9) provide the form and manner of filing notification of vacancies, nomination and subsequent appointment to fill such vacancies; (10) prescribe, provide and distribute absentee voting forms for use by the municipal clerks; (11) examine and approve nominating petitions filed under section 9-453o; and (12) distribute corrupt practices forms and provide instructions for completing and filing the same.

(1953, S. 506d; 1957, P.A. 222; 1971, P.A. 806, S. 18; P.A. 77-32, S. 1, 2.)

## REGULATION OF THE SECRETARY OF THE STATE

### TRANSLATORS

The regulations of Connecticut State Agencies are amended by adding a new section 9-4-1 as follows:

**Sec. 9-4-1. Spanish Translators.** The registrars of voters in affected municipalities shall either employ or retain on a stand-by basis a Spanish speaking person or persons to assist Spanish speaking electors and citizens. For purposes of this section, affected municipalities shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the U.S. Department of Census, are Hispanic-Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. In municipalities in which the

Director of the Census has determined, pursuant to Section 4(f)(3) of the Voting Rights Act of 1965, as amended, that more than five per centum of the citizens of voting age residing in such municipality are members of a Spanish language minority, the registrars of voters shall employ a Spanish speaking person on a full time basis or retain at least two Spanish speaking persons on a stand-by basis to assist Spanish speaking electors and citizens.

(Effective January 9, 1987)

**Sec. 9-5. Copies of instructional materials for moderators.** At least one week prior to each state or municipal election, the secretary of the state shall send to the clerk of each municipality in which such election is to be held a copy of such instructional materials as the secretary deems necessary for use by the moderator in each voting district. At the time when the moderator or moderators are appointed, such clerk shall give to each such moderator such materials as he has received from the secretary.

(1953, S. 507d; P.A. 80-274.)

**Sec. 9-5a. Towns to supply registrars with office space and supplies. Records.** Each town shall provide the registrars of voters with office space, supplies and equipment, including facilities for the safe storage of the official records of such registrars. Such records shall be accessible to all registrars of voters in such town and they shall be jointly responsible for their safekeeping.

(1961, P.A. 71.)

**Sec. 9-5b. Retention of records by registrars.** When the registrars of voters are required by law to maintain, have on file or retain any document, record, list or other paper, the same shall be kept in their office or, if they do not have a permanent office, in the office space provided under section 9-5a.

(1963, P.A. 201, S. 3.)

**Sec. 9-6. Conferences of town clerks, registrars and secretary.** Each registrar of voters or, in the absence of a registrar, his deputy, and each town clerk or, in the absence of a town clerk, one of his assistant town clerks shall be compensated by the municipality which he represents, as herein provided, for attending two conferences a year for town clerks and registrars of voters which may be called by the Secretary of the State for the purpose of discussing the election laws, procedures or matters related thereto. Each such official shall be compensated by his municipality at the rate of thirty-five dollars per day for attending each such conference, plus mileage to and from such conference at a rate per mile determined by the municipality, but not less than twenty cents per mile, computed from the office of such official or, if he has no office, from his home to the place where such conference is being held. In towns divided into two voting districts which elect registrars of voters for each voting district, only two registrars of opposite political parties need be so compensated for each such conference and, if the registrars are unable to agree as to the two registrars to be so compensated, such determination shall be made at least three days prior to such conference by the chief executive officer of the municipality.

(1957, P.A. 480; 1959, P.A. 51; 1961, P.A. 198; 1969, P.A. 97, S. 1; P.A. 79-384; P.A. 83-475, S. 3, 43; P.A. 95-171, S. 1.)

**Sec. 9-6a. Conference for voting machine examiners.** The secretary of the state shall hold a conference prior to each regular election for state officers for the purpose of training and approving persons examining voting machines under section 9-240a. The registrars of voters may designate a suitable person or persons to attend such conference, and each such person shall be compensated by his municipality at the rate of thirty-five dollars per day, plus mileage to and from such conference at a rate per mile determined by the municipality, but not less than twenty cents per mile, computed from the home of such person to the place where such conference is being held.

(1969, P.A. 31; P.A. 83-475, S. 4, 43.)

**Sec. 9-6b. Assistance to blind persons in the signing of petitions.** (a) Any provision of the general statutes to the contrary notwithstanding, a circulator of any petition shall, without subjecting himself to the penalties of false statement, accept the signature of an authorized agent, in the form and manner provided for in this section, who signs a petition which is authorized pursuant to any provision of the general statutes or any special act on behalf of a blind person, provided there is compliance with the procedures prescribed in subsection (b) of this section.

(b) Any person who is blind, as defined in section 1-1f, may cause his name to be affixed to a petition which is authorized pursuant to any provision of the general statutes, or any special act, provided an authorized agent reads aloud the full text of the petition in the presence of the circulator, and the blind person consents to having his name appear thereon. In the event a blind person is unable to write, his authorized agent may write the name of such blind person followed by the word "by" and his own signature. Any provision of the general statutes to the contrary notwithstanding, no authorized agent who complies with the provisions of this subsection shall be prosecuted or subjected to criminal liability. No circulator shall act as an authorized agent.

(P.A. 79-355.)

**Sec. 9-7. Charter provisions not affected.** No provision of this title or the sections listed in section 9-1 shall be construed to repeal any charter provision in existence on May 14, 1953, relative to the election, term of office or powers or duties of any municipal officer or to the manner of warning or conducting any municipal meeting or any election, but the powers and duties of such officers shall remain as provided in such charter.

(1953, S. 508d.)

**Sec. 9-7a. (Formerly Sec. 9-368a). State Elections Enforcement Commission. Reports. Political activity of members. Written complaints.** (a) There is established a State Elections Enforcement Commission to consist of five members, not more than two of whom shall be members of the same political party and at least one of whom shall not be affiliated with any political party. Of the members first appointed hereunder, one shall be appointed by the minority leader of the House of Representatives and shall hold office for a term of one year from July 1, 1974; one shall be appointed by the minority leader of the Senate and shall hold office for a term of three years from said July first; one shall be appointed by the speaker of the House of Representatives and shall hold office for a term of one year from said July first; one shall be appointed by the president pro tempore of the Senate and shall hold office for a term of three years from said July first, and one shall be appointed by the Governor, provided that such member shall not be affiliated with any political party, and shall hold office for a term of five



years from said July first. Thereafter, members shall be appointed for terms of five years from July first in the year of their appointment and shall be appointed by the person holding the same office as was held by the person making the original appointment, provided any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All appointments shall be made with the consent of the state Senate and House of Representatives, provided the initial appointees may serve without confirmation from July 1, 1974, subject to approval at the next regular session of the General Assembly. No person who has served within the previous three years as a public official, other than a member of the State Elections Enforcement Commission, or who has served within the previous three years as a political party officer, shall be appointed to membership on the commission. For purposes of this subsection the term "public official" means an individual who holds or has held a state, district or municipal office as defined in section 9-372 but shall not include a justice of the peace or a notary public and the term "political party officer" means an officer or member of a national committee of a political party, state central or town committee, or any person employed by any such committee for compensation. The commission shall elect one of its members to serve as chairperson and another member to serve as vice-chairperson. Each member of the commission shall be compensated at the rate of fifty dollars per day for any day on which he participates in a regular commission meeting or hearing, and shall be paid by the state for his reasonable expenses, including necessary stenographic and clerical help.

(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three members of said commission shall constitute a quorum.

(c) The commission shall at the close of each fiscal year report to the General Assembly and the Governor concerning the action it has taken including, but not limited to a list of all complaints investigated by the commission and the disposition of each such complaint, by voting districts, where the alleged violation occurred; the names, salaries and duties of the individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(d) The commission shall, subject to the provisions of chapter 67, employ such employees as may be necessary to carry out the provisions of this section, section 9-7b and section 9-333y and may apply to the Commissioner of Public Safety or to the Chief State's Attorney for necessary investigatory personnel, which the same are hereby authorized to provide.

(e) Notwithstanding the provisions of sections 5-266a and 5-266b, no member or employee of the commission shall (1) be a candidate in any primary or election, (2) hold any elected public office, provided a member or employee of the commission who holds an elected public office as of October 1, 1994, may continue to hold such office prior to April 1, 1995, (3) be a political party officer, as defined in subsection (a) of this section, or (4) hold any office of any committee, as defined in section 9-333a. The members and employees of the commission shall otherwise be subject to the provisions of sections 5-266a and 5-266b.

(f) The commission shall not be construed to be a board or commission within the meaning of section 4-9a.

(g) In the case of a written complaint filed with the commission pursuant to section 9-7b on or after January 1, 1988, if the commission does not, by the sixtieth day following receipt of the complaint, either issue a decision or render its determination that probable cause or no probable cause exists for one or more violations of state election laws, the complainant or respondent may

apply to the superior court for the judicial district of Hartford-New Britain\* for an order to show cause why the commission has not acted upon the complaint and to provide evidence that the commission has unreasonably delayed action. Such proceeding shall be privileged with respect to assignment for trial. The commission shall appear and give appropriate explanation in the matter. The court may, in its discretion, order the commission to: (1) Continue to proceed pursuant to section 9-7b, (2) act by a date certain or (3) refer the complaint to the Chief State's Attorney. Nothing in this subsection shall require the commission, in any proceeding brought pursuant to this subsection, to disclose records or documents which are not required to be disclosed pursuant to subsection (b) of section 1-19. Nothing in this subsection shall preclude the commission from continuing its investigation or taking any action permitted by section 9-7b, unless otherwise ordered by the court. The commission or any other party may, within seven days after a decision by the court under this subsection, file an appeal of the decision with the Appellate Court.

(P.A. 74-213, S. 1, 9; P.A. 75-250, S. 1, 2; P.A. 77-566, S. 1, 3; 77-604, S. 6, 84; 77-614, S. 70, 486, 587, 610; P.A. 79-363, S. 1, 2, 38; 79-560, S. 35, 39; P.A. 80-281, S. 30, 31; P.A. 81-209, S. 1, 2; P.A. 82-76; P.A. 84-511, S. 2, 15; P.A. 86-99, S. 31, 34; P.A. 87-469, S. 1, 2; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 94-102; P.A. 95-220, S. 4--6.)

\*Note: On and after September 1, 1998, the phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain".

**Sec. 9-7b. (Formerly Sec. 9-368b). State Elections Enforcement Commission's duties and powers.** The State Elections Enforcement Commission shall have the following duties and powers:

(1) To make investigations on its own initiative or with respect to statements filed with the commission by the Secretary of the State or any town clerk, or upon written complaint under oath by any individual, with respect to alleged violations of any provision of the general statutes pertaining to or relating to any election, primary or referendum, and to hold hearings when the commission deems necessary to investigate violations of any provisions of the general statutes pertaining to or relating to any such election, primary or referendum, and for the purpose of such hearings the commission may administer oaths, examine witnesses and receive oral and documentary evidence, and shall have the power to subpoena witnesses under procedural rules the commission shall adopt, to compel their attendance and to require the production for examination of any books and papers which the commission deems relevant to any matter under investigation or in question. In connection with its investigation of any alleged violation of any provision of chapter 145, or of any provision of section 9-359 or section 9-359a, the commission shall also have the power to subpoena any municipal clerk and to require the production for examination of any absentee ballot, inner and outer envelope from which any such ballot has been removed, depository envelope containing any such ballot or inner or outer envelope as provided in sections 9-150a and 9-150b and any other record, form or document as provided in section 9-150b, in connection with the election, primary or referendum to which the investigation relates. In case of a refusal to comply with any subpoena issued pursuant to this subsection or to testify with respect to any matter upon which that person may be lawfully interrogated, the superior court for the judicial district of Hartford-New Britain\*, on application of the commission, may issue an order requiring such person to comply with such subpoena and to testify; failure to obey any such order of the court may be punished by the court as a contempt thereof. In any matter under investigation which concerns the operation or inspection of or

outcome recorded on any voting machine, the commission may issue an order to the municipal clerk to impound such machine until the investigation is completed;

(2) To levy a civil penalty not to exceed two thousand dollars per offense against any person the commission finds to be in violation of any provision of chapter 145 or 150, part V of chapter 146, part I of chapter 147, chapter 148, this section, section 9-12, subsection (a) of section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive. In the case of failure to pay any such penalty levied pursuant to this subsection within thirty days of written notice sent by certified or registered mail to such person, the superior court for the judicial district of Hartford-New Britain\*, on application of the commission, may issue an order requiring such person to pay the penalty imposed and such court costs, sheriff's fees and attorney's fees incurred by the commission as the court may determine;

(3) To issue an order requiring any person the commission finds to have received any contribution or payment which is prohibited by any of the provisions of chapter 150, after an opportunity to be heard at a hearing conducted in accordance with the provisions of sections 4-176e to 4-184, inclusive, to return such contribution or payment to the donor or payor, or to remit such contribution or payment to the state for deposit in the General Fund, whichever is deemed necessary to effectuate the purposes of chapter 150. In the case of a refusal to comply with such order of the commission, the superior court for the judicial district of Hartford-New Britain\*, on application of the commission, may issue a further order to comply. Failure to obey such further order may be punished by the court as a contempt thereof;

(4) To inspect or audit at any reasonable time and upon reasonable notice the accounts or records of any campaign treasurer or principal campaign treasurer, as required by chapter 150 and to audit any such election, primary or referendum held within the state; provided, it shall not audit any caucus, as defined in subdivision (1) of section 9-372;

(5) To attempt to secure voluntary compliance, by informal methods of conference, conciliation and persuasion, with any provision of chapters 149 to 153, inclusive, or any other provision of the general statutes pertaining to or relating to any such election, primary or referendum;

(6) To consult with the Secretary of the State, the Chief State's Attorney or the Attorney General on any matter which the commission deems appropriate;

(7) To refer to the Chief State's Attorney evidence bearing upon violation of any provision of chapters 149 to 153, inclusive, or any other provision of the general statutes pertaining to or relating to any such election, primary or referendum;

(8) To refer to the Attorney General evidence for injunctive relief and any other ancillary equitable relief in the circumstances of subdivision (7) of this section. Nothing in this subdivision shall preclude a person who claims that he is aggrieved by a violation of any provision of chapter 152 or any other provision of the general statutes relating to referenda from pursuing injunctive and any other ancillary equitable relief directly from the Superior Court by the filing of a complaint;

(9) To refer to the Attorney General evidence pertaining to any ruling which the commission finds to be in error made by election officials in connection with any election, or primary held for the purpose of selecting a nominee for public office or any referendum. Those remedies and

procedures available to parties claiming to be aggrieved under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall apply to any complaint brought by the Attorney General as a result of the provisions of this subdivision;

(10) To consult with the United States Department of Justice and the United States Attorney for Connecticut on any investigation pertaining to a violation of this section, section 9-12, subsection (a) of section 9-17 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and attorney evidence bearing upon any such violation for prosecution under the provisions of the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time;

(11) To inspect reports filed with the Secretary of the State and with town clerks pursuant to chapter 150 and refer to the Chief State's Attorney evidence bearing upon any violation of law therein if such violation was committed knowingly and wilfully;

(12) To intervene in any action brought pursuant to the provisions of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court in which such action is brought when in the opinion of the court it is necessary to preserve evidence of possible criminal violation of the election laws;

(13) To adopt and publish regulations pursuant to chapter 54 to carry out the provisions of section 9-7a, this section and chapter 150; to issue upon request and publish advisory opinions in the Connecticut Law Journal upon the requirements of chapter 150, and to make recommendations to the General Assembly concerning suggested revisions of the election laws;

(14) To the extent that the Elections Enforcement Commission is involved in the investigation of alleged or suspected criminal violations of any provision of the general statutes pertaining to or relating to any such election, primary or referendum and is engaged in such investigation for the purpose of presenting evidence to the Chief State's Attorney, the Elections Enforcement Commission shall be deemed a law enforcement agency for purposes of subdivision (3) of subsection (b) of section 1-19, provided nothing in this section shall be construed to exempt the Elections Enforcement Commission in any other respect from the requirements of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, 1-21, 1-21a and 1-21c to 1-21k, inclusive;

(15) To enter into such contractual agreements as may be necessary for the discharge of its duties, within the limits of its appropriated funds and in accordance with established procedures; and

(16) To provide the Secretary of the State with notice and copies of all decisions rendered by the commission in contested cases, advisory opinions and declaratory judgments, at the time such decisions, judgments and opinions are made or issued.

(P.A. 74-213, S. 2, 9; P.A. 75-202; 75-571, S. 32, 34; P.A. 76-249; P.A. 78-61, S. 14; 78-88, S. 1, 2; 78-106; 78-280, S. 6, 127; P.A. 79-363, S. 32, 38; 79-631, S. 6, 111; P.A. 80-212, S. 1, 4; P.A. 81-359, S. 1, 2; 81-447, S. 18, 23; P.A. 82-472, S. 23, 183; P.A. 83-583, S. 1, 6; P.A. 84-319, S. 4, 49; 84-437, S. 1, 4; 84-511, S. 3, 15; P.A. 85-489, S. 1; P.A. 86-1, S. 1, 5; 86-412, S. 1, 2; P.A. 87-532, S. 1, 10; P.A. 88-113; 88-230, S. 1, 12; 88-317, S. 52, 107; 88-347, S. 3, 4; P.A. 90-98, S. 1, 2; P.A. 93-30, S. 8, 14; 93-142, S. 4, 7, 8; 93-192, S. 1, 3; 93-386, S. 3, 5; P.A. 94-121, S. 31, 33; P.A. 95-122, S. 1; 95-220, S. 4--6.)

\*Note: On and after September 1, 1998, the phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain".

**Sec. 9-8. Penalty for false statement.** Any person who makes a false statement in any statement required to be signed under the penalties of false statement-under this title and, except as otherwise provided by law, any person who signs the name of another to any such statement

shall be guilty of false statement, which shall be deemed to have been committed in the town where such statement is filed and shall be subject to the penalties provided for false statement.

(1949, Rev., S. 1149; 1953, 1955, S. 639d; 1955, S. 621d; 1957, P.A. 442, S. 12; 517, S. 10; 1971, P.A. 871, S. 64.)

**Sec. 9-8a. 1972 election of general assembly.** Section 9-8a is repealed.

(1972, P.A. 220, S. 1, 2; P.A. 78-153, S. 31, 32.)

## CHAPTER 142

### CONGRESSIONAL, SENATORIAL AND ASSEMBLY DISTRICTS

**Sec. 9-9. Representatives in Congress. Districts.** For the purpose of representation in the Congress of the United States, there shall be elected in the manner provided by law one representative from each of the six congressional districts into which the state shall be divided, as follows:

(Districts omitted. See footnote\*.)

(1949 Rev., S. 989; 1953, S. 509d; April, 1964, P.A. 2, S. 1.)

\*The 1991 Reapportionment Commission appointed pursuant to the provisions of Article XXVI., of the Amendments to the Constitution of Connecticut to prepare a plan of districting for the state transmitted its plan of districting for congressional districts, senatorial districts and assembly districts to the secretary of the state on November 29, 1991. The plan entitled "Reapportionment Commission 1991 Plan of Districting for the State of Connecticut" is on file in the office of the secretary of the state and was published by the secretary on December 16, 1991, and distributed to the state library and to town clerks and courts throughout the state.

**Sec. 9-10. Senatorial districts.** Section 9-10 is repealed.

(1949 Rev., S. 990; November, 1964, P.A. 2, S. 4.)

**Sec. 9-10a. State senators. Senatorial districts.** The senate shall consist of thirty-six senators, and the state shall be divided into thirty-six districts, in each of which one senator shall be elected as follows:

(Districts omitted. See footnote\*.)

(November, 1964, P.A. 2, S. 3.)

\*The 1991 Reapportionment Commission appointed pursuant to the provisions of Article XXVI., of the Amendments to the Constitution of Connecticut to prepare a plan of districting for the state transmitted its plan of districting for congressional districts, senatorial districts and assembly districts to the secretary of the state on November 29, 1991. The plan entitled "Reapportionment Commission 1991 Plan of Districting for the State of Connecticut" is on file in the office of the secretary of the state and was published by the secretary on December 16, 1991, and distributed to the state library and to town clerks and courts throughout the state.

**Secs. 9-10b to 9-10d. State representatives. Assembly districts. Boundaries of local voting districts.** Obsolete. See footnote to Sec. 9-10a.

(November, 1964, P.A. 2, S. 1, 2, 6; December, 1965, P.A. 2, S. 1.)

**Sec. 9-11. Notice of election of congressmen and senators.** Section 9-11 is repealed.

(1949 Rev., S. 172; 1953, S. 511d; P.A. 85-577, S. 23.)

## CHAPTER 143

### ELECTORS: QUALIFICATIONS AND ADMISSION

**Sec. 9-12. Who may be admitted.** (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which he applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of his eighteenth birthday. No mentally incompetent person shall be admitted as an elector.

(b) Any citizen who has attained the age of seventeen years may apply for admission as an elector. If such citizen is found to be qualified he shall become an elector on the day of his eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrolment list, together with the effective date of his registration.

(1949 Rev., S. 991; 1953, S. 513d; 1963, P.A. 645, S. 1; February, 1965, P.A. 407, S. 1; 1972, P.A. 127, S. 10; P.A. 73-630, S. 1, 19; P.A. 75-210; 75-565, S. 2, 5; P.A. 77-244, S. 1, 4; P.A. 81-350, S. 4, 17; P.A. 87-382, S. 2, 55; P.A. 94-121, S. 9, 33; P.A. 95-171, S. 2.)

**Sec. 9-12a. Residence of servicemen.** Section 9-12a is repealed.

(1969, P.A. 492, S. 1; P.A. 81-350, S. 16, 17.)

**Sec. 9-12b. Admission of electors not prohibited on Sundays.** The provisions of section 53-302a shall not apply to activities conducted for the purpose of admitting electors.

(P.A. 76-128, S. 1, 11; P.A. 79-363, S. 3, 38.)

**Sec. 9-13. Blind persons.** No applicant, otherwise qualified to be an elector in this state, shall be ineligible by reason of blindness or defective sight.

(1949 Rev., S. 992; 1953, S. 514d; P.A. 76-128, S. 3, 11.)

**Sec. 9-14. Electors residing in state institutions.** No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state. No person who resides in any institution maintained by the state shall be admitted as an elector in the town in which such institution is located, unless he proves to the satisfaction of the admitting official that he is a bona fide resident of such institution.

(1949 Rev., S. 1000; 1953, S. 515d; P.A. 82-247, S. 1.)

**Sec. 9-14a. Electors in custody of state.** Any person in the custody of the state being held at a community correctional center or a correctional institution, whose voting rights have not been denied, shall be deemed to be absent from the town or city of which he is an inhabitant for

purposes of voting, notwithstanding that such center or institution may be situated within such town or city.

(P.A. 75-595, S. 4, 5.)

**Sec. 9-15. Residence of pauper.** If any person is supported in any town as a pauper by the payment to such town of any weekly or other regular sum of money from any other town, his residence for purposes of registration or admission as an elector shall be in the town to which he is chargeable.

(1949 Rev., S. 1020; 1953, S. 516d.)

**Sec. 9-15a. Membership and quorum of board for admission of electors.** (a) The board for admission of electors in each town shall consist of the town clerk and the selectmen, provided the legislative body of any town may, at any time, except during the period of eight weeks prior to a regular election, vote to change the membership of such board to consist of (1) the town clerk, the selectmen and the registrars of voters or (2) the town clerk and the registrars of voters. For the purposes of this section, the term "registrars of voters", in a town where there are different registrars of voters for different voting districts, means the registrars of voters in the voting district in which, at the last-preceding election, the presiding officer for the purpose of declaring the result of the vote of the whole town was the moderator.

(b) Any member of the board for the admission of electors in any town who finds that he is unable to attend a meeting of the board shall designate another elected officer of such town to act for him by filing a statement of such designation in writing in the office of the town clerk at any time prior to the opening of the meeting, provided, if an assistant town clerk is available, he shall serve in the absence or inability of the town clerk and, if the deputy registrar of voters is available, he shall serve in the absence or inability of his registrar.

(c) A quorum of the board for the admission of electors shall consist of a bare majority of the members of such board. An assistant town clerk or a deputy registrar or any other town officer designated by, and acting for, a member of such board pursuant to the provisions of subsection (b) shall be included as a member of such board for purposes of ascertaining the existence of a quorum.

(d) This section shall supersede any inconsistent provision of any charter or special act.

(February, 1965, P.A. 471; 1969, P.A. 496; P.A. 79-363, S. 4, 38; P.A. 83-391, S. 1, 24.)

**Sec. 9-16. Notice of sessions of registrars of voters.** The registrars of voters in each town shall give notice of the time and place of each session for the admission of electors held pursuant to section 9-17 by publication in a newspaper published or circulated in such town not more than fifteen nor less than five days before each such session. Nothing herein shall require that such publication be in the form of a legal advertisement.

(1953, S. 517d; 1957, P.A. 441, S. 3; 1959, P.A. 684, S. 2; 1961, P.A. 266, S. 1; 1963, P.A. 393, S. 3; February, 1965, P.A. 275, S. 2; 443, S. 1; 1967, P.A. 352, S. 3; P.A. 83-391, S. 2, 24; P.A. 93-230, S. 5.)

**Sec. 9-17. Sessions of registrars of voters.** (a) For the purposes of this section, "primary day" means the day scheduled for a primary for state, district and municipal offices in accordance with section 9-423, regardless of whether the municipality will hold a primary and "election day" means the day of each regular election. (1) The registrars of voters of each town shall hold

sessions to examine the qualifications of electors and admit those found qualified on the dates and at the times set forth in this section. Such sessions shall be held on the following days during the hours indicated, except as provided in subdivision (2) of this subsection:

Day	Hours
Fourteenth day before primary day .....	any two hours between 5:00 p.m. and 9:00 p.m.
Saturday of third week before election day .....	9:00 a.m. to 3:00 p.m.
Fourteenth day before election day .....	9:00 a.m. to 8:00 p.m.

The session of the registrars of voters on the fourteenth day before election day shall be the last regular session for the admission of electors prior to an election, as defined in subsection (y) of section 9-1. (2) No town having a population of less than twenty-five thousand persons shall be required to hold sessions for admission of electors on the fourteenth day before primary day.

(b) Notwithstanding the provisions of subsection (a), the registrars of voters shall hold a limited session on the last week day before each regular election from nine o'clock a.m. to twelve o'clock noon for the purpose of admitting only those persons whose qualifications as to age, citizenship or residence in the municipality were attained after the last session for the admission of electors prior to an election. The registrars shall enter the names of those electors admitted at such limited session on the proper list, with their residences by street and numbers, if any, before one o'clock p.m. of such last week day before the election.

(c) In addition to the sessions held pursuant to subsections (a) and (b) of this section, the registrars of voters in each town shall hold one session each year, between the first of January and the last day of the school year, at each public high school in such town, for the admission of persons who are eligible for admission under subsection (a) or (b) of section 9-12, provided, in the case of a public high school in a regional school district, such session shall be held on a rotating basis by the registrars of voters for each town which is a member of the regional school district. The registrars of voters need not give notice of this session by publication in a newspaper.

(1949 Rev., S. 1015; 1953, 1955, S. 518d; 1957, P.A. 441, S. 4; 1963, P.A. 530, S. 1; 1969, P.A. 694, S. 1; 1971, P.A. 708; 768, S. 2; 1972, P.A. 144; P.A. 73-630, S. 2, 19; P.A. 75-12, S. 1, 2; P.A. 77-330, S. 1; 77-604, S. 83, 84; P.A. 79-189, S. 2, 9; P.A. 83-391, S. 3, 24; P.A. 84-319, S. 5, 49; 84-546, S. 18, 173; P.A. 87-210; P.A. 89-297, S. 1; P.A. 91-351, S. 21, 23, 28; P.A. 93-230, S. 1; P.A. 94-121, S. 10, 33; 94-203, S. 1, 12; P.A. 95-171, S. 3; P. A. 96-134, S.1.)

**Sec. 9-17a. "Admitting official" defined.** As used in sections 9-17, 9-19b, 9-19c(a), 9-20, 9-23a, 9-24, 9-31a, 9-31b and 9-311, unless otherwise provided, the term "admitting official" means a town clerk, assistant town clerk, registrar of voters, deputy registrar of voters, assistant registrar of voters, special assistant registrar of voters or the board for admission of electors.

(1971, P.A. 768, S. 1; P.A. 79-363, S. 5, 38; P.A. 80-281, S. 2, 31; P.A. 81-350, S. 12, 17.)

**Secs. 9-18, 9-18a and 9-19. Sessions of board during even-numbered years. Required monthly sessions. Additional sessions.** Sections 9-18, 9-18a and 9-19 are repealed.

(1949 Rev., S. 1014, 1016; 1953, S. 519d, 520d; March, 1958, P.A. 27, S. 5; 1963, P.A. 530, S. 24; 1971, P.A. 768, S. 3; P.A. 76-128, S. 10, 11; P.A. 83-391, S. 23, 24.)



**Sec. 9-19a. Inconsistent provisions superseded.** The provisions of this chapter shall supersede any inconsistent provision of any charter or special act.

(1963, P.A. 530, S. 5; P.A. 79-363, S. 6, 38; P.A. 83-391, S. 4, 24; P.A. 84-319, S. 6, 49.)

**Sec. 9-19b. Applications for admission submitted to town clerk or registrar of voters. Locations for admission of electors.** (a) Except during the period between the last session for the admission of electors prior to an election and the day following that election, the town clerk or assistant town clerk, during office hours and at the office of such official, may examine the qualifications of any person applying in person to be admitted as an elector and approve such application.

(b) Except during the period between the last session for the admission of electors prior to an election and the day following that election, either registrar of voters, or a deputy registrar, assistant registrar or special assistant registrar appointed in accordance with the provisions of section 9-192, may examine the qualifications of any person applying to be admitted as an elector in the town and, except for applications submitted pursuant to subdivision (4) of this subsection, approve such application submitted in person (1) at the office of such official; (2) at any enrolment session of the registrars of voters; (3) at any public place; (4) at any time and at any place in the town, other than a public place; or (5) at any public office of the department of motor vehicles, department of labor or department of social services which is located in the town in which the registrar, deputy registrar, assistant registrar or special assistant registrar serves, if written notice of the date and time is given seven days in advance thereof to the commissioner of such department. Upon receipt of a written notice under subdivision (5) of this subsection, the commissioner of the department may designate a portion of the public office which shall be used for the admission of electors. The other registrar, or any deputy, assistant or special assistant registrar, shall be permitted to be present during the admission of any person pursuant to subdivisions (4) and (5) of this subsection. Applications accepted and examined prior to the last session for admission of electors prior to an election pursuant to subdivision (4) of this subsection may be approved after such last session. The admission of any person pursuant to subdivision (4) shall be effective on the date when both registrars approve such application. The registrar who receives such application from the applicant shall give written notice to the other registrar within one business day after such receipt and the registrars shall forthwith act on such applications. No rejection of any application under subdivision (4) of this subsection shall be effective until the registrar has mailed to the other registrar and the applicant a notice stating the reasons for the rejection. Any applicant whose application is rejected may appeal under the provisions of section 9-311.

(c) Such registrar, deputy, assistant or special assistant registrar accepting applications in accordance with subdivision (4) of subsection (b) of this section shall provide the applicant with a receipt. Upon approval or disapproval of the application, the registrars shall send a notice thereof by first-class mail with instructions on the envelope that it be returned if not deliverable at the address shown thereon. If such notice of approval is returned undeliverable, the registrars shall take the necessary action in accordance with section 9-35 or 9-43.

(d) During the period between the last session for the admission of electors prior to an election and the opening of the limited session for the admission of electors held on the last weekday before such election under section 9-17, the town clerk or assistant town clerk during

office hours and at the office of such official and either registrar of voters or a deputy or assistant registrar at the office of such official may examine the qualifications of any person applying in person to be admitted in such town and approve the application of such person whose qualifications as to age, citizenship or residence in the municipality were attained after such last session and on or before the last weekday prior to such election.

(1967, P.A. 559, S. 1; 1969, P.A. 491; 677; 1971, P.A. 768, S. 4; P.A. 73-130; 73-430; 73-630, S. 3, 19; P.A. 75-28, S. 1, 2; P.A. 77-330, S. 2; 77-604, S. 83, 84; P.A. 79-143, S. 1; 79-189, S. 3, 9; P.A. 80-281, S. 3, 31; P.A. 81-350, S. 5, 17; P.A. 82-472, S. 24, 183; P.A. 88-347, S. 2, 4; P.A. 89-297, S. 2, 18; P.A. 93-262, S. 1, 87; P.A. 94-121, S. 11, 33.)

**Sec. 9-19c. Application for admission at place of employment, residence or study.** (a) Upon the presentation to the town clerk or either registrar of voters of any town of the signed application of twenty-five or more persons who are employed by the same employer at the same place of employment in such town, or twenty-five or more persons who attend the same school, college or university which is located in such town, or who reside at the same hospital, home for the aged, rest home, nursing home or convalescent home located in such town and who believe that they possess the qualifications for admission as electors, which application may be made at any time except during the period between seven days before the last session for the admission of electors prior to an election and the day following such election, and shall be in form substantially as provided in section 9-19d; an admitting official, within the time hereinafter specified, shall go to such place of employment, school, college, or university or hospital, home for the aged, rest home, nursing home or convalescent home for the purpose of taking and acting upon applications for admission as electors of any persons who reside in any Connecticut town and who are authorized to be on the premises. No application need be accepted by such town clerk or registrars from persons working at any such place of employment, attending any such school, college or university or residing at any such hospital, home for the aged, rest home, nursing home or convalescent home if a session for the admission of electors has been held on such premises within one hundred twenty days prior to the making of such petition. Such official to whom such application is presented shall, within seven days after the receipt of such application, inform each registrar of voters and the employer, or chief administrative officer of the school, college or university or hospital, home for the aged, rest home, nursing home or convalescent home of the date and time at which he will go to such place for such purpose, which date shall be not less than seven days nor more than ten days after the sending of the notice by such official to such employer or chief administrative officer, except that no session shall be held after the last session for admission of electors prior to an election. The official with whom the application is filed may request any other admitting official to go in his stead.

(b) Such employer, or chief administrative officer, upon receipt of such notice, shall provide a suitable place for the taking of applications for admission as electors and shall forthwith cause a prominent notice to be posted on the bulletin board or other place where general notices to employees, students or residents are customarily posted, which notice shall specify the date, place and hour at which such official will receive such applications, and such notice shall remain posted through the day of such taking of applications. Procedures under this section shall conform as nearly as may be to the procedures for applications for admission submitted pursuant to sections 9-19b, 9-19e, 9-20 and 9-23a. No employer shall penalize or refuse to pay an employee who proceeds under this section and section 9-19d, and any employee proceeding



notification by certified mail. No person shall be admitted as an elector under this section unless his application has been approved by the town clerk or registrars of voters of his town of residence. Nothing in this section shall be construed to permit an admitting official to approve applications for admission as an elector in places located outside the boundaries of the municipality or district of which he is an official. Appeals may be taken from the action of such town clerk or registrars of voters under this section in accordance with section 9-311. Any person making application for registration under this section shall be entitled to the privileges of an elector and party enrolment, if applicable, from the time such application for admission as an elector is approved by the town clerk or registrars of voters of his voting residence, provided if such application is made after twelve o'clock noon on the last business day before a primary, such applicant shall be entitled to the privileges of party enrolment immediately after the primary and provided if such application is made on the day of a caucus or convention, such applicant shall be entitled to the privileges of party enrolment immediately after the caucus or convention.

(P.A. 75-565, S. 1, 5; P.A. 77-216, S. 1; 77-298, S. 12; 77-330, S. 4; 77-604, S. 83, 84; P.A. 78-87, S. 1, 2; P.A. 80-281, S. 4, 31; P.A. 81-350, S. 13, 17; P.A. 83-213, S. 2; P.A. 84-118, S. 1, 5; P.A. 94-121, S. 12, 33.)

**Sec. 9-19f. Out-of-town assistance permitted at admission sessions.** The registrar of voters or the deputy or any assistant registrar of voters of any town may, upon the request of the registrar of voters of any other town, assist such registrar or deputy or assistant registrar at any session for the admission of electors held pursuant to section 9-19b or subsection (a) of section 9-19c in the town in which the requesting registrar resides.

(P.A. 76-128, S. 2, 11.)

**Sec. 9-19g. Application for admission after established cutoff date.** Notwithstanding the provisions of section 9-19b, during the period between the last session for the admission of electors prior to an election and the opening of the limited session for such admission held on the last weekday before the election, the town clerk or assistant town clerk during office hours and at the office of such official, and either registrar of voters or a deputy or assistant registrar at the office of such official, may examine the qualifications of any person applying in person to be admitted as an elector in such town and act on such application, except the privileges of an elector shall not attach to any such applicant until written approval is sent to him by such official no earlier than two days following the election. If the application is disapproved, such official shall send notification thereof by certified mail no earlier than two days following the election. At the time of application, the official examining the applicant shall retain a copy of the application and shall hand a receipt thereof to the applicant.

(P.A. 79-357, S. 1; P.A. 94-121, S. 13, 33.)

**Sec. 9-19h. Availability of admissions information and materials at certain state agencies and libraries. Application for admission through motor vehicles department.** (a) The department of social services, the labor department and the department of motor vehicles shall make voter registration information and materials available to the public. Such information and materials shall be placed in public areas of the offices of such departments. The state library and the libraries of the state's public institutions of higher education shall also make such information and materials available to users of the libraries. The secretary of the state shall provide such departments, such libraries and any libraries open to the public with suitable

nonpartisan literature, materials and voter registration application forms authorized under sections 9-23g and 9-23h. The secretary shall also provide to the department of social services, the labor department and the department of motor vehicles any furniture needed to display such literature, materials and forms.

(b) In addition to the requirements of subsection (a) of this section, the commissioner of motor vehicles, not later than January 1, 1994, shall include an application for the admission of an elector with each application form provided for a motor vehicle operator's license and a motor vehicle operator's license renewal, which are issued under subpart (B) of part III of chapter 246, and with each application form provided for an identity card issued under section 1-1h. Such application form for the admission of an elector (1) shall be subject to the approval of the secretary of the state, (2) shall not include any provisions for the witnessing of the application and (3) shall contain a statement that (A) specifies each eligibility requirement, (B) contains an attestation that the applicant meets each such requirement and (C) requires the signature of the applicant under penalty of perjury. On and after January 1, 1994, the commissioner of motor vehicles shall accept in person any such completed application for admission. The applicant shall state on such form, under penalty of perjury, his name, bona fide residence address, date of birth, whether he is a United States citizen, party enrolment, if any, prior voting address, if registered previously, and that his privileges as an elector are not forfeited by reason of conviction of a felony. The form shall also include a request for the applicant to voluntarily furnish his Social Security number. The commissioner shall comply with the federal Privacy Act, P.L. 93-579, as from time to time amended, with regard to such request, and no public agency, as defined in section 1-18a, may disclose any such Social Security number to the public. No application shall be rejected for failure to provide such number. The commissioner shall indicate on each such form the date of receipt of such application to ensure that any eligible applicant is registered to vote in an election if it is received by the commissioner of motor vehicles by the last day for registration to vote in an election. The commissioner shall forthwith transmit the application to the registrars of voters of the applicant's town of residence. If a registration application is accepted within five days before the last day for registration to vote in a regular election, the application shall be transmitted to the registrars of voters of the town of voting residence of the applicant not later than five days after the date of acceptance. The procedures in subsections (c), (d), (f) and (g) of section 9-23g which are not inconsistent with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, shall apply to applications made under this section. The commissioner is not an admitting official and may not restore, under the provisions of section 9-46a, electoral privileges of persons convicted of a felony. Not later than January 15, 1993, the commissioner and secretary shall submit a report to the general assembly concerning the status of the implementation of the provisions of this subsection, including an estimate of the cost of such implementation.

(P.A. 88-347, S. 1, 4; P.A. 92-238; P.A. 93-262, S. 32, 87; 93-384, S. 27; P.A. 94-121, S. 14, 33.)

**Sec. 9-19i. Change of address form submitted for purposes of motor vehicle operator's license to serve as notification of change of address for voter registration purposes; exception; procedure.** Any change of address form submitted by a person in accordance with law for purposes of a motor vehicle operator's license shall serve as notification of change of address for voter registration for the person unless the person states on the form that the change of address is not for voter registration purposes. The commissioner of motor vehicles shall

forthwith transmit such change of address information to the registrars of voters of the town of the former address of the person. If the name of the person appears on the registry list of the town, and if the new address is also within such town, the registrars shall enter the name of such elector on the registry list at the place where he then resides. If the name of the person appears on the registry list of the town and if the new address is outside such town, the registrars shall remove the name of such elector from the registry list and send the elector the notice, information and application required by section 9-35.

(P.A. 94-121, S. 5, 33.)

**Sec. 9-20. Admission of electors; procedure.** (a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the secretary of the state and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the secretary of the state, provide for application for enrolment in any political party. The form shall indicate that such enrolment is not mandatory. The form shall also include a request for the applicant to voluntarily furnish his Social Security number. The admitting official shall comply with the federal Privacy Act, P.L. 93-579, as from time to time amended, with regard to such request and, notwithstanding the provisions of subsection (b) of this section, no public agency, as defined in section 1-18a, may disclose any such Social Security number to the public. No application shall be rejected for failure to provide such number.

(b) The applicant's statement shall be delivered to the registrars immediately and shall be kept by the registrars as a public record in a safe depository, except that any such statement of an elector whose name has been removed from the registry list for a period of at least five years may be placed on microfilm, destroyed or otherwise disposed of by such registrars, in the manner provided in section 7-109. Upon the request of any elector, or if the applicant does not present a birth certificate, drivers' license or Social Security card as required by subsection (a) of this section, at the time an application is made in person to an admitting official or prior to the approval of such an application, any admitting official shall require the applicant to prove his identity, place of birth, age and bona fide residence by the testimony under oath of at least one elector or by the presentation of proof satisfactory to such admitting official. Each person found qualified shall thereupon be admitted as an elector, except as provided in sections 9-12, 9-19e, 9-19g and 9-30. Any admitting official may administer oaths in any matter coming before him under section 9-12, 9-17, 9-19b, subsection (a) of section 9-19c, section 9-19e, 9-19g, 9-23, 9-23a, 9-25, 9-31a, 9-31b, 9-311, 9-40a or this section. Said admitting official shall prohibit any activity which interferes with the orderly process of admission of electors.

(c) The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the applicant meets each such requirement and (3) requires the signature of the applicant under penalty of perjury. Each registrar of voters and town clerk shall maintain a copy of such statement in braille, large print and audio form. The Commission on the Deaf and Hearing Impaired shall produce a videotape

presenting such statement in voice and sign language and provide the videotape to the secretary of the state who shall make copies of the videotape and provide a copy to the registrars of voters of any municipality, upon request and at a cost equal to the cost of making the copy. If a person applies for admission as an elector in person to an admitting official, such admitting official shall, upon the request of the applicant, administer the elector's oath.

(1949 Rev., S. 1017; 1949, S. 251b; 1953, S. 523d; 1957, P.A. 441, S. 1; 1959, P.A. 684, S. 1; 1961, P.A. 74; 266, S. 2; 1963, P.A. 645, S. 2; February, 1965, P.A. 407, S. 2; 1967, P.A. 100; 390, S. 1; 559, S. 2; 831, S. 2; 1969, P.A. 694, S. 2; 1971, P.A. 768, S. 6; P.A. 73-99; 73-630, S. 5, 19; P.A. 75-47, S. 1, 5; 75-174, S. 1, 3; 75-565, S. 4, 5; P.A. 77-216, S. 2; 77-244, S. 2, 4; P.A. 78-153, S. 5, 32; 78-331, S. 5, 58; P.A. 79-357, S. 2; P.A. 81-350, S. 6, 17; P.A. 83-391, S. 5, 24; P.A. 89-234, S. 1; P.A. 93-230, S. 2, 8; P.A. 94-121, S. 15, 33.)

**Sec. 9-20a. Proof of citizenship.** If the applicant is a naturalized citizen, or if the applicant has acquired citizenship by reason of being born abroad to a United States citizen parent or has derived citizenship through the naturalization of a parent or spouse, the certificate of his naturalization, under the seal of the court issuing the same, or a copy thereof issued by the United States Immigration and Naturalization Service in lieu of the original certificate, or a certificate of citizenship issued by the United States Immigration and Naturalization Service, or a passport issued by the state department of the United States on or after January 1, 1948, or a written statement signed by a town clerk or registrar of voters of a town of this state or by an election official of another state in the United States or a town or political subdivision of such state that the records of such state, town or political subdivision show that such applicant has previously been admitted as an elector therein, shall be conclusive proof of citizenship. Any applicant submitting documentary evidence of citizenship shall make oath that he is the person named therein.

(1963, P.A. 645, S. 3; February, 1965, P.A. 548, S. 1; 1967, P.A. 390, S. 2, 6.)

**Sec. 9-21. Cancellation of previous registration.** (a) If any applicant for admission as an elector in any town has previously been admitted as an elector in any other town in this state, or in any other state, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, or the Trust Territory of the Pacific Islands, he shall, under penalties of perjury, so declare, and shall also declare by what name and in what town and state, district or territory he was last admitted as an elector and the street address from which he last voted therein. The admitting official shall within forty-eight hours thereafter transmit a notice of cancellation of such registration, upon a form prescribed by the secretary of the state to the registrars of such other town or, in the case of a town in another state, district or territory, to the appropriate registration official or officials in such other town. Upon receipt of such notice of cancellation of registration, the registrars of the town from which such elector has removed shall forthwith erase the name of such elector from the registry list of the town, if the same has not been erased therefrom.

(b) When the Secretary of the State receives information from a registration official of another state, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam or the Trust Territory of the Pacific Islands that an elector of this state has registered in such other state, district or territory, the Secretary of the State may transmit a notification of such registration to the registrars of the town where such individual may be an elector in this state. If the registrars determine that the individual identified in the notice is an elector in this state, the registrars shall remove the name of such elector from the registry list.

(1949 Rev., S. 1018; 1953, S. 522d; 1971, P.A. 768, S. 7; P.A. 73-630, S. 6, 19; P.A. 83-213, S. 3; P.A. 84-319, S. 7, 49; P.A. 94-121, S. 16, 33; P.A. 96-134, S. 7.)

**Sec. 9-22. Instruction of electors at sessions for admission.** Section 9-22 is repealed.

(1955, S. 521d; P.A. 83-391, S. 23, 24.)

**Sec. 9-23. Data identifying elector to be entered by, or filed with, town clerk.**  
**Exceptions.** (a) In towns which do not have full-time registrars of voters with regular office hours, the name, residence, place and date of birth and date of admission of each person admitted as an elector shall be entered by the town clerk in the records of such town, which shall be prima facie evidence that each such person possesses the requisite qualifications of an elector. In towns which do have full-time registrars of voters with regular office hours, such registrars shall file in the office of the town clerk a record of each person admitted as an elector, bearing the name, residence, place and date of birth and date of admission of such person. For purposes of this section, full-time registrars of voters include those registrars whose offices maintain daily office hours.

(b) The provisions of subsection (a) of this section shall not apply in towns whose registrars maintain all applications for admission as an elector on file as permanent records, in manual files or on microfilm, pursuant to a retention schedule approved by the public records administrator, or maintain an inactive elector file as a permanent record, by means of electronic data processing, pursuant to a retention schedule approved by the public records administrator.

(1949 Rev., S. 1019; 1953, S. 525d; 1971, P.A. 768, S. 8; 1972, P.A. 39, S. 1; P.A. 79-363, S. 8, 38; P.A. 90-156, S. 3.)

**Sec. 9-23a. Application for enrolment by applicant for admission as an elector.**  
**Attachment of party privileges.** Notwithstanding the provisions of any special act or charter to the contrary, any person making application for enrolment on an application for admission as an elector shall upon acquisition of electoral privileges immediately be entitled to the privileges of party enrolment except as provided in section 9-59 and except that if: (1) Application for enrolment is filed with the registrars of voters of his town of residence after twelve o'clock noon on the last business day before a primary, he shall be entitled to the privileges of party enrolment immediately after the primary or (2) the application for enrolment is filed with the registrars of voters of his town of residence on the day of a caucus or convention, he shall be entitled to the privileges of party enrolment immediately after the caucus or convention. No person admitted as an elector after twelve o'clock noon on the last business day before a primary shall be permitted to vote in such primary.

(1967, P.A. 559, S. 3; 1969, P.A. 678; 1971, P.A. 768, S. 9; P.A. 75-47, S. 2, 5; 75-269, S. 1; P.A. 76-128, S. 7, 11; P.A. 77-298, S. 13; P.A. 78-153, S. 4, 32; P.A. 79-357, S. 3; 79-363, S. 33, 38; P.A. 84-118, S. 2, 5; P.A. 87-509, S. 2, 24; P.A. 94-121, S. 17, 33.)

**Secs. 9-23b to 9-23f. Reserved for future use.**

**Sec. 9-23g. Mail-in application for admission.** (a) In addition to the procedures for admission of electors under sections 9-19b, 9-19c, 9-19e, 9-20 and 9-31, any person may apply to a registrar of voters of the town of his residence for admission as an elector in accordance with the provisions of this section and section 9-23h.



(b) The secretary of the state shall prescribe, and provide to registrars of voters, town clerks and voter registration agencies described in section 9-23n, application forms and other materials necessary to complete such application and admission process. The secretary of the state, registrars of voters and town clerks shall provide a reasonable number of such forms and materials to any elector who requests such forms and materials. The secretary shall also, in the course of his elections duties, prepare instructions and related materials describing procedures for such application and admission process and shall provide the materials to registrars of voters and town clerks. The application shall contain the information required under section 9-23h. All statements of the applicant shall be made under the penalties of perjury. The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the application meets each such requirement and (3) requires the signature of the applicant under penalty of perjury. Nothing in this section or section 9-23h shall require that the application be executed in the state. An applicant who is unable to write may cause his name to be signed on the application form by an authorized agent who shall, in the space provided for the signature, write the name of the applicant followed by the word "by" and his own signature. The completed application may be mailed or returned in person to the office of the registrars of voters or the office of the town clerk of the applicant's town of residence or a voter registration agency described in section 9-23n. The town clerk shall promptly forward any application which he receives to the registrars of voters. Such application form shall be provided by or authorized by the secretary of the state.

(c) Forthwith upon receipt of a registration application in the office of the registrars of voters, the registrar shall mark such date on the application and review the application to determine whether the applicant has properly completed it and is legally qualified to register. Forthwith upon completing his review, the registrar shall (1) indicate on the application whether the application has been accepted or rejected, (2) mail a notice to the applicant, (3) indicate on the application the date on which such notice is mailed and (4) provide a copy of such notice to the other registrar. If the registrar determines that the applicant has not properly completed the application or is not legally qualified to register, the notice shall indicate that the application has been rejected and shall state the reason for rejection. If the registrar determines that the applicant has properly completed the application and is legally qualified to register, the notice shall indicate that the application has been accepted. A notice of acceptance or a notice of rejection shall be sent (A) within four days of receipt of an application during the period beginning on the forty-ninth day before an election and ending on the twenty-first day before such election, (B) on the day of receipt of an application if it is received (i) during the period beginning on the twentieth day before such election and ending on the fourteenth day before such election or (ii) during the period beginning on the thirteenth day before an election and ending on election day if the application has been received by the fourteenth day before an election by the commissioner of motor vehicles or by a voter registration agency described in section 9-23n or (iii) during the period beginning on the twenty-first day before a primary and ending at twelve o'clock noon on the last weekday before a primary, and (C) within ten days of receipt of an application at any other time. A notice of acceptance shall be sent by first-class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. A notice of acceptance shall indicate the effective date of the applicant's registration and enrolment, the date of the next regularly scheduled election or primary in which the applicant shall be eligible to vote and the applicant's precinct and polling place. If a notice of acceptance of an application is

returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43, notwithstanding the May first deadline in section 9-35. Any applications received by the registrar after twelve o'clock noon on the last weekday before a primary shall not be acted on by the registrars until after the primary. An applicant for admission as an elector pursuant to this section and section 9-23h may only be admitted as an elector by a registrar of voters of the town of his residence. Not later than December thirty-first, annually, the secretary of the state shall establish an official calendar of all deadlines set forth in this subsection for regularly scheduled elections and primaries to be held in the following calendar year.

(d) (1) Except as otherwise provided in this subsection, the privileges of an elector for any applicant for admission under this section and section 9-23h shall attach immediately upon approval by the registrar, and the registrars shall enter the name of the elector on the registry list.

(2) Except as provided in subdivision (3) of this subsection, if a mailed application is postmarked, or if a delivered application is received in the office of the registrars of voters, after the fourteenth day before an election, the privileges of an elector shall not attach until the day after the election.

(3) If an application is received after the fourteenth day before an election by the commissioner of motor vehicles or by a voter registration agency described in section 9-23n, the privileges of an elector shall not attach until the day after the election or on the day the registrar approves it, whichever is later.

(4) If on the day of an election or primary, the name of an applicant does not appear on the official check list, such applicant may present a notice of acceptance received through the mail to the moderator at the polls, after which the registrar or assistant registrar, upon notice to the registrar, shall add such person's name and address to the official check list on such day and the person shall be allowed to vote if otherwise eligible to vote.

(e) A registration application filed under this section shall be rejected if the application (1) has not been signed or dated by the applicant or the authorized agent of the applicant pursuant to subsection (b) of this section, (2) does not indicate the applicant's date of birth or bona fide residence, (3) does not indicate United States citizenship or (4) is determined by the secretary of the state to be substantially defective. No registration application filed under this section shall be rejected if the application fails to provide the applicant's Social Security number or the zip code of the applicant's bona fide residence.

(f) Upon admission of an applicant under subsection (d) of this section, who indicated on his registration application that he changed residence since voting last in Connecticut, the registrar shall notify the registrar who accepted the voter's last registration, and the registrar in the voter's place of last residence, if different. Notification shall be made upon a form prescribed by the secretary of the state. A registrar receiving such a notification shall delete the elector's name from the registry list.

(g) All provisions of the general statutes relating to electors, which are not inconsistent with the provisions of this section, shall apply to electors admitted under the provisions of this section.

(h) The secretary of the state may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section and section 9-23h.

(P.A. 87-409, S. 1, 3; P.A. 88-344, S. 1, 5; P.A. 91-351, S. 24, 28; P.A. 93-386, S. 1, 5; P.A. 94-121, S. 18, 33.)

**Sec. 9-23h. Application form.** The application provided for in section 9-23g shall provide spaces for the following information for each applicant: (1) Name, (2) bona fide residence, including street number, street address, apartment number if applicable, town and zip code, (3) telephone number, (4) date of birth, (5) whether the applicant is registered as an elector in any other town in the state of Connecticut or in any other state, and if so, the applicant's last previous voting residence, (6) whether he is a United States citizen, (7) party affiliation, if any, (8) Social Security number, and (9) the applicant's signature and date of signature. The spaces for the applicant's telephone number, party affiliation and Social Security number shall indicate that such information does not have to be provided. The secretary of the state and the registrars of voters shall comply with the federal Privacy Act, P.L. 93-579, as from time to time amended, with regard to the request for a Social Security number and no public agency, as defined in section 1-18a, may disclose any such Social Security number to the public. The application shall also contain any other information, questions or instructions prescribed by the secretary of the state.

(P.A. 88-344, S. 2, 5; P.A. 93-386, S. 2, 5; P.A. 94-121, S. 19, 33.)

**Sec. 9-23i. Prohibition on witnessing official charging a fee.** Section 9-23i is repealed, effective January 1, 1994.

(P.A. 88-344, S. 3, 5; P.A. 93-386, S. 4, 5.)

**Sec. 9-23j. Definition.** As used in sections 9-7b and 9-12, subsection (a) of section 9-17, sections 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23k to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 and 9-59, "public assistance offices" means offices of state agencies that administer or provide services under the food stamp, Medicaid, Women, Infants and Children, and Aid to Families with Dependent Children programs.

(P.A. 94-121, S. 1, 33.)

**Sec. 9-23k. National Voter Registration Act of 1993. Coordination of state responsibilities. Enforcement.** The secretary of the state shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, except that the State Elections Enforcement Commission shall be responsible for the investigation of any complaint alleging a violation of sections 9-7b and 9-12, subsection (a) of section 9-17, sections 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 and 9-59 and shall have the authority to enforce the provisions of said sections by use of its powers as prescribed in section 9-7b.

(P.A. 94-121, S. 2, 33.)

**Sec. 9-23l. Mail voter registration application form prescribed by Federal Election Commission.** Registrars of voters shall accept the mail voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, as an application for admission as an elector for all elections in Connecticut. The procedures in subsections (c), (d), (f) and (g) of section

9-23g which are not inconsistent with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, shall apply to applications made under this section.

(P.A. 94-121, S. 3, 33.)

**Sec. 9-23m. Secretary to make form available. Changes to conform to federal law.** The secretary of the state shall make available for distribution the mail voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time. The secretary may make any changes in any forms required by title 9 which, in the opinion of the secretary, are necessary to cause said forms to conform to the provisions of applicable federal law.

(P.A. 94-121, S. 4, 33.)

**Sec. 9-23n. Voter registration agencies. Duties.** Public assistance offices, and all offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities, libraries that are open to the public, and such other appropriate offices as the secretary shall designate in accordance with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, shall be voter registration agencies and shall: (1) Distribute mail voter registration application forms, (2) assist applicants for such assistance or services in completing voter registration application forms, except for applicants who refuse such assistance, and (3) accept completed voter registration application forms and forthwith transmit such forms to the registrars of voters of the town of voting residence of the applicants. If a registration application is accepted within five days before the last day for registration to vote in a regular election, the application shall be transmitted to the registrars of voters of the town of voting residence of the applicant not later than five days after the date of acceptance. The voter registration agency shall indicate on the completed mail voter registration application form, without indicating the identity of the voter registration agency, the date of its acceptance by such agency, to ensure that any eligible applicant is registered to vote in an election if it is received by the registration agency by the last day for registration to vote in an election. If a state-funded program primarily engaged in providing services to persons with disabilities provides services to a person with a disability at the person's home, the agency shall provide such voter registration services at the person's home. The procedures in subsections (c), (d), (f) and (g) of section 9-23g which are not inconsistent with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, shall apply to applications made under this section. Officials and employees of such voter registration agencies are not admitting officials, as defined in section 9-17a, and may not restore, under the provisions of section 9-46a, electoral privileges of persons convicted of a felony.

(P.A. 94-121, S. 6, 33.)

**Sec. 9-23o. Distribution of form by voter registration agencies. Declinations. Assistance.** A voter registration agency described in section 9-23n shall comply with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and shall distribute with each application for service or assistance provided by the agency, and with each recertification, renewal or change of address form relating to such service or assistance a mail voter registration application form approved by the secretary of the state unless the applicant declines to register to vote pursuant to the provisions of the National Voter Registration Act of

1993, P.L. 103-31, as amended from time to time. Such declination shall be in writing, except in the case of an application for service or assistance provided by a library, or a recertification, renewal or change of address form relating to such library service or assistance. Such voter registration agency shall provide each applicant to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the agency with regard to the completion of its own forms, unless the applicant refuses such assistance.

(P.A. 94-121, S. 7, 33.)

**Sec. 9-24. Admission as electors of persons in armed forces; definitions.** As used in sections 9-25 to 9-31, inclusive, the term "members of the armed forces" shall include members of the Army, Navy, Marine Corps, Coast Guard, Air Force or Merchant Marine of the United States, or any of their respective components.

(1949 Rev., S. 1022; 1953, S. 526d; P.A. 73-630, S. 7, 19.)

**Sec. 9-25. Admission of members of the armed forces as electors.** The town clerk or assistant town clerk or either registrar of voters or deputy or assistant registrar, on any week day and at any time before five o'clock p.m. on the last week day before any regular election, when requested in writing by any member of the armed forces desiring to be made an elector, or by any former member of the armed forces discharged therefrom within the calendar year immediately preceding such request, may forthwith examine the qualifications of such person and admit him to the elector's oath if he is qualified.

(1949 Rev., S. 1021; 1953, S. 527d; 1969, P.A. 718, S. 1; P.A. 75-9, S. 1, 2.)

**Sec. 9-25a. Definitions.** As used in this section and sections 9-26 and 9-28, "armed forces" shall have the meaning set forth in section 27-103; "member of the merchant marine" means a person, other than a member of the armed forces, employed as an officer or member of the crew of a vessel documented under the laws of the United States, or of a vessel owned by the United States, or of a vessel of foreign-flag registry under charter to or control of the United States, or a person, other than a member of the armed forces, enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as an officer or member of the crew of any such vessel, but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief services, on the Great Lakes or the inland waterways; "dependent" means any person who in fact is dependent; "induction into the armed forces" shall be construed to include the latest reenlistment in the armed forces.

(1963, P.A. 403, S. 1; February, 1965, P.A. 210; P.A. 73-630, S. 8, 19; P.A. 81-350, S. 7, 17; P.A. 93-384, S. 19, 28.)

**Sec. 9-26. Application of member of armed forces or related group or person temporarily residing outside of the United States who is unable to appear in person.** Any person who, because of service in the armed forces, membership in the United States merchant marine, membership in a religious or welfare group or agency attached to and serving with the armed forces or civilian employment with the United States or because he is a spouse or dependent of any such person, and any person who because of temporary residence outside the territorial limits of the several states of the United States and the District of Columbia, may, at any time, in the manner and upon a form prescribed by the secretary of the state, make

application, in person or by mail, to the town clerk of such town for such examination and for admission as an elector. Upon such form, signed by the applicant, he shall state under penalties of perjury, his name, bona fide residence by street and number, if any, in such town and date of birth, and that he is, at the time of making such application, a citizen of the United States. He shall also state that he is (1) a member of the armed forces, of the merchant marine or of a religious or welfare group or agency attached to and serving with the armed forces, (2) a civilian employee of the United States, (3) a spouse or dependent of any person described in subdivision (1) or (2), or (4) a person temporarily residing outside the territorial limits of the several states of the United States and the District of Columbia. The person shall also state the date of his induction into such armed forces or the date of his joining the merchant marine or such religious or welfare group or agency or of his entering United States employment or moving temporarily outside the territorial limits of the several states of the United States and the District of Columbia; whether his privileges as an elector are forfeited by reason of conviction of crime; and whether he is, at the time of making such application, registered as an elector in any other town in this or any other state. The application form shall provide for application for enrolment in any political party and shall indicate that such enrolment is optional. The form shall also include a request for the applicant to voluntarily furnish his Social Security number. The town clerk shall comply with the federal Privacy Act, P.L. 93-579, as from time to time amended, with regard to such request and no public agency, as defined in section 1-18a, may disclose any such Social Security number to the public. No application shall be rejected for failure to provide such number. The town clerk may accept such fully completed form as evidence of the qualifications of the applicant to be admitted as an elector. The application for admission as an elector shall include a statement that (A) specifies each eligibility requirement, (B) contains an attestation that the applicant meets each such requirement and (C) requires the signature of the applicant under penalty of perjury. In lieu of the application form prescribed by the secretary under this section, any such person may apply for registration and enrolment on the federal postcard application form provided pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time to time, or any other applicable law.

(1949 Rev., S. 1023; 1953, S. 528d; 1961, P.A. 266, S. 3; 1963, P.A. 403, S. 2; February, 1965, P.A. 407, S. 9; 1967, P.A. 390, S. 3; 1969, P.A. 694, S. 3; 1972, P.A. 264, S. 3; P.A. 73-630, S. 11, 19; P.A. 79-366, S. 1; P.A. 80-281, S. 5, 31; P.A. 81-350, S. 8, 17; 81-472, S. 7, 159; P.A. 82-472, S. 25, 183; P.A. 83-391, S. 6, 24; P.A. 93-30, S. 10, 14; 93-230, S. 3, 8; 93-384, S. 20, 28; P.A. 94-121, S. 20, 33.)

**Sec. 9-27. Elector's oath.** Section 9-27 is repealed, effective January 1, 1995.

(1949 Rev., S. 1025; 1953, S. 529d; 1957, P.A. 441, S. 2; 1959, P.A. 684, S. 3; 1961, P.A. 232; 266, S. 4; 517, S. 5; 1963, P.A. 41; 96; 403, S. 3; February, 1965, P.A. 407, S. 3; 548, S. 2; 1967, P.A. 390, S. 4; 1969, P.A. 694, S. 4; 1972, P.A. 264, S. 4; P.A. 73-630, S. 12, 19; P.A. 79-366, S. 2; P.A. 81-350, S. 9, 17; May Sp. Sess. P.A. 92-1, S. 4, 7; P.A. 93-384, S. 21, 28; P.A. 94-121, S. 32, 33.)

**Sec. 9-27a. Enrolment application sent to applicant for absentee admission.** Section 9-27a is repealed.

(1972, P.A. 264, S. 1; P.A. 81-350, S. 16, 17.)

**Sec. 9-28. Town clerk to mail forms.** Either registrar of any town may, in writing, direct the town clerk to mail a copy of the form prescribed in section 9-26, with an envelope for its return, to the last-known address of any person who, in the opinion of such registrar possesses

the qualifications required of an applicant for admission as an elector under the provisions of section 9-26, and the town clerk shall forthwith comply with such direction. Upon request to the town clerk by any person, a copy of such form, with an envelope for its return, shall be mailed by the town clerk to any member of the armed forces, of the merchant marine or of any religious or welfare group or agency attached to and serving with the armed forces or any civilian employee of the United States employed outside of this state or to the spouse or a dependent of any of such persons or to any person temporarily residing outside the territorial limits of the several states of the United States and the District of Columbia, or it may be delivered in person if so requested.

(1949 Rev., S. 1026; 1953, S. 530d; 1963, P.A. 403, S. 4; P.A. 73-630, S. 9, 19; P.A. 93-384, S. 22, 28.)

**Sec. 9-29. Printing and distribution of forms.** The secretary of the state shall cause to be printed, at the expense of the state, a sufficient quantity of such forms and envelopes and shall distribute to each town such number of copies thereof as the town clerk thereof requests or as the secretary of the state deems sufficient.

(1949 Rev., S. 1027; 1953, S. 531d; P.A. 73-630, S. 10, 19.)

**Sec. 9-30. Action by town clerk. Notice. Appeal from rejection of application.** All such applications shall be examined by the town clerk and, after such examination, he shall decide upon the right of the applicant to be admitted as an elector. If the town clerk decides that such applicant possesses all the qualifications required by law of applicants for admission as electors, he shall so certify, in writing, upon the form submitted by such applicant, who shall thereupon be an elector and shall be so advised in writing by the clerk. Said clerk shall forthwith notify, by mail, any person whose application to be admitted as an elector under the provisions of sections 9-26 to 9-29, inclusive, is denied, with his reasons therefor. The applicant may appeal the rejection of his application under section 9-311.

(1949 Rev., S. 1024; 1953, S. 532d; 1972, P.A. 264, S. 2; P.A. 81-350, S. 14, 17.)

**Sec. 9-31. Application of other statutes.** All provisions of the general statutes relating to electors, not inconsistent with the provisions of sections 9-24 to 9-30, inclusive, shall apply to electors admitted under the provisions of said sections, except that the provisions of section 9-21 shall not apply to electors admitted under the provisions of sections 9-26 to 9-30, inclusive.

(1949 Rev., S. 1028; 1953, S. 533d.)

**Sec. 9-31a. Special admission procedures for permanently physically disabled persons.**  
(a) As used in this section and section 9-31b, "permanently physically disabled person" means a person who, by reason of a major defect or infirmity of body, whether congenital or acquired by accident, injury or disease, is permanently physically incapacitated to a degree that prevents him and will continue to prevent him from appearing in person at the office of the town clerk or registrars of the town where he temporarily or permanently resides.

(b) Any permanently physically disabled person may, in the manner prescribed under this section and upon a form as prescribed under section 9-31b, apply to the town clerk or either registrar of voters of such town for examination and admission as an elector of any Connecticut town. (1) In the case of a permanently physically disabled person whose qualifications as to age, citizenship or residence in such town are attained on or before the last session for admission of electors prior to an election to be held in the town, the application shall be submitted so that it

will be received by such town clerk or either registrar of voters not later than such last session. Upon receipt of the application, the town clerk or either registrar of voters shall notify the applicant of the day, and the hour, such day to be within ten days of the receipt of the application, at which an admitting official shall meet with the applicant at the temporary or permanent residence of the applicant. (2) In the case of a permanently physically disabled person whose qualifications as to age, citizenship or residence in such town are attained after the last session for admission of electors prior to an election to be held in the town, the application shall be submitted so that it will be received by such town clerk or either registrar of voters not later than the opening of the limited session for the admission of electors held, under section 9-17, on the last weekday prior to the election. Upon receipt of the application, the town clerk or either registrar of voters shall notify the applicant of the day, and the hour, such day and hour to be not later than 5:00 p.m. on the last weekday before the election, at which an admitting official shall meet with the applicant at the temporary or permanent residence of the applicant.

(c) Such admitting official shall meet at the appointed time with the applicant for the purpose of examining his qualifications as an elector and for the purpose of admitting him as an elector if the applicant is found qualified. Such official shall make available to the applicant at such time, upon request, a copy of the statement that specifies each eligibility requirement and contains an attestation that the applicant meets each such requirement (1) in video form in accordance with procedures established by the registrars of voters and (2) in braille, large print and audio form. Such official shall provide the applicant with a written notice of approval or disapproval at that time, except as otherwise provided in section 9-19e. Any person making application for registration under this section shall be entitled to the privileges of an elector and party enrolment, if applicable, from the time such application for admission as an elector is approved by the town clerk or registrars of voters of his voting residence.

(1959, P.A. 200, S. 1, 2, 5; 1969, P.A. 198, S. 1; 1971, P.A. 768, S. 10; P.A. 75-567, S. 59, 80; P.A. 83-391, S. 7, 24; P.A. 84-319, S. 8, 49; P.A. 85-613, S. 89, 154; P.A. 88-48, S. 3; P.A. 89-234, S. 2; P.A. 91-351, S. 25, 28; P.A. 94-121, S. 21, 33.)

**Sec. 9-31b. Application form.** Such application shall be in form substantially as follows:

APPLICATION OF PERMANENTLY PHYSICALLY DISABLED PERSON FOR  
ADMISSION AS AN ELECTOR

To the Town Clerk of the town of .... or to the registrar of voters of the .... Party of the town of .... I hereby apply for admission as an elector:

- (1) My name is .... (last name) (first name) (initial).
- (2) My bona fide residence is .... (street and number), but I am presently residing at .... (street, number and town if different from residence above).
- (3) I am a permanently physically disabled person and my permanent physical disability prevents me and will continue to prevent me from appearing in person at your office.
- (4) I am a United States Citizen who has attained the age of eighteen and my electoral privileges are not forfeited by reason of conviction of any disfranchising crime.

Dated at ....., Connecticut, this .... day of ....., 19...

....(Signature of Applicant).



(1959, P.A. 200, S. 3; 684, S. 4; February, 1965, P.A. 407, S. 4; 1967, P.A. 390, S. 5; 1969, P.A. 198, S. 2; 1971, P.A. 768, S. 11; 871, S. 65; P.A. 73-630, S. 17, 19; P.A. 78-153, S. 8, 32; P.A. 83-391, S. 8, 24; P.A. 84-319, S. 9, 49.)

**Sec. 9-31c. Physician's certificate.** Section 9-31c is repealed.

(1959, P.A. 200, S. 4; 1961, P.A. 144, S. 1; 1969, P.A. 198, S. 3; 1971, P.A. 768, S. 12; 871, S. 66; P.A. 75-83, S. 2.)

**Sec. 9-31d. Town clerk or registrar to provide forms.** The form of application provided for in section 9-31a shall be provided by the town clerk or either registrar of voters of the town in which the individual desiring to make application resides.

(1961, P. A. 144, S. 2; 1969, P.A. 198, S. 4; P.A. 75-83, S. 1.)

**Secs. 9-31e to 9-31k. Transfer of voting privileges between towns. Application for transfer and enrolment. Cancellation of registration in prior town. Town clerk's compensation. Reexamination of rejected applicant. Appeal from decision of admitting official.** Sections 9-31e to 9-31k, inclusive, are repealed.

(1963, P.A. 392, S. 15; 1971, P.A. 768, S. 1416; P.A. 79-143, S. 4; P.A. 81-350, S. 16, 17.)

**Sec. 9-31l. Appeal from decision of admitting official.** (a) Any appeal from a decision of an admitting official concerning the right of a person to be or remain an elector shall be made to the registrars of voters of the town where such right is in dispute, except that an appeal from the decision of a registrar shall be made to the board for admission of electors of such town.

(b) Notice of an appeal shall be in writing delivered to the registrars or to the board for admission of electors. Within seven days after receipt of a notice of appeal, the registrars or the board, as the case may be, shall give written notice of the time and place where such appeal will be heard to the appellant and to the official whose decision is the subject of the appeal. Such appeal shall be heard within twenty-one days after notice of the appeal is delivered to the registrars or the board. A registrar whose decision is the subject of the appeal shall not be a voting member of the board which hears the appeal.

(c) The registrars or the board may receive sworn testimony and any other evidence relating to the qualifications of such person to be or remain an elector.

(d) Within seven days after hearing an appeal, the registrars or the board shall render a decision and shall send written notice of the decision to the appellant, the official whose decision was the subject of the appeal and, if he is not the appellant, the person whose right to be or remain an elector was in dispute.

(P.A. 81-350, S. 1, 17.)

**Sec. 9-32. Canvass to ascertain changes of residence.** In each municipality the registrars, between January first and May first, annually, shall cause either (1) a complete house to house canvass to be made in person of each residence on each street, avenue or road within such municipality, (2) a complete canvass to be made by mail of each residence located on each street, avenue or road within such municipality, provided, upon agreement of both registrars, the National Change of Address System of the United States Postal Service may be used instead of such mailing, (3) a complete canvass to be made by telephone of each residence located on each street, avenue or road within such municipality, or (4) a complete canvass of each residence within such municipality by any combination of such methods, for the purpose of ascertaining

the name of any elector formerly residing on such street, avenue or road who has removed therefrom; provided in the odd-numbered years, no canvass need be conducted by the registrars in a town which holds its regular municipal election on the first Monday of May in odd-numbered years. The secretary of the state shall adopt regulations in accordance with the provisions of chapter 54 setting forth the procedure to be followed in conducting any such canvass by either mail or telephone. No elector's name shall be removed from the registry list, pursuant to section 9-35, unless (A) the elector confirms in writing that he has moved out of the municipality or (B) the elector has been sent, by forwardable mail, a notice and a postage prepaid preaddressed return card in accordance with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, four years prior to removal from the registry list and such elector has failed to respond and has not restored his name to the active registry list under section 9-42 or voted in an election or primary in the municipality during the period beginning on the date of the notice and ending four years later. If a registrar or his designee conducts a telephone canvass, a telephone call by any such person shall constitute an attempt to contact the elector only if the elector's household has a published telephone number and the telephone is in operating order. If a registrar, or his designee, during a telephone canvass contacts a telecommunication device for the deaf in an elector's household, such call shall not constitute an attempt to contact the elector unless the registrar, or his designee, uses a similar device or uses a message relay center. No elector's name shall be removed from the active registry list pursuant to section 9-35 as a result of information obtained during a telephone canvass, unless the registrar believes such information is reliable and sufficient to enable him to determine if the elector is entitled to remain on the list under the provisions of this chapter. During any such canvass, a canvasser may distribute nonpartisan literature, prescribed by the secretary of the state, which describes opportunities for voter registration. During the canvass, the registrars shall request the elector to voluntarily provide his Social Security number. The registrars shall comply with the federal Privacy Act, P.L. 93-579, as from time to time amended, with regard to such request and no public agency, as defined in section 1-18a, may disclose any such Social Security number to the public. No elector's name shall be removed from the list for failure to provide his Social Security number. Each municipality shall provide its registrars of voters with funds sufficient to conduct the annual canvass in accordance with the requirements of this section. Not later than the thirtieth day following each regular election held in a municipality, the registrars of the municipality shall file with the secretary of the state a certificate that the canvass was conducted prior to the election in accordance with the requirements of this section. The certificate shall be on a form prescribed by the secretary of the state, shall specify the method or methods by which, and the date or dates on which, the canvass was conducted, and shall be signed under penalty of false statement by all registrars of voters of the municipality.

(1949 Rev. S. 1001; 1953, S. 534d; 1967, P.A. 55; 831, S. 7; 1969, P.A. 76; P.A. 75-7, S. 1, 2; P.A. 80-379, S. 1, 3; P.A. 82-426, S. 2, 14; P.A. 83-475, S. 5, 43; P.A. 87-382, S. 4, 55; P.A. 88-37, S. 1; 88-193; P.A. 90-156, S. 4, 11; P.A. 93-384, S. 8, 28; P.A. 94-121, S. 22, 33.)

**REGULATION  
OF THE SECRETARY OF THE STATE**

**REGISTRARS OF VOTERS - CANVASS BY MAIL**

The regulations of Connecticut state agencies are amended by adding the following:

**Sec. 9-32-1. Applicability of provisions.** In any municipality where the registrars of voters cause a canvass of the electors to be made by mail pursuant to subdivision (2) of section 9-32 of the general statutes, such canvass shall be conducted in accordance with these regulations.

(Effective April 23, 1981)

**Sec. 9-32-2. Notice of canvass - general provisions.** The registrars shall send to each elector a notice of canvass by first class mail to the residence of such elector as shown on the last completed registry list for the municipality. The notice of canvass shall be on a form on which the elector may furnish information to enable the registrars to correct the registry list as it pertains to such elector. The registrars shall include with the notice a postage paid envelope for the return of the notice, or the notice may be in the form of a post card which is returnable postage paid. For purposes of these regulations, "last completed registry list" means the registry list for the municipality including any changes, additions and deletions made on or before the date when the notice of canvass is sent to the elector.

(Effective April 23, 1981)

**Sec. 9-32-3. Notice of canvass-form.** (a) The notice of canvass shall be in both the English and Spanish languages in affected municipalities; in non-affected municipalities, the notice of canvass may be in the English language only. For purposes of this section, affected municipalities shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the Director of the Census, are Hispanic-Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. The notice of canvass in affected municipalities shall be in substantially the following form:

Notice of Canvass

Date: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Post Office Box \_\_\_\_\_ (optional)

Date of Birth \_\_\_\_\_ (optional)

Important! This Concerns Your Right to Vote

The registrars of voters are conducting a canvass of voters as required by law. Please check the statement or statements which apply to you, sign in the space provided below, and immediately return this form.

- ( ) My residence is at the address shown above.
- ( ) I have moved. The address of my new residence is: \_\_\_\_\_

(If this new residence is in another town, you must register to vote in that town in order to be entitled to vote in the next election.)

- ( ) I am in military service.
- ( ) My name has been changed to: \_\_\_\_\_

Please record this change on the voter registry list.

\_\_\_\_\_  
Signature of Elector

**Important**

The Registrars of Voters must receive this form from you within thirty (30) days, completed and signed, so that the voter registry list will show your correct name and residence address. Failure to return this card may affect your right to vote in future elections. Please cooperate by returning this form within thirty (30) DAYS. There is no need to put a stamp on the return form.

**Aviso Importante**

Día: \_\_\_\_\_

Nombre \_\_\_\_\_

Dirección \_\_\_\_\_

Apartado de Correo \_\_\_\_\_ (optional)

Fecha de Nacimiento \_\_\_\_\_ (optional)

**¡Importante! Esto Trata Sobre Su Derecho A Votar**

Los registradores de votantes están llevando a cabo una campaña de solicitud de votantes, según requerida por ley. Por favor, indique la declaración o declaraciones que apliquen a usted, firme en el espacio provisto más adelante y devuelva este formulario inmediatamente.

- Mi residencia está en la dirección arriba indicada.  
 Me he mudado. La dirección de mi nueva residencia

es: \_\_\_\_\_.

(Si esta nueva residencia es en otro pueblo, usted tiene que inscribirse para votar en ese pueblo para que sea elegible para votar en la próxima elección.)

- Estoy en servicio militar.  
 Mi nombre ha sido cambiado a: \_\_\_\_\_.

Por favor registre este cambio en la lista de votantes inscritos.

\_\_\_\_\_  
Firma del Elector

### Importante

Los registradores de votantes deberán recibir este formulario de su parte dentro de treinta (30) días, llenado y firmado, para que la lista de votantes inscritos refleje su nombre y residencia correctos. Dejar de devolver esta tarjeta puede afectar su derecho a votar en elecciones futuras.

Por favor coopere devolviendo este formulario dentro de treinta (30) días. No hay necesidad de poner sello de correo en el formulario.

b) The notice of canvass in nonaffected municipalities shall be in the form prescribed in subsection (a) or in the English language only prescribed in subsection (a).

(Effective January 9, 1987)

**Sec. 9-32-4. Notice of canvass - failure to return.** If the registrars of voters do not receive the notice of canvass from an elector, completed and signed, within 30 days after the date the notice was mailed to such elector, they shall take such action with respect to the removal of the elector's name from the registry list as they shall deem appropriate, subject to the requirements of section 9-32-9. Such action may be based on other information which they may have received concerning the elector.

(Effective January 31, 1989)

**Sec. 9-32-5. Removal of name from registry list.** Section 9-32-5 of The Regulations of Connecticut State Agencies is repealed.

See Sec. 9-32-9

(Effective January 31, 1989)

## REGISTRARS OF VOTERS - CANVASS BY TELEPHONE

**Sec. 9-32-6. Telephone canvass. Applicability of provisions.** In any municipality where the registrars of voters cause a canvass of the electors to be made by telephone pursuant to subdivision (3) of section 9-32 of the general statutes, such telephone canvass shall be conducted in accordance with these regulations.

(Effective January 31, 1989)

**Sec. 9-32-7. Telephone canvass - general provisions.** (a) A telephone canvass shall be made by the registrar or his designee making a telephone call to the residence of the elector listed on the registry list. If there is no published telephone number or no telephone number in service for the residence of an elector, the registrar or his designee shall note such fact as part of his canvass by telephone.

(b) A telephone call shall qualify as one of the two methods of canvass required before the name of an elector may be removed from the registry list, only when it is made to the household of an elector that has both a published telephone number and a number which is in service at the time the call is made. A call to a changed telephone number provided by the telephone company shall be deemed a published number provided the changed number is identified as relating to the former number. Unlisted numbers shall be deemed published only if they are made available to the registrars of voters by the telephone company. A telephone number of an elector provided to the registrars of voters or town clerk by such elector shall be deemed published; a telephone number of an elector provided to the registrars of voters or town clerk by a person other than such elector shall be deemed not published. If during a telephone canvass a telephone call is made to a telecommunications device for the deaf in an elector's household, said telephone call shall not qualify as one of the two methods of canvass required before the name of an elector may be removed from the registry list unless the registrar or designee uses a similar device or uses a message relay center.

(c) The information solicited by a registrar or designee in a canvass by telephone shall confirm the following information with respect to each elector living within the household: the elector's name and bona fide residence address; whether the elector has recently moved, and, if so, such elector's new residence address, if known; whether the elector is in the military service; and whether the elector's name has changed, and, if so, the elector's new name. An elector's mailing address and date of birth may be similarly solicited but such information shall not be required of the individual providing the information.

(d) The registrar of voters or his designee shall sign a written memorandum of each telephone call made as part of a telephone canvass which shall include the date and time of the telephone call, the telephone number called and, if possible, the name of the person giving the information, which may be anyone answering the telephone and shall not be limited to the elector. In the event that the individual giving the information is speaking Spanish, such fact shall also be recorded. In the event that the number is not published or not in service that fact shall also be made a part of this memorandum.

(e) If the registrars of voters are not able to obtain positive information that an elector is still a bona fide resident of the household called in a telephone canvass, or if the registrars of voters do receive positive information that an elector is no longer a bona fide resident of the household called in a telephone canvass, they shall take such action with respect to the removal of the elector's name from the registry list as they shall deem appropriate subject to the requirements of

Section 9-32-9. Such action may be based on other information which they may have received concerning the elector.

(Effective January 31, 1989)

**Sec. 9-32-8. Telephone canvass. Bilingual assistance.** In affected municipalities, as defined by section 9-32-3, the registrars of voters shall use a Spanish-speaking person to communicate with Spanish-speaking electors or persons in a telephone canvass. Failure to communicate in such manner to Spanish-speaking electors or persons shall mean that the telephone call does not qualify as one of the two methods of canvass required before the name of an elector may be removed from the registry list.

(Effective January 31, 1989)

**Sec. 9-32-9. Removal of name from registry list. Telephone canvass or canvass by mail.** If, on the basis of either a canvass by mail or a canvass by telephone conducted pursuant to section 9-32 of the general statutes and these regulations, the registrars determine that the name of an elector should be erased from the registry list because of his or her removal from the municipality, they shall proceed as provided in section 9-35 of the general statutes only after having made two (2) attempts during the canvass to contact the elector using at least two (2) of the following methods: by mail, telephone or in person, and only after making a written memorandum of the two methods used and the dates of the two attempts. The canvass by telephone must comply with the provisions of subsections (b) through (e) of Section 9-32-7 and the provisions of Section 9-32-8.

(Effective January 31, 1989)

**Secs. 9-33 and 9-34. Record of applicants; change of name of married woman. Hours of sessions of registrars.** Sections 9-33 and 9-34 are repealed.

(1949 Rev., S. 1010, 1013; 1953, S. 535d, 536d; 1963, P.A. 645, S. 4; 1967, P.A. 559, S. 4; P.A. 79-363, S. 37, 38; P.A. 83-213, S. 11.)

**Sec. 9-35. Making and arrangement of preliminary list. Active and inactive registry lists. Removal of names. Change of address within municipality.** The registrars, on the Tuesday of the fifth week before each regular election, shall be in session for the purpose of completing a correct list of all electors who will be entitled to vote at such election. Such registry list shall consist of an active registry list and an inactive registry list. Such session shall be held during such hours between nine o'clock a.m. and five o'clock p.m. as the registrars find necessary to complete the list. Notice of such session shall be given at least five days before the session by publication in a newspaper having a circulation in such municipality, if any, and by posting on the signpost therein, if any, or at some other exterior place near the office of the town clerk. At such session and on any day except on the day of an election or primary, the registrars shall remove from the list the name of each elector who has died, who has been disfranchised or who has confirmed in writing that he has moved out of the municipality, except electors entitled to remain on such list under the provisions of this chapter. An elector shall be deemed to have confirmed in writing that he has moved out of the municipality if (1) the elector has submitted a change of address form for purposes of a state motor vehicle operator's license, unless the elector states on the form that the change of address is not for voter registration purposes, (2) the elector has submitted a change of address form to a voter registration agency described in section 9-23n

and such agency has provided such change of address to the registrars of voters or (3) the registrars of voters have received a cancellation of previous registration from any other election official indicating that such elector has registered as an elector outside such municipality. Whenever the registrars of voters of a town remove from the registry list the name of an elector who has submitted a change of address to the commissioner of motor vehicles or a voter registration agency under subdivision (1) or (2) of this section, indicating that he has moved out of such town, the registrars shall send the elector, by forwardable mail to his former address from such list, (A) a notice of removal, (B) information explaining how to have his name restored to such list, which shall be in a form prescribed by the secretary of the state, and (C) a mail-in voter registration application which can be used by the elector to apply for admission as an elector in the new town. If such notice, information and application are returned undeliverable, the registrars shall mail such documents to the elector's address in the new town. The registrars shall enter the names on such list by street and number of the house, when the houses are numbered, so that there shall be entered on the list first, the street, avenue or road; second, the number of the house or residence in numerical order or, if the registrars of any town find it more convenient, by odd and even numbers in numerical order; and third, the names of the electors in such house in alphabetical order. The names of any electors who cannot be so listed shall be listed alphabetically in the voting district wherein any such elector is a bona fide resident. The registrars of voters may consecutively number the names on the registry list, provided such list shall comply in all respects with the requirements of law other than for the addition of such numbers. In any case in which the registrars have obtained reliable information of an elector's change of address within the municipality, they shall enter the name of such elector on the registry list at the place where he then resides, provided, if such reliable information is the National Change of Address System of the United States Postal Service, the registrar shall change the registry list and send the elector a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the elector may verify or correct the address information. If during the canvass the registrars determine that an elector has moved out of town and such elector has not confirmed in writing that he has moved out of the town, the registrars shall, not later than May first, send to the elector, by forwardable mail, a notice required by the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, together with a postage prepaid preaddressed return card on which the elector may state his current address. In the year of a presidential preference primary, the registrars shall send such notice not earlier than the date of such primary. If the registrar does not receive the return card within thirty days after it is sent, the elector's name shall be placed on the inactive registry list for four years from the date the notice was sent. At the expiration of such period of time on the inactive registry list, such name shall be removed from the registry list. If such elector applies to restore his name to the active registry list or votes during such period, his name shall be restored to the active registry list. Such registrars shall retain a duplicate copy or record of each such notice in their office or, if they do not have a permanent office, in the office space provided under section 9-5a, and shall note on such duplicate copy or record the date on which such notice was mailed. In each municipality, any elector, upon change of residence within the municipality, may cause his registration to be transferred to his new address by presenting to the registrars a signed request therefor, stating his present address, the date he moved to such address and the address at which he was last registered. The registrars shall thereupon enter his name on the list at his new



residence; provided no transfer of registration shall be made on the registry list on election day without the consent of both registrars.

(1949 Rev., S. 1001; 1953, 1955, S. 537d; 1961, P.A. 61; 1963, P.A. 174; 645, S. 5; P.A. 75-287, S. 1; P.A. 77-283, S. 1; P.A. 79-189, S. 4, 9; P.A. 83-213, S. 4; 83-391, S. 9, 24; 83-475, S. 6, 43; P.A. 84-146, S. 4; P.A. 88-37, S. 2; 88-48, S. 4, 5; P.A. 89-19, S. 1, 4; P.A. 94-121, S. 23, 33.)

## REGULATION OF THE SECRETARY OF THE STATE

### NOTICE OF REMOVAL FROM AND TRANSFER ON REGISTRY LIST

The regulations of Connecticut State Agencies are amended by adding new section 9-35-1 as follows:

**Sec. 9-35-1. Notice of removal from registry list.** (a) The notice of removal issued pursuant to Conn. Gen. Stat. Section 9-35 shall be in the form prescribed by the Secretary of the State and shall be in both the English and Spanish languages in affected municipalities; in nonaffected municipalities the notice of removal may be in the English language only. For purposes of this section, affected municipalities shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the Director of the Census, are Hispanic-Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(b) The registrars of voters shall send the notice of removal by first class mail to the last-known address of each elector whose name has been or will be removed from the registry list. The envelope in which the notice of removal is sent to electors shall be endorsed with the words: **READ CAREFULLY. DO NOT LOSE YOUR RIGHT TO VOTE.** In municipalities with a significant minority population, the registrars of voters shall request the United States Postal Service to forward all notices of removal and supply to the registrars of voters the address corrections of such forwarded notices of removal by endorsing the envelopes in which notices of removal are sent to electors with the endorsement "Forwarding and Address Correction Requested." Each municipality with a significant minority population shall provide its registrars of voters with funds sufficient to pay all postal costs in connection with forwarding notices of removal and address corrections received. For purposes of this section, municipalities with a significant minority population shall mean all municipalities in which 1% or more of their total population, but no less than 500 persons, as reflected on the latest known extrapolations from the Director of the Census, are minorities, and minority shall mean (1) Black Americans, including all persons having origins in any of the Black African racial groups not of Hispanic origin; (2) Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race; (3) Asian Pacific Americans and Pacific Islanders; or (4) American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

(c) In any case in which the registrars of voters receive an address correction from the postal service which indicates an elector's address has changed within the municipality, the registrars of voters shall transfer the name of such elector on the registry list to the elector's new residence.

(Effective: January 9, 1987)

**Sec. 9-35-2. Transfer on registry list.** (a) An elector who changes his address within a municipality may, at any time, pursuant to Conn. Gen. Stat. Section 9-35, request that his registration be transferred to his new address by presenting a written request therefor to either registrar of voters, by letter or upon the form prescribed by the secretary of the state, stating his present address, the date he moved to such present address, and the address at which he was last registered, provided that a request received on election day or primary day, as hereinafter provided, shall contain a written statement by the elector, under penalties of false statement, that such elector has not voted prior to the time of such request for transfer at said election or primary either by absentee ballot or in person at any other polling place. The request for transfer of registration must be signed by the elector and submitted either in person or by mail by either the elector or any person of the elector's choice. Upon receipt of a request for transfer of registration, such registrar shall forthwith transfer the elector's name on the registry list to the elector's new residence. Requests for transfer of registration may be made on election or primary day at a polling place by submitting such request to the registrar(s) of voters (singly in a primary) or assistant registrar(s) of voters (singly in a primary) if a registrar is not present at the polling place. Upon receipt at a polling place of a request for transfer of registration by an assistant registrar(s) on election or primary day, such official(s) shall contact the registrar(s) of voters for the purpose of verifying that the elector's name appears on the registry list at his former address. Upon such verification such official(s) shall immediately enter the elector's name on the registry list at the elector's new residence, attach the completed request for transfer thereto, and the elector shall be permitted to vote. No elector shall be required to appear in person at the office of the registrars to request a transfer of registration on election or primary day. Before the close of the polls, the registrar(s) must contact the polling place officials at the polling place in the voting district where the elector was formerly registered to notify such polling place officials to remove the elector from the registry list.

(b) The prescribed form for request for transfer of registration shall be in both the English and Spanish languages in affected municipalities, as defined in Section 9-35-1(a), and shall be available in ample supply from the registrars of voters; in nonaffected municipalities the prescribed form for request for transfer of registration may be in the English language only.

(Effective: January 9, 1987)

**Sec. 9-35a. Posting of names removed from registry list.** Immediately after the close of the session or immediately after the sending of notice of intended removal provided for in section 9-35, the registrars of voters shall post at the town hall or municipal building in the municipality in which they serve, in a place readily accessible to the public, a list of the names of the electors whose names were removed from the registry list at such session or will be removed on the date specified in section 9-35, together with the address of each such elector as it appeared on the registry list at the time the name was so removed. Together with such list, and as a part thereof, such registrars shall also cause to be posted a statement that complete information as to such removal and as to the privileges and remedies of those whose names were removed from the

registry list is available from such registrars, specifying when and where such registrars are available for such purpose and, in the case of registrars of voters having office hours, specifying such office hours.

(1967, P.A. 613, S. 1; 1971, P.A. 94; P.A. 75-287, S. 2.)

**Sec. 9-35b. Relinquishment of registration by elector.** Except during the period between the last session for the admission of electors prior to an election and the day following that election, any elector of any municipality who desires to relinquish his rights as an elector and to have his name erased from the registry list shall make a signed written request to the registrars of voters of such municipality. Upon receipt of such application, the registrars shall remove the elector's name from the registry list and any enrolment list. Any person whose name has been removed from the registry list pursuant to this section may reapply for admission as an elector at any time, without prejudice on account of such removal. In the event such person is admitted as an elector, the registrar of the municipality shall notify the registrars of the municipality where such person resided at the time of his relinquishment that his electoral privileges have been restored.

(P.A. 81-350, S. 2, 17; P.A. 85-207, S. 1; P.A. 94-121, S. 24, 33.)

**Sec. 9-35c. Names on inactive registry list not to be counted for computing required number of voting machines, petition signatures, minimum percentage of voting electors.** Notwithstanding the provisions of sections 9-238, 9-406 and 9-436 and other provisions of the general statutes, the names of electors on the inactive registry list compiled under section 9-35 shall not be counted for purposes of computing the number of voting machines required and the number of petition signatures required. Each elector on such inactive registry list who, in the determination of the registrars, has signed a petition pursuant to the general statutes, giving the same address as appears on the inactive registry list, shall forthwith be placed on the active registry list compiled under said section 9-35. Each such elector shall be counted for purposes of future computations of the number of voting machines required and the number of signatures required on future petitions issued for other electoral events. The names of electors on the inactive registry list compiled pursuant to section 9-35 shall not be counted for purposes of computing the minimum percentage of the number of electors required in any charter or special act, if such charter or special act requires approval of a referendum by a minimum percentage of electors qualified on the last-completed registry list or has a similar requirement.

(P.A. 94-121, S. 8, 33; P.A. 96-134, S. 8.)

**Sec. 9-36. Completion of preliminary registry list. Distribution.** The list for which provision is made in section 9-35 shall be termed the preliminary registry list and such list shall be completed, certified by such registrars and deposited in the town clerk's office, at least thirty-one days before the regular election, and shall be on file in such office for public inspection until the next preliminary registry list has been completed and filed. In each municipality having a population of more than five thousand, a certified copy of such preliminary registry list for each voting district therein shall be completed, reproduced, certified by the registrars and posted in such municipality for public inspection on or before the Saturday of the fifth week before each regular election, and copies shall be made available for distribution by the registrars. The registrars shall, upon request, give to a candidate for election to the general

assembly a copy of the preliminary registry list for each voting district included in the general assembly district for which such person is a candidate.

(1949 Rev., S. 1003; 1953, S. 538d; 1967, P.A. 227; 1971, P.A. 92; P.A. 89-19, S. 2, 4.)

**Sec. 9-37. Making of final registry list; registrars' sessions for revision and correction of preliminary list.** Each registrar shall keep a copy of the preliminary registry list for his use in revision. Such registrars shall give notice in such list of the times and places at which they will hold one or more sessions during the period between the Saturday of the fifth week before the regular election and the Saturday of the fourth week before the regular election, for the revision and correction of such list which, when completed, shall be termed the "final registry list" for such election. In each municipality having a population of more than five thousand, they shall also give notice of such times and places by publication in a newspaper circulating in such municipality and by posting the same on the signpost therein, if any, and at the office of the town clerk at least five days before the first of such sessions. The number of sessions shall be fixed by the registrars of each municipality. The registrars shall also hold sessions, of which no public notice need be given, for the purpose of correcting such preliminary list, and for the purpose of adding to such list the names of persons entitled to be registered thereon, on each day they are in session for the admission of electors pursuant to section 9-17, and they may also hold sessions for revision and correction of the registry list on any other day, except during the period of six days preceding any regular election. On the fourteenth day before a primary, the registrars shall hold an additional session to hear such requests for adding names to the registry list, in accordance with the procedure provided in this section, and the registrars shall publish notice of such sessions in a newspaper having general circulation in such municipality at least five days before such sessions. Nothing in this section shall require that such publication be in the form of a legal advertisement.

(1949 Rev., S. 1004; 1953, S. 539d; 1963, P.A. 202; P.A. 75-287, S. 3; P.A. 77-298, S. 1; P.A. 81-350, S. 10, 17; P.A. 83-391, S. 10, 24; P.A. 84-146, S. 5; P.A. 96-134, S. 2.)

**Sec. 9-38. Deposit of final registry list. Supplementary list.** The registrars of all towns shall, on the second Friday preceding a regular election, deposit in the town clerk's office the final registry list arranged as provided in section 9-35 and certified by them to be correct, and shall retain a sufficient number of copies to be used by them at such election for the purpose of checking the names of those who vote. They shall place on such final list, in the order provided in section 9-35, the names of all persons who have been admitted as electors. In each municipality said registrars shall also cause to be prepared and printed and deposited in the town clerk's office a supplementary list containing the names and addresses of electors to be transferred, restored or added to such list prior to the sixth day before such election, provided in municipalities having a population of less than twenty-five thousand, such additional names may be inserted in writing in such final list. Such final registry list and supplementary list deposited in the town clerk's office shall be on file in such office for public inspection for a period of two years, and any elector may make copies thereof.

(1949 Rev., S. 1008; 1953, S. 540d; 1963, P.A. 211; P.A. 78-153, S. 22, 32; P.A. 83-391, S. 11, 24.)

**Sec. 9-39. Distribution of copies of final registry list.** The registrars of each municipality shall print copies of the final registry list for distribution in such municipality and in all the voting districts located therein, provided nothing in sections 9-12 to 9-45, inclusive, shall require the printing of more than one final registry list for any voting district in any one year. With each printing such registrars shall retain at least two copies of such lists and such copies shall be available for public use in the office of the registrars for a period of two years. The registrars shall, upon request, give to a candidate for election to the general assembly a copy of the final registry list for each voting district included in the general assembly district for which such person is a candidate.

(1949 Rev., S. 1009; 1953, S. 541d; 1963, P.A. 201, S. 1; P.A. 78-153, S. 23, 32; P.A. 89-19, S. 3, 4.)

**Secs. 9-39a and 9-40. Designation of party affiliation on registry list. Privileges after removal to another municipality.** Sections 9-39a and 9-40 are repealed.

(1949 Rev., S. 999; 1953, S. 542d; 1967, P.A. 512; 1969, P.A. 69, S. 1; 694, S. 5; 1971, P.A. 685, S. 3; P.A. 73-630, S. 13, 19; P.A. 79-189, S. 8, 9.)

**Sec. 9-40a. Continuance of residence in certain cases. Procedure for removal of names for failure to vote.** (a) No person shall be deemed to have lost his residence in any municipality for purposes of qualification as an elector by reason of his absence therefrom in the service of this state or of the United States, including service in the armed forces or their auxiliaries, nor shall the spouse or dependent of any such person be deemed to have lost his residence in any municipality for such purpose by reason of such absence therefrom; provided such person, except one in the service of the armed forces of the United States or any auxiliary thereof, or his spouse or dependent, shall make written application for continuance on the registry list before each state election. No person shall be deemed to have lost such residence in any municipality by reason of his absence therefrom because of imprisonment on conviction of crime.

(b) Not later than May first in each year in which a canvass of electors is conducted, the registrars of voters shall send the notice of removal and return card required by the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, to each member of the armed forces of the United States or their auxiliaries, or a spouse or dependent of such member, whose name has not been checked as having voted in at least one election, primary, referendum or town meeting during the four preceding calendar years. If such elector does not return the card within thirty days, the registrars of voters shall place the name of such elector on the inactive registry list compiled under section 9-35 for four years, and if such name remains on the inactive list for four years, such name shall thereupon be removed from the registry list. Such removal shall not affect the right of such member, spouse or dependent to apply for admission as an elector in such town.

(1971, P.A. 768, S. 13; P.A. 83-475, S. 7, 43; P.A. 94-121, S. 25, 33.)

**Sec. 9-40b. Continuance of enrolment for purposes of voting in state-wide primary.** Section 9-40b is repealed.

(P.A. 77-298, S. 11; P.A. 79-189, S. 8, 9.)

**Secs. 9-41 to 9-41b. Application for restoration of name to registry list. Restoration to registry list of physically disabled person. Certificate of physician.** Sections 9-41 to 9-41b, inclusive, are repealed.

(1949 Rev., S. 998; 1953, 1955, S. 543d; 1961, P.A. 73; 105, S. 1; 215, S. 1, 2; February, 1965, P.A. 407, S. 5; 1971, P.A. 768, S. 16; 871, S. 67.)

**Sec. 9-42. Restoration of names to active registry list under certain circumstances. Requirements re completion and use of inactive registry list.** (a) If it appears at any time that the name of an elector who was formerly admitted or registered as an elector in a town and who is a bona fide resident of such town has been omitted from the active registry list compiled under section 9-35 by clerical error, the registrars shall add such name to such list; provided no name shall be added to the active registry list on election day, under the authority conferred by this section, without the consent of both registrars.

(b) If it appears at any time that the name of an elector who was formerly admitted or registered as an elector in a town and who is a bona fide resident of such town has been omitted from the active registry list, the registrars shall, upon a written request signed by the elector under penalties of false statement to the registrar stating that such elector is still a bona fide resident of such town and is not an elector of any other town, add such name to such list, provided no name shall be added to the active registry list on election day, pursuant to this section, without the consent of both registrars.

(c) The registrars of voters shall cause the inactive registry list compiled under section 9-35 to be completed and printed and deposited in the town clerk's office and shall provide a sufficient number of copies for use in the polling place on election day. If on election day the name of an elector appears on such inactive registry list, such name shall be added to the active registry list upon written affirmation signed by the elector, under penalties of false statement, before an election official at the polling place, that such elector is still a bona fide resident of such town, and upon the consent of both registrars or assistant registrars, as the case may be, in the polls.

(d) The name of no elector shall be added to the active registry list under the provisions of this section, unless his name or some name intended for his name was on the active registry list for at least one of the four years previous or on one of the preliminary active registry lists for the year in which the registrars are in session.

(1949 Rev., S. 1011; 1953, S. 544d; February, 1965, P.A. 407, S. 6; P.A. 73-630, S. 14, 19; P.A. 75-23, S. 1, 2; P.A. 77-283, S. 2; P.A. 83-213, S. 5; P.A. 85-577, S. 1; P.A. 94-121, S. 26, 33.)

## **REGULATIONS OF THE SECRETARY OF THE STATE RESTORATION TO REGISTRY LIST**

The regulations of Connecticut State Agencies are amended by adding a new section 9-42-1 as follows:

**Sec. 9-42-1. Restoration of an elector to the registry list.** (a) Applications for restoration of an elector to the registry list pursuant to Conn. Gen. Stat. Section 9-42 shall be made under oath. All applications for restoration of an elector to the registry list shall be on a form

prescribed by the Secretary of the State. Nothing herein shall be construed to limit the registrars from restoring the name of an elector to the registry list pursuant to Conn. Gen. Stat. Section 9-42 without the filing of an application for restoration as otherwise hereinafter required, if it appears at any time that the name of such elector was omitted from the registry list by clerical error.

(b) An application for restoration to the registry list may be made in person to a registrar of voters, deputy registrar or assistant registrar at any time and at any place. Such application shall contain evidence of continued bona fide residence from the date such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date such application is made. Such evidence may include a written statement offered by such applicant or another elector, under oath, to prove the continued bona fide residence of the elector, or documentary evidence. Such documentary evidence may include an original or a copy of a deed, lease, homeowners or renters insurance policy, rent receipts, utility bills, library card, drivers license, photo identification card issued by the Department of Motor Vehicles or other state agency, town identification card, or other document showing residence and identity, or in lieu of such document(s) the application may contain a statement by the official to whom it was submitted describing what document(s) was presented at the time the application was submitted. Presentation of one form of valid documentary evidence together with the testimony of the applicant or another elector under oath shall be satisfactory evidence of continued bona fide residence. If the evidence is determined by such registrar, deputy registrar or assistant registrar of voters to satisfactorily prove continued bona fide residence, such official(s) shall add the applicant's name to the registry list.

(c) An application for restoration by an elector to the registry list may be made in person at a polling place on election or primary day. Such application shall be submitted to the registrar(s) (singly in a primary), or assistant registrar(s) (singly in a primary) if the registrar(s) is not present at the polling place, provided the assistant registrar(s) shall contact the registrar(s) to determine whether the elector's name appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made. The elector shall include with such application documentary or testimonial evidence as set forth in subsection (b) of this section. If such evidence is determined by such registrar(s) or assistant registrar(s) of voters to satisfactorily prove continued bona fide residence from the date such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date of the primary or election, such official(s) shall add the applicant's name to the registry list, attach the completed application thereto and the elector shall be permitted to vote.

(d) An application for restoration to the registry list may be made in person to any officer qualified to administer oaths pursuant to Conn. Gen. Stat. Section 1-24 and thereafter submitted by the applicant or his authorized agent in person or by mail to the registrar of voters of the town of residence of the applicant. The applicant shall include with such application documentary or testimonial evidence as set forth in subsection (b) of this section. If the evidence is determined by the registrar of voters to satisfactorily prove continued bona fide residence from the time such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date of such application, the registrar shall forthwith restore the elector's name on the registry list. The registrar shall note on such application his action and the date thereof, and if disapproved, his reasons therefor and

shall immediately send written notification of approval or disapproval to the applicant. Any applicant whose application is rejected may appeal under the provisions of section 9-31L.

(e) The prescribed form for application for restoration to the registry list shall be in both the English and Spanish languages in affected municipalities, as defined in Section 9-35-1 (a), and shall be available in ample supply from the registrars of voters; in nonaffected municipalities the prescribed form for application for restoration to the registry list may be in the English language only.

(Effective January 9, 1987)

**Sec. 9-42a. Change of name on registry list. When name of candidate on ballot affected.** (a) As used in this section, the term "municipal office" shall be construed as defined in section 9-372, except that such term shall not include the municipal offices of state senator and state representative.

(b) On the written request of any elector who identifies himself to the satisfaction of the registrars of voters, such registrars shall make any changes in the name of such elector as it appears on the registry list, provided such elector furnishes reasonable evidence to the registrars that the name as changed is a lawful name of such elector. No such change shall be made between the Tuesday of the fifth week before a regular election and the day of such election.

(c) No such change in the name of a candidate at a primary shall affect the name of the candidate as it appears on the primary ballot unless the elector is a candidate for town committee or municipal office and the change is made not later than the twenty-ninth day preceding the day of the primary. No such change in the name of a major party candidate at an election shall affect the name of such candidate as it appears on the election ballot unless the elector is a candidate for municipal office and the change is made not later than the fifty-fifth day preceding the day of such election. No such change in the name of a minor party candidate or a nominating petition candidate for any office at an election shall affect the name of such candidate as it appears on the election ballot unless the change is made not later than the fifty-fifth day preceding the day of the election.

(February, 1965, P.A. 308, S. 1; P.A. 77-163; P.A. 79-363, S. 9, 38; P.A. 83-475, S. 8, 43; P.A. 87-382, S. 5, 55.)

**Sec. 9-43. Procedure for removal of name for nonresidence.** When the registrars in any municipality are unable to agree upon the removal from the registry list of such municipality of the name of any elector concerning whom the claim is made by either registrar that such elector does not maintain a residence within such municipality, the registrars shall send to such elector, by registered or certified mail at the address at which his name appears on such list, a notice and return card required by the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, that his right to have his name retained on such list has been challenged; and, unless such elector has filed with the registrars, not later than seven days before the next succeeding regular election or primary to be held in such municipality, an application for the retention of his electoral privileges therein, the registrars shall place his name on the inactive registry list compiled under section 9-35. Such challenge may be made, and notice thereof sent, at any time except for the period of five weeks before any regular election to be held in such municipality. Such application for the retention of electoral privileges shall be a signed and sworn application in form substantially as follows:



"I, ..., (insert name of elector) an elector of the town of ... (insert name of town) now registered at ... (insert name of street, and number, if any) do hereby state under oath that I maintain a place of abode at ... (insert name of street, and number, if any) within such town; that my absence is temporary from said town for the following reasons:....; that it is my present intention to maintain a domicile and residence in said town and return thereto whenever the necessity for temporary absence has ceased; that I am not now registered elsewhere as an elector nor have I any present intention so to register.

.... (Signature of elector.)

Sworn to and subscribed before me on this ... day of ..., 19.., at ....

....  
Notary Public or other officer  
empowered to administer oaths".

Upon receipt of such application, if either registrar, in writing signed by him, certifies on such application that he believes such claim of residence has sufficient foundation in fact, the name of such elector shall be retained on the active registry list of the municipality and his right to vote therein at the next succeeding regular election or primary shall not be challenged by the registrars because of any question of residence. Otherwise, the name of such elector shall be placed on the inactive registry list for four years and then removed from the registry list. All applications herein provided for shall be kept by the registrars as a permanent record; and, when no application for retention of his electoral privilege is received from any elector whose right to have his name retained on the registry list is challenged under the provisions of this section, the registrars shall keep as a permanent record evidence that the notice required by this section has been sent in the manner provided herein.

(1949 Rev., S. 1005; 1953, S. 545d; 1959, P.A. 125; P.A. 75-348, S. 6, 11; P.A. 80-281, S. 6, 31; P.A. 94-121, S. 27, 33.)

**Sec. 9-44. Appeal from decisions of registrars.** Section 9-44 is repealed.

(1949 Rev., S. 1006; 1953, S. 546d; P.A. 81-350, S. 16, 17.)

**Sec. 9-45. Removal of convicted felons from registry list.** (a) The Judicial Department shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons who, during the preceding calendar month, have been convicted in the Superior Court of any crime for which the privileges of an elector are forfeited. Such lists shall include the names, birth dates and addresses of such persons, with the dates of their conviction and the crimes of which such persons have been convicted. The Secretary of the State shall transmit such lists to the registrars of the towns in which such convicted persons resided at the time of their conviction and to the registrars of any towns where the secretary believes such persons may be electors. The registrars of such towns shall compare the same with the list of electors upon their registry lists and, after written notice mailed by certified mail to each of the persons named at his last-known place of address, shall erase such names from the registry lists in their respective towns or voting districts.

(b) Any person who procures himself or another to be registered after having been disfranchised by reason of conviction of crime, and any person who votes at any election after

having forfeited his privileges by reason of conviction of crime, shall be fined not more than five hundred dollars and imprisoned not more than one year.

(1949 Rev., S. 1007; 1953, S. 547d; 1961, P.A. 105, S. 2; P.A. 96-207, S. 1.)

**Sec. 9-46. Forfeiture of electoral rights.** (a) A person shall forfeit his right to become an elector and his privileges as an elector upon conviction of a felony.

(b) No person who has forfeited and not regained his privileges as an elector, as provided in section 9-46a, may be a candidate for or hold public office.

(1949 Rev., S. 253b; 1953, S. 548d; 1963, P.A. 645, S. 6; P.A. 73-465, S. 1, 3; P.A. 85-192, S. 1, 2; P.A. 96-207, S. 2.)

**Sec. 9-46a. Restoration of electoral privileges.** (a) A person who has been convicted of a felony shall have his electoral privileges restored upon submission of written or other satisfactory proof to the admitting official before whom he presents his qualifications to be admitted as an elector, that all fines in conjunction with the conviction have been paid and that he has been discharged from confinement, parole or probation, as the case may be.

(b) The registrars of voters of the municipality in which a person is admitted as an elector pursuant to subsection (a) of this section, within thirty days after the date on which such person is admitted, shall notify the registrars of voters of the municipality wherein such person resided at the time of his conviction that his electoral rights have been so restored to him.

(c) The Judicial Department, the Commissioner of Correction and the Parole Board shall establish procedures to inform those persons who have been convicted of a felony, have been under the jurisdiction of said department, commissioner or board and are eligible to have their electoral privileges restored pursuant to subsection (a) of this section, of the right and procedures to have such privileges restored.

(P.A. 75-354, S. 1, 3; P.A. 76-22; P.A. 96-207, S. 3.)

**Secs. 9-47 to 9-50. Commission on forfeited rights. Petitions for restoration of electoral rights; investigation. Hearings; no appeal. Notice to registrars and petitioner of action.** Sections 9-47 to 9-50, inclusive, are repealed.

(1949 Rev., S. 16; 1949, S. 4b8b; 1953, S. 549d552d; 1959, P.A. 382, S. 1; 1961, P.A. 517, S. 6; 1963, P.A. 645, S. 7; P.A. 73-465, S. 2, 3; P.A. 74-183, S. 182, 291; P.A. 75-354, S. 2, 3.)

**Sec. 9-50a. Monthly compilation of changes to active and inactive registry lists.** The registrars of voters of each town shall, on a monthly basis, compile a list of (1) all persons whose names were added, restored, removed or erased from the active and inactive registry lists during the preceding month, (2) all electors who changed either their names or addresses during such period and (3) all persons sent notices required under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and all persons who have replied to such notices. Such list shall include, but not be limited to, each such person's or elector's (A) name, (B) former name, if changed during such period, (C) address, including zip code, (D) former address, including zip code, if changed during such period, (E) voting district and (F) party affiliation, if any. The registrars shall make each such list available to the public in accordance with the provisions of section 1-19.

(P.A. 87-462, S. 1, 2; P.A. 94-121, S. 28, 33.)

**Sec. 9-51. Enrolment sessions.** The registrars shall make changes and corrections in the list of enrolled electors at any time. On the fourteenth day before each primary, the registrars of voters in each town shall hold a mandatory enrolment session for the purpose of making an enrolment of the electors who are entitled to vote in primaries. All enrolment sessions of the registrars of voters shall be held in a public place maintained by the municipality at such hours between twelve o'clock noon and nine o'clock p.m. as said registrars prescribe, provided each such session shall be held for not less than two consecutive hours and provided, in any municipality divided into voting districts in which an enrolment session is held in each such district, the hours of such session in each of the districts shall be uniform. This section shall apply in each municipality, the provisions of any special act to the contrary notwithstanding.

(1949 Rev., S. 1171; 1953, 1955, S. 553d; 1957, P.A. 442, S. 1; 1963, P.A. 50; 266; 1971, P.A. 685, S. 1; P.A. 75-206, S. 1, 7; 75-269, S. 2; P.A. 77-298, S. 2; P.A. 83-475, S. 9, 43; P.A. 87-382, S. 6, 55; P.A. 96-134, S. 3.)

**Sec. 9-52. Discretionary enrolment sessions.** The registrars of voters in each municipality may hold additional discretionary enrolment sessions for the purpose of making an enrolment of the electors who are entitled to vote in any primary or caucus in such municipality at such other times as all such registrars in such municipality deem necessary; but no such session shall be held on the day when a caucus or primary is held or during the fourteen days preceding a primary or the day before a caucus.

(1949 Rev., S. 1171; 1953, 1955, S. 553d; 1957, P.A. 442, S. 3; 1961, P.A. 70; P.A. 77-298, S. 3; P.A. 79-94.)

**Sec. 9-53. Notice of sessions.** The registrars of voters in each municipality in which an enrolment session is to be held shall give notice of such session, and of the purpose, day, hours and place thereof, by publication in a newspaper published in or having a circulation in such municipality, not more than fifteen nor less than five days before such session. Nothing herein shall require that such publication be in the form of a legal advertisement. In each municipality divided into two voting districts which elects registrars of voters for each voting district, any session for enrolment in such municipality shall be held in each such district thereof by the registrars of such district, and the notice hereinbefore required shall specify the place in each such district in which such session is to be held. In each municipality divided into voting districts which elects registrars of voters for the entire municipality, any session for enrolment in such municipality may, if the registrars so decide, be held in each such district by assistant registrars appointed under section 9-192, provided the registrars in the notice hereinbefore required shall specify the place in each such district in which such session is to be held. When such a session is so held in each such district by such assistant registrars, within forty-eight hours after the close of each of such sessions, each of such assistant registrars shall deliver to the registrar of whom he is the appointee a true and attested list or lists, as made by such assistant registrars at such session, showing all enrolments and corrections, if any, by them made, together with a list of all applications rejected under the provisions of sections 9-60 and 9-63.

(1949 Rev., S. 1172; 1953, 1955, S. 554d; 1957, P.A. 442, S. 4; 1963, P.A. 393, S. 4; February, 1965, P.A. 275, S. 3; 1967, P.A. 352, S. 4; P.A. 77-298, S. 4; P.A. 93-230, S. 4; P.A. 95-171, S. 4; P.A. 96-134, S. 4, 5, 9.)

**Sec. 9-54. Compilation and maintenance of enrolment lists and list of unaffiliated electors.** The registrars shall compile separate lists of all qualified electors making application for enrolment according to the declared political preference of such electors. Before each primary

at which unaffiliated electors are authorized to vote, under section 9-431, the registrars shall also compile a list of unaffiliated electors which shall be a component of the official checklist to be used at such primary. In those towns having cities or boroughs within, and not coterminous with, their limits, the registrars shall also prepare such lists for use in such cities or boroughs; and when towns, cities or boroughs are divided into wards or voting districts, the registrars shall also prepare such lists for such wards or voting districts. Any town, city, consolidated town and city, or consolidated town and borough may, by vote of its legislative body, require the registrars of voters to designate the party affiliation, if any, of each elector on the registry list with the name of such elector, and, if it is so voted, may provide for the continuance or discontinuance of separate enrolment lists, except as provided in section 9-55. Whenever an elector's name has been removed from the registry list or transferred upon the registry list because of a change of address within the municipality, pursuant to section 9-35, such name shall also, at the same time, be removed from or transferred upon the enrolment list or upon the list of unaffiliated electors, if applicable. In municipalities divided into two voting districts or wards where registrars are elected for each voting district or where assistant registrars are appointed for each voting district under section 9-192, when a transfer of enrolment is made between separate lists of the same political party because of the removal of an elector from one voting district or ward to another voting district or ward in the same municipality, the registrars or assistant registrars from the voting district or ward where the elector formerly resided shall remove the elector's name from the list and shall report the removal to the registrars or assistant registrars of the same political party in the voting district or ward to which such elector has removed, whereupon such registrars or assistant registrars shall add such name to the list of the same political party in such district or ward unless such elector has made application for erasure or transfer of enrolment to the list of another party. In all other municipalities, when a transfer of enrolment between separate lists of the same political party is made because of the removal of an elector from one voting district or ward to another voting district or ward in the same municipality, the registrars of voters shall transfer the name of such elector from the list on which it appears to the enrolment list of the same political party in the voting district or ward to which such elector has removed unless such elector has made application for erasure or transfer of enrolment to the list of another party. All such enrolment lists and lists of unaffiliated electors shall be arranged in the manner provided by section 9-35 for the arrangement of registry lists in such town except as modified by sections 9-51 to 9-65, inclusive.

(1949 Rev., S. 1173; 1953, S. 555d; 1957, P.A. 442, S. 5; 1971, P.A. 685, S. 2; 1972, P.A. 26; P.A. 77-298, S. 5; P.A. 78-153, S. 28, 32; P.A. 83-475, S. 10, 43; P.A. 87-509, S. 3, 24; P.A. 95-171, S. 5.)

**Sec. 9-55. Printing of corrected enrolment lists and list of unaffiliated electors.** (a) The registrars shall cause to be printed at least once during the calendar year a sufficient number of copies of complete, corrected enrolment lists certified by them as correct, provided a supplementary list shall be printed within one week after a session held on the fourteenth day before a primary.

(b) If a political party authorizes unaffiliated electors to vote in a primary, under section 9-431, and a notice of primary is published, the registrars shall cause a list of all unaffiliated electors eligible to vote in the primary to be printed within one week after the session held on the fourteenth day before such primary. If unaffiliated electors are authorized to vote in only one party's primary and are authorized to vote for all offices to be contested at the primary, the

registrars may print the list of unaffiliated electors in combination with such party's enrolment list, indicating party affiliation where applicable.

(c) If the legislative body of the municipality votes to eliminate separate enrolment lists under section 9-54 and:

(1) Notices of primaries are published for two parties to be held on the same day, the registrars shall print complete separate enrolment lists within one week after the enrolment session held on the fourteenth day before the primary and, if unaffiliated electors are authorized to vote in the primary, the registrars shall print a separate list of unaffiliated electors as provided in subsection (b) of this section; or

(2) A notice of primary is published for one party in which unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, the registrars shall print a complete separate enrolment list and a separate list of unaffiliated electors as provided in subsection (b) of this section; or

(3) A notice of primary is published for only one party and (A) unaffiliated electors are not authorized to vote or (B) unaffiliated electors are authorized to vote for all offices to be contested at the primary, a registry list may be used as a checklist at the primary and the registrars shall, within one week after the session held on the fourteenth day before such primary, print a supplementary list indicating those electors who have become eligible to vote in the primary since the printing of the registry list.

(d) Whenever a list is required by this section to be printed within one week after the session held on the fourteenth day before the primary, a supplement to such list shall be compiled by the registrars of persons who after such date and prior to twelve o'clock noon of the last business day before the primary become eligible to vote in such primary. The registrars may combine such separate compilation with the foregoing printed list either by inserting the names in writing or by reprinting the list incorporating the supplementary list into a single printed list.

(e) The registrars shall file one copy of each such list with the town clerk which copy shall be available for public use in the office of the town clerk until the printing of the next completed, corrected enrolment list; and they shall deliver to the chairman of the town committee of each political party five copies of each such list for each voting district in the town. Upon request the registrars shall give one complete set of such lists to each candidate for nomination for any office or for election as a town committee member or delegate to a convention. They shall deliver a sufficient number of copies thereof to the moderator of each primary. With each printing the registrars shall retain at least six copies of each such list and such copies shall be available for public use in the office of the registrars until the printing of the next complete, corrected enrolment list. No petition brought under the provisions of section 9-63 shall operate to delay the completion and printing of such lists. If the petition of any elector is granted after any such list has been completed, the registrar or assistant registrar shall issue to such elector a certificate showing that such elector is entitled to the privileges accompanying enrolment in the political party named in his petition.

(1949 Rev., S. 1182; 1953, 1955, June, 1955, S. 556d; November, 1955, S. N40; 1957, P.A. 442, S. 6; 1963, P.A. 201, S. 2; 1967, P.A. 370; P.A. 75-269, S. 3; P.A. 76-128, S. 8, 11; P.A. 77-298, S. 6; P.A. 80-281, S. 7, 31; P.A. 87-382, S. 7, 55; 87-509, S. 4, 24.)

**Sec. 9-55a. Compensation of registrars, clerks and other personnel.** For the performance of the duties imposed by sections 9-55 and 9-57, each registrar, deputy registrar and

other personnel appointed as provided in section 9-57 actually engaged in such duties and each municipal clerk shall receive such reasonable compensation from the municipality as is approved by the selectmen of the town, the warden and burgesses of the borough or the common council of the city or the consolidated town and city, as the case may be; and all necessary expenses incurred by registrars and municipal clerks under the provisions of said sections shall be paid by the municipality.

(1963, P.A. 17, S. 93; 1967, P.A. 857, S. 1.)

**Sec. 9-56. Application for enrolment by unaffiliated elector.** Except as otherwise provided in the case of an elector whose name has not been placed on or has been removed from the enrolment list under section 9-59, 9-60, 9-61 or 9-62, any elector not enrolled on any enrolment list may at any time make a written and signed application for enrolment to the registrars of voters on an application form for admission as an elector, in accordance with the requirements of this section. The application shall be effective as of the date it is filed with the registrars of voters of the town of residence of the applicant and any person making application for enrolment in such manner shall immediately be entitled to the privileges of party enrolment unless the application for enrolment is filed with the registrars of voters after twelve o'clock noon on the last business day before a primary, in which case he shall be entitled to the privileges of party enrolment immediately after the primary or unless the application for enrolment is filed with the registrars of voters on the day of a caucus or convention, in which case he shall be entitled to the privileges of party enrolment immediately after the caucus or convention. The application shall be signed or initialed by the registrar, deputy, assistant or registrar's clerk receiving it, or by such other personnel as such registrar or deputy may appoint for the purpose, showing the date when such application is received and, in the case of an applicant not immediately eligible under section 9-59, 9-60, 9-61 or 9-62 to the privileges accompanying enrolment in the party named in his application, the date upon which such applicant becomes so eligible. In municipalities divided into voting districts in which an enrolment session is held in each district thereof under section 9-51, application for enrolment shall be made to the registrar or assistant registrar, as the case may be, in the voting district in which such elector is entitled to vote at the time of making such application. If any registrar or assistant registrar fails to add any name to any such list on written application or adds any name to any such list except as herein provided, he shall be fined not more than two hundred dollars or imprisoned not more than thirty days or both.

(1949 Rev., S. 1174; 1953, S. 557d; 1957, P.A. 442, S. 7; 1967, P.A. 32; 1969, P.A. 122, S. 2; 694, S. 6; 1971, P.A. 871, S. 68; P.A. 74-29; P.A. 75-47, S. 3, 5; 75-269, S. 4; P.A. 77-244, S. 3, 4; 77-298, S. 7; P.A. 79-363, S. 34, 38; P.A. 80-483, S. 31, 186; P.A. 83-475, S. 11, 43; P.A. 84-118, S. 3, 5; P.A. 94-121, S. 29, 33.)

**Sec. 9-57. Application for enrolment by new elector at time of admission. Attachment of party privileges.** Notwithstanding the provisions of any special act or charter to the contrary, whenever any person makes application for admission as an elector, he may, prior to the administration of the elector's oath, make application as provided in sections 9-12, 9-20, 9-23a and 9-56 for enrolment on the list of the political party of his preference. The registrars of voters or assistant registrars shall add the names of all persons making such application to the enrolment list or supplementary enrolment list of the political party of each such applicant's preference; provided, if a caucus or convention is to be held, such registrars or assistant registrars shall

prepare on the day before such caucus or convention, separate lists of such names according to party. Any such elector who has so applied for enrolment shall, from the time of such application, be entitled to all the privileges of enrolment in the party named in his application, unless he ceases to be an elector in the town or voting district in which he is entitled to vote, as the case may be, or unless he makes application for erasure or transfer or enrolment on the list of another party in accordance with the provisions of section 9-56 and section 9-59 or unless he makes application for enrolment after twelve o'clock noon on the last business day before a primary, in which case he shall be entitled to the privileges of party enrolment immediately after the primary.

(1949 Rev., S. 1183; 1953, June, 1955, S. 558d; November, 1955, S. N41; 1957, P.A. 442, S. 8; 1967, P.A. 857, S. 2; P.A. 75-47, S. 4, 5; 75-269, S. 5; P.A. 76-128, S. 9, 11; P.A. 77-298, S. 8; P.A. 78-153, S. 6, 32; P.A. 79-357, S. 4; 79-363, S. 35, 38; P.A. 84-118, S. 4, 5.)

**Sec. 9-57a. Application for enrolment made at time of application for restoration.**  
Section 9-57a is repealed.

(1961, P.A. 274, S. 1; P.A. 78-153, S. 31, 32.)

**Sec. 9-58. Applications for enrolment; record of, disposal after five years.** All applications for enrolment shall be arranged in alphabetical order and shall be preserved by the registrars as a permanent record open to public inspection, except that any such application of an elector whose name has been removed from the registry list for a period of at least five years may be placed on microfilm, destroyed or otherwise disposed of, in the manner provided in section 7-109, by such registrars.

(1949 Rev., S. 1181; 1953, S. 559d; P.A. 75-174, S. 2, 3.)

**Sec. 9-59. Erasure or transfer of name.** Any elector whose name appears on any enrolment list or who has made application for enrolment may, at any time, make a written application, on an application form for admission as an elector, which shall be signed by such elector, to either registrar for erasure of his name from such list or for transfer of his name to the enrolment list of another party. If an elector makes an application for erasure, his name shall be erased from said enrolment list and, if a municipality is having a primary in which unaffiliated electors are authorized to vote, under section 9-431, such elector's name shall be placed on the list of unaffiliated electors together with the date he is eligible to vote in a primary. If an elector makes an application for transfer, his name shall be transferred to the enrolment list of another party, together with the effective date of such transfer. Any elector whose name has been transferred from one enrolment list to another or who has applied for erasure or transfer of his name from an enrolment list shall not be entitled to vote in a caucus or primary of any party or be entitled to the privileges accompanying enrolment in any party for a period of three months from the date of the filing of his application for transfer or for erasure. Any elector who removes his name from the registry list and from an enrolment list in accordance with the provisions of section 9-35b shall not be entitled to enroll in any political party or vote in any primary for three months after such removal. The registrars of voters shall state, on the notice of acceptance sent under sections 9-23g, 9-19b and 9-19e, the date enrolment privileges take effect, if delayed.

(1949 Rev., S. 1175; 1953, S. 560d; 1957, P.A. 442, S. 10; P.A. 77-298, S. 9; P.A. 85-207, S. 2; P.A. 87-509, S. 5, 24; P.A. 94-109, S. 1, 2; 94-121, S. 30, 33.)

**Sec. 9-60. Discretionary erasure or exclusion from enrolment list for lack of good-faith party affiliation; citation and hearing.** Whenever the registrar of voters of any political party, or any deputy registrar thereof in cases where it is provided by law that the deputy registrar shall act in the place and stead of the registrar, is of the opinion that any person on the enrolment list, or any person applying to be placed upon the enrolment list, of the political party which such registrar or deputy registrar represents is not affiliated with, or in good faith a member of, that political party and does not intend to support its principles or candidates, such registrar or deputy registrar, as the case may be, shall, except in the case where the name of any elector appears on the ballot label at an election only under a party designation other than that of the party with which he is enrolled, cite such person to appear before him and the chairman of the town committee of such political party, or before him and the chairman of the same party committee of the ward or voting district, if in a town divided into wards or voting districts; or, where there is no such chairman, or in the absence or disability of such chairman, before him and any enrolled member of the same political party chosen by such registrar or deputy registrar, to show cause why his name should not be erased or excluded from such enrolment list. Such citation shall be in writing and shall state the time when and place where such person shall appear, and shall be served upon or left at the usual place of abode of such person at least two days before the time fixed for such hearing upon such citation, which time shall not be less than one week before the next succeeding caucus or primary of such political party. The person leaving or serving such citation shall make a record of the date and time of leaving or serving the same and shall make a return to the registrar or deputy registrar, within thirty-six hours thereafter, of the date and time when such citation was left or served. If, at any such hearing, it appears to such registrar and such chairman or party member or to such deputy registrar and such chairman or party member, as the case may be, that it is not the bona fide intention of such person to affiliate with, or that such person is not affiliating with, such political party and does not intend to support the principles or candidates of such party, his name may thereupon be erased or excluded from the enrolment list of such party. If any elector upon whom a citation to appear, as herein provided, has been served fails to appear at the time and place fixed for such hearing, such registrar or deputy registrar may take such action as to the erasure or exclusion of the name of such elector as the facts warrant.

(1949 Rev., S. 1176; 1953, S. 561d; 1967, P.A. 902, S. 1; P.A. 83-475, S. 12, 43.)

**Sec. 9-61. Prima facie evidence supporting discretionary erasure or exclusion; mandatory erasure in case of candidacy solely under another party's designation.** Enrolment in any other political party or organization, active affiliation with any other political party or organization, knowingly being a candidate at any primary or caucus of any other party or political organization, or being a candidate for office under the designation of another party or organization, within a period of two years prior to the date of the notice as provided in section 9-60 shall be prima facie evidence that any elector committing any such act is not affiliated with, or in good faith a member of, and does not intend to support the principles or candidates of the party upon the enrolment list of which his name appears or in which his application for enrolment is pending; and, upon reasonable proof of the commission of any one of such acts, the name of any such elector may be stricken or excluded from such list and such erasure or exclusion shall be effective for a period of two years from the date of any such act. If the name of any elector appears on the ballot label at an election only under a party designation other than



that of the party with which he is enrolled, whether such elector was nominated by a major or minor party or by nominating petition, such name shall be removed from the enrolment list for a period of two years from the date of such election after which time he may apply for enrolment in said party. The same procedure as to notice to appear thereon, return and hearing shall be followed as provided in section 9-60, except when the name of any elector appears on the ballot label at an election only under a party designation other than that of the party with which he is enrolled. If, after full hearing, such registrar and chairman or party member or such deputy registrar and chairman or party member, as the case may be, find that the name of any such elector has been wrongfully or improperly stricken or excluded from such list, such name shall be forthwith placed upon the enrolment list.

(1949 Rev., S. 1177; 1953, S. 562d; 1967, P.A. 902, S. 2; 1969, P.A. 122, S. 1; P.A. 83-475, S. 13, 43.)

**Sec. 9-62. Hearings concerning discretionary erasure or exclusion.** At any hearing provided for in sections 9-60 and 9-61, any elector upon whom a citation or notice as therein provided has been served and any person offering himself as a witness shall be sworn; and all registrars and deputy registrars are authorized to administer, for that purpose, the oath provided for witnesses. Any person cited to appear before any registrar or deputy registrar under any of the provisions of said sections shall have the right to appear either in person or by attorney; and, when no witnesses are present at any such hearing to testify in favor of the removal of the name of an elector from any list on which the same appears, or against placing the name of an elector upon an enrolment list, or against the restoration of the name of an elector to an enrolment list from which the name of such elector has been removed or excluded, the registrar or deputy registrar before whom the hearing is held shall make a statement of facts in his possession, showing why the name of any such elector should be erased from such enrolment list or why it should not be placed upon the enrolment list as requested by the applicant or why such name was wrongfully or improperly stricken or excluded from the enrolment list upon which it appeared.

(1949 Rev., S. 1178; 1953, S. 563d; P.A. 83-475, S. 14, 43.)

**Sec. 9-63. Court appeal of discretionary erasure or exclusion.** Any elector whose name has been removed from an enrolment list in the manner provided in sections 9-60 and 9-61, and any elector whose application to have his name placed upon an enrolment list has been refused, and who is aggrieved thereby, may, within ten days after such removal or refusal, bring a petition before any judge of the superior court, setting forth that the name of the petitioner has been unjustly or improperly removed from such list or excluded therefrom, as the case may be, and praying for an order directing such registrar or deputy registrar by whom such name was removed or excluded to restore such name or place the same upon such list. A recognizance shall be attached to the petition, with proper surety, in a sum not less than fifty dollars, conditioned that the petitioner will prosecute such action to effect and pay all proper costs of the adverse party in case he fails therein. Such petition shall be returnable not more than six days from the date thereof, and to the same shall be attached a citation commanding such registrar or deputy registrar in the name of the state to appear and show cause why such name should not be restored to such list or placed thereon. A true copy of such petition shall be served upon such registrar or deputy registrar at least four days before the return day thereof, and the judge before whom such petition is returnable shall assign the same for a hearing at the earliest practicable date; and if, upon due hearing thereof, he finds that the petitioner is entitled to relief, such judge shall issue an

order directing such registrar or deputy registrar to forthwith restore the name of such elector to the list from which it was removed or to place the name of such elector upon the list applied for, as the case may be; and any registrar or deputy registrar who fails to obey such order shall be deemed guilty of contempt and may be fined not more than one hundred dollars.

(1949 Rev., S. 1179; 1953, S. 564d; 1959, P.A. 28, S. 166; 1971, P.A. 870, S. 18; P.A. 74-183, S. 183, 291; P.A. 76-436, S. 162, 681; P.A. 83-475, S. 15, 43.)

**Sec. 9-64. Erasure of name not on registry list.** Upon the written application of an enrolled elector of any town, made to any registrar or assistant registrar of any ward or voting district in such town, stating that the name of an elector appearing on the enrolment list of any ward or district does not appear on the last-completed registry list of such ward or district and that such elector is not entitled to vote therein and requesting that the name of such elector be stricken from such enrolment list, such registrar or assistant registrar, upon verifying the accuracy of such information, shall erase such name from the enrolment list, provided any name so erased shall be added to the enrolment list of the same party in the ward or district upon the registry list of which such name appears. Any registrar or assistant registrar failing to so erase any such name shall be fined not more than two hundred dollars or imprisoned not more than thirty days or both.

(1949 Rev., S. 1180; 1953, S. 565d; 1957, P.A. 442, S. 11; P.A. 77-298, S. 10.)

**Sec. 9-64a. Removal, restoration or transfer of enrolment list names.** Notwithstanding the provisions of any other section of this chapter, the registrars of voters in any town or district shall remove the name of any elector from the enrolment list at the same time that such name is removed from the registry list, but, if such name is restored, added or transferred on the registry list under section 9-35 or section 9-42, it shall be simultaneously restored, added or transferred on the enrolment list.

(1967, P.A. 533, S. 1; P.A. 78-153, S. 27, 32; P.A. 81-350, S. 15, 17; P.A. 83-475, S. 16, 43.)

**Sec. 9-64b. Removal of names from list to be used at caucus, primary or convention.** Prior to distributing any enrolment list for use in any caucus, primary or town convention, the registrar of voters shall remove all names from such enrolment list which have been removed from the last-completed registry list.

(1967, P.A. 533, S. 2.)

**Sec. 9-65. Statement to secretary of registration, enrolment and addition and removal statistics.** (a) Within a week after the last session of the registrars of voters under section 9-17 before an election, the registrars of voters in each municipality shall submit in writing to the Secretary of the State a statement setting forth the total number of electors, the total number of electors enrolled on each party enrolment list and the total number of unaffiliated electors in such municipality. They shall omit therefrom electors on the last-completed registry list or enrolment lists who have died, and they shall include therein electors who have acquired electoral or enrolment privileges since the last-completed registry list or enrolment lists were perfected. In municipalities divided into two voting districts which elect registrars of voters for each district, such information shall be so submitted by the registrars of voters of the first district. If the registrars who are required to submit such statement fail to do so within the time required, each

such registrar shall pay a late filing fee of twenty-five dollars. Such statement shall be deemed to be submitted within the time required if it is either (1) postmarked by the United States Postal Service not earlier than eight o'clock p.m. on the day of such last session of the registrars and not later than midnight on the seventh day following such last session, or (2) delivered by hand or by electronically transmitted facsimile to the office of the Secretary of the State not earlier than the first day following, and not later than four-thirty o'clock p.m. on the seventh day following, such last session.

(b) After the last session of the registrars of voters under section 9-17 before each election, the registrars of voters in each municipality shall submit in writing to the Secretary of the State a statement setting forth the total number of names of new electors added to the registry list, and the total number of names of former electors removed from the registry list, in such municipality during the period between the two most recent such last sessions. Such statement shall be submitted annually at a time to be determined by the Secretary of the State. In municipalities divided into two voting districts that elect registrars of voters for each district, such statement shall be so submitted by the registrars of voters of the first district.

(1957, P.A. 442, S. 14; 1961, P.A. 109; 1969, P.A. 40, S. 1; P.A. 73-113; P.A. 83-391, S. 12, 24; P.A. 85-577, S. 2; P.A. 93-384, S. 6; P.A. 95-171, S. 6; P.A. 96-119, S. 1.)

**Sec. 9-66. Application of provisions.** The provisions of sections 9-51 to 9-67, inclusive, shall extend only to (A) any major party as defined in subdivision (5) of section 9-372, and (B) any minor party as defined in subdivision (6) of section 9-372. In the case of a major party, such provisions shall apply state-wide. In the case of a minor party, such provisions shall apply within the geographical jurisdiction of the office or offices to which such minor party status pertains.

(1949 Rev., S. 1187; 1953, S. 566d; P.A. 85-577, S. 21.)

**Sec. 9-67. Party affiliation of electors of boroughs.** Any provision of the general statutes to the contrary notwithstanding, any elector of a borough may, in connection with any borough election, enroll in, be affiliated with, be a candidate for nomination or election of, or in any other manner participate in the affairs of, a political party or organization which names candidates for borough offices, despite his participation in any manner, in connection with any state, town or city election, in the affairs of any political party or organization. Such participation, in connection with any borough election, shall not affect the right of any such elector to participate, in connection with any state, town or city election, in the affairs of any other single political party or organization. The provisions of sections 9-51 to 9-67, inclusive, regulating party affiliation of electors shall apply to the intraborough political activities of any such elector.

(1949 Rev., S. 1189; 1953, S. 567d.)

## CHAPTER 144

### NOMINATIONS AND POLITICAL PARTIES

**Secs. 9-68 to 9-133. Nominations and political parties.** Sections 9-68 to 9-133, inclusive, are repealed.

(1949 Rev., S. 1044, 1045, 1185; 1953, S. 569d, 570d, 617d, 618d; 1953, June, 1955, S. 615d; June, 1955, S. 571d, 572d, 574d583d, 585d612d, 616d; November, 1955, S. N42, N44N46, N48N59, N61N98, N103, N106N110; 1957, P.A. 119, S. 1; 410, S. 1, 2; 518, S. 135, 37, 38, 40, 41; September, 1957, P.A. 1, S. 1, 4, 5; March, 1958, P.A. 27, S. 22, 36; 1959, P.A. 49; 476, S. 1; 675, S. 1; 1961, P.A. 72, S. 1, 2; 119; 147; 148; 202; 230; 1963, P.A. 17, S. 92.)

## CHAPTER 144a

### ABSENTEE VOTING AT PRIMARIES

**Secs. 9-133a to 9-133e.** Eligibility for absentee voting. Application for ballot; distribution. Votes to be restricted to candidates appearing on ballot label. Voting and counting procedures. Form and printing of primary absentee ballot; filing of ballot and affidavit with secretary; vacancies occurring after ballot printed; envelopes. Sections 9-133a to 9-133e, inclusive, are repealed.

(1971, P.A. 819, S. 15; 1972, P.A. 13, S. 1, 2; P.A. 73-630, S. 15, 19; P.A. 74-25, S. 1, 13; P.A. 75-310, S. 3, 4, 11; 75-595, S. 1, 5; P.A. 76-50, S. 1, 7; P.A. 77-97; 77-245, S. 14; P.A. 78-168, S. 1; P.A. 81-238, S. 1; 81-472, S. 118, 159; P.A. 82-472, S. 26, 183; P.A. 83-254, S. 1, 4; P.A. 84-319, S. 10, 49; P.A. 85-577, S. 3, 4; P.A. 86-179, S. 52, 53.)

## CHAPTER 145

### ABSENTEE VOTING

**Sec. 9-133f.** Absentee voting procedures. The provisions of this chapter shall govern procedures relating to absentee voting at elections. Except as otherwise provided by statute, such provisions shall also apply, as nearly as practicable and in the manner prescribed by the secretary of the state, to procedures relating to absentee voting at primaries and referenda.

(P.A. 86-179, S. 1, 53.)

#### (ELIGIBILITY)

**Sec. 9-134. Members of the armed forces; definitions.** The term "members of the armed forces", wherever used in this chapter, means members in active service of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, Public Health Service and Merchant Marine of the United States, and all regular and reserve components thereof. The term "members of the merchant marine of the United States", wherever used in this chapter, means persons employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not mean persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways. The term "United

States", wherever used geographically in this chapter, includes the territorial limits of the states of the United States and the District of Columbia.

(1953, 1955, S. 619d; P.A. 79-363, S. 10, 38; P.A. 86-179, S. 2, 53.)

**Sec. 9-135. Absentee voting by civilians.** Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he is unable to appear at his polling place during the hours of voting for any of the following reasons: (1) His active service with the armed forces of the United States; (2) his absence from the town of his voting residence during all of the hours of voting; (3) his illness; (4) his physical disability; (5) the tenets of his religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his duties as a primary, election or referendum official at a polling place other than his own during all of the hours of voting at such primary, election or referendum.

(1949 Rev., S. 1134; 1953, S. 622d; 1963, P.A. 93, S. 2; February, 1965, P.A. 74, S. 1; 1967, P.A. 678, S. 1; 831, S. 6; 1969, P.A. 2, S. 1; 69, S. 2; P.A. 75-595, S. 2, 5; P.A. 76-50, S. 2, 7; 76-435, S. 44, 82; P.A. 79-189, S. 5, 9; P.A. 81-238, S. 2; 81-472, S. 119, 159; P.A. 83-254, S. 2, 4; P.A. 84-546, S. 19, 173; P.A. 86-179, S. 3, 53; P.A. 87-320, S. 1.)

#### (FORMS)

**Sec. 9-135a. Form of absentee ballot.** (a) Each absentee ballot shall be arranged to resemble the appropriate ballot label and sample ballot label as prescribed by law, and shall include, as applicable, the offices, party designations, names of candidates and questions to be voted upon and spaces for write-in votes. A replica of the state seal shall be printed on the ballot. The size, type, form, instructions, specifications for paper and printing and other specifications shall be prescribed by the secretary of the state. The secretary of the state shall provide a ballot facsimile to each municipal clerk for use in preparing the ballot form.

(b) In municipalities in which some or all offices are to be voted upon without party designation at an election, the clerk of the municipality shall prepare a suitably modified absentee ballot which, upon approval by the secretary of the state, shall be the form of absentee ballot for the purposes of the election.

(c) In the case of a primary in a voting district in which unaffiliated electors are authorized, under section 9-431, to vote for some but not all offices to be contested at the primary, the clerk of the municipality shall so prepare and cause to be printed separate and distinct partial absentee ballots for such unaffiliated electors, provided on each such ballot, each candidate's position shall be the same as on the full absentee ballot for the primary, pursuant to section 9-437, leaving blank columns where necessary.

(P.A. 75-310, S. 1, 11; P.A. 77-245, S. 15; P.A. 78-24; P.A. 79-363, S. 11, 38; P.A. 84-319, S. 11, 49; P.A. 86-179, S. 4, 53; P.A. 87-509, S. 6, 24.)

**Sec. 9-135b. Preparation and printing of absentee ballots; layouts for public inspection; filing of ballot and affidavit with secretary. Vacancies; procedure. Omissions or errors in printing.** (a) Immediately after the deadline for certification of all candidates whose names are to appear on the ballot label, and in sufficient time to begin issuing absentee ballots on the day prescribed by law, the municipal clerk shall prepare the absentee ballots and have them printed.

(b) A layout model of each different absentee ballot shall be available for public inspection at the clerk's office prior to printing. The model shall indicate the type face to be used, the spelling and placement of names and other information to be printed on the ballots.

(c) Immediately upon receiving the printed absentee ballots, the municipal clerk shall file one with the secretary of the state or, if there are different ballots for different political subdivisions, one ballot for each subdivision. The clerk shall also file his affidavit with the secretary, stating the number of ballots printed. The form of affidavit shall be prescribed by the secretary. If any correction or alteration is subsequently made on any absentee ballot the clerk shall immediately file a corrected or altered ballot and, using the prescribed form, his affidavit stating the number of such ballots printed, with the secretary.

(d) If a vacancy in candidacy occurs after the ballots have been printed, the clerk may either reprint the ballots or cause blank or printed stickers, as the case may be, to be affixed to them so that the name of any candidate who has vacated his candidacy is deleted and the name of any candidate chosen to fill the vacancy as provided in section 9-428 or section 9-460 appears in the same position as that in which the vacated candidacy appeared except as provided in section 9-426 or 9-453s.

(e) The secretary of the state shall examine each absentee ballot required to be filed pursuant to this section and if a ballot contains an omission or error, the secretary shall order the municipal clerk to reprint a corrected absentee ballot or to take such other action as the secretary may deem appropriate.

(P.A. 75-310, S. 2, 11; P.A. 79-363, S. 12, 38; P.A. 86-179, S. 5, 53.)

**Secs. 9-136 and 9-136a. Form of absentee ballot. Form for municipal election to fill partisan and nonpartisan offices.** Sections 9-136 and 9-136a are repealed.

(1949 Rev., S. 1140; 1953, S. 623d; 1957, P.A. 517, S. 1; 1961, P.A. 395, S. 1; 1963, P.A. 224, S. 1; 374, S. 1; 1971, P.A. 631; P.A. 75-310, S. 10, 11; P.A. 86-179, S. 52, 53.)

**Sec. 9-136b. Transferred to Sec. 9-153c.**

**Sec. 9-137. Inner envelope for return of ballot; statement under false statement penalty.** Each absentee ballot shall be returned to the municipal clerk, inserted in an inner envelope which shall be capable of being sealed and which shall have printed on its face a form containing the following statements:

"I hereby state under the penalties of false statement in absentee balloting that I am eligible to vote at the primary, election or referendum in the municipality in which this absentee ballot is to be cast and that I expect to be unable to appear at my polling place during the hours of voting at such primary, election or referendum for one or more of the following reasons: (1) My active service in the armed forces; (2) my absence from the town in which I am eligible to vote during all of the hours of voting; (3) my illness or physical disability; (4) the tenets of my religion which forbid secular activity on the day of the primary, election or referendum; or (5) my duties as a primary, election or referendum official.

Date ....

.....(Signature)."

(1949 Rev., S. 1141; 1953, 1955, S. 624d; 1963, P.A. 42, S. 2; 93, S. 1; February, 1965, P.A. 74, S. 2; 1967, P.A. 678, S. 2; 1969, P.A. 2, S. 2; 69, S. 3; 1971, P.A. 871, S. 69; P.A. 74-96, S. 2, 9; P.A. 75-595, S. 3, 5; P.A. 79-189, S. 6, 9; 79-363, S. 13, 38; P.A. 82-247, S. 2, 14; P.A. 83-254, S. 3, 4; P.A. 86-179, S. 6, 53.)

**Sec. 9-138. Transferred to Sec. 9-140a.**

**Sec. 9-139. Outer envelope for return of ballot.** The inner envelope, in which the absentee ballot has been inserted by the absentee ballot applicant, shall be returned to the municipal clerk in an outer envelope endorsed on the outside with the words: "OFFICIAL ABSENTEE BALLOT". The outer envelope shall also contain (1) blank spaces for the name and return address of the sender and spaces upon which the municipal clerk, before issuance of the ballot and envelopes, shall insert the applicant's name, voting residence by street and number, voting district, the date of the primary, election or referendum at which the ballot is to be cast and, if the absentee ballot is to be cast at a primary, the name of the party holding the primary and (2) a notice, sufficient to warn any person handling the ballot, of the restrictions set forth in section 9-140b concerning who may possess or return the ballot and the restrictions and penalties set forth in section 9-359 concerning the completion or execution of absentee ballots. The clerk shall also inscribe his official address for the return of the ballot on the outer envelope prior to issuance of the ballot and envelopes. All outer envelopes shall be serially numbered.

(1949 Rev., S. 1143; 1953, 1955, S. 626d; 1963, P.A. 42, S. 1; 207, S. 2; P.A. 86-179, S. 7, 53; P.A. 87-509, S. 7, 24; P.A. 89-5, S. 1, 2.)

**Sec. 9-139a. (Formerly Sec. 9-155). Secretary to furnish forms. Contents. Instructions.** (a) The Secretary of the State shall prescribe and furnish the following materials to municipal clerks: The absentee ballot facsimile, the application for absentee ballot, the inner envelope, the outer envelope provided for the return of the ballot to the municipal clerk, the instructions for the use of the absentee ballot and the envelope for mailing of such forms by the clerk to the absentee ballot applicant.

(b) The application for absentee ballot shall be in the form of a statement signed under the penalties of false statement in absentee balloting. Each application shall contain (1) spaces for the signature under the penalties of false statement in absentee balloting of any person who assists the applicant in the completion of an application together with the information required in section 9-140, and (2) spaces for the signature and the printed or typed name of the applicant.

(c) The instructions for the use of the absentee ballot shall be in plain language and shall include the steps to be taken if a vote is to be cancelled or changed, and shall also contain a simple and concise restatement of the provisions of subsection (l) of section 9-150a and section 9-159o concerning rejection of ballots marked in such manner as to identify the voters casting them, and withdrawal of ballots by persons who find they are able to vote at the polls.

(d) A sufficient supply of such instructions and envelopes shall be printed to supply the number which the municipal clerk requests or the Secretary of the State deems sufficient.

(1949 Rev., S. 1139; 1953, 1955, S. 642d; 1957, P.A. 517, S. 12; 1963, P.A. 42, S. 3; 214, S. 1; February, 1965, P.A. 59, S. 4; 574, S. 10; P.A. 75-310, S. 9, 11; P.A. 79-363, S. 22, 38; P.A. 84-319, S. 23, 49; P.A. 86-179, S. 8, 53; P.A. 87-382, S. 8, 55; 87-532, S. 2, 10; P.A. 91-286, S. 1; P.A. 96-119, S. 2.)

**Sec. 9-139b. (Formerly Sec. 9-157). Secretary authorized to change forms.** The secretary of the state may make any changes in any forms prescribed by this chapter which, in the opinion of said secretary, are necessary to conform to the applicable provisions of federal law.

(1949 Rev., S. 1154; 1953, S. 644d; P.A. 86-179, S. 9, 53.)

**Sec. 9-139c. (Formerly Sec. 9-154). Clerk to account to secretary for forms.** Within ten days after an election or primary, the municipal clerk shall file with the secretary of the state a statement, on a form to be prescribed and provided by the secretary, setting forth the number of absentee voting forms received from the secretary, the number issued to applicants for absentee ballots and the number remaining unused, and an explanation of any discrepancies. The statement shall also include such information concerning presidential and overseas ballot forms. The prescribed form may also require such absentee voting information as is necessary to complete questionnaires issued by the United States Department of Defense.

(1955, S. 641d; 1957, P.A. 517, S. 11; 1969, P.A. 8, S. 2; P.A. 76-295, S. 14, 18; P.A. 86-179, S. 10, 53; P.A. 96-119, S. 2.)

#### (APPLICATION AND ISSUANCE)

**Sec. 9-140. Application for and issuance of absentee ballot.** (a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has applied for such eligibility. Any person who assists another person in the completion of an application shall, in the space provided, sign the application and print or type his name, residence address and telephone number. Such signature shall be made under the penalties of false statement in absentee balloting. The municipal clerk shall not invalidate the application solely because it does not contain the name of a person who assisted the applicant in the completion of the application. The municipal clerk shall not distribute with an absentee ballot application any material which promotes the success or defeat of any candidate or referendum question. The application shall be signed by the applicant under the penalties of false statement in absentee balloting on (1) the form prescribed and provided by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application provided for in section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable. Any such absentee ballot applicant who is unable to write may cause the application to be completed by an authorized agent who shall, in the spaces provided for the date and signature, write the date and name of the absentee ballot applicant followed by the word "by" and his own signature. If the ballot is to be mailed to the applicant, the applicant shall list the bona fide personal mailing address of the applicant in the appropriate space on the application.

(b) A municipal clerk may transmit an application to a person under this subsection by facsimile machine. If a municipal clerk has a facsimile machine, an applicant may return a completed application to the clerk by such a machine, provided the applicant shall also mail the original of the completed application to the clerk, either separately or with the absentee ballot that is issued to the applicant. If the clerk does not receive such original application by the close



of the polls on the day of the election, primary or referendum, the absentee ballot shall not be counted.

(c) The municipal clerk shall check the name of each absentee ballot applicant against the last-completed registry list and any supplementary registry lists on file in the municipal clerk's office. If the name of such applicant does not appear on any of such lists, the clerk shall send such applicant a notice, in a form prescribed by the Secretary of the State, to the effect that (1) the applicant's name did not appear on the list of electors of the municipality at the time the application was processed, and (2) unless the applicant is admitted or restored as an elector of the municipality by the applicable cutoff dates an absentee ballot will not be mailed to him. Such notice shall not be so mailed if, prior to the mailing of the notice, the registrars provide the clerk with reliable information showing the absentee ballot applicant to be an elector of the municipality.

(d) An absentee voting set shall consist of an absentee ballot, inner and outer envelopes for its return, instructions for its use, and if applicable, explanatory texts concerning ballot questions, as provided for in sections 2-30a and 9-369b. No other material shall be included with an absentee voting set issued to an applicant except as provided in sections 9-153e and 9-153f or where necessary to correct an error or omission as provided in section 9-153c.

(e) Upon receipt of an application, the municipal clerk shall, unless a notice is mailed to the applicant pursuant to subsection (c) of this section, write the serial number of the outer envelope included in the absentee voting set to be issued to the applicant in the space provided for that purpose on the application form. Sets shall be issued to applicants in consecutive ascending numerical order of the envelope serial numbers, and the clerk shall keep a list of the numbers indicating beside each number the name of the applicant to whom that set was issued. The list shall be preserved as a public record as required by section 9-150b.

(f) Absentee voting sets shall be issued beginning on the thirty-first day before an election and the twenty-first day before a primary or, if such day is a Saturday, Sunday or legal holiday, beginning on the next preceding business day.

(g) On the first day of issuance of absentee voting sets the municipal clerk shall mail an absentee voting set to each applicant whose application was received by the clerk prior to that day. When the clerk receives an application during the time period in which absentee voting sets are to be issued he shall mail an absentee voting set to the applicant, within twenty-four hours, unless the applicant submits his application in person at the office of the clerk and asks to be given his absentee voting set immediately, in which case the clerk shall comply with the request. Any absentee voting set to be mailed to an applicant shall be mailed to the bona fide personal mailing address shown on the application. Issuance of absentee voting sets shall also be subject to the provisions of subsection (c) of this section, section 9-150c and section 9-159q concerning persons designated to deliver or return ballots in cases involving unforeseen illness or disability and supervised voting at certain health care institutions.

(h) No absentee ballot shall be issued on the day of an election or primary, or after the opening of the polls on the day of a referendum, except in cases involving unforeseen illness or disability or presidential or overseas ballots as provided in section 9-150c and sections 9-158a to 9-158m, inclusive.

(i) The municipal clerk shall file executed applications in alphabetical order according to the applicants' surnames. Such applications shall be preserved as a public record as required by section 9-150b.

(j) No person shall pay or give any compensation to another and no person shall accept any compensation solely for (1) distributing absentee ballot applications obtained from a municipal clerk or the Secretary of the State or (2) assisting any person in the execution of an absentee ballot.

(1949 Rev., S. 1135; 1953, 1955, S. 627d; 1957, P.A. 517, S. 2; 1959, P.A. 54; 1963, P.A. 139; 207, S. 1; February, 1965, P.A. 59, S. 1; 158, S. 1; 1967, P.A. 176, S. 3; 1971, P.A. 871, S. 71; P.A. 74-96, S. 4, 9; 74-141, S. 1, 2; P.A. 75-310, S. 5, 11; P.A. 76-50, S. 4, 7; P.A. 78-153, S. 2, 32; P.A. 79-363, S. 15, 38; P.A. 84-319, S. 13, 49; P.A. 85-514, S. 1; 85-577, S. 5; 85-592, S. 1; P.A. 86-179, S. 11, 53; P.A. 87-382, S. 9, 55; 87-532, S. 3, 10; P.A. 89-297, S. 3, 10, 11, 18; P.A. 93-384, S. 26, 28; P.A. 95-177, S. 1.)

### (RETURN)

**Sec. 9-140a. (Formerly Sec. 9-138). Signing of form. Insertion of ballot in envelopes.** Each absentee ballot applicant shall sign the form on the inner envelope provided for in section 9-137, which shall constitute a statement under the penalties of false statement in absentee balloting. Any absentee ballot applicant who is unable to write may cause his name to be signed on the form by an authorized agent who shall, in the space provided for the signature, write the name of the applicant followed by the word "by" and his own signature. The failure of the applicant or authorized agent to date the form shall not invalidate the ballot. The ballot shall be inserted in the inner envelope, and the inner envelope shall be inserted in the outer envelope, prior to the return of the ballot to the municipal clerk.

(1955, S. 625d; 1971, P.A. 871, S. 70; P.A. 74-96, S. 3, 9; P.A. 78-79, S. 3, 4; P.A. 79-363, S. 14, 38; P.A. 86-179, S. 12, 53.)

**Sec. 9-140b. (Formerly Sec. 9-146). Return of absentee ballots. Possession of ballots and envelopes restricted.** (a) An absentee ballot shall be cast at a primary, election or referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a designee of a person who applies for an absentee ballot because of illness or physical disability or (C) a member of the immediate family of an applicant who is a student, so that it is received by the clerk of the municipality in which the applicant is qualified to vote not later than the close of the polls; (2) it is returned by the applicant in person to the clerk by the day before a regular election, special election or primary or prior to the opening of the polls on the day of a referendum; (3) it is returned by a designee of an ill or physically disabled ballot applicant, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; or (4) in the case of a presidential or overseas ballot, it is mailed or otherwise returned pursuant to the provisions of section 9-158g.

(b) As used in this section and section 9-150c, "designee" means (1) a person who is caring for the applicant because of the applicant's illness or physical disability, including but not limited to, a licensed physician or a registered or practical nurse, (2) a member of the applicant's family, who is designated by an absentee ballot applicant and who consents to such designation, or (3) if no such person consents or is available, then a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which the applicant resides.

(c) For purposes of this section "mailed" means sent by the United States Postal Service or any commercial carrier, courier or messenger service recognized and approved by the secretary of the state.

(d) No person shall have in his possession any official absentee ballot or ballot envelope for use at any primary, election or referendum except the applicant to whom it was issued, the secretary of the state or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier, courier or messenger service recognized and approved by the secretary of the state, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of the municipal clerk, any authorized primary, election or referendum official or any other person authorized by any provision of the general statutes to possess a ballot or ballot envelope.

(1949 Rev., S. 1143; 1953, S. 633d; 1972, P.A. 196, S. 14; P.A. 73-472, S. 1, 2; P.A. 74-312, S. 1, 2; P.A. 75-125, S. 1, 3; P.A. 76-295, S. 17, 18; P.A. 77-245, S. 1; P.A. 79-340; P.A. 81-424, S. 4; P.A. 82-288, S. 1, 2; P.A. 83-324, S. 1, 2; P.A. 84-319, S. 15, 49; P.A. 85-592, S. 2; 85-613, S. 90, 154; P.A. 86-179, S. 13, 53; P.A. 87-532, S. 4, 10; P.A. 88-162, S. 3, 4; P.A. 89-297, S. 4, 18; P.A. 94-203, S. 11, 12.)

### (CHECKING AND DELIVERY)

**Sec. 9-140c (Formerly Sec. 9-147). List of applicants returning ballots to clerk. Sorting of ballot and checking of names on registry list; rejection of ballot if name not on list. Times for delivery of ballots for counting. Preservation of secrecy. Affidavit of delivery and receipt. Late ballots retained by clerk.** (a) The municipal clerk shall retain the envelopes containing absentee ballots received by him under section 9-140b and shall not open such envelopes. The municipal clerk shall endorse over his signature, upon each outer envelope as he receives it, the date and precise time of its receipt. The clerk shall make an affidavit attesting to the accuracy of all such endorsements, and at the close of the polls shall deliver such affidavit to the head moderator, who shall endorse the time of its receipt and return it to the clerk after all counting is complete. The clerk shall preserve the affidavit for one hundred eighty days in accordance with the requirements of section 9-150b. The clerk shall keep a list of the names of the applicants who return absentee ballots to the clerk under section 9-140b. The list shall be preserved as a public record as required by section 9-150b.

(b) Beginning not earlier than the seventh day before the election, primary or referendum and on any weekday thereafter, all absentee ballots received by the municipal clerk not later than eleven o'clock a.m. of such day may be sorted into voting districts by the clerk and checked as provided in this subsection. On any such day, beginning as soon as the ballots have been sorted, the registrars of voters, without opening the outer envelopes, may check the names of the applicants returning ballots on the official checklist to be used at the election, primary or referendum by indicating "absentee" or "A" preceding each such name and, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, the designation of the party in which the applicants are voting preceding each such name. If central counting of absentee ballots has been designated by the registrars pursuant to section 9-147a, they shall also place such indication on a duplicate of the checklist to be retained by the municipal clerk until he delivers it to the registrars at twelve o'clock noon on election, primary or referendum day for the use of the absentee ballot counters pursuant to subsection (i) of this section. All absentee ballots received not later than eleven o'clock a.m. of the last day before the election, primary or referendum which is not a Sunday or legal holiday, shall be so sorted and checked not later than such day.

(c) If the name of the applicant returning the ballot is not on the official checklist for any polling place in such municipality, the registrars shall endorse on the face of such outer envelope the word "rejected", followed by a statement of the reasons for rejection, and the outer envelope shall not be opened or the ballot counted.

(d) After such checking has been completed on any such day, the municipal clerk shall seal the unopened ballots in a package and retain them in a safe place.

(e) Ballots received not later than eleven o'clock a.m. on such last day before the election, primary or referendum shall be delivered by the clerk to the registrars not earlier than ten o'clock a.m. and not later than twelve o'clock noon on the day of the election or primary and at twelve o'clock noon on the day of a referendum for counting, provided that the registrars may at their discretion direct the clerk to retain for later delivery as many of such ballots as they deem necessary to preserve the secrecy of ballots to be counted at later times as provided in this section. If central counting has been designated pursuant to section 9-147a, the clerk shall also deliver to the registrars at this time the duplicate checklist provided for in subsection (b) of this section, for the use of the absentee ballot counters pursuant to subsection (i) of this section.

(f) Absentee ballots timely received by the clerk after eleven o'clock a.m. of such last day before an election, primary or referendum shall be sorted into voting districts by the clerk and retained by him separately until delivered at the times provided in this section to the registrars of voters for checking and counting.

(g) Any or all of such ballots received after eleven o'clock a.m. of such last day before an election, primary or referendum and before six o'clock p.m. on the day of the election, primary or referendum shall, upon request of the registrars, be delivered to the registrars by the municipal clerk at six o'clock p.m. on the day of the election, primary or referendum for checking and counting.

(h) Absentee ballots received after six o'clock p.m. and any ballots received prior to six which were not delivered earlier shall be delivered to the registrars at the close of the polls for checking and counting.

(i) (1) The absentee ballot counters, upon receipt of the ballots delivered by the clerk to the registrars at six o'clock p.m. and at the close of the polls pursuant to subsections (g) and (h) of this section, shall check the names of the applicants returning ballots on the official checklist in the same manner as provided in subsections (b) and (c) of this section, except as otherwise provided in this subsection. (2) If central counting has been designated pursuant to section 9-147a, the names of applicants whose ballots were delivered at six o'clock p.m. shall be called in to the appropriate polling places where they shall be checked by the checkers on the official checklists, and they shall also be checked by the absentee ballot counters on the duplicate checklist required under subsection (b) of this section. (3) If central counting has been designated, the names of applicants whose ballots were delivered at the close of the polls shall be checked by the absentee ballot counters on the official checklists used at the polling places. The official checklists, bearing the certifications required by section 9-307, shall be delivered by the registrars or assistant registrars to the central counting moderator for that purpose. (4) If the name of an applicant returning a ballot has been checked on the official checklist as having voted in person the absentee ballot counters shall, in checking the ballots, endorse on the face of the outer envelope the word "rejected" followed by a statement of the reason for rejection, and the outer envelope shall not be opened or the ballot counted. (5) When central counting is completed and

the result is announced, the central counting moderator shall deliver the duplicate checklist, the official checklists and the returns required by section 9-150b to the head moderator.

(j) Each time ballots are delivered by the clerk to the registrars on election, primary or referendum day, the clerk and registrars shall execute an affidavit of delivery and receipt stating the number of ballots delivered. The clerk shall preserve the affidavit for six months in accordance with section 9-150b.

(k) Each group of absentee ballots shall be counted by the absentee ballot counters when received from the registrars on election, primary or referendum day, in the manner provided in section 9-150a.

(l) The municipal clerk shall retain all outer envelopes containing absentee ballots received by him after the close of the polls, unopened, for the period prescribed in section 9-150b.

(1949 Rev., S. 1143; 1953, S. 634d; 1963, P.A. 43; 1967, P.A. 831, S. 3; 1972, P.A. 196, S. 15; P.A. 75-125, S. 2, 3; 75-300, S. 5, 9; P.A. 77-187, S. 1, 9; 77-245, S. 2; P.A. 78-75, S. 1, 3; 78-153, S. 21, 32; P.A. 79-363, S. 16, 38; P.A. 81-424, S. 1; P.A. 84-319, S. 17, 49; P.A. 85-592, S. 3; P.A. 86-179, S. 14, 53; P.A. 87-382, S. 10, 55; 87-509, S. 23, 24; 87-532, S. 5, 10; P.A. 95-171, S. 11; P.A. 96-119, S. 3.)

**Sec. 9-140d. (Formerly Sec. 9-152). Validity of armed forces member's ballot after death.** No absentee ballot executed by a member of the armed forces shall be invalidated by his death prior to an election, primary or referendum if his name appears on the official checklist used at such election, primary or referendum.

(1949 Rev., S. 1152; 1953, S. 638d; P.A. 86-179, S. 15, 53.)

**Secs. 9-141 and 9-142. Transferred to Secs. 9-153a and 9-153b, respectively.**

**Secs. 9-143 to 9-143b. Transferred to Secs. 9-153d to 9-153f, inclusive, respectively.**

**Secs. 9-144 and 9-145. Materials to be furnished to absentee ballot applicants. Marking of ballots.** Sections 9-144 and 9-145 are repealed.

(1949 Rev., S. 1137, 1151; 1953, S. 631d, 632d; 1955, S. 631d; 1957, P.A. 517, S. 5, 6; 1959, P.A. 592, S. 1; 1963, P.A. 213; 224, S. 2; 374, S. 2; February, 1965, P.A. 59, S. 2; 1967, P.A. 174; 303, S. 2; 1969, P.A. 694, S. 7; P.A. 74-11, S. 1, 4; P.A. 75-310, S. 7, 8, 11; 75-349, S. 2; P.A. 85-514, S. 2; P.A. 86-179, S. 52, 53.)

**Sec. 9-146. Transferred to Sec. 9-140b.**

**Sec. 9-146a. Transferred to Sec. 9-159q.**

**Sec. 9-147. Transferred to Sec. 9-140c.**

(COUNTING, RECORDING AND RETENTION)

**Sec. 9-147a. Central counting of absentee ballots; designation of location by registrars of voters.** (a) At any election, primary or referendum all absentee ballots shall be counted in the respective polling places except when counted at a central location. Any election official serving in a polling place may observe the counting of absentee ballots at that polling place.

(b) At any election, primary or referendum, all absentee ballots may be counted at a central location designated by the registrars of voters in writing to the municipal clerk at least twenty

days before the election, primary or referendum, which location shall be published in the warning for the election, primary or referendum. If unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, absentee ballots may not be counted at a central location unless both parties decide to have central counting and designate the same room for such central counting. If such designation of a central location has been made, the ballots shall not be counted in any polling place but all absentee ballots shall be separated, counted, tallied, placed in depository envelopes and returned by voting district. Any member of the public may observe the counting of absentee ballots at such central location.

(P.A. 75-300, S. 1, 9; P.A. 77-187, S. 4, 9; P.A. 78-75, S. 2, 3; 78-153, S. 19, 32; P.A. 79-363, S. 17, 38; P.A. 81-424, S. 2; P.A. 84-319, S. 18, 49; P.A. 85-592, S. 4; P.A. 86-179, S. 16, 53; P.A. 87-509, S. 22, 24.)

**Sec. 9-147b. Transferred to Sec. 9-151a.**

**Sec. 9-147c. Central counting of absentee ballots; appointment of counters and moderator. Count not to be disclosed prior to close of polls.** Each registrar of voters shall appoint one or more electors of the town, known to be persons of integrity, to count all absentee ballots. If central counting has been designated, the registrars shall also jointly appoint a central counting moderator and alternate moderator pursuant to the requirements of section 9-229. No person shall print, publish, announce, or otherwise make known such count prior to the time for the closing of the polls.

(P.A. 75-300, S. 3, 9; P.A. 77-187, S. 6, 9; P.A. 79-363, S. 18, 38; P.A. 81-467, S. 2, 8; P.A. 85-592, S. 5; P.A. 86-179, S. 17, 53.)

**Sec. 9-147d. Central counting of absentee ballots timely received after 11 a.m. of day before election.** Section 9-147d is repealed.

(P.A. 75-300, S. 4, 9; P.A. 77-187, S. 7, 9; P.A. 86-179, S. 52, 53.)

**PUBLIC ACT 94-225**  
**AN ACT CONCERNING A DEMONSTRATION PROJECT FOR THE USE OF**  
**OPTICAL, ELECTRONIC OR MECHANICAL EQUIPMENT FOR THE**  
**CASTING AND COUNTING OF BALLOTS**

Notwithstanding any provision of title 9 of the general statutes to the contrary, the secretary of the state may authorize, as a demonstration project, the use of optical, electronic or mechanical equipment for the casting and counting of ballots in not more than three towns at elections, primaries or referenda in 1994 or 1995, provided (1) the legislative body of any such town or, in the case of a town in which the legislative body is a town meeting, the board of selectmen and (B) the registrars of the town approve the use of such equipment and (2) the secretary prescribes specifications for: (A) The security, testing, set-up, operation and canvassing of the equipment, (B) the ballots used with the equipment, and (C) the training of election officials in the use of the equipment. Not later than January first in the year following the use of such equipment by a town, such town shall submit a report on such use to the secretary. Not later than February 1, 1996, the secretary shall submit a summary of such reports and recommendations concerning the

use of such equipment to the joint standing committee of the general assembly having cognizance of matters relating to elections.

(P.A. 93-384, S. 18; P.A. 94-225.)

**Sec. 9-148. Counting of absentee ballots; training of counters.** In municipalities where there are registrars of voters for each voting district, the appointment of such absentee ballot counters shall be made by the registrars of the first district. If there is no district so designated, such appointment shall be made by the registrars of the district in which the presiding officer for the purpose of declaring the result of the vote of the whole municipality is the moderator. Each person appointed to count absentee ballots shall participate in a training session at which the registrars, municipal clerk and moderator shall review and study the absentee counter's manual provided by the secretary of the state under section 9-150a. Each elector so appointed shall be sworn to carry out faithfully the duties of his office and not to attempt to ascertain the manner in which any absentee elector has marked his absentee ballot. The registrars of voters shall ascertain the voting district in which each absentee elector is registered and shall apportion the envelopes according to voting districts among the appointed groups of electors, if there is more than one such group, in such manner that each group can conveniently count the votes apportioned to it.

(1949 Rev., S. 1144; 1953, 1955, S. 635d; 1957, P.A. 517, S. 7; 1963, P.A. 215, S. 1; P.A. 77-187, S. 2, 9; P.A. 84-319, S. 19, 49; P.A. 85-592, S. 6; P.A. 86-179, S. 18, 53.)

**Secs. 9-149 and 9-150. Counting of ballots, procedure; ballot rejected if inner-envelope statement not executed; public may observe central counting; questions decided by moderator, intent of elector to govern, presumptions when intent not clear, invalid votes. Placing of ballots in depository envelopes; presentation of envelopes; declaration of count.** Sections 9-149 and 9-150 are repealed.

(1949 Rev., S. 1144, 1146; 1953, 1955, S. 635d, 636d; 1957, P.A. 517, S. 8; 1959, P.A. 527, S. 2; February, 1965, P.A. 37; 1967, P.A. 885, S. 1; 1969, P.A. 8, S. 1; 694, S. 17; 1972, P.A. 196, S. 16; P.A. 75-300, S. 6, 7, 9; P.A. 76-295, S. 16, 18; P.A. 77-187, S. 3, 9; 77-202, S. 1, 4; 77-286; P.A. 79-363, S. 21, 38; P.A. 84-319, S. 20, 49; P.A. 85-489, S. 2; 85-592, S. 7, 8; P.A. 86-179, S. 52, 53.)

**Sec. 9-150a. Counting procedures. (a) Starting time.** Not earlier than ten o'clock a.m. and not later than twelve o'clock noon on the day of the election or primary and not earlier than twelve o'clock noon on the day of a referendum the absentee ballot counters shall proceed to the polling places for which they have been assigned ballots or to the central counting location.

**(b) Delivery and checking of ballots.** At the time each group of ballots is delivered to them pursuant to section 9-140c, the counters shall perform any checking of such ballots required by subsection (i) of said section and shall then proceed as hereinafter provided.

**(c) Removal of inner envelopes. Count of total number of ballots received.** Except with respect to ballots marked "Rejected" pursuant to said section 9-140c or other applicable law, the counters shall remove the inner envelopes from the outer envelopes, shall note the total number of absentee ballots received and shall report such total to the moderator. They shall similarly note and separately so report the total numbers of presidential ballots and overseas ballots received pursuant to sections 9-158a to 9-158m, inclusive.

**(d) Ballot rejected if inner envelope statement not executed.** If the statement on the inner envelope has not been signed as required by section 9-140a, such inner envelope shall not be opened nor the ballot removed therefrom, and such inner envelope shall be replaced in the

opened outer envelope which shall be marked "Rejected" and the reason therefor endorsed thereon by the counters.

(e) **Removal of ballots from inner envelopes.** The counters shall then remove the absentee ballots from the remaining inner envelopes.

(f) **Inner and outer envelopes to be sealed in depository envelopes.** Before the ballots are counted, all opened outer and inner envelopes from which such ballots have been removed, and all outer envelopes marked "Rejected" as required by law, shall be placed and sealed by the counters, separately by voting district, in depository envelopes prescribed by the Secretary of the State and provided by the municipal clerk. The counters shall seal such depository envelopes by wrapping them lengthwise and sideways with nonreusable tape, endorse on each such envelope their names, the voting district and the time of the count, and deliver such envelopes to the moderator.

(g) **Moderator to supervise counting.** The counters shall then count such ballots as provided in this section. The moderator shall supervise the counting.

(h) **Procedure manual.** The Secretary of the State shall provide a procedure manual for counting absentee ballots. The manual shall include a description of the steps to be followed in receiving, handling, counting and preserving absentee ballots. Facsimile ballots shall be printed in the manual, illustrating potential variations in ballot markings along with the correct interpretation to be given in each situation illustrated.

(i) **Write-in votes.** (1) Except as otherwise provided in this section the provisions of section 9-265 shall apply to write-in votes on absentee ballots at elections.

(2) Votes cast by absentee ballot at a primary may be counted only for candidates whose names appear on the ballot label on primary day, and no write-in vote shall be counted except as provided in subdivision (3) of this subsection.

(3) If a write-in vote on an absentee ballot is cast for a candidate for any office whose name appears on the ballot label for that office on election or primary day, such candidate's name shall be deemed to have been checked on such ballot and, except as otherwise provided in subsection (j) of this section, one vote shall be counted and recorded for such candidate for such office.

(4) Except as otherwise provided in said section 9-265, if the name of a registered write-in candidate for an office is written in for such office on an absentee ballot it shall be deemed validly written in for purposes of subsection (j) of this section.

(j) **Intent of voter to govern; presumptions.** In the counting of absentee ballots the intent of the voter shall govern, provided the following conclusive presumptions, where applicable, shall prevail in determining such intent:

(1) If the names of more candidates for an office than the voter is entitled to vote for are checked or validly written in, then the vote cast for that office shall be deemed an invalid overvote.

(2) If the name of a candidate who has vacated his candidacy is checked such vote shall not be counted.

(3) On an absentee ballot on which candidates' names are printed, a vote shall be deemed cast only for each candidate whose name is individually checked or validly written in, except as otherwise provided in this subsection. If a party designation is circled, checked, underscored or similarly marked in any manner, or written in, no vote shall be deemed cast or cancelled for any candidate by virtue of such marking or writing.



**(k) Questions submitted to moderator for decision.** If the intent of an absentee voter is difficult to ascertain due to uncertain, conflicting or incorrect ballot markings which are not clearly addressed in this section or in the procedure manual for counting absentee ballots provided by the secretary of the state, the absentee ballot counters shall submit the ballot and their question to the moderator. They shall then count the ballot in accordance with the moderator's decision as to the voter's intent, if such intent is ascertainable. A ballot or part of a ballot on which the intent is determined by the moderator to be not ascertainable, shall not be counted. The moderator shall endorse on the ballot the question and his decision.

**(l) Rejection of marked ballots.** No absentee ballot shall be rejected as a marked ballot unless, in the opinion of the moderator, it was marked for the purpose of providing a means of identifying the voter who cast it.

**(m) Placing of ballots in depository envelopes.** After the absentee ballots have been so counted they shall be placed by the counters, separately by voting district, in depository envelopes prescribed by the Secretary of the State and provided by the municipal clerk. Any notes, worksheets, or other written materials used by the counters in counting such ballots shall be endorsed by them with their names, the date and the time of the count and shall also be placed in such depository envelopes together with the ballots, and with the separate record of the number of votes cast on such ballots for each candidate as required by section 9-150b. Such depository envelopes shall then be sealed, endorsed and delivered to the moderator by the counters in the same manner as provided in subsection (f) of this section.

(P.A. 86-179, S. 19, 53; P.A. 87-197, S. 2, 3; 87-382, S. 11, 55; P.A. 91-286, S. 2, 3; P.A. 95-171, S. 7; P.A. 96-119, S. 4.)

**Sec. 9-150b. Duties of moderators and municipal clerks. Declaration of count.** **(a) Moderator to record result of each count.** The moderator shall record the result of each count of absentee ballots, separately by time of count, on (1) the moderator's return, or in the case of central counting a separate moderator's return for each voting district, and (2) a separate record of the number of absentee votes cast for each candidate as shown on the moderator's return, or in the case of central counting, such a record for each voting district.

**(b) Counting at polls. Declaration of result.** If the absentee ballots were counted at the polls, when all counting is complete the moderator shall publicly declare the result of such count as provided in section 9-309 and add such count to the results from the voting machines recorded on the moderator's return. Such return shall show separately the machine vote and the absentee vote and the totals thereof.

**(c) Counting at central location. Central counting moderator's return.** If the absentee ballots were counted at a central location, when all counting is complete the moderator shall publicly declare the result of such count. He shall then deliver to the head moderator the central counting moderator's returns, together with all other information required by law or by the secretary of the state's instructions. The head moderator shall add the results from the voting machines, recorded on the moderator's return for each polling place, to the absentee count recorded on the central counting moderator's return for the corresponding voting district, in the manner prescribed by the Secretary of the State. The returns so completed shall show separately the machine vote and the absentee vote and the totals thereof.

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

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

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

**(g) Depository envelopes not to be opened; exceptions.** No such depository envelope shall be opened except by order of a court of competent jurisdiction, by the state elections enforcement commission pursuant to a subpoena issued under subdivision (1) of section 9-7b or within five days of an election, primary or referendum for the purpose of a recanvass conducted pursuant to law. After such a recanvass the depository envelopes and their contents shall be returned to the municipal clerk and preserved for the stated period.

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

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

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

(P.A. 86-179, S. 20, 53; P.A. 87-382, S. 12, 55; 87-532, S. 6, 10; P.A. 88-364, S. 11, 123; P.A. 90-156, S. 5; P.A. 95-177, S. 6.)

#### (SPECIAL APPLICATION AND ISSUANCE)

**Sec. 9-150c. Procedure for delivery of ballot in case of late-occurring illness or disability.** An applicant who applies for an absentee ballot because of unforeseen illness or physical disability occurring within six days immediately preceding the close of the polls at an election, primary or referendum may appoint a designee, as defined in subsection (b) of section 9-140b, to deliver the ballot to him, by stating on his application, in a space provided for that purpose, (1) the date of occurrence of the illness or disability, (2) the name, address and category under said subsection, of the person so designated and (3) the delivery which the person is designated to perform, provided the person so designated shall also sign a statement on the

application to the effect that he consents to the designation and will perform the delivery without tampering with the ballot in any way. If the application designates a person to deliver the ballot to the applicant, that person shall personally submit the application to the municipal clerk. If such application is submitted to the clerk in person, within six days immediately preceding the close of the polls at an election or primary, by a person designated on the application to deliver the absentee ballot to the applicant as provided in this section and in subsection (b) of said section 9-140b, and if the application is dated within such time, the clerk shall give that person the absentee voting set.

(P.A. 86-179, S. 21, 53; P.A. 89-297, S. 5, 18.)

**Sec. 9-151. Voting in person after absentee ballot has been sent.** Section 9-151 is repealed.

(1949 Rev., S. 1145; 1953, 1955, S. 637d; 1969, P.A. 694, S. 8; P.A. 75-300, S. 8, 9; P.A. 77-187, S. 8, 9.)

**Sec. 9-151a. Transferred to Sec. 9-159o.**

**Sec. 9-152. Transferred to Sec. 9-140d.**

**Sec. 9-153. Clerk to preserve counters' notes, worksheets and other written materials and envelopes, applications and void and unused ballots.** Section 9-153 is repealed.

(1949 Rev., S. 1145; 1953, 1955, S. 640d; P.A. 73-100; P.A. 77-202, S. 2, 4; P.A. 78-153, S. 7, 32; P.A. 84-319, S. 22, 49; P.A. 85-489, S. 3; 85-592, S. 9; P.A. 86-179, S. 52, 53.)

**Sec. 9-153a. (Formerly Sec. 9-141). Use of federal ballot application form.** The form of absentee ballot application provided by any federal department or agency, referred to in section 9-140, may be used only by a person in any one of the following categories who is eligible to vote and who expects to be unable to appear at his proper polling place for any reason specified in section 9-135: (1) Members of the armed forces, (2) the spouses and dependents of such members, (3) members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents, (4) civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Federal Classification Act of 1949, and whether or not paid from funds appropriated by the Congress, (5) citizens of the United States temporarily residing outside of the territorial limits of the several states of the United States and the District of Columbia and (6) overseas citizens qualified to vote under the Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time to time. Any such person may apply for an absentee ballot in the manner provided in said section 9-140, either on the form prescribed and provided by the secretary of the state under said section, or on the application form provided by any federal department or agency hereinbefore referred to.

(1955, S. 620d; 1969, P.A. 334; P.A. 80-281, S. 8, 31; P.A. 86-179, S. 22, 53; P.A. 93-30, S. 11, 14.)

**Sec. 9-153b. (Formerly Sec. 9-142). Additional ballots.** (a) If any absentee ballot applicant applies for an additional absentee ballot, he shall note on his application the reason for his applying for an additional absentee ballot and he shall return the absentee voting set formerly issued to him before another set is issued to him, provided, if he is unable to return the set formerly issued to him, his application for an additional ballot shall be accompanied by a statement signed under the penalties of false statement in absentee balloting in which he shall set forth the reason for his inability to return the set formerly issued to him. If he fails to file such a statement, no additional set shall be issued to him.

(b) Except as provided in subsection (d) of this section for members of the armed forces, the municipal clerk shall mark the serially-numbered outer envelope "rejected" and note the reasons therefor on all absentee ballots and envelopes so returned to him and shall seal such unopened ballots in a package and retain them in a safe place until delivered in accordance with section 9-140c. The municipal clerk shall keep a list of the names of each absentee ballot applicant who has applied for more than one absentee ballot, as provided in section 9-140, together with the serial number appearing on the outer envelope of each absentee voting set issued to each such applicant including the latest one issued.

(c) When an absentee ballot applicant has applied for more than one absentee ballot, only the latest absentee ballot issued to him by the municipal clerk as determined by the serial number appearing on the outer envelope may be counted and all absentee ballots and envelopes formerly issued to that applicant shall be marked rejected as provided in subsection (b) of this section and not counted.

(d) Subsections (a), (b) and (c) of this section shall not apply to members of the armed forces, and if more than one absentee ballot is received from any elector who is a member of the armed forces, the ballot of such elector bearing the latest postmark shall be counted if no absentee ballot of such elector has already been counted, provided that the municipal clerk shall mark all serially-numbered outer envelopes bearing earlier postmarks "rejected" and note the reasons for rejection and shall deliver such ballots in accordance with section 9-140c.

(1955, S. 628d; 1957, P.A. 517, S. 3; 1971, P.A. 871, S. 72; P.A. 74-96, S. 5, 9; P.A. 76-50, S. 5, 7; P.A. 84-319, S. 14, 49; P.A. 86-179, S. 23, 53.)

**Sec. 9-153c. (Formerly Sec. 9-136b). Procedure in case of omission or error in printing or issuing of ballot.** (a) If a municipal clerk has omitted the name of a candidate, party or office designation, inserted an incorrect or misspelled name of a candidate, party or office designation, provided an absentee ballot applicant with a ballot which is not the correct ballot for his voting district, or incorrectly imprinted or failed to imprint the designation of a state or local question on an absentee ballot in the appropriate space, and if any such omission or error is likely to mislead any voter, he shall, as soon as he becomes aware of such omission or error, promptly mail to each applicant to whom such an absentee ballot has been issued, a correct absentee ballot, envelopes for its return and instructions, a statement explaining the error or omission including the correct name or question and a copy of this section. The municipal clerk shall inform the secretary of the state when he proceeds under this subsection.

(b) Any additional absentee voting sets issued to applicants under this section shall be issued in consecutive ascending numerical order based upon the serial number appearing on the outer envelope for return of ballots to the municipal clerk, and the clerk shall keep a record of

such numbers by making a notation on, or attaching a memorandum to, the applicant's original application for an absentee ballot.

(c) The municipal clerk shall keep a list containing the name, address and voting district of each absentee ballot applicant who has been issued more than one absentee ballot under this section and the serial number appearing on the outer envelope of each absentee voting set so issued. The list shall be kept with the list required under section 9-140.

(d) If more than one ballot is received from an applicant who has been sent a correct ballot under subsection (a) of this section, the ballot bearing the latest serial number shall be counted, if no ballot of such applicant has already been counted. The municipal clerk shall inscribe the word "rejected" and note the reasons for rejection on the outer envelope of each of such applicant's other ballots not so counted and shall seal them, unopened, in a package and retain them in a safe place until delivered in accordance with section 9-140c.

(P.A. 73-376; P.A. 76-50, S. 3, 7; P.A. 77-303, S. 1, 3; P.A. 82-426, S. 3, 14; P.A. 84-319, S. 12, 49; P.A. 86-179, S. 24, 53.)

**Sec. 9-153d. (Formerly Sec. 9-143). Mailing of ballots to persons living outside of United States, military personnel, spouses or dependents.** (a) Either registrar of voters may, not more than ninety days before the day of an election, in a form to be prescribed and provided by the secretary of the state, direct the municipal clerk forthwith to mail an absentee ballot, with the necessary envelopes and instructions, to the best-known address, within the knowledge of the registrar issuing such direction, of an elector or applicant for admission as an elector who is living outside the territorial limits of the several states of the United States and the District of Columbia or who is a member of the armed forces, or the spouse or dependent of a member of the armed forces living where such member is stationed, whether such address is a home address or an armed service address, and such direction shall constitute sufficient application for such absentee ballot. The municipal clerk may, during such period, so act of his own motion and without waiting for the direction of a registrar of voters or other application, if the clerk first completes and retains in his records as an application the same direction form as is used by a registrar of voters.

(b) Within the time limits in subsection (b) of section 9-158c for availability of overseas ballots, either registrar of voters may, in a form to be prescribed and provided by the secretary of the state, direct the municipal clerk forthwith to mail an overseas ballot, with the necessary envelopes and instructions, to the best-known address, within the knowledge of the registrar issuing such direction, of a citizen of the United States who is eligible to vote as an overseas elector under sections 9-158a to 9-158m, inclusive, and such direction shall constitute sufficient application for such absentee ballot. Such ballot shall not be counted unless an application form prescribed in subsection (b) of section 9-158d is received by the town clerk prior to the day of the election or primary. The municipal clerk may, during such period, so act on his own motion and without waiting for the direction of a registrar of voters or other application, if the clerk first completes and retains in his records as an application the same direction form that is used by a registrar of voters.

(1949 Rev., S. 1136; 1953, S. 629d; 1957, P.A. 517, S. 4; February, 1965, P.A. 158, S. 2; 1967, P.A. 176, S. 1; 1969, P.A. 4, S. 1; P.A. 75-310, S. 6, 11; P.A. 84-319, S. 44, 49; P.A. 86-179, S. 25, 53; P.A. 91-351, S. 20, 28; P.A. 93-384, S. 23, 28.)

**Sec. 9-153e. (Formerly Sec. 9-143a). Alternate application procedure for certain military personnel.** A member of the armed forces who is an elector or an applicant for

admission as an elector, or the member's spouse or dependent if living where such member is stationed, may apply before a regular election for a blank absentee ballot to vote for all offices being contested at the election. The clerk shall make such ballots available for this purpose beginning not earlier than ninety days before the election. Application shall be made upon a form prescribed by the secretary of the state or on the federal postcard application form provided pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time to time, or any other applicable law and shall be issued only if the applicant states that due to military contingencies the regular application procedure, as set forth in section 9-140, cannot be followed. Upon receipt of the application, the municipal clerk shall issue the ballot, which shall be prescribed and printed by the secretary of the state, and a list of the offices to be voted upon indicating the number of individuals for which each elector may vote. As soon as a complete list of nominated candidates, including the party designations of such candidates, and questions is available, the clerk shall send such list to each applicant. If the list of candidates and questions is not available when the ballot is issued, the clerk shall include a statement indicating that such list shall be mailed as soon as it becomes available. The ballot shall permit the elector to vote by writing in the names of specific candidates and offices for which he is voting. The elector may also vote on the questions in a manner prescribed by the secretary of the state. If the military contingency no longer exists, application for an additional ballot for all offices may be made pursuant to the provisions of section 9-153b.

(P.A. 78-94, S. 1, 2; P.A. 84-319, S. 45, 49; P.A. 86-179, S. 26, 53; P.A. 87-382, S. 13, 55; P.A. 93-30, S. 12, 14.)

**Sec. 9-153f. (Formerly Sec. 9-143b). Alternate application procedure and early ballot for electors residing or traveling outside United States and certain military personnel.** Notwithstanding the provisions of section 9-140, any elector who is living, or expects to be living or traveling before and on election day, outside the territorial limits of the several states of the United States and the District of Columbia and any member of the armed forces who is an elector or an applicant for admission as an elector, or the member's spouse or dependent if living where such member is stationed, may apply for a blank absentee ballot to vote for all offices being contested at an election or primary. Application shall be made upon a form prescribed by the secretary of the state or on the federal postcard application form provided pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time to time, or any other applicable law. The municipal clerk receiving such an application shall, as soon as a complete list of candidates and questions to be voted upon at such election or primary becomes available, issue the ballot, which shall be the blank ballot prescribed and printed by the secretary of the state under section 9-153e. The clerk shall include with the ballot a complete list of the offices to be voted upon, the number of individuals for which each elector may vote, the candidates, and, in the case of an election, the party designation of each candidate and questions to be voted upon. If application for an absentee ballot is made at the time of availability of regular absentee ballots as provided in said section 9-140, the provisions of said section 9-140 shall prevail. The procedures governing the issuance of ballots under this section shall conform as nearly as may be to the procedures provided in said section 9-140.

(P.A. 84-319, S. 3, 49; P.A. 86-179, S. 27, 53; P.A. 87-382, S. 14, 55; P.A. 89-297, S. 12, 18; P.A. 90-156, S. 6, 11; P.A. 93-30, S. 13, 14.)

**Sec. 9-154. Transferred to Sec. 9-139c.**

**Sec. 9-155. Transferred to Sec. 9-139a.**

**Sec. 9-156. Distribution and receipt of ballots by secretary.** Section 9-156 is repealed.  
(1949 Rev., S. 1150; 1953, S. 643d; 1967, P.A. 176, S. 2; P.A. 75-310, S. 10, 11.)

**Sec. 9-157. Transferred to Sec. 9-139b.**

**Sec. 9-158. Eligibility to vote for presidential electors after removal from state.** Section 9-158 is repealed.  
(1953, S. 655d; September, 1957, P.A. 25, S. 1; 1972, P.A. 196, S. 18.)

(PRESIDENTIAL AND OVERSEAS BALLOTS)

**Sec. 9-158a. Presidential and federal elections; overseas balloting. Definitions.** As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, and 9-307:

(1) "Federal election" means any general or special election or any primary held solely or in part for the purpose of selecting, nominating or electing any candidate for the office of president, vice president, presidential elector, member of the United States Senate or member of the United States House of Representatives;

(2) "Former resident" means a person who was a bona fide resident of a town in this state and who has removed from that town less than thirty days before the day of a presidential election and who for that reason is unable to register to vote in the election in his present town or state of residence;

(3) "Overseas elector" means any person permitted to vote pursuant to subsection (b) of section 9-158b;

(4) "Presidential election" means an election at which electors of president and vice-president are elected;

(5) "Resident" means a bona fide resident of a town in this state;

(6) "State" includes any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands; and

(7) "United States" includes the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands, but does not include American Samoa, The Canal Zone, the trust territory of the Pacific Islands or any other territory or possession of the United States.

(1972, P.A. 196, S. 1; P.A. 82-247, S. 3; P.A. 86-179, S. 28, 53.)

**Sec. 9-158b. Eligibility for presidential or overseas ballot.** (a) Each citizen of the United States who is at least eighteen years of age, is a resident or former resident and who has not forfeited his electoral privileges because of a disfranchising crime, may vote for presidential and vice-presidential electors, but for no other offices, in the town in this state in which he resides, or formerly resided in the manner provided in sections 9-158c to 9-158m, inclusive.

(b) Each citizen of the United States who is at least eighteen years of age; who resides outside the United States and who, immediately prior to moving outside the United States, was a bona fide resident of a town in this state; who is not registered to vote and is not voting in any

other state or election district of a state or territory or in any territory or possession of the United States, who has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or alternative form of identification and who has not forfeited his electoral privileges because of a disfranchising crime, may vote in federal elections in the town in this state in which he formerly resided immediately prior to his departure from the United States in the manner provided in sections 9-158c to 9-158m, inclusive. The exercise of any right to vote in federal elections by any citizen outside the United States shall not affect the determination of his place of residence or domicile for purposes of any tax imposed under federal, state or local law.

(1972, P.A. 196, S. 2; P.A. 82-247, S. 4; P.A. 86-179, S. 29, 53; P.A. 89-297, S. 8, 18.)

**Sec. 9-158c. Application for ballot.** (a) Each resident, or former resident who desires to vote in a presidential election under sections 9-158a to 9-158m, inclusive, may apply for a "presidential ballot" not earlier than forty-five, nor less than seven days before the election, to the municipal clerk of the town in which he is qualified to vote on the form prescribed in section 9-158d, provided any former resident may apply for such a ballot at any time prior to the closing of the polls. Application for a "presidential ballot" may be made in person or absentee, in the manner provided for applying for an absentee ballot under section 9-140, except as provided in said sections 9-158a to 9-158m, inclusive.

(b) Each overseas elector who desires to vote in a federal election under subsection (b) of section 9-158b may apply for an overseas ballot not earlier than (1) the forty-fifth day preceding a federal election which is a general election or a general election held in conjunction with a special election and (2) the thirtieth day preceding a federal election which is a primary or a federal election which is a special election not held in conjunction with a general election. Application shall be made to the town clerk of the municipality in which he is so qualified to vote on a form prescribed in subsection (b) of section 9-158d.

(c) Notwithstanding the provisions of subdivision (1) of subsection (b) of this section, in any year in which the date of a primary is advanced pursuant to subdivision (2) of subsection (a) of section 9-376, overseas electors may not apply for an overseas ballot earlier than the fortieth day preceding a federal election which is a general election or a general election held in conjunction with a special election.

(1972, P.A. 196, S. 3; P.A. 86-179, S. 30, 53; P.A. 89-297, S. 16, 18.)

**Sec. 9-158d. Application form.** (a) The application for a presidential ballot shall be in the form of an affidavit executed in duplicate, and sworn to before an officer authorized to administer oaths, and shall provide substantially as follows:

To the Town Clerk of the Town of .... Connecticut

I, the undersigned, swear that the following statements are true:

1. I am a citizen of the United States.
2. I have not forfeited my electoral privileges because of conviction of a disfranchising crime.



3. I was born on ....., and on the day of the next presidential election, I shall be at least 18 years of age. Check and complete 4 or 5, whichever applies:

4. RESIDENT. I am a bona fide resident of the above town, to which I am making this application, and I reside at .... Street. I moved to said town on the .... day of ....., 19... Before becoming a resident of said town, I resided at .... Street, in the Town of .... County of ....., State of ....

5. FORMER RESIDENT. I am a former resident of the above town, to which I am making this application, and resided at .... Street therein. I moved from such town to my present town of residence on the .... day of ....., 19.., being within thirty days before the date of the next presidential election, and for that reason I cannot register to vote in said presidential election in my present town of residence. I am now a bona fide resident of the Town of ....., in the state of ....., now residing at .... Street therein.

6. I hereby apply for a "presidential ballot" for the election to be held on ....., 19... I have not voted and will not vote otherwise than by this ballot at that election. I am not eligible to vote for electors of President and Vice-President in any other town in Connecticut or in any other state.

7. The said ballot is to be given to me personally mailed to me at  
..... (bona fide mailing address)

Dated at ....., this .... day of .... 19...  
..... (Signature of applicant)

Subscribed and sworn to before me this .... day of .... 19...  
..... (Signature and title of officer administering oath)

The oath to be administered in connection with any such application may be administered by any officer empowered to administer oaths under section 1-24 or any officer empowered to administer oaths under the laws of any state or by any commissioned officer in the armed forces, or any consul, vice consul or deputy consul representing the United States in a foreign country, and shall be attested by such officer over his signature and title or statement of rank.

(b) The application for an overseas ballot shall be the federal application permitted under section 9-153a or a form signed by the applicant under penalty of false statement in absentee balloting which shall provide substantially as follows:

To the Town Clerk of the Town of ....., Connecticut

I, the undersigned, declare under penalty of false statement in absentee balloting that the following statements are true:

1. I am a citizen of the United States.

2. I have not forfeited my electoral privileges because of conviction of a disfranchising crime.

3. I was born on ....., and on the day of the next federal election, I shall be at least eighteen years of age.

4. I was a resident of the above town, to which I am making this application, and resided at no. .... Street therein. I moved from such town to my present residence on the .... day of ....., 19... I now reside in ....., at no. .... Street therein.

5. I have a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or alternate form of identification.

6. I hereby apply for an overseas ballot for the ( ) Primary ( ) General Election ( ) Special Election to be held on ....., 19... I do not maintain a domicile in any other state or election district of any state or territory or any territory or possession of the United States. I have not voted and will not vote otherwise than by this ballot at such election or primary for which I now apply for an overseas ballot. I am not eligible to vote in any town in Connecticut or in any other state or election district of any state or territory or any territory or possession of the United States.

7. The said ballot is to be mailed to me at ....

.... (Mailing address)

Dated at ....., this .... day of ....., 19..

. .... (Signature of applicant)

(1972, P.A. 196, S. 4; P.A. 82-247, S. 5; P.A. 86-179, S. 31, 53; P.A. 87-382, S. 15, 55; P.A. 89-297, S. 9, 18; P.A. 93-384, S. 24, 28.)

**Sec. 9-158e. Mailing or giving of presidential ballot to elector. Mailing overseas ballot to elector.** (a) Upon receipt of an application for a presidential ballot under sections 9-158a to 9-158m, inclusive, the clerk, if satisfied that the application is proper and that the applicant is qualified to vote under said sections, shall forthwith give or mail to the applicant, as the case may be, a ballot for presidential and vice-presidential electors for use at the election and instructions and envelopes for its return. At such time the clerks shall also mail a duplicate of the application to the appropriate official of (1) the state or the town in this state in which the applicant last resided in the case of an applicant who is a resident, or (2) the state or the town in this state in which the applicant now resides in the case of an applicant who is a former resident.

(b) Upon receipt of an application for an overseas ballot, the clerk, if satisfied that the application is proper and that the applicant is qualified to vote at the federal election for which the application is made, pursuant to the provisions of sections 9-158b to 9-158m, inclusive, shall forthwith mail a ballot containing the names and offices of the candidates for federal office and instructions and envelopes for its return to the applicant.

(1972, P.A. 196, S. 5; P.A. 86-179, S. 32, 53.)

**Sec. 9-158f. Envelope.** (a) The voter, after marking his presidential ballot so as to express his choice, shall fold it so as to conceal the markings, and enclose it in an inner envelope furnished by the town clerk for such purpose. The envelope shall have imprinted upon its back a statement which shall be signed by the voter. The failure of the voter to date the statement shall not invalidate the ballot. Such statement shall be substantially as follows:

#### Certification of Presidential Voter

I, the undersigned, do hereby state under the penalties of false statement in absentee balloting that:

(1) I am qualified to vote for Presidential and Vice-Presidential electors in the town of .... Connecticut, at the presidential election to be held on November ....., 19...

(2) I have not applied, nor do I intend to apply, for a ballot to vote for Presidential and Vice-Presidential electors at said election from any other town, city, county or state, and

(3) I have not voted, and I will not vote otherwise than by this ballot in said presidential election.

Dated at ....., this .... day of .... 19...

....(Signature of voter)

(b) The overseas elector, after marking his overseas ballot so as to express his choice, shall fold it so as to conceal the markings and enclose it in an inner envelope furnished by the town clerk for such purpose. The envelope shall have imprinted upon its back a statement which shall be signed by the elector. The failure of the elector to date the statement shall not invalidate the ballot. The statement shall be substantially as follows:

#### Certification of Overseas Elector

I, the undersigned, do hereby state under the penalties of false statement in absentee balloting that:

(1) I am qualified to vote for candidates for federal office in the town of ....., Connecticut, at the federal election to be held on ....., 19...

(2) I have not applied, nor do I intend to apply, for a ballot to vote for candidates for federal office at said election from any other town, city or county in Connecticut or in any other state or election district of any state or territory or any territory or possession of the United States.

(3) I have not voted, and I will not vote otherwise than by this ballot in said federal election.

Dated at ....., this .... day of....., 19...

.... (Signature of overseas elector)

(1972, P.A. 196, S. 6; P.A. 74-96, S. 6, 9; P.A. 78-79, S. 1, 4; P.A. 82-247, S. 6; P.A. 86-179, S. 33, 53.)

**Sec. 9-158g. Return to town clerk.** The voter shall sign the certification upon the inner envelope, securely seal it, enclose it in an outer serially-numbered envelope, and return it to the municipal clerk of the town in which he is qualified to vote. The clerk shall keep it in his office until delivered by him to the registrars of voters at the same time and in the same manner as is provided for absentee ballots. If the ballot is returned by a person other than the voter or the United States Postal Service, the person delivering the ballot shall sign his name and address and the date and time of its delivery on the outer envelope in the clerk's presence. The ballot, to be cast, shall be returned so that it is received by the town clerk not later than the close of the polls on the day of the election.

(1972, P.A. 196, S. 7; P.A. 86-179, S. 34, 53.)

**Sec. 9-158h. List of applicants.** The clerk shall prepare and keep open to public inspection a list of all persons who have applied under sections 9-158a to 9-158m, inclusive, to vote as presidential voters or overseas electors with their names, voting addresses and application dates together with the serial number of the return envelopes issued, and shall maintain an alphabetical index of the list for a period of one hundred eighty days after the election or primary.

(1972, P.A. 196, S. 8; P.A. 86-179, S. 35, 53; P.A. 87-382, S. 16, 55.)

**Sec. 9-158i. Secretary to prepare and distribute ballots and forms.** The secretary of the state shall prepare, print and distribute to the town clerk in each town in this state, a sufficient number of ballots and other necessary forms to be used by the persons eligible to vote for the offices of presidential electors or federal offices under the provisions of sections 9-158a to 9-158m, inclusive. The words "Presidential Ballot" or "Overseas Ballot" shall appear on each such ballot and no such ballot shall afford any opportunity to vote for any office or officer except presidential electors or federal offices. The secretary of the state may make any changes in any forms prescribed by, or provided for, in said sections which, in the opinion of the secretary, are necessary to cause said forms to conform to the provisions of applicable federal law.

(1972, P.A. 196, S. 9; P.A. 86-179, S. 36, 53.)

**Sec. 9-158j. Notice to registrars.** Upon receipt of an application for a "Presidential Ballot" or "Overseas Ballot" the town clerk shall forthwith notify the registrars of voters of the applicant's name, with a notation designating him as a person voting for presidential and vice-presidential electors or federal offices only. If the name of a presidential voter who is a former resident appears on the registry list, the registrars shall insert the letters "pf" in the margin preceding his name. The registrars shall prepare a list of names and addresses of presidential voters and overseas electors whose names do not appear on the registry list, for each voting district, which list shall accompany the check list to be used at such election in such district. The registrars shall insert the letters "pf" in the margin of such list of presidential voters preceding the name of each applicant who is a former resident.

(1972, P.A. 196, S. 10; P.A. 82-247, S. 7; P.A. 86-179, S. 37, 53.)

**Sec. 9-158k. Town clerk to maintain file of information from other states or towns.** The municipal clerk shall file each duplicate application or other official information received by him from another state, or from another town in this state, indicating that a person who formerly resided or presently resides in such town has made application to vote at a presidential election in such other state or town, and shall maintain an alphabetical index of such information for a period of one hundred eighty days after the election. The clerk shall compare each such application or statement of information with applications made under the provisions of sections 9-158a to 9-158m, inclusive, and, after the election, with the names checked off as having voted on the check list for the election, to ascertain that any such person has not voted more than once. Whenever the record indicates that any person has applied for a presidential ballot and indicated in his application that he is applying as a former resident, and there is record evidence that such person has applied in another state or town as a new resident, the applicant's ballot shall not be cast in his former town of residence.

(1972, P.A. 196, S. 11; P.A. 86-179, S. 38, 53; P.A. 87-382, S. 17, 55.)

**Sec. 9-158l. False statements. Neglect of duty by public official.** Any person wilfully making a false statement on any statement required by sections 9-158a to 9-158m, inclusive, to be made in the form of an affidavit or a statement under penalties of false statement in absentee balloting, shall be subject to the penalties imposed by law for such statements. If any public official wilfully refuses or neglects to perform any of the duties prescribed by sections 9-140b, 9-140c and 9-158a to 9-158m, inclusive, or violates any of the provisions of said sections, he shall be subject to the penalties imposed by law.

(1972, P.A. 196, S. 12; P.A. 74-96, S. 7, 9; P.A. 86-179, S. 39, 53.)

**Sec. 9-158m. Absentee voting law applicable.** Except as otherwise provided in sections 9-158a to 9-158m, inclusive, the provisions of law relating to absentee ballots shall apply to the distribution, casting and counting of presidential and overseas ballots under said sections and to the furnishing of election supplies and ballots, canvassing of ballots and making returns of the results of the election under said sections.

(1972, P.A. 196, S. 13; P.A. 86-179, S. 40, 53.)

**Sec. 9-158n. Voting in person.** Section 9-158n is repealed.

(1972, P.A. 196, S. 17; P.A. 78-153, S. 18, 32; P.A. 82-247, S. 12.)

**Secs. 9-159 to 9-159m. Ballots. Overseas ballots.** Sections 9-159 to 9-159m, inclusive, are repealed.

(September, 1957, P.A. 25, S. 2; March, 1958, P.A. 27, S. 23; 1972, P.A. 196, S. 18; P.A. 76-295, S. 113, 18; P.A. 78-79, S. 2, 4; 78-153, S. 1017, 32; P.A. 79-363, S. 20, 38; P.A. 80-281, S. 9, 10, 31; P.A. 83-544, S. 2, 4; P.A. 84-319, S. 24, 49; P.A. 86-179, S. 52, 53.)

**Sec. 9-159n. Transferred to Sec. 9-159q.**

**Sec. 9-159o. (Formerly Sec. 9-151a). Voting in person after ballot has been sent.** Any elector who has returned an absentee ballot to the clerk and who finds he is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal

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clerk's office and request that his ballot be withdrawn. The municipal clerk shall remove the ballot from the sealed package and shall mark the serially-numbered outer envelope, which shall remain unopened, "rejected" and note the reasons for rejection. The elector shall also endorse the envelope. The rejected ballot shall then be returned to the sealed package until delivered on election, primary or referendum day to the registrars of voters in accordance with section 9-140c. The clerk shall then give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn his absentee ballot and may vote in person. Upon delivery of the statement by the elector to the moderator, the moderator shall cause the absentee indication next to the name of the elector to be stricken from the official checklist and the elector may then have his name checked and vote in person. In the case of central counting, the clerk shall make a similar notation on the duplicate checklist to be used by the absentee ballot counters.

(P.A. 75-300, S. 2, 9; P.A. 77-187, S. 5, 9; P.A. 78-153, S. 20, 32; P.A. 79-363, S. 19, 38; P.A. 84-319, S. 21, 49; P.A. 86-179, S. 42, 53; P.A. 95-171, S. 12; P.A. 96-119, S. 5.)

**Sec. 9-159p. (Formerly Sec. 9-232g). Challenge of absentee ballots.** (a) Any elector may challenge the right of any person offering to vote by absentee ballot based upon false identity, disenfranchisement for conviction of a felony or lack of bona fide residence. The failure of an elector to challenge, pursuant to this section, the right of a person to vote by absentee ballot shall not bar such elector from bringing an action to contest the primary or election under section 9-323, 9-324, 9-328 or 9-329a, based on the alleged invalidity of the absentee ballot cast at such primary or election.

(b) Challenges shall not be made indiscriminately and may only be made if the challenger knows or reasonably believes that the right of the person offering to vote by absentee ballot should be denied on one or more of the grounds specified in subsection (a) of this section.

(c) Challenges made concerning ballots which the municipal clerk has not delivered to the registrars of voters for counting pursuant to sections 9-140c and 9-147a shall be made in writing to the municipal clerk. Challenges made concerning ballots which the municipal clerk has delivered to the registrars of voters for counting pursuant to sections 9-140c and 9-147a shall be made in writing to the moderator of the polling place at which the ballot is to be counted or the central counting moderator. All challenges shall be made under oath.

(d) Immediately upon receipt of a challenge, the municipal clerk shall send copies of the challenge to each registrar of voters and to the person offering to vote by absentee ballot. The clerk shall send the copy of the challenge to the person offering to vote by first class certified mail to the mailing address shown on the application for the absentee ballot. The clerk shall furnish copies of any written response to the challenge to each registrar of voters. The clerk shall deliver the ballot in the inner envelope, which shall not be opened, the serially-numbered envelope and any other evidence relevant to the challenge, to the registrars, who shall sign a receipt for the same.

(e) Immediately upon receipt of a challenge, the moderator shall deliver copies of the challenge to each registrar of voters. The moderator shall also deliver, or designate another election, primary or referendum official to deliver, the ballot in the inner envelope, which shall not be opened, the serially-numbered envelope and any other evidence relevant to the challenge to the registrars, who shall sign a receipt for the same.

(f) The registrars of voters shall examine the challenge, any written response to the challenge and any other evidence or information they deem relevant to the challenge, including the inner envelope, which shall not be opened, and shall determine whether the challenge should be upheld. If the registrars fail to agree that the challenge should be upheld, it shall be deemed to have been denied.

(g) The registrars of voters shall make the determination not earlier than noon of the day of the election, primary or referendum at which the ballot is submitted and not later than the time when the counting of all other absentee ballots at the election, primary or referendum has been completed.

(h) The registrars of voters shall notify, in writing, the municipal clerk and the moderator, or the moderator of the central location if central counting of absentee ballots has been designated, of their determination. If the challenge is denied, the absentee ballot shall be delivered by the registrars to the appropriate location for counting pursuant to law. If the challenge is upheld, the registrars shall mark the word "rejected" on the serially-numbered outer envelope and note the reasons for rejection, and shall return it together with all other evidence received in connection with the challenge to the municipal clerk who shall retain the same until delivered in accordance with section 9-140c, except that a challenge to a ballot which the municipal clerk has delivered to the registrars of voters for counting pursuant to sections 9-140c and 9-147a shall be returned to the moderator to whom the challenge was made.

(i) Within five days after the election, primary or referendum the municipal clerk shall send to the person whose offer to vote was challenged a copy of the written determination of the registrars and a statement as to the disposition of the absentee ballot.

(P.A. 81-467, S. 1, 8; P.A. 84-319, S. 32, 49; P.A. 86-179, S. 43, 53; P.A. 88-101, S. 1, 2.)

#### (SUPERVISED BALLOTING, WITHDRAWAL OF BALLOT; CHALLENGE)

**Sec. 9-159q. (Formerly Sec. 9-159n). Supervised absentee voting by patients at institutions upon request of registrar, administrator. Procedure.** (a) As used in this section:

(1) "Institution" means a veterans' health care facility, home for the aged, health care facility for the handicapped, nursing home, rest home, mental health facility, alcohol or drug treatment facility or an infirmary operated by an educational institution for the care of its students, faculty and employees; and

(2) "Designee" means an elector of the same town and political party as the appointing registrar of voters which elector is not an employee of the institution at which supervised voting is conducted.

(b) Notwithstanding any provision of the general statutes to the contrary, if less than twenty of the patients in any institution in the state are electors, absentee ballots voted by such electors shall, upon request of either registrar of voters in the town of such electors' voting residence or the administrator of such institution, be voted under the supervision of such registrars of voters or their designees in accordance with the provisions of this section. The registrars of voters of a town other than the town in which an institution is located may refuse a request by the administrator of such institution when, in their written opinion, the registrars agree that such request is unnecessary, in which case this section shall not apply. Such registrars shall inform the administrator and the town clerk of the electors' town of voting residence of their refusal.

(c) Except as provided in subsection (e) of this section, such request shall be made in writing and filed with the town clerk and registrars of voters of the town of such electors' voting residence, not more than forty-five days prior to an election or thirty-four days prior to a primary and not later than the seventh day prior to an election or primary. The request shall specify the name and location of the institution and the date and time when the registrars of voters or their designees shall supervise the casting of absentee ballots at the institution. The request shall also specify one or more alternate dates and times when supervised voting may occur. No request shall specify a date or an alternate date for supervised voting which is later than the last business day before the election or primary.

(d) The town clerk shall not mail or otherwise deliver an absentee ballot to an applicant who is a patient in any institution if a request for supervision of absentee balloting at that institution has been filed with the clerk during the period set forth in subsection (c) of this section. The clerk shall instead deliver such ballot or ballots to the registrars of voters or their designees who will supervise the voting of such ballots in accordance with this section.

(e) Except in the case of a written refusal as provided in subsection (b) of this section, upon receipt of a request for supervision of absentee balloting during the period set forth in subsection (c) of this section, the registrar or registrars of voters who received the request shall inform the registrar or administrator who made the request and the town clerk as to the date and time when such supervision shall occur, which shall be the date and time contained in the request or the alternate date and time contained in the request. If the registrar or registrars fail to select either date, the supervision shall take place on the date and time contained in the request. If a request for supervision of absentee balloting at an institution is filed during the period set forth in subsection (c) of this section and the town clerk receives an application for an absentee ballot from a patient in the institution after the date when supervised balloting occurred, either registrar of voters may request, in writing, to the appropriate town clerk and registrars of voters that the supervision of the voting of absentee ballots at such institution in accordance with this section be repeated, and in such case the registrars or their designees shall supervise absentee balloting at such institution on the date and at the time specified in the subsequent request, which shall be not later than the last business day before the election or primary.

(f) On the date when the supervision of absentee balloting at any institution is to occur, the town clerk shall deliver to the registrars or their designees the absentee ballots and envelopes for all applicants who are electors of such clerk's town and patients at such institution. The ballot and envelopes shall be prepared for delivery to the applicant as provided in sections 9-137 to 9-140a, inclusive. The registrars or their designees shall furnish the town clerk a written receipt for such ballots.

(g) The registrars or their designees, as the case may be, shall jointly deliver the ballots to the respective applicants at the institution and shall jointly supervise the voting of such ballots. The ballots shall be returned to the registrars or their designees by the electors in the envelopes provided and in accordance with the provisions of sections 9-137, 9-139 and 9-140a. If any elector asks for assistance in voting his ballot, two registrars or their designees of different political parties or, for a primary, their designees of different candidates, shall render such assistance as they deem necessary and appropriate to enable such elector to vote his ballot. The registrars or their designees may reject a ballot when (1) the elector declines to vote a ballot, or (2) the registrars or their designees are unable to determine how the elector who has requested their assistance desires to vote the ballot. When the registrars or their designees reject a ballot,



they shall mark the serially-numbered outer envelope "rejected" and note the reasons for rejection. Nothing in this section shall limit the right of an elector to vote his ballot in secret.

(h) After all ballots have been voted or marked "rejected" in accordance with subsection (g) of this section, the registrars or their designees shall jointly deliver or mail them in the envelopes, which shall be sealed, to the appropriate town clerk, who shall retain them until delivered in accordance with section 9-140c.

(i) When an institution is located in a town having a primary, the registrar in that town of the party holding the primary shall appoint for each such institution, one designee of the party-endorsed candidates and one designee of the contestants from the lists, if any, submitted by the party-endorsed candidates and contestants. Such registrar shall notify all party-endorsed candidates and all contestants of their right to submit a list of potential designees under this section. Each party-endorsed candidate and each contestant may submit to such registrar in writing a list of names of potential designees, provided any such list shall be submitted not later than ten days before the primary. If no such lists are submitted within said period, such registrar shall appoint one designee of the party-endorsed candidates and one designee of the contestants. Each designee appointed pursuant to this section shall be sworn to the faithful performance of his duties, and the registrar shall file a certificate of each designation with his town clerk.

(j) Any registrar of voters who has filed a request that the absentee balloting at an institution be supervised and any registrar required to conduct a supervision of voting under this section, who neglects to perform any of the duties required of him by this section so as to cause any elector to lose his vote shall be guilty of a class A misdemeanor. Any registrar from the same town as a registrar who has filed such a request may waive his right to participate in the supervision of absentee balloting.

(k) Notwithstanding any provision of this section to the contrary, if the spouse or a child of a registrar of voters or a dependent relative residing in the registrar's household is a candidate in the election or primary for which supervised absentee voting is to occur, such registrar shall not supervise such absentee voting but may designate the deputy registrar of voters or an assistant registrar of voters, appointed by the registrar pursuant to section 9-192, to supervise the absentee voting in his place.

(P.A. 81-424, S. 3; P.A. 82-426, S. 1, 14; P.A. 84-319, S. 16, 49; P.A. 85-577, S. 6; P.A. 86-179, S. 41, 53; P.A. 87-532, S. 7, 10; P.A. 90-1, S. 1, 5; P.A. 91-128, S. 1; P.A. 93-230, S. 6; P.A. 95-177, S. 2.)

**Sec. 9-159r. Mandatory supervised voting at institutions. Procedure.** (a) Notwithstanding any provision of the general statutes to the contrary, if twenty or more of the patients in any institution in the state are electors, absentee ballots voted by such electors shall be voted under the supervision of the registrars of voters or their designees of the town in which the institution is located, in accordance with the provisions of this section. As used in this section, the term "institution" shall be construed as defined in section 9-159q.

(b) Application for an absentee ballot for any such patient shall be made to the clerk of the town in which such patient is eligible to vote. The application procedure set forth in section 9-140 shall apply, except that the clerk shall deliver the absentee voting set for any such application to the clerk of the town in which the institution is located, who shall deliver all such voting sets he receives to the registrars of such town, on the date when the supervision of absentee balloting is to occur. The ballots and envelopes shall be prepared for delivery to the applicant as provided in sections 9-137 to 9-140a, inclusive. The registrars or their designees

shall furnish the town clerk a written receipt for such ballots. The registrars of the town in which an institution is located and the administrator of the institution shall mutually agree on a date and time for such supervision of absentee balloting, which shall be not later than the last business day before the election or primary.

(c) The supervision of absentee balloting under this section shall be carried out in accordance with the provisions of subsections (g), (h), (i) and (k) of section 9-159q.

(P.A. 87-532, S. 8, 10; P.A. 91-128, S. 2; P.A. 93-230, S. 7; P.A. 95-177, S. 3.)

**Secs. 9-160 to 9-163j. Affidavit; envelopes. Application for absentee ballot. Procedure for voting. Notice to registrars of voters; delivery and counting of ballots. Voting by new residents in presidential elections. Sections 9-160 to 9-163j, inclusive, are repealed.**

(September, 1957, P.A. 25, S. 36; 1959, P.A. 493; 1963, P.A. 53, S. 1; 92, S. 1; 245, S. 111; February, 1965, P.A. 407, S. 7, 8; 618, S. 25; 1972, P.A. 196, S. 18.)

## CHAPTER 146

### ELECTIONS

#### PART I

#### GENERAL

**Sec. 9-164. Regular and special municipal elections.** (a) Notwithstanding any contrary provision of law, there shall be held in each municipality, biennially, a municipal election on the first Monday of May or the Tuesday after the first Monday of November, of the odd-numbered years, whichever date the legislative body of such municipality determines, provided, if no action is taken by the legislative body to so designate the date of such election, such election shall be held on the Tuesday after the first Monday of November of the odd-numbered years. In any municipality where the term of any elected official would expire prior to the next regular election held under the provisions of this section, the term of such official shall be extended to the date of such election.

(b) Upon the occurrence of a vacancy in a municipal office or upon the creation of a new office to be filled prior to the next regular election, a special municipal election may be convened either by the board of selectmen of the municipality or upon application of twenty electors of the municipality filed with the municipal clerk. The date of such election shall be determined by the board of selectmen of the municipality, and notice of such date shall be filed with the municipal clerk. In determining the date of such election, the board of selectmen shall allow the time specified for holding primaries for municipal office in section 9-423 and the time specified for the selection of party-endorsed candidates for municipal office in section 9-391. On application of twenty electors of the municipality, the date of such election, as determined by the board of selectmen, shall be not later than the one hundred fiftieth day following the filing of such application. Except as otherwise provided by general statute, the provisions of the general statutes pertaining to elections and primaries shall apply to special municipal elections. No such

election may be held unless the municipal clerk first files notice of the office or offices to be filled at such election with the town chairman of the town committee of each major and minor party within the municipality and with the secretary of the state at least three weeks in advance of the final time specified for the selection of party-endorsed candidates for municipal office in section 9-391. The municipal clerk shall forthwith warn such election in the same manner as the warning of municipal elections pursuant to section 9-226.

(c) Notwithstanding any provision of subsection (b) of this section to the contrary, any town which by charter provides that a vacancy in its legislative body shall be filled by a special election held no later than forty-five days after the effective date of the vacancy shall hold such election not later than forty-five days after the occurrence of the vacancy. No such election may be held unless the municipal clerk forthwith upon the occurrence of the vacancy files notice of the office to be filled at the election with the town chairman of the town committee of each major and minor party within the municipality and with the secretary of the state. Nominations by political parties for such office shall be made as the rules of such parties which are filed with the town clerk provide, in accordance with section 9-390. Such nominations may be made and certified at any time after the vacancy occurs but not later than the thirty-sixth day before the day of the election. No such nomination shall be effective until the presiding officer and secretary of the town committee certify the nomination to the town clerk. No primary shall be held for the nomination of any political party to fill any vacancy in such office and the party-endorsed candidate so certified shall be deemed the nominee of such party. Nominations may also be made by petition in the manner provided in sections 9-379 and 9-453a to 9-453p, inclusive, which petitions shall be submitted to the town clerk of the town in which the signers reside not later than the thirty-sixth day before the day of the election and filed in the office of the secretary of the state not later than two days thereafter. The municipal clerk shall forthwith warn such election in the same manner as the warning of municipal elections pursuant to section 9-226.

(1949 Rev., S. 491, 492; 1953, 1955, S. 646d; November, 1955, S. N111; 1957, P.A. 518, S. 39; 1963, P.A. 393, S. 7; 1967, P.A. 675, S. 1; P.A. 75-206, S. 2, 7; P.A. 77-245, S. 3; P.A. 84-319, S. 25, 49; P.A. 87-382, S. 18, 55; P.A. 93-202, S. 1.)

**Sec. 9-164a. Transitional terms of office.** Notwithstanding any contrary provision of law, in any municipality in which the date of the municipal election has been changed under section 9-164 and in which the terms of office of one or more elected municipal officers had not, or will have not, expired at the time of the holding of the first municipal election in accordance with such changed date under said section, the legislative body of such municipality shall, prior to July 25, 1969, provide for a reasonable method of transition for such offices which may include reasonable extension of such terms and provision for interim terms. Except as provided in sections 9-164b to 9-164f, inclusive, 9-187 and 9-187a, in the absence of such action by such legislative body, the terms of any such officers which do not terminate within three months after such first or a subsequent municipal election held under said section 9-164 shall be extended to the municipal election next held after the expiration of such terms, or to such date, within seventy days after such election, on which the terms of municipal officers generally begin in such municipality, at which election successors shall be elected for the terms provided for by law or for such other transitional terms as are necessary to provide the rotation required by law. The clerk of the municipality, in preparing the list provided for under section 9-254, shall set forth such terms or transitional terms therein.

(1969, P.A. 570, S. 1.)

**Sec. 9-164b. Deferred terms.** As to any board or commission with a rotating membership, some of the members of which, prior to the change to a uniform municipal election date under section 9-164, were elected for terms beginning approximately one year after the date of their election, the legislative body may provide for such conforming changes in the beginning date of the terms of office as are designed to continue the rotation with regard to such office as it existed prior to such change, and in the absence of such action by such legislative body, the beginning date of the terms of such office shall be so changed by the clerk of the municipality in preparing the list provided for under section 9-254. With respect to any board or commission with a rotating membership established under sections 8-1, 8-4a, 8-5 and 8-19, the authority empowered to prescribe the term of office of the members of such board or commission, if it is authorized under said sections to provide for an odd-numbered year term, may further provide for deferred terms by prescribing which terms are to begin approximately one year from the date on which the terms of municipal officers generally begin in such municipality.

(1969, P.A. 570, S. 4; 1971, P.A. 715.)

**Sec. 9-164c. Change of municipal election date.** After January 1, 1970, any municipality may by charter, or by vote of the legislative body approved at a referendum of the electors to be held within thirty days thereafter, change the date of its municipal election by designating the alternate date specified in section 9-164 as the date of the municipal election, provided (1) no such charter provision adopted, nor such vote of such legislative body so approved, within six months prior to any municipal election may be effective with respect thereto, and (2) in changing from the November municipal election date specified in section 9-164 to the May municipal election date therein specified, the terms of incumbent municipal elected officials shall be diminished to conform to such change but for a period of not more than nine months and (3) in changing from the May municipal election date specified in section 9-164 to the November date therein specified, the terms of incumbent municipal elected officials shall be extended to conform to such change but for a period of not more than nine months.

(1969, P.A. 570, S. 5.)

**Sec. 9-164d. Notification to secretary.** The clerk of a municipality shall forthwith notify the secretary of the state in writing of any change in the date of the municipal election of such municipality or in terms of elected officials thereof, the date such action was taken, the effective date thereof, the manner in which or the authority by which it was taken, and reference to the law under which it was taken.

(1969, P.A. 570, S. 6.)

**Sec. 9-164e. Proposed action to be submitted to municipal attorney.** Before any action is taken under sections 9-164a to 9-164f, inclusive, 9-187 and 9-187a, such proposed action shall be submitted by the legislative body to the municipal attorney of the municipality taking such action for approval as to conforming to law.

(1969, P.A. 570, S. 7.)

**Sec. 9-164f. Election of registrars unaffected.** Nothing in sections 9-164a to 9-164e, inclusive, 9-187 and 9-187a, shall affect the election of registrars of voters.

(1969, P.A. 570, S. 9; P.A. 74-109, S. 2, 11.)

**Secs. 9-165 to 9-167. Biennial town elections: Change to from annual elections, unexpired terms; term and method of rotation of board members.** Sections 9-165 to 9-167, inclusive, are repealed.

(1949 Rev., S. 497499; 1953, S. 647d649d; 1959, P.A. 630, S. 3; P.A. 76-173, S. 12.)

**Sec. 9-167a. Minority representation.** (a) (1) Except as provided in subdivision (2) of this subsection, the maximum number of members of any board, commission, legislative body, committee or similar body of the state or any political subdivision thereof, whether elective or appointive, who may be members of the same political party, shall be as specified in the following table:

COLUMN I	COLUMN II
Total Membership	Maximum from One Party
3 .....	2
4 .....	3
5 .....	4
6 .....	4
7 .....	5
8 .....	5
9 .....	6
More than 9 .....	Two-thirds of total membership

(2) The provisions of this section shall not apply (A) to any such board, commission, committee or body whose members are elected wholly or partially on the basis of a geographical division of the state or political subdivision, (B) to a legislative body of a municipality (i) having a town meeting as its legislative body or (ii) for which the charter or a special act, on January 1, 1987, provided otherwise or (C) to the city council of an unconsolidated city within a town and the town council of such town if the town has a town council and a representative town meeting, the town charter provides for some form of minority representation in the election of members of the representative town meeting, and the city has a city council and a body having the attributes of a town meeting or (D) to the board of directors and other officers of any district, as defined in section 7-324, having annual receipts from all sources not in excess of two hundred fifty thousand dollars.

(b) Prior to any election for or appointment to any such body, the municipal clerk, in cases of elections, and the appointing authority, in cases of appointments, shall determine the maximum number of members of any political party who may be elected or appointed to such body at such election or appointment. Such maximum number shall be determined for each political party in the following manner: From the number of members of one political party who are members of such body at the time of the election or appointment, subtract the number of

members of such political party whose terms expire prior to the commencement of the terms for which such election or appointment is being held or made and subtract the balance thus arrived at from the appropriate number specified in column II of subsection (a) of this section.

(c) In the case of any election to any such body the winner or winners shall be determined as under existing law with the following exception: The municipal clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any one political party who would be elected without regard to this section exceeds the maximum number as determined under subsection (b) of this section, only the candidates of such political party with the highest number of votes up to the limit of such maximum shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidates shall be elected up to the number of places to be filled at such election.

(d) If an unexpired portion of a term is to be filled at the same time as a full term, the unexpired term shall be deemed to be filled before the full term for purposes of applying this section. At such time as the minority representation provisions of this section become applicable to any board, commission, committee or body, any vacancy thereafter occurring which is to be filled by appointment shall be filled by the appointment of a member of the same political party as that of the vacating member.

(e) Nothing in this section shall be construed to repeal, modify or prohibit enactment of any general or special act or charter which provides for a greater degree of minority representation than is provided by this section.

(f) Nothing in this section shall deprive any person who is a member of any such body on July 1, 1960, of the right to remain as a member until the expiration of his term.

(g) For the purposes of this section, a person shall be deemed to be a member of the political party on whose enrolment list his name appears on the date of his appointment to, or of his nomination as a candidate for election to, any office specified in subsection (a) of this section, provided any person who has applied for erasure or transfer of his name from an enrolment list shall be considered a member of the party from whose list he has so applied for erasure or transfer for a period of six months from the date of the filing of such application and provided further any person whose candidacy for election to an office is solely as the candidate of a party other than the party with which he is enrolled shall be deemed to be a member of the party of which he is such candidate.

(1959, P.A. 665; 1963, P.A. 592; P.A. 76-173, S. 1; P.A. 77-245, S. 4; P.A. 85-333, S. 1, 2; P.A. 86-400, S. 1, 2; P.A. 87-498, S. 1, 2; P.A. 89-370, S. 14, 15.)

**Sec. 9-168. Place of holding elections.** In any town not divided into voting districts, the place of holding elections may be determined by the legislative body of such town. In towns divided into voting districts the place of holding elections shall be determined as provided in section 9-169 or any special act, whichever applies. Except as provided in section 9-169a, state elections shall be held at the usual place or places of holding elections in the town or the voting districts thereof, as the case may be, unless the registrars of voters, in writing, have designated to the clerk of such town, at least thirty-one days before any such state election, a different place or places for holding such election. Unless otherwise provided by special act, the place of holding city or borough elections shall be determined by the legislative body of such city or borough. Any provision of any charter or special act to the contrary notwithstanding, the place or places of

holding an election shall be determined at least thirty-one days prior to such election, and such place or places shall not be changed within the period of thirty-one days prior to such election except that, if the municipal clerk and registrars of voters of a municipality unanimously find that any such polling place within such municipality has been rendered unusable within such period, they shall forthwith designate another polling place to be used in place of the one so rendered unusable and shall give adequate notice that such polling place has been so changed.

(1949 Rev., S. 529; 1953, S. 650d; 1961, P.A. 398, S. 1; 1963, P.A. 323, S. 1; P.A. 73-657, S. 3, 13; P.A. 81-472, S. 120, 159.)

**Sec. 9-168a. Polling places for voting districts whose lines differ from the district lines as constituted in a municipal election year and for voting districts with less than one thousand five hundred electors who vote for officers that no other electors of town vote for. Combined voting districts and polling places.** (a) Any provision of the general statutes to the contrary notwithstanding, in any municipality in which, at any election, or primary, as a result of the assembly, senatorial or congressional district lines in effect, there is a voting district or a part of a voting district which differs geographically from the district lines as constituted in a municipal election year, the registrars of voters may either provide a suitable polling place therein or may, in lieu thereof, with the approval of the legislative body of the municipality, provide separate voting machines in the polling place of another voting district in said municipality for use by such electors. The registrars of voters shall determine which polling place officials are necessary for such separate machines and shall provide the procedure to ensure that the electors use the proper voting machine, which procedure may include the registrars of voters prescribing and providing receipts.

(b) Any provision of the general statutes to the contrary notwithstanding, in any municipality in which, at any election or primary, as a result of the assembly, senatorial or congressional district lines in effect, there is a voting district with less than one thousand five hundred electors who vote for a combination of officers that no other electors of the town vote for, the registrars of voters may either provide a suitable polling place therein or may, in lieu thereof, provide separate voting machines in the polling place of another voting district in said municipality for use by such electors. If the registrars of voters provide separate voting machines in the polling place of another voting district, they shall determine which polling place officials are necessary for the district containing less than one thousand five hundred electors and shall provide the procedure to ensure that the electors use the proper voting machines, which procedure may include the registrars of voters prescribing and providing receipts.

(c) In any election or primary where electors in more than one voting district vote in the same building and vote for all the same officers, and the law does not require separate returns, the registrars of voters may combine the voting districts and polling places into one voting district and polling place, with or without integrating the voting districts on the check lists used at the election or primary. The registrars of voters shall file a statement of their action with the town clerk before the election or primary and the town clerk shall label the polling place return form to show which districts are combined on such return.

(P.A. 73-554; P.A. 75-113; 75-540; P.A. 77-173; P.A. 79-219; P.A. 92-1, S. 3, 8.)

**Sec. 9-168b. Designation of polling places in adjacent voting districts.** When in the written opinion of the registrars of any municipality, the lack of an existing convenient or

suitable polling place within the lines of a particular voting district necessitates the designation of a polling place in an adjacent district, such registrars may designate a convenient and suitable polling place in a voting district adjacent thereto, located as near as possible to the boundaries of the voting district for which designated. A separate location from the existing polling place for such adjacent district shall be designated, except that a separate room within such existing polling place may be designated with the approval of the legislative body of the municipality. Such written opinion and designation, along with such approval if necessary, shall be filed with the municipal clerk not later than ninety days before a regular election, or primary. Within ten days after such filing, the municipal clerk shall cause notice of such filing to be published in the newspaper having the greatest circulation in the town.

(P.A. 74-154, S. 1, 2; P.A. 75-93; P.A. 77-231, S. 1, 2; 77-245, S. 5; P.A. 83-391, S. 13, 24.)

**Sec. 9-168c. Accessibility of polling places to physically disabled voters.** Section 9-168c is repealed.

(P.A. 75-280; P.A. 78-117, S. 2.)

**Sec. 9-168d. Accessibility of polling places to physically disabled voters. Waiver of requirements.** (a) On or before July 1, 1980, each polling place shall be made accessible to and usable by physically disabled persons by complying with the following standards of accessibility: (1) Doors, entrances, and exits used to gain access to or egress from the polling place shall have a minimum width of thirty-one inches; (2) temporary ramps shall be made available or curb cuts provided where necessary for accessibility to the entrance; (3) any stairs necessarily used to enter the polling place shall have a temporary handrail and ramp; (4) in the polling place, no barrier shall impede the path of the physically disabled to the voting booth.

(b) The registrars of voters in each town, or the legislative body of the town, shall select as polling places only those sites which meet the standards of accessibility required under the state building code, as revised pursuant to section 29-269, if applicable, or this section.

(c) The registrars or such legislative body may select a site not meeting such standards if no available site within the voting district or town can reasonably be made accessible if an application for waiver is filed with the secretary of the state and approved by the Office of Protection and Advocacy for Persons with Disabilities. An application for waiver shall be filed at least sixty days prior to the date on which the primary or election will be held. The secretary of the state shall, within seven days after receipt of any such application, refer the application to said office of protection and advocacy. Said office shall, within thirty days, review the application and inform the secretary of the state of its approval or disapproval. The secretary of the state shall notify the applicant for waiver of such approval or disapproval within seven days after the secretary is so informed.

(P.A. 78-117, S. 1; P.A. 83-587, S. 10, 96; P.A. 84-319, S. 26, 49; P.A. 88-356, S. 1; 88-364, S. 12, 123; P.A. 89-144, S. 2.)

**Sec. 9-168e. Parking spaces at polling places for handicapped and infirm elderly persons.** If space is available at a polling place, the registrars of voters or legislative body of the town in which the polling place is located shall designate two or more parking spaces for motor vehicles (1) which display the special parking identification card or bear the special set of number plates provided for in section 14-253a or (2) which are operated by infirm persons who are sixty-five years of age or older and who do not qualify for such a card.



**Sec. 9-169. Voting districts.** The legislative body of any town, consolidated town and city or consolidated town and borough may divide and, from time to time, redivide such municipality into voting districts. The registrars of voters of any municipality taking such action shall provide a suitable polling place in each district but, if the registrars fail to agree as to the location of any polling place or places, the legislative body shall determine the location thereof. Polling places to be used in an election shall be determined at least thirty-one days before such election, and such polling places shall not be changed within said period of thirty-one days except that, if the municipal clerk and registrars of voters of a municipality unanimously find that any such polling place within such municipality has been rendered unusable within such period, they shall forthwith designate another polling place to be used in place of the one so rendered unusable and shall give adequate notice that such polling place has been so changed. The registrars of voters shall keep separate lists of the electors residing in each district and shall appoint for each district a moderator in accordance with the provisions of section 9-229 and such other election officials as are required by law, and shall designate one of the moderators so appointed or any other elector of such town to be the head moderator for the purpose of declaring the results of elections in the whole municipality. The registrars may also designate a deputy head moderator to assist the head moderator in the performance of his duties provided the deputy head moderator and the head moderator shall not be enrolled in the same major party, as defined in subdivision (5) of section 9-372. The selectmen, town clerk, registrars of voters and all other officers of the municipality shall perform the duties required of them by law with respect to elections in each voting district established in accordance with this section. Voting district lines shall not be drawn by a municipality so as to conflict with the lines of congressional districts, senate districts or assembly districts as established by law, except (1) as provided in section 9-169d and (2) that as to municipal elections, any part of a split voting district containing less than two hundred electors may be combined with another voting district adjacent thereto from which all and the same officers are elected at such municipal election. Any change in the boundaries of voting districts made within ninety days prior to any election or primary shall not apply with respect to such election or primary. The provisions of this section shall prevail over any contrary provision of any charter or special act.

(1953, S. 651d; 1961, P.A. 398, S. 2; 1963, P.A. 323, S. 2; 1967, P.A. 557, S. 1; 831, S. 4; 1971, P.A. 836, S. 1; P.A. 73-657, S. 1, 13; P.A. 74-197, S. 2; P.A. 85-592, S. 10; P.A. 86-2.)

**Sec. 9-169a. Split voting districts.** For the purposes of this section and section 9-169, "split voting district" means a voting district which was divided by statute or otherwise divided by law pursuant to article 26 of the amendments to the constitution of Connecticut or an order of a court of competent jurisdiction between two or more congressional, senatorial or assembly districts within a town so that a part of such split voting district was allocated to one congressional, senatorial or assembly district and the other part or parts thereof were allocated to another or other congressional, senatorial or assembly districts. Such part of a split voting district so allocated to a congressional, senatorial or assembly district shall be a separate voting district and shall have its own separate enrolment list, registry list, list of unaffiliated electors if required under section 9-55, and polling place, and shall for all other administrative purposes be treated as a separate voting district. In a municipality which elects no town, city or borough officers from

political subdivisions at a municipal election, this section shall apply to all elections unless and until the voting districts are changed under the provisions of section 9-169. In a municipality which elects one or more town, city or borough officers from political subdivisions at a municipal election, such municipality, for municipal elections and for town committee primaries in which the town committee members are selected from political subdivisions other than assembly or senatorial districts, may continue to use the voting districts as they existed prior to such redistricting or as they are established under section 9-169d, unless and until such voting districts are changed in accordance with the provisions of section 9-169 and, in such a municipality, except as provided in section 9-169e, this section shall apply only with respect to (1) any primary or election for representative in Congress, state senator or state representative in a congressional, senatorial or assembly district which contains a part of a split voting district, (2) any primary for town committee members in which such town committee members are elected at large or in which such a senatorial or assembly district is the political subdivision from which such town committee members are elected and (3) any primary or election for a town, city or borough office in which such a senatorial or assembly district is the political subdivision from which such municipal office is elected. This section shall not preclude any town from changing the boundaries of voting districts as provided in section 9-169 and shall not apply to any town which has changed or changes the boundaries of its voting districts pursuant to said section so as to eliminate any split voting districts.

(1967, P.A. 557, S. 22; P.A. 73-657, S. 2, 13; P.A. 74-197, S. 3; Nov. Sp. Sess. P.A. 81-3, S. 1, 5; P.A. 87-509, S. 8, 24; P.A. 92-1, S. 4, 8.)

**Sec. 9-169b. Effective date of changes in voting districts.** Notwithstanding the provisions of sections 9-168b and 9-169, any change or changes in voting districts made in any municipality in accordance with the provisions of section 9-169, to conform, or facilitate conforming, to any plan of districting for the general assembly or for the congressional districts, adopted by the general assembly or determined by any reapportionment commission, appointed in accordance with the provisions of article 26 of the amendments to the constitution of Connecticut, or ordered by a court of competent jurisdiction, or to conform, or facilitate conforming, to any order entered by a court of competent jurisdiction relating to a plan of districting for the general assembly or for the congressional districts, adopted by the legislative body of the municipality shall be deemed effective as of the date of adoption, except as provided in section 9-169e.

(1972, P.A. 220, S. 3; Nov. Sp. Sess. P.A. 81-3, S. 2, 5; P.A. 92-1, S. 5, 8.)

**Sec. 9-169c. At-large election of members of legislative bodies of certain towns.** Notwithstanding the provisions of any charter or special act to the contrary, in any town in which members of its legislative body are elected on the basis of assembly districts and where as a result of redistricting one or more of such assembly districts are shared with another town, such members may be elected on an at-large basis without reference to such assembly districts or other political subdivisions, unless and until such town changes its charter.

(P.A. 73-657, S. 4, 13.)

**Sec. 9-169d. Voting districts crossing legislative district lines, permitted for municipal elections.** The legislative body of any town, consolidated town and city or consolidated town and borough which elects municipal officers from political subdivisions may establish, in accordance with the provisions of section 9-169, for use in municipal elections and primaries, voting districts

which cross congressional, senatorial or assembly district lines, but which do not cross municipal political subdivision lines, provided no special state election may be held on the same day as a regular municipal election in such municipalities.

(P.A. 74-197, S. 1.)

**Sec. 9-169e. Voting districts in special elections held to fill vacancy in district or municipal office.** Notwithstanding any other provision of the general statutes, any special act or home rule charter, any special election held to fill a vacancy in a district office or in a municipal office in a political subdivision, including the municipal office of state senator or state representative, shall be held in the district or political subdivision which was represented by the person who vacated such office, and the voting districts used for purposes of such special election, including the nomination of candidates to run in such election, shall conform to the boundaries of such district or political subdivision.

(Nov. Sp. Sess. P.A. 81-3, S. 3, 5.)

**Sec. 9-169f. Reapportionment required for certain municipal legislative bodies.** Not later than June first in the year after the first regular general assembly election following a reapportionment of the general assembly, each municipal legislative body whose members are elected wholly or partially on the basis of a geographical division of the municipality shall adopt a reapportionment plan for such legislative body. Any such municipal reapportionment plan (1) shall be based on population data for the municipality from the most recent decennial census of the United States and (2) may provide for geographical divisions which use the same borders as general assembly districts in the municipality.

(P.A. 89-283.)

**Sec. 9-170. Eligibility to vote at town elections.** At any regular or special town election any person may vote who is registered as an elector on the revised registry list of the town last completed and he shall vote only in the district in which he is so registered, provided any person may vote whose name is restored to the list under the provisions of section 9-42 or whose name is added on the last week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote unless he is not a bona fide resident of such town or has been convicted of a disfranchising crime. Any person offering to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his bona fide residence in such town, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence acceptable to the moderator.

(1949 Rev., S. 496; 1953, S. 652d; P.A. 75-348, S. 7, 11.)

**Sec. 9-171. Eligibility to vote at city elections.** In all cities, unless otherwise provided by law, any person entitled to vote at city elections who is registered on the revised registry list last completed, and any person having a legal right to vote at such elections whose name is entered on a copy of such list before voting, may vote therein in the district for which such registry list is made; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are added on the last week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote, unless he has lost his right by removal from such city since he has registered or by conviction of a

disfranchising crime. Any person offering so to vote, and being challenged as to his identity or residence, shall, before he votes, prove his identity with the person on whose name he offers to vote or his bona fide residence in such city, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence acceptable to the moderator. The names of those voting shall be checked on such copy of such list, and such copy so checked shall be kept on file in the office of the town clerk, as in the case of state elections.

(1949 Rev., S. 532, 1065; 1953, S. 653d; 1963, P.A. 318, S. 1; P.A. 75-348, S. 8, 11.)

**Sec. 9-172. Eligibility to vote at state elections.** At any regular or special state election any person may vote who was registered on the last-completed revised registry list of the town in which he offers to vote, and he shall vote in the district in which he was so registered; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are added on the last weekday before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote if he is a bona fide resident of such town and has not lost his right by conviction of a disfranchising crime. Any person offering so to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his bona fide residence in such town, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence as is acceptable to the moderator.

(1949 Rev., S. 1065; 1953, S. 654d; P.A. 75-348, S. 9, 11; P.A. 79-189, S. 7, 9; P.A. 80-483, S. 32, 186.)

**Sec. 9-172a. Revised registry list defined for purposes of special elections.** For purposes of special elections, the term "revised registry list last completed", as used in sections 9-170, 9-171 and 9-172, means the registry list last completed for the last regular election held in the municipality or political subdivision holding the special election, together with the supplementary list of persons in such municipality or political subdivision who acquired voting privileges since the completion of such list compiled under section 9-172b.

(1967, P.A. 207, S. 1.)

**Sec. 9-172b. Supplementary list and registration deadline for special election or referendum.** (a) In each municipality or political subdivision in which a special election or referendum is to be held, the registrars of voters shall prepare a supplementary list of the names and addresses of those persons who acquired voting privileges after the completion of the revised registry list and prior to the day of such special election or referendum. In each such municipality or political subdivision, not later than the day before such special election or referendum, such registrars shall cause to be completed and printed and deposited in the town clerk's office such list arranged as provided in section 9-35 and certified by them to be correct, and shall retain a sufficient number of copies to be used by them at such election or referendum for the purpose of checking the names of those who vote, provided the names of any persons who acquired such voting privileges within thirty days before such special election or referendum may be inserted on such printed list in writing.

(b) In the case of a special election or referendum, no person admitted as an elector on the day of the special election or referendum shall be entitled to vote in that election.

(1967, P.A. 207, S. 2; P.A. 79-363, S. 23, 38; P.A. 80-483, S. 33, 186; P.A. 83-162.)

**Sec. 9-173. Plurality required for election.** In the election for governor, lieutenant governor, secretary of the state, treasurer, comptroller and attorney general, the person receiving the greatest number of votes for each of said offices, respectively, shall be declared elected. If no person has a plurality of the votes for any of said offices, the general assembly shall choose such officer. In the election for senator in Congress, the person receiving the greatest number of votes for such office shall be declared elected; but, if no person has a plurality of the votes for said office, the governor may make a temporary appointment of a senator in Congress to serve for the ensuing two years unless the general assembly directs a special election for a senator in Congress, to be held during said period, to fill the vacancy occasioned by such failure to elect. In all elections of representatives in Congress, sheriffs, state senators, state representatives and judges of probate, the person having the greatest number of votes shall be declared elected. Unless otherwise provided by law, in all municipal elections a plurality of the votes cast shall be sufficient to elect.

(1949 Rev., S. 514, 1084, 1088, 1089, 1098, 1102; 1953, S. 656d; 1967, P.A. 557, S. 2.)

**Sec. 9-174. Hours of voting. Voting by electors in line at eight o'clock p.m.** Notwithstanding the provisions of any general statute, special act or municipal charter to the contrary, at any regular election, or at any special election held to fill a vacancy in a state, district or municipal office, the polls shall remain open for voting from six o'clock a.m. until eight o'clock p.m. No elector shall be permitted to cast his vote after the hour prescribed for the closing of the polls in any election unless such elector is in line at eight o'clock p.m. An election official or a police official of the municipality, who is designated by the moderator, shall be placed at the end of the line at eight o'clock p.m. Such official shall not allow any electors who were not in such line at eight o'clock p.m. to enter such line.

(1949 Rev., S. 1062; 1953, S. 657d; 1967, P.A. 62; P.A. 77-209; P.A. 83-391, S. 14, 24; P.A. 84-12, S. 1, 2; P.A. 88-162, S. 1, 4.)

## PART II

### PARTICULAR OFFICERS

**Sec. 9-175. Presidential and vice presidential electors. Write-in candidates and ballots.** (a) The electors in the several towns in the state, at the state election in 1964, and quadrennially thereafter, shall elect electors of president and vice president of the United States, not exceeding in number the whole number of senators and representatives to which the state is then entitled in the Congress of the United States. Voting shall be conducted and the result declared, and the returns thereof made, as is provided in respect to state elections. The secretary of the state shall, on or before the first Monday of October of the year in which such presidential electors are to be elected, transmit blank forms to the several town clerks for the return of the votes; and the lists and returns of the votes shall be made out, certified and directed according to such forms. When an election is to be held for the choice of presidential electors, if any political party has nominated candidates for president and vice president of the United States, and presidential electors to vote for such presidential and vice presidential candidates have been nominated by a political convention of such party in this state, or in such other manner as entitles the names of such electors to be placed upon the official ballots to be used in such election, the secretary of the

state and any other official charged with the preparation of official ballots to be used in such election, in lieu of placing the names of such presidential electors on such official ballots, shall place on such official ballots a space with the words "Presidential electors for (here insert the last name of the candidate for president, the word and and the last name of the candidate for vice president)"; and a vote cast therefor shall be counted, and shall be in all respects effective, as a vote for each of the presidential electors representing such candidates for president and vice president.

(b) In the case of a write-in candidate for president of the United States, such candidate may register his candidacy with the secretary of the state by submitting his name and the names of a vice presidential candidate and candidates for the office of elector in a number not exceeding the whole number of electors to which the state is then entitled. Such registration shall be on a form prescribed by the secretary of the state, which form shall include a statement of consent to being a candidate by each proposed candidate for elector and by the candidate for vice president. Such registration shall not include a designation of political party. A candidate for president may register at any time after January first of the election year and not later than four o'clock p.m. on the fourteenth day preceding the election at which the offices of presidential elector and vice presidential elector are being contested. If a candidate has so registered, a vote may be cast by write-in ballot for such candidate by writing in the last name of the candidate for president and the last name of the candidate for vice president or only the last name of the candidate for president; such write-in ballot shall be counted, and shall be in all respects effective, as a vote for each of the presidential electors representing such candidates for president and vice president. No person nominated for the office of president, vice president, or presidential elector by a major or minor party or by nominating petition shall register as a write-in candidate for such office under the provisions of this section and any such registration of a write-in candidacy filed by such a person shall be void.

(1949 Rev., S. 1043, 1103; 1953, S. 658d; 1961, P.A. 374, S. 1; P.A. 77-82, S. 1; P.A. 83-475, S. 17, 43.)

**Sec. 9-176. Meeting of presidential electors.** The presidential electors shall meet at the office of the secretary of the state at twelve o'clock, noon, on the first Monday after the second Wednesday of the December following their election and, as required by the constitution and laws of the United States, shall cast their ballots for president and vice president. Each such elector shall cast his ballots for the candidates under whose names he ran on the official election ballot, as provided in section 9-175. If any such elector is absent or if there is a vacancy in the electoral college for any cause, the electors present shall, before voting for president and vice president, elect by ballot an elector to fill such vacancy, and the person so chosen shall be a presidential elector, shall perform the duties of such office and shall cast his ballots for the candidates to whom the elector he is replacing was pledged.

(1949 Rev., S. 1104; 1953, S. 659d; 1961, P.A. 374, S. 2.)

**Sec. 9-177. Compensation of presidential electors.** Each elector of president and vice president of the United States shall receive ten dollars a day when attending upon the duties of his appointment, for which the comptroller, on presentation to him of the certificate of the chairman of such electors, shall draw an order on the treasurer.

(1949 Rev., S. 3596.)

**Sec. 9-178. Senator in Congress.** A senator in Congress shall be elected by the electors of the several towns, as provided by the constitution of the United States, in any year occurring next before the expiration of the term of a senator in Congress, and in any other year when the governor issues writs of election to fill a vacancy in the office of senator in Congress.

(1949 Rev., S. 1097; 1953, S. 660d.)

**Sec. 9-179. Representative in Congress.** At each state election the electors of the several towns in each congressional district in this state shall elect a representative in the Congress of the United States for such district to represent this state in said Congress.

(1949 Rev., S. 1099; 1953, S. 662d.)

**Sec. 9-180. Representative at large.** Section 9-180 is repealed.

(1949 Rev., S. 1101; 1953, S. 661d; April, 1964, P.A. 2, S. 6.)

**Sec. 9-181. State officers.** At the state election to be held in 1966, and quadrennially thereafter, there shall be elected a governor, lieutenant governor, secretary, treasurer, comptroller and attorney general to hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are qualified. When any political party has nominated candidates for the offices of governor and lieutenant governor, their names shall be so placed upon the ballot in any such election that any elector will cast a single vote for both candidates.

(1953, S. 663d; 1963, P.A. 401, S. 1.)

**Sec. 9-182. Sheriffs.** The sheriff of each county shall be elected at the state election in 1966, and quadrennially thereafter, to hold office for the term of four years from the first day of June following his election.

(1949 Rev., S. 449; 1953, S. 664d.)

**Sec. 9-183. Justices of the peace.** Section 9-183 is repealed.

(1949 Rev., S. 7545, 7546; 1953, S. 665d; 1967, P.A. 831, S. 5; P. A. 73-666, S. 1, 3; P.A. 74-11, S. 2, 4; 74-109, S. 10, 11.)

**Sec. 9-183a. Number of justices of the peace, exceptions.** (a) The number of justices of the peace for each town shall be equal to one-third the number of jurors to which such town is by law entitled, except in the town of Waterbury the number shall be sixty-nine, in the town of Trumbull the number shall be fifteen, in the town of Meriden the number shall be twenty-three, and in the town of Litchfield the number shall be fifteen; provided any town, by ordinance, may provide for the selection of a lesser number of justices of the peace for such town as herein provided, which shall be not less than fifteen.

(b) Notwithstanding any provision of any special act or charter to the contrary:

(1) In 1994, the number of justices of the peace for any town which selects a number of justices of the peace under a special act or charter, which is fewer than one-third the number of jurors to which the town is by law entitled, shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen;

(2) In 1996, the number of justices of the peace for any such town shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen, unless the town amends such special act or charter or adopts an ordinance under subdivision (3) of this subsection;

(3) Any town which selects a number of justices of the peace under a special act or charter, which is fewer than one-third the number of jurors to which the town is by law entitled, may amend such special act or charter under chapter 99 or may adopt an ordinance superseding such special act or charter provision, to provide for a number of justices of the peace to be selected in 1996, and quadrennially thereafter, which shall be not less than fifteen nor more than one-third the number of jurors to which the town is by law entitled, or may repeal the special act or charter provision.

(c) Notwithstanding any provision of any ordinance to the contrary:

(1) In 1994, the number of justices of the peace for any town which selects a number of justices of the peace under an ordinance, which is fewer than one-third the number of jurors to which the town is by law entitled, shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen;

(2) In 1996, the number of justices of the peace for any such town shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen, unless the town amends such ordinance under subdivision (3) of this subsection;

(3) Any town which selects a number of justices of the peace under an ordinance, which is fewer than one-third the number of jurors to which the town is by law entitled, may amend such ordinance to provide for a number of justices of the peace to be selected in 1996, and quadrennially thereafter, which shall be not less than fifteen nor more than one-third the number of jurors to which the town is by law entitled, or may repeal the ordinance provision.

(d) Upon the adoption, amendment or repeal of any ordinance under this section, the clerk of such town shall send a certified copy thereof to the Secretary of the State.

(P.A. 74-109, S. 1, 11; P.A. 94-230, S. 1, 10; P.A. 96-120, S. 1.)

**Sec. 9-183b. (Formerly Sec. 9-252). Nomination of justices of the peace by parties qualifying as major parties based on enrolment. Terms. Primaries.** In 1994, 1996, and quadrennially thereafter, two-thirds of the total number of justices of the peace in each town shall be selected in accordance with the provisions of this section. Such percentage shall be rounded down to the nearest whole number of justices of the peace. The political parties which are major parties, as defined in subparagraph (B) of subdivision (6) of section 9-372, shall each be entitled to nominate an equal number of the total number of justices of the peace to be selected in each town under this section, provided in towns where the number of justices of the peace to be nominated under this section is not divisible by the number of political parties entitled to nominate justices of the peace under this section, the registrars of voters shall determine by lot which of said parties may nominate one more justice of the peace than may be nominated by the other party or parties. Such nomination by such parties shall qualify the nominees to serve as justices of the peace. Such nomination shall be made within the time limits prescribed for municipal offices prior to a state election, for a term of two years to begin the first Monday of January in 1995, for any such nomination made in 1994, and for a term of four years to begin the first Monday of January in the year succeeding any such nomination made in 1996, or thereafter.



Primaries for justices of the peace shall be by slate as in the case of convention delegates and shall be held on the same day as primaries for municipal offices.

(1949 Rev., 1201; March, 1950, S. 261b; 1953, S. 729d; 1957, P.A. 128, S. 1; P.A. 74-11, S. 3, 4; 74-109, S. 6, 11; P.A. 76-71, S. 1, 3; P.A. 94-230, S. 2, 10.)

**Sec. 9-183c. Nomination of justices of the peace by parties qualifying as major parties based solely on gubernatorial vote. Terms. Primaries.** In 1994, 1996, and quadrennially thereafter, when there is a political party which is a major party, as defined in subparagraph (A) of subdivision (6) of section 9-372, but is not a major party as defined in subparagraph (B) of said subdivision, a percentage of the number of justices of the peace in each town selected under section 9-184c shall be selected in accordance with the provisions of this section. Such percentage shall be rounded down to the nearest whole number of justices of the peace. Each such party shall each be entitled to nominate twenty per cent of the total number of justices of the peace to be selected in each town under section 9-184c. Such nomination by such parties shall qualify the nominees to serve as justices of the peace. Such nomination shall be made within the time limits prescribed for municipal offices prior to a state election, for a term of two years to begin the first Monday of January in 1995, for any such nomination made in 1994, and for a term of four years to begin the first Monday of January in the year succeeding any such nomination made in 1996, or thereafter. Primaries for justices of the peace shall be by slate as in the case of convention delegates and shall be held on the same day as primaries for municipal offices.

(P.A. 94-230, S. 5, 10.)

**Sec. 9-184. Vacancy in office of justice of the peace when justice nominated by a major party.** Any vacancy in the office of a justice of the peace selected (1) pursuant to section 9-183b or (2) pursuant to section 9-183c shall be filled by appointment by the town committee of the political party of the vacating justice until the day on which the term of office of such vacating justice would have terminated. The town chairman or the secretary of the appointing town committee shall file with the town clerk a certificate of each such appointment and the town clerk shall record the certificate with the records of the town meeting. The town clerk shall notify the secretary of the state of any such vacancy.

(1949 Rev., S. 7547; 1953, S. 666d; P.A. 73-475, S. 1, 3; P.A. 74-109, S. 3, 11; P.A. 80-215, S. 1; P.A. 94-230, S. 3, 10; May 25 Sp. Sess. P.A. 94-1, S. 118, 130.)

**Secs. 9-184a and 9-184b. Reserved for future use.**

**Sec. 9-184c. Appointment as justices of the peace of electors who are not members of major parties. Terms. Vacancies.** (a) In 1994, 1996, and quadrennially thereafter, the town clerk of each town shall appoint as justice of the peace a number of electors of the town who are not members of major parties, as defined in section 9-372, which shall not exceed (1) where no justices of the peace are selected under section 9-183c, one-third of the total number of justices of the peace in the town, or (2) where justices of the peace are selected under section 9-183c, one-third of the total number of justices of the peace in the town less the number of justices of the peace in the town selected under section 9-183c. Such percentage shall be rounded up to the nearest whole number of justices of the peace. Any such appointment shall be made upon written application submitted on or after August first and on or before November first, in such year. No person who has enrolment privileges in the town in a political party which selected justices of the

peace under section 9-183b or under section 9-183c within the period beginning three months before said August first and ending on the date the person is to be appointed under this section, shall be eligible for such appointment. Not later than August 1, 1996, and quadrennially thereafter, the town clerk shall send a written notice to each incumbent justice of the peace appointed under this section. Such notice shall inform such justices of the peace of the procedures set forth in this section concerning the reappointment of such justices of the peace.

(b) If, on November first in such year, the number of applications for justice of the peace filed with the town clerk under subsection (a) of this section exceeds the number of justices of the peace allowed under this section, (1) each such applicant who is an incumbent justice of the peace appointed under this section shall be reappointed if there are sufficient openings and (2) the town clerk shall, on or before the fifteenth business day of November, select the remaining applicants to be appointed as justices of the peace by lot in a ceremony which shall be open to the public and held on five days' public notice. At such lottery the town clerk shall determine the order of all such remaining applications for the purpose of filling future vacancies under subsection (d) of this section. If a town clerk receives a number of applications that is less than the number of justices of the peace that he is authorized to appoint under this section in any year, he shall not appoint any additional justices of the peace.

(c) Justices of the peace appointed in 1994, shall serve a term of two years beginning on the first Monday in 1995, and justices of the peace appointed in 1996 and thereafter shall serve a term of four years beginning on the first Monday in January in the succeeding year.

(d) Any vacancy in the office of any such justice of the peace shall be filled by appointment by the town clerk of an elector qualifying under subsection (a) of this section in the order determined in the lottery held under said subsection. If no such lottery is held, the vacancy shall not be filled.

(P.A. 94-230, S. 6, 10; P.A. 96-120, S. 2.)

**Sec. 9-185. Municipal officers.** Unless otherwise provided by special act or charter, assessors, members of boards of assessment appeals, selectmen, town clerks, town treasurers, collectors of taxes, constables, registrars of voters, members of boards of education and library directors shall be elected, provided any town may, by ordinance, provide for the appointment, by its chief executive authority, of (1) a constable or constables in lieu of constables to be elected under section 9-200 or (2) a town clerk, town treasurer or collector of taxes in lieu of the election of such officers as provided in section 9-189. Unless otherwise provided by special act or charter, all other town officers shall be appointed as provided by law and, if no other provision for their appointment is made by law, then by (A) the chief executive officer of such municipality, or (B) where the legislative body is a town meeting, by the board of selectmen, or (C) by such other appointing authority as a town may by ordinance provide, and except that, if a board of finance is established under the provisions of section 7-340, the members thereof shall be elected as provided in section 9-202 and except that assessors may be elected or appointed under the provisions of section 9-198. Any town may, by a vote of its legislative body, determine the number of its officers and prescribe the mode by which they shall be voted for at subsequent elections.

(1949 Rev., S. 513; 1951, S. 105b; 1953, S. 667d; P.A. 73-655, S. 1; P.A. 76-173, S. 2; P.A. 77-578, S. 1, 4; P.A. 82-239, S. 4, 7; P.A. 89-184, S. 1, 2; P.A. 95-283, S. 27.)

**Sec. 9-186. Electoral status of municipal officers and justices of the peace.** Each elected municipal officer and each justice of the peace shall be an elector of the municipality in which he is elected, or in the case of a justice of the peace, nominated or appointed to office and, if for any reason he ceases to be an elector thereof, he shall thereupon cease to hold office therein and such office shall be deemed vacant.

(1949 Rev., S. 516; 1953, S. 251d; P.A. 76-173, S. 3; P.A. 80-281, S. 11, 31; P.A. 94-230, S. 8, 10.)

**Sec. 9-187. Terms.** (a) The terms of office of elective municipal officers, when not otherwise prescribed by law, shall be for two years from the date on which such terms begin as set forth in section 9-187a and until their successors are elected and have qualified. When not otherwise prescribed by law, the terms of those town officers appointed by the board of selectmen shall expire on the termination date of the term of the board of selectmen appointing such officers.

(b) The terms of office of elected chief executive officers and the members of the legislative body of any town, city or borough as prescribed by charter shall be two years or four years from the date on which such term begins as set forth in section 9-187a, and until their successors are elected and have qualified.

(1949 Rev., S. 512; 1953, S. 668d; 1969, P.A. 570, S. 2; P.A. 76-296, S. 2; P.A. 95-224, S. 1.)

**Sec. 9-187a. Date term to begin.** Except as provided in sections 9-164a to 9-164f, inclusive, the term of each elected municipal official shall begin within seventy days after the municipal election at which such official is elected, on the day within such period prescribed by special act or charter provision, or, in the absence of such special act or charter provision, on the day within such period as is prescribed by action of the legislative body of such municipality, provided (1) in each municipality which holds its municipal election on the first Monday of May in the odd-numbered years, in the absence of such special act or charter provision, or action of the legislative body, such terms shall begin on the first day of July following the municipal election at which such official is elected, and (2) in each municipality which holds its municipal election on the Tuesday after the first Monday of November in the odd-numbered years, with the exception of the term of the town clerk, in the absence of such special act, or charter provision, or action of the legislative body, such term shall begin on the second Tuesday next following the day of the municipal election at which such official is elected, and (3) in each municipality which holds its municipal election on the Tuesday after the first Monday in November in the odd-numbered years, the term of the town clerk shall be two years from the first Monday of January next succeeding his election, unless otherwise provided by charter or special act. Whenever the beginning date of the terms of elected municipal officials is so determined or changed, within the limits hereinabove specified, the authority providing therefor may provide for the conforming diminution or extension of terms of incumbents.

(1969, P.A. 570, S. 3; P.A. 75-91, S. 1, 2.)

**Sec. 9-188. First selectman and selectmen. Election procedure. Dual candidacy prohibited. Minority representation; restricted voting. Tie vote.** Unless otherwise provided by law each town shall, at its regular municipal election, elect a first selectman, who shall be town agent unless otherwise provided by law, and two other selectmen or, in the case of any town having a population of ten thousand or more, not more than six other selectmen. The

selectmen so elected shall constitute the board of selectmen for such town. Unless otherwise provided by special act, charter or ordinance the votes cast, including any valid write-in votes, for an unsuccessful candidate for first selectman shall be counted as votes for him as a member of such board, provided no elector may be a candidate for both the office of first selectman and that of selectman by virtue of nomination by a major or minor party or a nominating petition or registration of write-in candidacy, or any combination thereof. The provisions of section 9-167a shall apply to the election of selectmen, except that when the total membership of such board is five, the maximum number who may be members of the same political party shall be three, and provided that for the purpose of determining minority representation, the total membership of such board shall be deemed to include the first selectman, unless otherwise provided by special act or charter. Unless otherwise provided by special act, charter or ordinance, an elector shall not vote for more candidates for the office of selectman than a political party can elect pursuant to section 9-167a, provided that the number of such candidates that an elector can vote for shall be deemed to include the first selectman. If the electors fail to elect a first selectman at any election by reason of an equality of votes, such election for the office of first selectman and the election for selectmen shall stand adjourned and such adjourned election shall be held as provided in section 9-332. The ballot labels used in such adjourned election shall contain only the names of the candidates for the offices of first selectman and selectman which appeared on the ballot label used in the election at which the tie vote resulted for the office of first selectman.

(1949 Rev., S. 510, 515; 1949, S. 106b; 1953, 1955, S. 669d; P.A. 75-249; P.A. 76-173, S. 4; 76-363; P.A. 77-99; 77-578, S. 2, 3, 4; P.A. 79-484; P.A. 80-281, S. 12, 31; P.A. 83-475, S. 18, 43; P.A. 84-319, S. 27, 49.)

**Sec. 9-189. Town clerks, treasurers and tax collectors.** Each town, unless otherwise provided by law, shall, at its regular municipal election elect a town clerk for a term of not less than two years and not more than six years, a town treasurer for the term of two years and a collector of town taxes for a term of not less than two years and not more than six. Each such clerk, treasurer and collector of taxes shall hold office for the term for which he is elected and until his successor is elected and has qualified.

(1949 Rev., S. 505; 1953, S. 670d; P.A. 73-414; P.A. 76-173, S. 5; P.A. 95-224, S. 2.)

**Sec. 9-189a. Four-year terms for town clerks and registrars.** Notwithstanding the provisions of sections 9-189 and 9-190a, any town or municipality may, by ordinance, provide that the town clerk of said town or municipality, or the registrars of voters of said town, or both, shall, at the next succeeding regular election for such office and thereafter, be elected for a term of four years. In such event, such four-year term shall begin on the first Monday of January succeeding his election in the case of a town clerk, except as provided in section 9-187a, and from the Wednesday following the first Monday of January succeeding their election in the case of registrars of voters, provided, if any such town or municipality holds its town or municipal election on the first Monday of May of the odd-numbered years, the term of such town clerk shall begin on the first day of July following his election, except as provided in section 9-187a.

(1971, P.A. 494; 1972, P.A. 100, S. 1.)

**Sec. 9-190. Registrars of voters.** Any town divided into two voting districts may, by vote of its legislative body, provide for the election of two registrars of voters for each voting district instead of two registrars of voters for the entire town. Each registrar of voters shall reside in the

town and district for which he is elected. Any special act to the contrary notwithstanding, in each municipality in which registrars of voters are elected, no elector shall vote for more than one registrar of voters for the voting district in which the elector resides, or, as the case may be, for the municipality at large. The candidate having the highest number of votes and the candidate having the next highest number of votes for the office of registrar of voters, who does not belong to the same political party as the candidate having the highest number, shall be declared elected registrars of voters for the municipality or district, provided, if the candidate for registrar of voters of a major party is not one of the registrars so elected, such candidate of such major party shall also be declared elected registrar of voters. For purposes of this section, a major party shall be one having the largest or next largest total number of enrolled party members in the state, as determined by the latest enrolment records in the office of the Secretary of the State submitted in accordance with the provisions of section 9-65. The term of office of all registrars of voters for voting districts in office on January 7, 1995, shall expire on January 8, 1997, and on November 5, 1996, two registrars shall be elected for each municipality with more than two voting districts which previously elected registrars of voters for voting districts.

(1949 Rev., S. 509; 1953, 1955, S. 671d; 1959, P.A. 484; 630, S. 4; P.A. 76-173, S. 6; P.A. 95-171, S. 8; P.A. 96-119, S. 6.)

**Sec. 9-190a. Election of registrars at state elections.** Any provision of any special act to the contrary notwithstanding, the registrars of voters in each municipality which elects registrars of voters shall be elected at the state election to be held in 1964, and biennially thereafter, to hold office for the term of two years from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the third January succeeding their election.

(1959, P.A. 630, S. 1; P.A. 73-616, S. 9.)

**Sec. 9-191. Election of registrars for each voting district.** The provisions of section 9-190 to the contrary notwithstanding, each municipality which is divided into two voting districts and which elected registrars of voters for each voting district prior to July 8, 1955, shall continue to elect registrars of voters for each voting district until such time as such municipality, by vote of its legislative body, provides for the election of registrars of voters for the entire municipality instead of registrars of voters for each voting district.

(1955, S. 672d; P.A. 95-171, S. 13.)

**Sec. 9-192. Deputy registrar; registrar vacancy; permanent assistant and special assistant registrars.** Each registrar of voters immediately after his election shall appoint a deputy registrar of voters to hold office during his pleasure and may, at any time, fill any vacancy in said office. He shall file with the town clerk a certificate of each such appointment and the town clerk shall record the certificate with the records of town meetings. Each deputy registrar of voters shall assist his principal when required, discharge his duties in his absence or inability to act and, in case of the death, removal or resignation of such principal, shall become registrar of voters and appoint a deputy, and shall file with the town clerk a certificate of such appointment, which shall be recorded with the records of town meetings. If a vacancy exists in the office of registrar of voters in consequence of a refusal or failure to accept the office or a failure of the registrar to appoint a deputy registrar, the town committee of the same political

party as the registrar of voters who so refused, failed to accept or failed to appoint, or other appointing authority specified in local party rules shall fill such vacancy by the appointment of some suitable person, who shall belong to the same political party as the registrar of voters who so refused, failed to accept or failed to appoint. Each registrar of voters in any town may, from time to time, appoint and employ not more than four permanent assistants for each voting district therein, who shall assist such registrar in the performance of his duties, and, for purposes of any admission session held pursuant to section 9-19b or subsection (a) of section 9-19c, as many special assistants as are necessary to carry out the duties of such session. Such registrar shall file with the town clerk a certificate of each such appointment, which shall be recorded with the records of the town, and shall appoint such other assistants as are necessary for the performance of duties required by sections 9-12 to 9-45, inclusive, on election day and the six days preceding. Unless otherwise provided by subsection (b) of section 9-19b, in the absence of either registrar of voters, his deputy or any of his assistants, except special assistants, shall have all the powers conferred, and may perform any of the duties imposed, upon such registrar by any of the provisions of the statutes. Each deputy, assistant or special assistant registrar shall be an elector of the municipality in which he is appointed, provided any person who has served as an assistant registrar of a municipality for three or more years may be an elector of any municipality in the state. Each deputy registrar shall also, at the time of his appointment and during the six months immediately preceding his appointment, be an enrolled member of the same party as the registrar who makes such appointment.

(1949 Rev., S. 993, 994, 996; 1953, 1955, S. 673d; 1969, P.A. 61; P.A. 76-128, S. 6, 11; P.A. 79-143, S. 2; P.A. 84-319, S. 28, 49; P.A. 91-159, S. 2; P.A. 94-203, S. 10, 12.)

**Sec. 9-193. Registrar's oath.** Each registrar of voters, deputy registrar and assistant, before entering upon the duties of his office, shall be sworn.

(1949 Rev., S. 995; 1953, S. 674d.)

**Sec. 9-194. Compensation of registrars, deputies and assistants.** The registrars of voters, deputy registrars and assistants shall receive for their services such sum as may be allowed by the selectmen, and all expenses incurred in the discharge of their duties shall be audited by the selectmen and paid by the town, but, in no case, shall such compensation be regulated by the number of names registered.

(1949 Rev., S. 997; 1953, S. 675d.)

**Sec. 9-195. Compensation of registrars and town clerks for duties as to enrolment.** For the performance of the duties relating to the enrolment of electors on enrolment lists, each registrar and deputy registrar actually engaged therein, and each town clerk not upon a salary, shall receive such reasonable compensation and expenses from the town for which the enrolment is made as are approved by the selectmen thereof and, from the city or borough for which the enrolment is made, such sums as are approved by its common council or warden or burgesses or, where town and city governments are consolidated, such sums as are approved by the common council of such city.

(1949 Rev., S. 1188; 1953, S. 676d.)

**Secs. 9-196 and 9-197. Assessors. Minority representation for assessors in towns holding annual elections.** Sections 9-196 and 9-197 are repealed.

(1949 Rev., S. 502, 503, 515; 1951, S. 106b; 1953, S. 677d, 678d; P.A. 76-173, S. 12.)

**Sec. 9-198. Determination of number, method of election or appointment, term and compensation of assessors.** Any town, consolidated town and city or consolidated town and borough may, by town or borough meeting vote, or, in those municipalities in which there is no such meeting, by a two-thirds majority of the members of the legislative body thereof, provide for the election or appointment of one or more but not more than five assessors. Any such municipality may provide for the term of office, qualifications and compensation of such assessor or assessors, and may establish the number of assessors for whom an elector may vote and may provide for the appointment by the assessor or board of assessors of clerical and other assistance within the limits of the appropriation therefor; provided, if there is more than one assessor, such assessors shall choose one of their number to be chairman of the board of assessors. Any municipality acting under the provisions of this section may, whenever necessary to the action taken hereunder, provide for the termination of the terms of assessors then in office.

(1949 Rev., S. 504; 1953, S. 679d.)

**Sec. 9-199. Assessors and boards of assessment appeals. Alternate members.** (a) Unless otherwise provided by law, each town shall elect three assessors and a board of assessment appeals consisting of three members and shall elect such officers at regular municipal elections for terms of four years. Such assessors and members of the board of assessment appeals shall hold office for the term for which they are elected and until their successors are elected and have qualified. When the number of assessors or the number of members of the board of assessment appeals to be elected by any town is even, no person shall vote for more than one-half the number, and when the number to be elected is odd, no person shall vote for more than a bare majority of the number, provided the legislative body of any town may provide that the electors of such town vote for the full number of assessors or members to be elected thereat, any provision of the special acts to the contrary notwithstanding. The candidates in number sufficient to fill such offices who have the highest number of votes shall be elected. Nothing in this section shall be construed to affect the method of rotation of assessors or members of a board of assessment appeals legally in effect on October 1, 1976.

(b) The legislative body of a municipality or, in the case of a municipality for which the legislative body is a town meeting or a representative town meeting, the board of selectmen may appoint an alternate for each member of the board of assessment appeals. Each alternate member shall be an elector of the municipality. When seated, an alternate member shall have all the powers and duties of a member of the board of assessment appeals.

(c) Notwithstanding the provisions of subsection (a) of this section or of any special act, municipal charter or home rule ordinance, a municipality may, by ordinance, authorize its legislative body to appoint additional members to the board of assessment appeals for any assessment year in which a revaluation becomes effective and for the assessment year following such year of revaluation.

(1949 Rev., S. 501, 502, 503, 515; 1951, S. 106b; 1953, S. 680d; P.A. 76-173, S. 7; P.A. 95-132, S. 4.)

**Sec. 9-200. Constables.** Each town shall elect, at its regular municipal election, unless otherwise provided by law and except as provided in section 9-185, not more than seven constables; except that the town of Groton may elect fourteen constables. When the number of constables to be elected by any town is even, no person shall vote for more than one-half the number; when the number to be elected is odd, no person shall vote for more than a bare majority of the number. The candidates in number sufficient to fill the office of constable who have the highest number of votes shall be declared elected.

(1949 Rev., S. 507, 515; 1953, S. 681d; 1957, P.A. 128, S. 2; 1961, P.A. 15, S. 3; P.A. 73-655, S. 2; P.A. 76-173, S. 8; P.A. 82-239, S. 5, 7.)

**Sec. 9-201. Election of five-member boards of police commissioners.** Any town, at the next regular municipal election following action under section 7-274, shall elect two members of the board of police commissioners to serve for a term of two years and three for four years. At each such election thereafter, a member shall be elected for a term of four years to succeed each member whose term has expired. Each member of such board shall serve for the term for which he is elected and until his successor is elected and has qualified.

(1949 Rev., S. 657; 1953, S. 682d; P.A. 76-173, S. 9.)

**Sec. 9-202. Board of finance.** Any town adopting a resolution for which provision is made in section 7-340 shall, at the next regular municipal election elect six electors of such town who shall constitute the board of finance, two of whom shall be elected to serve until the next such election, two to serve until the second such election from such date and two to serve until the third such election from such date. At each such election thereafter, the town shall elect, in the same manner as the town officers are elected, two electors of such town as members of such board of finance to serve for six years. Each member of the board of finance shall serve for the term for which he is elected and until his successor is elected and has qualified.

(1949 Rev., S. 774; 1953, S. 683d; P.A. 76-173, S. 10.)

**Sec. 9-203. Number and term of members of boards of education.** The board of education in each town shall consist of three, six, nine or twelve residents of such town, except as provided in section 9-205. In a town holding annual elections one-third of the members of such board shall be elected annually for the term of three years. Any town may, at any time, by ordinance, make the number of its board of education three, six, nine or twelve, and, at the next election thereafter held in each such town, the terms of all members of the board of education shall terminate and sufficient members shall be elected to fill the entire number of positions on said board as determined by such ordinance. In each such town which holds annual elections, at such next election one-third of the members of such board shall be elected for a term of one year, one-third shall be elected for a term of two years and one-third shall be elected for a term of three years; and at each annual election thereafter held, one-third of the members of such board shall be elected for a term of three years. In each such town which holds biennial elections, at such next election and at each biennial election thereafter held, members of the board of education shall be elected in accordance with the procedure prescribed in section 9-206 for a town which adopts biennial elections. The provisions of this section and section 9-204 shall not be construed to repeal or affect any special act relating to a town which elects the members of its board of education in a different manner or for different terms.



(1949 Rev., S. 1500; 1953, S. 684d; 1957, P.A. 13, S. 57; 1961, P.A. 517, S. 7; P.A. 78-153, S. 9, 32; P.A. 79-363, S. 24, 38.)

**Sec. 9-204. Minority representation on board of education.** (a) Unless otherwise provided by special act or charter provision, including the charter provisions described in subsection (b) of this section, when the number of members to be elected to the board of education for the same term at any election is even, no elector shall vote for more than half that number and when the number of members to be elected to the board of education for the same term at any election is odd, no elector shall vote for more than a bare majority of that number.

(b) Any charter which (1) provides for the election of the members of a board of education at one town election for the same term, (2) incorporates section 9-167a by reference to determine minority representation for such board of education and (3) makes no reference to the number of candidates for which an elector may vote for such board of education shall be deemed to have set the number of candidates an elector may vote for and the number of candidates who may be endorsed by any political party at the maximum levels specified in the table contained in subdivision (1) of subsection (a) of section 9-167a.

(1949 Rev., S. 1500; 1953, S. 685d; P.A. 79-552; P.A. 86-333, S. 29, 32; P.A. 87-534, S. 1, 2.)

**Sec. 9-204a. Nomination and voting for full number of board members to be elected authorized.** Notwithstanding the provisions of sections 9-204 and 9-414 and of any special act or town charter, any town may, by charter, or by referendum vote taken at any regular election in such town pursuant to either a vote of its legislative body or a petition signed by at least five per cent of the electors of such town as established by the last-preceding registry list of such town, authorize the nomination by any political party of candidates for election as members of the board of education of such town equal to the number of members of said board to be elected at such election, and authorize the electors of such town to vote for the full number of such members to be elected, provided not more than one-half of the members of said board declared elected to the same term at such election shall be of the same political party if the number to be elected is even and not more than a bare majority thereof shall be members of the same political party if the number to be elected is odd. If the number of candidates, sufficient to fill the offices voted on, receiving the highest number of votes at any such election are of the same political party, those persons sufficient to fill one-half or a bare majority of such offices, as the case may be, who received the highest number of votes among such candidates shall be declared elected and those persons receiving the next highest number of votes who do not belong to such political party, sufficient in number to fill the remaining offices, shall be declared elected.

(P.A. 73-266, S. 1, 2; P.A. 75-532, S. 1, 2.)

**Sec. 9-204b. Optional alternative system for towns with four-year terms for board of education.** Notwithstanding the provisions of any general statute to the contrary, in any town which provides for four-year terms for members to be elected to the board of education and whose legislative body adopts the provisions of this section by charter or ordinance, and the number of members to be elected is odd or even, any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to section 9-167a exceeds the maximum number as determined by said section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum, shall be

elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election. Each political party shall have the right to nominate as many persons as there are vacancies on the board and those names shall be placed upon the ballot.

(P.A. 83-401, S. 1, 2.)

**Sec. 9-205. Election of board of education when number of members revised.** (a) Any town may, at any time, by ordinance, make the number of its board of education five, seven or eight. If any town which holds biennial town elections, by ordinance, makes the number of its board of education five, seven or eight, at the town election next following such action the terms of office of the members of such board then in office shall expire; and, if the number so chosen is five, such town shall elect three members of such board to hold office for two years and two members to hold office for four years each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election. If the number of such board members so chosen is seven, such town shall elect four members to hold office for two years and three members to hold office for four years, each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election. If the number of such board members so chosen is eight, such town shall elect four members to hold office for two years and four members to hold office for four years, each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election.

(b) The provisions of this section shall be in addition to the provisions of sections 9-203 and 9-204, and any applicable provision of said sections shall apply to this section.

(1949 Rev., S. 1503; 1953, S. 686d; 1957, P.A. 13, S. 58; P.A. 79-363, S. 25, 38; P.A. 80-483, S. 34, 186; P.A. 89-169, S. 1, 3.)

**Sec. 9-206. Election of board of education in towns adopting biennial elections. Alternate rotation of terms and length of terms permitted.** (a) In any town having a board of education of three, six, nine or twelve members established in accordance with the general statutes which has adopted biennial elections, at each such election one-third of the members of such board shall be elected for a term of six years. In any town having any such board which adopts biennial elections, at its first biennial election sufficient members of the board of education shall be elected to fill the entire number of positions on said board for terms as follows: One-third shall be elected for a term of two years, one-third shall be elected for a term of four years and one-third shall be elected for a term of six years. At each biennial election thereafter, one-third of the members of such board shall be elected for a term of six years.

(b) Notwithstanding any provision of the general statutes to the contrary, any town having a board of education of three, six, nine or twelve members established in accordance with the general statutes which has adopted biennial elections may, by charter provision or by ordinance, establish a different method of rotation and a different length of the term of office. Such ordinance or charter provision shall take effect at the next regular town election following the effective date of such ordinance or charter provision.

(1953, S. 687d; P.A. 79-363, S. 26, 38; P.A. 81-257, S. 8, 10.)

**Sec. 9-206a. Optional number of members and terms of boards of education.** (a) Notwithstanding the provisions of sections 9-203, 9-205 and 9-206, any town may, by charter provision, provide for the election of a board of education consisting of not less than three nor more than twelve electors of such town for terms of two, three, four or six years. Each such town may provide in an ordinance or charter provision for method of rotation. Such ordinance or charter provision shall not take effect until six months after adoption. Members of boards of education shall first be elected in accordance with any such ordinance or charter provision at the next regular town election following the effective date of such ordinance or charter provision.

(b) No person serving an elected term to a board of education on the effective date of any such ordinance or charter provision shall have his term shortened or terminated by virtue of such ordinance or charter provision.

(February, 1965, P.A. 628, S. 1, 2.)

**Sec. 9-207. Library directors.** Any municipality, after establishing a library under the provisions of sections 11-20 and 11-21, shall at the first regular municipal election after the establishment of such library, elect one-third of the directors to hold office until the next such election, one-third until the second such election and one-third until the third such election, and, at all such elections of such municipality thereafter, one-third of the directors shall be elected to hold office for six years.

(1949 Rev., S. 1659; 1953, 1955, S. 689d; P.A. 76-173, S. 11.)

**Sec. 9-208. Election of library directors on change from annual to biennial election.** Section 9-208 is repealed.

(1949 Rev., S. 1659; 1953, 1955, S. 689d; 1961, P.A. 517, S. 8; P.A. 76-173, S. 12.)

**Sec. 9-209. Certificate filed with secretary when planning or zoning members to be elected.** The town clerk of any town which has provided by ordinance for the election of the members of its planning commission, zoning commission or zoning board of appeals shall file a certificate with the secretary of the state setting forth the terms of office and the number of members of such commission or board for which each elector may vote.

(1951, S. 163b; 1953, S. 690d.)

**Sec. 9-210. Incompatible town offices.** No selectman shall hold the office of town clerk, town treasurer or collector of town taxes during the same official year, nor that of judge of probate for the district within which such town is located; no town treasurer shall hold the office of collector of town taxes during the same official year; nor shall any town clerk or selectman be elected a registrar of voters; and no registrar of voters shall hold the office of town clerk. No assessor shall act as a member of the board of assessment appeals. No member of the board of finance of any town shall hold any salaried town office unless otherwise provided by special act. If any registrar of voters is elected to the office of town clerk or selectman and accepts the office, he shall thereupon cease to be a registrar; and, if any town clerk or selectman is elected registrar of voters, the election shall be void; and in either of said cases the selectmen shall forthwith appoint another registrar by a writing signed by them and filed with the town clerk; but the person so appointed shall be a member of the same political party as that to which the person so elected belongs.

(1949 Rev., S. 773; 1953, S. 691d; 1959, P.A. 130, S. 1; 1961, P.A. 517, S. 9; P.A. 95-283, S. 29.)

**PART III**  
**VACANCIES**

**Sec. 9-211. United States senator; vacancy.** In case of a vacancy in the office of senator in Congress, the governor is empowered to fill such vacancy by appointment as herein provided. If such vacancy occurs sixty or more days prior to a state election, the appointee shall serve until the third day of January following such election, and at such election there shall be elected a senator in Congress to serve for the remaining portion, if any, of the term vacated. If such vacancy occurs within less than sixty days of a state election and the term vacated does not expire on the third day of January following such election, the appointee shall serve until the third day of January following the next such election but one, and at such next election but one there shall be elected a senator in Congress to serve for the remaining portion, if any, of the term vacated. If such vacancy occurs within less than sixty days of a state election and the term vacated expires on the third day of January following, the appointee shall serve until such third day of January.

(1949 Rev., S. 1109; 1953, S. 692d; November, 1955, S. N112.)

**Sec. 9-212. Representative in Congress.** In case of a vacancy in the office of representative in Congress from any district, the governor, except as otherwise provided by law, shall issue writs of election directed to the town clerks or assistant town clerks, in such district, ordering an election to be held on a day named, other than a Saturday or Sunday, to fill such vacancy, and shall cause them to be conveyed to the sheriffs of the county or counties composing such district, who shall forthwith transmit an attested copy thereof to such clerks or assistant clerks. Such clerks or assistant clerks, on receiving such writs, shall warn elections to be held on the day appointed therein in the same manner as state elections are warned, which elections shall be organized and conducted as are state elections, and the vote shall be declared, certified, directed, deposited, returned and transmitted in the same manner as at a state election.

(1949 Rev., S. 1101, 1110; 1953, S. 693d; April, 1964, P.A. 2, S. 2; P.A. 93-154, S. 1, 5.)

**Sec. 9-213. Secretary, treasurer, comptroller and attorney general.** If the office of secretary of the state, treasurer or comptroller becomes vacant, the general assembly, if in session, shall fill it; but, if the vacancy occurs when the general assembly is not in session or if the general assembly fails to make an appointment to fill the vacancy, it shall be filled by the governor. Any vacancy in the office of attorney general shall be filled by appointment by the governor for the unexpired portion of the term.

(1949 Rev., S. 211, 1090; 1953, S. 694d.)

**Sec. 9-214. State representative.** Section 9-214 is repealed.

(1949 Rev., S. 1086; 1953, S. 695d; 1957, P.A. 119, S. 2; 1959, P.A. 475, S. 1; 1963, P.A. 17, S. 84; 1967, P.A. 557, S. 3.)

**Sec. 9-215. Member or member-elect of the general assembly.** When any member or member-elect of the general assembly resigns, he shall resign by notifying the secretary of the state of his decision, and if any member or member-elect of the general assembly dies, the town

clerk from the town in which he resides shall notify the secretary of the state of his death. When any such vacancy occurs, except as provided in this section, the governor shall within ten days after its occurrence, issue writs of election, directed to the town clerks or assistant town clerks in the several towns in the district in which the vacancy exists, ordering an election to be held therein on the forty-sixth day after the issue of such writs to fill such vacancy, and cause them to be conveyed to such town clerks or assistant town clerks. No such election shall be held on a Saturday or Sunday. If such a vacancy occurs between the one hundred twenty-fifth day and the forty-ninth day before the day of a regular state or municipal election in November of any year, the governor shall so issue such writs on the forty-sixth day before the day of such regular election, ordering an election to be held on the day of such regular election. If such a vacancy occurs after the forty-ninth day before the day of a regular state election but before the Wednesday following the first Monday of January of the next-succeeding year, the governor shall not issue such writs and no election shall be held under this section, unless the position vacated is that of member-elect, in which case the governor shall issue such writs and an election shall be held as provided in this section. Such clerks or assistant clerks, on receiving such writs, but not earlier than the date of issuance of such writs, shall warn elections to be held on the day appointed therein, in the same manner as state elections are warned, which elections shall be organized and conducted in the same manner as a state election. The vote shall be declared, certified, directed, deposited, returned and transmitted in the same manner as at a state election. The registry lists used at such elections shall be the last-completed lists, as provided in sections 9-172a and 9-172b. (1) If such vacancy exists in a senatorial or assembly district composed of a single town or part of a single town, such nominations by political parties shall be made as the rules of such parties provide, in accordance with section 9-390, and filed with the town clerk; except that (A) if such rules provide for selection by delegates and the vacancy exists in a senatorial or assembly district composed of a single town, the delegates to the convention held for the nomination of a candidate for the office of state senator or state representative in such town at the last state election shall be the delegates for the purpose of selecting a candidate to fill such vacancy; (B) if such rules provide for the selection by delegates and the vacancy exists in a senatorial or assembly district composed of part of a single town, the delegates to the convention held for the nomination of a candidate for the office of state senator or state representative in such district at the last state election shall be the delegates for the purpose of selecting a candidate to fill such vacancy, and (C) if such rules provide for direct primaries under section 9-390, the nomination shall be made by the town committee of such party in the case of a vacancy in a senatorial or assembly district composed of a single town and, in a senatorial or assembly district composed of part of a single town, by the members of the town committee from such political subdivision or senatorial or assembly district. (2) If such vacancy is a district office as defined in section 9-372, the delegates to the senatorial or assembly convention for the last state election shall be the delegates for the purpose of selecting a candidate to fill such vacancy. If a vacancy occurs in the delegation from any town, political subdivision or district, such vacancy may be filled by the town committee of the town in which the delegate resided. Nominations by political parties pursuant to this section may be made and certified at any time after the resignation or death of the member or member-elect of the general assembly and not later than the thirty-sixth day before the day of the election. No such nomination shall be effective until the presiding officer and secretary of any district convention have certified the nomination to the secretary of the state or, in the case of a vacancy in a senatorial or assembly

district composed of a single town or part thereof, until the presiding officer and secretary of the town committee or single town convention have certified the nomination to the town clerk. No primary shall be held for the nomination of any political party to fill any vacancy in the office of state senator or state representative and the party-endorsed candidate so selected shall be deemed, for the purposes of chapter 153, the person certified by the secretary of the state under section 9-444 as the nominee of such party. When the vacancy is filled, the successor to the office shall appear before the secretary of the state and be sworn to the faithful performance of his duties in accordance with section 1-25.

(1949 Rev., S. 1091; 1953, S. 696d; 1957, P.A. 119, S. 3; 1959, P.A. 475, S. 2; 1963, P.A. 17, S. 85; 1967, P.A. 557, S. 4; P.A. 77-240, S. 1; P.A. 80-215, S. 2; P.A. 81-447, S. 21; P.A. 82-426, S. 4, 14; P.A. 84-319, S. 29, 49; P.A. 87-382, S. 19, 55; P.A. 93-154, S. 2, 5.)

**Sec. 9-216. Nomination by petition.** Nominations may also be made by petition in vacancy elections for the offices of state senator and state representative in the manner provided in sections 9-379 and 9-453a to 9-453p, inclusive, which petitions shall be submitted to the town clerk of the town in which the signers reside not later than eight days after the issue of such writs as provided in section 9-215 and filed in the office of the secretary of the state not later than two days thereafter.

(1957, P.A. 119, S. 4; 1963, P.A. 17, S. 86; 1967, P.A. 557, S. 5; 1971, P.A. 806, S. 24; P.A. 77-240, S. 2; P.A. 78-153, S. 24, 32; P.A. 80-215, S. 3.)

**Sec. 9-217. List of candidates.** Notwithstanding the requirement of twenty-eight days' notice to the secretary of the state under sections 9-434 and 9-461, the clerk of the municipality in which such election is to be held shall file with the secretary of the state a list of the candidates of each party for such office by the thirty-second day before such special election.

(1957, P.A. 119, S. 5; 518, S. 36; 1963, P.A. 17, S. 87; 1969, P.A. 694, S. 9; P.A. 80-215, S. 4.)

**Sec. 9-218. Judge of probate.** When there is no election of judge of probate in any district by reason of two or more having an equal and the highest number of votes, or when a new probate district is created and no provision made for the election of a judge thereof, or whenever it is shown to the governor that a vacancy is about to exist in said office by reason of the resignation of the incumbent to take effect at a future time or by reason of constitutional limitation, or when there is a vacancy in said office, the governor shall issue writs of election directed to the town clerk or clerks or assistant town clerk or clerks within such district, ordering an election to be held on a day named therein, other than a Saturday or Sunday, to fill such vacancy or impending vacancy, and transmit the same to the sheriff of the county in which such district is situated. Such sheriff shall forthwith transmit them to such clerk or clerks, who, on receiving the same, shall warn elections to be held on the day appointed in such writs, in the same manner as state elections are warned. Such elections shall be organized and conducted, and the vote shall be declared and returns made, certified, directed, deposited and transmitted, in the same manner as at a state election. The secretary of the state, treasurer and comptroller shall, within thirty days after any such election, count and declare the votes so returned, and notice shall be given to the person declared elected, in the same manner as is provided in the election of judges of probate at state elections. The secretary of the state shall enter the returns in tabular form in books kept by him for that purpose and present a copy of the same, with the name of, and

the total number of votes received by, each of the candidates for said office, to the governor within ten days thereafter.

(1949 Rev., S. 1092; 1953, S. 697d; P.A. 84-319, S. 30, 49; P.A. 93-154, S. 3, 5.)

**Sec. 9-219. Justice of the peace.** Section 9-219 is repealed.

(1949 Rev., S. 7549; 1953, S. 698d; P.A. 73-475, S. 2, 3.)

**Sec. 9-220. Town office.** If any town office in any town is vacant from any cause, such town, if such office is elective, shall, except as otherwise provided by law, fill the vacancy at the next town election or at a special election called for such purpose in accordance with the provisions of section 9-164, but, until such vacancy is so filled, it shall be filled by the selectmen. The selectmen shall fill all vacancies in offices to which they have the power of appointment.

(1949 Rev., S. 517; 1953, S. 699d; 1957, P.A. 605, S. 1.)

**Sec. 9-221. Municipal office vacancy election provisions inapplicable in certain circumstances.** (a) When under the provisions of any general statute, special act or charter, it is required that a vacancy in any municipal office be filled at the next municipal election, such provisions shall not apply to any incumbent appointed to fill such vacancy when the unexpired portion of the term for which he was appointed terminates on July first of the year in which such municipal election is to be held or within one hundred days following such next municipal election, and such incumbent appointee shall serve for the unexpired portion of such term.

(b) When under the provisions of any general statute, special act or charter, it is required that a vacancy in any municipal office be filled at the next municipal election, such provisions shall not apply to any such vacancy which occurs after the deadline for the nomination of candidates specified in section 9-452 and any such vacancy thereafter occurring may be filled until such election, by the official or officials authorized to fill such vacancy, by the appointment of a qualified person to serve until such election and shall forthwith be filled after such election by the official or officials so authorized who are serving after such election by the appointment of a qualified person, provided the period of thirty days set forth in section 7-107 shall not begin with respect to such vacancy until the day after the day of such election and provided, if any portion of the term in which such vacancy occurred remains unexpired after the second municipal election to be held in such municipality after the time of its occurrence, it shall be filled at such second municipal election, except as herein provided.

(c) When under the provisions of any general statute, special act or charter, it is required that a vacancy in any municipal office be filled at the next municipal election, and such a vacancy occurs after the day before the time specified in section 9-391 for the parties to endorse candidates to run in a primary for nomination to an office and prior to the deadline for the nomination of candidates specified in section 9-452, nomination of a candidate for such vacancy may be made only by a major or minor party, as defined in section 9-372, entitled to a place on the ballot with respect to such office under section 9-379 and shall be made by the appointment of a nominee by the town committee of any such party in such municipality, which nomination shall be certified to the clerk of such municipality by the chairman and secretary of such town committee not later than four o'clock p.m. of the fifth day following the deadline for the nomination of candidates specified in section 9-452, except that when such date is a Saturday, Sunday or legal holiday, such certification shall be made not later than four o'clock p.m. of the

next succeeding business day. The municipal clerk shall include the name of any such nominee in the list of candidates of each party for the municipal offices to be filled at such election in accordance with section 9-461. Upon the occurrence of any such vacancy, such municipal clerk shall forthwith notify in writing the chairman or secretary of the town committee of any such party in such municipality of its occurrence.

(1957, P.A. 605, S. 2; September, 1957, P.A. 1, S. 2; 1963, P.A. 17, S. 88; February, 1965, P.A. 106; 1969, P.A. 59, S. 1; 1971, P.A. 806, S. 25; P.A. 75-206, S. 3, 7; P.A. 84-319, S. 31, 49.)

**Sec. 9-222. Filling of vacancy in office of first selectman or selectman. Petition for special election.** When a vacancy occurs in the office of first selectman or in the office of selectman it shall be filled within thirty days after the day of its occurrence by the remaining members of the board of selectmen. Said remaining members may appoint one of themselves to fill a vacancy in the office of first selectman, if they so desire, and shall then fill the ensuing vacancy in the office of selectman as herein provided. If such a vacancy in the office of first selectman or of selectman is not so filled within thirty days after the day of its occurrence, the town clerk shall, within ten days thereafter, notify the elective town officers enrolled in the same political party as the first selectman or selectman, as the case may be, who vacated the office, or all elective town officers, if such first selectman or selectman who vacated the office was not enrolled with a political party, and it shall be filled by such elective town officers within sixty days after its occurrence. Any person so appointed shall serve for the portion of the term remaining unexpired or until a special election called as hereinafter provided upon petition of a number of electors of such town equal to five per cent of the names on the last-completed registry list thereof, but not fewer than fifty such electors. Such petition shall be filed no later than fifteen days after the appointment by the remaining selectmen or such elective town officers, as the case may be. Such a special election shall forthwith be called by the town clerk upon the filing of such a petition with him and shall be held in accordance with the provisions of sections 9-164, 9-450 and 9-459. The term "town officers", as used in this section, shall not include state representatives or town officers who serve on town boards whose members are not all elected at one town election for the same term.

(1957, P.A. 605, S. 3; 1963, P.A. 17, S. 89; P.A. 74-109, S. 4, 11; P.A. 75-424; P.A. 77-69; P.A. 78-153, S. 25, 32.)

**Sec. 9-223. Notice of vacancy in municipal office.** The clerk of any town, the mayor of any city or the warden of any borough in which a vacancy occurs in any elective office shall notify the secretary of the state of such vacancy within five days thereafter; and, in the case of a vacancy in the office of town clerk, the first selectman of such town or, in the case of a vacancy in the office of mayor of a city or of warden of a borough, the clerk of such city or the clerk of such borough, as the case may be, shall so notify the secretary of the state of such vacancy. The officer required to give such notice shall, within five days after any such vacancy has been filled, notify the secretary of the state of the name and address of the person chosen to fill the vacancy, the time and method of its filling and the law under which it was filled.

(1949 Rev., S. 1093; 1953, S. 700d; 1963, P.A. 250.)

**Sec. 9-224. Special election on same day as regular election.** If any special election is called to fill a vacancy in any office on the same day as a regular election, the names of the candidates for such office shall be placed on the same voting machine as the names of the candidates to be voted for at such regular election, and except as otherwise specifically provided



by statute, the provisions of the statutes governing regular elections shall apply to such special election.

(1949 Rev., S. 1094; 1953, S. 701d; P.A. 83-391, S. 22, 24.)

**Sec. 9-224a. No election if only one candidate in special election to fill vacancy.** At any special election called to fill a vacancy in a state, district, or municipal office if there appears on the ballot the name of only one candidate, and no person has registered as a write-in candidate as provided in section 9-224b, the special election shall not be held. In the case of a municipal office, the sole candidate shall be declared elected by the municipal clerk and, in the case of a state or district office, by the secretary of the state.

(P.A. 81-447, S. 19, 23.)

**Sec. 9-224b. Registration as write-in candidate in special election to fill vacancy.** (a) Except as provided in subsection (b) of this section, in order to be a valid write-in candidate in a special election called to fill a vacancy in a state, district or municipal office, a person shall register with the secretary of the state not earlier than ninety days before such election and not later than the end of the business day on the fourteenth day preceding such election.

(b) In order to be a valid write-in candidate in a special election called to fill a vacancy in the municipal office of town meeting member in any town having a representative town meeting which has seventy-five or more members, a person shall register with the town clerk of such town not earlier than ninety days preceding such election and not later than the last business day preceding the election.

(c) Any such registration shall include a statement of the office sought by such person and a statement of consent to being a write-in candidate by such person. Such registration shall not include a designation of a political party.

(P.A. 81-447, S. 20; P.A. 87-382, S. 51, 55.)

## PART IV

### WARNING OF ELECTIONS

**Sec. 9-225. State elections.** The town clerk or assistant town clerk of each town shall warn the electors therein to meet on the Tuesday following the first Monday in November in the even-numbered years, at six o'clock a.m., which warning shall be given by publication in a newspaper having a general circulation in such town not more than fifteen nor less than five days previous to holding such election. The clerk in each town shall, in the warning for such election, give notice of the time and the location of the polling place in the town, and in towns divided into voting districts, of the time and the location of the polling place in each district, at which such election will be held. The town clerk shall record each such warning.

(1949 Rev., S. 1053; 1953, S. 702d; 1963, P.A. 393, S. 8; February, 1965, P.A. 275, S. 4; 1967, P.A. 119, S. 1; 352, S. 1.)

**Sec. 9-226. Municipal elections.** The warning of each municipal election shall specify the objects for which such election is to be held. Notice of a town election shall be given by the town clerk or assistant town clerk, by publishing a warning in a newspaper published in such town or having a general circulation therein, such publication to be not more than fifteen, nor less than

five days previous to holding the election. The town clerk in each town shall, in the warning for such election, give notice of the time and the location of the polling place in the town and, in towns divided into voting districts, of the time and the location of the polling place in each district. The town clerk shall record each such warning. Notice of an election of a city or borough shall be given by publishing a warning in a newspaper published within the limits of such city or borough, or having a general circulation therein, not more than fifteen nor less than five days previous to holding the election, which warning shall include notice of the time and the location of the polling place in such city or borough and, in cities and boroughs divided into voting districts, of the time and the location of the polling place in each district.

(1949 Rev., S. 493; 1953, S. 703d; 1963, P.A. 393, S. 9; February, 1965, P.A. 275, S. 5; 1967, P.A. 119, S. 2; 352, S. 2.)

**Sec. 9-227. Record of warning of municipal election.** Section 9-227 is repealed.

(1949 Rev., S. 494; 1953, S. 704d; 1963, P.A. 393, S. 10.)

## PART V

### CONDUCT OF ELECTIONS

**Sec. 9-228. Municipal elections.** All municipal elections shall be held and conducted, as far as may be, in the same manner as state elections, unless otherwise provided by law.

(1949 Rev., S. 495, 531; 1953, S. 705d.)

**Sec. 9-229. Appointment, instruction and certification of moderators.** (a) The registrars of voters in the several towns and, in towns where there are different registrars for different voting districts, the registrars of voters in such districts shall appoint the moderators of regular and special state and municipal elections in their respective towns or districts. For the purpose of providing a reserve group of persons who may serve as moderators, the registrars shall designate alternate moderators from among those persons chosen as official checkers, or machine tenders, in the following minimum numbers: In towns with one or more but not exceeding three voting districts, one alternate moderator; in towns with four or more but not exceeding eight voting districts, two alternate moderators; in towns with more than eight voting districts, a number of alternate moderators equal to one-fourth of the number of voting districts rounded off to the nearest multiple of four. In case the registrars fail to agree in the choice of a moderator or alternate moderator, the choice shall be determined between such registrars by lot. In the case of a primary, the registrar, as defined in section 9-372, shall so appoint such moderators and alternate moderators. Moderators and alternate moderators shall be appointed at least twenty days before the election or primary. The registrars shall submit a list of the names of such moderators and alternate moderators to the municipal clerk, which list shall be made available for public inspection by such clerk. Each person appointed to serve as moderator or alternate moderator shall be certified by the Secretary of the State in accordance with the provisions of subsection (c) of this section, except as provided in subsection (d) of this section or section 9-436.

(b) The Secretary of the State shall (1) request registrars of voters to volunteer to serve as instructors for moderators and alternate moderators, (2) select registrars from among such volunteers to serve as such instructors, (3) establish a curriculum for instructional sessions for moderators and alternate moderators, (4) establish the number of such instructional sessions,

provided at least one such instructional session shall be held in each congressional district in each calendar year, (5) train the instructors for such sessions, and (6) certify moderators and alternate moderators. The curriculum for such instructional sessions shall include, without limitation, procedures for counting and recording absentee ballots, "hands on" training in the use of voting machines, and the duties of a moderator in the conduct of a primary and election. The secretary may employ assistants on a temporary basis within existing budgetary resources for the purpose of implementing the provisions of this section. Such assistants shall not be subject to the provisions of chapter 67. The instructors shall conduct instructional sessions for moderators and alternate moderators in accordance with their training by the Secretary of the State and the curriculum for such sessions. Any elector may attend one or more of such instructional sessions. Each instructor shall provide the Secretary of the State with the name and address of each person who completes such a session.

(c) The Secretary shall conduct certification sessions for moderators and alternate moderators each year at times and places to be determined by said Secretary, provided at least eight such sessions shall be held each calendar year and at least one such session shall be conducted prior to every primary. The Secretary shall certify each person who successfully completes an instructional session conducted in accordance with the provisions of subsection (b) of this section and an examination administered by the Secretary, as eligible to serve as moderator or alternate moderator at any election or primary held during the time such certification is effective. Any such certification made on or after October 1, 1993, shall be effective for four years from the date of such certification. Only those persons who attend and are thereby certified at such session shall be eligible to serve as moderators on election or primary day, except as provided in subsection (d) of this section or section 9-436.

(d) If the person designated as moderator is unable to serve for any reason, a certified alternate moderator shall serve as moderator. If such certified alternate moderator is not called upon to serve as moderator, he shall serve in another capacity as an election official on election or primary day. If any town or voting district lacks a moderator due to the death, disability or withdrawal of a certified moderator or alternate moderator, or due to the disqualification of a moderator for any reason, including failure to attend an instructional session as required by this section, the registrars of voters shall appoint a new moderator for such town or voting district in the manner provided in this section. Such new moderator shall attend an instructional session and a certification session conducted in accordance with the provisions of this section. If all such sessions have been conducted at the time of appointment of the new moderator, the new moderator shall receive instruction from the registrars who appointed the new moderator.

(1949 Rev., S. 1057; 1953, S. 706d; P.A. 81-467, S. 3, 8; P.A. 82-426, S. 5, 14; P.A. 85-274; P.A. 87-472, S. 11; P.A. 93-384, S. 2.; P.A. 95-185, S. 1)

**Sec. 9-230. Authority of registrars and moderators to prevent or suppress disorder.** The registrars of voters may request the head of the police department of the municipality, or, if none, a constable serving such municipality, to provide police protection at any polling place of any regular or special state or municipal election where they may anticipate disorder. The moderator of such election may, when any disorder arises in such election and the offender refuses to submit to his lawful authority, order any officer with power of arrest to take him into custody and, if necessary, to remove him from such election until he conforms to order or, if need be, until such election is closed, and thereupon such officer may command all necessary

assistance. Any person refusing to assist when commanded shall be liable to the same penalties as for refusing to assist sheriffs and constables in the execution of their duties, but no person commanded to assist shall be deprived of his right to vote at such election, nor shall the offender be so deprived any longer than he refuses to conform to order.

(1949 Rev., S. 521, 1114; 1953, S. 707d; 1971, P.A. 317.)

**Sec. 9-231. Oath of election officials.** All election officials shall be sworn to the faithful performance of their duties, and the several moderators and registrars may administer such oaths.

(1949 Rev., S. 1051; 1953, S. 708d.)

**Sec. 9-232. Challengers.** Challenges not to be indiscriminate and under oath. (a) Each registrar may appoint one or more challengers in his town or district, one of whom may be present at the offering of any vote; and any such challenger or any elector may challenge the right of any person offering to vote, on the ground of want of identity with the person on whose name the vote is offered, or disfranchisement or lack of bona fide residence, and the moderator shall decide upon the right of the person so challenged to vote.

(b) Challenges shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes such a person not to be qualified and entitled to vote. Any challenge by an elector and the statement of the person challenged shall be under oath, administered by the moderator.

(1949 Rev., S. 1060; 1953, S. 709d; P.A. 75-348, S. 1, 11.)

**Sec. 9-232a. Remedy for denial of voting rights.** Any elector qualified to vote and offering to vote at any election, who is denied the right to vote because his name has been checked off on the check list in use at his polling place, but who claims that he has not in fact voted or offered himself to vote either in person or by absentee ballot, shall be permitted to vote upon signing and furnishing to the moderator a statement, under penalties of false statement, that he is an elector qualified to vote in that election and has neither offered himself to vote nor voted in person or by absentee ballot at said election. Such statement shall be in form substantially as follows:

To the Moderator of .... (Polling Place)

I, ....(Name), of .... (Street Address), of the (City) (Town) (Borough) of .... do hereby state, under the penalties of false statement, that (1) I am an elector in said municipality, (2) I am qualified to vote in the (State) (City) (Town) (Borough) (Special) election being held in said municipality on this date and (3) I have not prior to this time offered myself to vote or voted either in person or by absentee ballot at said election.

.... a.m., p.m. (exact time of day)

Dated at ...., Connecticut, this .... day of ....., 19...

.... (Signature)

.... (Address)

Received at ....(Time) (a.m.) (p.m.) on this .... day of ....., 19.., by, .... (Signature) Moderator of .... (Polling Place)

(February, 1965, P.A. 255, S. 1; 1971, P.A. 871, S. 73.)

**Sec. 9-232b. Penalty for false statement.** Any person wilfully making a false statement in a statement which he signs and furnishes to a moderator of an election under section 9-232a shall be guilty of false statement, as provided in section 9-8, and shall be subject to the penalties provided for false statement.

(February, 1965, P.A. 255, S. 3; 1971, P.A. 871, S. 74; 1972, P.A. 294, S. 5.)

**Sec. 9-232c. Moderator to keep memorandum of challenge; form.** The moderator shall keep an accurate memorandum of the challenge which shall include (1) the name of the challenged voter; (2) his registry list address; (3) the reason for the challenge; (4) the name and address of the challenger; (5) pertinent facts concerning the challenge; and (6) the result of the moderator's decision. The challenged voter shall also sign such memorandum and it shall be assigned the same number as the challenged ballot.

(P.A. 75-348, S. 4, 11.)

**Sec. 9-232d. Request for challenged ballot.** If the moderator's decision pursuant to section 9-232 is not favorable to the challenged voter, such person may request a challenged ballot by submitting an application to the moderator, such application shall include as part thereof an affidavit that such person possesses all the qualifications for voting and is entitled to vote at the election.

(P.A. 75-348, S. 2, 11.)

**Sec. 9-232e. Casting of challenged ballot, procedure.** Any person requesting a challenged ballot and entitled thereto shall announce his name to the checkers who shall cross his name off the registry list and add it with his address to the end of the official list where it shall be designated "Challenged Ballot" and serially numbered. The challenged ballot shall be an absentee ballot. After the voter has so announced his name, the moderator shall deliver to such voter a challenged ballot together with an envelope marked "Challenged Ballot" and serially numbered. The challenged voter shall forthwith mark the ballot in the presence of the moderator in such manner that the moderator shall not know how the ballot is marked. He shall then fold the ballot in the presence of the moderator so as to conceal the markings and deposit and seal it in the serially-numbered envelope. He shall then deliver such envelope to the moderator. The moderator shall retain all such envelopes in an envelope prescribed by the secretary of the state and provided by the municipal clerk which he shall seal immediately following the close of the polls.

(P.A. 75-348, S. 3, 11; P.A. 76-329, S. 1; P.A. 77-202, S. 3, 4; P.A. 91-286, S. 4.)

**Sec. 9-232f. Preservation and counting of challenged ballots.** The town clerk shall preserve such ballots in the sealed envelopes for a period of one hundred eighty days after the election. However, in the case of a contested election, either party to such action may request the court to order that the sealed envelopes containing challenged ballots be delivered to the board of

admissions by the town clerk together with any memorandum or remarks which were attached to the election returns or required to be so attached. If so ordered, the board of admissions shall then convene and consider each challenged ballot and rule as to which ballots shall be counted. The results thereof shall be added to the vote totals.

(P.A. 75-348, S. 5, 11; P.A. 76-329, S. 2; P.A. 87-382, S. 20, 55.)

**Sec. 9-232g. Transferred to Chapter 145, Sec. 9-159p.**

**Sec. 9-233. Voting machine tenders.** Prior to each election, the registrars of voters of each town or voting district, as the case may be, shall appoint, for each voting machine to be used at such election, at least one and not more than two electors of such town as a voting machine tender, unless the municipality has established two shifts for election officials under the provisions of section 9-258a, in which case the registrars shall appoint one or two electors to be voting machine tender, for each voting machine, for each shift.

(1953, S. 710d; 1969, P.A. 500, S. 2; P.A. 83-391, S. 15, 24.)

**Sec. 9-234. Presence of registrars. Checkers.** Each registrar shall be present during the taking of the vote at any regular or special state or municipal election in his town or district. The assistants in their respective districts shall, when requested by either registrar, be present at the taking of any such vote and discharge the duties of registrars. Each registrar shall appoint some suitable person to check the list in each district, unless the municipality has established two shifts for election officials under the provisions of section 9-258a, in which case each such registrar shall appoint one such person for each district for each shift. Each such person, who is so appointed checker, shall check the name of each elector thereon when he offers his vote, and no voting machine tender shall permit any vote to be cast upon the voting machine until the name has been so checked.

(1949 Rev., S. 1069; 1953, S. 711d; 1969, P.A. 500, S. 3.)

**Sec. 9-235. Unofficial checkers.** (a) At least forty-eight hours prior to each election to be held in a municipality, each registrar of voters in such municipality may appoint for each line of electors in each voting district therein, to serve as unofficial checkers, not more than four electors enrolled in the party with which the registrar is enrolled, provided a registrar may establish two or more shifts for unofficial checkers, in which case such registrar may appoint not more than four such unofficial checkers for each line of electors in each district for each shift. The persons so appointed shall be designees of the town chairman of the party with which such registrar is enrolled, provided such town chairman shall submit the names of such designees in writing to such registrar at least forty-eight hours before the election. A registrar of voters shall, at the request of the town chairman of the party with which such registrar is enrolled, change such appointments of designees of such town chairman, at any time before the closing of the polls on the day of an election.

(b) Except for rows of candidates entitled to unofficial checkers under subsection (a) of this section, each group of three or more electors whose names appear in one single row on the voting machine ballot label in a voting district, may designate not more than two electors of the town in which the voting district is located, to serve as unofficial checkers on behalf of the candidates whose names appear in such row. Such candidates shall submit a list of the names of such

designees to the registrars of voters at least forty-eight hours prior to the election. The registrars shall verify that each such designee is an elector of the town and shall appoint not more than two such designees to serve each such row of candidates. The registrars shall, at the request of such a group of three or more electors, change such designations at any time before the closing of the polls on the day of an election.

(c) If such designation is not so made with respect to unofficial checkers for any voting district at an election, such registrar may appoint for such district not more than four electors of his own choice to serve as unofficial checkers, provided a registrar may establish two or more shifts for unofficial checkers, in which case such registrar may appoint not more than four such unofficial checkers for each line of electors in each district for each shift, such appointment to be made at least twenty-four hours before the election, provided any candidates entitled to unofficial checkers under subsection (b) of this section are deemed to have waived their rights under this section if names of designees are not filed in a timely manner.

(d) No candidate for an office in an election may be an unofficial checker at such election. In municipalities divided into two voting districts in which registrars are elected for each district, such appointments may be made by the registrars in each district. Such unofficial checkers may remain within the polling place for the purpose of checking their own copy of the registry list to indicate the names of electors who have voted, and may enter and leave the restricted area surrounding the polling place during the hours of election or referendum for the purpose of taking such information outside said area or may communicate such information from the polling place by means of telephones provided by the party for which such checkers were appointed. If any such unofficial checker interferes with the orderly process of voting or attempts to influence any elector, he shall be evicted by the moderator. An unofficial checker appointed pursuant to this section may receive compensation from the municipality in which the election is held.

(e) At least forty-eight hours before the opening of the polls at a referendum, the registrars of voters may jointly appoint for each voting district not more than eight electors of the town to serve as unofficial checkers, provided the registrars notify (1) each committee and person on whose behalf a political committee statement of organization or a certificate of exemption has been filed for the referendum with the town clerk in accordance with chapter 150 and (2) each other group known to be for and each other group known to be against the referendum issue, of the right of such committee, person or group to submit designees to the registrars of voters. Any person for or against a referendum question may request consideration for such appointment by notifying the registrars of voters at least forty-eight hours before the opening of the polls at the referendum, indicating his position on the referendum question. The registrars may appoint designees of one side alone if the other side chooses not to submit designees. A list of the names of persons who request such appointment and persons, groups or committees who are notified pursuant to this subsection shall be maintained by the registrars as a public record. If there are no requests or submissions for such appointments, the registrars shall not appoint any such unofficial checkers.

(f) No election or referendum official shall perform the functions of an unofficial checker pursuant to this section.

(1957, P.A. 494, S. 1; 1963, P.A. 498; 1969, P.A. 500, S. 4; 1971, P.A. 97, S. 1; P.A. 75-271; 75-488, S. 1, 3; P.A. 83-391, S. 16, 24; P.A. 87-471, S. 1; P.A. 88-173, S. 1; P.A. 93-384, S. 14; P.A. 95-171, S. 9.)

**Sec. 9-235a. Temporary absence of election officials.** The provisions of this title requiring the attendance of election officials at the polls during the hours of voting at any election shall not be construed to prevent the absence of any such official for periods of not more than thirty minutes during such hours, provided such official shall first notify the moderator of his intention to be absent, and the moderator shall designate another election official of the same party as the absent official to act for him during his absence. If the moderator intends to be absent for any such period, he shall designate another election official to act for him during his absence. The provisions of this title requiring the attendance of election officials at the polls during the hours of voting at any election shall not be construed to prevent the appointment of (1) such election officials, except for moderators, to serve in two shifts as provided for in section 9-258a, upon vote of the legislative body, or (2) unofficial checkers to serve in two or more shifts as provided in section 9-235.

(1959, P.A. 534; 1963, P.A. 318, S. 2; 1969, P.A. 500, S. 5; P.A. 88-173, S. 2.)

**Sec. 9-235b. Runners.** At any election or primary, any person may serve as a runner solely to enter and leave a polling place and the restricted area surrounding the polling place for the purpose of taking outside the polling place and said area, information identifying electors who have cast ballots at such election or primary. Each runner shall be subject to the control of the moderator. No candidate in such election or primary may perform the functions of a runner pursuant to this section. Nothing in this section shall limit the responsibilities of an unofficial checker. If a runner interferes with the orderly process of voting, causes a disturbance or makes unreasonable noise, he shall be evicted by the moderator.

(P.A. 87-471, S. 2.)

**Sec. 9-235c. Voluntary service by election, primary or referendum officials.** Notwithstanding any provision of the general statutes to the contrary or of any special act, charter or ordinance, any election, primary or referendum official may serve on a voluntary basis without compensation, if such official and the registrars of voters or, in the case of a primary, the registrar of voters of the party conducting the primary, mutually agree.

(P.A. 92-1, S. 2, 8.)

**Sec. 9-235d. Citizens sixteen or seventeen years of age authorized to serve as election or primary officials.** Notwithstanding any provision of sections 9-233, 9-235 and 9-258 to the contrary, a United States citizen who is sixteen or seventeen years of age and a bona fide resident of a town may be appointed as a challenger, voting machine tender or unofficial checker in an election. Notwithstanding any provision of section 9-436 to the contrary, a United States citizen who is sixteen or seventeen years of age and a bona fide resident of a town or political subdivision holding a primary may be appointed as a challenger or voting machine tender in the primary. Notwithstanding any provision of section 9-436a to the contrary, a United States citizen who is sixteen or seventeen years of age and a bona fide resident of a town may be appointed as a candidate checker in a primary.

(P.A. 93-384, S. 9.)

**Sec. 9-236. Activities prohibited in and near polling place; distance markers; entry restricted; exceptions.** On the day of any primary, referendum or election, no person shall solicit in behalf of or in opposition to the candidacy of another or himself or in behalf of or in



opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach, except as provided in section 9-294. Nothing contained in this section shall be construed to prohibit parent-teacher associations or parent-teacher organizations from holding bake sales or other fund-raising activities on the day of any primary, referendum or election in any school used as a polling place, provided such sales or activities shall not be held in the room in which the election booths are located. Nothing in this section shall be construed to prohibit the registrars of voters from directing the officials at a primary, referendum or election to distribute, within the restricted area, adhesive labels on which are imprinted the words "I Voted Today". (1) The selectmen shall provide suitable markers to indicate the seventy-five-foot distance from such entrance. Such markers shall consist of a board resting on an iron rod, which board shall be not less than twelve inches square and painted a bright color and shall bear the figures and letters "75 feet" and the following words: "On the day of any primary, referendum or election no person shall solicit in behalf of or in opposition to another or himself or peddle or offer any ballot, advertising matter or circular to another person or loiter within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach." (2) Notwithstanding the provisions of subdivision (1) of this section the selectmen may provide the markers required by the provisions of this section in effect prior to October 1, 1983, except that in the case of a referendum which is not held in conjunction with an election or a primary, the selectmen shall provide the markers required by subdivision (1) of this section. The moderator and his assistants shall meet at least twenty minutes before the opening of a primary, referendum or an election in the voting district, and shall cause to be placed by a police officer or constable, or such other primary or election official as they select, a suitable number of distance markers. Such moderator or any police officer or constable shall prohibit loitering and peddling of tickets within that distance. No person except those permitted or exempt under this section or section 9-236a and primary or election officials and party checkers appointed under section 9-235 shall be allowed within any polling place except for the purpose of casting his vote. Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator. A number of students in grades four to twelve, inclusive, not to exceed four at any one time in any one polling place, may enter any polling place between twelve o'clock noon and three o'clock p.m. for the purpose of observing the activities taking place therein, provided there is proper parental or teacher supervision present, and provided further, any such student who in any way interferes with the orderly process of voting shall be evicted by the moderator. An elector may be accompanied into any polling place by one or more children who are ten years of age or younger and supervised by the elector. Any person who violates any provision of this section or, while the polls are open for voting, removes or injures any such distance marker, shall be fined not more than fifty dollars or imprisoned not more than three months or both.

(1949 Rev., S. 1068; 1953, 1955, June, 1955, S. 712d; November, 1955, S. N113; 1957, P.A. 494, S. 2; 1969, P.A. 65; 799; P.A. 73-410, S. 1, 2; P.A. 78-153, S. 29, 32; P.A. 79-370; P.A. 81-434, S. 1; P.A. 83-147; P.A. 87-251, S. 1; P.A. 89-286, S. 1, 3; P.A. 93-384, S. 1; P.A. 94-203, S. 8, 12.)

**Sec. 9-236a. Spare voting machine or ballot box for educational use of students.** Any town, on its own initiative or upon a request by the secretary of the state, and with the approval of the legislative body of the town or, in the case of a town in which the legislative body is a town meeting, the board of selectmen, may require a spare voting machine or ballot box to be provided inside any polling place or in a room adjacent to the polling place, for the educational use of students from kindergarten to grade twelve, inclusive. Upon such approval, the registrars shall establish procedures for the use of the machine or ballot box, including but not limited to: (1) Location and preparation of the machine or ballot box, (2) duties of machine or ballot box tenders and (3) canvassing the returns. Any such machine shall be in addition to the demonstrator or spare voting machine required by section 9-260. Ballots completed by students under this section shall be unofficial, and polling place officials shall not be required to handle or count such ballots. Each student who will be using such machine or ballot box inside a polling place or a room adjacent to the polling place shall be accompanied by an adult. The supervisor of such students for the purposes of this section shall submit the names of all adults who will be working with such students to the registrars at least forty-eight hours before the election.

(P.A. 89-286, S. 2, 3; P.A. 94-203, S. 9, 12.)

**Sec. 9-237. Display of national and state flags.** A United States flag, at least three feet by five feet in size, shall be displayed, and a Connecticut state flag of the same size may be displayed, on the wall inside each polling place during the hours of voting on the day of any regular or special state election. No other international, national or United Nations flag shall be displayed in such polling place.

(1949 Rev., S. 1131; 1953, 1955, S. 713d.)

**Sec. 9-237a. Telephones at polling places.** The registrars of voters shall provide a telephone for each polling place for the use of the election officials to aid in clarifying the status of electors whose right to vote is questioned, if a telephone is not available and readily accessible for such purpose.

(1969, P.A. 108.)

## CHAPTER 147

### VOTING METHODS

#### PART I

### VOTING MACHINES

**Sec. 9-238. Voting machines required. Notification of purchase or discontinuance of use.** (a) Except as provided in sections 9-271 and 9-272, voting machines shall be used at all elections held in any municipality, or in any part thereof, for voting and registering and counting votes cast at such elections for officers, and upon all questions or amendments submitted at such elections. The board of selectmen of each town, the common council of each city and the warden and burgesses of each borough shall purchase or lease, or otherwise provide, for use at elections in each such municipality a number of voting machines approved by the secretary of the state sufficient to provide a voting machine for each nine hundred or fraction of nine hundred electors whose names are on the last-completed registry list of such municipality and, in municipalities divided into voting districts, a number of such voting machines sufficient to provide for each voting district a voting machine for each nine hundred or fraction of nine hundred electors whose names are on the last-completed registry list for such voting district. In determining such number of electors, such officials shall not count the names on such registry lists of seventy-five per cent of the electors who reside in institutions, as defined in section 9-159q. In addition, such officials in each municipality having less than five thousand electors as ascertained by the report filed with the secretary of the state under section 9-238a shall, except as hereinafter provided, provide for all elections in such municipality at least one additional voting machine, and such officials in each municipality having between five thousand and twenty-five thousand electors shall provide at least two additional voting machines therefor; and such officials in each municipality having between twenty-five thousand and fifty thousand electors shall provide at least three additional voting machines therefor, and such officials in each municipality of fifty thousand or more such electors shall provide at least four additional voting machines therefor. In any municipality having less than five thousand electors, in lieu of such additional voting machine, the foregoing officials may provide at least one thousand absentee ballots or a number equal to the number of names on the last-completed registry list in such municipality, whichever is smaller, for use as emergency paper ballots under section 9-263; provided in any such municipality which is divided into political subdivisions and in which the absentee ballots are not uniform throughout the municipality, such officials shall provide at least one thousand copies of such absentee ballots for each such political subdivision in which ballot labels differ, or a number equal to the number of names on the last-completed registry list in such political subdivision, whichever is smaller. Different voting machines may be provided for different voting districts in the same municipality. Notwithstanding any provision of this subsection to the contrary, the registrars of voters of a municipality may determine the number of voting machines that shall be provided for use at any special election in such municipality, provided the registrars shall provide at least one voting machine in the municipality or, in a municipality divided into voting districts, at least one voting machine in each such district.

(b) Upon the purchase or lease of a voting machine for use in any municipality, the officials of such municipality purchasing or leasing the same shall forthwith send notification in writing to the secretary of the state of the name or make of such machine, the name of the person who manufactured the same, the name of the person from whom it was purchased or leased, the date on which it was purchased or leased and its serial number. After October 1, 1970, no voting machine manufactured prior to January 1, 1927, shall be used at any election in this state and no voting machine manufactured after said date shall be used in an election, which voting machine, in the opinion of the secretary of the state, does not conform to the requirements of law or is unsuitable for use in such election. When in any municipality the use of a voting machine at elections is discontinued because of its age or condition or because it is sold, or for any other reason, such officials shall send written notification to said secretary of the discontinuance of such machine, of the time of and reason for such discontinuance and of the information required in connection with notification of original purchasing or leasing.

(1949 Rev., S. 1192, 1193, 1194; 1951, S. 259b; 1953, 1955, S. 715d; 1957, P.A. 561, S. 1; 1969, P.A. 32; 355. S. 1; P.A. 80-339, S. 1; P.A. 91-7; 91-351, S. 26, 28; P.A. 94-203, S. 3, 12.)

**Sec. 9-238a. Report to secretary of number of electors and voting machines.** During the first week of February in each year, the town clerk of each town shall notify the secretary of the state, on a form provided by said secretary, of the total number of names on the registry list and on each enrolment list and the total number of unaffiliated electors, in such town, and of the total number of voting machines therein and, in towns divided into voting districts, in addition, the same information for each voting district. If the number of machines listed in such notification is less than the number required under section 9-238, the town clerk shall include in such notification an explanation of the discrepancy. Each such clerk shall also file a duplicate copy of such notification with the officials who are required to provide voting machines in his municipality under section 9-238.

(1961, P.A. 47; P.A. 87-509, S. 9, 24.)

**Sec. 9-239. Payment for voting machines.** The fiscal authority in each municipality shall authorize payment of the bill incurred for the purchase or lease or other method of acquisition of an adequate number of voting machines incurred by the officials responsible for providing the same under the provisions of section 9-238.

(1955, S. 716d; 1957, P.A. 561, S. 2.)

**Sec. 9-240. Provision of voting machines and booths.** The board of selectmen in each town, unless otherwise provided by law, shall provide or may authorize the registrars to provide a suitable room or rooms and voting machine booths for holding all elections. The interior of the booths shall be secure from outside observation. Said board shall provide for each polling place, in accordance with the requirements of section 9-238, one or more voting machines in complete working order, and shall preserve and keep them in repair and have the custody of the voting machines, and the care and custody of the furniture and equipment of the polling place, when not in use at an election.

(1949 Rev., S. 1054, 1195; 1953, S. 717d; 1957, P.A. 561, S. 3; 1967, P.A. 119, S. 3.)

**Sec. 9-240a. Periodic examination of voting machines.** Not more than two hundred ten days nor less than thirty days prior to each regular election for state officers, each voting machine to be used in the next succeeding regular election, including additional machines required under section 9-238, shall be examined by the company which manufactured the same or its successor or, with the approval of the secretary of the state, by persons skilled in the mechanics and operation of said machines, for the purpose of determining that such machine is in sound operable condition for use in such election. Arrangements for such examination shall be made by the officials responsible for providing voting machines under section 9-238. The company or person making such examination shall file a report with respect to each machine with the secretary of the state and with said officials, indicating whether or not such machine is in sound operable condition. When, as a result of any such examination, a machine is found not to be in sound operable condition, said officials shall have such machine repaired, or shall provide a voting machine in sound operable condition to replace the machine found inoperable. The cost for such examination in each town shall be paid by such town. Failure to cause the examination of a voting machine, as herein required, shall not, of itself, prevent the use of such machine in any election.

(1967, P.A. 229, S. 1; 1969, P.A. 355, S. 2; P.A. 87-382, S. 21, 55.)

**Sec. 9-241. Examination and approval by secretary. Subsequent alterations made by voting machine companies. Regulations.** Any person owning or holding an interest in any voting machine, as defined in subsection (w) of section 9-1, may apply to the secretary of the state to examine such machine and report on its accuracy and efficiency. The secretary of the state shall examine the machine and determine whether, in his opinion, the kind of machine so examined meets the requirements of section 9-242 and can be used at elections, primaries and referenda under this title. If the secretary of the state determines that the machine can be so used, such machine may be adopted for such use. No machine not so approved shall be so used. Each application shall be accompanied by a fee of one hundred dollars and the secretary of the state shall not give his approval of any machine until such fee and the expenses incurred by him in making the examination have been paid by the person making such application. Any voting machine company which has had its voting machine approved and which subsequently alters such machine in any way, shall provide the secretary of the state with notice of such alterations, including a description thereof and a statement of the purpose of such alterations. If any such alterations appear to materially affect the accuracy, appearance or efficiency of the machine, or modify the machine so that it can no longer be used at elections, primaries or referenda under this title, at the discretion of the secretary of the state, the company shall submit such alterations for inspection and approval, at its own expense, before such altered machines may be used. The secretary of the state may adopt regulations in accordance with the provisions of chapter 54 concerning examination and approval of voting machines under this section.

(1949 Rev., S. 1190; 1953, S. 718d; P.A. 73-304; P.A. 84-319, S. 33, 49; P.A. 93-384, S. 7, 28.)

**Sec. 9-242. Construction requirements.** (a) A voting machine approved by the secretary of the state shall be so constructed as to provide facilities for voting for the candidates of at least nine different parties or organizations. It shall permit voting in absolute secrecy. It shall be provided with a lock by means of which any illegal movement of the voting or registering

mechanism is absolutely prevented. Such machine shall be so constructed that an elector cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote.

(b) It shall be so constructed as to prevent an elector from voting for more than one person for the same office, except when he is lawfully entitled to vote for more than one person for that office, and it shall afford him an opportunity to vote for only as many persons for that office as he is by law entitled to vote for, at the same time preventing his voting for the same person twice. It shall be so constructed that all votes cast will be registered or recorded by the machine.

(c) Notwithstanding the provisions of subsection (b), the secretary of the state may approve a voting machine which requires the elector in the polls to place his ballot into the recording device and which meets the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990, as amended from time to time, and regulations which the secretary of the state may adopt in accordance with the provisions of chapter 54, provided the voting machine shall (1) warn the elector of overvotes, (2) not record overvotes and (3) not record more than one vote of an elector for the same person for an office.

(1949 Rev., S. 1191; 1953, S. 719d; 1957, P.A. 561, S. 4; 1967, P.A. 893; P.A. 84-319, S. 35, 49; P.A. 87-382, S. 22, 55; P.A. 93-384, S. 17.)

**Sec. 9-242a. Regulations concerning use of voting machines.** Notwithstanding any provision of the general statutes to the contrary, in the event that the secretary of the state approves for use, in the manner provided by section 9-241, a kind of voting machine not so approved on January 1, 1985, said secretary shall adopt such regulations as may be necessary for the use of such machine, including but not limited to regulations for adjustment of such machine in preparation for voting, process of voting, canvass of votes cast, and certifications.

(P.A. 84-319, S. 34, 49.)

**Sec. 9-243. Mechanics. Instruction and certification by the secretary of the state.** Prior to an election, the registrars of voters shall appoint a suitable mechanic or mechanics who shall, under their direction, prepare, adjust and place the voting machines for use at the election, including additional machines required under section 9-238. Prior to a primary, the registrar, as defined in section 9-372, shall appoint a suitable mechanic or mechanics who shall perform such duties in connection with the primary under the direction of the registrar. Such mechanic or mechanics shall be sworn to perform their duties honestly and faithfully and, for such purpose, shall be considered as election officials and shall be paid for the time spent in the discharge of their duties in the same manner as election officials are paid. Such mechanic or mechanics shall not be required to be an elector of any town. Such mechanic or mechanics shall be allowed such assistance as is necessary by such registrars. Any person appointed to be a mechanic shall attend an instructional session conducted by the secretary of the state. The secretary may employ assistants on a temporary basis for the purpose of conducting such session. Such assistants shall not be subject to the provisions of chapter 67. Upon completion of such instructional session, the secretary shall certify that each such mechanic is authorized to serve at any election or primary. Such certification shall be effective for four years from the date of such certification.

(1949 Rev., S. 1197; 1953, S. 720d; 1957, P.A. 561, S. 5; 1959, P.A. 487, S. 1; 1969, P.A. 355, S. 3; P.A. 80-215, S. 5; P.A. 81-467, S. 4, 8; P.A. 82-426, S. 6, 14; 82-472, S. 27, 183; P.A. 87-472, S. 12; P.A. 94-203, S. 7, 12.)

**Sec. 9-244. Inspection by party watchers, party chairmen, candidates and officials.** Such registrars of voters shall give written notice to the chairmen of the town committees of the political parties of the day and place a mechanic or mechanics will begin the preparation of the machines for the election, including any additional machines required under section 9-238. Each such chairman and any candidate for an office appearing on the ballot may be present, or may designate a watcher who may be present, during the preparation of such machines, but such chairmen, candidates and watchers shall not interfere with the preparation of the machines or assist in their preparation. Such notice shall be given at least one day before the work on the preparation of such machines begins. Any such chairmen and candidates who are present and the watchers shall file a written report, as provided in section 9-245, certifying to the number of the machine, as to whether all the candidate and question counters are set at zero (000), as to the number registered on the protective counter, if one is provided, and the number on the seal.

(1949 Rev., S. 1197; 1953, S. 721d; 1957, P.A. 561, S. 6; 1959, P.A. 487, S. 2; 1969, P.A. 355, S. 4; 694, S. 10; P.A. 88-48, S. 1, 5.)

**Sec. 9-245. Filing of reports.** The reports of the mechanics, provided for under section 9-246, and the reports of the party watchers, party chairmen and candidates, provided for under section 9-244, shall be filed with the municipal clerk and shall be kept by him for at least sixty days after the election for which the machines were so prepared.

(1949 Rev., S. 1197; 1953, S. 722d; 1957, P.A. 561, S. 7; P.A. 87-382, S. 23, 55; P.A. 88-48, S. 2, 5.)

**Sec. 9-246. Duties of mechanics. Repairs made on election day. Required reports.** (a) The mechanic or mechanics shall file a written report of the condition of each machine certifying that (1) they have prepared the machines, (2) all the counters are set at zero (000), (3) all the ballot labels are properly placed thereon, (4) the grouping mechanism has been properly adjusted according to the ballot labels and (5) each machine is otherwise in readiness for the election. This report shall include the number of each machine and a statement of any defects or features of the machine that need attention or correction. The mechanic or mechanics shall also place upon each of the machines a numbered metal seal, secured in such a way that, before any movement of the registering or voting mechanism can be effected, such seal will be destroyed or broken. All voting machines shall be transferred to the polling places in charge of an elector authorized by the registrars of voters under whose direction the voting machines are to be prepared, as provided in section 9-240a; and such elector shall certify to their delivery in good order. Additional machines required under section 9-238 shall be so located by the registrars of voters as to be available for immediate transfer to the polling places within the municipality. The mechanic or mechanics shall have custody of the keys of the voting machines only when they are at work on such machines, and immediately thereafter such keys shall be returned to the municipal clerk. The return of such keys shall, in each case, be made before the day of election.

(b) The mechanic or mechanics shall file a written report detailing any repairs made to a machine on the day of an election. This report shall certify (1) the number of the machine, (2) the time when the problem occurred, and (3) a summary description of the work performed.

(1949 Rev., S. 1197; 1953, S. 723d; 1957, P.A. 561, S. 8; 1959, P.A. 487, S. 3; 1969, P.A. 355, S. 5; P.A. 83-475, S. 19, 43.)

**Sec. 9-247. Preparation of machines.** The registrars of voters shall, before the day of the election, cause the mechanic or mechanics to insert on each machine the ballot labels corresponding with the sample diagrams provided and to put each such machine in order in every way and set and adjust the same so that it shall be ready for use in voting when delivered at the polling place. Such registrars shall cause the machine so labeled, in order and set and adjusted, to be delivered at the polling place, together with all necessary furniture and appliances that go with the same, at the room where the election is to be held, not later than six o'clock in the afternoon of the day preceding the election. Each voting machine shall be furnished with light sufficient to enable electors while voting to read the ballot labels and suitable for use by the election officials in examining the counters. A pencil shall also be provided, within each voting machine, for use in casting a write-in ballot.

(1949 Rev., S. 1203; 1953, S. 724d; 1957, P.A. 561, S. 9; 1969, P.A. 694, S. 11; P.A. 80-281, S. 13, 31.)

**Sec. 9-247a. Candidates and immediate family members prohibited from transporting, preparing, repairing or maintaining voting machines. Exceptions.** No candidate, as defined in section 9-333a, or member of the immediate family, as defined in section 1-79, of a candidate shall transport, prepare, repair or maintain a voting machine. No provision of this section shall prohibit (1) a member of the immediate family of a candidate from serving as a moderator or (2) a candidate for the office of registrar of voters or a member of the immediate family of such a candidate from serving as a voting machine mechanic.

(P.A. 93-384, S. 15; P.A. 94-203, S. 2, 12.)

**Sec. 9-248. Furnishing of supplies.** When a voting machine is purchased or leased or otherwise provided for use in any municipality, the secretary of the state shall prepare or approve samples of the following printed matter and supplies and shall furnish one of each to the officials of such municipality who have so provided such machine in accordance with the provisions of section 9-238: (1) Directions for testing and preparing the voting machines for the election; (2) one certificate on which the mechanic can certify that he has properly tested and prepared the machine for the election; (3) one certificate on which some person other than the mechanic who prepared the machine can certify that the machine has been examined and found to have been properly prepared for the election; (4) one certificate on which can be certified that party watchers have witnessed the testing and preparing of the machines; (5) one certificate that the machines have been delivered to polling places in good order; (6) one card for each polling place, stating the penalty for tampering with or injuring a voting machine; (7) two seals for sealing the machine; (8) one envelope in which the keys to the machine can be sealed and delivered to the election officials, such envelope to have printed or written thereon the designation and location of the voting district in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with, such envelope to have attached to it a detachable receipt for the delivery of the keys to the voting machine to the election officials; (9) one envelope in which the keys to the voting machine can be returned by the election officials after the election; (10) one card stating the name and telephone number and address of the mechanic on the day of the election; and (11) a report of an inspection of the machines by the moderator, registrars and checkers, which inspection shall be made before the opening of the polls. The municipal clerk shall, for each election, prepare and furnish said



supplies for each voting machine, in conformity with said samples. The municipal clerk shall also prepare and furnish to the election officials tally and return blanks containing the names of all candidates for office on the official ballots, in such manner as may be directed by the secretary of the state, except that all blanks furnished by said secretary throughout the state shall be uniform in their printing.

(1949 Rev., S. 1197, 1202; 1953, S. 725d; 1957, P.A. 561, S. 10.)

**Sec. 9-249. Instruction of election officials in use of machine.** Before each election, the municipal clerk, registrars of voters, certified moderator and certified mechanic shall instruct the election officials. Any provision of the general statutes or of any special act to the contrary notwithstanding, election officials shall be appointed at least twenty days before the election except as provided in section 9-229. The clerk, registrars, certified moderator and certified mechanic shall instruct each election official who is to serve in a voting district in which a voting machine is to be used in the use of the machine and his duties in connection therewith, and for the purpose of giving such instruction, such instructors shall call such meeting or meetings of the election officials as are necessary. Such instructors shall, without delay, file a report in the office of the municipal clerk, stating that they have instructed the election officials named in the report and the time and place where such instruction was given. The election officials of such voting districts shall attend such meeting or meetings as are called for the purpose of receiving such instructions concerning their duties as are necessary for the proper conduct of the election. Each election official who qualifies for and serves in the election shall be paid not less than one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. No election official shall serve in any election at which a voting machine is used unless he has received such instruction and is fully qualified to perform his duties in connection with the machine, but this shall not prevent the appointment of an election official to fill a vacancy in an emergency.

(1949 Rev., S. 1202; 1953, S. 726d; 1957, P.A. 561, S. 11; 1959, P.A. 551; 1963, P.A. 318, S. 3; P.A. 77-245, S. 6; P.A. 81-467, S. 5, 8.)

**Sec. 9-249a. Order of parties on the ballot label.** (a) The names of the parties shall be arranged on the machines in the following order:

(1) The party whose candidate for governor polled the highest number of votes in the last-preceding election;

(2) Other parties who had candidates for governor in the last-preceding election, in descending order, according to the number of votes polled for each such candidate;

(3) Minor parties who had no candidate for governor in the last-preceding election;

(4) Petitioning candidates with party designation whose names are contained in petitions approved pursuant to section 9-453o, and

(5) Petitioning candidates with no party designation whose names are contained in petitions approved pursuant to section 9-453o.

(b) Within each of subdivisions (3) and (4) of subsection (a) of this section, the following rules shall apply in the following order:

(1) Precedence shall be given to the party any of whose candidates seeks an office representing more people than are represented by any office sought by any candidate of any other party;

(2) A party having prior sequence of office as set forth in section 9-251 shall be given precedence, and

(3) Parties shall be listed in alphabetical order.

(c) Within subdivision (5) of subsection (a) of this section, candidates shall be listed according to the provisions of section 9-453r.

(P.A. 76-159, S. 1; P.A. 87-382, S. 24, 55.)

**Sec. 9-249b. Arrangement of ballot labels when more than nine party designations and petitioning candidate rows.** (a) If, after applying the provisions of sections 9-249a and 9-453r, the number of party designations and petitioning candidate rows on the ballot exceeds nine, the secretary of the state may authorize (1) two or more party designations and petitioning candidates to appear on the same row of the voting machines, beginning with the ninth row on the voting machines and, if necessary, then moving up one or more rows, (2) that an office take two or more columns on the voting machines and (3) that the party designation, or an abbreviation of it, be repeated on the ballot.

(b) Notwithstanding any provision of section 9-135a to the contrary, the secretary may prescribe that the provisions of subsection (a) of this section shall not apply to the absentee ballot.

(May Sp. Sess. P.A. 92-1, S. 3, 7.)

**Sec. 9-250. Form of ballot labels.** Ballot labels shall be printed in black ink, in plain clear type, and on clear white material of such size as will fit the machine, and shall be furnished by the municipal clerk. The size and style of the type used to print the name of a political party on a ballot label shall be identical with the size and style of the type used to print the names of all other political parties appearing on such ballot label. The name of each major party candidate for a municipal office, as defined in section 9-372, except for the municipal offices of state senator and state representative, shall appear on the ballot label as it appears on the registry list of the candidate's town of voting residence, except as provided in section 9-42a. The name of each major party candidate for a state or district office, as defined in section 9-372, or for the municipal office of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, subsection (b) of section 9-391, or section 9-400 or 9-409. The name of each minor party candidate shall appear on the ballot label as it appears on the registry list in accordance with the provisions of section 9-452. The name of each nominating petition candidate shall appear on the ballot as it is verified by the town clerk on the application filed under section 9-453b. The size and style of the type used to print the name of a candidate on a ballot label shall be identical with the size and style of the type used to print the names of all other candidates appearing on such ballot label. Such ballot labels shall contain the names of the offices and the names of the candidates arranged thereon. Three complete sets of such ballot labels printed on cardboard shall be furnished by the municipal clerk for each machine to be used in the election. The names of the political parties and party designations shall be arranged on the machines, either in columns or horizontal rows as set forth in section 9-249a, immediately adjacent to the column or row occupied by the candidate or candidates of such political party or organization. When two or more candidates are to be elected to the same office, the ballot label shall be printed in such manner as to indicate that the elector may vote for any two or such other number as he is entitled to vote for, provided in the case of a

town adopting the provisions of section 9-204a, such ballot label shall indicate the maximum number of candidates who may be elected to such office from any party. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be printed on the official ballot as a part of the title of the office. If, at any election, one candidate is to be elected for a full term and another to fill a vacancy, the official ballot containing the names of the candidates in the foregoing order shall, as a part of the title of the office, designate the term which such candidates are severally nominated to fill. No column, under the name of any political party or independent organization, shall be printed on any official ballot, which contains more candidates for any office than the number for which an elector may vote for that office. The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast for such position.

(1949 Rev., S. 1039, 1042, 1063, 1199; 1953, S. 727d; 1957, P.A. 561, S. 12; P.A. 76-159, S. 2; P.A. 82-247, S. 8; P.A. 83-475, S. 20, 43; P.A. 87-382, S. 25, 55.)

**Sec. 9-250a. Blank space where party fails to nominate.** When a political party has failed to nominate a candidate for any office for which it is entitled to make such nomination, the space on the ballot label in which the name of the party's candidate would appear shall be left blank.

(1963, P.A. 198.)

**Sec. 9-251. Order of office on ballot labels.** In the preparation of ballot labels for use at a state election precedence shall be given to the offices to be voted for at such election in the following descending order: Presidential electors, governor and lieutenant governor, United States senator, representative in Congress, state senator, state representative, secretary of the state, treasurer, comptroller, attorney general, sheriff and judge of probate. In the preparation of ballot labels for use at a municipal election, unless otherwise provided by law, the order of the offices shall be as prescribed by the secretary of the state, which order, so far as practicable, shall be uniform throughout the state.

(1953, 1955, S. 728d; 1963, P.A. 401, S. 2; April, 1964, P.A. 2, S. 3; 1971, P.A. 576; P.A. 73-577; P.A. 74-109, S. 5, 11.)

**Sec. 9-252. Transferred to Chapter 146, Part II, Sec. 9-183b.**

**Sec. 9-253. Order of names of party nominees for multiple-opening office determined by lot. Order when candidate nominated by more than one party.** When a major or minor party is entitled to nominate two or more candidates for a particular office, the order of the names of its candidates for such office appearing on the voting machine ballot label shall be determined by the registrars of voters by lot in a ceremony which shall be open to the public, except as hereinafter provided. When such a candidate is nominated for the same office by more than one party, his name shall appear on each appropriate row on the voting machine ballot label in the same column in which it appears under the foregoing provision in either (1) the party row of the party with which he is enrolled or (2) the first party row on which his name is to appear if such candidate is an unaffiliated elector. The registrars of voters shall provide at least five days' public notice for each ceremony held under this section. The ballot order of nominating petition candidates for multiple-opening offices shall be as prescribed in section 9-453r.

(1955, S. 730d; 1957, P.A. 221, S. 1; P.A. 84-319, S. 36, 49; P.A. 87-197, S. 1, 3.)

**Sec. 9-254. List of offices to be filled.** Each municipal clerk shall, not later than the one hundred eightieth day prior to the day of any regular election, file with the secretary of the state, on a form approved by said secretary, a list of the offices to be filled at such election and the terms thereof and the number of candidates for which each elector may vote. Said secretary shall, within seventy days from the date of receipt of such list, return a copy of such list to the municipal clerk. Each municipal clerk shall, within ten days after the receipt of the returned list, mail a copy thereof to the chairman of the town committee of each major political party within the municipality.

(1949 Rev., S. 1136; 1953, S. 630d; 1957, P.A. 479, S. 1; February, 1965, P.A. 137; P.A. 87-382, S. 26, 55.)

**Sec. 9-255. Sample ballot labels.** The board of selectmen or the municipal clerk shall provide for all polling places using voting machines at least three sample ballot labels which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on election day or that portion thereof which will contain the offices, party designations, names of candidates, write-in slots and questions to be voted upon. On each such sample ballot label shall be printed instructions as to the use of the voting machine, which instructions shall be approved by the secretary of the state. Such sample ballot labels shall be so posted inside the polling place as to be visible to those within the polling place during the whole day of election. At least one of such sample ballot labels shall be so posted as to be visible to an elector being instructed on the demonstrator or spare voting machine under section 9-260.

(1949 Rev., S. 1198; 1953, 1955, S. 732d; 1957, P.A. 561, S. 14; P.A. 77-245, S. 7; P.A. 87-382, S. 27, 55.)

**Sec. 9-256. Filing of sample ballot label with secretary.** The clerk of each municipality shall, not less than ten days prior to an election, file with the secretary of the state a sample ballot label identical with those to be provided for each polling place under section 9-255. The secretary of the state shall examine the sample ballot label required to be filed under this section, and if such sample ballot label contains an error, the secretary of the state shall order the municipal clerk to reprint a corrected sample ballot label or to take other such action as the secretary may deem appropriate.

(1949 Rev., S. 1200; 1953, 1955, S. 731d; 1957, P.A. 561, S. 13; P.A. 77-303, S. 2, 3.)

**Sec. 9-257. Location of machine and stationing of officials.** The room in which the election is held shall have a railing separating the part of the room to be occupied by the election officials and the machine from the part of the room adjacent to the entrance thereof. A guard rail may be provided separating the machine from the election officials and the machine shall be placed, if possible, at least three feet from any wall or partition or guard rail of the polling place and at least four feet from the checkers' table. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officials. The machine shall be so placed that no person outside the voting machine booth from any part of the room or from any place outside the room can see or determine how the elector casts his vote and shall be so placed, as far as possible, as to be in view of the officials and the electors within the polling place from the beginning of the election. The election officials shall be so stationed that no member thereof shall be concealed by the machine from the electors within the polling place. The moderator or some one designated by him shall be stationed near the machine, shall regulate the admission of

the electors thereto and shall always be in full view of the other election officials and the electors within the polling place.

(1949 Rev., S. 1204, 1207; 1953, S. 733d; 1957, P.A. 561, S. 15.)

**Sec. 9-258. Election officials; additional lines of electors.** The election officials of each polling place, except voting machine mechanics, shall be electors of the town and shall consist of one moderator, two checkers, two registrars of voters or two assistant registrars of voters, as the case may be, of opposite political parties, not more than two challengers if the registrars of voters have appointed challengers pursuant to section 9-232, and at least one and not more than two voting machine tenders for each voting machine in use at the polling place. A known candidate for any office shall not serve as an election official on election day or serve at the polls in any capacity, except that a municipal clerk or a registrar of voters, who is a candidate for the same office, may perform his official duties. If, in the opinion of the municipal officials, the public convenience of the electors in any voting district so requires, provision shall be made for an additional line or lines of electors at the polling place and, if more than one line of electors is established, two additional checkers for each line of electors shall be appointed and, if more than one machine is used in a polling place, at least one and not more than two additional voting machine tenders shall be appointed for each additional machine so used. Head moderators, central counting moderators, absentee ballot counters and voting machine mechanics appointed pursuant to law shall also be deemed election officials. No election official shall perform services for any party or candidate on election day.

(1949 Rev., S. 1058, 1203; 1953, 1955, S. 734d; 1959, P.A. 28, S. 47; 47; P.A. 74-109, S. 7, 11; P.A. 75-488, S. 2, 3; P.A. 76-24; P.A. 77-245, S. 8; P.A. 80-215, S. 6; P.A. 83-391, S. 17, 24; P.A. 84-546, S. 20, 173; P.A. 88-91.)

**Sec. 9-258a. Two shifts of election officials.** Notwithstanding any provision of the general statutes, special acts or its charter, each municipality, by a majority vote of its legislative body, may establish, except for unofficial checkers and the moderator, two shifts of election officials for each polling place. In each polling place for which two or more shifts of election officials have been provided in this section or section 9-235, the moderator shall keep a written record of the specific hours and time served at the polls by each election official. In each such polling place, all members of both shifts who are required to sign returns, including checkers and assistant registrars, if any, of both shifts, shall be present at the closing of the polls and shall remain until all returns have been executed.

(1969, P.A. 500, S. 1; P.A. 88-173, S. 3.)

**Sec. 9-259. Duties of election officials before polls open; moderator's return certificates.** The moderator of the election in each municipality, voting district or ward shall appear at the office of the municipal clerk not later than eight o'clock p.m. of the day before the election and there receive from the municipal clerk the sample ballot labels, three complete sets of ballot labels and all checklists and other supplies necessary to conduct the election and make return thereof. He shall receive a sealed envelope, and a receipt therefor, containing only the number two and number three election official keys for each voting machine. Each such envelope shall bear the number of the machine to which the keys belong. On the morning of the election, the election officials shall meet at the room where the election is to be held at least forty-five minutes before the time for opening the polls. The moderator shall then cause the three sample ballot labels and instruction cards to be posted and everything put in readiness for the

commencement of voting at the hour of opening the polls. The envelope containing the keys shall not be opened until at least one election official from each of two political parties is present at the polling place and has examined the envelope to see that it has not been opened. Before opening the envelope, all election officials present shall examine the number of the seal of the machine and the number registered on the protective counter, if one is provided, and shall see if they are the same as the numbers written on the envelope containing the keys. If the numbers are found not to agree, the envelope shall not be opened until the mechanic in charge of the machine, or the registrars or one of the registrars under whose direction the machine was prepared under section 9-243, has been notified and has presented himself at the polling place for the purpose of reexamining such machine and has certified that it is properly arranged. If the numbers on the seal and the protective counter, if one is provided, are found to agree with the numbers on the envelope, the election officials shall proceed to open the doors concealing the counters. The election officials, in the presence of the party watchers, shall compare the ballot labels on the machine with the sample ballot labels to see that they are correct, and, if the machine is not so labeled, set and adjusted and in order, they shall immediately label, set and adjust the same and place it in order, or cause it to be done, examine and see that all the counters in the machine are set at zero (000) and that the machine is otherwise in perfect order and make written report thereof as hereinbefore directed and they shall not thereafter permit the counters to be operated or moved except by electors in voting. If the machine is equipped with a device for printing totals of candidate and question counters, the doors concealing the counters shall not be opened. The election officials shall examine the printed record produced by the machine to see that each counter registers zero and shall allow watchers to examine the printed record. They shall also see that all necessary arrangements and adjustments are made for voting write-in ballots on the machine and that the machine and its attachments are properly set or adjusted so that the elector will be concealed while in the act of voting. There shall be printed directions for the guidance of the election officials before the polls are opened and when the polls are closed. The moderator's return which the moderator receives from the municipal clerk for state elections shall be in a form prescribed by the secretary of the state. There shall be printed on the moderators' returns a certificate, which shall be signed by the election officials before the polls are opened, showing the delivery of the keys in a sealed envelope; the number on the seal; the number registered on the protective counter, if one is provided; whether all of the counters are set at zero (000); whether the public counter is set at zero (000); whether the ballot labels are properly placed in the machine; also a certificate, which shall be filled out after the polls have been closed, that the machine has been locked against voting and sealed; the number of electors as shown on the public counter; the number on the seal; the number registered on the protective counter, if one is provided, and that the voting machine is closed and locked. The moderators' returns shall show the total number of votes cast for each office, the number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated, which shall be certified by the moderator, checkers and registrars, or assistant registrars, as the case may be. If any of the counters are not set at zero and the election officials are not able to set them at zero, the actual number registered or indicated on such counters shall be entered on such tally sheet, and, at the end of the election, that number shall be deducted from the number then shown on the counter to ascertain the true vote cast for the candidate to whom such counter belongs. The mechanic's seal on the machine shall not be broken until the officials have assembled on the morning of the election. The officials shall examine the seal before breaking it.

(1949 Rev., S. 1205; 1953, S. 735d; 1957, P.A. 561, S. 16; 1959, P.A. 487, S. 4; February, 1965, P.A. 195, S. 1; 408, S. 1; P.A. 75-123; P.A. 83-475, S. 21, 43.)

**Sec. 9-260. Instruction by means of demonstrator or spare voting machine.** A metal demonstrator machine or spare voting machine shall be provided inside the polling place for the instruction of electors. Any such spare voting machine shall not be used for voting and shall be provided in addition to any additional voting machines required pursuant to section 9-238. Any such demonstrator machine shall represent at least five office columns of the two upper rows on the voting machine. Such demonstrator or spare voting machine shall contain, in each space provided for the name of a party, the designation "name of party", in each space provided for the name of a candidate, the designation "name of candidate", in each space provided for the name of an office, the designation, "office", and in each space provided for a question, the designation, "Question-Statement of Question-Yes-No". A spare voting machine provided for the purposes of this section shall contain, in the upper left-hand corner, directly opposite the write-in slides, the designation "write-in slides". The party levers on such demonstrator or spare voting machine shall be covered. At a primary, each space provided for a question shall be left blank. Upon request by any elector who desires instruction after he has entered the polling place and prior to casting his vote, two election officials of different political parties jointly shall instruct such elector on the demonstrator or spare voting machine by causing such elector himself to operate the parts of such demonstrator or spare voting machine.

(1949 Rev., S. 1208; 1953, S. 736d; 1957, P.A. 561, S. 17; P.A. 87-382, S. 28, 55.)

**Sec. 9-261. Process of voting.** (a) When an elector has entered the polling place, he shall (1) announce his street address, if any, and his name to the checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same and (2) (A) present to the checkers his Social Security card or any other preprinted form of identification which shows his name and either his address, signature or photograph, or (B) sign a statement under penalty of false statement, on a form prescribed by the Secretary of the State, that he is the elector whose name appears on the official checklist. Each of the checkers shall check the name of such elector on the official checklist.

(b) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote, pursuant to section 9-431, an unaffiliated elector shall also announce to the separate table of checkers for unaffiliated electors the party in whose primary he chooses to vote and the checkers shall note such party when checking such elector's name on the checklist of unaffiliated electors, provided such choice shall not alter the elector's unaffiliated status.

(c) In each polling place in which two or more parties are holding primaries in which unaffiliated electors are authorized to vote or in which one party is holding a primary in which unaffiliated electors are authorized to vote for some but not all offices to be contested at the primary, the checkers shall give to each elector checked a receipt provided by the municipal clerk, in a form prescribed by the Secretary of the State, specifying either (1) the party with which he is enrolled, if any, or (2) in the case of an unaffiliated elector, the party in whose primary he has so chosen to vote, and whether he is authorized to vote for only a partial ballot.

(d) If not challenged by any of the election officials, the elector shall be permitted to pass the railing to the side where the machine is located. The elector shall give any receipt he has received to a voting machine tender at the machine to which he is directed and the machine tender shall permit the elector to vote only in the primary of the party specified by the receipt and, if applicable, on the separate voting machine with the partial ballot specified by the receipt. The elector shall be permitted into the voting machine booth, and he shall then register his vote in secret. Having voted, he shall immediately pass out and leave the room. No elector shall remain within the voting machine booth longer than two minutes, and, if he refuses to leave such booth after the lapse of that time, he shall at once be removed by the election officials upon order of the moderator. Not more than one elector at a time shall be permitted to operate the machine or be within the enclosed space which the elector occupies while operating the machine provided an elector may be accompanied within such enclosed space by one or more children who are ten years of age or younger and supervised by the elector. At least two additional electors, whose next turn it is to vote shall be permitted in the polling place for the purpose of receiving instruction before voting on the machine. If any elector, after entering the voting machine booth, asks for further instruction concerning the manner of voting, two election officials of different political parties shall stand outside the voting machine booth and give such instructions or directions to the elector as the two officials agree upon; but no election official instructing or assisting an elector, except as provided in section 9-264, shall open, look inside or put his hand inside the curtain, or in any manner seek to influence any such elector in the casting of his vote.

(1949 Rev., S. 1206, 1209; 1953, S. 737d; 1967, P.A. 647; P.A. 87-251, S. 2; 87-509, S. 10, 24; P.A. 93-300; P.A. 95-87, S.1.)

**Sec. 9-261a. Preparation of polling place form of identification by committee prohibited.** No committee, as defined in section 9-333a, shall prepare any form of identification for the purpose of being presented to the checkers at the polling place pursuant to section 9-261.

(P.A. 95-122, S. 2.)

**Sec. 9-262. Duties of election officials during voting hours.** During the entire period of an election, at least one of the election officials, to be designated from time to time by the moderator, shall be stationed beside the entrance to the voting machine booth to regulate the admission of electors thereto, and shall see that it is properly closed after an elector has entered it to vote. He shall also, at such intervals as he deems proper or necessary, examine the face of the machine to ascertain whether it has been defaced or damaged and to detect the wrongdoer and repair the damage. After the opening of the polls, no election official shall allow any person other than the election officials to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting or except as provided in this part; and no such official shall permit more than one elector at a time to be in such part of the room. No election official shall remain or permit any person to remain in any position or near any position that would permit him to see or ascertain how an elector votes or how he has voted.

(1949 Rev., S. 1206; 1953, S. 738d.)

**Sec. 9-263. Use of paper ballots when voting machine damaged.** If any voting machine used in any voting district, during the time the polls are open, becomes damaged so as to render it inoperative in whole or in part, the moderator shall immediately give notice thereof to the



registrars of voters under whose direction the machine was prepared under section 9-243 and such registrars, if possible, shall substitute a perfect machine for the damaged machine, and, at the close of the polls, the records of both machines shall be taken and the votes shown on their counters shall be added together in ascertaining and determining the result of the election. If no other machine is in use in the polling place such registrars shall immediately permit the use of emergency paper ballots by the electors, which ballots shall be received by the election officials and placed by them in a receptacle to be provided therefor and counted with the votes registered on the voting machine and the result declared in the same manner as if there had been no accident to the voting machine. The emergency paper ballot shall be an absentee ballot. Emergency paper ballots shall be cast in the following manner. The elector shall announce his name to the checkers who shall cross his name off the registry list and add it with his address to the end of the official checklist where it shall be designated "Emergency Paper Ballot" or "EPB" and serially numbered. After the elector has so announced his name, the moderator shall deliver to such elector an emergency paper ballot together with the serially numbered envelope. The elector shall forthwith mark the ballot in the presence of the moderator in such manner that the moderator shall not know how the ballot is marked. He shall then fold the ballot in the presence of the moderator so as to conceal the markings and deposit and seal it in the serially numbered envelope. He shall then deliver the envelope to the moderator who shall place it in a specially designated depository envelope. The emergency paper ballots thus received shall be counted at the next scheduled absentee ballot count in the same manner as other absentee ballots, provided no such ballot may be counted unless all provisions of this section have been complied with. Such ballots so counted shall be preserved by replacing them into the special depository envelopes along with a certificate signed by the moderator and registrars of voters setting forth the circumstances under which such emergency paper ballots were cast. Use of emergency paper ballots shall be discontinued immediately upon replacement or repair of at least one machine.

(1949 Rev., S. 1206; 1953, S. 739d; 1957, P.A. 561, S. 18; 1959, P.A. 487, S. 5; P.A. 80-339, S. 2.; P.A. 95-185, S.2.)

**Sec. 9-264. Assistance to elector who is blind, has disability or is unable to write or to read the ballot. Paper ballots available for electors with disabilities.** (a) An elector who requires assistance to vote, by reason of blindness, disability or inability to write or to read the ballot, may be given assistance by a person of the elector's choice, other than (1) the elector's employer, (2) an agent of such employer or (3) an officer or agent of the elector's union. The person assisting the elector may accompany the elector into the voting machine booth. Such person shall register such elector's vote upon the machine as such elector directs. Any person accompanying an elector into the voting machine booth who deceives any elector in registering his vote under this section or seeks to influence any elector while in the act of voting, or who registers any vote for any elector or on any question other than as requested by such elector, or who gives information to any person as to what person or persons such elector voted for, or how he voted on any question, shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

(b) Paper ballots shall be made available for electors with disabilities in polling places in which a voting machine cannot be adjusted to allow all necessary parts to be reached from a chair. Such paper ballots shall be used at the option of the elector with disabilities. The elector shall announce his name to the checkers who shall cross his name off the registry list and add it with his address to the end of the official checklist where it shall be designated "paper ballot for

persons with disabilities" or "PBD" and serially numbered. After the elector has so announced his name, the moderator shall deliver to the elector an absentee ballot and a serially-numbered envelope. The elector shall forthwith mark the ballot in the presence of the moderator in such manner that the moderator shall not know how the ballot is marked. The elector shall fold the ballot in the presence of the moderator so as to conceal the markings and deposit and seal it in the serially-numbered envelope. He shall deliver the envelope to the moderator who shall place it in a specially-designated depository envelope. The paper ballots thus received shall be counted at the next scheduled absentee ballot count in the same manner as other absentee ballots. Such ballots so counted shall be preserved by placing them in the depository envelopes with the regular absentee ballots, and such serially-numbered envelopes shall be placed in the depository envelopes with the regular absentee ballot envelopes.

(1949 Rev., S. 1210; 1953, S. 740d; 1961, P.A. 431; P.A. 75-133; P.A. 87-382, S. 29, 55; P.A. 93-384, S. 10, 28.)

**Sec. 9-265. Write-in ballots.** (a) A write-in ballot for an office, cast for a person who has registered as a write-in candidate for the office pursuant to subsection (b) of section 9-175 or section 9-373a, shall be counted and recorded. Except as otherwise provided in this section, a write-in ballot cast for a person who has not registered shall not be counted or recorded.

(b) Except as otherwise provided in this section, in the case of an office for which an elector may vote for only one candidate, a write-in ballot cast for a person nominated for that office by a major or minor party or by nominating petition shall be counted and recorded. In the case of an office for which an elector may vote for more than one candidate, a write-in ballot cast for a person nominated for that office by a major or minor party or by nominating petition shall not be counted or recorded.

(c) A write-in ballot for the office of governor or lieutenant governor, cast for a person nominated for either of those offices by a major or minor party or by nominating petition, in conjunction with a write-in ballot for the other such office cast for a person nominated for either office by a different party or petition, shall not be counted or recorded for either office.

(d) Except as hereinafter provided, a write-in ballot for the office of president or vice-president cast for a person nominated for such office by a major or minor party or by nominating petition shall be counted and recorded and deemed to be a vote for each of the duly-nominated candidates for the office of presidential elector represented by such candidate for president or vice-president. A write-in ballot for the office of president or vice-president, cast for a person nominated for either of such offices by a major or minor party or by nominating petition, in conjunction with a write-in ballot for the other such office cast for a person nominated for either office by a different party or petition, shall not be counted or recorded for either office.

(e) If the name of a person is written in for the office of governor or lieutenant governor, or president or vice-president, as the case may be, and no name is written in for the other office, such write-in ballot shall be counted and recorded if it meets the other requirements of this section.

(f) A write-in ballot shall be cast in its appropriate place on the voting machine. A write-in ballot for governor and lieutenant governor, or for president and vice-president, as the case may be, shall be written in a single space, provided that if only one name is written in the space it shall be deemed to be a vote for governor, or for president, as the case may be, unless otherwise indicated. A write-in ballot shall be written upon the paper contained in the receptacle or device

provided in the voting machine for such purpose. The registrars of voters shall cause an adhesive label, provided by the secretary of the state, upon which shall be imprinted the words "write-in slides", to be affixed to the upper left-hand corner of each voting machine, directly opposite the write-in slides.

(g) A write-in ballot which is not cast as provided in this section shall not be counted or recorded.

(1949 Rev., S. 1211; March, 1950, S. 262b; 1953, S. 741d; 1957, P.A. 561, S. 19; 1963, P.A. 401, S. 3; 1969, P.A. 280; P.A. 77-82, S. 2; 77-245, S. 10; P.A. 81-350, S. 11, 17; P.A. 83-475, S. 22, 43; P.A. 87-589, S. 20, 87.)

**Sec. 9-266. Keys to be kept. Storage of machine.** When the machine has been locked at the close of an election in the manner required by section 9-310, the moderator shall place all keys of the machine on a strong and sufficient string or wire and label the same with the make and number of the machine and the name of the municipality and the number of the ward or voting district therein at which used at such election, and return such keys to the municipal clerk with the official returns. Except as provided in section 9-311, such clerk shall securely keep such keys and not permit the same to be taken, or any voting machine to be unlocked, for a period of fourteen days from the election, unless otherwise ordered by a court of competent jurisdiction, or by the State Elections Enforcement Commission. All machines shall be boxed and collected immediately on the day after election or as soon thereafter as possible, and shall be stored in a place or places directed by the board of selectmen.

(1949 Rev., S. 1203, 1215; 1953, S. 742d; 1957, P.A. 526, S. 6; 561, S. 20; P.A. 86-1, S. 2, 5.; P.A. 95-88, S.1.)

**Sec. 9-267. Removal of officials.** If, at any time during the performance of his duties, any moderator, challenger, voting machine tender or checker is, from any cause, found incompetent, the registrars may remove him and appoint a competent person in his stead.

(1949 Rev., S. 1082; 1953, S. 743d; 1971, P.A. 285.)

**Sec. 9-268. Duties of selectmen imposed on other officials.** Whenever the duties imposed by this part upon selectmen are imposed by the charter of any municipality upon any other officer or officers, the term "selectmen", as used herein, shall be construed to apply to such other officer or officers, who shall be vested with all the powers and duties and shall be subject to all the obligations imposed by this chapter upon such selectmen. In any municipality where by charter the duties of selectmen are limited to the admission of electors and are not imposed by charter upon any other officer or officers, the term "selectmen", as used herein, shall apply to the registrars of voters of such municipality, who shall be vested with all the powers and duties and shall be subject to all the obligations imposed by this part upon such selectmen.

(1949 Rev., S. 1223; 1953, S. 744d.)

**Sec. 9-269. Borough election officials.** In the case of a borough election, the duties and privileges of the various town and city officials specified in this part shall be exercised by the corresponding borough officials.

(1949 Rev., S. 1192; 1953, S. 745d.)

## PART II

## PAPER BALLOTS

**Sec. 9-270. Votes by paper ballots.** The provisions of this part shall apply to votes taken by paper ballots in accordance with the provisions of sections 9-271 and 9-272.

(1953, S. 746d.)

**Sec. 9-271. Referenda by paper ballots.** The legislative body in each municipality may direct that the vote upon any question or measure to be submitted to the electors of such municipality at any election to be held therein shall be taken by paper ballots if there is insufficient space on the voting machines.

(1949 Rev., S. 1193; 1951, S. 259b; 1953, S. 747d.)

**Sec. 9-272. Conditions under which use of voting machines may be discontinued.** If, owing to the number of candidates to be voted upon or owing to inability to obtain a sufficient number of voting machines, it is found impracticable to use voting machines at any election to be held in any municipality, or in one or more of the voting districts therein, the municipal clerk and the registrars may discontinue the use of such machines for such election in any of the voting districts therein, and shall thereupon cause ballots to be procured and used at such election, as provided by this part, in each of the voting districts wherein the use of voting machines has been so discontinued.

(1949 Rev., S. 1196; 1951, S. 260b; 1953, S. 748d; 1963, P.A. 210.)

**Sec. 9-273. Preparation of ballots.** All ballots used at regular and special state elections shall be prepared by the secretary of the state and printed at the expense of the state. All ballots used at regular and special municipal elections shall be printed by the secretary of the state at the expense of the municipality for which such ballots are prepared. All such ballots shall be printed on white paper of uniform color, quality and thickness for each ballot of the same class, to be determined by said secretary.

(1949 Rev., S. 1035; 1953, S. 749d.)

**Sec. 9-274. Secretary may prescribe forms.** The secretary of the state may prescribe the type to be used in and the instructions to appear on any ballot printed pursuant to the provisions of this part, for which no specific provision is contained in said part. No column, under the name of any political party or independent organization, which contains more candidates for any office than the number for which an elector may vote for that office shall be printed on any official ballot.

(1949 Rev., S. 1042, 1063; 1953, S. 750d.)

**Sec. 9-275. Secret ballot.** Each ballot shall be so printed and, when voted, shall be so folded that the entire face of the ballot is concealed, and the stub shall be torn off at the time of voting, without exposing any part of the face of the ballot.

(1949 Rev., S. 1063; 1953, S. 751d.)

**Sec. 9-276. Form for printing ballots.** All ballots shall be printed on the same leaf with a stub and shall be separated therefrom by a perforated line. The part above the perforated line,

designated as the stub, shall extend the entire width of the ballot and shall be of sufficient depth to allow the instructions to electors to be printed thereon, which depth shall not be less than two inches from the perforated line to the top thereof. Upon the face of each stub shall be printed, in type to be prescribed by the secretary of the state: "This ballot shall be marked with a pencil having black lead or a pen making a blue or black mark. Any other marks than a cross (x), plus (+) or check (ü) used for voting will render this ballot void. If you tear, deface or wrongly mark this ballot, return it and get another. To vote for any candidate whose name appears, place a cross (x), plus (+) or check (ü) in the voting space at the left of the name of each candidate for whom you desire to vote; and you may also write, in the space in the blank column designated for the office, the name of any registered write-in candidate for whom you desire to vote for such office", in type to be prescribed by the secretary of the state. On the back of each ballot, below the stub, at the foot and in the center thereof, shall be printed, in eighteen-point Roman condensed capitals, the words "Official Ballot For", and after the word "For" shall follow the designation of the municipality, ward or voting district, as the case may be, for which the ballot is prepared and the date of the election. Ballots for municipalities divided into wards or voting districts shall be endorsed "Official Ballot For", and after the word "For" shall follow the designation of the municipality, and the ward or voting district therein, as the case may be, for which the ballot is prepared and the date of the election. On the front of the stub and immediately above the center of the endorsement on the back of the ballot when folded shall be printed the consecutive number of the ballot intended for such municipality, and the ward or voting district therein, as the case may be, beginning with the number one and increasing in regular numerical order. All ballots of the same kind, prepared for the same polling place, shall be of the same size and arrangement, so that when the stubs, numbered as aforesaid, are detached therefrom, it shall be impossible to distinguish any one of the ballots from the other ballots of the same kind. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be printed upon the ballot as a part of the title of the office. If, at any election, one candidate is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term which such candidates are severally nominated to fill.

(1949 Rev., S. 1039; 1953, S. 752d; 1963, P.A. 223, S. 1; P.A. 87-382, S. 30, 55.)

**Secs. 9-277 and 9-278. Straight and split ticket sections. Form of straight ticket section.** Sections 9-277 and 9-278 are repealed.

(1949 Rev., S. 1036, 1037, 1042; 1953, S. 753d, 754d; 1963, P.A. 223, S. 2; P.A. 87-382, S. 54, 55.)

**Sec. 9-279. Form of ballot.** The ballot shall be two and one-quarter inches in width or as many times such width as is necessary to contain the names of all candidates nominated and the instructions for which provision is herein made and proper blank spaces to write in names not printed on the ballot. In one of such columns at the left side of the list of party candidates, shall be inserted instructions for voting in eight-point Gothic type "vote for one" or "vote for two", or more, according to the number to be elected to the office listed opposite to such instruction and at the right thereof. Each column shall be headed by the name of the party the candidates of which are listed therein, in type not smaller than eighteen point, and shall be arranged in the order prescribed by law. The number of such columns shall exceed by one the number of separate columns of nominated candidates to be voted for at the polling place for which the ballot is

provided. The title of the office, with the names of the candidates therefor, shall be printed in a space one-half inch in depth and at least two inches in width, defined by light horizontal lines, with a blank space on the left thereof one-fourth of an inch in size enclosed on all sides by light lines, which space shall be known as the voting space. When two or more persons in the same party column are to be voted for for the same office and for the same term, the title of the office shall be printed in the first space only. On the right of each ballot shall be a column in which shall be printed only the titles of the offices for which candidates may be voted for by electors at the polling place for which the ballot is printed. Such column shall be designated "Blank Column" and in such column the voting space shall be omitted, but in all other respects such blank column shall be a duplicate of the political party column upon each ballot. The titles of the offices to be voted for shall be printed in eight-point Gothic type and the names of the candidates shall be printed upon the face of the ballots in black ink in spaces one-half inch in depth and in type of uniform size and style to be prescribed by the secretary of the state. The names of candidates shall be arranged in such order as the secretary of the state directs, precedence being given to the candidates of the party which polled the highest number of votes for governor at the last-preceding regular election for such office, and so on in descending order.

(1949 Rev., S. 1038, 1042; 1953, S. 755d; P.A. 87-382, S. 31, 55.)

**Sec. 9-280. Sample ballots.** In addition to the official ballots delivered to each municipal clerk, the secretary of the state shall, at least one week before any election, send to the clerk of any municipality in which any election is to be held a number of sample ballots for general distribution, printed on pink paper, such number to be equal to twenty-five per cent of the total number of official ballots sent to such municipality, and the expense of printing such ballots shall be paid by the municipality. The expense of delivery of all official and sample ballots provided for by this part shall be prepaid by the state. Any person desiring an additional number of sample ballots may obtain the same by filing with the secretary of the state, within three days after all nominations have been made, an application therefor, and by paying to said secretary the actual cost thereof; and said secretary shall deliver such sample ballots at least one week before the election at which the official ballots are to be used.

(1949 Rev., S. 1046; 1953, S. 756d.)

**Sec. 9-281. Insertion on ballot on death of nominee.** If a nomination is made as provided in section 9-460 and is certified to the secretary of the state at least twenty-four hours prior to the opening of the polls on the date of the election for which such nomination is made, the secretary of the state shall print ballots having the nomination thus made appearing thereon or, if such a nomination is made and certified in accordance with section 9-460 at a time when it is impossible for the secretary of the state to print ballots containing the name of the nominee designated pursuant to said section, the secretary of the state shall provide stickers to be inserted upon the official ballots designating the nominee thus named, and the moderator in each municipality affected shall cause such stickers to be pasted upon the official ballots before the same are handed to the electors on election day for voting. The provisions of this section shall not apply in the event of a nomination thus made and certified to the secretary of the state within twenty-four hours of the opening of the polls on the day of the election for which such nomination is made.

(1949 Rev., S. 1034; 1953, S. 757d; 1963, P.A. 17, S. 90.)

**Sec. 9-282. Ballot to resolve tie vote.** If the electors fail to choose a candidate for any office by reason of an equality of votes at any election, and no provision is otherwise made by law for the election of a candidate to such office, such election shall stand adjourned for one week at the same hour at which the first election was held. Official ballots of the same form and description as hereinbefore described, except that such ballots shall contain only the names of the candidates for which the same are to be voted, shall be used in the election on such adjourned day, and the election shall be conducted in the same manner as on the first day, except that the ballots shall be given for such officer only. Ballots for such election shall be procured forthwith from the secretary of the state by the clerk of the municipality wherein such election stands adjourned, and such clerk shall furnish the secretary of the state with an accurate list of all candidates to be voted for at such adjourned election.

(1949 Rev., S. 1085; 1953, S. 758d.)

**Sec. 9-283. Secretary to transmit ballots.** The secretary of the state shall transmit the ballots so printed and prepared, folded in the manner in which they are to be voted, to the town clerk of each town or, in the case of a city or borough election, to the city or borough clerk, as the case may be, so that they shall be received by such clerk at least two days, Sundays not included, before the opening of the polls. The clerk of such municipality shall, by himself or agent, upon request of the secretary of the state, procure such ballots from the office of the secretary of the state and receipt for the same.

(1949 Rev., S. 1047; 1953, S. 759d.)

**Sec. 9-284. Clerks to obtain ballots if not received two days before election.** In the case of a state or town election, the town clerk and, in the case of a city or borough election, the city or borough clerk, if ballots are not received from the secretary of the state as provided in section 9-283 at least two days, Sundays not included, prior to the time for the opening of the polls at any such election, shall forthwith send a special messenger for such ballots.

(1949 Rev., S. 1049; 1953, S. 760d.)

**Sec. 9-285. Packaging of ballots; method of opening.** The ballots shall be enclosed and sealed in packages, upon the wrapper of which shall appear the number of ballots contained therein and the municipality, ward or voting district for which they are intended. Each package shall be contained in an outer wrapper upon which shall plainly appear the name of the municipal clerk and the address to which such package is to be sent, together with a facsimile of the state seal and such other markings as the secretary of the state deems necessary. The municipal clerk receiving such package shall remove the outer wrapper and shall deliver such package with the inner wrapper intact to the ballot clerk of the municipality or ward or voting district therein, for which such ballots are intended for use, at least thirty minutes before the opening of the polls, and the ballot clerks shall give a receipt to the municipal clerk for the ballots so delivered. Such municipal clerk shall, in the presence of the registrars of voters, open and break the seal of such inner wrapper and in their presence examine such ballots for the purpose of verifying their correctness; and, if such ballots are found correct, such inner wrapper shall be immediately resealed and such municipal clerk and registrars shall sign their names or initials on such new seal in the presence of each other.

(1949 Rev., S. 1048; 1953, S. 761d.)

**Sec. 9-286. Ballot box sealing stamp.** The secretary of the state shall, at the time when he distributes the official ballots for any regular election, furnish to each municipal clerk to whom ballots are so distributed one adhesive ballot box sealing stamp for each ballot box to be used in such election, which stamp shall be of cloth-lined paper and shall not be less than five and one-fourth inches in width by thirty-two inches in length, upon the face of which shall be printed a facsimile of the seal of the state and the date of the election. The clerk of each municipality in which an election is to be held shall notify the secretary of the state, not less than ten days before the date of such election, of the number of ballot boxes to be used in such municipality in such election.

(1949 Rev., S. 1073; 1953, S. 762d.)

**Sec. 9-287. Ballot box lock.** Each ballot box used in any election shall be provided with a lock which shall be set and securely fastened in a mortise so as to be flush with the side or surface of such box and so arranged as to be locked and unlocked by means of a key. The selectmen of each town shall provide the ballot boxes with such locks and keys; but, in any town in which the duties of selectmen, except as to the qualification and admission of electors, have been vested by law in other officials, the registrars shall provide such locks and keys.

(1949 Rev., S. 1076, 1077; 1953, S. 763d, 764d.)

**Sec. 9-288. Clerks to be custodians of keys.** The keys for each of such locks shall be labeled so as to readily show to what box they belong and shall be delivered by the selectmen or registrars, as the case may be, to the municipal clerk, who shall be the custodian thereof. Whenever any such ballot boxes are to be used at any election, the municipal clerk shall deliver the keys thereof to the moderator and, upon the completion of the count, and when such boxes have been locked and sealed, the moderator shall return all of such keys to the municipal clerk and receive a receipt therefor.

(1949 Rev., S. 1078; 1953, S. 765d.)

**Sec. 9-289. Selectmen to provide rooms or booths and ballot boxes.** The selectmen of each town, unless otherwise provided by law, shall provide a suitable room or rooms or booths for holding all elections at which paper ballots are to be used and shall give public notice of the location thereof at least one week before the day of such elections. The number of rooms or booths shall be one for each one hundred and fifty names on the last-completed registry list of the town, except that in towns having more than fifteen hundred names on such list there shall be one for each two hundred and fifty names. Such room or rooms or booths shall be supplied with necessary conveniences for electors to arrange their ballots. The interior of the rooms or booths shall be secure from outside observation, and such rooms or booths shall be located in or connected with the room where the ballot boxes shall be stationed. The selectmen shall provide the ballot box or boxes necessary for use at all such elections. Each such ballot box shall have an aperture in its lid for the purpose of depositing the ballots and shall be so constructed that, when the voting is completed, the aperture may be closed so that no ballots can afterward be put into the box without reopening it. In addition thereto, the selectmen shall prepare or cause to be prepared an additional box which shall be placed by the side of the ballot box, which box shall be constructed in the same manner as the ballot box, in which box all stubs torn or separated from



the ballots at the time of voting shall at such time be deposited. Such boxes shall be marked respectively "ballots" and "stubs", in order to designate the boxes in which the ballots and stubs shall be deposited, respectively.

(1949 Rev., S. 519, 1054; 1953, S. 766d.)

**Sec. 9-290. Ballot booth.** The selectmen shall provide, at the entrance into the enclosure prescribed by section 9-289, a ballot booth at which the elector shall obtain his ballot. Each ballot booth shall be in charge of two ballot clerks, not of the same political party, who shall be appointed by the registrars, one of whom shall deliver to such elector one official ballot and no more; but, in case any elector so defaces or injures any such ballot as to render it unfit for use, upon the return of such ballot to the ballot clerks, such clerks shall furnish him with another official ballot.

(1949 Rev., S. 1055; 1953, S. 767d.)

**Sec. 9-291. Arrangement of and admission to voting place.** The ballot box shall be open for the reception of votes in an enclosure which shall be so arranged that access to it shall be from the room or rooms, booth or booths, in which the electors prepare their ballots. The exit from such enclosure shall be into some other enclosure or hall or into a public street or square, and the partition separating it from the main hall shall not be less than three feet nor more than four feet in height. No person shall be allowed to enter or remain in the enclosure where the ballot box and stub box are placed, at any election held under the provisions of this part, except for the purpose of depositing his ballot, unless he is a moderator, box-tender, registrar, checker or challenger, except as hereinafter provided; provided there shall not be more than one challenger for each political party. An elector may be accompanied into the room or booth in which the electors prepare their ballots and into the enclosure where the ballot box and stub box are placed by one or more children who are ten years of age or younger and supervised by the elector. The moderator may admit into the enclosure where the ballot box and the stub box are placed any witnesses that may be required in cases of challenge, but only one at a time, and also such officers with power of arrest as may be required, but only when actually required to preserve order or enforce any of the provisions hereof. No person shall give or offer to any elector, in any such room or booth, any ballot to be used in voting, or place any ballots in such room or booth for the use of electors, or for any other purpose.

(1949 Rev., S. 1056; 1953, S. 768d; P.A. 87-251, S. 3.)

**Sec. 9-292. Method of voting.** To vote for candidates the elector shall place a cross (x), plus (+) or check (ü) in the voting space next to the left of the name of such candidate. When two or more candidates for the same office are to be elected, the elector shall make a cross (x), plus (+) or check (ü) in the voting space to the left of the names of all the candidates for that office for whom he desires to vote, the number voted for not to exceed the number of candidates who are to be elected. To vote for a registered write-in candidate, the elector shall write the name of such person under the title of the office in the blank space provided for that purpose in the blank column, and may make a cross (x), plus (+) or check (ü) after the name of such person. Any ballot marked in any manner other than as provided in this part and any ballot bearing any mark other than cross (x), plus (+) or check (ü) used for the purpose of voting shall be void; but this

provision shall not be so construed as to prevent any elector from writing the name of any candidate upon any ballot as hereinbefore provided.

(1949 Rev., S. 1040; 1953, S. 769d; 1963, P.A. 223, S. 3; P.A. 87-382, S. 32, 55.)

**Sec. 9-293. Method of balloting.** The moderator shall place the boxes before the box-tenders, in a location conveniently accessible to the electors, and publicly call upon the electors to bring in their ballots for such officers as are to be voted for. The electors shall, under the direction of the moderators in their respective towns or voting districts, lay the ballots, folded as provided in section 9-275, one at a time, on the lid of the ballot box. The box-tender shall, after the elector's name is found and checked on the registry list, and after any challenge of the vote has been decided in favor of the elector offering such ballot, and not before, tear or remove the stub from such ballot, and shall deposit the ballot in the box marked "ballots," without opening the same or exposing to view any part of its face, and shall deposit the stub in the box marked "stubs".

(1949 Rev., S. 1061; 1953, S. 770d.)

**Sec. 9-294. Deposit of ballots. Booth tenders.** The registrars of each town shall designate and appoint two persons to serve during the hours the polls are open, who shall have charge of the rooms or booths herein provided for. Only one elector at a time shall be permitted to enter the same room or booth to prepare his ballot, unless the elector, from physical infirmity, requires assistance, and the booth tenders shall see that the space is vacant before admitting an elector, and no person, while an elector is in such room or booth, shall attempt to learn about or observe the ballot prepared by such elector. No elector shall remain in the room or booth, while preparing his ballot, more than three minutes, and he shall thereupon pass out and into the enclosure where the ballot box and stub box are placed and, under the direction of the moderator, shall deposit his ballot upon the ballot box. Each person who has received an official ballot from any ballot clerk, and who, having passed into the enclosure where the ballot box and the stub box are placed, fails to deposit the same upon the ballot box as prescribed, shall immediately, and before leaving such enclosure, deliver the same to the moderator; and any person, having received an official ballot from either of such ballot clerks, who fails to pass with the same into the enclosure in which such ballot box and stub box are placed, shall immediately, and before leaving the room or booth in which such ballot clerks are stationed, return the same to such ballot clerks.

(1949 Rev., S. 1066; 1953, S. 771d.)

**Sec. 9-295. Improper marking or folding of ballot.** If any elector attempts to place in the box a ballot not folded within the booth as hereinbefore provided, the moderator or the box-tender in charge of the ballot box shall direct such elector to return to such booth for the purpose of folding his ballot. If any ballot contains a greater number of names voted for for any office than is provided by law, it shall render such ballot void as to such office only. If any ballot contains any mark or device other than as hereinbefore provided, so that the same may be identified in such a manner as to indicate who cast the same, or is folded otherwise than as delivered to the elector by the ballot clerk, the ballot shall not be counted, but shall be kept by the moderator and returned to the municipal clerk in the ballot box in a separate package from the ballots counted at such election; provided any extension of a cross, plus or check beyond the

square in which it is marked shall not invalidate a ballot if the elector's intent is clear and if it would not serve to identify the elector.

(1949 Rev., S. 1064; 1953, S. 772d; 1963, P.A. 223, S. 4.)

**Sec. 9-296. Box-tenders.** At each regular or special state, municipal or ward election the registrars of each town or voting district, as the case may be, shall appoint a suitable elector residing therein, for each ballot box, to be box-tender, and one or two others, as may be necessary, to be substitute box-tenders for each box, respectively. No person not so appointed shall have charge of any ballot box during the taking of any vote, and no known candidate for any office shall be moderator, or be put in charge of any box in which votes are cast for such office, or take part in the count thereof, except that candidates for registrar of voters may act as counters of votes cast in town elections. Any candidate who violates any provision of this section shall be fined not more than five hundred dollars.

(1949 Rev., S. 1058; 1953, S. 773d.)

**Sec. 9-297. Interference prohibited. Assistance of physically disabled persons.** No official or other person at any election shall, in the enclosure where the ballot box and stub box are placed, or in any room or booth herein mentioned, suggest to any elector the name of any political party or candidate for any office. No person shall assist or offer to assist any elector in the preparation of his ballot to be used in voting, unless appointed for that purpose by the moderator of the election. No elector shall receive such assistance unless he is physically incapable of preparing his ballot, and the moderator shall be the sole judge of such physical disability. In case of such physical disability, the moderator shall, upon the request of the elector, appoint two electors of different parties, and such persons shall render such assistance as the elector requires in the preparation of his ballot.

(1949 Rev., S. 1067; 1953, S. 774d.)

**Sec. 9-298. Removal of officials.** If, at any time during the performance of his duties, any counter, booth-tender, box-tender, ballot clerk or checker is, from any cause, found incompetent, the registrars may remove him and appoint a competent person in his stead.

(1949 Rev., S. 1082; 1953, S. 775d.)

**Sec. 9-299. Counters. Certificates. Declaration of vote.** At each election, each registrar shall appoint from one to five persons as may be necessary for each ballot box in his district, ward or town, who shall make the official count of the ballots in such box and of the stubs in the stub box. In appointing such counters, the registrars shall, upon request made to such registrars at least three days before the date of such election by the town committee of any party nominating candidates for the offices to be voted for at such election, and which has an organized state central committee or other similar form of state organization, appoint one counter to represent such party. Immediately after the ballot boxes are closed at such election, and not before, the counters shall, in public meeting, count the ballots and the stubs found in such boxes. In case of doubt or dispute as to the reading of a ballot or whether the ballot should be rejected for any cause, the moderator shall decide. All ballots rejected shall, after being endorsed upon the back thereof by the moderator with the cause of rejection, be preserved in a separate parcel, securely tied or sealed, and returned to the box with the valid votes. The official counters, immediately after the count is completed, shall, under their hands, or the hands of a majority of them, deliver

to the moderator a certificate, in duplicate, stating the number of ballots found in the box and, in case more than one box was used, the number found in each box, giving the number of ballots rejected for any cause and the number of votes counted for each candidate and office, respectively, and the number of stubs found in the stub box. The moderator shall, before adjournment, publicly declare the result of the count. Absentee ballots shall be counted at the same time and in the same manner as the official paper ballots.

(1949 Rev., S. 1071, 1146; 1953, S. 776d.)

**Sec. 9-300. Deposit of certificates.** The moderator shall forthwith endorse on such certificates, in writing signed by him, that such certificates show the result of the official count for each box, respectively, in his town or district. One of such certificates he shall place in the ballot box and seal up with the votes cast and returned to that box. The other, in towns not divided into voting districts, shall, on or before the following day, be deposited in the office of the town clerk by the moderator. In towns divided into voting districts, this second certificate shall forthwith be returned to the presiding officer by the assistant presiding officers. On or before the following day, the presiding officer shall deposit the certificates for his district with the town clerk, who shall carefully preserve the same on file in his office. The presiding officer, after having ascertained the result of the votes of the whole town, as given in the several districts, shall declare the same in open meeting at the polling place where he presides. Such meeting shall not be adjourned until such vote has been declared.

(1949 Rev., S. 1072; 1953, S. 777d.)

**Sec. 9-301. Ballot return by moderators for state elections.** The moderator of each election at which candidates for the offices of presidential electors, governor, lieutenant governor, secretary of the state, treasurer, comptroller, attorney general, United States senator, representative at large, representative in Congress, sheriff, state senator, judge of probate and state representative are voted for shall make out and return to the secretary of the state, with the list that he is required to send to said secretary under the provisions of section 9-314, a statement showing the number of ballots counted and returned to him by the checkers and counters.

(1949 Rev., S. 1081; 1953, S. 778d.)

**Sec. 9-302. Return of ballots to box; sealing and preservation.** All the ballots cast at any election shall, immediately after they are counted, be returned by the moderator to the ballot box or boxes, which shall, in the presence of two or more of the official counters and before the box or boxes have been removed from the enclosure where the ballots have been counted, be securely sealed and locked by the moderator, and the ballot box sealing stamp shall be signed by the registrars or deputy registrars of different parties and by the moderator, and the moderator shall apply said stamp securely to each ballot box so as to effectually seal the opening through which the ballots are deposited and also the keyhole of each of such ballot boxes and so that such boxes cannot be opened without breaking the ballot box stamp. The moderator shall thereupon deposit the box in the municipal clerk's office, to be opened and examined only by those officially authorized so to do, and such clerk shall carefully preserve such box with seal unbroken for one hundred eighty days after such election or until the termination of any judicial proceeding requiring the preservation of the ballots in such boxes, when he shall forthwith open such boxes and destroy such ballots without inspection. If such boxes are opened under authority of a judge

of the superior court charged with inquiring into an election, such judge shall see that all the ballots and the accompanying certificates are returned to the boxes and that the same are effectually sealed again.

(1949 Rev., S. 520, 1074, 1075; 1953, S. 779d; P.A. 87-382, S. 33, 55.)

**Sec. 9-303. Destruction of unused official ballots.** At the close of each election, the ballot clerks shall return to the municipal clerk all official ballots remaining in their possession and all mutilated ballots which have been returned to them, together with a statement of the number of ballots received by them, the number issued and the number returned; and, within ten days after the date of the election, the town clerk and, in case of city or borough elections, the city or borough clerk shall destroy such mutilated and unused ballots and make a sworn statement to the secretary of the state of the number so destroyed.

(1949 Rev., S. 1050; 1953, S. 780d.)

**Sec. 9-304. Fraudulent abstracting or intermingling of votes.** Any person who fraudulently abstracts any vote from the ballot box used at any election, within one hundred eighty days thereafter, or who, at such election or within one hundred eighty days thereafter, fraudulently intermingles any vote or votes with the votes legally deposited in any such box, shall be fined not more than five hundred dollars and imprisoned not more than two years nor less than six months and shall be disfranchised.

(1949 Rev., S. 1124; 1953, S. 781d; P.A. 87-382, S. 34, 55.)

**Sec. 9-305. Failure of moderator to return keys.** Any moderator who wilfully fails to return all ballot box lock keys to the town clerk within twenty-four hours after the ballot boxes have been locked shall be fined not more than five hundred dollars.

(1949 Rev., S. 1079; 1953, S. 782d.)

**Sec. 9-306. Penalties.** Any person, not expressly authorized thereto, who has in his possession any official ballot, and any person who makes or has in his possession any forged imitation of any official ballot, and any person who offers to anyone not authorized or permitted by law to have or receive an official ballot or who aids or knowingly permits any person to obtain possession of an official ballot, and any person who offers to aid or knowingly permits anyone to obtain possession of an official ballot for the purpose of using the same for any purpose not prescribed by law, and any person not authorized who gives or offers to any person an official ballot, and any person who offers to another any forged imitation of any official ballot or offers to the box-tender, for the purpose of voting the same, any ballot not an official ballot, and any person who offers any elector while he is in an election booth any ballot or places any ballot in such booth for the use of any elector or for any purpose, and any person, not by law authorized thereto, who receives any official ballot from any person not authorized by the provisions of this part to offer or give the same, and any person who receives an official ballot for the purpose of using the same for any other purpose or purposes than those expressly named by the provisions of this part, and any person who knowingly receives for the purpose of depositing the same in any ballot box any forged imitation of any official ballot, and any box-tender who knowingly deposits in any ballot box any ballot not an official ballot or any box-tender who knowingly deposits in any stub box any stub other than one torn or separated from a ballot offered by an elector while in the act of voting, and any person who imitates any

official ballot or prints or causes to be printed any ballot authorized by this part in any manner other than as prescribed by the secretary of the state, and any person who places upon any official ballot any mark or device for the purpose of enabling any person to identify the same as having been voted by himself or by any particular person, or who alters or changes any ballot by erasing or removing any name or names therefrom, and any person who attempts to ascertain or observe the ballot being voted by any elector while such elector is in any booth or enclosure so as to ascertain how such elector has voted, except as provided in this part, and any person who, having received his official ballot, leaves the voting place without having either delivered it to the box-tender or the moderator or returned it to a ballot clerk, and any person who prints or causes to be printed upon any official ballot the name of any person not a candidate of a party whose name is printed at the head of the column containing such party nominees or offers to any elector such ballot, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than five years or be both fined and imprisoned.

(1949 Rev., S. 1127; 1953, S. 783d.)

## CHAPTER 148

### ELECTION CANVASS AND RETURNS

**Sec. 9-307. Certificate of check lists.** Immediately after the polls are closed, the official checkers, appointed under the provisions of section 9-234, shall make and deliver to the moderator a certificate, in duplicate, stating the whole number of names on the registry list or enrolment list including, if applicable, unaffiliated electors authorized under section 9-431 to vote in the primary, and the number checked as having voted in that election or primary. For the purpose of computing the whole number of names on the registry list, the lists of persons who have applied for presidential or overseas ballots prepared in accordance with section 9-158h shall be included. Thereupon the registrars or assistant registrars, as the case may be, acting at the respective polls, shall write and sign with ink, on the list or lists so used and checked, a certificate of the whole number of names registered thereon eligible to vote in the election or primary and the number checked as having voted in that election or primary, and deposit it in the office of the municipal clerk of their town on or before the following day. The municipal clerk shall carefully preserve the same on file, with the marks on it without alteration, for public inspection, and shall immediately enter a certified copy of such certificate on the town records. Subject to the provisions of section 7-109, the municipal clerk may destroy any voting check list four years after the date upon which it was used. The moderator shall place one of the duplicate certificates which he received from the official checkers in the voting machine together with the moderator's return provided for in sections 9-259 and 9-310 and shall then lock the machine as provided in section 9-310, and he shall deposit the other of such duplicate certificates in the office of the municipal clerk on or before the following day.

(1949 Rev., S. 1070; 1953, S. 785d; 1957, P.A. 526, S. 1; 1963, P.A. 200; February, 1965, P.A. 365; P.A. 76-295, S. 15, 18; P.A. 77-245, S. 9; P.A. 86-179, S. 44, 53; P.A. 87-509, S. 11, 24; P.A. 88-364, S. 13, 123.)

**Sec. 9-308. Canvass of returns.** Immediately on the close of the polls, the election officials shall proceed to canvass the returns as provided in section 9-309 and shall not stop for

any purpose until the canvass is completed. The room in which such canvass is made shall be clearly lighted and such canvass shall be made in plain view of the public. No person or persons, during the canvass, shall close or cause to be closed the main entrance to the room in which such canvass is conducted, in such manner as to prevent ingress or egress thereby, but, during such canvass, no person other than the election officials shall be permitted to be on the side of the guard rail where the voting machine is located.

(1949 Rev., S. 1212; 1953, S. 786d; 1957, P.A. 526, S. 2.)

**Sec. 9-309. Procedure for announcing result.** As soon as the polls are closed, the moderator, in the presence of the other election officials, shall immediately lock the voting machine against voting and immediately open the counting compartments, giving a full view of all the counter numbers to all the election officials present. The moderator shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, giving the number indicated by each counter and indicating the candidate to whom such counter belongs, and shall read the votes recorded for each office on the voting machine ballot label. He shall also, in the same manner, announce the vote on each constitutional amendment, proposition or other question voted on. The vote so announced by the moderator shall be taken down by each checker and recorded on the tally sheets. Each checker shall record the number of votes received for each candidate on the voting machine ballot label and also the number received by each person for whom write-in ballots were cast. The counter compartment of the voting machine shall remain open until the statement of canvass and all other reports have been fully completed and signed by the moderator, checkers and registrars, or assistant registrars, as the case may be. The result of the votes cast shall be publicly announced by the moderator, who shall read the name of each candidate, with the designating number and letter of his counter and the machine vote registered on such counter and the absentee vote as furnished the moderator by the absentee ballot counters; also the vote cast for and against each question submitted. While such announcement is being made, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the moderator, checkers and registrars or assistant registrars, after which the doors of the voting machine shall be closed and locked. In canvassing, recording and announcing the result, the election officials shall be guided by any instructions furnished by the secretary of the state. If the machine is equipped with a device for printing totals of candidate and question counters, and the device has been made operational at the instruction of both registrars of voters, the doors concealing the counters shall not be opened. The printed record produced by the machine shall be the official return, and the results of the votes as shown thereon shall be proclaimed in the same manner as herein provided and ample opportunity shall be given to any person lawfully present to inspect such printed records. If the moderator finds that the printed record is not clear, the doors concealing the counters shall be opened and counting shall proceed as with a machine which does not have such a device.

(1949 Rev., S. 1213; 1953, S. 787d; 1957, P.A. 526, S. 3; February, 1965, P.A. 408, S. 2; 1969, P.A. 9, S. 1; P.A. 83-475, S. 23, 43.)

**Sec. 9-310. Locking of machine by moderator.** As soon as the count is completed and ascertained as required in this chapter and the moderator's return required under the provisions of

section 9-259 has been executed and a duplicate copy thereof placed in one of the machines, the moderator shall close and lock the counting compartments and seal the operating lever with a numbered metal seal, and the machine shall remain so locked against voting or being tampered with for a period of fourteen days, except as provided in section 9-311 or pursuant to an order issued by the State Elections Enforcement Commission. When write-in ballots have been voted, the moderator shall remove from the machines the portions of paper on which such ballots were written, enclose them in a properly secured sealed package, endorsed "write-in ballots", with the municipality and the ward or voting district therein indicated thereon, and shall file such package with the clerk of such municipality. If it is determined that a recanvass is required pursuant to section 9-311 or 9-311a, immediately upon such determination the machines, write-in ballots, absentee ballots, moderators' returns and all other notes, worksheets or written materials used at the election shall be impounded at the direction of the Secretary of the State. Such package shall be preserved for one hundred eighty days after such election and may be opened and its contents examined in accordance with section 9-311 or upon an order of a court of competent jurisdiction. At the end of one hundred eighty days, unless otherwise ordered by the court, such package and its contents may be destroyed. Any person who unlocks the voting or operating mechanism of the machine or the counting compartment after it has been locked as above directed or breaks or destroys or tampers with the seal after it has been affixed as above directed or changes the indication of the counters on any voting machine within fourteen days after the election or within any longer period during which the machine is kept locked as ordered by a court of competent jurisdiction or by the State Elections Enforcement Commission in any special case, except as provided in section 9-311, shall be imprisoned for not more than five years. Any machine may be released in less than fourteen days, for use in another election, by order of a court, if there is no disagreement as to the returns from such machine and no order directing impoundment has been issued by the State Elections Enforcement Commission.

(1949 Rev., S. 1214; 1953, S. 788d; 1957, P.A. 526, S. 4; 1963, P.A. 318, S. 4; P.A. 77-239, S. 2; P.A. 85-514, S. 3; P.A. 86-1, S. 3, 5; P.A. 87-382, S. 35, 55.; P.A. 95-88, S.2.)

**Sec. 9-311. Recanvass in case of discrepancy.** (a) If, within three days after an election, it appears to the moderator that there is a discrepancy in the returns of any voting district, such moderator shall forthwith within said period summon, by written notice delivered personally, the recanvass officials, consisting of the mechanic or mechanics, at least two checkers of different political parties and at least two absentee ballot counters of different political parties who served at such election, and the registrars of voters and the clerk of the municipality in which the election was held. Such written notice shall require such clerk to bring with him the depository envelopes required by section 9-150a, the package of write-in ballots provided for in section 9-310, the absentee ballot applications, the list of absentee ballot applications, the registry list and the moderators' returns and shall require such recanvass officials to meet at a specified time not later than the fifth business day after such election to recanvass the returns of a voting machine or voting machines or absentee ballots or write-in ballots used in such district in such election. If any of such recanvass officials are unavailable at the time of the recanvass, the registrar of voters of the same political party as that of the recanvass official unable to attend shall designate another elector having previous training and experience in the conduct of elections to take his place. Before such recanvass is made, such moderator shall give notice, in writing, to the chairman of the town committee of each political party which nominated



candidates for the election, and, in the case of a state election, to the Secretary of the State, of the time and place where such recanvass is to be made; and each such chairman may send two representatives to be present at such recanvass. Such representatives may observe, but no one other than a recanvass official may take part in the recanvass. If any irregularity in the recanvass procedure is noted by such a representative, he shall be permitted to present evidence of such irregularity in any contest relating to the election.

(b) The moderator shall determine the place or places where the recanvass shall be conducted and, if such recanvass is held before the machines are boxed and collected in the manner required by section 9-266, the moderator may either require that such recanvass of such machines be conducted in each place where the machines are located, or he may require that they be removed to one central place, where such recanvass shall be conducted. All recanvassing procedures shall be open to public observation. Such recanvass officials shall, in the presence of such moderator and clerk, make a record of the number on the seal and the number on the protective counter, if one is provided, on each voting machine specified by such moderator. Such clerk in the presence of such moderator shall turn over the keys of each such machine to such recanvass officials, and such recanvass officials, in the presence of such clerk and moderator, shall immediately proceed to open the counter compartment of each such machine and, without unlocking such machine against voting, recanvass the vote cast thereon, and shall then open the package of absentee ballots and recanvass the vote cast thereon. In the course of the recanvass of the absentee ballot vote the recanvass officials shall check all outer envelopes for absentee ballots against the inner envelopes for such ballots and against the registry list to verify postmarks, addresses and registry list markings and also to determine whether the number of envelopes from which absentee ballots have been removed is the same as the number of persons checked as having voted by absentee ballot. The write-in ballots shall also be recanvassed at this time. All of the recanvass officials shall use the same forms for tallies and returns as were used at the original canvass and the absentee ballot counters shall also sign the tallies.

(c) The votes shall be announced and recorded in the manner prescribed in section 9-309 on return forms provided by the municipal clerk and appended thereto shall be a statement signed by the moderator indicating the time and place of the recanvass and the names, addresses, titles and party affiliations of the recanvass officials. The write-in ballots shall be replaced in a properly secured sealed package. Upon the completion of such recanvass, such machine shall be locked and sealed, the keys thereof shall immediately be returned to such clerk and such machine shall remain so locked until the expiration of fourteen days after such election or for such longer period as is ordered by a court of competent jurisdiction. The absentee ballots shall be replaced in their wrappers and be resealed by the moderator in the presence of the recanvass officials. Upon the completion of such recanvass, such moderator and at least two of the recanvass officials of different political parties shall forthwith prepare and sign such return forms which shall contain a written statement giving the result of such recanvass for each machine and each package of absentee ballots whose returns were so recanvassed, setting forth whether or not the original canvass was correctly made and stating whether or not the discrepancy still remains unaccounted for. Such return forms containing such statement shall forthwith be filed by the moderator in the office of such clerk. If such recanvass reveals that the original canvass of returns was not correctly made, such return forms containing such statement so filed with the clerk shall constitute a corrected return. In the case of a state election, a recanvass return shall be made in duplicate on a form prescribed and provided by the Secretary of the State, and the

moderator shall file one copy with the Secretary of the State and one copy with the town clerk not later than ten days after the election. Such recanvass return shall be substituted for the original return and shall have the same force and effect as an original return.

(d) As used in this section, (1) "moderator" means, in the case of municipalities not divided into voting districts, the moderator of the election and, in the case of municipalities divided into voting districts, the head moderator of the election, and (2) "registrars of voters", in a municipality where there are different registrars of voters for different voting districts, means the registrars of voters in the voting district in which, at the last-preceding election, the presiding officer for the purpose of declaring the result of the vote of the whole municipality was moderator.

(1949 Rev., S. 1214; 1953, S. 789d; 1957, P.A. 526, S. 5; 1959, P.A. 527, S. 1; 1963, P.A. 311, S. 1; 1967, P.A. 885, S. 2; 1971, P.A. 836, S. 2; P.A. 77-239, S. 1; P.A. 85-382, S. 1; P.A. 93-30, S. 9, 14; P.A. 95-88, S.3.)

**Sec. 9-311a. Recanvass on close vote.** For purposes of this section, state, district and municipal offices shall be as defined in section 9-372 except that the office of presidential elector shall be deemed a state office. Forthwith after a regular or special election for municipal office, or forthwith upon tabulation of the vote for state and district offices by the secretary of the state, when at any such election the plurality of an elected candidate for an office over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast for the office but not more than two thousand votes, or (2) less than twenty votes, there shall be a recanvass of the returns of the voting machine or voting machines and absentee ballots used in such election for such office unless such defeated candidate or defeated candidates, as the case may be, for such office file a written statement waiving this right to such canvass with the municipal clerk in the case of a municipal office, or with the secretary of the state in the case of a state or district office. In the case of state and district offices, the secretary of the state upon tabulation of the votes for such offices shall notify the town clerks in the state or district, as the case may be, of the state and district offices which qualify for an automatic recanvass and shall also notify each candidate for any such office. When a recanvass is to be held the municipal clerk shall promptly notify the moderator, as defined in section 9-311, who shall proceed forthwith to cause a recanvass of such returns of the office in question in the same manner as is provided in said section 9-311. In addition to the notice required under section 9-311, the moderator shall before such recanvass is made give notice in writing of the time when, and place where, such recanvass is to be made to each candidate for a municipal office which qualifies for an automatic recanvass under this section. Nothing in this section shall preclude the right to judicial proceedings on behalf of a candidate under any provision of chapter 149. For the purposes of this section, "the total number of votes cast for the office" means in the case of multiple openings for the same office, the total number of electors checked as having voted in the state, district, municipality or political subdivision, as the case may be. When a recanvass of the returns for an office for which there are multiple openings is required by the provisions of this section, the returns for all candidates for all openings for the office shall be recanvassed. No one other than a recanvass official shall take part in the recanvass. If any irregularity in the recanvass procedure is noted by a candidate, he shall be permitted to present evidence of such irregularity in any contest relating to the election.

(1963, P.A. 185, S. 1; 1967, P.A. 885, S. 3; 1971, P.A. 542, S. 1; P.A. 80-281, S. 14, 31; P.A. 84-319, S. 37, 49; P.A. 85-382, S. 2.)

**Sec. 9-311b. Recanvass on tie vote.** If the electors fail to elect a candidate for any office by reason of an equality of votes at any election, there shall be a recanvass of the returns for such office unless, prior to the time of such recanvass, all but one of the candidates so receiving an equal number of votes dies, withdraws his name or for any reason becomes disqualified to hold such office.

(1963, P.A. 185, S. 2.)

**Sec. 9-312. Declaration of result; returns to secretary.** In each municipality divided into voting districts, unless otherwise provided by law, the head moderator shall be the presiding officer for the purpose of declaring the result of the vote of the whole municipality and of making returns to the secretary of the state, and the moderators in each of the voting districts shall be assistant presiding officers and shall make returns of their polls as required by law.

(1949 Rev., S. 1059; 1953, S. 790d; 1971, P.A. 836, S. 3.)

**Sec. 9-313. Forms for returns.** The secretary of the state shall transmit to the town clerk of each town, before each state election, blank forms for the returns required by this chapter, and such returns shall be made out, certified and directed according to such forms. The secretary of the state shall cause to be printed in the several blanks, for the use of moderators and counters, such names of candidates for the several offices to be voted for as are certified to him by the chairmen of the state committees of the several political organizations in the state.

(1949 Rev., S. 1083; 1953, S. 791d.)

**Sec. 9-314. Return of list of votes by moderator.** (a) The moderator of each state election in each town not divided into voting districts, and the head moderator in each town divided into voting districts shall make out a duplicate list of the votes given in his town for each of the following officers: Presidential electors, Governor, Lieutenant Governor, Secretary of the State, Treasurer, Comptroller, Attorney General, United States senator, representative in Congress, sheriff, state senator, judge of probate, state representative and registrars of voters when said officers are to be chosen. Included in said list shall be a statement of the total number of names on the official check list of such town and the total number checked as having voted. The moderator or head moderator, as the case may be, may transmit such list to the Secretary of the State by facsimile machine, provided the moderator shall also deliver one of such lists by hand in accordance with the provisions of this section. One of such lists he shall seal and deliver by hand either (1) to the Secretary of the State not later than six o'clock p.m. of the day after the election, or (2) to the state police not later than four o'clock p.m. of the day after the election, in which case the state police shall deliver it by hand to the Secretary of the State not later than six o'clock p.m. of the day after the election. Any such moderator or head moderator, as the case may be, who fails to so deliver such list to either the Secretary of the State or the state police by the time required shall pay a late filing fee of fifty dollars. The other of such lists he shall deliver to the clerk of such town on or before the day after such election. The Secretary of the State shall enter the returns in tabular form in books kept by him for that purpose and present a printed report of the same, with the name of, and the total number of votes received by, each of the candidates for said offices, to the General Assembly at its next session.

(b) The moderator of each municipal election in each town not divided into voting districts, and the head moderator in each town divided into voting districts shall forthwith transmit to the

Secretary of the State the results of the vote for each office contested at such election. Such moderator or head moderator shall include in such return a statement of the total number of names on the official check list of such town and the total number checked as having voted. Such return shall be on a form prescribed by the Secretary of the State.

(1949 Rev., S. 1080, 1081; 1953, S. 792d; 1963, P.A. 311, S. 2; April, 1964, P.A. 2, S. 4; 1971, P.A. 542, S. 3; 836, S. 4; P.A. 77-196, S. 2; P.A. 85-577, S. 7; P.A. 88-89; P.A. 93-384, S. 3; P.A. 95-171, S.10.)

**Sec. 9-315. Canvass for presidential electors, U.S. senator and members of Congress.**

The votes returned as cast for a senator in Congress, representatives in Congress and presidential electors shall be publicly counted by the treasurer, secretary of the state and comptroller on the last Wednesday of the month in which they were cast, and such votes shall be counted in conformity to any decision rendered by the judges of the supreme court as provided in section 9-323. In accordance with the count so made, they shall, on said day, declare what persons are elected senators in the Congress of the United States or representatives in Congress, and the secretary of the state shall forthwith notify them by mail of their election; and they shall declare the proper number of persons having the greatest number of votes to be presidential electors and, in case of an equal vote for said electors, shall determine by lot from the persons having such equal number of votes the persons appointed, and the secretary of the state shall forthwith notify them by mail of their appointment.

(1949 Rev., S. 1112; 1953, S. 793d; P.A. 85-577, S. 8.)

**Sec. 9-316. Canvass in vacancy election of U.S. senator or representative.** The treasurer, secretary of the state and comptroller shall, within thirty days after a vacancy election for a senator in Congress or representative in Congress, subject to the provisions of section 9-323, publicly count the votes returned, and declare what person is elected, and the secretary of the state shall forthwith notify him by mail of his election. The secretary of the state shall enter the returns in tabular form in books kept by him for that purpose and present a copy of the same, with the name of, and the total number of votes received by, each of the candidates for said office, to the governor within ten days thereafter.

(1949 Rev., S. 1111; 1953, S. 794d; P.A. 85-577, S. 9.)

**Sec. 9-317. Certification of election of U.S. senator.** When any senator in Congress has been elected, the governor shall certify his election under the seal of the state to the president of the senate of the United States, which certificate shall be countersigned by the secretary of the state.

(1949 Rev., S. 101; 1953, S. 795d.)

**Sec. 9-318. Canvass of votes for state officers.** The votes for governor, lieutenant governor, secretary of the state, treasurer, comptroller and attorney general shall be canvassed by the persons authorized to receive and count the same, within thirty days next after they were cast, unless a complaint under the provisions of section 9-324 is pending, in which case such canvass shall not be made until after the third Monday of December next after they were cast. In making such canvass, the votes upon the returns made by presiding officers shall be counted in conformity to the decision of the judge of the superior court or of the supreme court, as the case may be, and such canvass shall be in conformity to such decision, and a fair list of such votes made to conform to the original returns of the presiding officers, as corrected or affected by the

finding or decision of such judge, with the original returns of the presiding officers and certified copies of the decision of such judge, shall, on the first day of the session, be laid before the general assembly, which shall declare who are elected to said offices respectively.

(1949 Rev., S. 1108; 1953, S. 796d.)

**Sec. 9-319. Canvass of votes for state senators and representatives, judges of probate and sheriffs.** The votes for state senators, state representatives, judges of probate and sheriffs, as returned by the moderators, shall be canvassed, during the month in which they are cast, by the treasurer, secretary of the state and comptroller, and they shall declare, except in case of a tie vote, who is elected senator in each senatorial district, representative in each assembly district, judge of probate in each probate district and sheriff in each county. The secretary of the state shall, within three days after such declaration, give notice by mail to each person chosen state senator, state representative, judge of probate or sheriff of his election.

(1949 Rev., S. 1087; 1953, S. 797d; 1967, P.A. 557, S. 6.)

**Sec. 9-320. Returns of municipal elections by clerks. Elected town clerk who is registrar of vital statistics ex officio.** (a) The clerk of each municipality shall, within ten days after the municipal election, return to the secretary of the state a statement of the name, post-office address and term of each person elected to office in such election. If an elected town clerk is registrar of vital statistics, ex officio, such return shall so indicate. Each municipal clerk neglecting to make such return shall be fined not more than twenty-five dollars.

(b) The secretary of the state shall keep a record of the names of the registrars of vital statistics and town clerks so returned. The secretary may certify that the persons named in such record are the registrars of vital statistics or the town clerks, as the case may be, of their respective towns for the period for which they were respectively elected.

(1949 Rev., S. 523; 1953, S. 798d; P.A. 88-45, S. 1.)

**Sec. 9-321. Return by moderator of election of town clerk and registrar of vital statistics.** Section 9-321 is repealed.

(1949 Rev., S. 522; 1953, S. 799d; P.A. 88-45, S. 3.)

**Sec. 9-322. Failure of moderator to make returns.** Each moderator of an election who neglects to make any return required by law shall be fined twenty dollars.

(1949 Rev., S. 526; 1953, S. 257d.)

**Sec. 9-322a. Clerk to file listing of returns.** Within sixty days following each regular state election, the town clerk of each town divided into voting districts shall file with the secretary of the state a consolidated listing, in tabular or summary form, of the official returns of each such voting district for all offices voted on at such election, including the total number of votes cast for each candidate, the total number of names on the registry list, and the total number of names checked as having voted, in each such district. Each listing filed under this section shall be retained by the secretary of the state not less than ten years after the date of the election for which it was filed.

(P.A. 82-426, S. 13, 14.)

## CHAPTER 149

## **ELECTIONS AND PRIMARIES: CONTESTED**

**Sec. 9-323. Contests and complaints in election of presidential electors, U.S. senator and representative.** Any elector or candidate who claims that he is aggrieved by any ruling of any election official in connection with any election for presidential electors and for a senator in Congress and for representative in Congress or any of them, held in his town, or that there was a mistake in the count of the votes cast at such election for candidates for such electors, senator in Congress and representative in Congress, or any of them, at any voting district in his town, or any candidate for such an office who claims that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election, may bring his complaint to any judge of the Supreme Court, in which he shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to the election, it shall be brought within fourteen days of the election and such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, to the Secretary of the State, to the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge, with two other judges of the Supreme Court to be designated by the Chief Court Administrator, shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judges may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judges shall thereupon, in the case they, or any two of them, find any error in the rulings of the election official, any mistake in the count of such votes or any violation of said sections, certify the result of their finding or decision, or the finding or decision of a majority of them, to the Secretary of the State before the first Monday after the second Wednesday in December. Such judges may order a new election or a change in the existing election schedule. Such certificate of such judges, or a majority of them, shall be final upon all questions relating to the rulings of such election officials, to the correctness of such count and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers so as to conform to such finding or decision.

(1949 Rev., S. 1107; 1953, S. 801d; 1963, P.A. 307; P.A. 78-125, S. 6; P.A. 83-583, S. 2, 6; P.A. 84-511, S. 4, 15; P.A. 87-545, S. 1; P.A. 88-364, S. 14, 123; P.A. 95-88 S.4.)

**Sec. 9-324. Contests and complaints in election of state officers, sheriffs and judges of probate.** Any elector or candidate who claims that he is aggrieved by any ruling of any election official in connection with any election for Governor, Lieutenant Governor, Secretary of the State, Treasurer, Attorney General, Comptroller, sheriff or judge of probate, held in his town, or that there has been a mistake in the count of the votes cast at such election for candidates for said

offices or any of them, at any voting district in his town, or any candidate for such an office who claims that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election, may bring his complaint to any judge of the Superior Court, in which he shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to the election, it shall be brought within fourteen days of the election and such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, he may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall thereupon, in case he finds any error in the rulings of the election official, any mistake in the count of the votes or any violation of said sections, certify the result of his finding or decision to the Secretary of the State before the fifteenth day of the next succeeding December. Such judge may order a new election or a change in the existing election schedule. Such certificate of such judge of his finding or decision shall be final and conclusive upon all questions relating to errors in the rulings of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, unless the same is appealed from as provided in section 9-325.

(1949 Rev., S. 1105; 1953, S. 802d; 1963, P.A. 363; P.A. 78-125, S. 7; P.A. 83-583, S. 3, 6; P.A. 84-511, S. 5, 15; P.A. 87-545, S. 2; P.A. 95-88, S.5.)

**Sec. 9-325. Appeals and reservations of law to be taken to supreme court.** If, upon any such hearing by a judge of the superior court, any question of law is raised which any party to the complaint claims should be reviewed by the supreme court, such judge, instead of filing the certificate of his finding or decision with the secretary of the state, shall transmit the same, including therein such questions of law, together with a proper finding of facts, to the chief justice of the supreme court, who shall thereupon call a special session of said court for the purpose of an immediate hearing upon the questions of law so certified. A copy of the finding and decision so certified by the judge of the superior court, together with the decision of the supreme court, on the questions of law therein certified, shall be attested by the clerk of the supreme court, and by him transmitted to the secretary of the state forthwith. The finding and decision of the judge of the superior court, together with the decision of the supreme court on the

questions of law thus certified, shall be final and conclusive upon all questions relating to errors in the rulings of the election officials and to the correctness of such count and shall operate to correct the returns of the moderators or presiding officers so as to conform to such decision of said court. Nothing in this section shall be considered as prohibiting an appeal to the supreme court from a final judgment of the superior court. The judges of the supreme court may establish rules of procedure for the speedy and inexpensive hearing of such appeals within fifteen days of such judgment of a judge of the superior court.

(1949 Rev., S. 1106; 1953, S. 803d; P.A. 78-125, S. 10.)

**Sec. 9-326. Contest in election of sheriff or judge of probate.** Section 9-326 is repealed.

(1949 Rev., S. 1096; 1953, S. 804d; P.A. 78-125, S. 13.)

**Sec. 9-327. Bond of complainant.** The complainant in any complaint or proceeding under sections 9-323, 9-324, 9-328 or 9-329a, shall give a good and sufficient bond for prosecution for the payment of costs, and the judge or judges hearing such application shall make such order regarding the payment of the costs in such action as may be equitable and may render judgment and issue execution therefor.

(1949 Rev., S. 1113; 1953, S. 805d; P.A. 78-125, S. 8.)

**Sec. 9-328. Contests and complaints in election of municipal officers and nomination of justices of the peace.** Any elector or candidate claiming to have been aggrieved by any ruling of any election official in connection with an election for any municipal office or a primary for justice of the peace, or any elector or candidate claiming that there has been a mistake in the count of votes cast for any such office at such election or primary, or any candidate in such an election or primary claiming that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election or primary, may bring a complaint to any judge of the Superior Court for relief therefrom. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election or primary, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such election or primary, it shall be brought within fourteen days of such election or primary to any judge of the Superior Court, in which he shall set out the claimed errors of the election official, the claimed errors in the count or the claimed violations of said sections. Such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election or nomination may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, he may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made.



Such judge shall thereupon, if he finds any error in the rulings of the election official or any mistake in the count of the votes, certify the result of his finding or decision to the Secretary of the State before the tenth day succeeding the conclusion of the hearing. Such judge may order a new election or primary or a change in the existing election schedule. Such certificate of such judge of his finding or decision shall be final and conclusive upon all questions relating to errors in the ruling of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, except that this section shall not affect the right of appeal to the Supreme Court and it shall not prevent such judge from reserving such questions of law for the advice of the Supreme Court as provided in section 9-325. Such judge may, if necessary, issue his writ of mandamus, requiring the adverse party and those under him to deliver to the complainant the appurtenances of such office, and shall cause his finding and decree to be entered on the records of the Superior Court in the proper judicial district.

(1949 Rev., S. 527; 1953, S. 806d; 1957, P.A. 526, S. 7; 1963, P.A. 163; P.A. 74-109, S. 8, 11; P.A. 78-125, S. 9; P.A. 83-583, S. 4, 6; P.A. 84-511, S. 6, 15; P.A. 87-545, S. 3; P.A. 95-88, S.6.)

**Sec. 9-329. Appeal to supreme court.** Section 9-329 is repealed.

(1949 Rev., S. 528; 1953, S. 807d; P.A. 78-125, S. 13; 78-280, S. 2, 127.)

**Sec. 9-329a. (Formerly Sec. 9-449). Contests and complaints in connection with any primary.** Any elector or candidate aggrieved by a ruling of an election official in connection with any primary as provided in section 9-423, 9-424, 9-425 or 9-464 or who alleges that there has been a mistake in the count of the votes cast at such primary, or any candidate in such a primary who alleges that he is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such primary, may bring his complaint to any judge of the Superior Court for appropriate action. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such primary such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such primary it shall be brought, within fourteen days after such primary, to any judge of the Superior Court. Such judge shall forthwith order a hearing to be held upon such complaint upon a day not more than five nor less than three days after the making of such order, and shall cause notice of not less than three days to be given to any candidate or candidates in any way directly affected by the decision upon such hearing, to such election official, to the Secretary of the State, the State Elections Enforcement Commission and to any other person or persons, whom such judge deems proper parties thereto, of the time and place of the hearing upon such complaint. Such judge shall, on the day fixed for such hearing, and without delay, proceed to hear the parties and determine the result. If, after hearing, sufficient reason is shown, such judge may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall thereupon, if he finds any error in the ruling of the election official, any mistake in the count of the votes or any violation of said sections, certify the result of his finding or

decision to the Secretary of the State before the tenth day following the conclusion of the hearing. Such judge may (1) determine the result of such primary; (2) order a change in the existing primary schedule; or (3) order a new primary if he finds that but for the error in the ruling of the election official, any mistake in the count of the votes or any violation of said sections, the result of such primary might have been different and he is unable to determine the result of such primary. The certification by the judge of his finding or decision shall be final and conclusive upon all questions relating to errors in the ruling of such election official, to the correctness of such count, and, for the purposes of this section only, such alleged violations, and shall operate to correct any returns or certificates filed by the election officials, unless the same is appealed from as provided in section 9-325. In the event a new primary is held pursuant to such Superior Court order, the result of such new primary shall be final and conclusive unless a complaint is brought pursuant to this section. The clerk of the court shall forthwith transmit a copy of such findings and order to the Secretary of the State.

(June, 1955, S. 608d; November, 1955, S. N93; 1958 Rev., S. 9-121; 1963, P.A. 17, S. 73; 1969, P.A. 622, S. 1; P.A. 78-125, S. 12; P.A. 82-426, S. 7, 14; P.A. 83-583, S. 5, 6; P.A. 84-511, S. 7, 15; P.A. 86-164, S. 1, 2; P.A. 87-203, S. 1; 87-545, S. 4; P.A. 95-88, S.7.)

**Sec. 9-329b. Removal of candidate's name from ballot label.** At any time prior to a primary as provided in sections 9-423, 9-424, 9-425 and 9-464, or prior to any election, the superior court may issue an order removing a candidate from a ballot label where it is shown that said candidate is improperly on the ballot.

(P.A. 78-125, S. 5.)

**Sec. 9-330. Examination and testing of machine.** Any judge having jurisdiction over any action brought under section 9-323, 9-324 or 9-328 shall have the power, if sufficient reason is shown, to order the examination and testing of any voting machines.

(1957, P.A. 526, S. 8; P.A. 78-125, S. 11.)

**Sec. 9-331. Tie vote for or vacancy in office of sheriff.** If in any county two or more persons receive the greatest and an equal number of votes for sheriff, the secretary of the state, treasurer and comptroller shall immediately publish such fact, with the names of such persons, in one or more newspapers published in such county, and the next general assembly shall, on or before the second week of its session, choose one of such persons to be sheriff, to hold office during the regular term; but, if either of them has died, said assembly may choose any elector of such county to be sheriff for such county during such term. When there is a vacancy in the office of sheriff, the governor shall forthwith fill it until it is filled by the general assembly.

(1949 Rev., S. 1095; 1953, S. 809d.)

**Sec. 9-332. Adjourned election in tie vote. Withdrawal of candidate.** If the electors fail to choose a candidate for any office by reason of an equality of votes at any election, and no provision is otherwise made by law for the election of a candidate to such office, such election shall stand adjourned for three weeks at the same hour at which the first election was held. Ballot labels of the same form and description as described in sections 9-250 to 9-256, inclusive, except that such ballot labels shall contain only the names of the candidates for whom the same are to be voted, shall be used in the election on such adjourned day, and the election shall be conducted in the same manner as on the first day, except that the votes shall be cast for such officer only.

Ballot labels for such election shall be provided forthwith by the clerk of the municipality wherein such election stands adjourned, and such clerk shall furnish the Secretary of the State with an accurate list of all candidates to be voted for at such adjourned election. The clerk of the municipality wherein such election so stands adjourned shall, at least three days prior to the day of such adjourned election, give notice of the day, hours, place and purpose thereof by publishing such notice in a newspaper published in such municipality or having a circulation therein. No such election shall be held if prior to such election all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, and, in such event, the remaining candidate shall be deemed to be lawfully elected to such office. No withdrawal shall be valid until the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the Secretary of the State or, in the case of a municipal office, until the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the municipal clerk. When such an election is required to be held under the provisions of this section for any office other than a municipal office, and prior to such election all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, the Secretary of the State shall forthwith notify the clerk of each municipality wherein such election was to have been held of such fact, and shall forthwith direct each such clerk that such election shall not be held. In the case of a multiple opening office only the names of those candidates whose votes are equal shall be placed on the ballot label of the adjourned election.

(1949 Rev., S. 1085; 1953, S. 808d; 1959, P.A. 50; 1961, P.A. 259; P.A. 80-281, S. 15, 31; P.A. 95-88, S.8.)

## CHAPTER 150

### ELECTIONS: CAMPAIGN FINANCING

**Sec. 9-333. Application of provisions.** This chapter applies to: (1) The election, and all primaries preliminary thereto, of all public officials, except presidential electors, United States senators and members in Congress, (2) any referendum question, and (3) persons who are candidates in a primary for convention delegates. This chapter also applies, except for the provisions of sections 9-333m to 9-333v, inclusive, to persons who are candidates in a primary for town committee members.

(1949 Rev., S. 1155; 1953, S. 810d; 1967, P.A. 592, S. 16; P.A. 75-571, S. 1, 34; P.A. 86-99, S. 1, 34; P.A. 87-264, S. 1; P.A. 91-351, S. 1, 28.)

**Sec. 9-333a. General definitions.** As used in this chapter:

(1) "Committee" means a party committee, political committee or a candidate committee organized, as the case may be, for a single primary, election or referendum, or for ongoing political activities, to aid or promote the success or defeat of any political party, any one or more candidates for public office or the position of convention delegate or town committee member or any referendum question.

(2) "Party committee" means a state central committee or a town committee. "Party committee" does not mean a party-affiliated or district, ward or borough committee which receives all of its funds from the state central committee of its party or from a single town

committee with the same party affiliation. Any such committee so funded shall be construed to be a part of its state central or town committee for purposes of this chapter.

(3) "Political committee" means (A) a committee organized by a business entity or organization, (B) persons other than individuals, or two or more individuals organized or acting jointly conducting their activities in or outside the state, (C) a committee established by a candidate to determine the particular public office to which he shall seek nomination or election, and referred to in this chapter as an exploratory committee or (D) a committee established by or on behalf of a slate of candidates in a primary for the position of convention delegate, but does not mean a candidate committee or a party committee.

(4) "Candidate committee" means any committee designated by a single candidate, or established with the consent, authorization or cooperation of a candidate, for the purpose of a single primary or election and to aid or promote his candidacy alone for a particular public office or the position of town committee member, but does not mean a political committee or a party committee.

(5) "National committee" means the organization which according to the bylaws of a political party is responsible for the day-to-day operation of the party at the national level.

(6) "Organization" means all labor organizations, (A) as defined in the Labor-Management Reporting and Disclosure Act of 1959, as from time to time amended, or (B) as defined in subdivision (9) of section 31-101, employee organizations as defined in subsection (d) of section 5-270 and subdivision (6) of section 7-467, bargaining representative organizations for teachers, any local, state or national organization, to which a labor organization pays membership or per capita fees, based upon its affiliation or membership, and trade or professional associations which receive their funds exclusively from membership dues, whether organized in or outside of this state, but does not mean a candidate committee, party committee or a political committee.

(7) "Business entity" means the following, whether organized in or outside of this state: Stock corporations, banks, insurance companies, business associations, bankers associations, insurance associations, trade or professional associations which receive funds from membership dues and other sources, partnerships, joint ventures, private foundations, as defined in Section 509 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; trusts or estates; corporations organized under sections 38a-175 to 38a-192, inclusive, 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, and chapters 594 to 597, inclusive; cooperatives, and any other association, organization or entity which is engaged in the operation of a business or profit-making activity; but does not include professional service corporations organized under chapter 594a and owned by a single individual, nonstock corporations which are not engaged in business or profit-making activity, organizations, as defined in subdivision (6) of this section, candidate committees, party committees and political committees as defined in this section. For purposes of this chapter, corporations which are component members of a controlled group of corporations, as those terms are defined in Section 1563 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be deemed to be one corporation.

(8) "Individual" means a human being, a sole proprietorship, or a professional service corporation organized under chapter 594a and owned by a single human being.

(9) "Person" means an individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, limited liability company or any other legal entity of any kind but does not mean the state or any political or administrative subdivision of the state.

(10) "Candidate" means an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter an individual shall be deemed to seek nomination for election or election if he has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary or (B) solicited or received contributions or made expenditures or given his consent to any other person to solicit or receive contributions or make expenditures with the intent to bring about his nomination for election or election to any such office. "Candidate" also means a slate of candidates which is to appear on the ballot in a primary for the position of convention delegate. For the purposes of sections 9-333 to 9-333l, inclusive, and section 9-333w, "candidate" also means an individual who is a candidate in a primary for town committee members.

(11) "Campaign treasurer" means the individual appointed by a candidate or by the chairman of a party committee or a political committee to receive and disburse funds on behalf of the candidate or committee.

(12) "Deputy campaign treasurer" means the individual appointed by the candidate or by the chairman of a committee to serve in the capacity of the campaign treasurer if the campaign treasurer is unable to perform his duties.

(13) "Solicitor" means an individual appointed by a campaign treasurer of a committee to receive, but not to disburse, funds on behalf of the committee.

(14) "Referendum question" means a question to be voted upon at any election or referendum, including a proposed constitutional amendment.

(15) "Lobbyist" means a lobbyist as defined in subsection (l) of section 1-91.

(16) "Business with which he is associated" means any business in which the contributor is a director, officer, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class. Officer refers only to the president, executive or senior vice-president or treasurer of such business.

(P.A. 86-99, S. 2, 34; P.A. 87-264, S. 2; 87-524, S. 1; 87-576, S. 1, 6; P.A. 89-211, S. 16; P.A. 91-351, S. 2, 28; P.A. 95-79, S.18.)

**Sec. 9-333b. Contribution defined.** (a) As used in this chapter, "contribution" means:

(1) Any gift, subscription, loan, advance, payment or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party;

(2) A written contract, promise or agreement to make a contribution for any such purpose;

(3) The payment by any person, other than a candidate or campaign treasurer, of compensation for the personal services of any other person which are rendered without charge to a committee or candidate for any such purpose;

(4) An expenditure when made by a person with the cooperation of, or in consultation with, any candidate, candidate committee or candidate's agent or which is made in concert with, or at the request or suggestion of, any candidate, candidate committee or candidate's agent; or

(5) Funds received by a committee which are transferred from another committee or other source for any such purpose.

(b) As used in this chapter, "contribution" does not mean:

- (1) A loan of money made in the ordinary course of business by a national or state bank;
- (2) Any communication made by a corporation, organization or association to its members, owners, stockholders, executive or administrative personnel, or their families;
- (3) Nonpartisan voter registration and get-out-the-vote campaigns by any corporation, organization or association aimed at its members, owners, stockholders, executive or administrative personnel, or their families;
- (4) Uncompensated services provided by individuals volunteering their time;
- (5) The use of real or personal property, and the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate or on behalf of a state central or town committee, in rendering voluntary personal services for candidate or party-related activities at the individual's residence, to the extent that the cumulative value of the invitations, food or beverages provided by the individual on behalf of any single candidate does not exceed two hundred dollars with respect to any single election, and on behalf of all state central and town committees does not exceed four hundred dollars in any calendar year;
- (6) The sale of food or beverage for use in a candidate's campaign or for use by a state central or town committee at a discount, if the charge is not less than the cost to the vendor, to the extent that the cumulative value of the discount given to or on behalf of any single candidate does not exceed two hundred dollars with respect to any single election, and on behalf of all state central and town committees does not exceed four hundred dollars in a calendar year;
- (7) Any unreimbursed payment for travel expenses made by an individual who on his own behalf volunteers his personal services to any single candidate to the extent the cumulative value does not exceed two hundred dollars with respect to any single election, and on behalf of all state central or town committees does not exceed four hundred dollars in a calendar year;
- (8) The payment, by a party committee, political committee or an individual, of the costs of preparation, display, mailing or other distribution incurred by the committee or individual with respect to any printed slate card, sample ballot or other printed list containing the names of three or more candidates;
- (9) The donation of any item of personal property by an individual to a committee for a fund-raising affair, including a tag sale or auction, or the purchase by an individual of any such item at such an affair, to the extent that the cumulative value donated or purchased does not exceed fifty dollars;
- (10) The purchase by an individual of tickets to any single fund-raising affair to the extent the aggregate purchase price of all such tickets does not exceed thirty dollars;
- (11) The purchase of advertising space which clearly identifies the purchaser, in a program for a fund-raising affair, provided the cumulative purchase of such space does not exceed two hundred fifty dollars from any single candidate or his committee with respect to any single election campaign or two hundred fifty dollars from any single party committee or other political committee in any calendar year if the purchaser is a business entity or fifty dollars for purchases by any other person;
- (12) The payment of money by a candidate to his candidate committee;
- (13) The donation of goods or services by a business entity to a committee for a fund-raising affair, including a tag sale or auction, to the extent that the cumulative value donated does not exceed one hundred dollars; or

(14) The advance of a security deposit by an individual to a telephone company, as defined in section 16-1, for telecommunications service for a committee, provided the security deposit is refunded to the individual.

(P.A. 86-99, S. 3, 34; P.A. 87-576, S. 2, 6; P.A. 91-407, S. 35, 42; P.A. 92-246, S. 2, 5; P.A. 95-144, S.5.)

**Sec. 9-333c. Expenditure defined.** (a) As used in this chapter, the term "expenditure" means:

(1) Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, when made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party;

(2) The transfer of funds by a committee to another committee.

(b) The term "expenditure" does not mean:

(1) A loan of money, made in the ordinary course of business, by a state or national bank;

(2) A communication made by any corporation, organization or association to its members, owners, stockholders, executive or administrative personnel, or their families;

(3) Nonpartisan voter registration and get-out-the-vote campaigns by any corporation, organization or association aimed at its members, owners, stockholders, executive or administrative personnel, or their families;

(4) Uncompensated services provided by individuals volunteering their time;

(5) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical, unless such facilities are owned or controlled by any political party, committee or candidate;

(6) The use of real or personal property, and the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate or on behalf of a state central or town committee, in rendering voluntary personal services for candidate or party-related activities at the individual's residence, to the extent that the cumulative value of the invitations, food or beverages provided by the individual on behalf of any single candidate for nomination or election does not exceed two hundred dollars with respect to any single election, and on behalf of all state central and town committees does not exceed four hundred dollars in a calendar year; or

(7) Any unreimbursed payment for travel expenses made by an individual who, on his own behalf, volunteers his personal services to any single candidate to the extent that the cumulative value does not exceed two hundred dollars with respect to any single election, and on behalf of all state or town committees does not exceed four hundred dollars in a calendar year.

(c) "Expense incurred but not paid" means any receipt of goods or services for which payment is required but not made or a written contract, promise or agreement to make an expenditure.

(P.A. 86-99, S. 4, 34.)

**Sec. 9-333d. Designation of campaign treasurer and depository institution. Certification. Persons authorized to receive contributions. Duties of campaign treasurer.**

(a) Except with respect to an individual acting on his own, no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a

designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds or (2) the candidate or, in the event of a referendum question, a group of individuals has filed a certification in accordance with the provisions of section 9-333f or 9-333g, as the case may be. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-333g shall constitute compliance with the provisions of this subsection.

(b) No contribution in aid of or in opposition to the candidacy of any person or to any party or referendum question shall be made at any time, except to the committee's campaign treasurer whose designation is on file with the proper authority, a solicitor, a candidate who is exempt from the requirement to form a candidate committee and has filed a certification, or a group of individuals which have joined solely to support or oppose a referendum question and have filed a certification.

(c) An individual who is designated as campaign treasurer of a committee shall be responsible for all duties required of him under this chapter until the committee is terminated. The campaign treasurer shall be relieved of such duties upon his permanent incapacity, resignation or replacement, provided a statement to that effect is filed with the proper authority, as provided in section 9-333e. In the event of the death of the campaign treasurer or after a statement has been filed concerning the campaign treasurer's incapacity, resignation or replacement, if a deputy campaign treasurer has been designated, the deputy campaign treasurer shall be responsible for all duties required of the campaign treasurer under this chapter until the candidate or chairman of the committee files with the proper authority a designation of a successor campaign treasurer. If a deputy campaign treasurer has not been designated, the candidate or chairman shall designate a successor campaign treasurer and file such designation with the proper authority not more than ten days after the death of the campaign treasurer or the filing of the statement of his incapacity, resignation or replacement.

(P.A. 86-99, S. 5, 34; P.A. 91-351, S. 3, 28; P.A. 96-119, S.11.)

**Sec. 9-333e. Filing of statements and certification.** (a) Statements filed by party committees, political committees formed to aid or promote the success or defeat of a referendum question proposing a constitutional convention, constitutional amendment or revision of the constitution, individual lobbyists, and those political committees and candidate committees formed to aid or promote the success or defeat of any candidate for the office of governor, lieutenant governor, secretary of the state, treasurer, comptroller, attorney general, sheriff, judge of probate and members of the general assembly, shall be filed with the office of the secretary of the state. A copy of each statement filed by a town committee shall be filed at the same time with the town clerk of the municipality in which the committee is situated. A political committee formed for a slate of candidates in a primary for the position of convention delegate shall file statements with both the secretary of the state and the town clerk of the municipality in which the primary is to be held.

(b) Statements filed by political committees formed solely to aid or promote the success or defeat of a referendum question to be voted upon by the electors of a single municipality and those political committees or candidate committees formed to aid or promote the success or defeat of any candidate for public office, other than those enumerated in subsection (a), or the position of town committee member shall be filed only with the town clerk of the municipality in



which the election or referendum is to be held. Each unsalaried town clerk shall be entitled to receive ten cents from the town for the filing of each such statement.

(c) A certification of a candidate who is exempt from the requirement of subsection (a) of section 9-333f to form a candidate committee shall be filed with the secretary of the state if the candidate seeks an office enumerated in subsection (a) of this section, or with the town clerk of the municipality in which the election is to be held if the candidate seeks an office other than those enumerated. A certification of a group of individuals who have joined solely to aid or promote a referendum question and who are exempt from the requirement to form a political committee under section 9-333g shall be filed with the town clerk of each municipality in which the referendum is to be held.

(P.A. 86-99, S. 6, 34; P.A. 88-364, S. 15, 123; P.A. 91-351, S. 4, 28; P.A. 93-251, S. 2, 5.)

**Sec. 9-333f. Formation of committee by candidate. Exceptions. Exploratory committees. Convention delegate slates.** (a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations with the proper authority as required by section 9-333e. The candidate may also designate a deputy campaign treasurer on such committee statement. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement.

(b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-333j shall not be required if the candidate files a certification with the proper authority required by section 9-333e, at any time prior to the acceptance of a contribution or making of an expenditure and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring his candidacy; (2) the candidate finances his campaign entirely from personal funds and does not solicit or receive contributions; or (3) the candidate does not receive or expend funds in excess of five hundred dollars. If the candidate no longer qualifies for the exemption under any of these conditions, he shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide his designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-333j. If the candidate no longer qualifies for the exemption due to the condition stated in his certification but so qualifies due to a different condition specified in this subsection, he shall file an amended certification with the proper authority and provide the new condition for his qualification not later than three business days following the change in circumstances of the financing of his campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter.

(c) The chairman of a political committee formed to support a single candidate for public office shall, not later than seven days after filing a statement of organization with the proper authority under section 9-333e, send the candidate a notice, by certified mail, of such filing. If a candidate (1) does not, within fourteen days after receiving such notice, disavow such committee, in writing, to the proper authority under section 9-333e, or (2) disavows such committee within

such period, but, at any time before such disavowal, accepts funds from the committee for his campaign, such committee shall be deemed to have been authorized by such candidate and shall constitute a candidate committee for the purposes of this chapter. No candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office except that a candidate may establish a single political committee, for a single election or primary, for the sole purpose of determining whether to seek (A) nomination or election to the General Assembly or (B) nomination or election to any public office other than the General Assembly. The candidate shall designate such purpose on the statement of organization. Not later than fifteen days after a public declaration by the candidate of his intention to seek nomination or election to the General Assembly or any other particular public office, the candidate shall form a single candidate committee.

(d) A slate of candidates in a primary for the position of delegate to the same convention shall designate a chairperson to form a single political committee to comply with the requirements of section 9-333g, except if the individuals on the slate unanimously consent to have their campaign financed solely by a town committee or by the candidate committee of a candidate for state or district office to which they are committed, and such committee or candidate consents to such financing by filing a statement of consent with both the Secretary of the State and the town clerk of the municipality in which the primary is to be held.

(P.A. 86-99, S. 7, 34; P.A. 87-576, S. 3, 6; P.A. 88-83, S. 1, 3; P.A. 90-267, S. 2; P.A. 91-351, S. 5, 28; P.A. 94-143, S. 1, 6; P.A. 95-87 S.2; 95-144, S.6.)

**Sec. 9-333g. Political committees; designation of campaign treasurer; statement of organization, time for filing, contents of statement. Exception.** (a) The chairperson of each political committee shall designate a campaign treasurer and may designate a deputy campaign treasurer. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting the designation. The chairperson of each political committee shall file a statement of organization Along with the statement signed by the designated campaign treasurer and deputy campaign treasurer with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a statement.

(b) The statement shall include: (1) The name and address of the committee; (2) a statement of the purpose of the committee; (3) the name and address of its campaign treasurer, and deputy campaign treasurer if applicable; (4) the name, address and position of its chairman, and other principal officers if applicable; (5) the name and address of the depository institution for its funds; (6) the name of each person, other than an individual, that is a member of the committee; (7) the name and party affiliation of each candidate whom the committee is supporting and the office or position sought by each candidate; (8) if the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party; (9) if the committee is supporting or opposing any referendum question, a brief statement identifying the substance of the question; (10) if the committee is established by a business entity or organization, the name of the entity or organization; (11) if the committee is established by an organization, whether it will receive its funds from the organization's treasury or from voluntary contributions; (12) if the committee files reports with the Federal Elections Commission or any out-of-state agency, a statement to that

effect including the name of the agency; (13) a statement indicating whether the committee is established for a single primary, election or referendum or for ongoing political activities; and (14) if the committee is established by or on behalf of a lobbyist, a statement to that effect and the name of the lobbyist.

(c) The chairman of each political committee shall report any addition to or change in information previously submitted in a statement of organization to the proper authority within ten days after the addition or change.

(d) A group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall not be required to file as a political committee, make such designations in accordance with subsections (a) and (b) of this section or file statements pursuant to section 9-333j, if the group does not receive or expend in excess of five hundred dollars for the entire campaign and the agent of such individuals files a certification with the proper authority or authorities as required under section 9-333e before an expenditure is made. The certification shall include the name of the group, or the names of the persons who comprise the group, and the name and address of the agent which shall appear on any communication paid for or sponsored by the group as required by section 9-333w. If the group receives or expends in excess of five hundred dollars, the agent shall complete the statement of organization and file as a political committee not later than three business days thereafter. The agent shall provide the designated campaign treasurer with all information required for completion of the statements for filing as required by section 9-333j. The filing of a certification under this subsection shall not relieve the group from compliance with the provisions of this chapter, and the group shall be considered a political committee established solely for a referendum question for purposes of the limitations on contributions and expenditures.

(P.A. 86-99, S. 8, 34; P.A. 87-524, S. 2, 7; P.A. 88-296, S. 1, 2; P.A. 91-351, S. 6, 28; P.A. 95-144, S.7; P.A. 96-119, S.8.)

**Sec. 9-333h. Duties and qualifications of campaign treasurers. Appointment and duties of solicitors.** (a) The campaign treasurer of each committee shall be responsible for (1) depositing, receiving and reporting all contributions and other funds in the manner specified in section 9-333j, (2) making and reporting expenditures, (3) reporting expenses incurred but not yet paid, (4) filing the statements required under section 9-333j, and (5) keeping internal records of each entry made on such statements. The campaign treasurer of each committee shall deposit contributions in the committee's designated depository within seven days after receiving them. The campaign treasurer of each political committee or party committee which makes a contribution of goods to another committee shall send written notice to the campaign treasurer of the recipient committee before the close of the reporting period during which the contribution was made. The notice shall be signed by the campaign treasurer of the committee making the contribution and shall include the full name of such committee, the date on which the contribution was made, a complete description of the contribution and the value of the contribution. Any dispute concerning the information contained in such notice shall be resolved by the campaign treasurer of the recipient committee. Such resolution shall not impair in anyway the authority of the State Elections Enforcement Commission under section 9-7b. The campaign treasurer of the recipient committee shall preserve each such notice received for the period prescribed by subsection (f) of section 9-333i.

(b) A contribution in the form of a check drawn on a joint bank account shall, for the purpose of allocation, be deemed to be a contribution made by the individual who signed the

check. If a check is signed by more than one individual, the total amount of the check shall be divided equally among the cosigners for the purpose of allocation. If a committee receives an anonymous contribution of more than fifteen dollars the campaign treasurer shall immediately remit the contribution to the State Treasurer. The State Treasurer shall deposit the contribution in the General Fund.

(c) The campaign treasurer of each committee, other than a political committee established by an organization which receives its funds from the organization's treasury, may appoint solicitors. If solicitors are appointed, the campaign treasurer shall receive and report all contributions made or promised to each solicitor. Each solicitor shall submit to the campaign treasurer a list of all contributions made or promised to him. The list shall be complete as of seventy-two hours immediately preceding midnight of the day preceding the dates on which the campaign treasurer is required to file a sworn statement as provided in section 9-333j. Lists shall be received by the campaign treasurer not later than twenty-four hours immediately preceding each required filing date. Each solicitor shall deposit all contributions with the campaign treasurer, within ten days after receipt. No solicitor shall expend any contributions received by him or disburse such contributions to any person other than the campaign treasurer.

(d) No person shall act as a campaign treasurer or deputy campaign treasurer unless he is an elector of this state, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating him as campaign treasurer or deputy campaign treasurer has been filed in accordance with section 9-333e. In the case of a political committee, the filing of a statement of organization by the chairman of the committee, in accordance with the provisions of section 9-333g, shall constitute compliance with the filing requirements of this section. No provision of this subsection shall prevent the campaign treasurer, deputy campaign treasurer or solicitor of any committee from being the campaign treasurer, deputy campaign treasurer or solicitor of any other committee or prevent any committee from having more than one solicitor, but no candidate shall have more than one campaign treasurer. A candidate shall not serve as his own campaign treasurer or deputy campaign treasurer, except that a candidate who is exempt from forming a candidate committee under subsection (b) of section 9-333f and has filed a certification that he is financing his campaign from his own personal funds or is not receiving or expending in excess of five hundred dollars may perform the duties of a campaign treasurer for his own campaign.

(P.A. 86-99, S. 9, 34; P.A. 91-351, S. 7, 28; P.A. 94-143, S. 2, 6; P.A. 96-119, S.12.)

**Sec. 9-333i. Making of expenditures. (a) Authorization by campaign treasurer.** No financial obligation shall be incurred by a committee unless authorized by the campaign treasurer, except that certain expenditures of a candidate's personal funds may be reimbursed as provided in subsection (k) of this section.

**(b) Nonliability for unauthorized debts.** No candidate, campaign treasurer, or committee shall be liable for any debt incurred in aid of or in opposition to any political party, referendum question or the candidacy of any person or persons for said offices or positions unless such debt was incurred pursuant to an authorization issued under subsection (a) of this section.

**(c) Election day expenditures.** On any day on which an election or primary is being held, the campaign treasurer of any committee which functions as a town committee may give a check to one individual in each voting district of the municipality in which the election or primary is being held. The check shall be drawn by the campaign treasurer against the committee's

depository institution account to the order of such individual in an amount not to exceed two hundred fifty dollars. Such individual may use the proceeds of the check to make cash expenditures in such voting district for per diem allotments to campaign workers, or expenses incurred by campaign workers on election or primary day, including but not limited to, food, beverages, gasoline and other similar ordinary and necessary expenses. Such individual shall submit to the campaign treasurer, within forty-eight hours after the closing of the polls, a detailed accounting of all such expenditures. The campaign treasurer shall report the names of all such individuals and the expenditures made by them in accordance with the provisions of section 9-333j.

**(d) Payment by treasurer.** Except as provided in subsections (j) and (k) of this section, no payment in satisfaction of any financial obligation incurred by a committee shall be made by or accepted from any person other than the campaign treasurer and then only according to the tenor of an authorization issued pursuant to subsection (a) of this section.

**(e) Method of payment. Petty cash fund.** Any such payment shall be by check drawn by the campaign treasurer, on the designated depository. Each such treasurer may draw a check, not to exceed one hundred dollars, to establish a petty cash fund and may deposit additional funds to maintain it, but the fund shall not exceed one hundred dollars at any time. All expenditures from a petty cash fund shall be reported in the same manner as any other expenditure.

**(f) Preservation of internal records, checks and bank statements.** The campaign treasurer shall preserve all internal records of transactions entered in reports filed pursuant to section 9-333j for four years from the date of the report in which the transactions were entered. If any checks are issued pursuant to subsection (e) of this section, the campaign treasurer who issued them shall preserve all cancelled checks and bank statements for four years from the date on which they were issued. In the case of a candidate committee, the campaign treasurer or the candidate, if the candidate so requests, shall preserve all internal records, cancelled checks and bank statements for four years from the date of the last report required to be filed under subsection (a) of section 9-333j.

**(g) (1) Permissible expenditures.** As used in this subsection, (A) "the lawful purposes of his committee" means: (i) For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee; (ii) for a political committee, the promoting of the success or defeat of candidates for nomination and election to public office or position subject to the requirements of this chapter, or the success or defeat of referendum questions, provided a political committee formed for a single referendum question shall not promote the success or defeat of any candidate, and provided further a political committee designated by the majority of the members of a political party who are also members of the state House of Representatives or the state Senate may expend funds to defray costs of its members for conducting legislative or constituency-related business which are not reimbursed or paid by the state; and (iii) for a party committee, the promoting of the party, the candidates of the party and continuing operating costs of the party, and (B) "immediate family" means a spouse or dependent child of a candidate who resides in the candidate's household.

(2) Unless otherwise provided by this chapter, any campaign treasurer, in accomplishing the lawful purposes of his committee, may pay the expenses of: (A) Advertising in electronic and print media; (B) any other form of printed advertising or communications including "thank you" advertising after the election; (C) campaign items, including, but not limited to, brochures, leaflets, flyers, invitations, stationery, envelopes, reply cards, return envelopes, campaign

business cards, direct mailings, postcards, palm cards, "thank you" notes, sample ballots and other similar items; (D) political banners and billboards; (E) political paraphernalia, which is customarily given or sold to supporters including, but not limited to, campaign buttons, stickers, pins, pencils, pens, matchbooks, balloons, pads, calendars, magnets, key chains, hats, tee shirts, sweatshirts, frisbees, pot holders, jar openers and other similar items; (F) purchasing office supplies for campaign or political purposes, campaign photographs, raffle or other fund-raising permits required by law, fund-raiser prizes, postage, express mail delivery services, bulk mail permits, and computer supplies and services; (G) banking service charges to maintain campaign and political accounts; (H) subscriptions to newspapers and periodicals which enhance the candidacy of the candidate or party; (I) lease or rental of office space for campaign or political purposes and expenses in connection therewith including, but not limited to, furniture, parking, storage space, utilities and maintenance, provided a party committee or political committee organized for ongoing political activities may purchase such office space; (J) lease or rental of vehicles for campaign use only; (K) lease, rental or use charges of any ordinary and necessary campaign office equipment including, but not limited to, copy machines, telephones, postage meters, facsimile machines, computer hardware, software and printers, provided a party committee or political committee organized for ongoing political activities may purchase office equipment, and provided further that a candidate committee or a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, may purchase computer equipment; (L) compensation for campaign or committee staff, fringe benefits and payroll taxes, provided the candidate and any member of his immediate family shall not receive compensation; (M) travel, meals and lodging expenses of speakers, campaign or committee workers, the candidate and the candidate's spouse for political and campaign purposes; (N) fund raising; (O) reimbursements to candidates and campaign or committee workers made in accordance with the provisions of section 9-333i for campaign-related expenses for which a receipt is received by the campaign treasurer; (P) campaign or committee services of attorneys, accountants, consultants or other professional persons for campaign activities, obtaining or contesting ballot status, nomination, or election, and compliance with this chapter; (Q) purchasing campaign finance reports; (R) repaying permissible campaign loans made to the committee that are properly reported and refunding contributions received from an impermissible source or in excess of the limitations set forth in this chapter; (S) conducting polls concerning any political party, issue, candidate or individual; (T) gifts to campaign or committee workers or purchasing flowers or other commemorative items for political purposes not to exceed fifty dollars to any one recipient in a calendar year or for the campaign, as the case maybe; (U) purchasing tickets or advertising from charities, inaugural committees, or other civic organizations if for a political purpose, for any candidate, a candidate's spouse, a member of a candidate's campaign staff, or members of committees; (V) the inauguration of an elected candidate by that candidate's candidate committee; (W) hiring of halls, rooms, music and other entertainment for political meetings and events; (X) reasonable compensation for public speakers hired by the committee; (Y) transporting electors to the polls and other get-out-the-vote activities on election day, and (Z) any other necessary campaign or political expense.

(3) Nothing in this section shall prohibit a candidate from purchasing equipment from his personal funds and leasing or renting such equipment to his candidate committee or his exploratory committee, provided the candidate and his campaign treasurer sign a written lease or rental agreement. Such agreement shall include the lease or rental price, which shall not exceed

the fair lease or rental value of the equipment. The candidate shall not receive lease or rental payments which in the aggregate exceed his cost of purchasing the equipment.

(4) As used in this subdivision, expenditures for "personal use" include expenditures to defray normal living expenses for the candidate or the immediate family of the candidate and expenditures for the personal benefit of the candidate having no direct connection with, or effect upon, the campaign of the candidate. No goods, services, funds and contributions received by any committee under this chapter shall be used or be made available for the personal use of any candidate. No candidate or candidate committee shall use such goods, services, funds or contributions for any purpose other than campaign purposes permitted by this chapter or expenses incurred in preparation for taking office.

**(h) Honoraria, gifts or compensation for elected public officials.** No campaign treasurer of a political committee may provide an honorarium to, compensate or make a gift to, any elected public official who is subject to the provisions of this chapter, for any speaking engagement or other services rendered on behalf of such committee, except that the provisions of this subsection shall not apply to: (1) Reimbursement for actual travel expenses or food and beverage for the personal consumption of such public official or members of his immediate family, in connection with the rendering of any such services by the public official; or (2) any contribution made to such public official in connection with his campaign for nomination or election to an office or position included in this chapter, which is reported in accordance with the provisions of this chapter. Except as provided in this subsection, no such elected public official may receive any gift, honorarium or compensation from a political committee.

**(i) Expenses for election contest.** The right of any person to expend money for proper legal expenses in maintaining or contesting the results of any election shall not be affected or limited by the provisions of this chapter.

**(j) Reimbursements to candidates and committee workers.** A candidate or his committee worker shall be reimbursed by the campaign treasurer for any permissible expenditure which the candidate or committee worker has paid from his own personal funds if (1) the campaign treasurer authorized the expenditure, (2) the candidate or worker provides the campaign treasurer with a written receipt from the vendor proving his payment of the expenditure, and (3) in the case of a reimbursement to the candidate, a detailed accounting of the expenditure is included in the report of the campaign treasurer. The campaign treasurer shall preserve all such receipts for the same period of time as required in the case of cancelled checks, except that the campaign treasurer of a candidate committee may, upon request of the candidate, give such receipts to the candidate to keep for such period.

**(k) Campaign expenses paid by candidate.** A candidate shall report to his campaign treasurer each campaign expenditure of more than fifty dollars which he has made directly from his own personal funds, except those expenditures for his own telephone calls, travel and meals for which the candidate does not seek reimbursement from his committee, by the close of the reporting period in which the expenditures were made. The candidate shall indicate whether or not he expects reimbursement by the committee. The campaign treasurer shall report all such reimbursed and non reimbursed expenditures as "campaign expenses paid by the candidate" on the sworn financial statements he is required to file in accordance with section 9-333j and in the same manner as committee expenditures.

**(l) Political committee checks to committees.** Each check issued by the campaign treasurer of a political committee to a candidate committee, party committee or another political

committee (1) shall have typed, stamped, or printed other than by hand, on its face, the name and address of the political committee making the contribution and (2) shall legibly indicate the name of the campaign treasurer of the political committee.

**(m) Obligations and restrictions imposed on certifying candidates.** Any obligation or restriction imposed by this section and sections 9-333j, 9-333l, 9-333m, 9-333o, 9-333q, 9-333r, 9-333t, 9-333v, 9-333w, 9-333x and 9-333y on a campaign treasurer or a candidate committee shall be deemed to be imposed on any candidate who is exempt from forming a candidate committee and has filed a certification pursuant to subsection (b) of section 9-333f with the proper authority

(P.A. 86-99, S. 10, 34; P.A. 91-351, S. 810, 28; P.A. 94-143, S. 3, 6; P.A. 95-276, S.1.)

**Sec. 9-333j. Statements to be filed by campaign treasurers. Treatment of surplus or deficit.** (a) **Filing dates.** (1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-333e, (A) on the second Thursday in the months of January, April, July and October, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, and (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum. The statement shall be complete as of seven days immediately preceding the required filing day, and shall cover a period to begin with the first day not included in the last filed statement except that the January statement, when filed by a party committee or a political committee organized for the purpose of ongoing political activities, shall cover all contributions made or received and all expenditures made as of midnight on December thirty-first of the preceding calendar year.

(2) Each campaign treasurer of a candidate committee, within forty-five days following any election and within thirty days following any primary, and each campaign treasurer of a political committee formed for a single primary, election or referendum, within forty-five days after any election or referendum, shall file statements in the same manner as is required of them under subdivision (1) of this subsection. If the campaign treasurer of a candidate committee established by a candidate, who is unsuccessful in the primary or has terminated his candidacy prior to the primary, distributes all surplus funds within thirty days following the scheduled primary and discloses the distribution on the postprimary statement, such campaign treasurer shall not be required to file any subsequent statement unless the committee has a deficit, in which case he shall file any required statements in accordance with the provisions of subdivision (3) of subsection (e) of this section.

(3) In the case of state central committees, on each January thirtieth, April tenth and July tenth, and on the twelfth day preceding any election, the campaign treasurer of each such committee shall file with the proper authority, a statement, sworn under penalty of false statement, complete as of the last day of the month immediately preceding the month in which such statement is to be filed in the case of statements required to be filed in January, April and July, and complete as of the nineteenth day preceding an election, in the case of the statement



required to be filed on the twelfth day preceding an election, and in each case covering a period to begin with the first day not included in the last filed statement.

(b) **Exemption from filing requirements.** The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by: (1) A candidate committee or political committee formed for a single primary or election until such committee receives or expends an amount in excess of one thousand dollars for purposes of the primary or election for which such committee was formed; (2) a political committee formed solely to aid or promote the success or defeat of any referendum question until such committee receives or expends an amount in excess of one thousand dollars; or (3) a party or political committee organized for ongoing political activities until such committee receives or expends an amount in excess of one thousand dollars for the calendar year except the statements required to be filed on the second Thursday in the month of January and on the seventh day preceding any election shall be so filed. The provisions of this subsection shall not apply to state central committees or to the statement required to be filed by an exploratory committee upon its termination. A committee which is exempted from filing statements under the provisions of this subsection shall file in lieu thereof a statement sworn under penalty of false statement, indicating that the committee has not received or expended an amount in excess of one thousand dollars.

(c) **Contents of statements.** (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, the amount and the purpose of the expenditure, and a statement of the balance on hand or deficit, as the case may be; (D) an itemized accounting of each expense incurred but not paid; (E) the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the campaign treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (F) for each business entity or person purchasing advertising space in a program for a fund-raising affair, the name and address of the business entity and the name of the chief executive officer of the business entity or the name and address of the person, and the amount and aggregate amounts of such purchases; (G) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual, the name of the individual's employer, if any, and a statement indicating whether the individual or a business with which he is associated has a contract with the state which is valued at more than five thousand dollars; and (H) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect. Each campaign treasurer shall include in such statement an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-333k or any other fund-raising affair.

(2) Each contributor described in subparagraphs (G) and (H) of subdivision (1) of this subsection shall, at the time he makes such a contribution, provide the information which the campaign treasurer is required to include under said subparagraphs (G) and (H) in the statement filed under subsection (a), (e) or (f) of this section. If a campaign treasurer receives any such

contribution from an individual which separately, or in the aggregate, is in excess of one thousand dollars and the contributor has not provided the information required by said subparagraph (G), the campaign treasurer, within three business days after receiving the contribution, shall send a request for such information to the contributor by certified mail, return receipt requested. Notwithstanding the provisions of section 9-333h, the campaign treasurer shall not deposit any such contribution until he obtains such information from the contributor. The campaign treasurer shall return the contribution to the contributor if the contributor does not provide the required information within fourteen days after the treasurer's written request or the end of the reporting period in which the contribution was received, whichever is later. Any failure of a contributor to provide the information which the campaign treasurer is required to include under said subparagraph (H), which results in noncompliance by the campaign treasurer with the provisions of said subparagraph (H), shall be a complete defense to any action against the campaign treasurer for failure to disclose such information.

(3) Contributions from a single individual to a campaign treasurer in the aggregate totaling thirty dollars or less need not be individually identified in the statement, but a sum representing the total amount of all such contributions made by all such individuals during the period to be covered by such statement shall be a separate entry, identified only by the words "total contributions from small contributors".

(4) Statements filed in accordance with this section shall remain public records of the state for five years from the date such statements are filed.

(d) **Duplicate statement for candidate or chairman. Timely filing.** At the time of filing statements required under this section, the campaign treasurer of each candidate committee shall send to the candidate a duplicate statement and the campaign treasurer of each party committee and each political committee other than an exploratory committee shall send to the chairman of the committee a duplicate statement. Each statement required to be filed under this section and subsection (g) of section 9-333l, shall be deemed to be filed in a timely manner if it is delivered by hand to the office of the proper authority before four-thirty o'clock p.m. or postmarked by the United States Postal Service before midnight on the required filing day. If the day for any such filing falls on a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day thereafter.

(e) **Distribution or expenditure from surplus funds. Reporting re deficits.** (1) Notwithstanding any provisions of this chapter to the contrary, in the event of a surplus the campaign treasurer of a candidate committee or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee shall distribute or expend such surplus within ninety days after a primary which results in the defeat of the candidate, an election or referendum, in the following manner:

(A) Such committees may distribute their surplus to a party committee, or a political committee organized for ongoing political activities, return such surplus to all contributors to the committee on a prorated basis of contribution, or distribute such surplus to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided no candidate committee may distribute such surplus to a committee which has been established to finance future political campaigns of the candidate;

(B) Each such political committee established by an organization which received its funds from the organization's treasury shall return its surplus to its sponsoring organization;

(C) (i) Each political committee formed solely to aid or promote the success or defeat of any referendum question, which does not receive contributions from a business entity or an organization, shall distribute its surplus to a party committee, to a political committee organized for ongoing political activities, to a national committee of a political party, to all contributors to the committee on a prorated basis of contribution, to state or municipal governments or agencies or to any organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, (ii) each political committee formed solely to aid or promote the success or defeat of any referendum question, which receives contributions from a business entity or an organization, shall distribute its surplus to all contributors to the committee on a prorated basis of contribution, to state or municipal governments or agencies, or to any organization which is tax-exempt under said provisions of the internal revenue code;

(D) The campaign treasurer of the candidate committee of a candidate who is elected to office may, upon the authorization of such candidate, expend surplus campaign funds to pay for the cost of clerical, secretarial or other office expenses necessarily incurred by such candidate in preparation for taking office; except such surplus shall not be distributed for the personal benefit of any individual or to any organization; and

(E) The campaign treasurer of a candidate committee, or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, shall, prior to the dissolution of such committee, either (i) distribute any equipment purchased, including but not limited to computer equipment, to any recipient as set forth in subparagraph (A) of this subdivision or (ii) sell any equipment purchased, including but not limited to computer equipment, to any person for fair market value and then distribute the proceeds of such sale to any recipient as set forth in said subparagraph (A).

(2) Notwithstanding any provisions of this chapter to the contrary, the campaign treasurer of the candidate committee of a candidate who has withdrawn from a primary or election may, prior to the primary or election, distribute its surplus to any organization which is tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, or return such surplus to all contributors to the committee on a prorated basis of contribution.

(3) Within seven days after such distribution or within seven days after all funds have been expended in accordance with subparagraph (D) of subdivision (1) of this subsection, the campaign treasurer shall file a supplemental statement, sworn under penalty of false statement, with the proper authority, identifying all further contributions received since the previous statement and explaining how any surplus has been distributed or expended in accordance with this section. No surplus may be distributed or expended until after the election, primary or referendum.

(4) In the event of a deficit the campaign treasurer shall file a supplemental statement ninety days after the election, primary or referendum with the proper authority and, thereafter, on the seventh day of each month following if on the last day of the previous month there was an increase or decrease in the deficit in excess of five hundred dollars from that reported on the last statement filed. The campaign treasurer shall file such supplemental statements as required until the deficit is eliminated. If any such committee does not have a surplus or a deficit, the statement required to be filed within forty-five days following any election or referendum or within thirty days following any primary shall be the last required statement.

(f) **Dissolution of exploratory committee.** If an exploratory committee has been established by a candidate pursuant to subsection (c) of section 9-333f, the campaign treasurer of the committee shall file a notice of intent to dissolve it with the appropriate authority not later than fifteen days after the candidate's declaration of intent to seek nomination or election to a particular public office. The campaign treasurer shall also file a statement identifying all contributions received or expenditures made by the exploratory committee since the previous statement and the balance on hand or deficit, as the case may be. In the event of a surplus, the campaign treasurer shall, not later than the filing of the statement, distribute the surplus to the candidate committee established pursuant to said section, except that in the case of a surplus of an exploratory committee established for nomination or election to an office other than the general assembly, (1) the campaign treasurer may only distribute to the candidate committee for nomination or election to the general assembly of such candidate that portion of such surplus which is in excess of the total contributions which the exploratory committee received from lobbyists or political committees established by lobbyists, during any period in which the prohibitions in subsection (e) of section 9-333i apply and (2) any remaining amount shall be returned to all such lobbyists and political committees established by or on behalf of lobbyists, on a prorated basis of contribution, or distributed to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended. If the candidate decides not to seek nomination or election to any office, the campaign treasurer shall, within fifteen days after such decision, comply with the provisions of this subsection and distribute any surplus in the manner provided by this section for political committees other than those formed for ongoing political activities. In the event of a deficit, the campaign treasurer shall file a statement thirty days after the decision or declaration with the proper authority and, thereafter, on the seventh day of each month following if on the last day of the previous month there was an increase or decrease in such deficit in excess of five hundred dollars from that reported on the last statement filed. The campaign treasurer shall file supplemental statements until the deficit is eliminated. If the exploratory committee does not have a surplus or deficit, the statement filed after the candidate's declaration or decision shall be the last required statement.

(P.A. 86-99, S. 11, 34; P.A. 87-161; 87-524, S. 3, 7; 87-576, S. 4, 6; P.A. 88-83, S. 2, 3; P.A. 89-211, S. 17; P.A. 90-267, S. 3; P.A. 91-351, S. 11, 28; 91-407, S. 36, 42; P.A. 92-246, S. 3, 5; P.A. 93-251, S. 3, 5; P.A. 94-143, S. 4, 6.)

**Sec. 9-333k. Party committees; designation as campaign treasurer. Limitation on multiple committees. Fund-raising events and testimonial affairs.** (a) The chairman of each party committee shall designate a campaign treasurer and may designate a deputy campaign treasurer, or in the case of a state central committee, not more than two deputy campaign treasurers. The campaign treasurer and any deputy campaign treasurers so designated shall sign a statement accepting the designation, which shall be filed with the proper authority with the statement of designation required under subdivision (1) of subsection (a) of section 9-333d. No state central committee or town committee shall establish a committee other than a single party committee for purposes of this chapter. A party committee or a political committee organized for ongoing political activities shall form no other political committees, except that two or more such committees may join to form a political committee for the purpose of a single fund-raising event.

(b) As used in this subsection, "testimonial affair" means an affair held in honor of an individual who holds, or who is or was a candidate for nomination or election to, an office subject to this chapter. No testimonial affair shall be held without the consent of such person. No testimonial affair shall be held for a candidate, or for an individual who holds any such office during the term of such office, except to raise funds on his behalf for purposes authorized in this chapter. A testimonial affair which is held by an organization duly organized for charitable purposes shall be exempt from the provisions of this chapter. A testimonial affair which is held for an individual upon his retirement from public office shall also be exempt from the provisions of this chapter unless a deficit exists from any such individual's campaigns for election or nomination to an office subject to this chapter. Any fund-raising affair for any candidate or individual who holds any such office for any purposes other than those authorized in this chapter shall be prohibited. Any person who organizes such a fund-raising affair shall be in violation of this section.

(P.A. 86-99, S. 12, 34; 86-240, S. 5, 12; P.A. 95-144, S.8; P.A. 96-119, S.9.)

**Sec. 9-333l. Expense sharing by committees. Candidate's expenditures. Use of public funds by incumbent. Prohibitions on certain lobbyist contributions. Statements to be filed by lobbyists.** (a) Any provision of this chapter to the contrary notwithstanding, a candidate committee may join with one or more candidate committees to establish a political committee for the purpose of sponsoring one or more fund-raising events for those candidates. Any individual, other than a candidate benefited, who is eligible and qualifies to serve in accordance with the provisions of subsection (d) of section 9-333h may serve as the campaign treasurer or deputy campaign treasurer of such a political committee. The statements required to be filed by a political committee under this chapter shall apply to any political committee established pursuant to this subsection. After all expenses of the political committee have been paid by its campaign treasurer for each event, he shall distribute all remaining funds from such event to the campaign treasurers of each of the candidate committees which established the political committee. The distribution to each candidate committee shall be made either in accordance with a prior agreement of the candidates or, if no prior agreement was made, in equal proportions to each candidate committee. Any contribution which is made to such political committee shall, for purposes of determining compliance with the limitations imposed by this chapter, be deemed to have been made in equal proportions to each candidate's campaign unless (1) a prior agreement was made by the candidates as to the disposition of remaining funds and (2) those who contributed to the political committee were notified of such disposition, in which case the contribution shall be deemed to have been made to each candidate's campaign in accordance with the agreement.

(b) A candidate committee may pay its pro rata share of the expenses of operating a campaign headquarters and of preparing, printing and disseminating any political communication on behalf of that candidate and any other candidate or candidates. Notwithstanding the provisions of subdivision (1) of subsection (a) of section 9-333r, a candidate committee may reimburse a party committee for any expenditure such party committee has incurred for the benefit of such candidate committee.

(c) A candidate may make any expenditure permitted by section 9-333i to aid or promote the success of his campaign for nomination or election from his personal funds, or the funds of

his immediate family, which for the purposes of this chapter shall consist of the candidate's spouse and issue. Any such expenditure shall not be deemed a contribution to any committee.

(d) No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.

(e) For purposes of this subsection and subsection (f) of this section, the exclusions to the term "contribution" in subsection (b) of section 9-333b shall not apply. Notwithstanding any provision of this chapter to the contrary, during any regular session of the general assembly, during any special session of the general assembly held between the adjournment of the regular session in an odd-numbered year and the convening of the regular session in the following even-numbered year or during any reconvened session of the general assembly held in an odd-numbered year to reconsider vetoed bills, (1) no lobbyist or political committee established by or on behalf of a lobbyist shall make or offer to make a contribution to or on behalf of, and no lobbyist shall solicit a contribution on behalf of, (A) a candidate or exploratory committee established by a candidate for nomination or election to the general assembly or (B) a political committee (i) established for an assembly or senatorial district, (ii) established by a member of the general assembly or his agent, or in consultation with, or at the request or suggestion of, any such member or agent, or (iii) controlled by such member or agent, to aid or promote the nomination or election of any candidate or candidates to the general assembly, and (2) no such candidate or political committee shall accept such a contribution. The provisions of this subsection shall not apply to a candidate committee established by a member of the general assembly or a candidate for nomination or election to the general assembly, at a special election for the general assembly, from the date on which the candidate or the chairman of the committee files the designation of a campaign treasurer and a depository institution under section 9-333d with the secretary of the state, to the date on which the special election is held, inclusive, or to an exploratory committee established by a member of the general assembly to promote his candidacy for an office other than the general assembly.

(f) A political committee established by two or more individuals under subparagraph (B) of subsection (3) of section 9-333a, other than a committee established solely for the purpose of aiding or promoting any candidate or candidates for municipal office or the success or defeat of a referendum question, shall be subject to the prohibition on acceptance of lobbyist contributions under subsection (e) of this section unless the campaign treasurer of the committee has filed a certification that the committee is not established for an assembly or senatorial district, or by a member of the general assembly or his agent, or in consultation with, or at the request or suggestion of, any such member or agent, or controlled by such member or agent. The campaign treasurer of any political committee established by or on behalf of a lobbyist shall file a certification to that effect. Such certifications shall be filed with the office of the secretary of the state, on forms prescribed by the secretary, on or before November 15, 1994, for all such political committees in existence on such date, or upon the registration of the committee, and on or before November fifteenth biennially thereafter. The secretary shall provide to the State Elections Enforcement Commission on or before December 1, 1994, and biennially thereafter, a political committee registration report. The report shall include a certified copy of each certification filed pursuant to this subsection prior to December first of the reporting year and a certified copy of a list stating the name of each political committee registered pursuant to section 9-333g prior to December first of the reporting year and the name and address of the campaign

treasurer of each such committee. In the case of any political committee which registers or files a certification on or after December first of any even-numbered year but prior to November first of the following even-numbered year, the secretary shall provide the commission with a copy of each such registration or certification by the close of the next business day following receipt. Such registration information or certification shall also be included in the biennial political committee registration report of the secretary to the commission. The commission shall prepare a list of all such committees subject to the prohibitions under subsection (e) of this section, according to the certifications filed, which shall be available prior to the opening of each regular session of the general assembly, and shall provide a copy of the list to the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives. During each such regular session, the commission shall prepare a supplemental list of committees which register after November fifteenth and are subject to such prohibitions, and the commission shall provide the supplemental list to such legislative leaders. The filing of the certification by the campaign treasurer of the committee shall not impair the authority of the commission to act under section 9-7b. Any lobbyist or campaign treasurer who acts in reliance on such lists in good faith shall have an absolute defense in any action brought under subsection (e) and this subsection, subsection (c) of section 9-333f and subsection (f) of section 9-333j.

(g) As used in this subsection, "immediate family" means any spouse or dependent child who resides in a lobbyist's household. Each lobbyist who is an individual and, in conjunction with members of his immediate family, makes contributions to or purchases from committees exceeding one thousand dollars in the aggregate during the twelve-month period beginning July 1, 1993, or July first in any year thereafter, shall file a statement, sworn under penalty of false statement, with the secretary of the state in accordance with the provisions of section 9-333e, on the second Thursday in July following the end of such twelve-month period. The statement shall include: (1) The name of each committee to which the lobbyist or a member of his immediate family has made a contribution and the amount and date of each such contribution; and (2) the name of each committee from which the lobbyist or member of his immediate family has purchased any item of property or advertising space in a program or ticket in connection with a fund-raising event which is not considered a contribution under subsection (b) of section 9-333b and the amount, date and description of each such purchase. Each lobbyist who is an individual and who, in conjunction with members of his immediate family, does not make contributions to or purchases from committees exceeding one thousand dollars in the aggregate during any such twelve-month period shall file a statement, sworn under penalty of false statement, with the secretary of the state in accordance with the provisions of section 9-333e, on the second Thursday in July, so indicating.

(P.A. 86-99, S. 13, 34; P.A. 90-267, S. 1 P.A. 91-351, S. 12, 28; P.A. 93-251, S. 1, 5; P.A. 94-132, S. 10.)

**Sec. 9-333m. Limits on contributions made by individuals to candidate committees, exploratory committees. When contributions by personal check required.** (a) No individual shall make a contribution or contributions to, for the benefit of, or pursuant to the authorization or request of, a candidate or a committee supporting or opposing any candidate's campaign for nomination at a primary, or any candidate's campaign for election, to the office of (1) governor, in excess of two thousand five hundred dollars; (2) lieutenant governor, secretary of the state, treasurer, comptroller or attorney general, in excess of one thousand five hundred dollars; (3)

sheriff or chief executive officer of a town, city or borough, in excess of one thousand dollars; (4) state senator or probate judge, in excess of five hundred dollars; or (5) state representative or any other office of a municipality not previously included in this subsection, in excess of two hundred fifty dollars. The limits imposed by this subsection shall be applied separately to primaries and elections.

(b) In the case of one or more convention delegate primaries in which a slate of candidates for the position of convention delegate are committed to a single candidate for state or district office who has consented to financing the slate's campaign solely by his candidate committee in accordance with section 9-333f, an individual may make an additional contribution or contributions to such candidate committee not in excess of two hundred fifty dollars for each delegate primary financed in such manner.

(c) No individual shall make a contribution or contributions to, or for the benefit of, an exploratory committee or a political committee formed by a slate of candidates in a primary for the position of delegate to the same convention, in excess of two hundred fifty dollars.

(d) No individual shall make contributions to such candidates or committees which in the aggregate exceed fifteen thousand dollars for any single election and primary preliminary thereto.

(e) No individual shall make a contribution to any candidate or committee, other than a contribution in kind, in excess of one hundred dollars except by personal check of that individual.

(P.A. 86-99, S. 14, 34; 86-240, S. 6, 12; P.A. 91-351, S. 13, 28; P.A. 92-246, S. 1, 5.)

**Sec. 9-333n. Other contributions by individuals.** (a) No individual shall make a contribution or contributions in any one calendar year in excess of five thousand dollars to the state central committee of any party, or for the benefit of such committee pursuant to its authorization or request; or one thousand dollars to a town committee of any political party, or for the benefit of such committee pursuant to its authorization or request; or one thousand dollars to a political committee other than (1) a political committee formed solely to aid or promote the success or defeat of a referendum question, (2) an exploratory committee, (3) a political committee established by an organization, or for the benefit of such committee pursuant to its authorization or request or (4) a political committee formed by a slate of candidates in a primary for the position of delegate to the same convention.

(b) No individual shall make a contribution to a political committee established by an organization which receives its funds from the organization's treasury. With respect to a political committee established by an organization which has complied with the provisions of subsection (b) or (c) of section 9-333p, and has elected to receive contributions, no individual other than a member of the organization may make contributions to the committee, in which case the individual may contribute not more than five hundred dollars in any one calendar year to such committee or for the benefit of such committee pursuant to its authorization or request.

(c) In no event may any individual make contributions to a candidate committee and a political committee formed solely to support one candidate other than an exploratory committee or for the benefit of a candidate committee and a political committee formed solely to support one candidate pursuant to the authorization or request of any such committee, in an amount which in the aggregate is in excess of the maximum amount which may be contributed to the candidate.



(d) Any individual may make unlimited contributions or expenditures to aid or promote the success or defeat of any referendum question.

(e) Any individual may, independent of any other person, make unlimited expenditures for the benefit of any candidate's campaign for election, or nomination at a primary, to any office or position.

(f) As used in this subsection, "investment services" means legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services. No individual who is an owner of a firm which provides investment services and to which the Treasurer pays compensation, expenses or fees or issues a contract, and no individual who is employed by such a firm as a manager, officer, director, partner or employee with managerial or discretionary responsibilities to invest, manage funds or provide investment services for brokerage, underwriting and financial advisory activities which are in the statutory and constitutional purview of the Treasurer, shall make a contribution on or after October 1, 1995, to, or solicit contributions on or after said date on behalf of, an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Treasurer during the term of office of the Treasurer which pays compensation, expenses or fees or issues a contract to such firm.

(P.A. 86-99, S. 15, 34; P.A. 91-351, S. 14, 19, 28; P.A. 95-188, S.2.)

**Sec. 9-3330. Business entities. (a) Contributions or expenditures for candidate or party prohibited.** No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position, or to promote the success or defeat of any political party, except as provided in subsection (b) of this section.

**(b) Transfers or disbursements to political committee.** A business entity may make reasonable and necessary transfers or disbursements to or for the benefit of a political committee established by such business entity, for the administration of, or solicitation of contributions to, such political committee. Nonmonetary contributions by a business entity which are incidental in nature and are directly attributable to the administration of such political committee shall be exempt from the reporting requirements of this chapter.

**(c) Contributions or expenditures for referendum.** The provisions of this section shall not preclude a business entity from making contributions or expenditures to promote the success or defeat of a referendum question.

**(d) Contribution limits for particular offices.** A political committee organized by a business entity shall not make a contribution or contributions to or for the benefit of any candidate's campaign for nomination at a primary or any candidate's campaign for election to the office of: (1) Governor, in excess of five thousand dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of three thousand dollars; (3) sheriff, in excess of two thousand dollars; (4) state senator, probate judge or chief executive officer of a town, city or borough, in excess of one thousand dollars; (5) state representative, in excess of five hundred dollars; or (6) any other office of a municipality not included in subdivision (4) of this subsection, in excess of two hundred fifty dollars; or an exploratory committee, in excess of two hundred fifty dollars. The limits imposed by this subsection shall apply separately to primaries and elections and contributions by any such committee to

candidates designated in this subsection shall not exceed one hundred thousand dollars in the aggregate for any single election and primary preliminary thereto. Contributions to such committees shall also be subject to the provisions of section 9-333t in the case of committees formed for ongoing political activity or section 9-333u in the case of committees formed for a single election or primary.

**(e) Contributions to political committees.** A political committee organized by a business entity may make unlimited contributions to, or for the benefit of, another political committee organized by a business entity or to a party committee. No political committee organized by a business entity shall make a contribution to an exploratory committee in excess of two hundred fifty dollars. No such political committee shall make a contribution or contributions in excess of two thousand dollars to any other kind of political committee, in any one calendar year if organized for ongoing political activities, or if formed for a single primary, election or referendum, with respect to such primary, election or referendum.

**(f) Contributions for candidates for Treasurer.** As used in this subsection, "investment services" means legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services. No political committee established by a firm which provides investment services and to which the Treasurer pays compensation, expenses or fees or issues a contract shall make a contribution on or after October 1, 1995, to, or solicit contributions on or after said date on behalf of, an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Treasurer during the term of office of the Treasurer which does business with such firm

(P.A. 86-99, S. 16, 34; 86-240, S. 7, 12; P.A. 91-351, S. 15, 28; P.A. 95-188, S.3.)

**Sec. 9-333p. Organizations. (a) Formation of political committee. Method of funding.** An organization may make contributions or expenditures, other than those made to promote the success or defeat of a referendum question, only by first forming its own political committee. The political committee shall then be authorized to receive funds exclusively from the organization's treasury or from voluntary contributions made by its members, but not both, from another political committee or, from a candidate committee distributing a surplus and (1) to make contributions or expenditures to, or for the benefit of, a candidate's campaign or a political party or (2) to make contributions to another political committee. No organization shall form more than one political committee.

**(b) Change in method of funding.** A political committee established by an organization may elect to alter the manner in which it is funded if it complies with the requirements of this subsection. The committee chairperson shall notify the repository with which the committee's most recent statement of organization is filed, in writing, of the committee's intent to alter its manner of funding. Within fifteen days after the date of receipt of such notification, the campaign treasurer of such political committee shall return any funds remaining in the account of the committee to the organization's treasury after payment of each outstanding liability. Within seven days after the distribution and payments have been made, the campaign treasurer shall file a statement with the same repository itemizing each such distribution and payment. Upon such filing, the campaign treasurer may receive voluntary contributions from any member of the organization which established such committee subject to the limitations imposed in subsection (b) of section 9-333n.

(c) **Designation of funding method.** The chairperson of each political committee established by an organization on or after July 1, 1985, shall designate the manner in which the committee shall be funded in the committee's statement of organization.

(P.A. 86-99, S. 17, 34.)

**Sec. 9-333q. Limits on contributions made by political committees established by organizations.** (a) No political committee established by an organization shall make a contribution or contributions to, or for the benefit of, any candidate's campaign for nomination at a primary or for election to the office of: (1) Governor, in excess of two thousand five hundred dollars; (2) lieutenant governor, secretary of the state, treasurer, comptroller or attorney general, in excess of one thousand five hundred dollars; (3) sheriff or chief executive officer of a town, city or borough, in excess of one thousand dollars; (4) state senator or probate judge, in excess of five hundred dollars; or (5) state representative or any other office of a municipality not previously included in this subsection, in excess of two hundred fifty dollars.

(b) No such committee shall make a contribution or contributions to, or for the benefit of, an exploratory committee, in excess of two hundred fifty dollars. Any such committee may make unlimited contributions to a political committee formed solely to aid or promote the success or defeat of a referendum question.

(c) The limits imposed by subsection (a) of this section shall apply separately to primaries and elections and no such committee shall make contributions to the candidates designated in this section which in the aggregate exceed fifty thousand dollars for any single election and primary preliminary thereto.

(d) No political committee established by an organization shall make contributions in any one calendar year to, or for the benefit of, (1) the state central committee of a political party, in excess of five thousand dollars; (2) a town committee, in excess of one thousand dollars; or (3) any political committee, other than an exploratory committee or a committee formed solely to aid or promote the success or defeat of a referendum question, in excess of two thousand dollars.

(e) No political committee established by an organization shall make contributions to the committees designated in subsection (d) of this section, which in the aggregate exceed fifteen thousand dollars in any one calendar year. Contributions to a political committee established by an organization shall also be subject to the provisions of section 9-333t in the case of a committee formed for ongoing political activity or section 9-333u in the case of a committee formed for a single election or primary.

(P.A. 86-99, S. 18, 34; 86-240, S. 8, 12.)

**Sec. 9-333r. Contributions made or received by candidate committees.** (a) A candidate committee shall not make contributions to, or for the benefit of, (1) a party committee, (2) a political committee, except to a political committee which has been formed for a slate of convention delegates in a primary, (3) a committee of a candidate for federal or out-of-state office, (4) a national committee, or (5) another candidate committee except that a pro rata sharing of certain expenses in accordance with subsection (b) of section 9-333l shall be permitted.

(b) A candidate committee shall not receive contributions from any national committee or from a committee of a candidate for federal or out-of-state office.

(P.A. 86-99, S. 19, 34; P.A. 91-351, S. 16, 28.)

**Sec. 9-333s. Contributions made or received by party committees.** (a) A party committee may make unlimited contributions to, or for the benefit of, any of the following: (1) Another party committee; (2) a candidate committee; (3) a national committee of a political party; (4) a committee of a candidate for federal or out-of-state office or (5) a political committee. A party committee may also make contributions to a charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, as from time to time amended, or make memorial contributions.

(b) A party committee may receive contributions from a national committee of a political party, but may not receive contributions from a committee of a candidate for federal or out-of-state office, for use in the election of candidates subject to the provisions of this chapter.

(P.A. 86-99, S. 20, 34; P.A. 91-351, S. 17, 28.)

**Sec. 9-333t. Contributions made or received by political committees organized for ongoing political activities.** (a) A political committee organized for ongoing political activities may make unlimited contributions to, or for the benefit of, a party committee; any national committee of a political party; a candidate committee; or a committee of a candidate for federal or out-of-state office. No such political committee shall make a contribution or contributions in excess of two thousand dollars to another political committee in any calendar year except that a political committee organized by a business entity may make unlimited contributions to, or for the benefit of, another political committee organized by a business entity. No political committee organized for ongoing political activities shall make a contribution in excess of two hundred fifty dollars to an exploratory committee. If such an ongoing committee is established by an organization or a business entity, its contributions shall be subject to the limits imposed by sections 9-333o to 9-333q, inclusive. A political committee organized for ongoing political activities may make contributions to a charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, as from time to time amended, or make memorial contributions.

(b) A political committee organized for ongoing political activities may receive contributions from a national committee of a political party, but may not receive contributions from a committee of a candidate for federal or out-of-state office.

(P.A. 86-99, S. 21, 34; P.A. 90-230, S. 77, 101.)

**Sec. 9-333u. Contributions made or received by committees established for a single primary or election.** (a) A political committee established for a single primary or election may make unlimited contributions to, or for the benefit of, a party committee or a candidate committee, but no such political committee shall make contributions to a national committee, or a committee of a candidate for federal or out-of-state office. If such a political committee is established by an organization or a business entity, its contributions shall also be subject to the limitations imposed by sections 9-333o to 9-333q, inclusive. No political committee formed for a single election or primary shall, with respect to such election or primary make a contribution or contributions in excess of two thousand dollars to another political committee, provided no such political committee shall make a contribution in excess of two hundred fifty dollars to an exploratory committee.

(b) A political committee established for a single primary or election shall not receive contributions from a committee of a candidate for federal or out-of-state office or from a national committee.

(P.A. 86-99, S. 22, 34.)

**Sec. 9-333v. Contributions made or received by committees formed to promote success or defeat of referendum questions. Reporting requirements.** (a) A political committee formed solely to aid or promote the success or defeat of a referendum question shall not make contributions to, or for the benefit of, a party committee, a political committee, a national committee, a committee of a candidate for federal or out-of-state office or a candidate committee, except in the distribution of a surplus, as provided in subsection (e) of section 9-333j.

(b) A political committee formed solely to aid or promote the success or defeat of a referendum question shall not receive contributions from a national committee or from a committee of a candidate for federal or out-of-state office.

(c) No person, as defined in subdivision (9) of section 9-333a, other than an individual or a committee, shall make a contribution to a political committee formed solely to aid or promote the success or defeat of a referendum question, or to any other person, as defined in subdivision (9) of section 9-333a, to aid or promote the success or defeat of a referendum question, in excess of ten cents for each individual residing in the state or political subdivision thereof in which such referendum question is to be voted upon, in accordance with the last federal decennial census.

(d) Any such person other than an individual or a committee which makes expenditures or has expenses incurred but not paid in excess of one thousand dollars in the state or political subdivision thereof in which a referendum question is to be voted upon, shall file all designations and sworn financial statements required to be filed by political committees and comply with all provisions of this chapter which apply to political committees.

(P.A. 86-99, S. 23, 34; P.A. 87-576, S. 5, 6.)

**Sec. 9-333w. Political advertising.** (a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face the words "paid for by" and the following: (1) In the case of such an individual, the name and address of such individual; (2) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (3) in the case of a party committee, the name of the committee.

(b) No business entity, organization, association, committee, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-333g, shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following: (1) In the case of a business entity, organization or association, the name of the entity, organization or association and the name of its chief executive officer; (2) in the case of a political committee, the name of the committee and the

name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it appears on the certification filed in accordance with subsection (d) of section 9-333g, and the name and address of its agent.

(c) The provisions of subsections (a) and (b) of this section do not apply to (1) any editorial, news story, or commentary published in any newspaper, magazine or journal on its own behalf and upon its own responsibility and for which it does not charge or receive any compensation whatsoever, (2) any banner, (3) political paraphernalia including pins, buttons, badges, emblems, hats, bumper stickers or other similar materials, or (4) signs with a surface area of not more than thirty-two square feet.

(d) The campaign treasurer of a candidate committee which sponsors any written, typed or other printed communication for the purpose of raising funds to eliminate a campaign deficit of that committee shall include in such communication a statement that the funds are sought to eliminate such a deficit.

(e) The campaign treasurer of an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Treasurer which committee sponsors any written, typed or other printed communication for the purpose of raising funds shall include in such communication a statement concerning the prohibitions set forth in subsection (n) of section 1-84, subsection (f) of section 9-333n and subsection (f) of section 9-333o.

(f) In the event a campaign treasurer of a candidate committee is replaced pursuant to subsection (c) of section 9-333d, nothing in this section shall be construed to prohibit the candidate committee from distributing any printed communication subject to the provisions of this section that has already been printed or otherwise produced, even though such communication does not accurately designate the successor campaign treasurer of such candidate committee.

(P.A. 86-99, S. 24, 34; P.A. 91-159, S. 1; 91-351, S. 18, 28; P.A. 92-246, S. 4, 5; P.A. 94-143, S. 5, 6; P.A. 95-188, S. 4; 95-276, S. 2; P.A. 96-119, S. 13.)

**Sec. 9-333x. Acts prohibited as corrupt practices.** The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of section 9-333y:

(1) Any person who, directly or indirectly, by himself or by another, gives or offers or promises to any person any money, gift, advantage, preferment, entertainment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person or for or against any measure at any election, caucus, convention, primary or referendum;

(2) Any person who, directly or indirectly, receives, accepts, requests or solicits from any person, committee, association, organization or corporation, any money, gift, advantage, preferment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;

(3) Any person who, in consideration of any money, gift, advantage, preferment, aid, emolument or other valuable thing paid, received, accepted or promised to the advantage of himself or any other person, votes or refrains from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;

(4) Any person who solicits from any candidate any money, gift, contribution, emolument or other valuable thing for the purpose of using the same for the support, assistance, benefit or expenses of any club, company or organization, or for the purpose of defraying the cost or expenses of any political campaign, primary, referendum or election;

(5) Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a campaign treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter;

(6) Any person who, in order to secure or promote his own nomination or election as a candidate, or that of any other person, directly or indirectly, promises to appoint, or promises to secure or assist in securing the appointment, nomination or election of any other person to any public position, or to any position of honor, trust or emolument; but any person may publicly announce his own choice or purpose in relation to any appointment, nomination or election in which he may be called to take part, if he is nominated for or elected to such office;

(7) Any person who, directly or indirectly, by himself or through another person, makes a payment or promise of payment to a campaign treasurer in any other name than his own, and any campaign treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made;

(8) Any person who knowingly and wilfully violates any provision of this chapter;

(9) Any person who offers or receives a cash contribution in excess of fifty dollars to promote the success or defeat of any political party, candidate or referendum question;

(10) Any person who solicits, makes or receives a contribution which is otherwise prohibited by any provision of this chapter; or

(11) Any department head or deputy department head of a state department who solicits a contribution on behalf of, or for the benefit of, any candidate for state, district or municipal office or any political party.

(P.A. 86-99, S. 25, 34; P.A. 87-524, S. 4, 7.)

**Sec. 9-333y. Penalties.** (a) Any person who knowingly and wilfully violates any provision of this chapter shall be fined not more than five thousand dollars or imprisoned not more than five years or both. The Secretary of the State or the town clerk shall notify the State Elections Enforcement Commission of any such violation of which said secretary or such town clerk may have knowledge.

(b) If any campaign treasurer or lobbyist fails to file the statements required by section 9-333j or subsection (g) of section 9-333i, as the case maybe, within the time required, he shall pay a late filing fee of fifty-five dollars. In the case of a statement that is required to be filed with the Secretary of the State, the secretary shall, within ten days after the filing deadline, notify by certified mail, return receipt requested, the person required to file that, if such statement is not filed within twenty-one days after the deadline, the person is in violation of said section or subsection. If the person does not file such statement within twenty-one days after the deadline, the secretary shall notify the State Elections Enforcement Commission within twenty-eight days

after the deadline. In the case of a statement that is required to be filed with a town clerk, the town clerk shall forthwith after the filing deadline notify by certified mail, return receipt requested, the person required to file that, if such statement is not filed within seven days after receiving such notice, the town clerk shall notify the State Elections Enforcement Commission that the person is in violation of said section or subsection. The penalty for any violation of said section or subsection shall be a fine of not more than one thousand dollars or imprisonment for not more than one year or both.

(P.A. 86-99, S. 26, 34; P.A. 89-251, S. 64, 203; P.A. 93-192, S. 2, 3; 93-251, S. 4, 5; P.A. 95-60, S.1; P.A. 96-119, S.10.)

**Secs. 9-334 to 9-343. Forms for statements. Definitions. Principal campaign treasurer and campaign treasurers, appointment, duties. Contributions. Filing of statements and reports, fee. Contributions or expenditures by: Stock corporations and other business organizations to candidates, parties, committees, organizations, political committees established by organizations, individuals, party committees and ongoing political committees, candidate committees, political committees formed solely to aid or promote success or defeat of a constitutional amendment or referendum question. Statement of organization by political committees, filing, contents. Regulation of campaign expenditures, generally.** Sections 9-334 to 9-343, inclusive, are repealed.

(1949 Rev., S. 11561161, 116365; 1953, S. 811d820d; 1957, P.A. 400, S. 13;; 1961, P.A. 15; 263; 517, S. 74; 1963, P.A. 473; 1967, P.A. 592, S. 1725; 1971, P.A. 736, S. 1; 844, S. 1; 1972, P.A. 67; P.A. 73-61, S. 1; P.A. 74-183, S. 184, 291; 74-189, S. 29, 24; 74-213, S. 5, 9; 74-338, S. 81, 83, 94; P.A. 75-273, S. 1, 3; 75-571, S. 212, 33, 34; P.A. 76-154, S. 1; 76-157, S. 1, 2; 76-275, S. 6, 9; 76-435, S. 14, 82; P.A. 77-158; 77-201, S. 1, 2; 77-471, S. 1, 4; 77-583, S. 1; P.A. 79-616, S. 1, 2, 24; 79-620, S. 2; P.A. 80-272, S. 1, 2; 80-281, S. 1619; 80-432, S. 2, 3; P.A. 81-325, S. 1; 81-357, S. 112, 27; 81-360, S. 1, 4; 81-395, S. 13, 9; 81-434, S. 2, 3; 81-472, S. 8, 159; P.A. 82-39, S. 13, 68, 12; 82-54, S. 1, 6, 9; 82-122, S. 1, 2; 82-247, S. 13, 14; 82-472, S. 171, 172, 183; P.A. 83-336, S. 1, 2, 3, 4, 6; 83-560, S. 1, 6; P.A. 84-437, S. 2, 4; 84-511, S. 8, 15; P.A. 85-270, S. 1, 2, 7; 85-598, S. 1, 2, 8, 10; P.A. 86-99, S. 33, 34; 86-240, S. 1, 2, 11, 12.)

**Sec. 9-344. Transferred to Chapter 151, Sec. 9-364a.**

**Secs. 9-345 and 9-346. Penalties. Powers of state referees and judges.** Sections 9-345 and 9-346 are repealed.

(1949 Rev., S. 1167, 1170; 1953, S. 822d, 823d; 1961, P.A. 517, S. 97; 1972, P.A. 31; P.A. 74-183, S. 185, 291; 74-213, S. 6, 9; P.A. 75-571, S. 33, 34; P.A. 76-436, S. 351, 681; P.A. 86-99, S. 33, 34.)

**Sec. 9-346a. Preparation and distribution of forms; town clerk's fee.** (a) The secretary of the state shall prepare and print the forms required for compliance with this chapter and distribute them upon request to candidates and campaign treasurers.

(b) The secretary of the state shall, at the expense of the state, prepare and print all forms for statements required to be returned under the provisions of this chapter and shall furnish to each town clerk a sufficient supply of each of such blank forms as are required to be filed with or returned to the town clerk. The town clerk of each town shall, upon request, distribute to campaign treasurers the forms required for compliance with this chapter and, if not salaried, shall be entitled to receive from the town the sum of ten cents for each copy.

(P.A. 86-99, S. 27, 34.)

**Sec. 9-346b. Powers of state referees and judges. Preservation of testimony. Witnesses. Expenses of inquiry.** (a) Any state referee or any judge of the superior court may, upon the written request of any state's attorney or any assistant state's attorney, conduct an inquiry as to



whether any crime has been committed concerning any matters mentioned in such request, within the jurisdiction of such state's attorney or assistant state's attorney making such request, and any such referee or judge, and any such state's or assistant state's attorney, may compel the attendance of any person as a witness by subpoena issued by him; and such person, having been sworn as a witness, may be examined relative to any such matter under investigation. Such referee, judge or attorney may also compel the production for examination at such inquiry of any books or papers or any other thing which he may require in the conduct of such inquiry by subpoena duces tecum issued by him. Such referee or judge may cause any person who fails to appear before him as a witness, having been summoned, to be brought before him by a capias issued by him; and any person in attendance as a witness who refuses to be sworn as a witness, or who, being sworn, refuses to answer any proper question propounded to him, and any person summoned who fails to appear before the referee or judge, may be adjudged guilty of contempt and fined not more than twenty-five dollars or imprisoned not more than thirty days or both. In any proceeding held under the provisions of this section, if any witness objects to testifying or to producing any book, paper or other thing on the ground that such testimony, book, paper or thing may tend to degrade or incriminate him or render him liable to a penalty or forfeiture, and such referee or judge directs or compels such witness to testify or to produce such book, paper or thing, he shall not be prosecuted for any matter concerning which he has so testified, or evidenced by such book, paper or thing so produced, except for perjury committed in so testifying.

(b) In the conduct of any such inquiry the referee, judge, state's attorney or assistant state's attorney may employ a competent stenographer to take notes of the examination of any witness, and may furnish a transcript of such notes to any prosecuting officer having jurisdiction of the subject matter of such inquiry. The referee or judge may require the attendance and assistance, at any such inquiry and in procuring the attendance of witnesses, of any sheriff, deputy sheriff, state policeman, constable or police officer, who shall be allowed such compensation as the referee or judge deems reasonable.

(c) The referee, judge, state's attorney or assistant state's attorney shall return to the clerk of the superior court for the judicial district in which such inquiry is held an account of all expenses incurred in the discharge of the duties imposed by this section or required by this chapter, including witness fees, and shall endorse the same, if correct, or such items of the account as are correct, and the endorsed sums shall be paid by the state on the order of the clerk.

(P.A. 86-99, S. 28, 34.)

**Secs. 9-347 to 9-348dd. Preservation of testimony and securing of witnesses. Expenses of inquiry. Application of provisions. Formation of committees; designation and responsibilities of campaign treasurer and deputy treasurer; appointment and responsibilities of solicitor. Contributions. Deposit of contributions; anonymous contributions, disposition. Authorization of expenditures; liability for debt incurred; election day expenditures. Payment of authorized political expenses by checks of authorized banks, petty cash fund, reimbursement of committee workers for authorized expenditures from personal funds; preservation of records. Payment of permitted expenses by campaign treasurers; charitable and memorial contributions; honorariums for elected officials prohibited. Statements and reports required of campaign treasurers, generally; disposition of surpluses. Who may contribute for political purposes. Payment of election**

contest expenses. Acts prohibited as corrupt practices. Penalty. Forms, distribution, town clerk's fee. Testimonial affairs limited. Principal campaign treasurer for each candidate and campaign treasurer for each committee, duties. Committees: Party; political, organized for ongoing political activities; political, established by organizations, generally. Contributions from joint bank accounts. Limit on contributions to candidates by individuals; unlimited expenditures by individuals permitted. Limits on contributions to committees by individuals. Limitation on campaign contributions and expenditures; expenditures defined. Expenditures by candidate on behalf of his own campaign, reimbursement of candidate by campaign treasurer for certain expenses. Political advertising. Sections 9-347 to 9-348dd, inclusive, are repealed.

(1949 Rev., S. 1168, 1169; 1953, S. 824d, 825d; 1967, P.A. 592, S. 115; 1971, P.A. 161, S. 1; 736, S. 2; 844, S. 2; 1972, P.A. 32; P.A. 73-61, S. 2; 73-604; P.A. 74-183, S. 186, 291; 74-189, S. 1, 1124; 74-198, S. 16; 74-202, S. 17; 74-213, S. 7, 9; 74-338, S. 79, 80, 82, 83, 94; P.A. 75-273, S. 2, 3; 75-482, S. 15; 75-506, S. 1, 2; 75-571, S. 1331, 33, 34; P.A. 76-154, S. 2, 3; 76-156, S. 1, 2; 76-264, S. 13; 76-270, S. 1, 2; 76-275, S. 15, 7, 9; P.A. 77-58; 77-64; 77-180; 77-471, S. 2, 3; 77-583, S. 2; 77-604, S. 57, 84; P.A. 78-51; 78-153, S. 31, 32; 78-280, S. 2, 16, 17, 127; P.A. 79-351; 79-377, S. 1, 2; 79-381, S. 14; 79-438; 79-616, S. 3, 4, 24; 79-620, S. 1; 79-631, S. 99, 111; P.A. 80-212, S. 24; 80-223; 80-271, S. 13; 80-281, S. 2027, 31; 80-289, S. 1, 2; 80-483, S. 35, 186; P.A. 81-325, S. 2, 16; 81-357, S. 1327; 81-360, S. 24; 81-395, S. 4, 5, 8, 9; 81-467, S. 6, 8; 81-472, S. 121, 159; P.A. 82-39, S. 4, 5, 912; 82-54, S. 25, 79; 82-426, S. 8, 14; 82-472, S. 28, 183; P.A. 83-336, S. 5, 6; 83-410; 83-560, S. 26; P.A. 84-192, S. 13; 84-511, S. 915; P.A. 85-270, S. 37; 85-598, S. 37, 10; 85-613, S. 21, 154; P.A. 86-99, S. 33, 34; 86-240, S. 3, 4, 11, 12.)

## CHAPTER 151

### ELECTIONS: PROHIBITED ACTS AND PENALTIES

**Sec. 9-349. Unlawful sessions of board for admission.** Section 9-349 is repealed.

(1949 Rev., S. 1120; 1953, S. 826d; P.A. 83-391, S. 23, 24.)

**Sec. 9-350. Failure to warn election.** Any person whose duty it is to warn any election and who fails to warn such election as required by law shall be fined not more than five hundred dollars.

(1949 Rev., S. 1118; 1953, S. 827d.)

**Sec. 9-351. Delay in counting or declaring vote.** Any moderator of any election or voting district who, wilfully and without cause, delays the counting or declaration of the number of votes cast shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than six months nor more than one year.

(1949 Rev., S. 1119; 1953, S. 828d.)

**Sec. 9-352. Tampering with machine by election official.** Any election official who, with intent to cause or permit any voting machine to fail to correctly register all votes cast thereon, tampers with or disarranges such machine in any way or any part or appliance thereof, or causes such machine to be used or consents to its being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted to correctly register all votes cast thereon, or who, for the purpose of defrauding or deceiving any elector or of causing it to be doubtful for what candidate or candidates or proposition any vote is cast, or causing it to

appear upon such machine that votes cast for one candidate or proposition were cast for another candidate or proposition, removes, changes or mutilates any ballot label on such machine or any part thereof, shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

(1949 Rev., S. 1220; 1953, S. 829d; P.A. 87-382, S. 36, 55.)

**Sec. 9-353. False return.** Any election official who, at the close of the polls, purposely causes the vote registered on the machine to be incorrectly taken down as to any candidate or proposition voted on, or who knowingly causes to be made or signed any false statement, certificate or return of any kind, of such vote, or who knowingly consents to any such act, shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

(1949 Rev., S. 1221; 1953, S. 830d.)

**Sec. 9-354. Improper printing of ballot label.** Any person who prints or causes to be printed upon any official ballot label the name of any person not a candidate of a party whose name is printed at the head of the column containing such nominees or who prints or causes to be printed any authorized ballot label in any manner other than that prescribed by the secretary of the state shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned not more than five years or be both fined and imprisoned.

(1953, S. 831d.)

**Sec. 9-355. Official neglect or fraud.** Any person who, without reasonable cause, neglects to perform any of the duties required of him by the laws relating to elections or primaries and for which neglect no other punishment is provided, and any person who is guilty of fraud in the performance of any such duty, and any person who makes any unlawful alteration in any list required by law, shall be fined not more than three hundred dollars or be imprisoned not more than one year or be both fined and imprisoned. Any official who is convicted of fraud in the performance of any duty imposed upon him by any law relating to the registration or admission of electors or to the conduct of any election shall be disfranchised. Any public officer or any election official upon whom any duty is imposed by part I of chapter 147 and sections 9-308 to 9-311, inclusive, who wilfully omits or neglects to perform any such duty or does any act prohibited therein for which punishment is not otherwise provided shall be fined not more than two thousand dollars or imprisoned not more than three years or both.

(1949 Rev., S. 1121, 1217; 1953, S. 832d; P.A. 80-432, S. 1.)

**Sec. 9-356. Neglect to elect grand jurors.** Section 9-356 is repealed.

(1949 Rev., S. 508; 1953, S. 833d; 1961, P.A. 15, S. 4.)

**Sec. 9-357. Fraudulent registration.** Any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

(1949 Rev., S. 1029; 1953, S. 834d.)

**Sec. 9-358. False swearing before registrar, moderator or board.** Any person who, upon oath or affirmation, legally administered, wilfully and corruptly testifies or affirms, before any registrar of voters or the moderator of any election or any board for admission of electors,

falsely, to any material fact concerning the identity, age, residence or other qualifications of any person whose right to be registered or admitted as an elector or to vote at any election is before such registrar, moderator or board for the purpose of being passed upon and decided, shall be imprisoned not more than two years and shall be disfranchised.

(1949 Rev., S. 1126; 1953, S. 835d.)

**Sec. 9-359. Absentee ballots.** Any (1) person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, (2) municipal clerk or moderator, elector appointed to count any absentee ballot or other person who wilfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, (3) person who unlawfully opens or fills out, except as provided in section 9-140a with respect to a person unable to write, any elector's absentee ballot signed in blank, (4) person designated under section 9-140a who executes an absentee ballot contrary to the elector's wishes, or (5) person who wilfully violates any provision of chapter 145, shall be guilty of a class D felony.

(1949 Rev., S. 1149; 1953, S. 836d; P.A. 74-96, S. 8, 9; P.A. 86-179, S. 45, 53; P.A. 95-177, S.4.)

**Sec. 9-359a. False statement in absentee balloting. Class D felony.** (a) A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.

(P.A. 74-96, S. 1, 9.)

**Sec. 9-360. Fraudulent voting.** Any person not legally qualified who fraudulently votes in any town meeting, primary or election in which he is not qualified to vote, and any legally qualified person who, at such meeting, primary or election, fraudulently votes more than once at the same meeting, primary or election, shall be fined not less than three hundred dollars nor more than five hundred dollars and shall be imprisoned not less than one year nor more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary or town meeting by assuming the name of another who is registered or enrolled, as the case may be, shall be fined five hundred dollars and be imprisoned one year and shall be disfranchised.

(1949 Rev., S. 1122, 1125; 1953, S. 837d; P.A. 82-176, S. 1, 3.)

**Sec. 9-361. Primary or enrolment violations.** The following persons shall be guilty of primary or enrolment violations: (1) Any person unlawfully voting or participating or attempting to vote or participate in any primary in which he is not eligible to vote or participate; (2) in towns divided into voting districts, any elector who registers or votes at any primary in a voting district other than the district in which such elector is legally entitled to vote at the time of such primary; (3) any elector who signs the name of another to a written application to register, without the knowledge and consent of the person whose name is signed thereto, or who falsely represents the contents of any written or printed form of application for enrolment with intent to secure the application of an elector for enrolment upon a list other than that of his true political preference; (4) any registrar or deputy registrar of voters who fails to hold sessions as provided in sections

9-51 and 9-53 or who fails to register an elector upon the oral or written application for enrolment of such elector, except as provided by law, or who fails to erase an elector's name as provided in section 9-59 or who registers any elector upon an enrolment list other than that declared by such elector in his application as his political preference, or who removes or erases the name of any elector from any enrolment list except as provided by law; (5) any person who fails to properly serve any notice or citation required by sections 9-60 and 9-61 when directed so to do by any registrar or deputy registrar, or who makes any false return as to any such notice or citation; and (6) any moderator of a primary of the enrolled electors of a specified party, such primary being legally called for the nomination of candidates for any public elective office or for the election of delegates to any political convention, who fails to comply with the requirements of chapter 153. The penalty for any such violation shall be a fine of not more than one hundred dollars or imprisonment of not more than sixty days or both.

(1949 Rev., S. 1186; 1953, June, 1955, S. 838d; November, 1955, S. N114; P.A. 87-509, S. 12, 24.)

**Sec. 9-362. Decision of election officials no bar to prosecution.** The decision of the board for admission of electors or of the registrars or of a moderator, as to a person's right to be admitted to the elector's oath, to registration or to cast his vote, shall, in no case, be a bar to a criminal prosecution for procuring himself to be made an elector or to be registered or for voting, without the qualifications required by law.

(1949 Rev., S. 1115; 1953, S. 839d.)

**Sec. 9-363. Circulation of misleading instructions.** Any person who, with intent to defraud any elector of his vote or cause any elector to lose his vote or any part thereof, gives in any way, or prints, writes or circulates, or causes to be written, printed or circulated, any improper, false, misleading or incorrect instructions or advice or suggestions as to the manner of voting on any machine, the following of which or any part of which would cause any elector to lose his vote or any part thereof, or would cause any elector to fail in whole or in part to register or record the same on the machine for the candidates of his choice, shall be fined not more than five hundred dollars or be imprisoned not more than five years or be both fined and imprisoned.

(1949 Rev., S. 1222; 1953, S. 840d.)

**Sec. 9-364. Influencing elector to refrain from voting.** Any person who influences or attempts to influence any elector to stay away from any election shall be fined not more than five hundred dollars and imprisoned not more than one year nor less than three months.

(1949 Rev., S. 1123; 1953, S. 841d.)

**Sec. 9-364a. (Formerly Sec. 9-344). Acts prohibited in elections, primaries, referenda, caucuses and conventions. Penalties.** Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be fined not more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned.

(1949 Rev., S. 1162; 1953, S. 821d; P.A. 74-189, S. 10, 24; P.A. 81-467, S. 7, 8; P.A. 82-176, S. 2, 3.)

**Sec. 9-364b. Restrictions on incumbents' use of public funds.** Section 9-364b is repealed.

(P.A. 78-153, S. 30, 32; P.A. 84-437, S. 3, 4.)

**Sec. 9-365. Employers' threats.** Any person who, at or within sixty days prior to any election, municipal meeting, school district election or school district meeting, attempts to influence the vote of any operative in his employ by threats of withholding employment from him or by promises of employment or who dismisses any operative from his employment on account of any vote he has given at any such election or meeting shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than six months nor more than twelve months or be both fined and imprisoned.

(1949 Rev., S. 1116; 1953, S. 842d.)

**Sec. 9-366. Interference with electors in voting.** Any person who induces or attempts to induce any elector to write, paste or otherwise place, on a write-in ballot voted on a voting machine at any election, any name, sign or device of any kind, as a distinguishing mark by which to indicate to another how such elector voted, or enters into or attempts to form any agreement or conspiracy with any person to induce or attempt to induce electors or any elector to so place any distinguishing mark on such ballot, or attempts to induce any elector to do anything with a view to enabling another person to see or know for what persons or any of them such elector votes on such machine, or enters into or attempts to form any agreement or conspiracy to induce any elector to do any act for the purpose of enabling another person or persons to see or know for what person or persons such elector votes, or attempts to induce any person to place himself in such position, or to do any other act for the purpose of enabling him to see or know for what candidates any elector other than himself votes on such machine, or himself attempts to get in such position to do any act so that he will be enabled to see or know how any elector other than himself votes on such machine, or does any act which invades or interferes with the secrecy of the voting or causes the same to be invaded or interfered with, shall be imprisoned not more than five years.

(1949 Rev., S. 1219; 1953, S. 843d; P.A. 87-382, S. 37, 55.)

**Sec. 9-367. Tampering with voting machine.** Any person, not being an election official, who, during any election or before any election, after a voting machine has had placed upon it the ballot label for such election, tampers with such machine, disarranges, defaces, injures or impairs the same in any manner, or mutilates, injures or destroys any ballot label placed thereon or to be placed thereon, or any other appliance used in connection with such machine, shall be imprisoned for not more than five years.

(1949 Rev., S. 1218; 1953, S. 844d.)

**Sec. 9-368. Arrest of accused.** Upon the written complaint of any three electors of a town in which a violation of any law relating to elections has occurred to any judge of the superior court for the judicial district within which the offense has been committed, supported by oath or affirmation that the complainants have good reason to believe and do believe that the allegations

therein contained are true and can be proved, such judge shall issue a warrant for the arrest of the accused.

(1953, S. 845d; 1959, P.A. 28, S. 167; P.A. 74-183, S. 187, 291; P.A. 76-436, S. 163, 681; P.A. 78-280, S. 1, 127.)

**Secs. 9-368a and 9-368b. Transferred to Chapter 141, Secs. 9-7a and 9-7b, respectively.**

**Sec. 9-368c. Misrepresentation of contents of a petition.** (a) No person shall intentionally misrepresent the contents of a petition circulated under title 9.

(b) Any person who violates any provision of this section shall be guilty of a class D felony.  
(P.A. 87-530.)

## CHAPTER 152

### REFERENDA

**Sec. 9-369. Procedure for holding referendum.** Whenever at any regular or special state or municipal election any vote for approval or disapproval of any constitutional amendment or any question or proposal is taken pursuant to the constitution, the general statutes or any special act, unless otherwise provided, such election shall be warned and held, the vote on such amendment, question or proposal cast and canvassed and the result determined and certified as nearly as may be in accordance with the provisions governing the election of officers in the state or in such municipality. The warning for such election shall state that a purpose of such election is to vote for the approval or disapproval of such amendment, question or proposal and shall state the section of the constitution or of the general statutes or the special act under authority of which such vote is taken. The vote on such amendment, question or proposal shall be taken by a "Yes" and "No" vote on the voting machine, and the designation of such amendment, question or proposal on the voting machine ballot label shall be "Shall (here insert the question or proposal, followed by a question mark)". Such ballot label shall be provided for use in accordance with the provisions of section 9-250. The municipal clerk shall number on the ballot label the questions to be voted upon according to the order in which they will appear thereon, provided amendments to the constitution shall be numbered by the secretary of the state in numerical order based upon the dates on which resolutions proposing such amendments were passed, precedence being given to the earliest passed unless otherwise provided by the resolutions proposing such amendments. Each elector shall vote "Yes" if in favor of the amendment, question or proposal or "No" if not in favor thereof. The registrars of voters shall cause an adhesive label, three inches high by four inches wide, upon which shall be imprinted, in clearly discernible lettering, the words "Vote on the Questions" to be affixed to the upper left-hand corner of each such voting machine, directly opposite the spaces provided for the amendment, question or proposal. Such adhesive labels shall be provided by the secretary of the state upon receipt of a written order therefor from the registrars of voters, which order shall specify the number of such labels required. If, upon the official determination of the result of such vote, it appears that a majority of all the votes so cast are in approval of such amendment, question or proposal, such amendment, question or proposal shall, unless otherwise provided, take effect forthwith.

(1949, Rev., S. 1041; 1953, S. 846d; 1961, P.A. 479; 1963, P.A. 224, S. 3; 1971, P.A. 507, S. 1; P.A. 78-168, S. 2; P.A. 79-243, S. 1; P.A. 86-170, S. 1, 13.)

**Sec. 9-369a. Submission of local questions at election.** Whenever by law it is provided that a question may be submitted to a vote of the electors of a municipality at an election, as that term is defined in section 9-1:

(a) The electors of the municipality entitled to vote by absentee ballot at the election under the provisions of section 9-135 shall be entitled to vote upon any such question.

(b) When the clerk of the municipality determines that the necessary action has been taken for submission of the question, he shall, at least forty-five days prior to the election, file in the office of the secretary of the state a statement setting forth the designation of the question as it is to appear on the voting machine ballot labels at the election, the date upon which the submitting action was taken and the reference to the law under which the action was taken. Such designation shall be in the form of a question, as provided in section 9-369. Whenever it is specifically provided in the general statutes that any such question may be approved for such submission within the period of forty-five days prior to such an election, and action is taken to submit a question within such period, the clerk of the municipality shall file the statement required by this subsection with the secretary of the state immediately upon the taking of such action.

(c) When action is taken for submission of a question, from the time of such action through the day of the election, the clerk of the municipality shall make the full text of the question and the designation which is to appear upon the voting machine ballot labels available for public inspection. If the designation is not prescribed by law, the clerk shall phrase the designation of the question in a form suitable for printing on the ballot label. The warning of the election shall include a statement that the question is to be voted upon, the designation of the question to appear on the ballot labels, and a statement that the full text of the question is available for public inspection in the clerk's office.

(d) The moderator or head moderator of the election shall file the results of the vote on each such question and the returns of the election with the secretary of the state in the manner prescribed under the provisions of section 9-314 or other applicable law.

(1961, P.A. 362; February, 1965, P.A. 38, S. 1; P.A. 79-363, S. 27, 38; P.A. 85-577, S. 10; P.A. 86-170, S. 2, 13; 86-179, S. 46, 53.)

**Sec. 9-369b. Explanatory text relating to local questions. Expenditure of state and municipal funds to influence vote prohibited. Exception. Civil penalty. Summaries of arguments for, against local questions.** (a) Any municipality may, by vote of its legislative body, authorize the preparation and printing of concise explanatory texts of local proposals or questions approved for submission to the electors of a municipality at a referendum. Thereafter, each such explanatory text shall be prepared by the municipal clerk, subject to the approval of the municipal attorney, and shall specify the intent and purpose of each such proposal or question. Such text shall not advocate either the approval or disapproval of the proposal or question. The municipal clerk shall cause such question or proposal and such explanatory text to be printed in sufficient supply for public distribution and shall also provide for the printing of such explanations of proposals or questions on posters of a size to be determined by said clerk. At least three such posters shall be posted at each polling place at which electors will be voting on such proposals or questions. Any posters printed in excess of the number required by this section to be posted may be displayed by said clerk at his discretion at locations which are frequented by



the public. The explanatory text shall also be furnished to each absentee ballot applicant pursuant to subsection (d) of section 9-140. Except as provided in subsection (c) of this section, no expenditure of state or municipal funds shall be made to influence any person to vote for approval or disapproval of any such proposal or question. This subsection shall not apply to a written, printed or typed summary of an official's views on a proposal or question, which is prepared for any news medium or which is not distributed with public funds to a member of the public except upon request of such member.

(b) The State Elections Enforcement Commission, after providing an opportunity for a hearing in accordance with chapter 54, may impose a civil penalty on any person who violates subsection (a) of this section by authorizing an expenditure of state or municipal funds for a purpose which is prohibited by subsection (a). The amount of any such civil penalty shall not exceed twice the amount of the improper expenditure or one thousand dollars, whichever is greater. In the case of failure to pay any such penalty imposed under this subsection within thirty days of written notice sent by certified or registered mail to such person, the superior court for the judicial district of Hartford-New Britain\*, on application of the commission, may issue an order requiring such person to pay the penalty imposed. Notwithstanding the provisions of sections 5-141d, 7-101a and 7-465, any other provision of the general statutes, and any provision of any special act or charter, no state or municipal officer or employee shall be indemnified or reimbursed by the state or a municipality for a civil penalty imposed under this subsection.

(c) Any municipality may provide, by ordinance, for the preparation and printing of concise summaries of arguments in favor of, and arguments opposed to, local proposals or questions approved for submission to the electors of a municipality at a referendum for which explanatory texts are prepared under subsection (a) of this section. Any such ordinance shall provide for the establishment or designation of a committee to prepare such summaries, in accordance with procedures set forth in said ordinance. The members of said committee shall be representatives of various viewpoints concerning such local proposals or questions. The committee shall provide an opportunity for public comment on such summaries to the extent practicable. Such summaries shall be approved by vote of the legislative body of the municipality, or any other municipal body designated by the ordinance, and shall be posted and distributed in the same manner as explanatory texts under subsection (a). Each summary shall contain language clearly stating that the printing of the summary does not constitute an endorsement by or represent the official position of the municipality.

(P.A. 75-349, S. 1; P.A. 79-363, S. 28, 38; P.A. 81-434, S. 4; P.A. 84-94, S. 2; P.A. 86-179, S. 47, 53; P.A. 88-230, S. 12; P.A. 89-159, S. 1, 2; P.A. 90-98, S. 1, 2; 90-156, S. 10, 11; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S.4-6.)

\*Note: On and after September 1, 1998, the phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain".

**Sec. 9-369c. Absentee ballots for referendum voting.** (a) Whenever a referendum, as defined in subdivision (2) or (3) of subsection (n) of section 9-1, is to be held on any question or proposal, the question or proposal shall be submitted to the municipal clerk in the form in which it will appear on the ballot at least three weeks prior to the date on which the referendum is to be held, and the municipal clerk shall make absentee ballots available for use at the referendum in accordance with the provisions of this section, provided, if any other provision of the general statutes, a special act, a charter provision or an ordinance specifically authorizes a referendum to be held with less than three weeks' notice, absentee ballots shall be made available for each such

referendum within four business days after the question or questions which are to be voted on at the referendum are finalized. Notwithstanding any provision of the general statutes to the contrary, a municipal clerk may only provide an absentee ballot for such referendum held with less than three weeks' notice to a person who applies in person at the office of the municipal clerk for an absentee ballot (1) for himself or (2) for a prospective applicant who designates such person for such purpose. The designee may be a licensed physician, registered or practical nurse or any other person who is caring for the applicant because of the applicant's illness, a member of the applicant's family or a police officer, registrar of voters or deputy registrar of voters in the municipality in which the applicant resides. The designee may also return the ballot in person to the municipal clerk not later than the close of the polls.

(b) At any such referendum, any person who would be eligible to vote on the question or proposal if he appeared in person and is unable to appear in person for one or more of the reasons set forth in section 9-135, may cast his vote by absentee ballot, in accordance with the requirements of this section.

(c) Upon receipt of the written form of the question or proposal to be voted on at any such referendum, the municipal clerk shall immediately prepare and print absentee ballots for the referendum. The phrasing of the question or proposal on the absentee ballots shall be identical to the phrasing on the ballot or ballot label to be used for voting in person at the referendum.

(d) Upon notification by the municipal clerk that such a referendum will be held, the secretary of the state shall furnish to such clerk the forms and materials described in section 9-139a in the amount requested by the clerk.

(e) Any person who is eligible to vote by absentee ballot as provided in this section may apply in person or by mail to the municipal clerk for an absentee ballot. Application shall be made on a form furnished by the secretary of the state, as provided in subsection (d) of this section. Upon receipt of an application or upon the nineteenth day before the date of the referendum, whichever is later, the municipal clerk shall give to the applicant or mail, as the case may be, the absentee ballot and the envelopes furnished by the secretary of the state. No absentee ballot shall be issued after the opening of the polls at the referendum, except as provided in section 9-150c.

(f) The procedures for issuing, returning, casting and counting absentee ballots, declaring the count and packaging the ballots at elections, shall apply, as nearly as may be, to absentee ballots at referenda.

(P.A. 79-243, S. 2; P.A. 86-179, S. 48, 53; P.A. 87-320, S. 2; P.A. 91-286, S. 5; P.A. 93-384, S. 25, 28.)

**Sec. 9-370. Submission of local questions at elections.** Any provision of any special act to the contrary notwithstanding, no local question approved for submission to the electors of a municipality within the period of sixty days prior to an election as defined in section 9-1 may be voted upon at such election unless otherwise specifically provided by the general statutes.

(1959, P.A. 156, S. 1; 1961, P.A. 396.)

**Sec. 9-370a. Recanvass on close question vote.** In the case of an election or referendum wherein the difference between the "Yes" and "No" vote on a question was less than one-half of one per cent of the total number of votes cast for the question but not more than two thousand votes, the moderator shall proceed forthwith to cause a recanvass of such returns to be made as nearly as may be in the manner provided in section 9-311.

(1971, P.A. 438.)

**Sec. 9-371. Report of referendum result to secretary.** Whenever any town, city or borough has conducted a referendum in accordance with the provisions of any special act, or on the question of the acceptance of such act, or on the question of the adoption of any home rule charter or charter revision or amendment thereto, the clerk of such municipality shall, within fifteen days, notify the secretary of the state, in writing, of the result of such referendum.

(1959, P.A. 615, S. 21; 1971, P.A. 507, S. 2.)

## CHAPTER 153

### NOMINATIONS AND POLITICAL PARTIES

#### PART I

#### GENERAL

**Sec. 9-372. Definitions.** The following terms, as used in this chapter and sections 9-51 to 9-67, inclusive, 9-169e, 9-217, 9-236 and 9-361, shall have the following meanings:

(1) "Caucus" means any meeting, at a designated hour and place, or at designated hours and places, of the enrolled members of a political party within a municipality or political subdivision thereof for the purpose of selecting party-endorsed candidates for a primary to be held by such party or for the purpose of transacting other business of such party;

(2) "Convention" means a meeting of delegates of a political party held for the purpose of designating the candidate or candidates to be endorsed by such party in a primary of such party for state or district office or for the purpose of transacting other business of such party;

(3) "District" means any geographic portion of the state which crosses the boundary or boundaries between two or more towns;

(4) "District office" means an elective office for which only the electors in a district, as defined in subdivision (3) of this section, may vote;

(5) "Major party" means (A) a political party or organization whose candidate for governor at the last-preceding election for governor received, under the designation of that political party or organization, at least twenty per cent of the whole number of votes cast for all candidates for governor or (B) a political party having, at the last-preceding election for governor, a number of enrolled members equal to at least twenty per cent of the total number of enrolled members of all political parties in the state;

(6) "Minor party" means a political party or organization which is not a major party and whose candidate for the office in question received at the last-preceding regular election for such office, under the designation of that political party or organization, at least one per cent of the whole number of votes cast for all candidates for such office at such election;

(7) "Municipal office" means an elective office for which only the electors of a single town, city, borough, or political subdivision, as defined in subdivision (10) of this section, may vote, including the office of justice of the peace;

(8) "Party designation committee" means an organization, composed of at least twenty-five members who are electors, which has, on or after November 4, 1981, reserved a party designation with the secretary of the state pursuant to the provisions of this chapter;

(9) "Party-endorsed candidate", in the case of a candidate for state or district office, means a person endorsed by the convention of a political party as a candidate in a primary to be held by such party and, in the case of a candidate for municipal office or for member of a town committee or delegate to a convention, means a person endorsed by the town committee, caucus or convention, as the case may be, of a political party as a candidate in a primary to be held by such party;

(10) "Political subdivision" means any voting district or combination of voting districts constituting a part of a municipality;

(11) "Primary" means a meeting of the enrolled members of a political party and, when applicable under section 9-431, unaffiliated electors, held during consecutive hours at which such members or electors may, without assembling at the same hour, vote by secret ballot for candidates for nomination to office or for town committee members or delegates to conventions;

(12) "Registrar" means the registrar of voters in a municipality who is enrolled with the political party holding a primary and, in each municipality where there are different registrars for different voting districts, means the registrar so enrolled in the voting district in which, at the last-preceding regular election, the presiding officer for the purpose of declaring the result of the vote of the whole municipality was moderator;

(13) "Slate" means a group of candidates for election as delegates from a town to a state or district convention of a political party equal in number to the whole number of delegates to which such town is entitled at such convention, except that (A) in a case in which only a portion of the town is in the district for which a district convention is to be held, "slate" means a group of candidates for election as delegates from such portion of the town to such district convention equal in number to the whole number of delegates to which such portion of the town is entitled at such district convention, and (B) in a case in which delegates to a state convention are to be selected from a senatorial district under section 9-394 or section 9-408, "slate" means a group of candidates for election as delegates from such district to such convention equal in number to the whole number of delegates to which such district is entitled at such convention;

(14) "State office" means any office for which all the electors of the state may vote and includes the office of governor, lieutenant governor, secretary, treasurer, comptroller, attorney general and senator in Congress, but does not include the office of elector of President and Vice-President of the United States;

(15) "Votes cast for the same office at the last-preceding election" or "votes cast for all candidates for such office at the last-preceding election" means, in the case of multiple openings for the same office, the total number of electors checked as having voted at the last-preceding election at which such office appeared on the ballot label.

(June, 1955, S. 572d; November, 1955, S. N45; 1957, P.A. 518, S. 1; 1958 Rev., S. 9-68; 1963, P.A. 17, S. 1; 296; April, 1964, P.A. 2, S. 5; 1967, P.A. 557, S. 710; 1969, P.A. 694, S. 12; P.A. 73-657, S. 5, 6, 13; P.A. 79-363, S. 36, 38; P.A. 81-447, S. 5; Nov. Sp. Sess. P.A. 81-3, S. 4, 5; P.A. 83-213, S. 68; P.A. 87-509, S. 13, 24; P.A. 94-12, S. 1, 2.)

**Sec. 9-373. Nominations to public office.** All nominees for state, district and municipal office, all members of town committees and all delegates to conventions, shall be chosen as provided in this chapter.

(June, 1955, S. 578d, 579d; November, 1955, S. N54; 1958 Rev., S. 9-69; 1963, P.A. 17, S. 2.)

**Sec. 9-373a. Registration of write-in candidates.** Any person desiring to be a write-in candidate for any state, district or municipal office to be filled at any regular election shall register his candidacy with the secretary of the state on a form prescribed by the secretary. The registration shall include the candidate's name and address, the designation and term of the office sought, a statement of consent to the candidacy, and any other information which the secretary deems necessary. In the case of a write-in candidacy for the office of governor or lieutenant governor, the registration shall include a candidate for each of those offices, or shall be void. The registration shall not include a designation of any political party. The registration shall be filed with the secretary not more than ninety days prior to the election at which the office is to be filled and not later than four o'clock p.m. on the fourteenth day preceding the election, or the registration shall be void. No person nominated for an office by a major or minor party or by nominating petition shall register as a write-in candidate for that office under the provisions of this section, and any registration of a write-in candidacy filed by such a person shall be void. Notwithstanding any provision of this section to the contrary, any person desiring to be a write-in candidate for the municipal office of town meeting member in any town having a representative town meeting which has seventy-five or more members shall register his candidacy with the town clerk of such town not later than the last business day preceding such election.

(P.A. 83-475, S. 1, 43; P.A. 87-382, S. 52, 55.)

**Sec. 9-374. Party rules to be filed.** No authority of the state or any subdivision thereof having jurisdiction over the conduct of any primary shall permit the name of a party-endorsed candidate for an office or position to be printed on the official ballot to be used at any such primary unless there has been filed in the office of the secretary of the state a copy of the party rules regulating such party and its method of selecting party-endorsed candidates for nomination to such office or for election as town committee members, delegates and district delegates, if any, as the case may be, such rules to be filed at least sixty days before such candidate is selected under such method of endorsement. A duplicate copy of such rules shall also be filed with the state central committee of such party. A copy of the local party rules, relating to a party in a municipality, shall be filed forthwith by the town chairman or the secretary of the town committee of such party in such municipality with the secretary of the state. The state party rules shall be filed by the state chairman or the secretary of the state central committee of such party. In the case of a minor party, no authority of the state or any subdivision thereof having jurisdiction over the conduct of any election shall permit the name of a candidate of such party for any office to be printed on the official ballot unless there has been filed in the office of the secretary of the state at least one copy of the party rules regulating the manner of nominating a candidate for such office, such rules to be filed at least sixty days before the nomination of such candidate. In the case of a minor party, the selection of town committee members and delegates to conventions shall not be valid unless there has been filed in the office of the secretary of the state at least one copy of the party rules regulating the manner of making such selection, such rules to be filed at least sixty days before such selection is made. A copy of local party rules shall forthwith be also filed with the town clerk of the municipality to which they relate. Party rules shall not be effective until sixty days after the filing of the same with the secretary of the state. A party in any municipality for which local party rules with respect to any office or position have

not been filed as hereinabove provided shall, as to such office or position, be subject to the provisions of the effective state rules of such party applicable in municipalities which do not have local party rules, until such time as local party rules therefor are filed and become effective as herein provided. The town chairman of a party in any municipality for which local party rules have not been adopted and filed as hereinabove provided shall forthwith file a statement with the secretary of the state to the effect that such party in such municipality does not have local party rules. The term "party rules" as used herein includes any amendment to such party rules. When any amendment is to be filed as required by this section, complete party rules incorporating such amendment shall be filed, together with a separate copy of such amendment.

(1949 Rev., S. 1045; 1953, S. 570d; 1957, P.A. 518, S. 41; 1958 Rev., S. 9-71; 1961, P.A. 148; 1963, P.A. 17, S. 3; 375; P.A. 79-363, S. 29, 38.)

**Sec. 9-375. Amendment of party rules.** The local party rules, governing a political party in any municipality, may be amended by one of the three following methods: (1) By a caucus of its enrolled party members, (2) by a convention of delegates chosen by its enrolled party members in a manner prescribed in such rules or (3) by its town committee. Whenever, in any municipality, the method of amending the local party rules of a party is by the town committee, such rules may also be amended either by a caucus of its enrolled party members or by a convention of delegates chosen by its enrolled party members in a manner prescribed in such rules, whichever such rules specify, which caucus or convention, as the case may be, shall forthwith be called by the chairman of its town committee upon the filing with the registrar of voters of such party in such municipality of a petition signed by at least five per cent or five hundred, whichever is less, of its enrolled party members in such municipality, and such caucus or convention, as the case may be, shall be held within a period of time reasonably necessary to convene the same, which period of time shall be prescribed in its rules. Whenever the method of amendment prescribed in accordance with the provisions of this section for a party in any municipality consists of or involves a convention of delegates chosen by its enrolled party members under its party rules, such rule or amendment so prescribing such method of amendment shall also prescribe the manner in which such delegates are to be chosen.

(1957, P.A. 518, S. 40; 1958 Rev., S. 9-70; 1963, P.A. 17, S. 4.)

**Sec. 9-375a. Amendment of party rules in 1972.** Section 9-375a is repealed.

(1972, P.A. 63, S. 1; P.A. 79-363, S. 37, 38.)

**Sec. 9-375b. Amendment of party rules in 1992.** Notwithstanding the provisions of sections 9-374 and 9-375, any amendments of the state rules of a particular party necessitated by redistricting may be made in 1992 by a majority vote of the members of the state central committee of such party voting thereon at a meeting called for the purpose of considering such amendments, and amendments of the local rules of a particular party necessitated by redistricting may be made in 1992 by a majority vote of the members of the town committee of such party voting thereon at a meeting called for the purpose of considering such amendments, and any such amendment shall be effective upon the filing of a copy thereof in the office of the secretary of the state by the chairman or vice-chairman of such political party.

(P.A. 92-1, S. 6, 8.)

**Sec. 9-376. Postponement of primary day.** (a) (1) If the day fixed for any primary falls on a Sunday or a legal holiday or on a day on which the tenets of a religion forbid secular activity, the primary shall be held on the next succeeding day other than a Sunday or a legal or such religious holiday. (2) If the day fixed for any primary falls on the Tuesday immediately following Labor Day, the primary shall be held on the next succeeding Tuesday.

(b) If a primary is held on a day prescribed by subdivision (1) of subsection (a) of this section, the day of the primary shall be considered to be the day on which such primary would have been held except for subdivision (1) of said subsection, for all other purposes including the calculation of any period of time having reference to such primary, except that the calculation of any deadline relating to a person becoming eligible to vote in such primary shall be made from the day on which the primary is actually held.

(November, 1955, S. N53; September, 1957, P.A. 1, S. 4; 1958 Rev., S. 9-82; 1963, P.A. 17, S. 5; 1967, P.A. 767, S. 1; P.A. 83-544, S. 1, 4; P.A. 87-472, S. 2, 14; P.A. 89-297, S. 17.)

**Sec. 9-377. Write-in ballots.** At a primary votes may be cast and counted only for duly qualified candidates at such primary whose names appear on the ballot label on primary day. The write-in slides shall be covered on voting machines used at a primary, and no write-in spaces shall appear on the absentee ballots used at a primary.

(June, 1955, S. 609d; November, 1955, S. N94; 1958 Rev., S. 9-122; 1963, P.A. 17, S. 6; P.A. 76-50, S. 6, 7; P.A. 86-179, S. 49, 53.)

**Sec. 9-378. Nominations without party designation excepted.** In any municipality which, under the provisions of a special act, nominates one or more candidates for municipal office without party designation by nominating petitions or in nonpartisan primaries in addition to the nomination of one or more candidates for such office under party designation, the provisions of this chapter shall apply only to the nomination of such candidates for election therein as are nominated and voted upon under party designation.

(June, 1955, S. 571d, 616d; November, 1955, S. N42, N110; 1958 Rev., S. 9-133; 1963, P.A. 17, S. 7; 406.)

**Secs. 9-378a to 9-378l. Reserved for future use.**

## PART II

### PARTIES ENTITLED TO PLACE ON BALLOT

**Sec. 9-378m. Transferred to Sec. 9-453u.**

**Sec. 9-379. Eligibility for placing on ballot.** No name of any candidate shall be printed on any official ballot at any election except the name of a candidate nominated by a major or minor party unless a nominating petition for such candidate is approved by the secretary of the state as provided in sections 9-453a to 9-453p, inclusive.

(1949 Rev., S. 1044; 1953, S. 569d; 1957, P.A. 410, S. 1; 1958 Rev., S. 9-72; 1959, P.A. 476, S. 1; 675, S. 1; 1963, P.A. 17, S. 8; 1971, P.A. 806, S. 19.)

**Sec. 9-380. Newly-created offices.** In the case of an office created after the last-preceding election, no name of any candidate for such office shall be printed on the official ballot except

the name of a candidate nominated by a political party or organization whose candidate for governor at the last-preceding election for governor received, under the designation of that political party or organization at least twenty per cent of the whole number of votes cast for all candidates for governor, or at least one per cent of the whole number of votes cast for all candidates for governor at such election within the geographical limits of the jurisdiction of such newly-created office, provided, upon the filing of a nominating petition with the secretary of the state as provided in sections 9-453a to 9-453p, inclusive, signed by a number of qualified electors equal to one per cent of the whole number of votes cast for all candidates for governor at the last-preceding election within the geographical limits of the jurisdiction of such newly-created office, or whenever the geographical limits of the jurisdiction of a newly-created office differ from the geographical limits of a voting district or group of voting districts as the same were constituted at the time of the last-preceding election for governor, signed by a number of qualified electors equal to one per cent of the number of electors who voted at the last regular election held in such municipality, or whenever the geographical limits of the jurisdiction of a newly-created office contain more than one town or parts of towns, signed by a number of qualified electors equal to one per cent of the number of electors who voted at the last regular election held in each town which is wholly or partially contained within the geographical limits of the jurisdiction of the newly-created office, such candidate with his party designation, if any, shall be printed on the official ballot.

(1963, P.A. 313, S. 1; February, 1965, P.A. 600, S. 1; 1971, P.A. 806, S. 20.)

### PART III

#### NOMINATION OF CANDIDATES

##### A

#### MAJOR PARTIES

**Sec. 9-381. Nomination procedure.** The provisions of sections 9-382 to 9-450, inclusive, shall apply to the nomination by a major party of any candidate for an elective office, including an office established after the last-preceding election, and to the selection in any municipality by a major party of town committee members or delegates to conventions.

(June, 1955, S. 571d; November, 1955, S. N42; 1958 Rev., S. 9-73; 1963, P.A. 17, S. 9; 313, S. 2.)

**Sec. 9-381a. Election procedures applicable to primaries unless otherwise provided.** Except as otherwise provided by statute, the provisions of the general statutes concerning procedures relating to regular elections shall apply as nearly as may be, in the manner prescribed by the secretary of the state, to primaries held under the provisions of this chapter.

(P.A. 83-213, S. 1.)



**Sec. 9-382. Party-endorsed candidates; state or district office.** The state or district convention, as the case may be, shall, in a manner conforming with applicable law and with the rules of the party calling such convention, choose a candidate for nomination to each of the state or district offices, as the case may be. No such convention shall choose more than one candidate for nomination to any such office. Candidates so chosen shall run in the primary of such party as party-endorsed candidates, except as provided in section 9-416.

(June 1955, S. 581d; November, 1955, S. N57; 1958 Rev., S. 9-85; 1963, P.A. 17, S. 10.)

**Sec. 9-383. Time and place of convention.** The time and place of meeting of a state or district convention shall be fixed by the state central committee or other authority of the party holding such convention, in accordance with the rules of such party; provided each such convention held to endorse candidates for state or district office to be voted upon at a state election shall be convened not earlier than the sixty-eighth day and closed not later than the fiftieth day preceding the day of the primary for such office.

(June, 1955, S. 574d; November, 1955, S. N46; 1958 Rev., S. 9-75; 1963, P.A. 17, S. 11; P.A. 74-25, S. 2, 13; P.A. 77-39; 77-583, S. 3; P.A. 89-297, S. 15, 18.)

**Sec. 9-384. Calls for conventions.** Each convention shall originate by call of the chairman of the state central committee or other authority of the party holding such convention, in accordance with the rules of such party.

(June, 1955, S. 580d; November, 1955, S. N56; 1958 Rev., S. 9-84; 1963, P.A. 17, S. 12; P.A. 75-396, S. 4, 5; P.A. 85-268, S. 1, 3.)

**Sec. 9-384a. Calls for 1974 party conventions.** Section 9-384a is repealed.

(P.A. 74-25, S. 11, 13; P.A. 79-363, S. 37, 38.)

**Sec. 9-385. Roll-call vote or polling by delegation at convention.** Whenever one-fifth or more of the accredited delegates to, and present and voting at, any state or district convention, called for the purpose of choosing candidates for nomination for any elective office, upon motion, vote in favor of a roll call upon any matter or motion pending before such convention, or whenever a vote is to be taken on a party endorsement as between two or more candidates for nomination to any state or district office at any such convention, the clerk or secretary of such convention shall call such roll and shall keep a true record, in writing, of the vote of each delegate entitled to vote and voting at such convention or shall poll such convention by delegations if this procedure has been chosen by the convention pursuant to section 9-385a, and shall, at the conclusion of such roll call or call by delegations as the case may be, announce the result of such vote. Such clerk or secretary shall file such record at the headquarters of the state central committee, where it shall be preserved for a period of one hundred eighty days after the adjournment of such convention, and such record shall be open to public inspection at all reasonable times.

(1949 Rev., S. 1185; 1953, June, 1955, S. 615d; November, 1955, S. N103; 1957, P.A. 518, S. 34; 1958 Rev., S. 9-127; 1963, P.A. 17, S. 13; 1971, P.A. 512, S. 2; P.A. 87-382, S. 38, 55.)

**Sec. 9-385a. Voting by delegation at state convention.** The delegates to the state convention of each party elected from each town shall select a chairman of such delegation and file the name and address of such chairman with the secretary of the state central committee of such party prior to the opening of such convention. Whenever one-fifth or more of the accredited

delegates to, and present and voting at, any such state convention called for the purpose of choosing candidates for nomination for any elective office, upon motion, vote that a roll call vote, under section 9-385, upon any matter or motion pending before such convention, or on a party endorsement as between two or more candidates for nomination to any state office at any such convention, be taken by town delegation, the individual delegates shall be polled by the chairman of each town delegation whose designation is recorded as provided herein and their votes cast by totals by such chairman on the roll call. A list of the names and the vote of each delegate shall be filed by the said chairman of each town delegation with the clerk or secretary of the convention prior to the announcement of the result of such roll call vote and shall be preserved with the record of the vote as provided in section 9-385. A duplicate copy of such list shall be filed with the secretary of the state not later than forty-eight hours after the close of such convention. Upon announcement by the chairman of the vote of a town delegation, any delegate from such town may question or challenge such announcement, and thereupon, the vote of such town delegation shall be individually taken by the clerk or the secretary of such convention calling the roll, and each delegate shall announce his own vote. The provisions of this law shall not apply to district delegates, if any, and district delegates shall continue to vote individually on any roll call.

(1971, P.A. 512, S. 1.)

**Sec. 9-386. Tie vote on endorsement.** If a vote taken under sections 9-382 to 9-450, inclusive, on the selection of any party-endorsed candidate for state or district office results in a tie, such tie vote shall be dissolved in the manner prescribed in the applicable state or district rules of the party selecting such candidate; provided, if said party rules are silent or permit the tie vote to remain, a tie may be declared by the chairman or the presiding officer and there shall be no party endorsement. In such case of no party endorsement, statements may be filed under section 9-400, by or on behalf of any qualified person whose name appears upon the last-completed enrolment list of such party and who has received at least fifteen per cent of the votes of the convention delegates present and voting on any roll-call vote taken on the proposed endorsement of a candidate for such state or district office. In such event, if within the time specified in section 9-400, a candidacy for nomination to such state or district office is filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by not more than one person, no primary shall be held by such party for such office and the person filing such candidacy shall be deemed to have been lawfully chosen as the nominee of such party for such office; but if such candidacies are so filed by two or more persons, a primary shall be held as provided in section 9-415.

(November, 1955, S. N63; 1957, P.A. 518, S. 10; 1958 Rev., S. 9-90; 1963, P.A. 17, S. 14; 1967, P.A. 904, S. 1; P.A. 79-616, S. 10; P.A. 93-342, S. 1.)

**Sec. 9-387. Dispute as to endorsement.** The state rules of each party shall prescribe the manner in which any dispute as to the endorsement by such party of a candidate for state, district or municipal office or for delegate or town committee member, including conflicting claims to such endorsement, shall be resolved.

(November, 1955, S. N64; 1957, P.A. 518, S. 11; 1958 Rev., S. 9-91; 1963, P.A. 17, S. 15; P.A. 81-447, S. 6, 23.)

**Sec. 9-388. Report to secretary of the state.** Whenever a convention of a political party is held for the endorsement of candidates for nomination to state or district office, each candidate

endorsed at such convention shall file with the secretary of the state a certificate, signed by him, stating that he was endorsed by such convention, his name as he authorizes it to appear on the ballot, his full residence address and the title and district, if applicable, of the office for which he was endorsed. Such certificate shall be attested by either (1) the chairman or presiding officer or (2) the secretary of such convention and shall be received by the secretary of the state not later than four o'clock p.m. on the fourteenth day after the close of such convention. If a certificate of a party's endorsement for a particular state or district office is not received by the secretary of the state by such time, such party, for purposes of section 9-416 and section 9-416a shall be deemed to have made no endorsement of any candidate for such office. If applicable, the chairman of a party's state convention shall, forthwith upon the close of such convention, file with the secretary of the state the names and full residence addresses of persons selected by such convention as the nominees of such party for electors of president and vice-president of the United States in accordance with the provisions of section 9-175.

(June, 1955, S. 582d; November, 1955, S. N58; 1957, P.A. 518, S. 7; 1958 Rev., S. 9-86; 1963, P.A. 17, S. 16; P.A. 74-25, S. 3, 13; P.A. 77-583, S. 4; P.A. 81-447, S. 7, 23; P.A. 87-382, S. 39, 55.)

**Sec. 9-389. Publication of names; information concerning filing of candidacies.** Section 9-389 is repealed.

(June, 1955, S. 583d; November, 1955, S. N59; 1957, P.A. 518, S. 8; 1958 Rev., S. 9-87; 1963, P.A. 17, S. 17; P.A. 74-25, S. 10, 13.)

**Sec. 9-390. Selection of party-endorsed candidates.** (a) Except as provided in subsection (g) of this section, party-endorsed candidates of any party in any municipality for municipal office shall be selected, in accordance with the rules of such party, by: (1) The enrolled members of such party in such municipality in caucus, (2) delegates to a convention chosen in accordance with such rules by such enrolled members or (3) the town committee of such party. The town chairman or his designee shall give notice in a newspaper having a general circulation in the town of the date, time, location and purpose of a caucus held pursuant to subdivision (1) of this subsection. Such notice shall be given not less than five days prior to the date set for the caucus; provided, if the rules of the party in any municipality require earlier notice, such party rules shall prevail.

(b) Except as provided in subsection (g) of this section, party-endorsed candidates of any party in any municipality for delegates to conventions shall be selected, in accordance with the rules of such party, by the method prescribed in either subdivision (1) or (3) of subsection (a) of this section.

(c) Except as provided in subsection (g) of this section, party-endorsed candidates of any party in any municipality for town committee members shall be selected, in accordance with the rules of such party, by the method prescribed in subdivision (1) of subsection (a) of this section.

(d) The selection of party-endorsed candidates in the manner provided in subsection (a), (b) or (c) of this section shall be made and certified to the clerk of the municipality within the time specified in section 9-391.

(e) In the endorsement of any person for an office or a position as delegate or committee member, in the manner provided in subsection (a), (b) or (c) of this section, for whom only the electors of a political subdivision of such municipality or of a senatorial district or assembly

district located in such municipality may vote, only the enrolled party members, delegates or town committee members, as the case may be, from such political subdivision or district may participate, except that, in a municipality in which the town committee is elected at large and is the endorsing authority, such endorsement shall be made by the town committee as a whole and except that, whenever no member of the endorsing authority resides in such political subdivision or district from which the endorsement is to be made, then such endorsing authority as a whole shall endorse.

(f) Candidates endorsed in the manner provided in subsection (a), (b) or (c) of this section shall run in the primary of such party as party-endorsed candidates, except as provided in section 9-417.

(g) Any party in any municipality may by its rules provide that no selection be made of party-endorsed candidates for municipal office, town committee members or delegates to conventions and that the nominees of such party for such municipal office, town committee members or delegates to conventions of such party be chosen at direct primaries in accordance with the provisions of sections 9-405 to 9-407, inclusive, and sections 9-409 to 9-412, inclusive, except as provided in sections 9-418, 9-419 and 9-420.

(h) This section shall not apply to district delegates to conventions.

(November, 1955, S. N61; 1957, P.A. 518, S. 9; 1958 Rev., S. 9-88; 1961, P.A. 147; 1963, P.A. 17, S. 18; 1967, P.A. 557, S. 11; P.A. 79-133; P.A. 80-249, S. 1; 80-379, S. 2, 3; P.A. 87-472, S. 3.)

**Sec. 9-390a. Election of town committee members in 1972.** Section 9-390a is repealed.

(1972, P.A. 3, S. 1; 220, S. 4; P.A. 78-153, S. 31, 32.)

**Sec. 9-391. Time for party endorsements for municipal offices, town committee and delegates; certification of endorsements; late certification void.** (a) Each endorsement of a candidate to run in a primary for the nomination of candidates for municipal office or for the election of town committee members or delegates to conventions shall be made under the provisions of section 9-390 not earlier than the fifty-sixth day nor later than the forty-ninth day preceding the day of such primary and except as provided in subsection (b) of this section shall be certified to the clerk of the municipality by the chairman or presiding officer and the secretary of the town committee, caucus or convention, as the case may be, not later than four o'clock p.m. on the forty-eighth day preceding the day of such primary. Such certification shall contain the name and street address of each person so endorsed and the title of the office or the position as committee member or delegate and the name or number of the political subdivision or district, if any, for which each such person is endorsed. In the case of endorsement of candidates for delegates to a convention, if (1) all candidates on the endorsed slate sign a statement or letter of support for the nomination of one or more candidates for offices for which such convention is to make an endorsement, provided not more than one candidate for each such office is included in each such statement or letter of support, (2) such certification and statements or letters of support are collectively accompanied by an affidavit of consent from each candidate listed in such statements or letters of support, provided such affidavit is signed by the candidate or by a designee of the candidate named on a list of designees signed by the candidate, and (3) any such lists of designees are filed with such certification, the name of each such candidate and the designation of each such office shall be placed on the ballot label pursuant to subsection (h) of section 9-437. If such a certificate of a party's endorsement of a candidate for a municipal office

or for town committee member or for delegate to a convention is not received by the town clerk by such time, such party, for purposes of sections 9-417, 9-418, 9-419 and 9-420, shall be deemed to have neither made nor certified such endorsement of any candidate for such office.

(b) In the case of such an endorsement for the municipal office of state senator or state representative, the candidate so endorsed shall file with the town clerk a certificate, signed by him, stating that he was so endorsed, his name as he authorizes it to appear on the ballot, his full residence address, and the title and district of the office for which he was endorsed. Such certificate shall be attested by either (1) the chairman or presiding officer, or (2) the secretary of the town committee, caucus or convention which made such endorsement, and shall be received by the town clerk not later than four o'clock p.m. on the fourteenth day after the close of such town committee meeting, caucus or convention. If such a certificate of a party's endorsement for the municipal office of state senator or state representative in a particular senatorial or assembly district is not received by the town clerk by such time, such party, for purposes of sections 9-417 and 9-418, shall be deemed to have neither made nor certified any endorsement of any candidate for such office in such district.

(June, 1955, S. 575d; November, 1955, S. N47; 1957, P.A. 518, S. 2; September, 1957, P.A. 1, S. 1; 1958 Rev., S. 9-76; 1963, P.A. 17, S. 19; P.A. 74-25, S. 4, 13; P.A. 81-447, S. 8, 23; P.A. 82-247, S. 9, 14; P.A. 83-475, S. 25, 43; P.A. 84-1, S. 1, 3; P.A. 85-235, S. 1; P.A. 87-382, S. 40, 55; 87-472, S. 4; P.A. 89-297, S. 13, 18; P.A. 90-1, S. 2, 5.)

**Sec. 9-392. Selection of town committees.** A town committee shall be selected by each party in each town, in accordance with the provisions of sections 9-382 to 9-450, inclusive, not later than July 1, 1956, and thereafter at intervals not greater than twenty-six months. The terms of town committee members shall start on the first Monday following the date for the primary, unless otherwise provided in the party rules, except that the terms of all members shall begin and end on the same day; provided, when a town committee increases its membership as provided in section 9-393, the party rules shall specify the day upon which the term of all the new positions created by such increase shall begin.

(November, 1955, S. N52; 1957, P.A. 518, S. 5; 1958 Rev., S. 9-81; 1963, P.A. 17, S. 20.)

**Sec. 9-393. Selection of town committee members and delegates.** All town committee members and delegates to conventions shall be chosen as provided in sections 9-382 to 9-450, inclusive. Vacancies in town committees, arising from any cause including failure to elect, shall be filled in such manner as the rules of the party prescribe. The chairman of a town committee may be chosen by the town committee from within or without the membership of the town committee as the rules of the party prescribe. Any town committee may, by party rules adopted in accordance with section 9-375 and filed under section 9-374, increase its membership and fill new positions created by such increase in the manner prescribed in the applicable party rules. The rules of a party may provide methods for the filling of vacancies in delegations to conventions, which methods may include prescribing that each delegate elected in conformity with the provisions of sections 9-382 to 9-450, inclusive, may designate an alternate delegate or a proxy to act for him in his absence.

(June, 1955, S. 578d; November, 1955, S. N55; 1957, P.A. 518, S. 6; 1958, Rev., S. 9-83; 1963, P.A. 17, S. 21; 130.)

**Sec. 9-394. District delegates.** If the state rules of a party provide that certain delegates to state conventions be chosen from senatorial districts, the party-endorsed candidates for election as such district delegates shall be selected in such manner as is prescribed in such rules; provided

such selection shall be made within the time specified in section 9-391; and provided, upon such selection, the information required in section 9-390 shall forthwith be certified, in such manner as is prescribed in such rules, to the clerk of each municipality in such district, and such certification shall be deemed the certification of the party in such municipality. Delegates allocated to and selected from towns shall not be deemed to be district delegates.

(November, 1955, S. N62; March, 1958, P.A. 27, S. 36; 1958 Rev., S. 9-89; 1963, P.A. 17, S. 22; 1967, P.A. 557, S. 12; P.A. 73-657, S. 7, 13; P.A. 83-213, S. 9.)

**Sec. 9-394a. Senatorial and assembly district convention delegates.** Any major party in any part of a town which is a component part of a senatorial or assembly district composed of parts of two towns or of a town or towns and a part or parts of another town or other towns may elect delegates to a senatorial or assembly district convention in such district as provided in this title and its party rules and may participate in the selection of a candidate for state senator or state representative in such district in the manner provided for a town which is a component part of a senatorial district in a district composed of two or more towns under this title. The name of each member of an opposition slate of delegates from such part of a town and the name of each signer of a primary petition therefor under section 9-407 shall appear on the last-completed enrolment list of such party for such part of a town. In addition to other requirements prescribed by law, the name of a person on whose behalf a primary petition is filed for nomination to the office of state senator or state representative for such district and the names of the signers of any such petition shall appear on the last-completed enrolment list of such party for such part of a town or for any other town which is a component part of such district.

(1967, P.A. 557, S. 21; P.A. 73-657, S. 8, 13.)

**Sec. 9-395. Publication of information concerning municipal primaries.** Forthwith upon the certification provided in sections 9-390 and 9-394, the clerk of the municipality shall publish, in a newspaper having a general circulation in such municipality, the fact of such certification and that a list of the persons endorsed as candidates is on file in his office and copies thereof are available for public distribution. If, with respect to any office or position to be filled, the clerk of the municipality has failed to receive the certification of the name of any person as a party-endorsed candidate within the time limited in section 9-391, such fact shall be published by the clerk of the municipality. Together with such information, the clerk shall publish a notice that a primary will be held for the nomination by such political party of a candidate for the offices to be filled or for the election of members of the town committee or delegates to a convention, as the case may be, if a candidacy is filed in accordance with the provisions of sections 9-382 to 9-450, inclusive. Such notice shall specify the final date for the filing of such candidacy and the date of the primary, shall state where forms for petitions may be obtained and shall generally indicate the method of procedure in the filing of such candidacy. The secretary of the state shall prescribe the form of such notice. The clerk shall forthwith publish any change in the party-endorsed candidates, listing such changes.

(June, 1955, S. 585d; November, 1955, S. N65; 1957, P.A. 518, S. 12; 1958 Rev., S. 9-92; 1963, P.A. 17, S. 23; 636.)

**Sec. 9-396. Ballot vote at caucus; eligibility to vote.** At any caucus of the enrolled members of any party in any municipality or in any voting district of any municipality, the chairman of such caucus shall, upon the receipt of a written motion from any person lawfully participating in such caucus calling for a vote by ballot upon such matter as such motion

designates, submit such motion to a rising vote; and, if fifteen electors present and legally entitled to participate in such caucus vote in favor of such motion, the vote on the matter specified in such motion shall be by ballot. The presiding officer shall thereupon appoint two tellers; and, upon the written application of fifteen electors legally entitled to participate in such caucus, he shall appoint a teller from the persons whose names appear on such application. Before any ballot is deposited, the name of the elector offering to vote shall be given to the clerk or secretary of such caucus, and such name shall be checked on the enrolment list of such party. No person shall vote or participate or attempt to vote or participate in any caucus of a party in any voting district unless he is enrolled on the last-completed enrolment list of such party in such voting district; provided, if the party rules of such party provide for a joint caucus for two or more voting districts of a municipality, a person may vote in such joint caucus if the voting district in which he is enrolled is participating in such joint caucus. Any person who violates any provision of this section shall be fined not more than two hundred dollars or imprisoned not more than thirty days or both.

(November, 1955, S. N108; 1958 Rev., S. 9-131; 1963, P.A. 17, S. 24.)

**Sec. 9-397. Tie vote on endorsement.** If a vote taken under sections 9-382 to 9-450, inclusive, on the selection of any party-endorsed candidate for municipal office or for delegate or town committee member results in a tie, such tie vote shall be dissolved in the manner prescribed in the applicable rules of the party selecting such candidate.

(November, 1955, S. N63; 1957, P.A. 518, S. 10; 1958 Rev., S. 9-90; 1963, P.A. 17, S. 25.)

**Secs. 9-398 and 9-399. Dispute as to endorsement. Time for filing candidacies.** Sections 9-398 and 9-399 are repealed.

(June, 1955, S. 576d; November, 1955, S. N48, N64; 1957, P.A. 518, S. 3, 11; 1958 Rev., S. 9-77, 9-91; 1963, P.A. 17, S. 26, 27; P.A. 74-25, S. 5, 13; P.A. 79-616, S. 23; P.A. 81-447, S. 22, 23.)

**Sec. 9-400. Filing of candidacies; state or district office.** (a) Within fourteen days following the close of the state convention, a candidacy for nomination by a political party to a state office may be filed by or on behalf of any person whose name appears upon the last-completed enrolment list of such party in any municipality within the state and who has received at least fifteen per cent of the votes of the convention delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for such state office, whether or not the party-endorsed candidate for such office received a unanimous vote on the last ballot, by the filing with the secretary of the state, of a certificate, signed by such candidate and attested by either (1) the chairman or presiding officer, or (2) the secretary of the convention, that such candidate received at least fifteen per cent of such votes, and that he consents to be a candidate in a primary of such party for such state office. Such certificate shall specify the candidate's name as he authorizes it to appear on the ballot, his full residence address and the title of the office for which his candidacy is being filed. A single such certificate for state office may be filed on behalf of two or more candidates for different state offices who consent to have their names appear on a single row of the primary ballot label under subsection (b) of section 9-437. Except as provided in section 9-416a, upon the expiration of the fourteen-day period, if one or more candidacies for such state office have been filed pursuant to the provisions of this section, the secretary of the state shall notify all town clerks in accordance with the

provisions of section 9-433, that a primary for such state office shall be held in each municipality in accordance with the provisions of section 9-415.

(b) Within fourteen days following the close of the district convention, a candidacy for nomination by a political party to a district office may be filed by or on behalf of any person whose name appears upon the last-completed enrolment list of such party within any municipality or part of a municipality forming a component part of such district and who has received at least fifteen per cent of the votes of the convention delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for such district office, whether or not the party-endorsed candidate for such office received a unanimous vote on the last ballot, by the filing with the secretary of the state of a certificate, signed by such candidate and attested by either (1) the chairman or presiding officer, or (2) the secretary of the convention, that such candidate received at least fifteen per cent of such votes, and that he consents to be a candidate in a primary of such party for such district office. Such certificate shall specify the candidate's name as he authorizes it to appear on the ballot, his full residence address and the title and district of the office for which his candidacy is being filed. Except as provided in section 9-416a, upon the expiration of the fourteen-day period, if one or more candidacies for such district office have been filed pursuant to the provisions of this section, the secretary of the state shall notify all town clerks within the district, in accordance with the provisions of section 9-433, that a primary for such district office shall be held in any municipality or each part of any municipality within the district in accordance with the provisions of section 9-415.

(June, 1955, S. 589d; November, 1955, S. N70; 1957, P.A. 518, S. 17; 1958 Rev., S. 9-98; 1963, P.A. 17, S. 28; 1967, P.A. 557, S. 13; 1969, P.A. 694, S. 13; P.A. 73-657, S. 9, 13; P.A. 79-616, S. 5; P.A. 81-447, S. 9, 23; P.A. 87-382, S. 41, 55; 87-472, S. 9; P.A. 93-342, S. 2.)

**Secs. 9-401 to 9-404. Availability of petition forms. Petition form; circulation of petitions for state or district office; prohibited acts. Registrar's receipt and verification of petitions for state or district office; rejection by secretary of the state, when; preservation of petitions by secretary. Return of deposit; state or district office.** Sections 9-401 to 9-404, inclusive, are repealed.

(June, 1955, S. 591d594d; November, 1955, S. N74N77; 1957, P.A. 518, S. 2124; March, 1958, P.A. 27, S. 22; 1958 Rev., S. 9-1029-105; 1963, P.A. 17, S. 2932; 312, S. 1; 525, S. 1; 1969, P.A. 694, S. 14; 1971, P.A. 871, S. 75; P.A. 74-25, S. 6, 13; P.A. 78-125, S. 1, 2; 78-153, S. 1, 32; P.A. 79-363, S. 30, 38; 79-616, S. 23.)

**Sec. 9-405. Time for filing primary petition candidacies for municipal offices, town committee and delegates.** Candidacies of persons other than party-endorsed candidates for nomination by a political party to any municipal office or for election as town committee members or delegates to conventions shall be filed with the registrar, as provided in section 9-406, not later than four o'clock p.m. on the thirty-fourth day preceding the day of the primary of such party for the nomination of candidates for such office or for the election of town committee members or delegates to conventions, which day and hour shall be specified on the petition forms. On such last day for filing such primary petition candidacies, the office or office facilities of the registrars of voters shall open not later than one o'clock p.m., and remain open until at least four o'clock p.m., and such registrars or their deputy or assistant registrars shall be present therein.



(June, 1955, S. 576d; November, 1955, S. N48; 1957, P.A. 518, S. 3; 1958 Rev., S. 9-77; 1963, P.A. 17, S. 33; P.A. 74-25, S. 7, 13; P.A. 83-475, S. 26, 43; P.A. 84-1, S. 2, 3; P.A. 85-235, S. 2; 85-577, S. 11; P.A. 87-382, S. 42, 55; P.A. 89-297, S. 14, 18.)

**Sec. 9-406. Filing of candidacies; municipal office, committee members.** Within the time specified in section 9-405, a candidacy for nomination by a political party to a municipal office or a candidacy for election as a member of a town committee may be filed by or on behalf of any person whose name appears upon the last-completed enrolment list of such party within the municipality or within the political subdivision or senatorial district or assembly district within which a person is to be nominated or a town committee member is to be elected, as the case may be, by filing with the registrar a petition signed by at least five per cent of the electors whose names appear upon the last-completed enrolment list of such party in such municipality or in such political subdivision or senatorial district or assembly district or, signed by such lesser number of such electors as such party by its rules prescribes, as the case may be. For the purpose of computing five per cent of the last-completed enrolment list, the registrar shall use the last printed enrolment list and the printed supplementary list, if any, of a political party certified and last completed by the registrars of voters, excluding therefrom the names of individuals who have ceased to be electors.

(June, 1955, S. 590d; November, 1955, S. N71; 1957, P.A. 518, S. 18; 1958 Rev., S. 9-99; 1963, P.A. 17, S. 34; 1967, P.A. 557, S. 14; P.A. 75-269, S. 6; P.A. 79-616, S. 6; P.A. 80-483, S. 36, 186.)

**Sec. 9-406a. Penalty for fraudulent certification.** Any person who fraudulently signs, attests or files a false certificate under section 9-388, 9-391, 9-400 or 9-406 shall be guilty of a class A misdemeanor.

(P.A. 81-447, S. 3, 23.)

**Sec. 9-407. Filing of candidacies; delegates.** Within the time specified in section 9-405, candidacies for nomination by a political party for election as delegates to a convention may be filed by or on behalf of a slate of persons, each of whose names appears upon the last-completed enrolment list of such party within the municipality or within the political subdivision or senatorial district or assembly district or part of a town which is a component part of a senatorial or assembly district composed of parts of two towns or of a town or towns and a part or parts of another town or towns within which delegates are to be selected, as the case may be, by filing with the registrar a petition signed by at least five per cent of the electors whose names appear upon the last-completed enrolment list of such party in such municipality or in such political subdivision or senatorial district or assembly district or part of a town, or signed by such lesser number of such electors as such party may by its rules prescribe, as the case may be. For the purpose of computing five per cent of the last-completed enrolment list, the registrar shall use the last printed enrolment list and the printed supplementary list, if any, of a political party certified and last completed by the registrars of voters, excluding therefrom the names of individuals who have ceased to be electors.

(June, 1955, S. 590d; November, 1955, S. N72; 1957, P.A. 518, S. 19; 1958 Rev., S. 9-100; 1963, P.A. 17, S. 35; 1967, P.A. 557, S. 15; P.A. 73-657, S. 10, 13; P.A. 75-269, S. 7; P.A. 79-616, S. 7; P.A. 80-483, S. 37, 186.)

**Sec. 9-408. Filing of primary petition candidacies for district delegates.** If delegates to a state convention are to be chosen from senatorial districts, candidacies for nominations by a

political party for election as such delegates may be filed, within the time specified in section 9-405, by or on behalf of a slate of persons, each of whose names appears upon the last-completed enrolment list of such party within any town or part of a town forming a component part of such district, by filing with the registrar of any such town in such district a petition signed by at least ten per cent of the electors whose names appear upon the last-completed enrolment list of such party in such town or such part of a town, but not fewer than three hundred such electors. For the purpose of computing ten per cent of the last-completed enrolment list, the registrar shall use the last printed enrolment list and the printed supplementary list, if any, of a political party certified and last completed by the registrars of voters, excluding therefrom the names of individuals who have ceased to be electors. Delegates allocated to and selected from towns shall not be deemed to be district delegates.

(November, 1955, S. N73; 1957, P.A. 518, S. 20; 1958 Rev., S. 9-101; 1963, P.A. 17, S. 36; 1967, P.A. 557, S. 16; P.A. 75-269, S. 8; P.A. 79-616, S. 8; P.A. 83-213, S. 10.)

**Sec. 9-409. Availability and issuance of primary petition forms.** Petition forms for candidacies for nomination to municipal office, or for election as members of town committees or delegates or district delegates to conventions, shall be available from the registrar beginning on the day following the making of the party's endorsement of a candidate or candidates for such office or position, or beginning on the day following the final day for the making of such endorsement under the provisions of section 9-391, whichever comes first. Any person who requests a petition form shall give his name and address and the name, address and office or position sought of each candidate for whom the petition is being obtained, and shall file a statement signed by each such candidate that he consents to be a candidate for such office or position. In the case of the municipal offices of state senator and state representative, each such candidate shall include on the statement of consent his name as he authorizes it to appear on the ballot. In the case of a petition for candidates for election as delegates or district delegates to a convention, if (1) all candidates on the petitioning slate sign a statement or letter of support for the nomination of one or more candidates for offices for which such convention is to make an endorsement, provided not more than one candidate for each such office is included in such statement or letter of support, (2) such statement of consent and statements or letters of support are collectively accompanied by an affidavit of consent from each candidate listed in such statements or letters of support, provided such affidavit is signed by the candidate or by a designee of the candidate named on a list of designees signed by the candidate, (3) any such lists of designees are filed with such statement of consent and (4) the petition is filed with sufficient signatures, the name of each such candidate and the designation of each such office shall be placed on the ballot label pursuant to subsection (h) of section 9-437. Upon completion of the requirements prescribed in this section, the registrar shall give to such person one or more petition pages, suitable for duplication, as the registrar deems necessary. If the person is requesting the form on behalf of an indigent candidate or a group of indigent candidates listed on the same petition, the registrar shall give the person a number of petition pages determined by the registrar as at least two times the number needed to contain the required number of signatures for a candidacy for nomination to municipal office or a number of petition pages determined by the registrar as at least five times the number needed to contain the required number of signatures for a candidacy for election as a town committee member. The registrar shall also fill in, on each page of the petition form before the petition is issued, the name and address of each candidate to

be named therein, the office or position sought and the political party holding the primary and, if the petition is for candidates for election as delegates to a convention and (A) statements or letters of support, signed by all candidates on the slate, for the nomination of one or more candidates for offices for which such convention is to make an endorsement and (B) affidavits of consent by each candidate listed in such statements or letters of support have been filed pursuant to this section, each such candidate's name and the designation of each such office. Each petition page filled in by the registrar may be duplicated by or on behalf of the candidate or candidates listed on the page and signatures may be obtained on such duplicates. The duplicates may be filed in the same manner and shall be subject to the same requirements as original petition pages. All information relative to primary petitions shall be a public record.

(June, 1955, S. 591d; November, 1955, S. N74; 1957, P.A. 518, S. 21; 1958 Rev., S. 9-102; 1963, P.A. 17, S. 37; 312, S. 2; P.A. 74-139; P.A. 77-245, S. 11; P.A. 79-616, S. 9; P.A. 82-426, S. 9, 14; P.A. 83-391, S. 18, 24; 83-475, S. 42, 43; P.A. 87-382, S. 43, 55; 87-472, S. 5; P.A. 90-1, S. 3, 5; P.A. 93-384, S. 12.)

**Sec. 9-410. Petition form; circulation of petitions for municipal office, committee member or delegate; prohibited acts.** The petition form shall be prescribed by the secretary of the state and provided by the registrar of the municipality in which the candidacy is to be filed in the case of municipal office, town committee members and delegates, or be duplicate petition pages produced in accordance with section 9-409, and signatures shall be obtained only on such forms. Such form shall include thereon a statement of instructions to persons making use thereof and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed. The form shall provide spaces for the names and addresses of the candidates, the offices to which nomination is sought or the positions to which election is sought and the political party holding the primary, and, if the petition is for candidates for election as delegates to a convention, the name of a candidate or candidates, if any, whom all candidates on the petitioning slate support for the party's nomination for an office or offices and the designation of such office or offices. Such form shall provide lines for the signatures, street addresses and dates of birth of enrolled party members supporting the person or persons on behalf of whose candidacy the petition is used. Only as many candidates may be proposed in any one primary petition for the same office or position as are to be nominated or chosen by such party for such office or position; but any one primary petition may propose as many candidates for different offices or positions as there are nominations to be made or positions to be filled. The names of enrolled party members signing a primary petition need not all be on one sheet but may be on several sheets, but no person shall sign more than one petition page for the same candidate or candidates. Any person who signs a name other than his own to a primary petition filed under the provisions of this section or who signs a name other than his own as circulator of such a petition shall be fined not more than one hundred dollars or imprisoned not more than one year or both. Each such sheet shall indicate the candidate or candidates supported, the offices or positions sought and the political party the nomination of which is sought or which is holding the primary for election of town committee members or delegates to a convention. No page of such a petition shall contain the names of enrolled party members residing in different municipalities and any page thereof which has been certified by the registrars of two or more municipalities shall be rejected by the registrar. Withdrawal of petition signatures shall not be permitted. Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote in the primary for which such candidacy is being filed. Each petition page shall contain a

statement signed by the registrar of the municipality in which such circulator is an enrolled party member attesting that the circulator is an enrolled party member in such municipality and is entitled to vote in the primary for which such candidacy is being filed. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. No candidate for the nomination of a party for a municipal office, town committee member or delegate shall circulate any petition for another candidate or another group of candidates contained in one primary petition for the nomination of such party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. No person shall circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures. Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section.

(June, 1955, S. 592d; November, 1955, S. N75; 1957, P.A. 518, S. 22; March, 1958, P.A. 27, S. 22; 1958 Rev., S. 9-103; 1963, P.A. 17, S. 38; 525, S. 2; 1971, P.A. 871, S. 76; P.A. 76-40; P.A. 78-125, S. 3; P.A. 82-426, S. 10, 14; P.A. 87-472, S. 6; P.A. 93-384, S. 13.)

**Sec. 9-411. Number of candidates required on petition for town committee members.** Any provision of law to the contrary notwithstanding, no primary petition for town committee members shall be approved unless it contains the names of a number of candidates, other than party-endorsed candidates, equal in number to at least twenty-five per cent of the number of town committee members to be elected in the town or political subdivision, as the case may be.

(1963, P.A. 503, S. 1.)

**Sec. 9-412. Registrar's receipt and verification of petitions for municipal office, committee member or delegate; filing with clerk; rejection of petition by registrar, when.** Upon the filing of any petition proposing a candidacy for a municipal office or for member of a town committee or delegates or district delegates to a convention, the registrar shall sign and give to the person so submitting a page or pages of such petition a receipt indicating the number of such pages so submitted and the date and time when such pages were submitted and shall forthwith certify on each such sheet the number of signers thereon who were enrolled on the last-completed enrolment list of such party and shall forthwith file such sheet, so certified, with

the clerk of the municipality, together with his certificate as to the whole number of names on the last-completed enrolment list of such party in such municipality. In the checking of signatures on primary petition pages, the registrar shall reject any name if such name does not appear on the last-completed enrolment list in the municipality or political subdivision, as the case may be. Such rejection shall be indicated by the placing of an "R" before the name so rejected. The registrar may place a check mark before each name appearing on such enrolment list to indicate approval but shall place no other mark on such page except as provided in this chapter. The registrar shall not reject any name for which the street address on the petition is different from the street address on the enrolment list, if (1) such person is eligible to vote for the candidate or candidates named in the petition and (2) the person's date of birth, as shown on the petition page, is the same as the date of birth on the person's registration record. The registrar shall reject any page of a petition which does not contain the certifications provided in section 9-410, or which is determined by said registrar to have been circulated in violation of any other provision thereof. Petitions filed with the municipal clerk shall be preserved for a period of three years and then may be destroyed.

(June, 1955, S. 593d; November, 1955, S. N76; 1957, P.A. 518, S. 23; 1958 Rev., S. 9-104; 1959, P.A. 49; 1963, P.A. 17, S. 39; P.A. 77-213, S. 1, 2; P.A. 78-125, S. 4; 78-153, S. 26, 32; P.A. 93-384, S. 16.)

**Sec. 9-413. Deposition of deposit filed with registrar.** Section 9-413 is repealed.

(June, 1955, S. 595d; November, 1955, S. N78; 1957, P.A. 518, S. 25; 1958 Rev., S. 9-106; 1963, P.A. 17, S. 40; 1972, P.A. 57, S. 1; P.A. 79-616, S. 23.)

**Sec. 9-414. Nominations not to exceed places to be filled; municipal primaries.** No town committee, caucus or convention shall endorse and certify to the clerk of a municipality, and no primary shall choose, more candidates for nomination to municipal office or more persons as members of a town committee or as delegates to a convention than an elector may vote for in each such case.

(June, 1955, S. 596d; November, 1955, S. N79; 1958 Rev., S. 9-107; 1963, P.A. 17, S. 41.)

**Sec. 9-415. When primary required.** If within the time specified in sections 9-400 and 9-405 a candidacy for nomination by a political party to a state, district or municipal office is filed by or on behalf of any person other than a party-endorsed candidate in conformity with the provisions of sections 9-400 to 9-414, inclusive; or if within such time candidacies numbering at least twenty-five per cent of the number of town committee members to be elected by a party either in the municipality or in the political subdivision, as the case may be, are filed by or on behalf of persons other than party-endorsed candidates in conformity with the provisions of sections 9-382 to 9-450, inclusive, or if within such time candidacies for election as delegates to a convention of a political party are filed by or on behalf of a slate of persons other than party-endorsed candidates in conformity with the provisions of said sections, a primary shall be held in each municipality of the state or district, or in the municipality or political subdivision thereof or senatorial district or assembly district or in each part of a municipality which is a component part of a senatorial or assembly district composed of parts of two towns or of a town or towns and a part or parts of another town or towns therein in which the nomination for municipal office is to be made or in which members of a town committee or delegates to a convention are to be elected, or in each municipality in the district in which district delegates to a convention are to be elected, as the case may be, to determine the nominee of such party for such

office or to elect the members of the town committee or the delegates to the convention, except as provided in sections 9-416a, 9-418, 9-419 and 9-420.

(June, 1955, S. 586d; November, 1955, S. N66; 1957, P.A. 518, S. 14; 1958 Rev., S. 9-94; 1963, P.A. 17, S. 42; 1967, P.A. 557, S. 17; P.A. 73-657, S. 11, 13; P.A. 79-616, S. 11; P.A. 80-483, S. 38, 186; P.A. 81-447, S. 10, 23; 81-472, S. 9, 159.)

**Sec. 9-416. No-contest nominations; state or district office.** If at a state or district convention no person other than a party-endorsed candidate has received at least fifteen per cent of the votes of the delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for a state or district office, or if within the time specified in section 9-400, no candidacy for nomination by a political party to such office has been filed by or on behalf of a person other than a party-endorsed candidate in conformity with the provisions of sections 9-400 to 9-414, inclusive, no primary shall be held by such party for such office and the party-endorsed candidate for such office shall be deemed to have been lawfully chosen as the nominee of such party for such office.

(June, 1955, S. 587d; November, 1955, S. N67; 1958 Rev., S. 9-95; 1963, P.A. 17, S. 43; P.A. 79-616, S. 12; P.A. 93-342, S. 3.)

**Sec. 9-416a. Failure of party to endorse; state or district office.** If a party has made no endorsement of a candidate for a particular state or district office, and if within the time specified in section 9-400, a candidacy for such party's nomination to such office is filed in conformity with the provisions of said section by not more than one person, no primary shall be held by such party for such office and the person filing such candidacy shall be deemed to have been lawfully chosen as the nominee of such party for such office.

(P.A. 81-447, S. 2, 23.)

**Sec. 9-417. No-contest nominations; municipal office, committee members, delegates.** If within the time specified in section 9-405, no candidacy for nomination by a political party to a municipal office has been filed by or on behalf of a person other than a party-endorsed candidate or, in the case of election as member of the town committee of such party, by persons other than party-endorsed candidates numbering at least twenty-five per cent of the number of town committee members to be elected by such party either in the municipality or in the political subdivision, as the case may be, or, in the case of delegates or district delegates to a convention of such party, by a slate of persons other than party-endorsed candidates, in conformity with the provisions of sections 9-400 to 9-414, inclusive, no primary shall be held by such party for such office or for town committee members or for delegates or district delegates to such convention, as the case may be, and the party-endorsed candidate or candidates for such office shall be deemed to have been lawfully chosen as the nominee or nominees of such party to such office, or, as the case may be, the party-endorsed candidates for election as delegates or district delegates to the convention shall be deemed to have been lawfully elected to such positions, and the party-endorsed candidates for election as members of the town committee shall be deemed to have been lawfully elected to such positions at the times specified in section 9-392.

(June, 1955, S. 588d; November, 1955, S. N68; 1957, P.A. 518, S. 15; 1958 Rev., S. 9-96; 1963, P.A. 17, S. 44; P.A. 79-616, S. 13, 24.)

**Sec. 9-418. Failure of party to endorse; municipal office.** If within the time specified in section 9-391, a party has failed, with respect to any municipal office to be filled, to certify to the

clerk of the municipality the name of any person as a party-endorsed candidate, and if within the time specified in section 9-405, a candidacy for nomination to such office is filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by not more than one person, no primary shall be held by such party for such office and the person filing such candidacy shall be deemed to have been lawfully chosen as the nominee of such party for such office. If within the time specified in section 9-391, a party has failed, with respect to any municipal office to be filled, to certify to the clerk of the municipality names of persons as party-endorsed candidates equal in number to the number of persons to be nominated to such office, and if within the time specified in section 9-405, a candidacy or candidacies for nomination to such office are filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by a number of persons not more than the number for which the party has failed to certify names, no primary shall be held by such party for such office, and each of the party-endorsed candidates and each of the persons filing such candidacies shall be deemed to have been lawfully chosen as the nominees of such party for such office.

(November, 1955, S. N69; 1957, P.A. 518, S. 16; 1958 Rev., S. 9-97; 1963, P.A. 17, S. 45; P.A. 79-616, S. 14.)

**Sec. 9-419. Failure of party to endorse; town committee members.** If within the time specified in section 9-391, a party has failed, with respect to the election of town committee members, to certify to the clerk of the municipality names of persons as party-endorsed candidates equal in number to the number of positions as town committee members to be filled, and if within the time specified in section 9-405, a candidacy or candidacies for election as town committee members are filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by a number of persons equal to at least twenty-five per cent of the number of town committee members to be elected by such party either in the municipality or in the political subdivision, as the case may be, such number being not more than the number of positions for which the town committee has failed to certify names, no primary shall be held by such party for the election of town committee members, and each of the party-endorsed candidates and each of the persons filing such candidacies shall be deemed to have been lawfully elected as town committee members at the times specified in section 9-392; provided the number of positions to be filled shall be equal to the maximum number of town committee members for the town or political subdivision, as the case may be, as specified in the rules of such party whenever such rules specify a minimum and maximum number.

(November, 1955, S. N69; 1957, P.A. 518, S. 16; 1958 Rev., S. 9-97; 1963, P.A. 17, S. 46; P.A. 79-616, S. 15.)

**Sec. 9-420. Failure of party to endorse; convention delegates.** If within the time specified in section 9-391, a party has failed, with respect to the election of delegates or district delegates to any convention, to certify to the clerk of the municipality the names of a slate of party-endorsed candidates, and if within the time specified in section 9-405, candidacies for election as such delegates or district delegates are filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by not more than one slate of persons, no primary shall be held by such party for the election of such delegates or district delegates, as the case may be, and the slate of persons filing such candidacies shall be deemed to have been lawfully elected as such delegates or district delegates.

(November, 1955, S. N69; 1957, P.A. 518, S. 16; 1958 Rev., S. 9-97; 1963, P.A. 17, S. 47; P.A. 79-616, S. 16.)

**Sec. 9-421. When primary not to be held for town committee members.** Any provision of sections 9-382 to 9-450, inclusive, to the contrary notwithstanding, no primary shall be held by a party for the election of a member of a town committee unless candidacies for such election numbering at least twenty-five per cent of the number of town committee members to be elected by such party either in the municipality or in the political subdivision, as the case may be, are filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by persons other than party-endorsed candidates.

(1957, P.A. 518, S. 13; 1958 Rev., S. 9-93; 1963, P.A. 17, S. 48; P.A. 79-616, S. 17.)

**Sec. 9-422. Primaries for justices of the peace.** Any provision of sections 9-382 to 9-450, inclusive, to the contrary notwithstanding, no primary shall be held for nomination by a party to the office of justice of the peace unless candidacies for such nomination numbering at least a bare majority of the number of justices of the peace to be nominated by such party are filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by persons other than party-endorsed candidates.

(November, 1955, S. N98; 1958 Rev., S. 9-126; 1963, P.A. 17, S. 49; P.A. 79-616, S. 18.)

**Sec. 9-423. Time for primaries; state, district or municipal office.** The primaries of all parties for nomination to an office shall be held on the fifty-sixth day preceding the day of the election.

(June, 1955, S. 577d; November, 1955, S. N49; 1957, P.A. 518, S. 4; 1958 Rev., S. 9-78; 1963, P.A. 17, S. 50; P.A. 74-25, S. 8, 13; P.A. 75-396, S. 1, 5.)

**Sec. 9-424. Time for primaries; delegates.** The day for holding primaries for the purpose of electing delegates to state and district conventions held to endorse candidates for office shall be the third Tuesday in May. The day for holding primaries for the purpose of electing delegates to a state or district convention held for any other purpose shall be the first Tuesday occurring on or after the fifty-eighth day prior to the convention.

(June, 1955, S. 577d; November, 1955, S. N50; 1958 Rev., S. 9-79; 1961, P.A. 72, S. 1; 1963, P.A. 17, S. 51; 52, S. 1; 1967, P.A. 557, S. 18; 1972, P.A. 97, S. 1; P.A. 75-396, S. 2, 5; P.A. 85-235, S. 3; 85-268, S. 2, 3.)

**Sec. 9-425. Time for primaries; town committees.** The day for holding a primary for the election of town committee members shall be the first Tuesday in March in even-numbered years.

(June, 1955, S. 577d; November, 1955, S. N51; 1958 Rev., S. 9-80; 1961, P.A. 72, S. 2; 1963, P.A. 17, S. 52; 52, S. 2; P.A. 75-396, S. 3, 5; P.A. 77-195.)

**Sec. 9-426. Cancellation of primary for office, town committee or delegates due to vacancies in non-party-endorsed candidacies; filling of vacancies when incomplete nonendorsed slate wins delegate primary.** If only one candidacy has been filed by a person other than a party-endorsed candidate for the nomination by a political party to a particular office and the candidate whose candidacy has been so filed thereafter, but prior to the opening of the polls at such primary, dies, withdraws his name from nomination or for any reason becomes disqualified to hold the office for which he is a candidate, no primary shall be held for the nomination of such party to that office and the party-endorsed candidate for such office shall be deemed to have been lawfully chosen in the same manner and to the same extent as is provided



in sections 9-382 to 9-450, inclusive, in the case where no candidacy other than a party-endorsed candidacy has been filed. If candidacies have been filed by only one group of persons other than party-endorsed candidates for election to a town committee, and the candidates whose candidacies have been so filed thereafter, but prior to the opening of the polls at such primary, die, withdraw their names from nomination or for any reason become disqualified to hold the positions for which they are candidates, so as to render the number of candidacies so filed less than twenty-five per cent of the number of town committee members to be elected by such party either in the municipality or in the political subdivision, as the case may be, no primary shall be held for those positions and the party-endorsed candidates for such positions shall be deemed to have been lawfully chosen in the same manner and to the same extent as is provided in sections 9-382 to 9-450, inclusive, in the case where no candidacies other than party-endorsed candidacies have been filed. If any person on a slate other than a slate of party-endorsed candidates for election as delegates or district delegates to a particular convention of a political party, prior to the opening of the polls at such primary, dies, withdraws his name from nomination or for any reason becomes disqualified to hold the position for which he is a candidate, such partial slate shall appear on the ballot label at the primary and, if such partial slate wins, then the remaining members may fill the vacancy. If only one such slate other than a slate of party-endorsed candidates has been filed for election and prior to the opening of the polls at such primary each of the persons on such slate dies, withdraws or becomes disqualified, no primary shall be held for those positions and the party-endorsed candidates for those positions shall be deemed to have been lawfully chosen in the same manner and to the same extent as is provided in sections 9-382 to 9-450, inclusive, in the case where no candidacies other than party-endorsed candidacies have been filed.

(June, 1955, S. 599d; November, 1955, S. N82; 1957, P.A. 518, S. 28; 1958 Rev., S. 9-110; 1963, P.A. 17, S. 53; 310, S. 1; P.A. 83-475, S. 27, 43.)

**Sec. 9-427. Cancellation of delegate primary due to vacancies in party-endorsed candidacies; filling of vacancies when incomplete party-endorsed slate wins delegate primary.** If each of the persons on the party-endorsed slate for election as delegates or district delegates to a convention of a political party, prior to the opening of the polls at such primary dies, withdraws his name from nomination or becomes disqualified to hold the position for which he is a candidate, and such persons have not been replaced as permitted in section 9-428, and only one such slate other than a slate of party-endorsed candidates has been filed for election, no primary shall be held for those positions and the slate of candidates other than party-endorsed candidates for those positions shall be deemed to have been lawfully chosen in the same manner and to the same extent as is provided in sections 9-382 to 9-450, inclusive, in the case where no such candidacies have been filed. If a party-endorsed slate of candidates for election as delegates or district delegates which wins at a primary is incomplete, the vacancy or vacancies on such slate may be filled in the manner provided in the party rules or, in the absence of a party rule, may be filled by the remaining members of the slate.

(1963, P.A. 310, S. 2; P.A. 83-475, S. 28, 43.)

**Sec. 9-428. Vacancy in party-endorsed candidacy.** If a party-endorsed candidate for nomination to an office or for election to the position of town committee member or delegate to a convention, prior to twenty-four hours before the opening of the polls at the primary, dies or,

prior to ten days before the day of such primary, withdraws his name from nomination or for any reason becomes disqualified to hold the office or position for which he is a candidate, the state central committee, the town committee or other authority of the party which endorsed such candidate may make an endorsement to fill such vacancy or provide for the making of such endorsement, in such manner as is prescribed in the rules of such party, and certify to the registrar and municipal clerk or to the secretary of the state, as the case may be, the name of the person so endorsed. If such certification is made at least twenty-four hours prior to the opening of the polls at the primary, in the case of such an endorsement to replace a candidate who has died, or at least seven days before the day of such primary, in the case of such an endorsement to replace a candidate who has withdrawn or become disqualified, such person so endorsed shall run in the primary as the party-endorsed candidate, except as provided in sections 9-416 and 9-417. If such certification of another party-endorsed candidate has been made within the time specified in this section, and if the ballot labels have already been printed and the names of the candidates for such office or position appear on the ballot labels, the secretary of the state or the registrar, as the case may be, shall direct the clerk of each municipality holding such primary to have the ballot labels reprinted with the name of the person so certified included thereon; provided, in the case of such an endorsement to replace a candidate who has died, if such certification has been made less than ninety-six hours but at least twenty-four hours prior to the opening of the polls at the primary, such secretary or registrar shall direct such clerk to have stickers printed and inserted upon the ballot labels, having the name of the person so certified appearing thereon, and the moderator in each polling place shall cause such stickers to be pasted on the ballot labels before the opening of the polls at such primary.

(June, 1955, S. 599d; November, 1955, S. N82; 1957, P.A. 518, S. 28; 1958 Rev., S. 9-110; 1963, P.A. 17, S. 54; 1969, P.A. 694, S. 15; P.A. 77-245, S. 12.)

**Sec. 9-429. Cancellation of primary for office or town committee when vacancies in candidacies result in no contest.** If, prior to the opening of the polls at a primary for nomination to an office or for election of town committee members, such a number of candidates have died, withdrawn their names or become ineligible, and have not been replaced as permitted in sections 9-426 and 9-428, as to render the total number of candidates for such office or position no greater than the number to be nominated to such office or elected to such positions, the primary shall not be held, and each of the party-endorsed and other candidates shall be deemed to have been lawfully nominated to such office or elected to such positions.

(June, 1955, S. 599d; November, 1955, S. N82; 1957, P.A. 518, S. 28; 1958 Rev., S. 9-110; 1963, P.A. 17, S. 55; 310, S. 3; P.A. 83-475, S. 29, 43.)

**Sec. 9-430. Withdrawal procedure.** No candidate shall be deemed to have withdrawn under the provisions of section 9-426, 9-428 or 9-429 until a letter of withdrawal signed by such candidate is filed with the municipal clerk in the case of municipal office, town committee member or delegate or with the secretary of the state in the case of state or district office.

(June, 1955, S. 599d; November, 1955, S. N82; 1957, P.A. 518, S. 28; 1958 Rev., S. 9-110; 1963, P.A. 17, S. 56.)

**Sec. 9-431. Eligibility to vote at primary.** (a) No person shall be permitted to vote at a primary of a party unless (1) he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be, or (2) if authorized by the state rules of such party filed pursuant to section 9-374, he is an unaffiliated elector in the municipality or voting

district, as the case may be, provided if two or more such parties are holding primaries on the same day in such municipality or voting district, whether for the same offices or different offices, such unaffiliated elector may vote in the primary of only one such party. Such state party rules may authorize unaffiliated electors to vote for some or all offices to be contested at its primaries.

(b) Any such person offering to vote and being challenged as to his identity or residence shall, before he votes, prove by the testimony, under oath, of at least one other elector qualified to vote in such primary or by such other evidence acceptable to the moderator either of the following which are applicable: (1) His identity with the person on whose name he offers to vote or (2) his bona fide residence in the municipality or political subdivision holding the primary, as the case may be. The rules of each party in each municipality shall prescribe whether members of the town committee shall be elected from the municipality at large, in which case any person on the last-completed enrolment list of such party in such municipality shall be eligible to vote in a primary for the election of such committee members, or whether such committee members shall be elected from political subdivisions of such municipality, in which case only persons on the last-completed list of such party in such a political subdivision shall be eligible to vote in a primary for the election of such committee members from such political subdivision; provided no town committee in any municipality shall be elected both at large and from political subdivisions.

(November, 1955, S. N86; 1957, P.A. 518, S. 31; 1958 Rev., S. 9-114; 1961, P.A. 119; 1963, P.A. 17, S. 57; February, 1965, P.A. 351, S. 1; 1971, P.A. 756, S. 3; P.A. 73-630, S. 16, 19; P.A. 75-348, S. 10, 11; P.A. 87-509, S. 1, 24.)

**Sec. 9-431a. Eligibility to vote at caucus, primary or town convention.** A person whose name does not appear on the registry list of any town or district shall not be eligible to vote in any caucus, primary or town convention within such town.

(1967, P.A. 533, S. 3.)

**Sec. 9-431b. Eligibility to vote on removal from one town in state or district to another.** Section 9-431b is repealed.

(1971, P.A. 756, S. 1, 2; P.A. 73-630, S. 18, 19.)

**Sec. 9-432. Verification of names on filing with secretary.** Section 9-432 is repealed.

(1957, P.A. 518, S. 37; 1958 Rev., S. 9-130; 1963, P.A. 17, S. 58; P.A. 87-382, S. 54, 55.)

**Sec. 9-433. Notice of primary; state and district office.** Upon the expiration of the fourteen-day period prescribed by section 9-400, and if one or more candidacies for nomination by a political party to a state or district office have been filed in accordance with the provisions of said section, the secretary of the state shall notify the clerk of each town within the state or within the district, as the case may be, that a primary is to be held by such party for the nomination of such party to such office. Such notice shall include a list of all the proposed candidates, those endorsed by the convention as well as those filing candidacies, together with their addresses and the titles of the office for which they are candidates and, if applicable, a statement that unaffiliated electors may vote in the primary. The clerk of each such town shall thereupon cause such notice to be published forthwith in a newspaper having a general circulation in such town, together with a statement of the date upon which the primary is to be held, the hours during which the polls shall be open and the location of the polls.

(June, 1955, S. 597d; November, 1955, S. N80; 1957, P.A. 518, S. 26; 1958 Rev., S. 9-108; 1963, P.A. 17, S. 59; 393, S. 5; P.A. 79-616, S. 22; P.A. 87-509, S. 14, 24.)

**Sec. 9-434. Verification of names on filing with municipal clerk. Exception.** Upon the filing with the clerk of a municipality of the names of party-endorsed candidates pursuant to section 9-390 or upon the filing with such clerk of petitions for contesting candidates pursuant to section 9-412, such clerk shall verify and correct the names of such candidates in accordance with the registry list of such municipality, endorse the same as having been so verified and corrected and use the same in the preparation of the ballot labels for the primary. The provisions of this section shall not apply to the municipal offices of state senator and state representative.

(November, 1955, S. N107; 1957, P.A. 518, S. 35; 1958 Rev., S. 9-129; 1963, P.A. 17, S. 60; P.A. 87-382, S. 44, 55.)

**Sec. 9-435. Notice of primary; municipal office, committee members, delegates.** Except as provided in sections 9-418, 9-419 and 9-420, if in any municipality, within the time specified in section 9-405, a candidacy for nomination by a political party to any municipal office or for election as a town committee member or delegate to a convention is filed with the registrar, in conformity with the provisions of sections 9-400 to 9-414, inclusive, the registrar shall forthwith notify the clerk of such municipality that a primary is to be held by such party for the nomination of such party to such office or for the election by such party of town committee members or delegates to a convention, as the case may be; provided, if such candidacy is for election as district delegate to a convention, filed in conformity with section 9-408, the registrar shall give such notice to the clerk of each town in the district. Such notice shall include a list of all the proposed candidates, those endorsed as well as those filing candidacies, together with their addresses and the titles of the offices or positions for which they are candidates. In the case of a primary for delegates to a convention, such notice shall also contain the complete ballot label designation of each slate pursuant to subsection (h) of section 9-437. The clerk of the municipality shall thereupon cause such notice to be published forthwith in a newspaper having a general circulation in such municipality, together with a statement of the date upon which the primary is to be held, the hours during which the polls shall be open and the location of the polls, and shall send a copy of such notice to the secretary of the state and record the same. The clerk shall forthwith publish any change in the proposed candidates, listing such changes.

(June, 1955, S. 598d; November, 1955, S. N81; 1957, P.A. 518, S. 27; 1958 Rev., S. 9-109; 1963, P.A. 17, S. 61; 393, S. 6; P.A. 79-616, S. 19; P.A. 87-472, S. 7.)

**Sec. 9-436. Use, number and adjustment of voting machines; conditions and rules for use of paper ballots; qualification and appointment of primary officials.** (a) Voting machines shall be used at each primary, provided, (1) if, because of the number of offices and positions to be voted upon at a primary, there is an insufficient number of vertical columns on any machine to be used in a municipality, the vote in such municipality at such primary for such offices or positions as the Secretary of the State determines shall be taken by paper ballots, and (2) if, because of the number of candidates for any office or position to be voted upon at a primary, there is an insufficient number of horizontal rows with respect to such office or position on any machine to be used in the municipality, the vote in such municipality at such primary for such office or position shall be taken by paper ballots. More than one voting machine may be used in any voting district if the registrar so prescribes. The registrar shall furnish a number of voting machines sufficient to provide a voting machine for each twelve hundred or fraction of

twelve hundred electors eligible to vote at such primary in the municipality or voting district, as the case may be, and other necessary equipment. In each polling place in which a party has authorized unaffiliated electors, pursuant to section 9-431, to vote for some but not all offices to be contested at the primary, a separate voting machine shall be used for such unaffiliated electors and the registrar shall separately furnish one voting machine for each twelve hundred or fraction of twelve hundred enrolled party members and one voting machine for each twelve hundred or fraction of twelve hundred unaffiliated electors authorized to vote at such primary in such district. In determining such number of electors, enrolled party members or unaffiliated electors, the registrar shall not count the names on the enrolment or registry lists of seventy-five per cent of such electors, unaffiliated electors or enrolled party members who reside in institutions, as defined in section 9-159q. The registrar may provide more than the minimum number of voting machines required by this section.

(b) The registrar shall appoint a suitable mechanic or mechanics to prepare, adjust and place the voting machines for use at the primary under the direction of the registrar. A voting machine mechanic shall be deemed a primary official but need not be an elector of any town.

(c) Each machine shall be so arranged that the elector may vote for as many persons for nomination or election to each office or position as there are persons to be nominated or elected, as the case may be, and no more, and so that the elector may vote for individual candidates; provided the vote for delegates to conventions shall be by slate, as provided in section 9-443.

(d) The registrar shall appoint from among the enrolled party members in the municipality or political subdivision holding the primary, as the case maybe, to serve in each polling place, the primary polling place officials, who shall consist of one moderator, two checkers, not more than two challengers if he deems it necessary, and at least one and not more than two voting machine tenders for each machine in use at such primary and, in towns with two or more voting districts at least one and not more than two assistant registrars, provided (1) in the case of a political subdivision holding a primary, if no enrolled party member who resides in the political subdivision and who is a certified moderator consents to serve as a moderator, the registrar may appoint any enrolled party member who resides in the municipality and is a certified moderator to be moderator, (2) in the case of either a municipality or a political subdivision holding a primary, if no enrolled party member can be found or no such person consents to serve as a moderator, the registrar may appoint any elector who resides in the municipality and is a certified moderator to be moderator, (3) in the case of a political subdivision holding a primary, if an insufficient number of enrolled party members who reside in the political subdivision consent to serve as checkers, challengers, voting machine tenders or assistant registrars, the registrar may appoint any enrolled party member who resides in the municipality to be a checker, challenger, voting machine tender or assistant registrar and (4) in the case of either a municipality or a political subdivision holding a primary, if a sufficient number of enrolled party members cannot be found or do not consent to serve in a position described in subdivision (3) of this subsection, the registrar may appoint any elector who resides in the municipality to any such position. If unaffiliated electors are authorized under section 9-431 to vote for some but not all of the offices to be contested at the primary, the registrar shall appoint two additional checkers to check the list of unaffiliated electors who are authorized to vote on the separate machines. If unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties in the same polling place, whether for some or for all offices to be contested at the primary, each such

registrar shall appoint two additional checkers to check the list of unaffiliated electors who are authorized to vote in either such primary.

(e) The registrar shall designate one of the moderators so appointed by him to be head moderator or shall appoint as head moderator an elector who is not also moderator of a polling place and who shall be deemed a primary official. The registrar may also appoint a deputy head moderator to assist the head moderator in the performance of his duties. A deputy head moderator shall also be deemed to be a primary official. Each registrar's appointments of primary polling place officials and of designees to conduct supervised voting of absentee ballots pursuant to sections 9-150q and 9-150r shall be divided equally, as nearly as may be, between designees of the party-endorsed candidates and designees of one or more of the contestants, provided, if a party-endorsed candidate is a member of a party other than the one holding the primary, such primary officials, except voting machine mechanics, shall be enrolled party members of the party holding the primary. Names of designees and alternate designees for such positions shall be submitted in writing by party-endorsed candidates and contestants to the registrar not later than ten days before the primary, except that names of designees and alternate designees for the position of moderator shall be so submitted not later than twenty-one days before the primary and, if such lists are not so presented, all such appointments shall be made by the registrar but in the above-mentioned proportion. The registrar shall notify all such candidates and contestants of their right to submit a list of designees under this section. Notwithstanding any other provision of this section, the registrar shall appoint as moderators only persons who are certified to serve as moderators or alternate moderators pursuant to section 9-229, unless there is an insufficient number of such persons who are enrolled members of the registrar's party in the municipality or political subdivision holding the primary, in which case the registrar may appoint a new moderator in accordance with section 9-229, but only to the extent of such insufficiency. Primary central counting moderators and absentee ballot counters shall also be deemed primary officials. No primary official shall perform services for any candidate at the primary on primary day.

(f) If paper ballots are required for the vote on any office or position in a municipality, the clerk of the municipality shall print a paper ballot for use in such primary for nomination to such office or election to such position. The Secretary of the State shall prescribe the form of such paper ballot. The Secretary of the State may prescribe general rules for the use of paper ballots in any primary, including the duties of officials at the polls with regard to the same, the marking of the same and the counting of the same. The procedure to be followed when paper ballots are so used shall conform, as nearly as maybe, to the procedure applicable to voting machines provided in this chapter and to the law governing the use of paper ballots in regular elections and such rules shall have the force and effect of law. Chapter 54 shall not apply to rules made pursuant to this section.

(g) The provisions of section 9-258 concerning additional lines of electors at a polling place, and of section 9-258a concerning two shifts of officials at a polling place, shall apply to a primary. Except as otherwise provided in this chapter, the provisions of the general statutes relating to the use of voting machines at regular elections shall apply as nearly as may be to the use of voting machines at primaries.

(June, 1955, S. 600d; November, 1955, S. N83; 1957, P.A. 518, S. 29; 1958 Rev., S. 9-111; 1963, P.A. 17, S. 62; 129; 1971, P.A. 836, S. 5; P.A. 82-426, S. 11, 14; 82-472, S. 29, 183; P.A. 83-391, S. 19, 24; P.A. 84-319, S. 47, 49; P.A. 85-592, S. 11; P.A. 87-382, S. 45, 55; 87-509, S. 15, 24; P.A. 89-297, S. 6, 18; P.A. 90-156, S. 7, 11; P.A. 93-384, S. 4, 28; P.A. 94-203, S. 4, 12; P.A. 95-177, S. 5; P.A. 96-119, S. 7; P.A. 96-180, S. 14.)

**Sec. 9-436a. Candidate checkers.** Each group of candidates whose names appear in one single row on the official ballot in a voting district for a primary to be held by a political party may designate, for each line of electors voting in such primary at such voting district, not more than two electors enrolled in such party in the town in which such voting district is located, to serve as candidate checkers on behalf of the candidates whose names appear in such row, provided a registrar may establish two or more shifts for candidate checkers, in which case each such group of candidates may designate the candidate checkers for each shift. No primary official shall perform the functions of a candidate checker pursuant to this section. The candidates shall submit a list of the names of such designees to the registrar of voters for such party not later than forty-eight hours before the primary. The registrar shall notify the candidates of this obligation. Such registrar of voters shall verify that each such designee is enrolled in such party in such town and shall appoint in each voting district not more than two such designees, for each line, to serve each such row for each shift. The registrar shall, at the request of such a group of candidates, change such designations at any time before the closing of the polls on the day of a primary. No candidate for nomination in such primary may be a candidate checker at such primary. The registrar of voters shall furnish each candidate checker one copy of the list or lists of electors eligible to vote in such primary. Candidate checkers may remain within the polling place for the purpose of checking their own copy of such list to indicate the names of electors who have voted. Such checkers may enter and leave the restricted area surrounding the polling place during the hours of voting for the purpose of taking such information outside said area. If any such candidate checker interferes with the orderly process of voting or attempts to influence any elector, he shall be evicted by the moderator. A candidate checker appointed pursuant to this section may receive compensation from the municipality in which the primary is held.

(1967, P.A. 513, S. 1; P.A. 83-391, S. 20, 24; P.A. 84-319, S. 48, 49; P.A. 87-509, S. 16, 24; P.A. 93-384, S. 5, 28.)

**Sec. 9-437. Form of ballot label; position of candidates' names on ballot; sample ballot labels.** (a) At the top of each ballot label shall be printed the name of the party holding the primary, and each ballot label shall contain the names of all candidates to be voted upon at such primary, except the names of delegates to conventions. The vertical columns shall be headed by the designation of the office or position and instructions as to the number for which an elector may vote for such office or position, in the same manner as a ballot label used in a regular election. The name of each candidate for town committee or municipal office, except for the municipal offices of state senator and state representative, shall appear on the ballot label as it appears on the registry list of such candidate's town of voting residence, except as provided in section 9-42a. The name of each candidate for state or district office or for the municipal offices of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, subsection (b) of section 9-391, or section 9-400 or 9-409. On the first horizontal line, below the designation of the office or position in each column, shall be placed the name of the party-endorsed candidate for such office or position, such name to be marked with an asterisk; provided, where more than one person may be voted for for any office or position, the names of the party-endorsed candidates shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines. In the case of no party endorsement there shall be inserted the designation "no party endorsement" at the head of the

vertical column, immediately beneath the designation of the office or position. On the horizontal lines below the line for party-endorsed candidates shall be placed, in the appropriate columns, the names of all other candidates as hereinafter provided.

(b) (1) In the case of two or more such candidates for the same state or district office, precedence as to row shall be determined by the alphabetical order of the surnames of such candidates, except as provided under subdivision (2) of this subsection. (2) If a single certificate has been filed under subsection (a) of section 9-400 on behalf of two or more candidates and proposing one candidate for each state office to be contested at such primary, a single row shall be used for the names of such candidates and precedence as to row between such certificates shall be determined by the secretary of the state by lot in a ceremony which shall be open to the public. The names of all other candidates for state office shall be placed in the appropriate columns in alphabetical order on the rows below the row or rows used for candidates whose names are contained in such a single certificate or certificates.

(c) Whenever the position of candidates or slates on the ballot label under the provisions of this section is affected by the time or order of filing of primary petitions, and the registrar of voters certifies in writing to the town clerk that (1) two or more of the petitions to which such provisions apply were filed simultaneously or (2) he is unable to determine the time or order of filing of two or more such petitions, then for purposes of this section the order of filing of the petitions specified in the registrar's certification shall be determined by the town clerk by lot in a ceremony which shall be open to the public.

(d) In the case of candidates for municipal office, a single row shall be used for the candidates whose names are contained in one primary petition, provided such petition proposes at least two candidates and the full number of candidates for each office to be contested at such primary as the party may nominate or choose thereat, precedence as to row being given to the candidates whose names appear in the first such petition filed, and so on in descending order.

(e) The names of candidates for town committee members which are contained in one primary petition shall be placed in a separate row, precedence as to row being given to the candidates whose names appear in petitions in the order determined in accordance with this subsection. Petitions filed by nine o'clock a.m. on the first business day following the day on which petitions become available shall be given precedence as to row based on the number of valid signatures filed, in descending order from the greatest to the least. Petitions filed after nine o'clock a.m. on the first business day following the day on which petitions become available shall be given precedence as to row based on the order in which they are filed. Such order of precedence shall be determined separately for petitions proposing the full number of candidates which the party may choose at the primary and for petitions proposing fewer than such full number of candidates, and provided further that petitions proposing such full number of candidates shall have precedence as to row over petitions proposing fewer than such full number of candidates.

(f) Within such row or rows for those whose names are contained in one primary petition, where more than one person may be voted for any municipal office or position, such names shall be arranged in alphabetical order from left to right under the appropriate municipal office or position designation. The names of all other candidates shall be placed in the appropriate columns in alphabetical order on the horizontal lines below the line or lines used for candidates whose names are contained in one primary petition, if any; provided where more than one person may be voted for for any office or position, such names shall be arranged in alphabetical order



from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines.

(g) The name of each candidate shall appear on the ballot label in such position as is hereinbefore required, and such position shall be determined as of the final time for filing candidacies specified in section 9-400 or 9-405. Vacancies in candidacies thereafter occurring shall not cause the position of any candidate's name on the ballot label to be changed to another position. The name of any candidate whose candidacy has been vacated shall not appear on the ballot label. The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast for such position. If such a vacancy results in the cancellation of a primary for any office, the office column or columns where the names of the candidates and the title of the office would have appeared if the primary for that office had not been cancelled shall be left blank. If a vacancy occurs in a party-endorsed candidacy and a person is chosen in accordance with section 9-426 or 9-428 to fill the resulting vacancy in candidacy, the name of the person so chosen shall appear in the same position as that in which the name of the vacating candidate appeared. The municipal clerk shall have the ballot label prepared so that the name of any candidate who has vacated his candidacy is deleted and so that the name of any candidate chosen to fill a vacancy in candidacy appears in the same position as that in which the vacated candidacy appeared. The municipal clerk may use blank or printed stickers, as the case may be, in preparing the ballot labels if the ballot labels were printed before the occurrence of the vacancy in candidacy or the selection of a candidate to fill a vacancy in candidacy. The order of the offices and positions shall be as prescribed by the secretary of the state.

(h) The names of candidates for election as delegates to conventions shall not appear on the ballot label. A single vertical column shall be used for all the candidates for election to the positions of delegates to a particular convention; provided a separate single vertical column shall be used for all the candidates for election to the positions of district delegates to a particular convention. The vertical columns used for delegates to a state convention shall be headed by the words "delegates to state convention" or "district delegates to state convention", as the case may be; and the vertical columns used for delegates to other conventions shall be headed by similar words, substituting for the word "state" the words "congressional district", "county", "senatorial district", "probate district" or "assembly district", as the case may be. On the first horizontal line in each vertical column used for delegates to a convention shall be placed the words "party-endorsed slate". On the second and succeeding horizontal lines, in the order of the time of filing, shall be placed the words "challenge slate", preceded, in quotation marks, by the letter designating such line. If the name of a candidate or candidates whom all candidates on a slate support for the party's nomination for an office or offices and the designation of such office or offices was (1) in the case of the party-endorsed slate, specified in statements or letters of support filed with the municipal clerk by the endorsing authority and consented to by the candidate or candidates, or by a designee of the candidate or candidates, for the party's nomination in an affidavit or affidavits of consent under section 9-391 or (2) in the case of a petition slate, specified in statements or letters of support filed with the registrar of voters by the person requesting primary petitions and consented to by the candidate or candidates, or by a designee of the candidate or candidates, for the party's nomination in an affidavit or affidavits of consent under section 9-409 and listed on the petition pages as provided by said section and section 9-410 then the last name of each such candidate for the party's nomination and the designation of

the respective office shall appear in parentheses in the appropriate ballot position, immediately below the identification of the slate as provided under this subsection, in the following manner:

"( \_\_\_\_\_ For \_\_\_\_\_ )".  
(Insert candidate's last name) (Insert office designation)

If the names of different candidates for different offices are to so appear, such offices shall be listed vertically in the same order in which the offices shall be listed horizontally on the election ballot. The municipal clerk shall prepare a list of the names of all candidates on each slate for election as delegates to a convention, including the complete ballot label designation of each such slate as provided in this subsection, which shall be posted in the polling places by each moderator for the inspection of the electors prior to voting.

(i) The names of candidates for nomination to any elective office or for election as members of a town committee, as the case may be, shall be separated from each other by a light line, but shall not be separated from each other on the ballot label by names of candidates for any other office or position or by columns used for any other office or position; and the column or columns used for each office or position shall be separated from the columns used for other offices or positions by a heavy line.

(j) All ballot labels used at a primary shall be prepared by the clerk of the municipality in which such primary is held and shall be printed at the expense of the municipality. At least forty-eight hours before the primary, such clerk shall have sample ballot labels for general distribution, which sample labels shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on the day of the primary or that portion thereof that will contain the offices or positions and names of candidates to be voted upon. Such clerk shall have available for distribution such number of sample ballot labels as he deems advisable, but in no event less than three which shall be posted inside the polling place so as to be visible to those within the polling place during the whole day of the primary. At least one of such sample ballot labels shall be posted so as to be visible to an elector being instructed on the demonstrator or spare voting machine, pursuant to section 9-260. If paper ballots are used in any primary, such sample paper ballots shall be overprinted with the word "Sample".

(k) When unaffiliated electors are authorized under section 9-431 to vote for some but not all offices to be contested at a primary, (1) separate voting machines shall be used for the unaffiliated electors in a voting district, (2) the ballot label shall indicate that it is a partial ballot for unaffiliated electors, (3) the ballot label shall contain only the offices and names of candidates for which such electors may vote, with blank columns left wherever necessary to assure that each candidate's position is the same as on the full ballot for such primary in the voting district and (4) three sample ballot labels showing such partial ballot shall also be posted inside the polling place so as to be visible to such unaffiliated electors.

(June, 1955, S. 601d; November, 1955, S. N84; 1957, P.A. 518, S. 30; 1958 Rev., S. 9-112; 1961, P.A. 230; 1963, P.A. 17, S. 63; 503, S. 2; 1967, P.A. 557, S. 19; 903; 904, S. 2; P.A. 73-481; P.A. 77-245, S. 13; P.A. 79-253; 79-616, S. 20; P.A. 80-249, S. 2; 80-281, S. 28, 31; P.A. 82-426, S. 12, 14; P.A. 83-257, S. 1, 2; 83-475, S. 30, 43; P.A. 85-577, S. 12; P.A. 87-382, S. 46, 47, 55; 87-472, S. 8, 10; 87-509, S. 17, 24; P.A. 90-1, S. 4, 5.)

**Sec. 9-438. Hours and places of voting.** In each municipality or voting district, the polling places for primaries held under sections 9-382 to 9-450, inclusive, shall be the same as those

used for the election to be held. When unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, both parties shall hold their primaries in the same room of each such polling place. On the day of the primary, the polls shall remain open for voting from six o'clock a.m. until eight o'clock p.m.

(June, 1955, S. 603d; November, 1955, S. N87; September, 1957, P.A. 1, S. 5; 1958 Rev., S. 9-115; 1963, P.A. 17, S. 64; 297; P.A. 83-370, S. 1, 2; 83-475, S. 31, 43; P.A. 87-509, S. 18, 24; P.A. 88-162, S. 2, 4.)

**Sec. 9-439. Duties of officials.** The moderator in each polling place shall have charge of the primary held therein. The other officials shall have, as nearly as may be, the same duties as at a regular election. The checkers at each polling place shall check the name of each elector on the list or lists of eligible electors of the municipality or the voting district, as the case may be, when the elector offers himself to vote. All officials serving at any primary shall be sworn to the faithful performance of their duties.

(June, 1955, S. 602d; November, 1955, S. N85; 1958 Rev., S. 9-113; 1963, P.A. 17, S. 65; P.A. 87-509, S. 19, 24.)

**Sec. 9-439a. Remedy for denial of right to vote.** Any elector qualified to vote at any primary and offering so to vote who is denied the right to vote because his name has been checked off on the check list in use at his polling place, but who claims that he has not in fact voted or offered himself to vote, shall be permitted to vote upon signing and furnishing to the moderator a statement, under penalties of false statement, that he has neither offered himself to vote nor voted at said primary. Such statement shall be in form substantially as follows:

To the Moderator of .... (Polling Place) of .... (Party)

I, .... (Name), of .... (Street Address), of the (City) (Town) (Borough) of ....., do hereby state, under penalties of false statement, that (1) I am an elector in said municipality, (2) I am qualified to vote in the primary of said Party being held in said municipality on this date and (3) I have not prior to this time offered myself to vote or voted at said primary.

.... (a.m.) (p.m.) (Exact Time of Day)

Dated at ....., Connecticut, this .... day of ....., 19...

.... (Signature)

.... (Address)

Received at .... (a.m.) (p.m.) on this .... day of ....., 19.., by .... (Signature), Moderator of .... (Polling Place)

(February, 1965, P.A. 255, S. 2; 1971, P.A. 871, S. 77; P.A. 87-509, S. 20, 24.)

**Sec. 9-439b. Penalty for false statement.** Any person wilfully making a false statement in a statement which he signs and furnishes to a moderator of a primary under section 9-439a shall be guilty of false statement, as provided in section 9-8, and shall be subject to the penalties provided for false statement.

(February, 1965, P.A. 255, S. 3; 1971, P.A. 871, S. 78; 1972, P.A. 294, S. 6.)

**Sec. 9-440. Moderators to make returns.** Upon the closing of the polls at any primary held under sections 9-382 to 9-450, inclusive, the moderator, in the presence of the other officials, shall immediately lock the voting machines against voting and shall then proceed to ascertain, record and announce the result in the manner provided by law for ascertaining, recording and announcing the result in regular elections. The election officials shall execute certificates and returns similar to those required in regular elections. The moderator in each town not divided into voting districts, and the head moderator in each town divided into voting districts, shall transmit the results of the vote for each office contested at any such primary in the same manner and within the same time as provided under section 9-314 in an election for such office. The late filing fee provided under section 9-314 shall apply to late filing of results of primaries for state or district office. In the case of primaries for state or district offices or district delegates, the secretary of the state shall forthwith cause to be tabulated the result of the votes cast in the several municipalities in which such primaries have been held and shall publicly declare the result thereof, and a certificate attesting thereto shall be entered in his records.

(June, 1955, S. 604d; November, 1955, S. N89; 1958 Rev., S. 9-117; 1963, P.A. 17, S. 66; 1967, P.A. 557, S. 20; 1971, P.A. 542, S. 4; 836, S. 6; P.A. 73-657, S. 12, 13; P.A. 84-319, S. 39, 49; P.A. 85-577, S. 13.)

**Sec. 9-441. Compensation of registrars and municipal clerks.** For the performance of the duties imposed by this chapter, each registrar and deputy registrar actually engaged therein and each municipal clerk shall receive such reasonable compensation from the municipality as is approved by the selectmen of the town, the warden and burgesses of the borough or the common council of the city or the consolidated town and city, as the case may be; and all necessary expenses incurred by registrars and municipal clerks under the provisions of said sections shall be paid by the municipality.

(June, 1955, S. 611d; November, 1955, S. N96; 1958 Rev., S. 9-124; 1963, P.A. 17, S. 67.)

**Sec. 9-442. When party has no registrar.** In any municipality where there is no registrar affiliated with a political party holding a primary under the provisions of sections 9-382 to 9-450, inclusive, all the powers and duties conferred by said sections upon registrars shall be exercised by both registrars of voters acting jointly. In any borough where there is no registrar affiliated with a political party holding a primary under the provisions of said sections, all the powers and duties conferred upon registrars shall be exercised by the borough clerk.

(June, 1955, S. 612d; November, 1955, S. N97; 1957, P.A. 518, S. 33; 1958 Rev., S. 9-125; 1963, P.A. 17, S. 68.)

**Sec. 9-443. Vote for delegates to convention.** The vote for the party-endorsed slate or for any contesting slate of delegates to any convention shall operate as a vote for all of the candidates on such slate and shall be counted as such, and there shall be no split-ticket voting for delegates to conventions.

(November, 1955, S. N88; 1958 Rev., S. 9-116; 1963, P.A. 17, S. 69.)

**Sec. 9-444. Determination of nominee, committee members or delegates.** In the case of a primary for state or district office, each person certified by the secretary of the state as provided in section 9-440, to have received the greatest number of votes of the electors eligible to vote in a primary for any office shall be deemed to have been chosen as the nominee of such party to such office. In the case of a primary for district delegates, each person on the slate certified by the secretary of the state to have received the greatest number of votes of the members of the

political party holding a primary for such positions shall be deemed to have been elected as such delegates. In the case of a primary for a municipal office, the moderator, or the head moderator, as the case may be, shall declare nominated the person having the greatest number of votes for such office and, if more than one person is to be nominated for the same office, he shall declare nominated the persons having the greatest number of votes for such office up to the number to be chosen. In the case of a primary for members of a town committee, such moderator shall declare elected the persons having the greatest number of votes for such positions up to the number to be chosen for such positions. In the case of a primary for delegates to a convention other than district delegates, such moderator shall declare elected each person on the slate having the greatest number of votes for such positions. In all primaries, a plurality of the votes cast shall be sufficient to nominate or elect, as the case may be.

(June, 1955, S. 605d; November, 1955, S. N90; 1958 Rev., S. 9-118; 1963, P.A. 17, S. 70; 1971, P.A. 836, S. 7; P.A. 87-509, S. 21, 24.)

**Sec. 9-445. Recanvass on close vote.** Forthwith after a primary for nomination to a municipal office or for election of members of a town committee or delegates to a convention, or forthwith upon tabulation of the vote for a state or district office or for district delegates by the secretary of the state when the plurality of an elected or nominated candidate over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast at the primary for the office or position but not more than one thousand votes, or (2) less than twenty votes, there shall be a recanvass of the returns of the voting machine or voting machines used in such primary for said office or position unless within one day after the primary, in the case of nomination to a municipal office or for election of members of a town committee or delegates to a convention, or prior to the time the secretary of the state notifies the town clerk of state and district offices or district delegates which qualify for an automatic recanvass, the defeated candidate, defeated candidates, or defeated slate of delegates, as the case may be, for such office or position file a written statement waiving this right to such recanvass with the municipal clerk in the case of a municipal office, town committee or delegates, or with the secretary of the state in the case of a state or district office or district delegates. In the case of a state or district office or district delegates, the secretary of the state upon tabulation of the votes for such an office shall notify the town clerks in the state or district, as the case may be, of the state and district offices or district delegates which qualify for an automatic recanvass and shall also notify each candidate for any such office. When a recanvass is to be held the municipal clerk shall promptly notify the moderator, as defined in section 9-311, who shall proceed forthwith to recanvass such returns of the office in question in the same manner as is provided for a recanvass in regular elections, except that the recanvass officials shall be divided equally, as nearly as may be, among the candidates for such office. In addition to the notice required under section 9-311, the moderator shall, before such recanvass is made, give notice in writing of the time and place of such recanvass to each candidate for a municipal office which qualifies for an automatic recanvass under this section. For purposes of this section, "the total number of votes cast at the primary for the office or position" means in the case of multiple openings for the same office or position, the total number of electors checked as having voted in the primary, in the state, district, municipality or political subdivision, as the case may be. When a recanvass of the returns for an office for which there are multiple openings is required by the provisions of this section, the

returns for all candidates for all openings for the office shall be recanvassed. Nothing in this section shall preclude the right to judicial proceedings in behalf of such defeated candidate under any provision of this chapter.

(1963, P.A. 225, S. 1; 1969, P.A. 694, S. 16; 1971, P.A. 542, S. 2; P.A. 80-281, S. 29, 31; P.A. 84-319, S. 40, 49.)

**Sec. 9-446. Tie vote.** If two or more candidates obtain the same number of votes at a primary held to nominate candidates for a state or district office, or if two or more slates of candidates obtain the same number of votes at a primary held for district delegates to a convention, and a tie vote thereby occurs, any of such candidates, or the state chairman of the political party, may apply for a recanvass of the returns in the manner provided in section 9-445. If no such application is made, or if any such recanvass results in a tie vote, the secretary of the state, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes and the chairman of the state central committee of the party holding the primary of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The secretary of the state shall execute a certificate attesting to the result of the dissolution of such tie vote, and the person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office, or as such district delegates, as the case may be. If two or more candidates obtain the same number of votes at a primary held to nominate candidates for a municipal office or to elect members of a town committee, or if two or more slates of candidates obtain the same number of votes at a primary held for delegates to a convention other than district delegates, and a tie vote thereby occurs, any of such candidates, or the town chairman of the political party, may apply for a recanvass of the returns in the manner provided in section 9-445. If no such application is made, or if any such recanvass results in a tie vote, the registrar, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes, and the chairman of the town committee of the party holding the primary, of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The registrar shall execute a certificate attesting to the result of the dissolution of such tie vote, and each person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office or to have been elected as a member of the town committee or as delegates to the convention, as the case may be.

(June, 1955, S. 606d; November, 1955, S. N91; 1958 Rev., S. 9-119; 1963, P.A. 17, S. 71; 225, S. 2.)

**Sec. 9-447. Unlocking of voting machines.** The voting machines used in any primary shall not be unlocked for a period of fourteen days from the date of the primary, unless otherwise ordered by any judge of the Superior Court, or by the State Elections Enforcement Commission. If a contest or investigation is pending, such machines shall not be unlocked for such longer period of time as may be ordered by any judge of the Superior Court, unless a recanvass has been applied for under the provisions of section 9-445 or unless an order has been issued by the State Elections Enforcement Commission.

(June, 1955, S. 607d; November, 1955, S. N92; 1958 Rev., S. 9-120; 1963, P.A. 17, S. 72; 225, S. 3; P.A. 86-1, S. 4, 5; P.A. 87-203, S. 2; P.A. 95-88, S. 9.)

**Sec. 9-448. Recount of paper ballots.** The provisions of sections 9-445, 9-446 and 9-447 shall apply to any primary at which paper ballots are used, and such paper ballots shall be recounted in any situation in which a recanvass would be held thereunder.

(1963, P.A. 225, S. 4.)

**Sec. 9-449. Transferred to Chapter 149, Sec. 9-329a.**

**Sec. 9-450. Vacancy elections.** Nominations by major parties for any state, district or municipal office to be filled under the provisions of any law relating to elections to fill vacancies, unless otherwise provided therein, shall be made in accordance with the provisions of sections 9-382 to 9-450, inclusive.

(a) In the case of nominations for representatives in Congress and judges of probate in probate districts composed of two or more towns, provided for in sections 9-212 and 9-218, if the writs of election are issued by the governor on or before the twenty-first day of May in an even-numbered year and the election is to be held on the day of the state election in such year, the state central committee or other authority of each party shall, not later than the twenty-fourth day of May in such year, publish notice of the date for the primary for the election of delegates to the state or district convention to designate the party-endorsed candidate for the office to be filled, and the times specified in sections 9-383, 9-391, 9-400, 9-405 and 9-423 shall be applicable. The primary so designated shall be held not earlier than the fifty-sixth day after publication of such notice and not later than the fifth day before the convention. If such writs of election are issued after the twenty-first day of May in such year, or if the election is to be held on any day other than the day of the state election, the day scheduled for the election shall be not earlier than the ninety-first day following the day on which such writs of election are issued. The state central committee or other authority of each party shall, not later than the eighty-fourth day preceding the day of the election, publish notice of the day for the primary for the election of delegates to the state or district convention to designate the party-endorsed candidate for the office to be filled, which day shall be not earlier than the twenty-eighth day following such publication and not later than the fifty-sixth day preceding the day of the election. The party-endorsed candidates for election as delegates to such convention shall be certified to the town clerks not later than the twenty-first day preceding the day of such primary. Contesting slates for election as such delegates shall be filed not later than four o'clock p.m. on the seventh day preceding the day of such primary. The state or district convention shall be convened not earlier than the fifth day following such primary and closed not later than the forty-ninth day preceding the day of the election. Contesting candidacies for nomination to the office to be filled shall be filed not later than four o'clock p.m. on the fifth day following the close of such convention. The secretary of the state shall fix the day for the primary of each party for the nomination to the office to be filled, which day shall be not earlier than the twenty-first day following the close of such convention and not later than the twenty-first day preceding the day of the election.

(b) In the case of judges of probate in probate districts composed of a single town, the day named for the election shall be not earlier than the one-hundred-fifteenth day following the day on which the writ of election is issued, and the times specified in sections 9-391, 9-405 and 9-423 shall be applicable.

(c) In the case of a vacancy in the office of senator in Congress occurring seventy or more days prior to a state election, the party-endorsed candidate of each party for such office shall be designated at the state convention of such party held for the endorsement of candidates for the state offices to be filled at such election; contesting candidacies for nomination to such office shall be filed not later than four o'clock p.m. on the fourteenth day following the close of such convention; and the primary of such party for nomination to such office shall be held simultaneously with the primaries of such party for nomination to the state and district offices to be filled at such election. If, at the time such vacancy in the office of senator in Congress occurs, such state convention has already been closed, it shall be reconvened by call of the chairman of the state central committee of such party, which call shall be mailed to each delegate chosen for such convention not less than seventy-two hours prior to such reconvening; such reconvened convention shall be closed not later than the tenth day following the occurrence of such vacancy. The party-endorsed candidate of such party for such office shall be designated at such reconvened convention. Contesting candidates for nomination to such office shall be filed not later than four o'clock p.m. on the fifth day following the close of such reconvened convention. If the primaries of such party for nomination to the state and district offices to be filled at the state election are held not earlier than the twenty-eighth day following the close of such reconvened convention, the primary of such party for nomination to the office of senator in Congress to fill such vacancy shall be held simultaneously with the primaries of such party for nomination to such state and district offices; otherwise, the secretary of the state shall fix the day for the primary of such party for such nomination to the office of senator in Congress, which day shall be not earlier than the twenty-eighth day following the close of such reconvened convention and not later than the twenty-first day preceding the day of the state election.

(d) The times specified in sections 9-391, 9-405 and 9-423 shall be applicable to any special town election held to fill a vacancy in any town office under subsection (b) of section 9-164. Except as provided under subsection (c) of said section 9-164, any election held to fill a vacancy in any municipal office under the provisions of any special act shall be held not earlier than the one hundred twenty-seventh day following the day upon which warning of such election is issued, and the times specified in sections 9-391, 9-405 and 9-423 shall be applicable.

(June, 1955, S. 610d; November, 1955, S. N95; 1957, P.A. 119, S. 1; 518, S. 32; 1958 Rev., S. 9-123; 1963, P.A. 17, S. 74; P.A. 75-206, S. 4, 7; P.A. 79-616, S. 21; P.A. 87-382, S. 48, 55; P.A. 93-202, S. 2.)

**Sec. 9-450a. Special elections in 1974.** Section 9-450a is repealed.

(P.A. 74-25, S. 12, 13; P.A. 77-240, S. 3.)

## B

### MINOR PARTIES

**Sec. 9-451. Minor parties.** The nomination by a minor party of any candidate for office, including an office established after the last-preceding election, and the selection in a



municipality by a minor party of town committee members or delegates to conventions may be made in the manner prescribed in the rules of such party, or alterations or amendments thereto, filed with the secretary of the state in accordance with section 9-374.

(November, 1955, S. N44; 1957, P.A. 410, S. 2; 1958 Rev., S. 9-74; 1963, P.A. 17, S. 75; 313 S. 3.)

**Sec. 9-452. Time for making nominations; certification.** All minor parties nominating candidates for any elective office shall make such nominations and certify and file a list of such nominations, as required by this section, not later than the fifty-fifth day prior to the day of the election at which such candidates are to be voted for. A list of nominees in printed or typewritten form shall be certified by the presiding officer of the committee, meeting or other authority making such nomination and shall be filed by such presiding officer with the secretary of the state, in the case of state or district office or with the clerk of the municipality, in the case of municipal office, not later than the fifty-fifth day prior to the day of the election. The clerk of such municipality shall promptly verify and correct the names on any such list filed with him, or the names of nominees forwarded to him by the secretary of the state, in accordance with the registry list of such municipality and endorse the same as having been so verified and corrected. For purposes of this section, a list of nominations shall be deemed to be filed when it is received by the secretary or clerk, as appropriate.

(November, 1955, S. N106; 1958 Rev., S. 9-128; 1961, P.A. 202; 1963, P.A. 17, S. 76; P.A. 77-188, S. 1, 2; P.A. 83-475, S. 32, 43.)

## C

### PETITIONING PARTIES

**Sec. 9-453. Petition requirements.** Section 9-453 is repealed.

(1949 Rev., S. 1044; 1953, S. 569d; 1957, P.A. 410, S. 1; 1958 Rev., S. 9-72; 1959, P.A. 476, S. 1; 675, S. 1; 1963, P.A. 17, S. 77; 1971, P.A. 806, S. 1.)

**Sec. 9-453a. Petition form.** Each petition for nomination for elective office shall be on a form prescribed and provided by the secretary of the state. The secretary of the state shall include in such form a line for the printing of the name of a signator. A signator shall print his name on said line following the signing of his name. Before issuing a petition form, the secretary shall, above the space provided for signatures, type or print the name and address of the candidate, the office sought and the election and the date thereof. The secretary shall give to any person requesting such form one or more petition pages, suitable for duplication, as the secretary deems necessary. If the person is requesting the form on behalf of an indigent candidate or a group of indigent candidates listed on the same nominating petition, the secretary shall give the person the number of original pages that he requests or the number which the secretary deems sufficient. An original petition page may be duplicated by or on behalf of the candidate or candidates listed on the page and signatures may be obtained on such duplicates. The duplicates shall be filed in the same manner and shall be subject to the same requirements as original petition pages.

(1971, P.A. 806, S. 2; P.A. 77-168; P.A. 83-391, S. 21, 24; P.A. 93-384, S. 11.)

**Sec. 9-453b. Issuance of petition forms; restrictions. Application requirements.** The secretary of the state shall not issue any nominating petition forms for a candidate for an office to be filled at a regular election to be held in any year prior to the first business day of such year. The secretary shall not issue any nominating petition forms unless the person requesting the same makes a written application therefor, which application shall contain the following: (1) The name or names of the candidates to appear on such nominating petition, compared by the town clerk of the town of residence of each candidate with his name as it appears on the last-completed registry list of such town, and verified and corrected by such town clerk or in the case of a newly admitted elector whose name does not appear on the last-completed registry list, the town clerk shall compare his name as it appears on his application for admission and verify and correct it accordingly; (2) a signed statement by each such candidate that he consents to the placing of his name on such petition, and (3) the party designation, if any. An applicant for petition forms who does not wish to specify a party designation shall so indicate on his application for such forms and his application, if so marked, shall not be amended in this respect. No application made after November 3, 1981, shall contain any party designation unless a reservation of such party designation with the secretary is in effect for all of the offices included in the application or unless the party designation is the same as the name of a minor party which is qualified for a different office or offices on the same ballot as the office or offices included in the application. The secretary shall not issue such forms (1) unless the application for forms in behalf of a candidate for the office of presidential elector is accompanied by the names of the candidates for president and vice-president whom he represents and includes the consent of such candidates for president and vice-president; (2) unless the application for forms in behalf of governor or lieutenant governor is accompanied by the name of the candidate for the other office and includes the consent of both such candidates; (3) if petition forms have previously been issued on behalf of the same candidate for the same office unless the candidate files a written statement of withdrawal of his previous candidacy with the secretary; and (4) unless the application meets the requirements of this section.

(1971, P.A. 806, S. 3; P.A. 81-447, S. 11; P.A. 84-319, S. 41, 49.)

**Sec. 9-453c. When single petition may be used.** The names of any or all candidates under the same party designation for state offices, as defined by section 9-372, and for the office of presidential elector may be included in one nominating petition, but the name of no candidate for any other office shall be included therein, provided the names of any or all candidates under the same party designation for at-large municipal offices to be filled at a municipal election may be included in one nominating petition.

(1971, P.A. 806, S. 4.)

**Sec. 9-453d. Number of signatures.** Each petition shall be signed by a number of qualified electors equal to the lesser of (1) one per cent of the votes cast for the same office or offices at the last-preceding election, or the number of qualified electors prescribed by section 9-380 with regard to newly-created offices, or (2) seven thousand five hundred. "Qualified electors" means electors eligible to vote for all the candidates proposed by the petition. "Votes cast for the same office at the last-preceding election" means, in the case of multiple openings for the same office, the total number of electors checked as having voted at the last-preceding election at which such office appeared on the ballot label.

(1971, P.A. 806, S. 5; P.A. 74-2; P.A. 85-577, S. 14; P.A. 94-209, S. 3.)

**Sec. 9-453e. Circulator.** Each circulator of a nominating petition page shall be an elector of a town in this state and eligible to vote for all candidates listed on such petition. Any individual proposed as a candidate in any nominating petition may serve as circulator of the pages of such nominating petition.

(1971, P.A. 806, S. 6.)

**Sec. 9-453f. Signature pages.** Before any signatures may be obtained on a petition signatures page, above the space provided for signatures shall be indicated the party designation, if any, the name and address of the candidate, the office sought, the election and the date thereof, and the town and district, if such is the case, in which such petition page is to be circulated. Such indication may not be altered or amended after any person has signed the page. Each page of a nominating petition shall contain the names and street addresses of the signers. No page of a nominating petition shall be certified by the clerks of two or more towns and signatures on any page so certified shall not be counted by the secretary of the state.

(1971, P.A. 806, S. 7; P.A. 81-447, S. 12, 23.)

**Sec. 9-453g. False signing.** Any person who signs a name other than his own to a nominating petition filed under sections 9-453a to 9-453s, inclusive, or section 9-216 shall be fined not more than one hundred dollars or imprisoned not more than one year or both.

(1971, P.A. 806, S. 8.)

**Sec. 9-453h. Withdrawal of signatures.** Any signer of a nominating petition may withdraw his signature therefrom at any time up to the deadline date for filing nominating petition pages pursuant to section 9-453i, prior to the election, by sending a written notice of such withdrawal to the candidate or candidates named in such petition and by sending a copy of such notice to the secretary of the state by such day. Such written notice and the copy thereof shall be sent by registered or certified mail.

(1971, P.A. 806, S. 9; P.A. 85-577, S. 15.)

**Sec. 9-453i. Submission to town clerk or secretary of the state.** (a) Each page of a nominating petition proposing a candidate for an office to be filled at a regular election shall be submitted to the appropriate town clerk or to the secretary of the state not later than four o'clock p.m. on the final day for the filing of primary petitions for municipal offices to be filled at such election pursuant to section 9-405.

(b) Each page of a nominating petition proposing a candidate for an office to be filled at a special election, except petitions filed under section 9-216, shall be submitted to the appropriate town clerk or to the secretary of the state not later than four o'clock p.m. on the seventieth day prior to such election, unless (1) such special election is held in conjunction with a regular election and (2) the writ of such special election is issued at least fourteen days before the final day for the filing of primary petitions for municipal offices to be filled at such regular election pursuant to section 9-405, in which case the deadline for submitting such nominating petition pages shall be the same as the deadline for such submission in connection with such regular election as provided in subsection (a) of this section.

(c) Each page of a nominating petition proposing a candidate at an election shall be so submitted either (1) to the town clerk of the town in which the signers reside, or (2) to the secretary of the state, in which case the secretary of the state shall submit the petition pages to the appropriate town clerk for the purpose of certifying the signatures on such pages.

(d) On such last day for submitting such nominating petition pages, in each town in which an election is to be held, the office of the town clerk shall open not later than one o'clock p.m. and remain open until at least four o'clock p.m., and the town clerk or his assistant town clerk shall be present therein.

(1971, P.A. 806, S. 10; P.A. 77-537, S. 1, 5; P.A. 79-339; P.A. 85-577, S. 16.)

**Sec. 9-453j. Statements by town clerk and circulator.** At the time a petition page is submitted to the town clerk of the town in which it is circulated or to the secretary of the state, such page shall contain a statement signed by the town clerk of the town in which the circulator is an elector attesting that the circulator is an elector in the town and setting forth his residence address therein and that he is entitled to vote at the election for the office for which such candidacy is being filed. Any town clerk shall forthwith complete said statement upon request by a circulator prior to the time when the petition page is filed with the town clerk of the town in which it was circulated or with the secretary of the state. Each page of a nominating petition submitted to the town clerk or the secretary of the state and filed with the secretary of the state under the provisions of sections 9-453a to 9-453s, inclusive, or section 9-216 shall contain a statement as to the authenticity of the signatures thereon, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an elector and stating that each person whose name appears on such page signed the same in person in the presence of such circulator and that either the circulator knows each such signer or that the signer satisfactorily identified himself to the circulator. Any false statement committed with respect to such statement shall be deemed to have been committed in the town in which the petition was circulated.

(1971, P.A. 806, S. 11; P.A. 77-537, S. 2, 5.)

**Sec. 9-453k. Signing and certification of circulator's statement; receipt for pages; certification of signatures.** (a) The town clerk or secretary of the state shall not accept any page of a nominating petition unless the circulator thereof has signed before him or an appropriate person as provided in section 1-29, the statement as to the authenticity of the signatures thereon required by section 9-453j.

(b) The town clerk or secretary of the state or an appropriate person as provided in section 1-29 shall certify on each such page that the circulator thereof signed such statement in his presence and that either he knows the circulator or that the circulator satisfactorily identified himself to the individual certifying.

(c) The town clerk or secretary of the state shall forthwith give to each circulator submitting a page or pages of a nominating petition a receipt indicating the number of such pages so submitted and the date upon which such pages were submitted.

(d) Such town clerk shall certify on each such page the date upon which it was submitted to him by the circulator or the secretary of the state and the number of names of electors on such petition page, which names were on the registry list last-completed or are names of persons admitted as electors since the completion of such list. In the checking of signatures on such

nominating petition pages, the town clerk shall reject any name if such name is not the name of an elector as specified above. Such rejection shall be indicated by placing a mark in a manner prescribed by the secretary of the state before the name so rejected. Such clerk may place a check mark before each name appearing on such registry list or each name of a person admitted as an elector since the completion of such list, but shall place no other mark on such page except as provided in this section.

(1971, P.A. 806, S. 12; P.A. 77-537, S. 3, 5; P.A. 81-447, S. 16, 17, 23; P.A. 82-247, S. 10, 14; P.A. 83-475, S. 33, 43.)

**Sec. 9-453l. Delegation of signature check to registrars.** Any town clerk may delegate his duty to check the names of signers with names of electors on the registry list pursuant to section 9-453k to the registrars of voters in his town, if the registrars consent, and the registrars shall complete the required certifications with respect thereto on the petition, provided the registrars shall execute a receipt for such pages upon receipt thereof stating the number of pages and provided such checking of names by the registrars shall take place in the office of the town clerk or in the office of the registrars of voters if they have an office. After making the required certifications, the registrars shall deliver the petition pages to the town clerk.

(1971, P.A. 806, S. 13.)

**Sec. 9-453m. Signatures, effect of variations.** The use of titles, initials or customary abbreviations of given names by the signer of a nominating petition shall not invalidate such signature if the identity of the signer can be readily established by reference to the signature on the petition and the name of a person as it appears on the last-completed registry list at the address indicated or of a person who has been admitted as an elector since the completion of such list.

(1971, P.A. 806, S. 14.)

**Sec. 9-453n. Date for filing with secretary.** Any town clerk receiving any page of a nominating petition under sections 9-453a to 9-453s, inclusive, or section 9-216 shall complete such certifications as specified herein and shall file each such nominating petition page with the secretary of the state within two weeks after it was so submitted to him.

(1971, P.A. 806, S. 15; P.A. 77-537, S. 4, 5; P.A. 85-577, S. 17.)

**Sec. 9-453o. Rejection of defective pages. Cure for omission by town clerk. Approval of petitions.** (a) The secretary of the state may not count for purposes of determining compliance with the number of signatures required by section 9-453d the signatures certified by the town clerk on any petition page filed under sections 9-453a to 9-453s, inclusive, or 9-216 if: (1) The name of the candidate, his address or the party designation, if any, has been omitted from the face of the petition; (2) the page does not contain a statement by the circulator as to the authenticity of the signatures thereon as required by section 9-453j or upon which such statement of the circulator is incomplete in any respect; or (3) the page does not contain the certifications required by sections 9-453a to 9-453s, inclusive, by the town clerk of the town in which the signers reside. The town clerk shall cure any omission on his part by signing any such page at the office of the secretary of the state and making the necessary amendment or by filing a separate statement in this regard, which amendment shall be dated.

(b) Except as otherwise provided in this subsection, the secretary of the state shall approve every nominating petition which contains sufficient signatures counted and certified on approved

pages by the town clerks. In the case of a candidate who petitions under a reserved party designation the secretary shall approve the petition only if it meets the signature requirement and if a statement endorsing such candidate is filed with the secretary by the party designation committee not later than four o'clock p.m. on the fifty-fifth day before the election. In the case of a candidate who petitions under a party designation which is the same as the name of a minor party the secretary shall approve the petition only if it meets the signature requirement and if a statement endorsing such candidate is filed in the office of the secretary by the chairman or secretary of such minor party not later than four o'clock p.m. on the fifty-fifth day before the election. No candidate shall be qualified to appear on any ballot by nominating petition unless the candidate's petition is approved by the secretary pursuant to this subsection.

(c) The secretary of the state may approve a nominating petition received under section 9-453k at any time except such approval shall be withdrawn if sufficient signatures are withdrawn under section 9-453h.

(1971, P.A. 806, S. 16; P.A. 81-447, S. 13; P.A. 83-475, S. 34, 43; P.A. 85-577, S. 18.)

**Sec. 9-453p. Withdrawal of candidacy.** A petitioning candidate may withdraw his candidacy but no such withdrawal shall be valid until the candidate has signed and filed a letter of withdrawal with the secretary of the state in the case of a state or district office or the office of state senator or state representative from any district, or with the municipal clerk in the case of a municipal office other than state senator or state representative. A copy of each letter of withdrawal filed with the municipal clerk shall also be filed with the secretary of the state. The secretary of the state shall forthwith notify the appropriate town clerks of such withdrawal in the case of a state or district office.

(1971, P.A. 806, S. 17; P.A. 84-319, S. 42, 49.)

**Sec. 9-453q. Use of party levers for petitioning candidates.** Section 9-453q is repealed.

(1971, P.A. 806, S. 21; P.A. 81-447, S. 14, 23; P.A. 87-382, S. 54, 55.)

**Sec. 9-453r. Position of candidates' names on ballot.** (a) A separate row on the ballot shall be used for a petitioning candidate whose name is contained in a petition approved pursuant to section 9-453o, bearing a party designation. A separate row shall be used for the petitioning candidates whose names are contained in petitions approved pursuant to section 9-453o, bearing the same party designation. Within such a separate row, the order of the names of such candidates for the same multiple-opening office shall be determined by the registrars of voters by lot in a ceremony which shall be open to the public. The registrars of voters shall provide at least five days public notice for each such ceremony.

(b) On the horizontal rows below the rows so used for candidates, if any, who are so entitled to a party designation on the voting machines, shall be placed, in the appropriate office columns, the names of candidates contained in petitions approved pursuant to section 9-453o bearing no party designation. Such candidates shall not be entitled to separate rows. Precedence as to horizontal row between or among such candidates shall be determined, if necessary, by the order in which their applications for petitions were filed with the secretary of the state from the earliest to the latest; provided that within any such horizontal row the names of as many of such candidates for the same multiple-opening office as such row will accommodate shall be placed before placing the names of other such candidates for such office on the next such row. The order

of the names of such candidates for the same multiple- opening office, within and between any such horizontal rows, shall be determined by the registrars of voters by lot in a ceremony which shall be open to the public. The registrars of voters shall provide at least five days public notice for each such ceremony. Each row in which a candidate's name appears who is not entitled to a party designation shall be labeled "Petitioning Candidates", the print of which shall correspond to that used for party designations.

(1971, P.A. 806, S. 22; 1972, P.A. 27, S. 1; P.A. 84-319, S. 43, 49; P.A. 87-382, S. 49, 55; 87-472, S. 13; P.A. 88-49, S. 1, 2.)

**Sec. 9-453s. Vacancies in candidacies. Ballot label.** Vacancies in candidacies occurring after all nominating petitions have been approved under section 9-453o, shall not cause the position of any candidate's name on the ballot label to be changed to another position unless a blank row on the machine results from such vacancy or vacancies in which case the position of candidates appearing on lines under the blank row may change if the consent of all candidates involved in such a change is filed in the secretary of the state's office prior to the time for printing and filing sample ballot labels with said secretary. The name of any candidate whose candidacy has been vacated shall not appear on the ballot label. The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast in that position.

(1971, P.A. 806, S. 23.)

**Sec. 9-453t. Candidate nominated by major or minor party prohibited from appearing on ballot by nominating petition.** Notwithstanding any other provision of the general statutes or any special act, the nomination of a candidate by a major or minor party under this chapter, for any office shall disqualify such candidate from appearing on the ballot by nominating petition for the same office. Nothing in this section shall be construed to prohibit any candidate from appearing on the ballot as the nominee of two or more major or minor parties for the same office.

(P.A. 81-447, S. 4, 23.)

**Sec. 9-453u. (Formerly Sec. 9-378m). Reservation of party designation.** (a) An application to reserve a party designation with the secretary of the state and to form a party designation committee may be made at any time after November 3, 1981, by filing in the office of the secretary a written statement signed by at least twenty-five electors who desire to be members of such committee.

(b) The statement shall include the offices for which candidates may petition for nomination under the party designation to be reserved but shall not include an office if no elector who has signed the application is entitled to vote at an election for such office.

(c) The statement shall include the party designation to be reserved which (1) shall consist of not more than three words and not more than twenty- five letters; (2) shall not incorporate the name of any major party; (3) shall not incorporate the name of any minor party which is entitled to nominate candidates for any office which will appear on the same ballot with any office included in the statement; (4) shall not be the same as any party designation for which a reservation with the secretary is currently in effect for any office included in the statement; and (5) shall not be the word "none", or incorporate the words "unaffiliated" or "unenrolled" or any similarly antonymous form of the words "affiliated" or "enrolled".

(d) The statement shall include the names of two persons who are authorized by the party designation committee to execute and file with the secretary statements of endorsement required by section 9-453o and certificates of nomination as required by section 9-460.

(e) The secretary shall examine the statement, and if it complies with the requirements of this section, the secretary shall reserve the party designation for the offices included in the statement and record such reservation in the office of the secretary. Except as provided in subsection (f) of this section, the reservation shall continue in effect from the date it is recorded until the day following any regular election at which no candidate appears on the appropriate ballot for that office under that party designation.

(f) If the secretary, before June 24, 1987, has reserved a party designation which (1) is in effect on such date and (2) is prohibited by subdivision (5) of subsection (c) of this section, such reservation shall be cancelled and the secretary shall notify the affected party. The affected party designation committee shall continue in effect with the same rights which it had pursuant to such reservation prior to such cancellation if the committee, not later than January 1, 1988, files with the secretary a certificate changing such former designation to one permitted under subsection (c) of this section. Such certificate shall be signed by the persons authorized by such party designation committee pursuant to the provisions of subsection (d) of this section. If, before June 24, 1987, a political party or organization qualified for minor party status for an office under a party designation which was reserved pursuant to the provisions of this section but which on and after such date is prohibited by subdivision (5) of subsection (c) of this section, such minor party status shall be cancelled, notwithstanding the provisions of subdivision (6) of section 9-372, unless the party designation committee for such minor party files such a certificate of changed party designation with the secretary not later than January 1, 1988. If such a committee files such a certificate, the changed name shall also apply to the name of the minor party.

(P.A. 81-447, S. 1; P.A. 83-475, S. 24, 43; P.A. 87-472, S. 1, 14.)

**Secs. 9-454 to 9-458. Petition: Form; signatures; circulation and filing; town clerk's duties; platform statement required, when; false signing.** Sections 9-454 to 9-458, inclusive, are repealed.

(1949 Rev., S. 1044; 1953, S. 569d; 1957, P.A. 410, S. 1; 1958 Rev., S. 9-72; 1959, P.A. 476, S. 1; 675, S. 1; 1963, P.A. 17, S. 7881; 113; 343; 376, S. 1; February, 1965, P.A. 600, S. 2; 1967, P.A. 856; 1969; 1969, P.A. 715; 1971, P.A. 806, S. 1; 871, S. 79.)

## PART IV

### VACANCIES

**Sec. 9-459. Vacancy elections.** Nominations for any state, district or municipal office to be filled under the provisions of any law relating to elections to fill vacancies, unless otherwise provided therein, shall be made in accordance with the provisions of this chapter.

(June, 1955, S. 610d; November, 1955, S. N95; 1957, P.A. 119, S. 1; 518, S. 32; 1958 Rev., S. 9-123; 1963, P.A. 17, S. 82.)

**Sec. 9-460. Vacancy in nomination; withdrawal procedure. Certification of replacement nomination; time limitations. Ballot labels.** If any party has nominated a candidate for office, or, on and after November 4, 1981, if a candidate has qualified to appear on



any ballot by nominating petition under a reserved party designation, in accordance with the provisions of this chapter, and such nominee thereafter, but prior to ten days before the opening of the polls on the day of the election for which such nomination has been made, dies, withdraws his name or for any reason becomes disqualified to hold the office for which he has been nominated, such party or, on and after November 4, 1981, the party designation committee may make a nomination to fill such vacancy or provide for the making of such nomination as its rules prescribe. No withdrawal, and no nomination to replace a candidate who has withdrawn, under this section shall be valid unless the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the secretary of the state in the case of a state or district office or the office of state senator or state representative from any district, or with the municipal clerk in the case of a municipal office other than state senator or state representative. A copy of such candidate's letter of withdrawal to the municipal clerk shall also be filed with the secretary of the state. No nomination to fill a vacancy under this section shall be valid unless it is certified to the secretary of the state in the case of a state or district office or the office of state senator or state representative from any district, or to the municipal clerk in the case of a municipal office other than state senator or state representative, by the organization or committee making such nomination, at least seven days before the opening of the polls on the day of the election, except as otherwise provided by this section. If a nominee dies within ten days, but prior to twenty-four hours before the opening of the polls on the day of the election for which such nomination has been made, the vacancy may be filled in the manner prescribed in this section by two o'clock p.m. of the day before the election with the municipal clerk or the secretary of the state, as the case may be. If a nominee dies within twenty-four hours before the opening of the polls and prior to the close of the polls on the day of the election for which such nomination has been made, he shall not be replaced and the votes cast for him shall be canvassed and counted, and if he receives a plurality of the votes cast, a vacancy shall exist in the office for which the nomination was made. The vacancy shall then be filled in a manner prescribed by law. A copy of such certification to the municipal clerk shall also be filed with the secretary of the state. Such nomination to fill a vacancy due to death or disqualification shall include a statement setting forth the reason for such vacancy. If at the time such nomination is certified to the secretary of the state or to the municipal clerk, as the case may be, the ballot labels have already been printed, the secretary of the state shall direct the municipal clerk in each municipality affected to (1) have the ballot labels reprinted with the nomination thus made included thereon, (2) cause printed stickers to be affixed to the ballot labels so that the name of any candidate who has died, withdrawn or been disqualified is deleted and the name of any candidate chosen to fill such vacancy appears in the same position as that in which the vacated candidacy appeared or (3) cause blank stickers to be so affixed if the vacancy is not filled.

(1953, S. 617d, 618d; November, 1955, S. N109; 1957, P.A. 518, S. 38; 1958 Rev., S. 9-132; 1963, P.A. 17, S. 83; P.A. 81-447, S. 15; P.A. 82-247, S. 11; P.A. 83-475, S. 35, 43; P.A. 94-203, S. 6, 12.)

## PART V

### LISTS OF CANDIDATES

**Sec. 9-461. Filing of list of candidates with secretary.** Not later than the seventh day following the date set for the primary for nomination at any election at which a municipal office

is to be filled, the clerk of the municipality in which such election is to be held shall file with the secretary of the state a list of the candidates of each party for the municipal offices to be filled at such election nominated in accordance with the provisions of this chapter. Such list shall be on a form provided by the secretary of the state and shall indicate the name and address of each candidate and the office and term for which each candidate has been nominated, and, except for major party candidates for the municipal offices of state senator or state representative, shall contain the certification of such municipal clerk that he has compared the name of each such candidate with the candidate's name as it appears on the registry list and has verified and corrected the same. In the case of major party candidates for the municipal offices of state senator or state representative, such list shall contain the certification of the town clerk that he has compared the name of each such candidate with the candidate's name as the candidate has authorized, on the certificate or statement of consent filed under subsection (b) of section 9-391 or section 9-409, his name to appear, and has verified and corrected the same. Such list shall include a statement of the total number of candidates for which each elector may vote for each office and term at such election as set forth in the list or amendment or supplement thereto filed with the secretary of the state under section 9-254. After the filing of such list of candidates, the clerk of the municipality shall forthwith notify the secretary of the state of any errors in such list or of any changes in such list provided for in section 9-329a or 9-460.

(November, 1955, S. N107; 1957, P.A. 518, S. 35; 1958 Rev., S. 9-129; 1963, P.A. 17, S. 91; P.A. 75-206, S. 5, 7; P.A. 87-382, S. 50, 55.)

**Sec. 9-462. Lists of candidates for state and district offices.** On September fifteenth in each year when a state election, as defined in section 9-1, is held or not later than September twenty-second in any year in which the date of a primary for nomination to a state or district office is advanced pursuant to subdivision (2) of subsection (a) of section 9-376, the secretary of the state shall mail to each town clerk a list of the names of all duly nominated candidates for state and district offices to be filled at such election, filed in his office prior to such date, for whom an elector may vote, with the respective party designation of each of such candidates. Forthwith after the results of the primaries for state and district offices are tabulated, the secretary of the state shall mail to each town clerk in the district the names of all duly nominated candidates for such offices, with the respective party designation of each of such candidates.

(February, 1965, P.A. 59, S. 3; P.A. 74-25, S. 9, 13; P.A. 75-206, S. 6, 7; P.A. 83-544, S. 3, 4.)

## CHAPTER 154

### PRESIDENTIAL PREFERENCE PRIMARY

**Sec. 9-463. Definitions.** As used in this chapter, unless the context indicates otherwise:

- (1) "At large" means selected on a basis other than from a district;
- (2) "Candidate" means any person whose name is placed, or proposed to be placed, as the case may be, on the primary ballot of a party;
- (3) "Chairman" means the chairman of the state central committee of a party;
- (4) "Delegate" means a person selected by a party to vote at its national convention held for the purpose of nominating such party's candidate for president;
- (5) "District" means a congressional district or other political subdivision of the state;

(6) "Party" means a political party having the largest or second largest number of enrolled members in this state according to the most recent enrolment records on file in the office of the secretary;

(7) "President" means the office of president of the United States;

(8) "Primary" means a presidential preference primary in which any enrolled member of a party is eligible to vote for a candidate for such party's nomination for president;

(9) "Rules" mean the national rules or regulations governing a party;

(10) "Secretary" means the secretary of the state.

(P.A. 77-535, S. 1; P.A. 79-481, S. 1; P.A. 83-475, S. 36, 43.)

**Sec. 9-464. Primary date.** On the first Tuesday in March of each year in which the President of the United States is to be elected, each party shall conduct a primary in each town if the names of two or more candidates are to be placed on such party's ballot in accordance with the provisions of this chapter.

(P.A. 77-535, S. 2; P.A. 79-481, S. 2; P.A. 83-475, S. 37, 43; P.A. 90-156, S. 8; June Sp. Sess. P.A. 91-3, S. 50, 168; P.A. 95-95, S. 1.)

**Sec. 9-465. Placement of candidate names on ballot.** The name of a candidate shall be placed on the ballot at a primary of a party either: (a) By direction of the secretary when he determines, within the time specified in section 9-466, that the candidacy of such person for such party's nomination for president is generally and seriously advocated or recognized according to reports in the national or state news media, unless such candidate files a request as provided in section 9-466; or (b) by petition to the secretary as provided in sections 9-467, 9-468 and 9-469.

(P.A. 77-535, S. 3; P.A. 79-481, S. 3.)

**Sec. 9-466. Announcement of candidate list.** The secretary shall, at ten o'clock a.m. on the seventy-fourth day preceding the day of the primary, publicly announce a list of candidates whose names are to be placed on the ballot of each party at such primary pursuant to subsection (a) of section 9-465. Forthwith upon announcing such list, said secretary shall notify each such candidate, by registered mail with return receipt requested, that his name will be included on the ballot unless he files with the secretary, not later than four o'clock p.m. of the thirty-sixth day before the primary, a written request, signed by the candidate, to the following effect: "I request that my name be omitted from the ballot at Connecticut's forthcoming...(name of party) presidential preference primary". The name of any candidate who files a request as provided by this section, within the time specified, shall be omitted from the ballot, but no such withdrawal shall be honored if it is received later than the time specified by this section.

(P.A. 77-535, S. 4; P.A. 79-481, S. 4; P.A. 94-209, S. 1.)

**Sec. 9-467. Issuance of petition.** On or after twelve o'clock noon of the seventy-fourth day preceding the day of the primary, any person seeking the nomination of a party for president, whose name is not included in the list of candidates announced by the secretary pursuant to section 9-466, or any person advocating the nomination of such person, by such party, may obtain petition pages from the secretary in the manner provided by this section. Such pages shall be in a form prescribed by the secretary and shall conform, as nearly as may be, to the requirements for primary petition forms provided in section 9-410. Any person requesting the petition pages shall give to the secretary, in writing, his name and address, the name and address

of the candidate for whom the petition is to be circulated and the party holding the primary, and shall also file, or cause to be filed, with said secretary a written statement, signed by such candidate, to the effect that he consents to the inclusion of his name on the primary ballot of such party. Upon completion of these requirements, the secretary shall give to the person so requesting such petition pages a number of pages sufficient to contain at least two times the number of signatures required in accordance with the provisions of section 9-469. The secretary shall also fill in on each petition page the name and address of the candidate, the words "nomination for president of the United States" as the designation of the office sought, and the name of the party conducting the primary.

(P.A. 77-535, S. 5; P.A. 79-481, S. 5; P.A. 83-475, S. 38, 43; P.A. 94-209, S. 2.)

**Sec. 9-468. Circulation, filing and verification of petition.** Except as hereinafter provided, such petitions shall be circulated, filed with the registrars of voters, and verified by said registrars, as nearly as may be, in accordance with the provisions of sections 9-410 and 9-412. Each page of such a petition shall be filed with the registrar of voters of the party holding the primary in the town of voting residence of the signers thereof, not later than four o'clock p.m. of the forty-sixth day preceding the day of the primary; and such registrar shall verify the signatures on each such page and forward it to the secretary not later than four o'clock p.m. of the forty-second day preceding the day of the primary. If, prior to such last day for filing such pages with the registrar, such a petition was issued under section 9-467, the office or office facilities of each registrar of such party in each town shall open not later than one o'clock p.m. and remain open until at least four o'clock p.m., and each such registrar or his deputy assistant registrar shall be present therein.

(P.A. 77-535, S. 6; P.A. 79-481, S. 6; P.A. 83-475, S. 39, 43; P.A. 85-577, S. 19.)

**Sec. 9-469. Tabulation of signatures.** The secretary shall complete tabulation of the signatures on such petitions not later than the thirty-sixth day preceding the day of the primary. The secretary shall place on the ballot of each party at the primary the name of each candidate whose petition has been signed by a number of enrolled members of such party equal to at least one per cent of the total number of enrolled members of such party in the state, according to the most recent enrolment records on file in the office of the secretary. No candidate who has filed a statement of consent pursuant to the provisions of section 9-467 and whose name is placed on the ballot pursuant to the provisions of this section shall be permitted to withdraw his name from such ballot.

(P.A. 77-535, S. 7; P.A. 79-481, S. 7.)

**Sec. 9-470. Order of candidate names on ballot.** The secretary shall determine by lot, in a public ceremony held on the thirty-fifth day preceding the day of the primary, the order in which the names of the candidates will appear on the ballot of each party at such primary; provided that the category "uncommitted" shall appear last on such ballots. Notwithstanding any provision of the general statutes to the contrary, no candidate shall be designated on the ballot as the party-endorsed candidate. The names of such candidates shall appear, in the order so determined by the secretary, in the first vertical column of the voting machine. Such column shall be designated "Nomination for President of the United States"; provided if the number of candidates is such that there is an insufficient number of places in such column, the secretary shall

determine whether the names of the candidates shall also extend, in the order so determined, to the second and succeeding columns as may be necessary, or shall appear on the first and succeeding horizontal rows as may be necessary. Such columns or rows shall be designated as hereinabove provided. Except as otherwise provided in this chapter, the form of the ballot shall be prescribed by the secretary and shall conform, as nearly as may be, to the provisions of section 9-437.

(P.A. 77-535, S. 8; P.A. 79-481, S. 8.)

**Sec. 9-471. Notice of primary.** Forthwith upon determination of the order of candidates on the ballot, the secretary shall send a notice of primary for each party to each town clerk. Such notice shall include the names of the candidates in the order so determined and their addresses. Such notice shall conform, as nearly as may be, to the provisions of section 9-433 concerning notice of primary for nomination to a state office. The town clerk shall, forthwith upon receipt of such notice, cause it to be published in the manner provided in said section.

(P.A. 77-535, S. 9; P.A. 79-481, S. 9.)

**Sec. 9-472. Vacancy on ballot due to candidate death.** If, after determination of the order of candidates on the ballot, a candidate dies, his name shall not appear on such ballot; provided that the position of each remaining candidate on the ballot shall not be altered by the deletion of such name. The voting machine candidate pointer over any blank space on the ballot resulting from the deletion of such name shall be locked so that no vote shall be registered for such position. The secretary may authorize the use of blank stickers on the ballot by town clerks in order to comply with the provisions of this section.

(P.A. 77-535, S. 10; P.A. 79-481, S. 10.)

**Sec. 9-473. Notification by party chairmen of delegates allotted.** Not later than the fourteenth day before the day of the primary, the chairman of each party shall certify in writing to the secretary the number of delegates to which such party is entitled pursuant to its rules. If such rules provide that such delegates are to be chosen from districts, the chairman shall also certify the number of delegates allocated to each district and the number to be selected at large, if any. Such rules may (1) prescribe a formula for the allocation of delegates to candidates based upon the percentages of the total votes cast for such candidates at the primary, or (2) require all delegates shall be allocated to the candidate receiving the greatest number of votes notwithstanding such candidate's percentage of the total votes cast for all candidates. If such rules prescribe a formula for the allocation of delegates to candidates based upon the percentages of the total votes cast for such candidates at the primary, the chairman shall also certify such formula and all information necessary for the application of such formula to the results of the primary. The chairman shall furnish to the secretary, upon request, a written interpretation or explanation of any application of such formula.

(P.A. 77-535, S. 11; P.A. 79-481, S. 11; P.A. 95-95, S. 2.)

**Secs. 9-474 and 9-475. Candidate caucuses.** Selection of delegate slates. Sections 9-474 and 9-475 are repealed.

(P.A. 77-535, S. 12, 13; P.A. 79-481, S. 18.)

**Sec. 9-476. Conduct of primary.** Except as otherwise provided in this chapter, the provisions of chapter 145 and chapter 153 concerning absentee voting at primaries, conduct of primaries and return and tabulation of the vote at such primaries shall apply as nearly as practicable and in the manner prescribed by the secretary, to a presidential preference primary. The primary officials of each party for each polling place shall be as specified in section 9-436, except that (1) the appointment of assistant registrars of voters and absentee ballot counters shall be permitted but not required, (2) the minimum number of official checkers shall be one, (3) the minimum number of voting machine tenders shall be one for each two voting machines in use, (4) if two parties are holding primaries and the registrars of voters of such parties so agree, such registrars may jointly appoint (A) one enrolled member of either party to serve as moderator of both primaries and (B) one enrolled member of either party to serve as head moderator of both primaries, (5) notwithstanding any reduction in the number of primary officials as permitted by this section, any duty required of primary officials by the general statutes may be performed by one or more primary officials, at the direction of the registrar of voters of the party of such officials and (6) the registrar of voters shall have the sole power to appoint such officials. In making such appointments the registrar shall attempt, to the extent practicable, to provide representation for each candidate at each polling place. The provisions of section 9-436a shall apply to each candidate whose name appears on the ballot, except that each such candidate, through his authorized or known representative, may submit to the registrar the name of one designee as candidate checker for each polling place, and the registrar shall appoint such designee as candidate checker for such candidate. Notwithstanding the provisions of section 9-438, the polls shall be open for voting at the primary between the hours of six o'clock a.m. and eight o'clock p.m. The moderator or head moderator of the primary in each town shall prepare duplicate lists of returns in the manner provided by section 9-440, but notwithstanding the provisions of said section, he shall hand deliver one of such lists to either the secretary or the state police by two o'clock p.m. of the day following the primary. Any moderator or head moderator, as the case may be, who fails to deliver such list to either the secretary or the state police by such time shall pay a late filing fee of fifty dollars.

(P.A. 77-535, S. 14; P.A. 79-481, S. 12; P.A. 85-577, S. 20; P.A. 86-179, S. 50, 53; P.A. 92-1, S. 1, 8.)

**Secs. 9-477 to 9-481. Tabulation of votes. Delegate affidavit. Convention certification. Vacancy in delegate slate prior to primary. Vacancy in delegate slate following primary.** Sections 9-477 to 9-481, inclusive, are repealed.

(P.A. 77-535, S. 1519; P.A. 79-481, S. 18.)

**Sec. 9-482. "Candidate" includes "uncommitted". Determination of total votes cast.** As used in this section and in sections 9-483, 9-484 and 9-485, "candidate" includes the category "uncommitted". The secretary shall determine the number of votes cast for each candidate and the total number of votes cast for all candidates at each party's primary. If delegates are to be selected to represent districts, the secretary shall also make such determination for each such district.

(P.A. 79-481, S. 13.)

**Sec. 9-483. Allocation of delegates pursuant to party formula.** If a party's chairman has certified a formula in accordance with the provisions of section 9-473, the secretary shall

calculate the number of delegates allocated to each of such party's candidates, pursuant to such formula, except as provided in section 9-484.

(P.A. 79-481, S. 14.)

**Sec. 9-484. Allocation of delegates pursuant to state formula.** (a) If a party's chairman did not (1) certify a formula pursuant to section 9-473, or (2) a requirement that all delegates shall be allocated to the candidate receiving the greatest number of votes notwithstanding such candidate's percentage of the total votes cast for all candidates, the secretary shall determine the number of delegates to be so allocated to each candidate of each such party in accordance with the provisions of this section.

(b) Such determination shall be made separately for delegates to be selected at large and delegates to be selected from each district. Any percentage required to be determined, in accordance with the provisions of this section, shall be rounded off to the nearest one-tenth of one per cent. As used in this section, "minimum percentage" means the ratio, expressed as a percentage, that the number one bears to the total number of delegates to be selected, but in no event shall such percentage exceed twenty-five per cent.

(c) The secretary shall calculate the minimum percentage, as defined in subsection (b) of this section, using the number of delegates to be selected at large and, if applicable, the number of delegates to be selected from each district respectively. Except as provided in this subsection, a candidate's percentage of the total votes cast for all candidates in the state or in a district must equal or exceed such minimum percentage in order for such candidate to be allocated any at large delegates or any delegates from such district, as the case may be. The secretary shall determine each candidate's percentage of the total votes cast for all candidates in the state and in each district. In the event two or more candidates have received a percentage of such total votes cast equal to or greater than the minimum percentage, the secretary shall calculate an adjusted percentage, which shall be each such candidate's percentage of the total votes cast for all such candidates, excluding the votes cast for all other candidates. The secretary shall then calculate the product of each such candidate's adjusted percentage and the total number of delegates to be selected, rounding off such product to the nearest integer. Such product shall be the number of delegates allocated to each such candidate except as hereinafter provided. (1) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be greater than the total number of delegates to be selected at large or from the district, then one delegate shall be subtracted from the number allocated to the candidate who received the greatest mathematical gain from such rounding off, and if necessary one delegate shall also be subtracted from the number allocated to the candidate who received the next greatest gain, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected. (2) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be fewer than the total number of delegates to be selected at large or from the district, then one delegate shall be added to the number allocated to the candidate who suffered the greatest mathematical loss from such rounding off, and if necessary one delegate shall also be added to the number allocated to the candidate who suffered the next greatest such loss, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected.

(d) In the event one or no candidate has received a percentage of the total number of votes cast for all candidates equal to or greater than the minimum percentage, the secretary shall

calculate an adjusted percentage for each of the candidates receiving the greatest and second greatest number of votes cast for all candidates. The adjusted percentage shall be such candidate's percentage of the total number of votes cast for both such candidates, excluding the total number of votes cast for all other candidates. The secretary shall determine the number of delegates allocated to each candidate by using the same procedure as prescribed in subsection (c) of this section.

(P.A. 79-481, S. 15; P.A. 83-475, S. 40, 43; P.A. 95-95, S. 3.)

**Sec. 9-485. Certification of delegates. Release of delegates.** (a) Forthwith upon completion of the procedures prescribed by section 9-483 or 9-484, as the case may be, the secretary shall certify to the chairman, each candidate and the national committee of the party, the number of such party's at large and district delegates allocated to each candidate in accordance with the provisions of said sections. Each party shall select a number of delegates, both at large and from each district, pursuant to its rules and in accordance with such certification, provided it shall select a number of delegates committed to support each candidate which is not less than the number so allocated to such candidate. If, prior to a party's selection of delegates, a candidate to whom one or more of such party's delegates are allocated files with the secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates allocated to him, delegates committed to such candidate shall not be selected by such party. Forthwith upon the selection of delegates, the chairman shall certify to the secretary the name and address of each delegate, the district from which he was selected or that he was selected at large, and the name of the candidate to whom he is committed or that he is uncommitted, as the case may be. If, as a consequence of any such candidate's release of delegates, the number of delegates differs from the number so allocated in accordance with the secretary's certification, the chairman shall include in his certification a statement to such effect and an accounting of the differences.

(b) The secretary shall forward a copy of such certification to the national committee of the party and to each candidate to whom at least one delegate is committed. If such certification indicates that the party has not complied with the provisions of this section in its selection of delegates, the secretary shall so inform the chairman, each such candidate and the national committee of the party. If any such candidate files with the secretary a written objection to any delegate committed to him according to the chairman's certification, the secretary shall inform the chairman and the national committee of the party of such objection. Any dispute over the selection of delegates by a party shall be resolved in such manner as its rules may prescribe.

(c) If, subsequent to the primary, a candidate to whom one or more of such party's delegates are allocated either dies or files with the secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates committed to him, the commitment of any such delegate to the candidate shall be deemed to have been released.

(P.A. 79-481, S. 16.)

**Sec. 9-486. Caucuses permitted.** Nothing in this chapter shall be construed to prohibit the holding of caucuses for the selection of delegates prior to the day of the primary.

(P.A. 79-481, S. 17; P.A. 83-475, S. 41, 43.)



**MISCELLANEOUS SECTIONS OF THE GENERAL STATUTES  
PERTAINING TO ELECTIONS**

**TITLE 1**

**PROVISIONS OF GENERAL APPLICATION**

**CHAPTER 1**

(In Part)

**CONSTRUCTION OF STATUTES**

**Sec. 1-1. (In Part) Words and phrases.** (j) The word "oath" shall include affirmations in cases where by law an affirmation may be used for an oath, and, in like cases, the word "swear" shall include the word "affirm".

(m) Except as provided in section 7-452, the words "legislative body", as applied to unconsolidated towns, shall mean the town meeting; as applied to cities and consolidated towns and cities, shall mean the board of aldermen, council or other body charged with the duty of making annual appropriations; as applied to boroughs and consolidated towns and boroughs, shall mean the board of burgesses; as applied to all other districts and associations, shall mean the district committee or association committee or other body charged with the duty of making annual appropriations.

(n) "Ordinance" shall mean an enactment under the provisions of section 7-157.

(o) "Voters" shall mean those persons qualified to vote under the provisions of section 7-6.

(p) Repealed by P.A. 76-186.

(v) All provisions of the statutes relating to annual town meetings or elections shall be applicable to biennial meetings or elections unless a contrary intent appears.

(P.A. 90-24; P.A. 92-26.)

**Sec. 1-1c. "Elector" defined. "Special election warned and held or called for that purpose", means "referendum", when.** (a) Whenever the term "elector" or "electors" occurs in the general statutes or in any special act, it shall be construed to mean an elector or electors who have attained the age of twenty-one years, except where said term is used with reference to admission to, or exercise of, the privilege of voting in an election, or in a primary or caucus of a political party and except where said term is used as a qualification for elective or appointive municipal office.

(b) Whenever the term "special election warned and held or called for that purpose", or words of similar import, is used in the general statutes, unless the context clearly indicates otherwise, it means a referendum, as defined in subdivision (2) of subsection (n) of section 9-1.

(1969, P.A. 675; 1972, P.A. 263, S. 1; P.A. 77-68, S. 1, 2.)

**Sec. 1-2. Legal notices.** Each provision of the general statutes, the special acts or the charter of any town, city or borough which requires the insertion of an advertisement of a legal notice in a daily newspaper shall be construed to permit such advertisement to be inserted in a weekly

newspaper; but this section shall not be construed to reduce or otherwise affect the time required by law for giving such notice. Whenever notice of any action or other proceeding is required to be given by publication in a newspaper, either by statute or order of court, the newspaper selected for that purpose, unless otherwise expressly prescribed, shall be one having a substantial circulation in the town in which at least one of the parties, for whose benefit such notice is given, resides.

(1949 Rev., S. 8890, 8892; P.A. 79-375.)

## CHAPTER 2

(In Part)

### LEGAL HOLIDAYS AND STANDARD OF TIME

**Sec. 1-4. Days designated as legal holidays.** In each year the first day of January (known as New Year's Day), the fifteenth day of January of each year prior to 1986, and commencing on the twentieth day of January in 1986, the first Monday occurring on or after January fifteenth (known as Martin Luther King Day), the twelfth day of February (known as Lincoln Day), the third Monday in February (known as Washington's Birthday), the last Monday in May (known as Memorial Day or Decoration Day), the fourth day of July (known as Independence Day), the first Monday in September (known as Labor Day), the second Monday in October (known as Columbus day), the eleventh day of November (known as Veterans' Day) and the twenty-fifth day of December (known as Christmas) and any day appointed or recommended by the governor of this state or the president of the United States as a day of thanksgiving, fasting or religious observance, shall each be a legal holiday, except that whenever any of such days which are not designated to occur on Monday, occurs upon a Sunday, the Monday next following such day shall be a legal holiday and whenever any of such days occurs upon a Saturday, the Friday immediately preceding such day shall be a legal holiday. When any such holiday, except holidays in January and December, occurs on a school day, each local and regional board of education may close the public schools under its jurisdiction for such day or hold a session of the public schools on such day, provided, if a session is held, the board shall require each school to hold a suitable nonsectarian educational program in observance of such holiday. If a holiday in January or December occurs on a school day, there shall be no session of the public schools on such day.

(1949, Rev., S. 8880; 1955, S. 3354d; 1969, P.A. 11, S. 1; P.A. 73-3, S., 1; 73-648, S. 1; P.A. 76-267, S. 1; P.A. 83-523; 83-587, S. 2, 96; P.A. 84-56, Sec. 2; P.A. 91-220, S. 2; P.A. 95-182, S. 1; P.A. 95-259, S. 31.)

## CHAPTER 3

(In Part)

### PUBLIC RECORDS AND MEETINGS

## FREEDOM OF INFORMATION

**Sec. 1-15. Copies of public records, fees.** (a) Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The fee for any copy provided in accordance with this section and sections 1-18a, 1-19, 1-19b, 1-21 to 1-21k, inclusive, (1) by an executive, administrative or legislative office of the state, a state agency or a department, institution, bureau, board, commission, authority or official of the state, including a committee of, or created by, such an office, agency, department, institution, bureau, board, commission, authority or official, and also including any judicial office, official or body or committee thereof but only in respect to its or their administrative functions, shall not exceed twenty-five cents per page, and (2) by all other public agencies, as defined in section 1-18a shall not exceed fifty cents per page. If any copy provided in accordance with said sections requires a transcription, or if any person applies for a transcription of a public record, the fee for such transcription shall not exceed the cost thereof to the public agency.

(b) The fee for any copy provided in accordance with subsection (a) of section 1-19a shall not exceed the cost thereof to the public agency. In determining such costs for a copy, other than for a printout which exists at the time that the agency responds to the request for such copy, an agency may include only: (1) an amount equal to the hourly salary attributed to all agency employees engaged in providing the requested computer-stored public record, including their time performing the formatting or programming functions necessary to provide the copy as requested, but not including search or retrieval costs except as provided in subdivision (4) of this subsection; (2) an amount equal to the cost to the agency of engaging an outside professional electronic copying service to provide such copying services, if such service is necessary to provide the copying as requested; (3) the actual cost of the storage devices or media provided to the person making the request in complying with such request; and (4) the computer time charges incurred by the agency in providing the requested computer-stored public record where another agency or contractor provides the agency with computer storage and retrieval services. Notwithstanding any other provision of this section, the fee for any copy of the names of registered voters shall not exceed three cents per name delivered or the cost thereof to the public agency as determined pursuant to this subsection, whichever is less. The Office of Information and Technology shall monitor the calculation of the fees charged for copies of computer-stored public records to ensure that such fees are reasonable and consistent among agencies.

(c) A public agency may require the prepayment of any fee required or permitted under this chapter if such fee is estimated to be ten dollars or more. The sales tax provided in chapter 219 shall not be imposed upon any transaction for which a fee is required or permissible under this section or section 1-21c.

(d) The public agency shall waive any fee provided for in this section when (1) the person requesting the records is an indigent individual, (2) the records located are determined by the public agency to be exempt from disclosure under subsection (b) of section 1-19, or (3) in its judgment, compliance with the applicant's request benefits the general welfare.

(e) Except as otherwise provided by law, the fee for any person who has the custody of any public records or files for certifying any copy of such records or files, or certifying to any fact appearing therefrom, shall be for the first page of such certificate, or copy and certificate, one

dollar; and for each additional page, fifty cents. For the purpose of computing such fee, such copy and certificate shall be deemed to be one continuous instrument.

(f) After consultation with the chairman of the Freedom of Information Commission, a representative of the Connecticut Conference of Municipalities and a representative of the Council of Small Towns, the secretary of the state shall propose a fee structure for copies of public records provided in accordance with sections set forth in subsection (a) of this section, and submit such proposal to the general assembly not later than January 15, 1995.

(1949 Rev., S. 3625; 1959, P.A. 75-342, S. 5; P.A. 77-609, S. 3, 8; P.A. 90-307, S. 4; P.A. 91-347, S. 2; P.A. 93-188; P.A. 94-122; P.A. 95-144, S. 1.)

**Sec. 1-19. Access to public records. Exempt records.** (a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to inspect such records promptly during regular office or business hours or to receive a copy of such records in accordance with the provisions of section 1-15. Any agency rule or regulation or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located or of the secretary of the state, as the case may be. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

(b) Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of (1) preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure; (2) personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy; (3) records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known, or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) signed statements of witnesses, (C) information to be used in a prospective law enforcement action if prejudicial to such action, (D) investigatory techniques not otherwise known to the general public, (E) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (F) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof or (G) uncorroborated allegations subject to destruction pursuant to section 1-20c; (4) records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled; (5) trade secrets, which for purposes of sections 1-15,

1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person and which are recognized by law as confidential, and commercial or financial information given in confidence, not required by statute; (6) test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations; (7) the contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision; (8) statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate or permit applied for; (9) records, reports and statements of strategy or negotiations with respect to collective bargaining; (10) records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship; (11) names or addresses of students enrolled in any public school or college without the consent of each student whose name or address is to be disclosed who is eighteen years of age or older and a parent or guardian of each such student who is younger than eighteen years of age, provided this subdivision shall not be construed as prohibiting the disclosure of the names or addresses of students enrolled in any public school in a regional school district to the board of selectmen or town board of finance, as the case may be, of the town wherein the student resides for the purpose of verifying tuition payments made to such school; (12) any information obtained by the use of illegal means; (13) records of an investigation or the name of an employee providing information under the provisions of section 4-61dd; (14) adoption records and information provided for in sections 45a-746, 45a-750 and 45a-751; (15) any page of a primary petition, nominating petition, referendum petition, or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official or officials charged with such duty after which time disclosure of such page shall be required; (16) records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e or a district department of health pursuant to chapter 368f, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first.

(c) Notwithstanding the provisions of subdivisions (1) and (16) of subsection (b) of this section, disclosure shall be required of (1) interagency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency, (2) all records of investigation conducted with respect to any tenement house, lodging house or boarding house as defined in section 19a-355, or any nursing home, home for the aged or rest home, as defined in section 19a-490, by any municipal building department or housing code inspection department, any local or district health department, or any other department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration,

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maintenance, sanitation, ventilation or occupancy of such buildings, and (3) the names of firms obtaining bid documents from any state agency.

(1957, P.A. 428, S. 1; 1963, P.A. 260; 1967, P.A. 723, S. 1; 1969, P.A. 193; 1971, P.A. 193; P.A. 75-342, S. 2; P.A. 76-294; P.A. 77-609, S. 2, 8; P.A. 79-119; 79-324; 79-575, S. 2, 4; 79-599, S. 3; P.A. 80-483, S. 1, 186; P.A. 81-40, S. 2; 81-431, S. 1; 81-448, S. 2; P.A. 83-436; P.A. 84-112, S. 1; 84-311, S. 2, 3; P.A. 85-577, S. 22; P.A. 90-335, S. 1; P.A. 91-140, S. 2; P.A. 94-246, S. 14; P.A. 95-233 P.A. 96-130, S. 37.)

**Sec. 1-19a. Disclosure of computer-stored public records. Contracts. Acquisition of system, equipment, software to store or retrieve nonexempt public records.** (a) Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to this chapter, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, if the agency can reasonably make such copy or have such copy made. Except as otherwise provided by state statute, the cost for providing a copy of such data shall be in accordance with the provisions of section 1-15.

(b) Except as otherwise provided by state statute, no public agency shall enter into a contract with, or otherwise obligate itself to, any person if such contract or obligation impairs the right of the public under this chapter to inspect or copy the agency's nonexempt public records existing on-line in, or stored on a device or medium used in connection with, a computer system owned, leased or otherwise used by the agency in the course of its governmental functions.

(c) On and after July 1, 1992, before any public agency acquires any computer system, equipment or software to store or retrieve nonexempt public records, it shall consider whether such proposed system, equipment or software adequately provides for the rights of the public under this chapter at the least cost possible to the agency and to persons entitled to access to nonexempt public records under this chapter. In meeting its obligations under this subsection, each state public agency shall consult with the Office of Information and Technology as part of the agency's design analysis prior to acquiring any such computer system, equipment or software. The Office of Information and Technology shall adopt written guidelines to assist municipal agencies in carrying out the purposes of this subsection. Nothing in this subsection shall require an agency to consult with said office prior to acquiring a system, equipment or software or modifying software, if such acquisition or modification is consistent with a design analysis for which such agency has previously consulted with said office. The Office of Information and Technology shall consult with the Freedom of Information Commission on matters relating to access to and disclosure of public records for the purposes of this subsection. The provisions of this subsection shall not apply to software modifications which would not affect the rights of the public under this chapter.

(P.A. 75-342, S. 4; P.A. 90-307, S. 3; P.A. 91-347, S. 1.)

## CHAPTER 4

(In Part)

### OATHS

**Sec. 1-22. Ceremony.** The ceremony to be used, by persons to whom an oath is administered, shall be the holding up of the right hand; but when any person, by reason of scruples of conscience, objects to such ceremony or when the court or authority by whom the oath is to be administered has reason to believe that any other ceremony will be more binding upon the conscience of the witness, such court or authority may permit or require any other ceremony to be used.

(1949 Rev., S. 3573.)

**Sec. 1-23. When affirmation may be used.** When any person, required to take an oath, from scruples of conscience declines to take it in the usual form or when the court is satisfied that any person called as a witness does not believe in the existence of a Supreme Being, a solemn affirmation may be administered to him in the form of the oath prescribed, except that instead of the word "swear" the words "solemnly and sincerely affirm and declare" shall be used and instead of the words "so help you God" the words "upon the pains and penalties of perjury or false statement" shall be used.

(1949 Rev., S. 3574; 1971, P.A. 871, S. 57.)

**Sec. 1-24. Who may administer oaths.** The following officers may administer oaths: (1) The clerks of the senate, the clerks of the house of representatives and the chairmen of committees of the general assembly or of either branch thereof, during its session; (2) state officers as defined in subsection (t) of section 9-1, judges and clerks of any court, family support magistrates, justices of the peace, commissioners of the superior court, notaries public, commissioners appointed by the governor to take acknowledgment of deeds, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in cases coming before them; (5) commissioners appointed by governors of other states to take the acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school district meeting, in such meeting, to the clerk of such district, as required by law; (7) the first selectman, in any matter before the board of selectmen; (8) the chief medical examiner, deputy medical examiner and assistant medical examiners of the office of medical examiner, in any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c; (13) the commissioner of public safety and any sworn member of any local police department or the division of state police within the department of public safety, in all affidavits, statements, depositions, complaints, or reports made to or by any member of any local police department or said division of state police or any constable who is under the supervision of said commissioner or any of such officers of said division of state police and who is certified under the provisions of sections 7-294a to 7-294e, inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United States Army, Navy, Air Force and Marine Corps, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces as defined in section 27-103 to

persons serving with or in the armed forces as defined in said section or their spouses; (15) investigators, deputy investigators, investigative aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and certified legal interns employed by or assigned to the Public Defender Services Commission in the performance of their assigned duties; (16) bail commissioners, assistant bail commissioners and secretaries and clerical assistants employed in the office of the Bail Commission in the performance of their assigned duties; (17) juvenile matter investigators employed by the judicial department in the performance of their assigned duties; (18) the chairman of the Connecticut Siting Council or his designee; (19) the presiding officer at an agency hearing under section 4-177b; and (20) family relations counselors of the family division of the superior court support enforcement officers and investigators employed by the department of social services Bureau of Child Support Enforcement and the judicial department in the performance of their assigned duties.

(1949 Rev., S. 3575; 1955, S. 1958d; 1959, P.A. 152, S. 2; 1961, P.A. 165; 1967, P.A. 66, S. 1; 1969, P.A. 699, S. 17; 1971, P.A. 412, S. 9; 752; P.A. 73-185; P.A. 74-170; 74-186, S. 3, 12; P.A. 75-567, S. 19, 80; P.A. 76-111, S. 2; P.A. 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-143, S. 3; 79-181; P.A. 80-174; 80-190, S. 1, 31; P.A. 82-104; 82-298, S. 6; P.A. 87-316, S.1; P.A. 88-132; 88-317, S. 35, 107; P.A. 90-57; P.A. 91-24, S. 1; P.A. 93-262, S. 1; 93-329, S. 7; 93-435, S. 59; 95-283, S. 22; 96-58, S. 1.)

**Sec. 1-25. (In Part). Forms of oath.** The forms of oaths shall be as follows, to wit:

**FOR ELECTORS.**

You solemnly swear (or affirm, as the case may be) that you will be true and faithful to the constitutions and governments of the State of Connecticut and the United States of America; that the statements made in your application for admission as an elector are true and complete; and that your privileges as an elector are not forfeited by reason of conviction of a felony; so help you God.

**FOR WITNESSES.**

You solemnly swear (or affirm, as the case may be) that the evidence you shall give, concerning the case now in question, shall be the truth, the whole truth and nothing but the truth; so help you God.

**FOR OFFICIALS APPOINTED TO SERVE IN ANY POLLING PLACE  
IN ANY ELECTION OR PRIMARY.**

You solemnly swear (or affirm, as the case may be) that you will faithfully discharge, according to law, your duties as ....., to the best of your ability; and that you will serve in this election or primary as the case may be, as an official, completely impartial with respect to any candidate or any political party; so help you God.

**FOR ALL OTHER PERSONS OF WHOM AN OATH IS REQUIRED.**

You solemnly swear (or affirm, as the case may be) that you will faithfully discharge, according to law, your duties as .... to the best of your ability; so help you God.



(1949 Rev., S. 3576, 7911 (b); March, 1958, P.A. 27, S. 40, 41; 1961, P.A. 207; 1967, P.A. 901, S. 10; 1969, P.A. 235, S. 1; P.A. 81-350, S. 3, 17; P.A. 83-2; 83-475, S. 2, 43; P.A. 85-613, S. 4.; May, 1992, P.A. 92-1, S. 5; P.A. 93-167.)

## CHAPTER 6

(In Part)

### UNIFORM ACKNOWLEDGMENT ACT

**Sec. 1-29. Acknowledgments within state.** The acknowledgment of any instrument may be made in this state before: (1) a judge of a court of record or a family support magistrate; (2) a clerk or deputy clerk of a court having a seal; (3) a commissioner of deeds or town clerk; (4) a notary public; (5) a justice of the peace; or (6) an attorney admitted to the bar of this state.

(1961, P.A. 65, S.2; 87-316, S.2)

## CHAPTER 10

(In Part)

### CODE OF ETHICS

#### PART I

(In Part)

### CODE OF ETHICS FOR PUBLIC OFFICIALS

**Sec. 1-79. (In Part). Definitions.** The following terms, when used in this part, shall have the following meanings unless the context otherwise requires:

(f) "Immediate family" means any spouse, children or dependent relatives who reside in the individual's household.

(P.A. 77-600, S. 1, 15; 77-605, S. 14, 21; P.A. 79-493, S. 1, 9; P.A. 81-395, S. 6, 9; P.A. 82-423, S. 1, 8; P.A. 83-249, S. 1, 14; P.A. 84-335, S. 1, 4; P.A. 86-99, S. 29, 34; P.A. 88-139, S. 1; 88-225, S. 1, 14; P.A. 89-245, S. 1; 89-360, S. 8, 45; 89-369, S. 1; June Sp. Sess. P.A. 91-8, S. 54, 63; June 12 Sp. Sess. P.A. 91-1, S. 1, 20, 22; P.A. 92-149, S. 7, 12; P.A. 93-413, S. 13, 16; P.A. 95-79, S. 3, 4.)

**Sec. 1-84. (In Part). (Formerly 1-66.) Prohibited activities.** (n) As used in this subsection, "investment services" means legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services. The treasurer shall not pay any compensation, expenses or fees or issue any contract to any firm which provides investment services when (1) a political committee, as defined in section 9-333a, established by such firm, or (2) an individual who is an owner of such firm or employed by such firm as a manager, officer, director, partner or employee with managerial or discretionary responsibilities to invest, manage funds or provide investment services for brokerage

underwriting and financial advisory activities which are in the statutory and constitutional purview of the treasurer, has made a contribution, as defined in section 9-333b, on or after October 1, 1995 to, or solicited contributions on or after October 1, 1995 on behalf of, any exploratory committee or candidate committee, as defined in section 9-333a, established by a candidate for nomination or election to the office of treasurer. The treasurer shall not pay any compensation, expenses or fees or issue any contract to such firms and individuals during the term of office as treasurer, including, for an incumbent treasurer seeking reelection, any remainder of the current term of office.

(P.A. 95-188, S. 1.)

## TITLE 2

### GENERAL ASSEMBLY AND LEGISLATIVE AGENCIES

#### CHAPTER 16

(In Part)

#### GENERAL ASSEMBLY

**Sec. 2-2. Election by illegal practices.** Each person elected to either house of the general assembly by any illegal practice shall be incapable of holding his seat unless he can show to the satisfaction of such house that he was not directly or indirectly concerned in such illegal practice.

(1949 Rev., S. 47; 1953, S. 4d.)

**Sec. 2-3a. Employer not to discriminate against candidates for or members of the general assembly.** No employer of twenty-five or more persons shall discriminate against, discipline or discharge any employee because such employee is a candidate for the office of representative or senator in the general assembly, or because he is elected to such office, or because he loses time from work in order to perform the duties of such office, provided the failure of such employer to pay wages or salaries for any such time lost shall not be considered a violation of this section. No such employee shall lose any seniority status which may have accrued to him and, where the function of such employee is performed in work shifts, such employee shall be given a choice of shifts. Any employer violating the provisions of this section shall reinstate any employee so discriminated against, disciplined or discharged to his full status as an employee as of the date of such violation and shall pay him any wages withheld or diminished retroactive to the date of such violation. In addition, such employee may recover costs and a reasonable attorney's fee in any action brought under this section. Any employee nominated to such office shall, within thirty days following his nomination, give written notice thereof to his employer.

(1959, P.A. 234, S. 1; 1971, P.A. 671, S. 1; P.A. 91-194.)

**Sec. 2-5. Holding of office by members of the general assembly.** No member of the general assembly shall, during the term for which he is elected, be nominated or appointed by the governor, the general assembly or any other appointing authority of this state or serve or be elected to any position in the judicial, legislative or executive department of the state government

including any commission established by any special or public act of the general assembly, except that the provisions of this section shall not apply where it is expressly provided by law that a member of the general assembly as such shall be nominated or appointed to any board, commission, council or other agency in the legislative department, and except that the provisions of this section shall not apply to a member-elect.

(1953, S. 2d; 1959, P.A. 28, S. 162; 152, S. 3; 1963, P.A. 452; P.A. 452; P.A. 78-331, S. 52, 58; P.A. 85-489, S. 4.)

**Sec. 2-18. Form of bills amending statutes and resolutions amending constitution; ballot designation of proposed constitutional amendments.** Each bill for a public act amending any statute, each special act amending any special act and each resolution proposing an amendment to any provision of the constitution shall set forth in full the act or constitutional provision, or the section or subsection thereof, to be amended. Matter to be omitted or repealed shall be surrounded by brackets and new matter shall be indicated by underscoring or, where an electric magnetic tape typewriter or other electronic equipment or device is used, by capitalization or underscoring of all words in the manuscript bill and by underscoring, capitalization or italics in its printed form. Each resolution proposing an amendment to any provision of the constitution shall also include the designation of such proposed amendment to be used on the voting machine ballot labels and absentee ballots in the event such amendment is approved by the general assembly. Such designation shall be a question, commencing with the words "shall the constitution of the state be amended to" and ending with a statement of the intended objective addressed by the amendment. Nothing in this section shall preclude the general assembly from adopting rules authorizing the introduction by members of bills, special acts or resolutions which set forth only a statement of purpose or of intent and do not set forth the statute or constitutional provision to be amended.

(1949 Rev., S. 34; 1957, P.A. 1, S. 9; February, 1965, P.A. 1, S. 1; 1967, P.A. 274; 1969, P.A. 156, S. 1; 1971, P.A. 175, S. 1; 610, S. 1; P.A. 83-335, S. 1.)

**Sec. 2-30a. Explanatory texts concerning proposed constitutional amendments; preparation, approval, printing, distribution, posting at polls.** (a) At such time as a proposed constitutional amendment is approved by the general assembly for presentation to the electors of the state for their consideration at a general election, the Office of Legislative Research shall prepare a concise explanatory text as to the content and purpose of the proposed constitutional amendment subject to the approval of the Joint Standing Committee of the general assembly having cognizance of constitutional amendments. Upon such approval, the secretary of the state shall cause such proposed amendment and such explanatory text to be printed and transmitted to the town clerk in each town in the state in sufficient supply for public distribution.

(b) The secretary of the state shall print the explanations of proposed constitutional amendments, as required by subsection (a) of this section, on posters of a size to be determined by said secretary and shall mail at least three such posters for every polling place within a town, to the town clerk. Said clerk shall cause at least three such posters to be posted at each polling place at which electors shall be voting on such proposed constitutional amendments. Any posters received by a town clerk in excess of the number required by this subsection to be so posted may be displayed by said clerk at his discretion at locations which are frequented by the public. No expenditure of state funds shall be made to influence electors to vote for or against any such proposed constitutional amendment.

(1967, P.A. 303, S. 1; 1971, P.A. 610, S. 2; P.A. 73-404; P.A. 79-31, S. 8, 17; P.A. 82-314, S. 7, 63; P.A. 83-335, S. 2; P.A. 84-94, S. 1.)

**Sec. 2-32. Effective date of public and special acts.** All public acts, except when otherwise therein specified, shall take effect on the first day of October following the session of the general assembly at which they are passed, and special acts, unless otherwise therein provided, from the date of their approval.

(1949 Rev., S. 8891.)

### TITLE 3

#### STATE ELECTIVE OFFICERS

#### CHAPTER 33

(In Part)

#### SECRETARY

**Sec. 3-79. Roll of members of general assembly.** The secretary shall, before the convening of each general assembly, prepare a roll of the senators whose election has been declared by the board of canvassers and a roll of the members of the house of representatives, from the returns or certificates received by him from the moderators of the state election. The secretary shall deliver to the persons who are to preside at the organization of said houses, respectively, certified copies of such rolls for the use of each house.

(1949 Rev., S. 159; 1953, S. 57d; 1967, P.A. 220.)

**Sec. 3-99a. Fees for filing, recording and copying documents. Expedited services. Filing by electronic means. Unique identification numbers. Remittance by credit account.** (a) Except as provided in subsection (b), the secretary of the state shall receive, for filing or recording any document, instrument or paper required to be filed or recorded regardless of the number of pages, when fees are not otherwise specially provided for, twenty-five dollars. The secretary shall receive, for preparing and furnishing a copy of any document, instrument or paper filed or recorded: For each copy of each such document, regardless of the number of pages, twenty dollars; for affixing his certificate and the state seal thereto, five dollars; for the secretary's certificate with the state seal imprinted or affixed, twenty-five dollars; for a certificate, with the seal of the state imprinted or affixed thereon, of any fact or record for which no special provision is made, twenty-five dollars; for certifying the incumbency of a judge of probate, notary public or other official, twenty dollars, except that for certifying the incumbency of an official in connection with an adoption of a child, such fee shall be five dollars.

(b) No fee shall be charged for filing any document required to be filed pursuant to the provisions of titles 4, 7 and 9, and the fee for furnishing copies of such documents shall be such as will, in the judgment of said secretary, cover the costs of such copies, except that the fee for furnishing copies of documents filed pursuant to title 9 shall not exceed twenty-five cents per

page. No fee shall be charged for filing resolutions relating to payment from the treasury and statements of receipts and expenditures of judges of probate.

(c) No fee shall be charged for any copy required by any state officer, department, board or commission, the fee for which would be payable from the state treasury. For other services for which fees are not provided by the general statutes, the secretary may charge such fees as will in his judgment cover the cost of the services provided. The tax imposed under chapter 219 shall not be imposed upon any transaction for which a fee may be charged under the provisions of this section. Overpayments made to the records and legislative services division or to the commercial recording division of the office of the secretary of the state, whether for documents or for fees, in an amount not to exceed five dollars shall not be refunded but shall be placed in the general fund. No overpayment claim shall be presented under this section but within one year after it accrues.

(d) In the performance of their functions, the commercial recording division and the records and legislative services division of the office of the secretary of the state may, in the discretion of the secretary, provide expedited services. The secretary shall provide for the establishment and administration of a system of payment for such expedited services and may include in such system prepaid deposit accounts. The secretary shall charge, in addition to the filing fees provided for by law, the sum of twenty-five dollars for each expedited service provided. The filing fee and the expediting fee shall be paid by the person requesting the information and documents, in such manner as required by the secretary. The secretary may promulgate rules and regulations necessary to establish guidelines for the use of expedited services and shall establish fees, in addition to the expediting fee, for expedited electronic data processing services which cover the cost of such services.

(e) The secretary of the state may accept the filing of documents by telecopier or other electronic media and employ new technology, as it is developed, to aid in the performance of all duties required by the law. The secretary of the state may establish rules, fee schedules and regulations, not inconsistent with the law, for filing documents by telecopier or other electronic media, for the adoption, employment and use of new technology in the performance of the duties of the office and for providing electronic access and other related products or services that result from the employment of such new technology

(f) The secretary of the state may require that a unique identification number be provided on documents or requests processed by the office.

(g) The secretary of the state may allow remittances to be in the form of a credit account number and an authorization to draw upon a specified credit account, at such time and under such conditions as the secretary may prescribe. Remittances in the form of an authorization to draw upon a specified credit account shall include an amount for purposes of paying the discount rate associated with drawing upon the credit account, unless the remittances are drawn on an account with a financial institution that agrees to add the number to the credit card holder's billing, in which event the remittances drawn shall not include an amount for purposes of paying the discount rate associated with the drawing upon the credit account.

(February, 1965, P.A. 364, S. 1; 1967, P.A. 61; 1972, P.A. 30, S. 1; P.A. 76-230, S. 3, 4; P.A. 77-184, S. 3, 4; 77-604, S. 1, 84; P.A. 79-341; 79-356, S. 11; P.A. 82-374, S. 5, 6; P.A. 85-486, S. 4.; P.A. 89-251, S.63; P.A. 89-252, S. 1; May, 1992, P.A. 92-6, S. 87; P.A. 93-363, S. 1; P.A. 94-112, S. 2; P.A. 95-252, S. 14.)

## CHAPTER 35

(In Part)

### ATTORNEY GENERAL

**Sec. 3-124. Election; qualifications; salary; bond. Office of attorney general full time.** There shall be an attorney general to be elected in the same manner as other state officers in accordance with the provisions of section 9-181. He shall be an elector of this state and an attorney at law of at least ten years' active practice at the bar of this state. His office shall be at the capitol. He shall receive an annual salary of sixty thousand dollars. The attorney general shall devote full time to the duties of the office. The attorney general shall give bond in the sum of ten thousand dollars.

(1949 Rev., S. 211, 3586, subs. (6); 1951, S. 1960d, subs. (6); 1953, June, 1955, S. 71d; February, 1965, P.A. 331, S. 44; 1972, P.A. 281, S. 38; P.A. 77-576, S. 56, 65; P.A. 82-365, S. 7, 8; P.A. 86-375, S. 6, 9.)

## TITLE 4

### MANAGEMENT OF STATE AGENCIES

#### CHAPTER 46

(In Part)

### STATE APPOINTIVE OFFICERS

**Sec. 4-1a. Appointed officers, unspecified terms.** Unless otherwise provided by law, any appointed official of the state, including any person appointed to a board, commission, council, authority, task force, committee or other body, shall serve at the pleasure of the person or body authorized to make the appointment but no longer than the term of office of such appointing authority or until such official's successor is appointed and qualified, whichever is longer.

(P.A. 73-659; P.A. 89-87, S.3.)

## TITLE 5

### STATE EMPLOYEES

#### CHAPTER 67

(In Part)

### STATE PERSONNEL ACT

**Sec. 5-266a. Political activities of classified state employees and judicial department employees. Candidacy for office. Leave of absence or resignation upon taking elective office.** (a) No person employed in the classified state service or in the judicial department may (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

(b) A person employed in said classified service or judicial department retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be free to participate actively in political management and campaigns. Such activity may include but shall not be limited to, membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action, except that no such employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the state, and no such employee shall utilize state funds, supplies, vehicles, or facilities to secure support for or oppose any candidate, party, or issue in a political partisan election. Notwithstanding the provisions of this subsection, any person employed in the classified state service or in the judicial department may be a candidate for a state or municipal office, in any political partisan election. No person seeking or holding municipal office or seeking state office in accordance with the provisions of this subsection shall engage in political activity or in the performance of the duties of such office while on state duty or within any period of time during which such person is expected to perform services for which such person receives compensation from the state. The State Ethics Commission shall establish by regulation definitions of conflict of interest which shall preclude persons in the classified state service or in the judicial department from holding elective office.

(c) Any person employed in the classified state service or in the judicial department who leaves such service to accept a full-time elective municipal office shall be granted a personal leave of absence without pay from his state employment for not more than two consecutive terms of such office or for a period of four years, whichever is shorter. Upon reapplication for his original position at the expiration of such term or terms of office, such person shall be reinstated in his most recent state position or a similar position with equivalent pay or to a vacancy in any other position such person is qualified to fill. If no such positions are available, such person's name shall be placed on all reemployment lists for classes in which he has attained permanent status. Any person employed in the classified state service or in the judicial department who accepts an elective state office shall resign from such employment upon taking such office. In either event, such person shall give notice in writing to his appointing authority that he is a candidate for a state elective office or a full-time elective municipal office within thirty days after nomination for that office.

(1971, P.A. 103, S. 1; P.A. 75-356, S. 1, 2; P.A. 76-424, S. 3, 4; P.A. 78-271; P.A. 79-275; P.A. 83-36.; P.A. 84-532, S. 1, 3)

## TITLE 6

## COUNTIES AND COUNTY OFFICERS

### CHAPTER 78

(In Part)

#### SHERIFFS

**Sec. 6-29. Ineligibility for office.** No judge, except a judge of probate, and no justice of the peace shall hold the office of sheriff or deputy sheriff.

(1949 Rev., S. 450; 1953, S. 190d.)

## TITLE 7

### MUNICIPALITIES

#### CHAPTER 90

(In Part)

#### TOWN AND OTHER COMMUNITY MEETINGS

**Sec. 7-1. Annual and special town meetings. Holding of meetings outside town.** (a) Except as otherwise provided by law, there shall be held in each town, annually, a town meeting for the transaction of business proper to come before such meeting, which meeting shall be designated as the annual town meeting. Special town meetings may be convened when the selectmen deem it necessary, and they shall warn a special town meeting on application of twenty inhabitants qualified to vote in town meetings, such meeting to be held within twenty-one days after receiving such application. Any town meeting may be adjourned from time to time as the interest of the town requires.

(b) Where any town's public buildings do not contain adequate space for holding annual or special town meetings, any such town may hold any such meeting outside the boundaries of the town, provided such meetings are held at the nearest practical locations to the town.

(1949 Rev., S. 491, 492; 1953, S. 205d; 1957, P.A. 226, S. 1; P.A. 73-412; P.A. 77-56.)

**Sec. 7-2. Ordinance concerning convening of special town meetings.** Notwithstanding the provisions of section 7-1, any town may adopt an ordinance, in the manner provided by section 7-157, requiring that a special town meeting be warned by the selectmen on application of at least fifty inhabitants qualified to vote at town meetings, such meeting to be held within



twenty-one days after such application is received by the selectmen; provided nothing in this section shall be construed to affect any ordinance legally adopted prior to October 1, 1957.

(1953, S. 206d; 1957, P.A. 226, S. 2.)

**Sec. 7-3. Warning of town and other meetings.** The warning of each town meeting, and of each meeting of a city, borough, school district or other public community or of an ecclesiastical society, shall specify the objects for which such meeting is to be held. Notice of a town meeting shall be given by posting, upon a signpost or other exterior place near the office of the town clerk of such town and at such other place or places as may be designated as hereinafter provided, a printed or written warning signed by the selectmen, or a majority of them, and by publishing a like warning in a newspaper published in such town or having a circulation therein, such posting and such publication to be at least five days previous to holding the meeting, including the day that notice is given and any Sunday and any legal holiday which may intervene between such posting and such publication and the day of holding such meeting, but not including the day of holding such meeting; but any town may, at an annual meeting, designate any other place or places, in addition to the signpost or other exterior place, at which such warnings shall be set up. The selectmen shall, on or before the day of such meeting, cause a copy of each such warning to be left with the town clerk, who shall record the same. Notice of a meeting of a city or borough shall be given by posting, upon a signpost or other exterior place nearest to the office of the clerk of such city or borough or at such place or places as may be designated by special charter provision, a written or printed warning signed by the mayor or clerk in the case of a city or by the warden or clerk in the case of a borough, and by publishing a like warning in a newspaper published within the limits of such city or borough, or having a circulation therein, at least five days previous to holding the meeting, including the day that notice is given and any Sunday and any legal holiday which may intervene between such posting and such publication and the day of holding such meeting, but not including the day of holding such meeting.

(1949 Rev., S. 493; 1953, S. 211d; 1963, P.A. 212; P.A. 84-146, S. 1.)

**Sec. 7-4. Record of warning.** The person who posts, causes to be published or in any other manner gives notice of the warning for any meeting of a town, city, borough, school district or other public community or of an ecclesiastical society shall make return, in writing, to the person whose duty it is to keep a record of such meeting, showing the notice given of such warning, and such return shall be kept on file and recorded at length with the warning or doings of such meeting.

(1949 Rev., S. 494; 1953, S. 212d.)

**Sec. 7-5. Place.** In any town, the place of holding town meetings may be determined by a majority of the voters present and voting at any town meeting specially warned and held for that purpose.

(1949 Rev., S. 529; 1954, S. 207d.)

**Sec. 7-6. Eligibility to vote.** At any town meeting other than a regular or special town election or at any meeting of any fire, sewer or school district or any other municipal subdivision of any town incorporated by any special act, any person who is an elector of such town may vote and any citizen of the age of eighteen years or more who, jointly or severally, is liable to the

town, district or subdivision for taxes assessed against him on an assessment of not less than one thousand dollars on the last-completed grand list of such town, district or subdivision, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) or (26) of section 12-81, may vote, unless restricted by the provisions of any special act relating to such town, district or subdivision.

(1949 Rev., S. 496; 1953, 1955, S. 209d; 1963, P.A. 642, S. 5; 1972, P.A. 127, S. 3.)

**Sec. 7-7. Conduct of meeting of municipal corporations. Vote by ballot or voting machine; when.** All towns, when lawfully assembled for any purpose other than the election of town officers, and all societies and other municipal corporations when lawfully assembled, shall choose a moderator to preside at such meetings, unless otherwise provided by law; and, except as otherwise provided by law, all questions arising in such meetings shall be decided in accordance with standard parliamentary practice, and towns, societies and municipal corporations may, by ordinance, adopt rules of order for the conduct of their meetings. At any such town meeting the moderator shall be chosen from the last-completed registry list of such town. Two hundred or more persons or ten per cent of the total number qualified to vote in the meeting of a town or other municipal corporation, whichever is less, may petition the clerk or secretary of such town or municipal corporation, in writing, at least twenty-four hours prior to any such meeting, requesting that any item or items on the call of such meeting be submitted to the persons qualified to vote in such meeting not less than seven nor more than fourteen days thereafter, on a day to be set by the town meeting or, if the town meeting does not set a date, by the town selectmen, for a vote by paper ballots or by a "Yes" or "No" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m.; but any municipality may, any provision of any special act to the contrary notwithstanding, by vote of its legislative body provide for an earlier hour for opening the polls but not earlier than six o'clock a.m. The selectmen of the town may, not less than five days prior to the day of any such meeting, on their own initiative, remove any item on the call of such meeting for submission to the voters in the manner provided by this section or may submit any item which, in the absence of such a vote, could properly come before such a meeting to the voters at a date set for such vote or along with any other vote the date of which has been previously set. The paper ballots or voting machine ballot labels, as the case may be, shall be provided by such clerk or secretary. When such a petition has been filed with such clerk or secretary, the moderator of such meeting, after completion of other business and after reasonable discussion, shall adjourn such meeting and order such vote on such item or items in accordance with the petition; and any item so voted may be rescinded in the same manner. If such moderator resigns or is for any other cause unable to serve as moderator at such adjourned meeting, such clerk or secretary shall serve, or may appoint an elector of such municipality to serve, as moderator of such adjourned meeting. Such clerk or secretary, as the case may be, shall phrase such item or items in a form suitable for printing on such paper ballots or ballot labels, provided that the designation of any such item shall be in the form of a question, as prescribed under section 9-369. The vote on any item on the call of a town or other municipal corporation shall be taken by paper ballot if so voted at the meeting, if no petition has been filed under this section with reference to such item.

(1949 Rev., S. 495; 1953, S. 210d; 1957, P.A. 545; 1961, P.A. 593; 1967, P.A. 805, S. 2; 1969, P.A. 3, S. 1; 694, S. 18; P.A. 73-467; P.A. 79-631, S. 28, 111; P.A. 81-228; P.A. 86-170, S. 3.)

**Sec. 7-8. Power of moderator.** The moderator of any town meeting, and of any meeting of any society or other community lawfully assembled, may, when any disorder arises in the meeting and the offender refuses to submit to his lawful authority, order any proper officer to take him into custody and, if necessary, to remove him from such meeting until he conforms to order or, if need be, until such meeting is closed, and thereupon such officer shall have power to command all necessary assistance. Any person refusing to assist when commanded shall be liable to the same penalties as for refusing to assist sheriffs and constables in the execution of their duties; but no person commanded to assist shall be deprived of his right to act in the meeting, nor shall the offender be so deprived any longer than he refuses to conform to order.

(1949 Rev., S. 521; 1953, S. 213d.)

**Sec. 7-9. Petitions for vote. Form. Statement by circulator.** Whenever under the provisions of the general statutes or any special act, any action for a vote by the electors or voters of a municipality is to be initiated by the petition of such electors or voters, in addition to such other requirements as such statute or special act may impose, such petition shall be on a form prescribed or approved by the clerk of such municipality, and each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement.

(1957, P.A. 347; 1971, P.A. 871, S. 58.)

**Sec. 7-9a. Circulation of petition for vote at town meeting.** No petition shall be valid for any action for a vote by the electors or voters at any regular or special town meeting unless such petition shall be circulated by a person resident or eligible to vote in such town.

(February, 1965, P.A. 360.)

**Sec. 7-9b. Hours of voting at referenda.** Whenever any municipality conducts a referendum on a day other than a state or local election, the polls shall be open between twelve noon and eight p.m., but any municipality may, any provision of any special act to the contrary notwithstanding, by vote of its legislative body provide that the polls at any such referendum shall open at an earlier hour but not earlier than six a.m.

(1967, P.A. 805, S. 1; 1969, P.A. 3, S. 2; 694, S. 19.)

**Sec. 7-9c. Dates and hours of referenda.** Unless otherwise provided by law, a referendum on any question may be held on such date as the legislative body of the political subdivision holding such referendum shall determine and at such hours as is provided in section 7-9b; provided any such referendum shall be held not earlier than the thirtieth day following the day upon which the municipal clerk, upon instruction from the legislative body, issues a warning therefor by publishing a notice thereof in a newspaper having a general circulation in the municipality, and provided, if any question is to be submitted at an election as that term is

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defined in section 9-1, the provisions of sections 9-369, 9-369a and 9-370 shall apply. The provisions of this section shall not apply to votes scheduled under section 7-7.

(1969, P.A. 426, S. 1; 1971, P.A. 507, S. 3; P.A. 89-297, S.7.)

## TITLE 7

### CHAPTER 91

(In Part)

#### SELECTMEN

**Sec. 7-10. Oath.** Selectmen, before entering upon the duties of their office, shall be sworn, and the authority administering the oath shall file a certificate thereof with the town clerk, who shall record the same.

(1949 Rev., S. 533; 1953, S. 214d.)

**Sec. 7-12. Duties of selectmen.** The selectmen of each town shall, forthwith, after the election or appointment of any town officers of whom an oath is required by law, cause them to be sworn to a faithful discharge of their respective duties. They shall superintend the concerns of the town, adjust and settle all claims against it and draw orders on the treasurer for their payment. They shall require of the treasurer a sufficient bond, with surety, conditioned for the faithful discharge of the duties of his office; and the selectmen who fail to require such bond shall be jointly and severally liable to the town for all moneys not accounted for by the treasurer. They shall make a sworn report to the treasurer of the amount, number and date of each town order drawn by them, at the end of each month; and they shall keep a true account of all expenditures in the form of a permanent record which shall be verified under oath at the end of the fiscal year and made available for auditing purposes and public inspection.

(1949 Rev., S. 536; 1953, S. 216d.)

### CHAPTER 92

(In Part)

#### TOWN CLERKS

**Sec. 7-16. Bond.** Section 7-16 is repealed.

(1949 Rev., S. 545; 1953, S. 219d; P.A. 82-327, S. 12.)

**Sec. 7-16a. Notice to Secretary of the State of appointment of town clerk, vacancy in appointed office of town clerk.** If a town clerk is appointed under a special law or a town charter, the appointing authority or, if none, the chief executive official of the town, shall, within  
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ten days after such an appointment is made, file a notice of such appointment with the Secretary of the State, indicating the name and address of the person appointed, the date and method of such appointment and the law under which the appointment was made. Within ten days after a vacancy occurs in the appointed office of town clerk, the first selectman or chief executive official of the town shall notify the Secretary of the State of such vacancy.

(P.A. 87-387, S. 4.)

**Sec. 7-17. Oath of town clerks.** Town clerks, before entering upon the duties of their office, shall be sworn, and the authority administering the oath shall file a certificate thereof with the town clerk, who shall record the same. The moderator of any town election at which a town clerk has been elected may administer to such town clerk the oath required by law.

(1949 Rev., S. 518; 1953, S. 252d; P.A. 88-45, S. 2.)

**Sec. 7-18. Neglect of duty.** Any town clerk who neglects to perform the duties of his office shall be fined not more than fifty dollars.

(1949 Rev., S. 526; 1953, S. 257d.)

**Sec. 7-19. Assistant town clerks. Notice to Secretary of the State of appointment, vacancy.** Each town clerk may, unless otherwise provided by charter or ordinance, appoint not more than three assistant town clerks, who, having been approved by one of the selectman and having taken the oath provided for town clerks, shall, in the absence or inability of the town clerk, have all his powers and perform all his duties. Within ten days after a town clerk appoints an assistant town clerk, the town clerk shall file a notice of such appointment with the Secretary of the State, indicating the name and address of the person appointed, the date and method of such appointment and the law under which the appointment was made. Within ten days after a vacancy occurs in the office of assistant town clerk, the town clerk shall notify the Secretary of the State of such vacancy.

(1949 Rev., S. 546; 1953, S. 220d; 1961, P.A. 182; P.A. 73-198, S. 1, 2; P.A. 82-327, S. 1.; P.A. 87-387, S.5)

**Sec. 7-20. Acting town clerk.** When any town clerk is unable to discharge the duties of his office and has omitted or is unable to appoint an assistant town clerk, the selectmen may appoint one, who, having been sworn, shall act as town clerk during such inability or until the next town election.

(1949 Rev., S. 547; 1953, S. 221d.)

**Sec. 7-21. Town clerk pro tempore.** When the town clerk is absent from any town meeting, such town meeting may choose a clerk pro tempore.

(1949 Rev., S. 548; 1953, S. 222d.)

**Sec. 7-22. Removal of town clerks.** Whenever complaint in writing is made to the state's attorney for any judicial district that the town clerk of any town in such judicial district is guilty of misconduct, wilful and material neglect of duty or incompetence in the conduct of his office, such state's attorney shall make such investigation of the charges as he deems proper and shall, if he is of the opinion that the evidence obtained warrants such action, prepare a statement in writing of the charges against such town clerk, together with a citation in the name of the state, commanding such town clerk to appear before a judge of the Superior Court at a date named

therein and show cause, if any, why he should not be removed from office as hereinafter provided. Such state's attorney shall cause a copy of such statement and citation to be served by some proper officer upon the defendant at least ten days before the date of appearance named in such citation, and the original statement and citation, with the return of the officer thereon, shall be returned to the clerk of the superior court for the judicial district within which such town is situated. To carry into effect the proceedings authorized by this section, the state's attorney of any judicial district shall have power to summon witnesses, require the production of necessary books, papers and other documents and administer oaths to witnesses; and upon the day named in such citation for the appearance of such town clerk, or upon any adjourned day fixed by the judge before whom such proceedings are pending, he shall appear and conduct the hearing on behalf of the state. If, after a full hearing of all the evidence offered by the state's attorney and by and in behalf of the defendant, such judge is of the opinion that the evidence presented warrants the removal of such town clerk, he shall cause to be prepared a written order to that effect, which order shall be signed by him and lodged with the clerk of the superior court for the judicial district in which such defendant resides. Such clerk of the superior court shall cause a certified copy of such order to be served forthwith upon such town clerk, and upon such service the office held by such town clerk shall become vacant and the vacancy thereby created shall be filled at once in the manner provided in section 9-220. Any witnesses summoned and any officer making service under the provisions of this section shall be allowed and paid by the state the same fees as are allowed by law in criminal prosecutions.

(1949 Rev., S. 506; 1953, S. 256d; P.A. 78-280, S. 127.)

**Sec. 7-22a. Certification program for town clerks.** (a) There shall be a committee for the purpose of establishing a program and procedures for the training, examination and certification of town clerks and assistant town clerks. The committee shall consist of six members, one of whom shall be from the office of the Secretary of the State, one of whom shall be from the Department of Public Health, one of whom shall be from the Office of Public Records Administration, and three of whom shall be town clerks. The Secretary of the State shall appoint the town clerk committee members and the committee member from the office of the Secretary of the State. Each of the other two committee members shall be appointed by their respective department heads. The committee members shall serve without pay and shall be appointed initially as follows: Two members for two-year terms; two members for four-year terms; and two members for six-year terms. The Secretary of the State shall initially determine the term of each member; and thereafter two committee members shall be appointed every two years for six-year terms. Said committee shall elect its own chairman and adopt rules and regulations for the training and examination of town clerks and assistant town clerks.

(b) Any person may participate in the course of training prescribed by the committee and, upon completing such training and upon successfully completing any examination or examinations prescribed by said committee, shall be recommended to the Secretary of the State as a candidate for certification as a certified Connecticut town clerk. The Secretary of the State shall certify any qualified candidate recommended by the committee as a certified Connecticut town clerk and may rescind such certificate upon a finding, by a majority of the committee, of sufficient cause as defined in rules and regulations adopted by the committee. The Secretary of the State may certify a candidate who has not completed all of the course of training prescribed by the committee provided that the committee has determined that the candidate has experience

that is substantially the equivalent of all or part of the course, and provided further, that the candidate has successfully completed any examination or examinations prescribed by said committee.

(P.A. 84-378; P.A. 93-381, S. 9.)

**Sec. 7-23. Records and copies.** Town clerks shall keep the records of their respective towns and truly enter therein, either by transcribing or by photographic process, all votes of the town and give true copies of the same and of all deeds and other instruments by them recorded; and all attested copies of deeds, with a certificate of the town clerk or assistant town clerk that they have been recorded, shall be conclusive evidence of that fact. No copy of record certified by the town clerk or assistant town clerk of any town shall be deemed valid in law unless the seal of such town is affixed thereto; and the town clerk of each town or his legally qualified assistant shall affix the seal of such town to all certified copies of record, and no fee shall be allowed for affixing the same.

(1949 Rev., S. 549; 1967, P.A. 655, S. 1.)

## CHAPTER 93

(In Part)

### REGISTRARS OF VITAL STATISTICS

**Sec. 7-36. Registrar of vital statistics defined.** The term "registrar of vital statistics" or "registrar" as used in this chapter means the registrar of births, marriages and deaths or any public official charged with the care of returns relating to vital statistics.

(1949 Rev., S. 560, 3813; 1953, S. 227d.)

**Sec. 7-37. Town clerk, ex-officio registrar. Notice to Secretary of the State of appointment of registrar, vacancy in appointed office of registrar.** (a) The town clerks of the several towns shall be, ex officio, the registrars of vital statistics in their respective towns, except in towns where such registrars are elected or appointed under special laws, and shall be sworn to the faithful performance of their duties as such.

(b) If a registrar of vital statistics is appointed under a special law or a town charter, the appointing authority or, if none, the chief executive official of the town, shall, within ten days after such an appointment is made, file a notice of such appointment with the Secretary of the State, indicating the name and address of the person appointed, the date and method of such appointment and the law under which the appointment was made. Within ten days after a vacancy occurs in the appointed office of registrar of vital statistics, the first selectman or chief executive official of the town shall notify the Secretary of the State of such vacancy.

(1949 Rev., S. 561; 1953, S. 228d; P.A. 87-387, S.6.)

**Sec. 7-38. Assistant registrars. Notice to secretary of the state of appointment, vacancy.** The town clerk of any town who is, ex officio, registrar of vital statistics in such town, and the

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registrar of vital statistics of any town who is elected under a special law or otherwise appointed pursuant to law, may, unless otherwise provided by charter or ordinance, with the approval of the selectmen, appoint in writing suitable persons, not exceeding four in number, as assistant registrars of vital statistics, who, on being sworn, shall have the powers and perform the duties of such registrar during the time for which they are appointed, not extending beyond the term of office of such registrar. Within ten days after a town clerk or registrar of vital statistics appoints an assistant registrar of vital statistics, the town clerk or registrar of vital statistics shall file a notice of such appointment with the secretary of the state, indicating the name and address of the person appointed, the date and method of such appointment and the law under which the appointment was made. Within ten days after a vacancy occurs in the office of assistant registrar of vital statistics, the town clerk or registrar of vital statistics shall notify the secretary of the state of such vacancy.

(1949 Rev., S. 562; 1953, S. 229d; P.A. 82-327, S. 2; P.A. 87-387, S. 7.)

**Sec. 7-39. Oath of registrars.** The moderator of any town election at which a registrar of vital statistics elected under special law has been elected may administer to such registrar the oath required by law.

(1949 Rev., S. 518; 1953, S. 252d.)

**Sec. 7-42. Duties.** Each registrar of vital statistics shall ascertain as accurately as he can all marriages and deaths, and all births, upon the affidavit of the father or mother, occurring in his town, and record the same in a book or books kept by him for that purpose, in such form and with such particulars as are prescribed by the Department of Public Health. He shall give licenses to marry, according to provisions of law; shall make and perfect all records of the birth and death of the persons born or deceased in his town, and, when any birth or death happens of which no certificate is returned to him, shall obtain the information required by law respecting such birth or death. He shall distribute to all persons in his town who, in his judgment, are likely to need them, blank forms for the certificates and returns required by law to be made to him; shall amend or correct such certificates and the records thereof whenever he discovers errors upon the face thereof, and shall insert or supply therein omissions of facts existing at the time of the recording of such certificates except that all errors or omissions concerned with questions of parentage shall be within the sole jurisdiction of the Department of Public Health as provided in section 19a-42; and shall keep the records of his office, when a fire-proof safe is not provided for his use, in the vaults provided for the land records of his town. He may, with the approval of the Department of Public Health, store any records not in current use in a location other than his office or said vaults, provided such location shall be approved by the Public Records Administrator, and provided such location is within the limits of such town. He shall, on or before the seventh day of each month, send to the Commissioner of Public Health an attested copy of each certificate of death received by him for the calendar month next preceding or a notification that no such certificate has been received and on or before the fifteenth day of every month an attested copy of each certificate of birth and of each certificate of marriage received by him for the month next preceding or a notification that no such certificate has been received. Both such notifications shall be in a form prescribed by the Department of Public Health. The registrar shall also transmit from time to time to said commissioner an attested copy of all other certificates of births, marriages and deaths which he acquires in amending or completing his



records. The copy shall be made in a form prescribed by the Department of Public Health and upon blanks provided by said department. Copies of certificates of births, marriages and deaths, transmitted to said commissioner as required in this section, shall be plain and legible transcripts of the certificates. If a transcript is illegible, in the opinion of the commissioner, he shall require of the registrar another copy legibly transcribed. When a registrar having custody of an original of a certificate of birth, marriage or death corrects the certificate, he shall, within ten days, forward an amended certificate to any registrar having a copy of the certificate. Each registrar shall inscribe upon the back of each certificate of birth, marriage or death received for record the date of its reception. Each registrar of vital statistics shall also transmit to the registrars of voters for his town a notice of the death of any person seventeen years of age or older, at the same time the registrar transmits the attested copy of the certificate of death for such person to the Commissioner of Public Health under this section.

(1949 Rev., S.564; 1957, P.A. 13 S.4; February, 1965, P.A. 529; 1967, P.A. 656, S.3; 1969, P.A. 319, S.1; 1971, P.A. 580; P.A. 77-614, S.323, 610; P.A. 79-434, S.17; P.A. 80-483, S.16, 186; P.A. 87-252; P.A. 90-67, S. 1; P.A. 94-381, S. 9.)

## CHAPTER 94

(In Part)

### TOWN TREASURERS

**Sec. 7-81. Removal of town treasurers.** Whenever complaint in writing is made to the state's attorney for any judicial district that the town treasurer of any town in such judicial district is guilty of misconduct, wilful and material neglect of duty or incompetence in the conduct of his office, such state's attorney shall make such investigation of the charges as he deems proper, and shall, if he is of the opinion that the evidence obtained warrants such action, prepare a statement in writing of the charges against such town treasurer, together with a citation in the name of the state, commanding such town treasurer to appear before a judge of the Superior Court at a date named therein and show cause, if any, why he should not be removed from office as hereinafter provided. Such state's attorney shall cause a copy of such statement and citation to be served, by some proper officer, upon the defendant at least ten days before the date of appearance named in such citation, and the original statement and citation, with the return of the officer thereon, shall be returned to the clerk of the superior court for the judicial district within which such town is situated. To carry into effect the proceedings authorized by this section, the state's attorney of any judicial district shall have power to summon witnesses, require the production of necessary books, papers and other documents and administer oaths to witnesses; and, upon the day named in such citation for the appearance of such town treasurer, or upon any adjourned day fixed by the judge before whom such proceedings are pending, he shall appear and conduct the hearing on behalf of the state. If, after a full hearing of all the evidence offered by the state's attorney and by and in behalf of the defendant, such judge is of the opinion that the evidence presented warrants the removal of such town treasurer, he shall cause to be prepared a written order to that effect, which order shall be signed by him and lodged with the clerk of the superior court for the judicial district in which such defendant resides. Such clerk of the superior court shall cause a certified

copy of such order to be served forthwith upon such town treasurer, and upon such service the office held by such town treasurer shall become vacant and the vacancy thereby created shall be filled at once in the manner provided in section 9-220. Any witnesses summoned and any officer making service under the provisions of this section shall be allowed and paid by the state the same fees as are allowed by law in criminal prosecutions.

(1949 Rev., S. 506; 1953, S. 256d; P.A. 78-280, S. 2, 127.)

## CHAPTER 95

(In Part)

### CONSTABLES

**Sec. 7-87. Ineligibility for office.** No judge, except a judge of probate, shall hold the office of constable.

(1949 Rev., S. 605; 1953, S. 243d; P.A. 82-11, S. 10, 12.)

**Sec. 7-88. Oaths of constables.** Each person elected to the office of constable in any town shall, before the commencement of his term of office, or within thirty days thereafter, take the oath of office before some proper officer, who shall certify in writing to that fact and deliver the certificate to the person by whom the oath was taken; and such person shall, without delay, lodge such certificate for record in the office of the town clerk of the town in which he was elected constable, and such clerk shall record the same. If any person elected to the office of constable does not comply with the requirements of this section, his office shall be vacant and shall be filled in the manner provided in section 9-220.

(1949 Rev., S. 524; 1953, S. 254d.)

## CHAPTER 96

(In Part)

### TOWN MANAGER

**Sec. 7-99. Duties. Bond.** The town manager shall exercise the powers and perform the duties in and for such town which are conferred and imposed by law upon selectmen, except such duties as relate to the making of electors. Such manager shall be limited as to expenditures made and liabilities incurred during the fiscal year to the appropriations made by the board of finance and approved by such town, except in case of actual necessity involving the immediate repair of a highway, bridge or sidewalk, and then such expenditure shall not exceed one thousand dollars. All bills against such town shall be certified by such manager and approved by the board of

finance and, when so certified and approved, shall be paid by the treasurer of the town upon requisition of such manager. Such manager shall give such bond as is required by the board of finance, with sufficient surety, conditioned upon the faithful discharge of his duties. The premium upon such bond shall be paid by the town. On or before the first day of September in each year, such manager shall file, with the board of finance, an itemized statement of his disbursements and receipts during the preceding fiscal year, with his vouchers therefor and an estimate of disbursements and receipts for the ensuing year. Such account shall be approved by the board of finance and filed with the town treasurer, who shall incorporate the same in his annual report.

(1949 Rev., S. 616; September, 1957, P.A. II, S. 35.)

**Sec. 7-100. Approval or abandonment of town manager plan.** Any town may, in the manner prescribed by section 9-369, vote to adopt the provisions of this chapter at any annual or special town meeting, provided such town may, in the same manner, at any annual meeting, not previous to the third meeting thereafter, vote to abandon the provisions of this chapter and reestablish the former town management.

(1949 Rev., S. 618; 1953, S. 246d.)

## CHAPTER 97

(In Part)

### MUNICIPALITIES: GENERAL PROVISIONS

**Sec. 7-103. Resignation of municipal officers.** Unless otherwise provided by law, any elected or appointed town, city or borough officer, except the town, city or borough clerk, desiring to resign from his office shall submit his resignation in writing to the town, city or borough clerk, as the case may be; and any such clerk desiring to resign from his office shall submit his resignation in writing to the board of selectmen, the chief executive officer of the city or the chief executive officer of the borough, as the case may be. Any such resignation shall become effective upon the date specified therein or, if no date is so specified, upon the date of its submission.

(1955, S. 2545d.)

**Sec. 7-104. Refusal of elected official to accept or perform duties.** Any person elected to the office of assessor and having accepted the same, who afterwards refuses to be sworn or to perform the duties of the office, shall be fined thirty dollars. Any person elected to any town office other than that of assessor or town clerk, and accepting the same, or not declaring his refusal to accept, who neglects to perform the duties of the office, shall be fined not more than ten dollars. Any person elected to any town office to which he is eligible, who refuses to accept the same and take the oath prescribed by law, shall, unless he has reasonable excuse for such refusal, be fined five dollars.

(1949 Rev., S. 526; 1953, S. 257d.)

**Sec. 7-105. Oath of assessors, board of assessment appeals and tax collectors.** Each person elected or appointed an assessor or a member of the board of assessment appeals or a collector of town taxes in any town shall be sworn before entering upon the duties of the office to which he has been elected or appointed.

(1949 Rev., S. 525; 1953, S. 253d; P.A. 95-283, S. 23.)

**Sec. 7-107. Vacancy appointments by selectmen.** Except as otherwise provided by law, if any vacancy occurs on any town board or commission, and such board or commission has power by law to fill such vacancy but fails to do so within thirty days after it occurs, the board of selectmen or chief executive authority of such town may appoint a qualified person to fill such vacancy until the next municipal election.

(1953, S. 158d.)

**Sec. 7-109. Destruction of documents.** Any official, board or commissioner of a municipality may, with the approval of the chief administrative officer of such municipality and of the Public Records Administrator, destroy any document in his or its custody relating to any matter which has been disposed of and of which no record is required by law to be kept, after such document has been held for the period of time specified in a retention schedule adopted by the Public Records Administrator. The tax collector may, with like approval, destroy any duplicate record receipt books, duplicate tax receipts or rate bills, at a time specified by the Public Records Administrator. The provisions of section 12-151 requiring the retention of duplicate tax receipts as permanent records shall not apply in the case of such receipts destroyed as provided in this section. The tax collector may, with like approval, destroy any old age assistance or personal tax records. The town clerk may, with like approval, destroy any liquor permit, any corporation annual report, any registration list of motor vehicles, any voting check list, any tax list or abstract, any tax lien, release of tax lien, attachment or any original document lodged with him for record, of which the proper owner or owners are not known to him, and which has remained in his office uncalled for, at a time specified by the Public Records Administrator. In lieu of destroying any document, under any provision of this section, any official, board or commissioner of a municipality may, with like approval, deposit the same in the custody of any society incorporated or organized under the laws of this state exclusively for historical or educational purposes; provided all documents so deposited shall be maintained and made available by such society for the use of the public. No original document dated prior to the year 1900 shall be destroyed under the provisions of this section without the express written approval of the Public Records Administrator.

(1949 Rev., S. 695; 1953, S. 269d; 1957, P.A. 332; 1959, P.A. 144; 1963, P.A. 7; 1967, P.A. 470; P.A. 73-448; P.A. 80-338, S. 6.)

**Sec. 7-136. Municipal economic development commissions.** (In Part) (a) Any town, city or borough, by ordinance, may accept the provisions of this section and may establish an economic development commission for the promotion and development of the economic resources of such municipality. The ordinance shall specify (1) the number of members of such commission, which shall be not less than five or more than fifteen, and the number of alternates, if any, (2) whether the members and alternates shall be elected or appointed by the chief executive authority of the municipality and (3) the terms of the members and alternates, which (A) in the case of appointed members shall not exceed five years and shall be so fixed that the

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terms of approximately one-fifth of the members shall expire each year and (B) in the case of elected members shall not exceed six years and shall be so fixed that the terms of approximately one-fifth but no more than two-fifths of the members shall expire in each odd-numbered year. Notwithstanding any contrary provision of law, the legislative body of any town, city or borough which elects members and alternates may provide for a reasonable method of transition for such offices which may include reasonable extension of such terms and provision for interim terms. Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by the chief executive authority. Any such alternate members shall, when seated, have all the powers and duties of a member of the commission. In any case in which the members of the commission or alternates are appointed by the chief executive authority, any member or alternate may be removed by such authority for cause and, on request of such member or alternate, after public hearing. The members and alternates of the commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. The commission may appoint employees necessary for the discharge of its duties.

(1955, S. 263d; February, 1965, P.A. 245, S. 1; P.A. 82-55, S. 1, 3; P.A. 85-433, S. 2.)

**Sec. 7-137. Regional economic development commissions.** Any two or more towns, cities or boroughs having economic development commissions may, by ordinance adopted by each of them, join in the formation of a regional economic development commission. The area of jurisdiction of the regional commission shall be coterminous with the area of the municipalities so joining. Any municipality which has joined in the formation of a regional commission may thereafter withdraw by the adoption of an ordinance to that effect. The economic development commissions of the municipalities comprising the regional commission shall jointly determine the membership of the regional commission. A regional commission shall have the same duties and authority, in respect to its area of jurisdiction, as a municipal commission has in respect to the municipality. Each municipality may annually appropriate to a regional commission a sum which, in addition to any amount appropriated to its municipal commission, will not exceed one-twentieth of one per cent of its last-completed grand list of taxable property.

(1955, S. 264d; February, 1965, P.A. 245, S. 2.)

**Sec. 7-137a. Powers and duties of development and industrial commissions created prior to October 1, 1965.** Any municipal or regional development and industrial commission established under the general statutes prior to October 1, 1965, shall continue in existence and shall have all the powers and duties granted municipal or regional economic development commissions, as the case may be, under sections 7-136 and 7-137.

(February, 1965, P.A. 245, S. 3.)

## CHAPTER 97a

### HISTORIC DISTRICTS AND HISTORIC PROPERTIES

#### PART I

(In Part)

## HISTORIC DISTRICTS

**Sec. 7-147b. Procedure for establishment of historic district.** Prior to the establishment of an historic district or districts, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts. The legislative body of a municipality which proposes to establish more than one district may establish more than one committee if the proposed districts are not contiguous to each other nor to any existing historic district. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic district study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole; (2) a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages; (3) a map showing the exact boundaries of the area to be included within the district or districts; (4) a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (5) such other matters as the committee may deem necessary or advisable.

(c) The historic district study committee shall transmit copies of its report to the Connecticut Historical Commission, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Connecticut Historical Commission may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed district. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such parties have delivered their comments and recommendations to

the committee, such hearing may be held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed to the owners of record of all real property to be included in the proposed historic district or districts, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic district study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the area to be included in the proposed district and a copy of the proposed ordinance shall be available at no charge from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic district or districts with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.

(g) The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in sections 7-147a to 7-147k, inclusive. Only an owner who is eighteen years of age or older and who is liable, or whose predecessors in title were liable, to the municipality for taxes on an assessment of not less than one thousand dollars on the last-completed grand list of the municipality on real property within the proposed district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81, may vote, provided such owner is the record owner of the property, thirty days before the ballots must be returned. Any tenant in common of any freehold interest in any land shall have a vote equal to the fraction of his ownership in said interest. Joint tenants of any freehold interest in any land shall vote as if each joint tenant owned an equal, fractional share of such land. A corporation shall have its vote cast by the chief executive officer of such corporation or his designee. No owner shall have more than one vote.

(h) The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Connecticut Historical Commission pursuant to section 10-321. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned. Notice of balloting shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less

than two days before the day on which the ballots must be returned. Such ballot shall be returned to the municipal clerk, inserted in an inner envelope which shall have endorsed on the face thereof a form containing a statement as follows: "I, the undersigned, do hereby state under the penalties of false statement that I am an owner of record of real property to be included in the proposed historic district and that I am, or my predecessors in title were, liable to the municipality for taxes on an assessment of not less than one thousand dollars on the last grand list of the municipality of real property within the district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81." Such statement shall be signed and dated. Any person who intentionally falsely signs such ballot shall be guilty of false statement as defined in section 53a-157b. The inner envelope, in which the ballot has been inserted by the owner, shall be returned to the municipal clerk in an outer envelope endorsed on the outside with the words: "Official ballot". Such outer envelope shall also contain, in the upper left corner of the face thereof, blank spaces for the name and return address of the sender. In the lower left corner of such outer envelope, enclosed in a printed box, there shall be spaces upon which the municipal clerk, before issuance of the ballot and envelopes, shall inscribe the name, street and number of the elector's voting residence and the date by which the ballot must be returned, and before issuance the municipal clerk shall similarly inscribe such envelope with his name and address for the return thereof. All outer envelopes shall be serially numbered. The ballots shall be returned to the municipal clerk by the close of business on the day specified, and such clerk shall compare each ballot to the list of property owners to whom such ballots were mailed to insure that each such ballot has been properly signed and returned.

(i) If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps: (1) Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; (3) return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section, notwithstanding any changes in its report following such hearing, unless the legislative body has recommended a change in the boundaries of the proposed district or districts. The legislative body of the municipality may authorize another ballot of the owners within a proposed district or districts to be cast, other than the balloting provided for in subsection (g) of this section, notwithstanding any changes in the proposed ordinance following such balloting, if the boundaries of the proposed district in which the owners' property is situated are changed.

(j) Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

(1961, P.A. 430, S.2; 1963, P.A. 600, S.1; P.A. 75-52; P.A. 77-338, S.1; P.A. 80-314, S.2; P.A. 87-167; P.A. 91-135, S.1)



## CHAPTER 98

(In Part)

### MUNICIPAL POWERS

**Sec. 7-148a. Compilations of ordinances and special acts; supplements.** Each town, city and borough in this state shall print and publish all amendments to its ordinances, all new ordinances and all special acts adopted after June 1, 1962, on or before March first of each even-numbered year as a cumulative supplement to the compilation of its ordinances and special acts. Such compilation and all supplements thereto shall be available for sale to the public at the office of the clerk or other similar office in such municipality at a reasonable cost to be determined by such municipality and a copy of each such compilation and supplement shall be deposited by the clerk of the municipality in the office of the Secretary of the State, in the State Library, in each bar library in the judicial district in which such municipality is located and in the courthouse library of the court nearest to such municipality. If any town, city or borough fails to comply with the provisions of this section, the Secretary of the State shall provide for the original compilation and publication of such ordinances and special acts or of any supplement thereto and such town, city or borough shall be liable for the cost of such compilation and publication.

(1959, P.A. 430; 1961, P.A. 66; 281; February, 1965, P.A. 249; P.A. 74-183, S. 175, 291; P.A. 76-436, S. 155, 681; P.A. 78-280, S. 1, 127.)

**Sec. 7-157. (In Part). Publication. Referendum. Publication of summary.** (a) Ordinances may be enacted by the legislative body of any town, city, borough or fire district. Any such ordinance so enacted, except when enacted at a town or district meeting, shall become effective thirty days after publication thereof in some newspaper having a circulation in the municipality in which it was enacted, provided, upon a petition of not less than fifteen per cent of the electors of such municipality filed with the town or borough clerk, as the case may be, within thirty days after the publication of such ordinance, asking that the same be submitted to the voters of such municipality at its next regular or special meeting, it shall be so submitted and in such event shall not become effective unless a majority of the voters voting at such meeting vote in favor thereof. Any ordinance enacted at a town or district meeting shall become effective fifteen days after publication thereof in some newspaper having a circulation in such town or in such district, as the case may be. Cities and other municipalities whose charters provide for the manner in which they may enact ordinances may enact ordinances in such manner.

(1949 Rev., S. 620; 1953, 1955, S. 249d; 1957, P.A. 13, S. 8; P.A. 86-233; P.A. 92-22; P.A. 95-353, S.6.)

**Sec. 7-171. Adoption of bazaar and raffle law.** Any town, city or borough may, by ordinance, adopt the provisions of sections 7-170 to 7-186, inclusive, and the chief executive authority of any town, city or borough shall, upon the petition of at least five per cent of the electors of such municipality as determined by the last-completed registry list, submit the question of adopting the provisions of sections 7-170 to 7-186, inclusive, to a vote of the electors

of such municipality at a special meeting called for such purpose within twenty-one days after the receipt of such petition. Such petition shall contain the street addresses of the signers and shall be submitted to the municipal clerk, who shall certify thereon the number of names of electors on such petition, which names are on the last-completed registry list. Each page of such petition shall contain a statement, signed under the penalties of false statement, by the person who circulated the same, that each person whose name appears on such page signed the same in person and that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator. The warning for such meeting shall state that the purpose of such meeting is to vote on the adoption of the provisions of said sections. Such vote shall be taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of such municipality. The vote on such adoption shall be taken by a "YES" and "NO" vote on the voting machine and the designation of the question on the voting machine ballot label shall be "Shall the operation of bazaars and raffles be allowed?" and such ballot label shall be provided for use in accordance with the provisions of section 9-250. If, upon the official determination of the result of such vote, it appears that the majority of all the votes so cast are in approval of such question, the provisions of said sections shall take effect immediately. Any town, city or borough, having once voted on the question of allowing bazaars and raffles as herein provided, shall not vote again on such question within two years from the date of the previous vote thereon. Any subsequent vote thereon shall be taken at the next regular town, city or borough election following the receipt of a petition as herein provided, which petition shall be filed at least sixty days prior to such election, and such question may be so voted upon only at intervals of not less than two years. Any town, city or borough which, prior to October 1, 1957, has voted more than once on such question, shall, for the purposes of this section, be treated as though it had voted only once thereon.

(1955, S. 292d; 1957, P.A. 378; 1971, P.A. 871, S. 59; P.A. 73-55, S. 1, 2; P.A. 86-170, S. 4; P.A. 87-320, S.3.)

## CHAPTER 99

### MUNICIPAL CHARTERS AND SPECIAL ACTS

**Sec. 7-187. Definitions.** Whenever used in sections 7-188 to 7-193, inclusive:

(a) "Appointing authority" means the body having authority to appoint a charter commission, charter revision commission or home rule ordinance revision commission, which shall be the board of selectmen of a town not having a council or board of directors, the council or board of directors of a town having such a council or board, the common council or other body empowered to make ordinances of a city or the board of burgesses of a borough;

(b) "Commission" means any such charter commission, charter revision commission, or home rule ordinance revision commission;

(c) "Home rule ordinance" means any ordinance or resolution which has been adopted by a municipality prior to October 1, 1982, in substitution for a special act relating to its government, which ordinance or resolution may contain the provisions of such special act with or without

amendments and which ordinance or resolution shall not be inconsistent with the constitution of the state or the general statutes;

(d) "Municipality" means a town, city, borough, consolidated town and city or consolidated town and borough.

(1957, P.A. 465, S. 1; 1959, P.A. 678, S. 1; P.A. 81-451, S. 1, 10; P.A. 85-253, S. 1.)

**Sec. 7-188. Initiation of action for adoption, amendment or repeal of charter or home rule ordinance.** (a) Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to (1) adopt and amend a charter which shall be its organic law and shall supersede any existing charter, including amendments thereto, and all special acts inconsistent with such charter or amendments, which charter or amended charter may include the provisions of any special act concerning the municipality but which shall not otherwise be inconsistent with the constitution or general statutes, provided nothing in this section shall be construed to provide that any special act relative to any municipality is repealed solely because such special act is not included in the charter or amended charter; (2) amend a home rule ordinance which has been adopted prior to October 1, 1982, which revised home rule ordinance shall not be inconsistent with the constitution or the general statutes; and (3) repeal any such home rule ordinance by adopting a charter, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated.

(b) Any action pursuant to subsection (a) of this section shall be initiated by a resolution adopted by a two-thirds vote of the entire membership of the appointing authority of such municipality, or by petition filed with the clerk of such municipality for submission to the appointing authority and signed by not less than ten per cent of the electors of such municipality, as determined by its last-completed registry list; provided, in the case of a consolidated town and city having a town clerk and a city clerk, such petition shall be filed with the city clerk.

(c) No signature on any petition filed pursuant to subsection (b) of this section shall be valid unless it has been obtained within ninety days of the filing of the page of the petition on which it appears. Any elector signing such a petition may cause his signature to be removed at any time prior to the filing of such petition with the clerk. The clerk with whom the petition is filed shall proceed forthwith to determine its sufficiency by comparing the signatures thereon with those contained in said registry list and shall certify its sufficiency or insufficiency to the appointing authority.

(d) After a resolution has been so adopted by the appointing authority or a petition has been so certified as sufficient, as the case may be, the appointing authority shall not adopt any resolution initiating such action and the clerk shall not accept any petition for the initiation of such action until such time as the commission appointed pursuant to such original resolution or petition has been terminated.

(1953, S. 271d; 1957, P.A. 465, S. 2; 1959, P.A. 678, S. 2; February, 1965, P.A. 269, S. 1; P.A. 81-451, S. 2, 10; P.A. 84-153; P.A. 85-253, S. 2; P.A. 87-278, S.2.)

**Sec. 7-189. Form of petition.** (a) The form of the petition for adopting or amending a charter or amending a home rule ordinance shall be as follows: **WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.** We, the undersigned electors of the town, city or borough of (here insert name of town, city or borough), hereby present this

petition under the provisions of section 7-188 requesting the appointment of a commission for (insert one of the following: "The adoption of a charter, the amendment of its charter, or the amendment of its home rule ordinance", using such words as are applicable) and we certify that we are electors of the town, city or borough of .... residing at the addresses set opposite our names and that we have signed this petition on the dates opposite our names and not more than once. (Here follow the signatures, dates and addresses.)

(b) Each page of such petition shall contain a statement, signed under penalties of false statement as defined in section 53a-157b, by the person who circulates the same, setting forth such circulator's name and address, and which shall be in the form as follows: "Each person whose name appears on this page signed the same in person in my presence and such person is known to me or has satisfactorily identified himself to me." Any page of a petition which does not contain such a statement by the circulator shall be invalid.

(c) Such petition may also include, immediately after the statement provided in subsection (a) of this section, a list of general or specific recommendations for consideration by such commission.

(1957, P.A. 465, S. 3; 1959, P.A. 678, S. 3; February, 1965, P.A. 269, S. 2; P.A. 81-451, S. 3, 10; P.A. 85-253, S. 3.)

**Sec. 7-190. Commission: Appointment, membership, duties, report, termination.** (a) Within thirty days after such action has been initiated by vote of the appointing authority or by certification of a petition, the appointing authority shall by resolution appoint a commission consisting of not fewer than five nor more than fifteen electors, not more than one-third of whom may hold any other public office in the municipality and not more than a bare majority of whom shall be members of any one political party, which commission shall proceed forthwith to draft a charter, or amendments to the existing charter, or amendments to the home rule ordinance, as the case may be.

(b) The appointing authority shall direct the commission to consider those recommendations included in the petition and may make other recommendations to the commission. The commission may also consider other items for inclusion in the proposed charter, other changes to the charter or home rule ordinance and such other items as it deems desirable or necessary. The commission shall in its reports comment on each recommendation which it has been directed to consider, if any, and on such other changes or items. The appointing authority shall specify by resolution when the commission shall submit its draft report, which shall be not later than sixteen months from the date of its appointment.

(c) The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

(1957, P.A. 465, S. 4; 1959, P.A. 678, S. 4; 1967, P.A. 76; P.A. 75-179; P.A. 81-451, S. 4, 10; P.A. 83-188, S. 2; P.A. 85-253, S. 4.)

**Sec. 7-191. Hearings; draft and final report; referendum; effective date; filing of copies with Secretary of the State; file maintained by State Library.** (a) The commission shall hold at least two public hearings on the proposed charter, charter amendments or home rule ordinance amendments; one prior to the beginning of any substantive work on such charter, charter amendments or home rule ordinance amendments, and one after the draft report to the appointing authority has been completed, but not submitted, after which hearings the commission may amend such report. The commission may hold such other public hearings as it deems necessary.

(b) The commission shall submit its draft report, including the proposed charter, charter amendments or home rule ordinance amendments, to the clerk of the municipality, who shall transmit such report to the appointing authority. The appointing authority shall hold at least one public hearing on the draft report and shall hold its last hearing within forty-five days of the submission of the draft report to such clerk. Within fifteen days after its last hearing, the appointing authority shall make recommendations to the commission for such changes in the draft report as it deems desirable.

(c) If the appointing authority makes no recommendations for changes in the draft report to the commission within such fifteen days, the report of the commission shall be final and the appointing authority shall act on such report. If the appointing authority makes recommendations for changes in the draft report to the commission, the commission shall confer with the appointing authority concerning any such recommendations and may amend any provisions of the proposed charter, charter amendments or home rule ordinance amendments, in accordance with such recommendations, or the commission may reject such recommendations. In either case the commission shall make its final report to the appointing authority within thirty days after receiving such recommendations.

(d) Within fifteen days after receiving the final report, the appointing authority, by a majority vote of its entire membership, shall either approve the proposed charter, charter amendments or home rule ordinance amendments or reject the same or separate provisions thereof. Within forty-five days after a vote of the appointing authority to reject such matter, a petition for a referendum thereon, signed by not less than ten per cent of the electors of such municipality, as determined by the last-completed registry list thereof, and filed and certified in accordance with the provisions of section 7-188, may be presented to the appointing authority. Within thirty days after approval by the appointing authority or the certification of such a petition, the proposed charter, charter amendments or home rule ordinance amendments shall be published in full at least once in a newspaper having a general circulation in the municipality.

(e) The appointing authority shall, by a majority vote of its entire membership, determine whether the proposed charter, charter amendments or home rule ordinance amendments shall be submitted to the electors for approval or rejection at a regular election or at a special election warned and held for that purpose, which shall be held not later than fifteen months after either the approval by the appointing authority or the certification of a petition for a referendum.

(f) The proposed charter, charter amendments or home rule ordinance amendments shall be prepared for the ballot by the appointing authority and may be submitted in the form of one or several questions; and, if approved by a majority of the electors of the municipality voting thereon at a regular election or if approved by a majority which number equals at least fifteen per cent of the electors of the municipality as determined by the last-completed active registry list of such municipality at a special election, such proposed charter, charter amendments or home rule ordinance amendments shall become effective thirty days after such approval unless an effective date or dates are specified therein, in which event the date or dates specified shall prevail.

(g) Every proposed charter, amendment or amendments or home rule ordinance or amendment or repeal of a home rule ordinance approved at any regular or special election held on or after November 5, 1974, and prior to July 1, 1975, shall be deemed to have been effective as of the date of such approval, unless another effective date or dates were specified therein; provided any actions taken by a municipality or any administrative agency or official thereof,

under the provisions of its charter or home rule ordinance in effect immediately prior to the date of such approval, between the date of such approval and July 1, 1975, shall be deemed valid.

(h) Within thirty days after the approval by the electors of any proposed charter, charter amendments or home rule ordinance amendments, the town or city clerk shall file, with the Secretary of the State, (1) three certified copies thereof, with the effective date or dates indicated thereon, and (2) in the case of the approval of charter or home rule ordinance amendments, three certified copies of the complete charter or ordinance incorporating such amendments. The Secretary of the State shall distribute two copies to the State Library, where a file of such charters, charter amendments and home rule ordinance amendments shall be kept for public inspection.

(1953, S. 271d; 1957, P.A. 465, S. 5; 1959, P.A. 678, S. 5; 1963, P.A. 184; P.A. 75-358, S.1, 2; P.A. 79-207; P.A. 81-451, S. 5, 10; P.A. 82-472, S. 14, 183; P.A. 83-188, S. 3; P.A. 84-161; P.A. 85-253, S. 5; P.A. 87-387, S.3; P.A. 96-134, S. 6.)

**Sec. 7-191a. Adoption of home rule ordinance.** Any home rule ordinance in effect on October 1, 1982, shall be part of the organic law of the municipality and the special act superseded thereby and any other special act relating to the government of such municipality inconsistent therewith are repealed.

(1959, P.A. 678, S. 6; P.A. 81-451, S. 6, 10)

**Sec. 7-192. Existing provisions not affected. Amendments of charters. Amendment or revision of home rule ordinance. Supersedence of certain special acts by municipal ordinance.** (a) Every charter, special act and home rule ordinance in effect on October 1, 1982, shall continue in effect until repealed or superseded by the adoption of a charter, charter amendments or home rule ordinance amendments in accordance with this chapter, the provisions in any charter in existence on said date governing revision or amendment to the contrary notwithstanding. Nothing in this section shall prohibit the adoption of a revised home rule ordinance or home rule ordinance amendments by any method established in such home rule ordinance if the provisions concerning such method were in effect on July 15, 1959. Any municipality administering its local affairs under the provisions of the general statutes or special acts adopted prior to said date may continue to so administer its local affairs until the electors of such municipality avail themselves of the provisions of this chapter. Any municipality having as its organic law a home rule ordinance or a revised or amended home rule ordinance shall after any revision or amendment of such ordinance publish, in a single document, any such home rule ordinance and shall make such ordinance available at a nominal cost to any member of the public.

(b) Notwithstanding the provisions of subsection (a) of this section, the provisions of any special act relative to the number of holders of an office, or members of a board, commission, department or agency of a municipality (1) which does not administer its affairs under a charter and (2) for which the legislative body, as defined in section 1-1, is a town meeting may be superseded by adoption of a municipal ordinance that is not otherwise inconsistent with the Constitution of the state or the general statutes.

(1957, P.A. 465, S. 6; P.A. 81-451, S. 7, 10; P.A. 85-253, S. 6; P.A. 92-172, S. 1.)

**Sec. 7-192a. New tax not authorized by general statutes prohibited. Provisions affecting elections and electors not to be adopted.** No provision of this chapter shall be deemed to empower any municipality to levy or collect any tax not authorized by the general

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statutes or to adopt a charter, charter amendments or home rule ordinance amendments which shall affect matters concerning qualification and admission of electors; duties and responsibilities of registrars of voters; duties and responsibilities of town clerks with respect to electors, voting and elections; forfeiture of electoral rights and restoration of the same; absentee voting; conduct of and procedures at elections; hours of voting; canvass of electors; preliminary, final and supplementary registry lists; warning of elections; election officials and their duties and responsibilities; election canvass and returns; election contests; corrupt practices; prohibited acts with respect to elections; nomination of candidates; adoption and amendment of party rules; primaries; and political parties and enrolment therein.

(1967, P.A. 417, S. 1; P.A. 81-451, S. 8, 10; P.A. 85-253, S. 7.)

**Sec. 7-193. Required provisions. Organization of government.** (a) Any charter adopted or amended under the provisions of this chapter shall conform to the following requirements:

(1) The municipality shall have a legislative body, which may be: (A) A town meeting; (B) a representative town meeting; (C) a board of selectmen, council, board of directors, board of aldermen or board of burgesses; or (D) a combination of a town meeting or representative town meeting and one of the bodies listed in subparagraph (C). In any combination, the body having the greater number of members shall have the power to adopt the annual budget and shall have such other powers as the charter prescribes, and the body having the lesser number of members shall have the power to adopt, amend and repeal ordinances, subject to any limitations imposed by the general statutes or by the charter. The number of members in any elective legislative body, the terms of office of such members and the method by which they are elected shall be prescribed by the charter.

(2) The municipality shall have a chief executive officer, who may be one of the following: (A) The first selectman; (B) a chief administrative officer appointed by the board of selectmen; (C) a mayor elected by the electors of the municipality; (D) a warden elected by the electors of the borough; (E) a town, city or borough manager appointed by the board of selectmen, the council, the board of directors, the board of aldermen or the board of burgesses; (F) a chief administrative officer appointed by the mayor. Any municipality having a manager as its chief executive officer may also have a mayor who shall be the presiding officer of its legislative body, shall be the ceremonial head of such municipality and shall have such other powers and duties as the charter prescribes. The powers, duties and term of office of the chief executive officer shall be those prescribed by the general statutes and he shall have such other powers and duties as the charter prescribes.

(b) Every municipality shall have all municipal officers, departments, boards, commissions and agencies which are required by the general statutes or by the charter. Each municipality may have any municipal officers, departments, boards, commissions and agencies which are specifically allowed by the general statutes or which are necessary to carry out any municipal powers, duties or responsibilities under the general statutes. All such officers, departments, boards, commissions and agencies shall be elected, appointed and organized in the manner provided by the general statutes, except as otherwise provided by the charter or by ordinances or resolutions adopted pursuant to such charter. Any municipality may, by charter or by ordinances or resolutions adopted pursuant to such charter, alter the method of election, appointment or organization of any or all of such officers, departments, boards, commissions or agencies,

including combining or separating the duties of each, unless specifically prohibited from making such alteration by the constitution or the general statutes.

(1957, P.A. 465, S. 7; P.A. 76-296, S. 1; P.A. 81-451, S. 9, 10; P.A. 85-253, S. 8; P.A. 86-230.)

**P.A. 85-253**

**AN ACT CONCERNING THE FORM OF PROPOSED MUNICIPAL CHARTER  
AMENDMENTS**

(In Part)

**Sec. 9. (New)** Any revision or amendment of a charter or home rule ordinance completed by any municipality on or after October 1, 1982 and prior to the effective date of this act which is invalid solely because such municipality failed to totally revise its charter or home rule ordinance and because such municipality revised its charter or home rule ordinance through the use of amendments is hereby validated. (Effective May 30, 1985)

**Sec. 7-194. Powers.** Subject to the provisions of section 7-192, all towns, cities or boroughs which have a charter or which adopt or amend a charter under the provisions of this chapter shall have the following specific powers in addition to all powers granted to towns, cities and boroughs under the constitution and general statutes: To manage, regulate and control the finances and property, real and personal, of the town, city or borough and to regulate and provide for the sale, conveyance, transfer and release of town, city or borough property and to provide for the execution of contracts and evidences of indebtedness issued by the town, city or borough.

(1957, P.A. 465, S. 8; 1961, P.A. 490; 517, S. 89; 1967, P.A. 19; 1971, P.A. 802, S. 12; 1972, P.A. 279, S. 1, 2; P.A. 75-516, S. 1, 2, P.A. 79-531, S. 2; 79-618, S. 2; 79-618, S. 2; 79-618, S. 2; P.A. 80-403, S. 8, 10; 80-483, S. 19, 186; P.A. 81-219, S. 2, 3.)

**Sec. 7-195. Consolidation of governments.** (a) As used in this section and sections 7-196 to 7-201, inclusive, "unit of local government" means a town or political subdivision thereof and "political subdivision" means a city, borough or district within a town.

(b) The consolidation of the government of any town with the government or governments of one or more political subdivisions therein shall be effected in the manner hereinafter prescribed. A proposal to consolidate setting forth the units of local government to be consolidated may be adopted by a majority vote of the entire membership of the legislative body of any unit of local government or, when the legislative body is the town meeting, by a majority vote of those present and voting. Upon adoption of such proposal, a copy thereof shall be transmitted to the legislative body of each other unit of local government included in the proposed consolidation, which legislative body shall, within thirty days of the adoption of the proposal, accept or reject the proposal. Acceptance shall be by resolution adopted by at least a majority vote of the entire membership of the legislative body of each such other unit or, when the legislative body is the town meeting, by a majority vote of those present and voting, a copy of which resolution shall forthwith be filed with the town clerk.



(c) In addition to the method of initiating a consolidation set forth above, such action may also be initiated by petition. Such petition shall set forth the units of local government to be consolidated and shall be signed by not less than ten per cent of the electors of each political subdivision included in the proposed consolidation and by not less than ten per cent of the electors of the town, if any, residing outside the boundaries of any such political subdivision; provided, if a lesser number of signatures on such petition is required by any existing special act, such number shall be sufficient for the purposes of this section. Prior to the obtaining of any signatures on such petition, a copy thereof shall be filed with the town clerk and a period of ninety days from the date of such filing shall be allowed for the obtaining of the required signatures. Within not more than ninety days from the filing of the copy of the petition with the town clerk, the signed petition shall be filed with the town clerk, who shall proceed forthwith to determine its sufficiency by comparing the names thereon with those contained in the registry list of the town and shall certify its sufficiency or insufficiency to the presiding officer of the legislative body of the town; provided a separate petition may be signed by the electors of each political subdivision included within the proposed consolidation and by the electors residing outside the boundaries of any such political subdivision, in which case the clerk of each such political subdivision shall determine the sufficiency of the petition so far as such political subdivision is concerned and shall certify such sufficiency or insufficiency to the clerk of the town, who shall transmit the certification to the presiding officer of the legislative body of the town.

(1957, P.A. 465, S. 9; 1971, P.A. 55; P.A. 80-474, S. 1, 4.)

**Sec. 7-196. Form of petition.** The form of the petition for proposing a consolidation shall be as follows: WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL. We, the electors of the town, city or borough or unit of local government of (Here insert the name of the town, city, borough or unit of local government), hereby present this petition under the provisions of section 7-195 proposing a consolidation with the following-named town, city, borough or unit of local government ....., and we certify that we are electors of the town, city, borough or unit of local government of .... residing at the addresses set opposite our names and that we have not signed this petition more than once. (Here follow the signatures and addresses.)

(1957, P.A. 465, S. 10.)

**Sec. 7-197. Consolidation commission.** If, within thirty days of the adoption of the proposal to consolidate by the initiating legislative body, the legislative body of each other unit of local government included in the proposed consolidation has accepted the proposal, or if a sufficient petition has been certified to the presiding officer of the legislative body of the town, such presiding officer shall call a joint meeting of the legislative bodies of all of the units of local government included in the proposal, designate the time and place, and preside at the joint meeting. Such meeting shall by joint resolution appoint a consolidation commission of not fewer than five nor more than fifteen members. Each political subdivision included in the proposed consolidation and the area of the town, if any, outside the boundaries of any such political subdivision shall be represented on the consolidation commission, as nearly as possible, in proportion to the number of electors residing in each such political subdivision and the number of electors residing outside the boundaries of any such political subdivision; provided there shall be at least one commission member from each political subdivision in the proposed consolidation

and one member from the area of the town, if any, outside the boundaries of any such political subdivision.

(1957, P.A. 465, S. 11.)

**Sec. 7-198. Duties of commission.** Such consolidation commission shall prepare a consolidation ordinance in which provision shall be made for the allocation of local governmental functions and services to existing offices, departments, boards, commissions or other agencies of the town, city, borough or other unit of local government; the abolition of unnecessary offices, departments, boards, commissions or other agencies; the definition of areas in which services are to be rendered; the establishment of necessary taxing districts to pay the cost of such services; the distribution of assets and liabilities, and such other matters as are required to effectuate such consolidation, including the necessary revision of the charter of any of the units of local government under consolidation so as to eliminate unnecessary offices, departments, boards, commissions or other agencies or to expand existing offices, departments, boards, commissions or other agencies and so to render such charter effective as the charter of the consolidated municipality; provided the terms of the consolidation ordinance shall not, in terms or effect, impair the contractual obligations of the town, city, borough or other unit of local government.

(1957, P.A. 465, S. 12; 1963, P.A. 18, S. 1.)

**Sec. 7-199. Referendum.** Not less than ninety days nor more than eighteen months after the appointment of such consolidation commission, such consolidation ordinance shall be submitted to the town clerk. Such ordinance shall be submitted to the electors of the town at the next general election following submission to the town clerk. A special election may be held before the next general election providing a petition for a special election is filed with the town clerk of such municipality for submission to the legislative body and signed by not less than ten per cent of the electors of such town. The sufficiency of such petition shall be determined in the manner specified in section 7-188. Such consolidation ordinance shall become effective if approved by a majority of the electors of the town voting thereon; provided such majority shall be no less than fifteen per cent of the electors as determined by the last-completed registry list of such town.

(1957, P.A. 465, S. 13; P.A. 75-212, S. 1, 2.)

**Sec. 7-200. Consolidation of school districts. Charter revisions in consolidation process.** Nothing in sections 7-195 to 7-201, inclusive, shall be construed to prevent the consolidation of school districts as heretofore provided by law. Nothing herein contained shall be construed to prevent a consolidation commission from making revisions in the charter of any of the units of local government in the process of consolidation so as more conveniently and appropriately to effectuate the process of consolidation of that unit of government with the other unit or units of government concerned; nor shall the provisions of sections 7-187 to 7-191, inclusive, apply to any such consolidation commission.

(1957, P.A. 465, S. 14; 1963, P.A. 18, S. 2.)

**Sec. 7-201. Receipt of funds. Appropriations.** Any charter commission or consolidation commission appointed under the provisions of this chapter is authorized to receive for its own use and purposes any funds or money from any source, including gifts and contributions, made

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by any individual, corporation or association. Any unit of local government is authorized to appropriate funds for expenses incurred by any charter commission, consolidation commission or combined charter and consolidation commission in the performance of its purposes. Within the amounts so received such commissions may engage employees and contract for the services of consultants.

(1957, P.A. 465, S. 15.)

## CHAPTER 101

(In Part)

### MUNICIPAL GAS AND ELECTRIC PLANTS

**Sec. 7-214. Requirements for exercise of authority.** No municipality shall exercise the authority conferred in section 7-213 until affirmative action for that purpose has been taken by its legislative body by a two-thirds vote of those present at a legal meeting, received the approval of the chief executive officer and thereafter been ratified by a majority of the electors voting thereon at the regular municipal election in the manner prescribed by section 9-369 at which not less than fifteen per cent of the electors have voted. When such vote fails to secure ratification, no similar vote shall be submitted for ratification until after the expiration of one year.

(1949 Rev., S. 710; 1953, S. 308d; P.A. 76-177, S. 1.)

## CHAPTER 103

(In Part)

### MUNICIPAL SEWERAGE SYSTEMS

**Sec. 7-246. Water pollution control authority; designation. Preparation of municipal plan. Successor to sewer authority; validation of sewer authority acts.** (a) Any municipality may, by ordinance, designate its legislative body, except where the legislative body is the town meeting, or any existing board or commission, or create a new board or commission to be designated, as the water pollution control authority for such municipality. Any municipality located within the district of a regional water authority or regional sewer district established under an act of the General Assembly may designate such water authority or sewer district as the water pollution control authority for such municipality, with all of the powers set forth in this chapter for water pollution control authorities, provided such water authority or sewer district agrees to such designation. If a new board or commission is created, the municipality shall, by ordinance, determine the number of members thereof, their compensation, if any, whether such members shall be elected or appointed, the method of their appointment, if appointed, and removal and their terms of office, which shall be so arranged that not more than one-half of such

terms shall expire within any one year. The water pollution control authority of the town within which there is a city or borough shall not exercise any power within such city or borough without the express consent of such city or borough, except that such consent shall not be required for any action taken to comply with a pollution abatement order issued by the Commissioner of Environmental Protection.

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality and (5) areas to be served by any proposed community sewerage system not owned by a municipality. Such plan shall also describe the means by which municipal programs are being carried out to avoid community pollution problems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Environmental Protection and shall manage or ensure the effective management of any community sewerage system not owned by a municipality.

(c) Any municipal sewer authority in existence prior to October 1, 1978, shall be deemed to be the water pollution control authority of such municipality unless the legislative body of the municipality, by ordinance, determines otherwise, and such water pollution control authority shall be deemed the successor to such sewer authority for all of the purposes of this chapter. All acts of any such sewer authorities from October 1, 1978, to June 1, 1979, are validated. The provisions of this subsection shall not apply to any action pending in any court or any right of appeal under this chapter existing on June 1, 1979.

(1949 Rev., S. 7.333; 1949, S.313d; 1967, P.A. 60; 1971, P.A. 694, S.1; P.A. 73-294, S.1, 4; P.A. 78-154, S.2; P.A. 79-391, S.1, 2; P.A. 86-239, S.1, 14; P.A. 87-292.)

## CHAPTER 104

### MUNICIPAL POLICE AND FIRE PROTECTION

#### PART I

(In Part)

#### POLICE DEPARTMENTS

**Sec. 7-274. Establishment of town police commissions.** Any town may, by ordinance, establish a board of police commissioners to be elected, in accordance with the provisions of section 9-201 or to be appointed by the council or board of directors of a town, the common council or other body empowered to make ordinances of a city, the board of burgesses of a borough or the board of selectmen of a town not having a council or board of directors, provided

in a town having both a board of selectmen and a representative town meeting such ordinance may designate the representative town meeting as the appointing authority, for the purpose of organizing and maintaining a police department in such town. Such board shall consist of three, five or seven electors, all of whom shall be resident taxpayers of such town. Such commissioners shall be sworn to the faithful performance of their duties and shall serve without compensation, but their actual expenses and disbursements incurred in the performance of their duties shall be paid from the town treasury.

(1949 Rev., S. 656; 1953, S. 260d; 1957, P.A. 13, S. 19; P.A. 73-138, S. 1, 2; P.A. 74-209.)

**Sec. 7-275. Meetings of commissioners. Vacancies.** The board of police commissioners shall elect one of its number to be chairman and one member to be clerk and shall hold regular meetings and keep records of the same. Meetings shall be held upon the call of the chairman or of a majority of the members of the board. A majority of the members of the board shall constitute a quorum. In the event of any vacancy upon the board, the board of selectmen shall have authority by majority vote to fill such vacancy until the next town election, at which election a member shall be elected for the unexpired portion of the term.

(1949 Rev., S. 658; 1953, S. 261d.)

## PART II

(In Part)

### POLICE RESERVE FUND

**Sec. 7-295. Acceptance of part.** The provisions of this part shall apply to any municipality having a police department under the management of a commissioner, superintendent, board of police commissioners or police committee, which accepts the provisions of this part by an affirmative vote of the electors of such municipality at a referendum warned and held for the purpose of accepting the same in the manner prescribed in section 9-369. In any such referendum election, the designation of the question on the voting machine ballot label shall be "Shall a Police Reserve Fund be established?". The provisions hereof shall not apply to cities authorized by special charter to establish a police benefit or reserve fund.

(1949 Rev., S. 904; 1953, S. 417d; P.A. 86-170, S. 5.)

## PART III

(In Part)

### FIRE DEPARTMENTS

**Sec. 7-301. Establishment of fire department.** Any town may provide by ordinance for the protection of property within its limits from fire and for the establishment of a town fire department and for the management, discipline and control thereof by the board of selectmen or, if there is a town council, by the town council, or by a board of fire commissioners of such number, chosen in such manner and for such terms as the ordinance provides. The board of selectmen, town council or board of fire commissioners may make regulations for the conduct of the fire department and may appoint, discipline and remove for cause shown all employees of the department and purchase supplies and equipment necessary for its operation; provided, if the ordinance so provides, the board of selectmen, town council or board of fire commissioners shall enter into an agreement with any volunteer fire company or companies within the town for the protection thereof from fire on such conditions as to financial assistance and the observance of the regulations of the board of selectmen, town council or board of fire commissioners as such ordinance prescribes; and provided no town fire department established under the provisions of this section shall supersede any volunteer fire company which is the owner of any building, fire apparatus or other property without having first come to an agreement with such company with regard to the disposition of and compensation for such building, apparatus or other property. Such town may, at any meeting specially warned for the purpose, make appropriations and lay taxes for the support thereof; but this section shall not be operative within the limits of any city, borough or incorporated fire district which has an established fire department. Nothing in this section shall prevent any town, city, borough or incorporated fire district from appropriating funds to a volunteer fire company or companies for services rendered or to be rendered within the confines of such town, city, borough or district by such fire company or companies, provided such town, city, borough or incorporated fire district shall deem it in the public interest to do so.

(1949 Rev., S. 677; 1957, P.A. 13, S. 18; 1959, P.A. 606, S. 1.)

**Sec. 7-304. Participation of municipalities.** (a) Any municipality may by ordinance adopt an average work week of fifty-six hours for permanent paid fire personnel as provided in sections 7-303 to 7-306, inclusive.

(b) The legislative body of such municipality may, by ordinance, or shall, upon petition of electors of such municipality in number not less than five per cent of the total number of electors on the last-completed registry list, submit the question of adopting the provisions of said sections in the fire department of such municipality to a vote of the electors thereof at the next general election or at a special election or meeting called for such purpose. Any such petition shall contain the ordinance to be voted upon by the electors. Such election or meeting shall be called and held, and the vote on the question canvassed and the result determined and certified, as nearly as may be in accordance with the provisions of the laws governing the election of civil officers therein. The notice or warning for such election or meeting shall state that a purpose of such election or meeting is to ascertain whether or not such municipality shall adopt an average work week of fifty-six hours for permanent paid fire personnel and that such election or meeting is called under the provisions of this section. The vote on such question shall be taken by a "YES" and "NO" vote on the voting machine, and the voting machine ballot label, which shall bear the words "Shall a fifty-six hour work week for permanent paid fire personnel be adopted?", shall be provided in accordance with the provisions of section 9-250. If, upon the official determination of the result of such vote, it appears that a majority of those voting on the question are in favor of the adoption of the provisions of sections 7-303 to 7-306, inclusive, said sections

shall take effect as to such municipality no later than ninety days thereafter, provided, when the fiscal year of any such municipality begins within ninety days thereafter, the effective date for such municipality shall be no later than the first day of the fiscal year next following the expiration of the ninety-day period.

(1949, S. 427d; 1957, P.A. 13, S. 49; Feb. 1965, P.A. 574, S. 4; P.A. 86-170, S. 6.)

## CHAPTER 106

(In Part)

### TOWN BOARD OF FINANCE

**Sec. 7-340. Towns may establish.** Any town may, at any annual or special meeting, warned and held for that purpose, vote to establish a board of finance. If such vote is in the affirmative, a certificate of such approval shall be recorded in the office of the clerk of such town and a certified copy thereof shall be filed by such clerk in the office of the secretary of the state, who shall record the same. Within ten days after such affirmative vote has been passed by any town, its selectmen shall appoint six electors and taxpayers of such town as members of such board, each of whom shall serve from the date of his appointment to the date of the election and qualification of his successor in accordance with the provisions of section 9-202. All rights and powers conferred and duties and obligations imposed by the general statutes upon boards of finance shall be held to be conferred or imposed upon each board of finance as soon as it is established under the provisions of this chapter. No town shall vote to abolish a board of finance until after the expiration of two years from the date of its establishment.

(1949 Rev., S. 772.)

**Sec. 7-340a. Alternate members of boards of finance. Appointment or election provided for by ordinance.** Any town, in addition to such powers as it has under the provisions of the general statutes, any special act or municipal charter, shall have the power to provide by ordinance for the appointment or election of not more than three alternate members to its board of finance, subject to the provisions of section 9-167a concerning minority representation of political parties. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth in the general statutes, any special act or municipal charter relating to such town for such board of finance and its members. Such alternate members shall be electors and taxpayers of such town. If a regular member of such board is absent or is disqualified, such absent or disqualified member shall designate an alternate to so act. In the event that an absent or disqualified regular member shall fail or refuse to designate an alternate to so act, the majority of the regular members of the board of finance not absent and not disqualified may designate an alternate subject to the provisions of section 9-167a, to so act for such absent or disqualified regular member.

(P.A. 75-440, S. 1, 2; P.A. 76-72, S. 1, 2.)

**Sec. 7-341. Oath. Expenses.** The members of the board of finance shall be sworn to a faithful performance of their duties. No member shall receive compensation for his services as such, but the necessary expenses of the board, when approved, shall be paid by the town.

(1949 Rev., S. 773; 1953, S. 354d.)

**Sec. 7-343. Filling of vacancies.** In case of a vacancy in the membership of the board of finance, unless otherwise provided by charter or special act, the remaining members of the board shall, at a special meeting called by the chairman for that purpose, by a majority vote, appoint a successor, who shall serve until the next town election and until his successor is elected and has qualified. At the next town election following the occurrence of such vacancy, the electors shall elect a successor to fill the vacancy for the unexpired portion of the term and the office to be filled shall be designated on the official ballot by the words "To fill vacancy for ....", followed by the duration of the unexpired term.

(1949 Rev., S. 776; 1953, 1955, S. 357d; 1967, P.A. 122.)

**Sec. 7-344. Appropriations. Laying of tax.** Not less than two weeks before the annual town meeting, the board shall hold a public hearing, at which itemized estimates of the expenditures of the town for the ensuing fiscal year shall be presented and at which all persons shall be heard in regard to any appropriation which they are desirous that the board should recommend or reject. The board shall, after such public hearing, hold a public meeting at which it shall consider the estimates so presented and any other matters brought to its attention and shall thereupon prepare and cause to be published in a newspaper in such town, if any, otherwise in a newspaper having a substantial circulation in such town, a report in a form prescribed by the Secretary of the Office of Policy and Management containing: (1) An itemized statement of all actual receipts from all sources of such town during its last fiscal year; (2) an itemized statement by classification of all actual expenditures during the same year; (3) an itemized estimate of anticipated revenues during the ensuing fiscal year from each source other than from local property taxes and an estimate of the amount which should be raised by local property taxation for such ensuing fiscal year; (4) an itemized estimate of expenditures of such town for such ensuing fiscal year; and (5) the amount of revenue surplus or deficit of the town at the beginning of the fiscal year for which estimates are being prepared; provided any town which, according to the most recent federal census, has a population of less than five thousand may, by ordinance, waive such publication requirement, in which case the board shall provide for the printing or mimeographing of copies of such report in a number equal to ten per cent of the population of such town according to such federal census, which copies shall be available for distribution five days before the annual budget meeting of such town. The board shall submit such estimate with its recommendations to the annual town meeting next ensuing, and such meeting shall take action upon such estimate and recommendations, and make such specific appropriations as appear advisable, but no appropriation shall be made exceeding in amount that for the same purpose recommended by the board and no appropriation shall be made for any purpose not recommended by the board. Such estimate and recommendations may include, if submitted to a vote by voting machine, questions to indicate whether the budget is too high or too low. The vote on such questions shall be for advisory purposes only, and not binding upon the board. Immediately after the board of assessment appeals has finished its duties and the grand list has been completed, the board of finance shall meet and, with due provision for estimated



uncollectible taxes, abatements and corrections, shall lay such tax on such list as shall be sufficient, in addition to the other estimated yearly income of such town and in addition to such revenue surplus, if any, as may be appropriated, not only to pay the expenses of the town for such current year, but also to absorb the revenue deficit of such town, if any, at the beginning of such current year. The board shall prescribe the method by which and the place where all records and books of accounts of the town, or of any department or subdivision thereof, shall be kept. The provisions of this section shall not be construed as preventing a town from making further appropriations upon the recommendation of its board of finance at a special town meeting held after the annual town meeting and prior to the laying of the tax for the current year, and any appropriations made at such special town meeting shall be included in the amount to be raised by the tax laid by the board of finance under the provisions of this section.

(1949 Rev., S. 777; 1953, 1955, S. 359d; P.A. 77-614, S. 139, 610; P.A. 79-101; P.A. 80-483, S. 177, 186; P.A. 83-484; P.A. 95-283, S. 26.)

## CHAPTER 113

### MUNICIPAL EMPLOYEES

#### PART I

(In Part)

#### MERIT SYSTEM

**Sec. 7-407. Method of adoption.** Any political subdivision of this state may adopt the provisions of this part in the manner hereinafter provided. The legislative body or, if there is no such body, the administrative officers of such political subdivision may and, upon petition of electors of such subdivision in number not less than ten per cent of the total number of votes cast therein at the election last preceding, shall submit the question of adopting the provisions of this part in such departments of such political subdivision as such body or officers determine or as such petition requests, as the case may be, to a vote of the electors thereof at the next regular election, or at a special meeting called for such purpose, in the manner provided in section 9-369. The designation of such question upon the voting machine ballot label shall be "Shall a Merit System for selecting and promoting public employees be adopted?".

(1949 Rev., S. 869; 1953, S. 399d; P.A. 86-170, S. 7.)

**Sec. 7-421. Political activities of classified municipal employees. Candidacy of municipal employees for elective office. Leaves of absences. Service on governmental bodies of the town in which the employee resides.** (a) No person employed in the classified civil service may (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

(b) A person employed in said classified service retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be free to participate actively in political management and campaigns. Such activity may include, but shall not be limited to, membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action, except that no classified employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the municipality, and no such employee shall utilize municipal funds, supplies, vehicles or facilities to secure support for or oppose any candidate, party, or issue in a political partisan election. Notwithstanding the provisions of this subsection, any municipal employee may be a candidate for a federal, state or municipal elective office in a political partisan election and no municipality or any officer or employer thereof shall take or threaten to take any personnel action against any such employee due to such candidacy. No person seeking or holding state or municipal office in accordance with the provisions of this subsection shall engage in political activity or in the performance of the duties of such office while on municipal duty or within any period of time during which such person is expected to perform services for which such person receives compensation from the municipality.

(c) Any municipal employee who leaves his municipal employment to accept a full-time elective municipal office shall be granted a personal leave of absence without pay from his municipal employment for not more than two consecutive terms of such office or for a period of four years, whichever is shorter. Upon reapplication for his original position at the expiration of such term or terms of office, such person shall be reinstated in his most recent municipal position or a similar position with equivalent pay or to a vacancy in any other position such person is qualified to fill. If no such positions are available, such person's name shall be placed on all reemployment lists for classes for which he is eligible. Such person shall give notice in writing to his municipal employer that he is a candidate for a full-time elective municipal office within thirty days after nomination for that office.

(d) Notwithstanding the provisions of subsection (c) of this section, upon the request of any municipal employee to whom a personal leave of absence has been granted pursuant to said subsection, his municipal employer may, in its sole discretion, determine whether to extend such leave of absence beyond the period permitted in said subsection and, if extended, what terms and conditions shall pertain to such extension. As part of any such extension, rights of reinstatement with equivalent pay or benefits may be granted to such employee.

(e) Any municipal employee shall have the right to serve on any governmental body of the town in which he resides except any body which has responsibility for direct supervision of such employee. Notwithstanding the provisions of this subsection, no such employee shall serve on any of the following unless such employee is permitted to serve pursuant to the provisions of a municipal charter or home rule ordinance or serves because of membership on the legislative body of the municipality: (1) Any board of finance created pursuant to chapter 106 or any special act or municipal charter; (2) any body exercising zoning powers pursuant to chapter 124 or any special act or municipal charter; (3) any body exercising land use powers pursuant to chapter 125a or any special act or municipal charter; (4) any body exercising planning powers

pursuant to chapter 126 or any special act or municipal charter; or (5) any body regulating inland wetlands and watercourses pursuant to chapter 440 or any special act or municipal charter.

(1949 Rev., S. 883; P.A. 76-424, S. 1,4; P.A. 84-532, S. 2, 3; P.A. 87-75; P.A. 90-123, S.1; P.A. 93-103.)

**Sec. 7-421a. Inconsistent statutory or charter provisions.** Notwithstanding any general statute, special act or local law, ordinance or charter to the contrary, the provisions of section 7-421 shall apply to all municipal employees in the classified service.

(P.A. 76-424, S. 2, 4; P.A. 80-325, S. 1.)

**Sec. 7-421b. Limitation on restrictions of political rights of municipal employees.** Notwithstanding any general statute, special act or local law, ordinance or charter to the contrary, any municipality which has not adopted a merit system shall not impose restrictions on the political rights of its employees other than those provided in section 7-421.

(P.A. 80-325, S. 2.)

## PART II

(In Part)

### RETIREMENT

**Sec. 7-427. (In Part). Participation by municipalities.** (a) Any municipality except a housing authority, which is governed by subsection (b) of this section, may, by resolution passed by its legislative body and subject to such referendum as may be hereinafter provided, accept this part as to any department or departments of such municipality as may be designated therein, including elective officers if so specified, free public libraries which receive part or all of their income from municipal appropriation, and the redevelopment agency of such municipality whether or not such municipality is a member of the system, as defined in section 7-452, but such acceptance shall not repeal, amend or replace, or affect the continuance of, any pension system established in such municipality by or under the authority of any special act and all such special acts shall remain in full force and effect until repealed or amended by the General Assembly or as provided by chapter 99. The acceptance of this part as to any department or departments of a municipality shall not affect the right of such municipality to accept it in the future as to any other department or departments. In any municipality other than a district department of health, housing authority, flood commission or authority, regional planning agency or supervision district board of education, such resolution shall not take effect until it has been approved by a majority of the electors of the municipality voting thereon at the next regular election or meeting or at a special election or meeting called for the purpose. The effective date of participation shall be at least ninety days subsequent to the receipt by the Retirement Commission of the certified copy of such resolution. The Retirement Commission shall furnish to any municipality contemplating acceptance of this part, at the expense of such municipality, an estimate of the probable cost to such municipality of such acceptance as to any department or departments thereof.

(1949 Rev., S. 886; 1951, S. 404d; 1957, P.A. 13, S. 46; 447, S. 3; 1959, P.A. 152, S. 18; 1963, P.A. 344, S. 2; February, 1965, P.A. 549, S. 2; 1969, P.A. 402, S. 2; 725, S. 1; 1971, P.A. 268; 1972, P.A. 71, S. 1; P.A. 84-90; P.A. 93-356, S. 2.)

## PART III

(In Part)

### GENERAL PROVISIONS

**Sec. 7-460. Compensation of officials and employees.** Unless otherwise specifically provided in the general statutes, any municipality or subdivision thereof, through its legislative body, may fix the compensation of its officials and employees, subject to the approval of its budget authority. Any proposed increase in the compensation of the members of the legislative body of any municipality shall be subject to confirmation by referendum at the next regular election of such municipality. The provisions of this section shall be applicable to any municipality, any provision of any special act to the contrary notwithstanding.

(1949 Rev., S. 920; 1961, P.A. 517, S. 90.)

## CHAPTER 114

(In Part)

### CONNECTICUT CITY AND TOWN DEVELOPMENT ACT

**Sec. 7-482. (In Part). Definitions.** As used in this chapter:

(k) "Purposes of this chapter" means ameliorating the deterioration of municipalities by preserving and expanding employment opportunities and the tax base of municipalities by undertaking or assisting in the financing, development or construction of housing, industrial, commercial, parking, retail, office, hotel, warehouse, recreational or transportation facilities or any combination thereof and any service facilities related thereto or supportive thereof;

(l) "Resolution" means any resolution adopted by the legislative body of a municipality or by the governing body of any governmental unit or nonprofit corporation to which a municipality has delegated powers under the provisions of section 7-486, after (1) notice of the proposed resolution has been placed on record in the office of the municipal clerk for public inspection and (2) a summary of the proposed resolution has been published at least once in a newspaper of general circulation within the municipality, both setting forth the time and place of the public hearing provided for in subdivision (3) of this subsection and (3) a public hearing has been held thereon not less than five days nor more than fourteen days subsequent to the placing on record of such notice and the publication of such summary. Such resolution shall be adopted by a majority vote of the members of the legislative body of the municipality, provided where the legislative body of the municipality is the town meeting, a resolution may be adopted upon approval of a majority of those electors present and voting on the resolution at the town meeting. Any resolution, except a resolution adopted pursuant to sections 7-485 or 7-492, shall become effective upon adoption, unless otherwise specified in such resolution;

(July, 1975, P.A. 75-2, S. 3, 25.; P.A. 84-428, S. 2.)

**Sec. 7-485. (In Part), Required municipal findings and determination. Mandatory referendum.** (b) Each resolution adopted pursuant to subsection (a) of this section shall be submitted to the electors of the municipality for their approval. Within fourteen days after the adoption of such resolution a copy of such resolution shall be published in a newspaper having a general circulation within the municipality in which such resolution was adopted together with a notice of the time that a referendum shall be held on the question of approval of such resolution. The question of approval of such resolution shall be submitted to the electors of such municipality at a special election called for such purpose to be held not less than thirty days, nor more than sixty days, after adoption of such resolution, in conformity with the provisions of section 9-369 or, if a regular municipal election is to be held more than sixty days, but not more than one hundred twenty days, after the adoption of such resolution, such question shall be so submitted at such regular election and a vote thereon shall be taken in the manner prescribed by said section 9-369. If a majority of those voting in any such referendum vote to approve such resolution, such resolution shall thereupon become effective. If less than a majority of those voting in any such referendum vote to approve such resolution, it shall become null and void.

(July, 1975, P.A. 75-2, S. 6, 25.)

**Sec. 7-492. (In Part). Capital reserve fund established. Petition. Referendum. (4)**  
In order to further secure bonds and notes secured by a capital reserve fund and to assure order in its budgeting process, a municipality may, if deemed necessary or appropriate in furtherance of the purposes of this chapter, include in the resolution authorizing the issuance of such bonds and notes provision for the municipality to covenant and agree with the holders of such bonds and notes that on or before the first day in April in each year the amount necessary to restore the capital reserve fund to the maximum capital reserve fund requirement, as such amount shall be certified by the treasurer or other officer acting as the chief financial officer of the municipality on or before the first day of December next preceding, shall be paid from the general fund of the municipality and shall constitute a legal pledge, charge and lien upon its income and receipts, and next upon its real property, any general statute, special act or municipal charter or ordinance to the contrary notwithstanding. Such covenant and agreement shall constitute a pledge of the credit and taxing power of the municipality and the holders of bonds and notes so secured shall have the specific right to compel the exercise of the taxing power of the municipality. Any provision of this subdivision to the contrary notwithstanding, any such deficiency in the capital reserve fund so certified by the treasurer or other such financial officer of the municipality shall be satisfied first from the revenues of the development property specifically pledged to the payment of bonds or notes secured by such capital reserve fund, and no holder of any such bond or note may bring any action, suit or proceeding, in law or equity, nor compel by mandamus or injunction the exercise of the taxing power of the municipality, or forfeiture of its property, unless and until all remedies with respect to such pledged revenues have been exhausted. The substance and extent of such covenant and agreement shall be plainly stated on the face of each note and bond to which it is applicable. All amounts paid over from the general fund of the municipality as provided in this subdivision shall, subject to the rights of the holders of any notes or bonds of the municipality theretofore or thereafter issued, be repaid to the general fund from (A) moneys in a capital reserve fund in excess of the maximum capital reserve fund requirement, (B) any revenues not required for any other of the purposes of this chapter and (C) proceeds from the sale or other disposition of the development property acquired from the proceeds of bonds

and notes secured by such capital reserve fund. Within fourteen days after the adoption of a resolution pursuant to this subdivision, the resolution or a summary of such resolution shall be published in a newspaper having a general circulation within the municipality in which such resolution was adopted. If, within thirty days of such publication, five per cent of the electors of such municipality, who are registered as electors on the last completed, revised registry list of such municipality, file with the clerk of such municipality a petition requesting a referendum with respect to such resolution, the question of approval of such resolution shall be submitted to the electors of such municipality at a special election called for such purpose to be held not less than thirty days, nor more than sixty days, after the filing of such petition, in conformity with the provisions of section 9-369, or if a regular municipal election is to be held more than sixty days, but not more than one hundred twenty days, after the filing of such petition, such question shall be so submitted at such regular election and a vote thereon shall be taken in the manner prescribed by said section 9-369. If a majority of those voting in any such referendum shall vote to approve such resolution, such resolution shall thereupon become effective. If less than a majority of those voting in any such referendum vote to approve such resolution, such resolution shall be null and void. If no such petition is filed within thirty days after the publication of the newspaper notice of adoption of any such resolution, the municipal clerk shall verify that fact to the legislative body of the municipality and such resolution shall thereupon become effective.

(July, 1975, P.A. 75-2, S. 13, 25.)

## TITLE 8

### ZONING, PLANNING, HOUSING, ECONOMIC DEVELOPMENT AND HUMAN RESOURCES

#### CHAPTER 124

(In Part)

#### ZONING

**Sec. 8-1. Zoning commissions.** (a) Any municipality may, by vote of its legislative body, adopt the provisions of this chapter and exercise through a zoning commission the powers granted hereunder. On and after July 1, 1974, in each municipality, except as otherwise provided by special act or charter provision adopted under chapter 99, the zoning commission shall consist of not less than five nor more than nine members, with minority representation as determined under section 9-167a, who shall be electors of such municipality. The number of such members and the method of selection and removal for cause and terms of office shall be determined by ordinance, provided no such ordinance shall designate the legislative body of such municipality to act as zoning commission, except that (1) in towns having a population of less than five thousand, the selectmen may be empowered by such ordinance to act as such zoning commission, (2) a legislative body which is acting as a zoning commission prior to July 1, 1974, pursuant to an ordinance, may continue to act as such zoning commission if such municipality has initiated a charter revision pursuant to section 7-188, prior to July 1, 1974, which revision

proposes to designate such legislative body as the zoning commission, and such charter revision is approved as provided in section 7-191, and (3) a legislative body which is acting as a zoning commission prior to June 17, 1987 pursuant to a special act may continue to act as such zoning commission. The manner for filling vacancies arising from any cause shall be provided by vote of the legislative body.

(b) The zoning commission of any town shall have jurisdiction over that part of the town outside of any city or borough contained therein except that the legislative body of any city or borough may, by ordinance, designate the zoning commission of the town in which city or borough is situated as the zoning commission of such city or borough.

(1949 Rev., S. 836; 1951, S. 156b; 1953, 373d; 1957, P.A. 13, S. 41; 1959, P.A. 614, S. 1; P.A. 73-256; P.A. 74-232, S. 1, 2; P.A. 75-629, S. 1; P.A. 87-278, S.3.)

**Sec. 8-1a. "Municipality" to include district.** "Municipality" as used in this chapter shall include a district establishing a zoning commission under section 7-326. Whenever the words "town" and "selectmen" appear in this chapter, they shall be deemed to include "district" and "officers of such district", respectively.

(1959, P.A. 577, S. 1.)

**Sec. 8-1b. Alternate members of zoning commission or combined planning and zoning commission.** Any town, city or borough, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment or election of alternate members to its zoning commission or combined planning and zoning commission. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth in the general statutes or any special act relating to such municipality for such commission and its members. Such alternate members shall be electors and shall not be members of the zoning board of appeals or planning commission. Such ordinance shall provide for the manner of designating alternates to act.

(1963, P.A. 249; February, 1965, P.A. 280; 1971, P.A. 763, S. 1; P.A. 84-154, S. 1, 3; P.A. 85-284, S. 1)

**Sec. 8-4a. Zoning or planning commission may be designated as planning and zoning commission.** Any town, city or borough, unless otherwise provided by special act, may by ordinance or by vote of its legislative body designate its zoning commission or its planning commission as the planning and zoning commission for such municipality, and such commission shall thereupon have all the powers and duties of both a planning commission and a zoning commission and shall supersede any previous planning commission or zoning commission, as the case may be. Such vote shall establish the number of members to comprise such planning and zoning commission, which number shall be five, six, seven, eight, nine or ten, not counting nonvoting members. In the establishment of a five-member planning and zoning commission, the provisions of section 8-19 shall apply. In the establishment of a planning and zoning commission with six or more members, the provisions of section 8-19 shall apply except that the terms of office shall be so arranged that not more than three of such terms on a six-member commission, four of such terms on a seven or an eight-member commission, or five of such terms on a nine or ten-member commission shall expire in any one year. Any public hearing conducted by a planning and zoning commission with six or more members shall be held by the commission or committee thereof appointed for that purpose constituting a majority of the members of the commission. Any combined planning and zoning commission established under

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general statutes prior to October 1, 1959, may continue to exist. Upon the establishment of a combined planning and zoning commission, all regulations adopted by the planning commission or the zoning commission which were in effect prior to the establishment of such combined commission shall continue in full force and effect until modified, repealed or superseded in accordance with the provisions of this chapter and chapter 126. A vacancy on such combined planning and zoning commission shall be filled in a manner prescribed by the legislative body of such municipality.

(1959, P.A. 614, S. 6; 679, S. 3; 1971, P.A. 362, S. 1; 763, S. 2; P.A. 75-21, S. 1, 3; P.A. 77-509, S. 10.)

**Sec. 8-4b. Change from combined commission to separate commissions.** Any town, city or borough which has designated its zoning commission or its planning commission as the planning and zoning commission for such municipality under the provisions of section 8-4a may, by ordinance or by vote of its legislative body, reverse such designation and do anything necessary to conform to the provisions of this chapter or chapter 126; provided no such reversal, unless otherwise stated, shall be construed to affect the continuity of planning or zoning in such town.

(February, 1965, P.A. 566; 1971, P.A. 763, S. 3.)

**Sec. 8-5. Zoning board of appeals. Alternate members.** (a) In each municipality having a zoning commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act. Such alternate members, also referred to as "the panel of alternates", shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members. The regular members and alternate members of such zoning board of appeals shall be electors and shall not be members of the zoning commission, any provision of any special act to the contrary notwithstanding. Such board and such panel of alternates shall, unless otherwise provided by special act, be elected or appointed in such manner and for such terms as determined for each by ordinance adopted by the municipality. Any vacancy in such board, including any vacancy in the panel of alternates, unless otherwise provided by ordinance or special act, shall be filled for the unexpired portion of the term, by the board of selectmen of towns or the chief executive officers of cities and boroughs. Such board by vote of its regular members only shall elect a chairman from among its members, unless otherwise provided by special act, and all meetings of such board shall be held at the call of the chairman and at such other times as the board determines and shall be open to the public. Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record.

(b) The zoning board of appeals of any town shall have jurisdiction over that part of the town outside of any city or borough contained therein except that the legislative body of any city or borough may, by ordinance, designate the zoning board of appeals of the town in which such city or borough is situated as the zoning board of appeals of such city or borough.

(1949 Rev., S. 841; 1951, S. 158b; 1953, S. 376d; 1959, P.A. 146, S. 1; 1961, P.A. 271; 1963, P.A. 75-629, S. 2; P.A. 89-175, S. 1.)

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**Sec. 8-5a. Designation of alternate members to act.** If a regular member of a zoning board of appeals is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such designation or if he is disqualified, the chairman of the board shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(1959, P.A. 146, S. 2; 1971 P.A. 763, S. 5.)

**Sec. 8-5b. Ordinance may provide for appointment of alternate members.** Any town, city or borough, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment of three alternate members to its zoning board of appeals as is set forth in section 8-5.

(1961, P.A. 253.)

## CHAPTER 126

(In Part)

### MUNICIPAL PLANNING COMMISSION

**Sec. 8-19. Creation of planning commissions.** Any municipality may create by ordinance a planning commission, which shall consist of five members, who shall be electors of such municipality holding no salaried municipal office and whose terms of office and method of election or appointment shall be fixed in the ordinance. The chief executive officer of the municipality and the engineer thereof or commissioner of public works, if any, shall also be members of the commission, without voting privileges. The terms of office shall be so arranged that the terms of not more than three members shall expire in any one year. Vacancies shall be filled by the commission for the unexpired portion of the term. Upon the adoption of this section by ordinance as herein provided, and the appointment or election of a commission thereunder, any planning commission in the municipality established under any previous act of the general assembly shall cease to exist, and its books and records shall be turned over to the commission established under this section, provided all regulations promulgated by such planning commission prior to that time shall continue in full force and effect until modified, repealed or superseded in accordance with the provisions of this chapter. The area of jurisdiction of a planning commission created by a town includes any city or borough therein without a legally constituted planning commission for all planning purposes except those specified in sections 8-24 and 8-29. Powers granted under said sections may be delegated by the legislative body of such city or borough to the planning commission of the town in which such city or borough is situated. Any city or borough in which planning commission has been previously established may, by ordinance, designate the commission established under this section in the town in which such city or borough is situated to be the planning commission of such city or borough, and such commission shall supersede the planning commission previously established in such city or borough. The commission shall elect a chairman and secretary from its members, shall adopt

rules for the transaction of business and shall keep a public record of its activities. The planning commission of each municipality shall file an annual report with legislative body thereof.

(1949 Rev., S. 854; 1953, S. 385d; 1957, P.A. 679, S. 2; 1971, P.A. 763, S. 7; P.A. 75-21, S. 3.)

**Sec. 8-19a. Alternate members of planning commission.** Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to provide by ordinance for the appointment or election of alternate members to its planning commission. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth in the general statutes or any special act relating to such municipality for such commission and its members. Such alternate members shall be electors and shall not be members of the zoning commission or zoning board of appeals. Such alternates may attend all meetings and executive sessions of said commission. Such ordinance shall provide for the manner of designating alternates to act.

(1971, P.A. 763, S. 8; P.A. 74-90; P.A. 84-154, S. 2, 3; P.A. 85-284, S. 2.)

## CHAPTER 127

(In Part)

### REGIONAL PLANNING AGENCIES

**Sec. 8-31a. Formation of regional planning agencies. Representation.** Within any planning region of the state as defined or redefined by the secretary of the office of policy and management, or his designee under the provisions of section 16a-4a a regional planning agency may be created by the adoption of sections 8-31a to 8-37a, inclusive, by ordinance of the legislative bodies of two or more towns, cities or boroughs within such region, provided the total number of representatives of such towns, cities or boroughs shall equal sixty per cent or more of the total number of representatives possible of all the towns, cities or boroughs within such region computed as prescribed in this section. Any other town, city or borough within such region may join such regional planning agency by the adoption of said sections by ordinance of its legislative body. Each town, city or borough within such region, except as provided herein, shall be entitled to two representatives on such agency and shall be entitled to additional representation on such agency at the ratio of one representative for each fifty thousand of population or fraction thereof over and above a population of twenty-five thousand as determined by the last-completed federal census. Cities and boroughs with boundaries not coterminous with the boundaries of the town in which they are located, upon adoption of the provisions of said sections, may have one representative on such agency provided the population of the city or borough is greater than fifty per cent of the total population of the town as determined by the last-completed federal census, and the town, upon adoption of the provisions of said sections, may have one representative on such agency. If the total population of the town is greater than twenty-five thousand, the town may elect or appoint the extra representative or representatives as prescribed above, except that, for each fifty thousand population residing in the city or borough, the city or borough may have one additional representative. Noncoterminous cities or boroughs which do not contain fifty per cent more of the total population of the town in which they are

located shall not adopt the provisions of said sections and shall not join such regional planning agency. Where a planning commission exists in a town, city or borough established under the provisions of the general statutes or any special act, at least one of the representatives from such town, city or borough to the regional planning agency shall be appointed by such planning commission. The other representative or representatives shall be elected or appointed in the manner provided by ordinance adopted by the legislative body of such town, city or borough.

(1959, P.A. 613, S. 1, 2; 1969, P.A. 628, S. 6; P.A. 73-679, S. 30, 43; P.A. 75-537, S. 43, 55; P.A. 77-604, S. 43, 84; 77-614, S19, 610.)

## **Chapter 128**

### **DEPARTMENT OF HOUSING: MUNICIPAL HOUSING PROJECTS**

#### **PART I**

(In Part)

#### **CREATION AND POWERS OF AUTHORITY. GENERAL PROVISIONS. LOW RENTAL HOUSING.**

**Sec. 8-41. (In Part). Appointment, qualifications and tenure of commissioners.** (a) When the governing body of a municipality other than a town adopts a resolution as described in section 8-40, it shall promptly notify the chief executive officer of such adoption. Upon receiving such notice, the chief executive officer shall appoint five persons who are residents of said municipality as commissioners of the authority, except that where the authority operates more than three thousand units the chief executive officer may appoint two additional persons who are residents of the municipality. If the governing body of a town adopts such a resolution, such body shall appoint five persons who are residents of said town as commissioners of the authority created for such town. The commissioners who are first so appointed shall be designated to serve for a term of either one, two, three, four or five years, except that if the authority has five members, the terms of not more than one member shall expire in the same year. Terms shall commence on the first day of the month next succeeding the date of their appointment, and annually thereafter a commissioner shall be appointed to serve for five years except that any vacancy which may occur because of a change of residence by a commissioner, removal of a commissioner, resignation or death shall be filled for the unexpired portion of the term. If a governing body increases the membership of the authority on or after July 1, 1995, such governing body shall, by resolution, provide for a term of five years for each such additional member. The term of the chairman shall be three years. At least one of such commissioners of an authority having five members, and at least two of such commissioners of an authority having more than five members shall be a tenant or tenants who live in housing owned or managed by such authority, if any exists, provided that any such tenant shall have resided in such housing for more than one year, and provided further than no such tenant shall have the authority to vote on any matter concerning the establishment or revision of the rents to

be charged in any housing owned or managed by such authority. If, on October 1, 1979, a municipality has adopted a resolution as described in section 8-40, but has no tenants serving as commissioners, the chief executive officer of a municipality other than a town or the governing body of a town shall appoint a tenant who meets the qualifications set out in this section as a commissioner of such authority when the next vacancy occurs. No commissioner of an authority may hold any public office in the municipality for which the authority is created. A commissioner shall hold office until his successor is appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and shall be conclusive evidence of the legal appointment of such commissioner, after he has taken an oath in the form prescribed in the first paragraph of section 1-25. The powers of each authority shall be vested in the commissioners thereof. Three commissioners shall constitute a quorum if the authority consists of five commissioners. Four commissioners shall constitute a quorum if the authority consists of more than five commissioners. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present, unless the bylaws of the authority require a larger number. The chief executive officer, or, in the case of an authority for a town, the governing body of the town, shall designate which of the commissioners shall be the first chairman, but when the office of chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties and compensation, provided, in municipalities having a civil service law, all appointments and promotions, except the employment of the secretary, shall be based on examinations given and lists prepared under such law, and, except so far as may be inconsistent with the terms of this chapter, such civil service law and regulations adopted thereunder shall apply to such housing authority and its personnel. For such legal services as it requires, an authority may employ its own counsel and legal staff. An authority may delegate any of its powers and duties to one or more of its agents or employees. A commissioner, or any employee of the authority who handles its funds, shall be required to furnish an adequate bond. The commissioners shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(1949 Rev., S. 926; 1949, S. 438d; 1967, P.A. 124, S. 1; P.A. 75-415, S. 1; P.A. 78-326; P.A. 79-546; P.A. 90-245; P.A. 94-38, S. 1; 94-156, S. 4.)

## **TITLE 10**

### **EDUCATION AND CULTURE**

#### **CHAPTER 164**

#### **EDUCATIONAL OPPORTUNITIES**

#### **PART III**

(In Part)

## REGIONAL SCHOOLS

**Sec. 10-45. Referendum on establishment of regional districts.** (a) Upon receipt of a copy of the certificate of approval, the committee shall set the day on which referenda shall be held simultaneously in each of the participating towns to determine whether a regional school district shall be established as recommended. Such referenda shall be held between forty-five and ninety days from the date of such approval. The committee shall immediately notify the town clerk in each participating town of its decision. Upon receipt of such notice, the town clerk shall file the notice required by section 9-369a. The warning of such referenda shall be published, the vote taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of a town. The town clerk of each participating town shall certify the results of the referendum to the state board of education.

(b) The vote on the question shall be taken by a "Yes" and "No" vote on the voting machine and the designation of the question on the voting machine ballot label shall be, "Shall a regional school district be established in accordance with the plan approved by the state board of education on .... (Date)?" and the label used shall conform with the provisions of section 9-250. If the majority of the votes in each of the participating towns is affirmative, a regional school district composed of such towns is established and shall be numbered in accordance with the order of the incorporation of the districts.

(c) If the majority vote of one or more of such towns is negative, the committee shall determine the advisability of immediately submitting the question to referendum a second time. If the committee so recommends, it shall notify the town clerk in each participating town of its decision. Within thirty days after receipt of such notice, the legislative body of the town shall meet to act upon the committee recommendation. If the legislative body in each of the participating towns accepts the recommendation, a second referendum shall be held in each participating town in accordance with the provisions of this section. If the majority of votes cast in each town is affirmative, the regional school district is established and numbered accordingly.

(1949 Rev., S. 1375; 1951, 1953, 1955, S. 900d; 1953, S. 191d; 1963, P.A. 387, S. 3; February, 1965, P.A. 411, S. 3; 1969, P.A. 698, S. 7; P.A. 86-170, S. 8; P.A. 87-320, S.4.)

**Sec. 10-46. Regional board of education.** (a) The affairs of the regional school district shall be administered by a regional board of education, which shall consist of not fewer than five members. Each member town shall elect at least one member. The committee report shall determine the number of members of such regional board and the representation of each town. The first members of such regional board of education shall be nominated and elected at a meeting of the legislative body of each town held within thirty days after the referendum creating the district. The regional board of education at its first meeting, called by the commissioner of education within ten days from the time the last member town to appoint members to the regional board has done so, shall organize and the members shall serve until their successors are elected and qualify. At such meeting, the board shall determine the term of office of each member according to the following principles: (1) The term of office of each successor shall be four years; (2) to establish a continuity of membership, a system of rotation shall be used; if the board has an even number of members, one-half of such number shall be elected every two years

and if the board has an uneven number of members, no more than a bare majority or a bare minority shall be elected every two years, except when the unexpired portion of the term of vacated office must be filled; (3) the same system of rotation shall be used for election of the representatives of each member town, if possible; (4) if necessary, it shall be determined by lot which of the initial members shall serve the short terms; (5) at the first election of members in accordance with subsection (b) or (c) of this section, no more than half the offices held by the initial board members shall be filled; (6) the offices held by the remaining initial board members shall be filled at the second election held in accordance with subsection (b) or (c) of this section. Thereafter, members of the board shall be nominated and elected in their respective towns in accordance with subsection (b) or (c) of this section as determined by the legislative body of each town.

(b) (1) At least thirty days before the expiration of the term of office of any board member, a town meeting shall be held in accordance with chapter 90 to nominate and elect a successor. Any person who is an elector of such town may vote at such meeting. If a vacancy occurs in the office of any member of the regional board of education, the town affected, at a town meeting called within thirty days from the beginning of such vacancy, shall nominate and elect a successor to serve for the unexpired portion of the term in accordance with the above procedure.

(2) Where members of the regional school board are to be elected at-large under a plan for reapportionment recommended under subdivision (2) of subsection (a) of section 10-631, and approved under sections 10-63m and 10-63n, at least thirty days before the expiration of the term of office of any board member, a meeting of the voters of the entire regional school district shall be held to nominate and elect successors in accordance with subsection (e) of this section. Any person who is an elector of any member town may vote at such regional meeting. Vacancies shall be filled by a regional meeting called within thirty days from the beginning of such vacancy.

(c) Board members shall be nominated and elected in the same manner as town officers in accordance with the provisions of title 9 except that (1) section 9-167a and parts II and III of chapter 146 shall not apply, (2) the board members so elected shall take office in accordance with subsection (d) of this section and if members of the regional school board are elected at-large under a plan for reapportionment recommended under subdivision (2) of subsection (a) of section 10-631, and approved under sections 10-63m and 10-63n, a caucus of the voters of the entire regional school district shall be held to nominate candidates for election to the board in accordance with subsection (e) of this section. At such caucus, any person who is an elector of any member town may vote. If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election, at which time a successor shall be elected to serve any unexpired portion of such term, except that if members are elected at-large, such successor shall be nominated and elected at a meeting of the entire regional school district held as provided in subsection (b) of this section.

(d) All members of a regional board of education, except those members regularly elected in the month of May, shall take office on the first day of the month following their election. Those members of a regional board of education regularly elected in the month of May shall take office on the first day of July. Such board shall hold an organizational meeting in the month following the last election of members thereof held in the member towns in any calendar year at which time the board shall elect by ballot from its membership a chairperson, a secretary, a treasurer and any

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other officer deemed necessary and may annually thereafter elect such officers. In the case of a tie vote in the balloting for any officer, such tie shall be broke by lot. The treasurer shall give bond to the regional board of education in an amount determined by the members thereof. The cost of such bond shall be borne by the district.

(e) Each regional school district meeting and caucus held pursuant to subsection (b) and (c) of this section shall be conducted in accordance with standard parliamentary practice. A moderator shall be chosen to preside over such meeting or caucus. A majority of those present and eligible to vote at such meeting or caucus shall determine the manner in which any vote shall be taken. The moderator shall certify all results of such meeting or caucus to the secretary of the state who shall then officially notify each town within the regional school district of the result.

(1949 Rev., S. 1376; 1951, 1953, 1955, S. 901d; February, 1965, P.A. 470; 1967, P.A. 333, S. 1; 1969, P.A. 698, S. 8; 1971, P.A. 679, S. 1; P.A. 75-644, S. 11, 14; P.A. 77-614, S. 302, 610; P.A. 78-124, S. 1-4; 78-218, S. 33; P.A. 82-184, S. 1, 2.)

**Sec. 10-46a. Transfer of responsibility to regional board.** The regional board of education shall, after consultation with the local boards of education in the towns comprising the regional school district, determine the time and method by which the responsibility of conducting the educational program shall be transferred to the regional board of education, provided such transfer shall be completed within two years of the date of the organizational meeting of the regional board of education. When, in accordance with this section or section 10-47b, a regional board of education assumes the responsibility for administration of all programs which are provided in the member towns and are under the general supervision and control of the State Board of Education, the local boards of education are dissolved.

(1969, P.A. 698, S. 9; P.A. 78-218, S. 34.)

**Sec. 10-47c. Amendment of plan.** With the exception of the terms which pertain to the capital contribution of member towns, the transfer of property to the regional school district, the grades included, the size of the board of education and the representation of each town on the board and the towns to be served by the regional school district, the terms of the plan approved through referenda pursuant to section 10-45 may be amended as follows: If a regional board of education finds it advisable to amend the plan or if the legislative body of a town served by the regional board of education requests amendment of such plan, the regional board of education shall prepare a report on the proposed amendment, including the question to be presented, file a copy with the Commissioner of Education and the clerk of each member town and make copies of such report available to the public at a district meeting called to present the plan. After such public hearing, the board shall set the date for referenda which shall be held simultaneously in each member town between the hours of six a.m. and eight p.m. At least thirty days before the date of the referenda, the regional board of education shall notify the town clerk in each member town to call the referendum on the specified date to vote on the specified question. The warning of such referenda shall be published, the vote taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of a town. The town clerk of each town shall certify the vote of the town to the regional board of education and the Commissioner of Education. If the majority vote in each town of the district is in favor of the proposed amendment to the plan, such amendment shall take effect immediately.

(1969, P.A. 698, S. 12; P.A. 78-218, S. 36; P.A. 88-360, S. 4; P.A. 90-156, S. 9; P.A. 91-303, S.1; P.A. 96-244, S. 5.)

**Sec. 10-51. (In Part). Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve fund.** (a) The fiscal year of a regional school district shall be July first to June thirtieth. Except as otherwise provided in this subsection, not less than two weeks before the annual meeting held pursuant to section 10-47, the board shall hold a public district meeting to present a proposed budget for the next fiscal year. Any person may recommend the inclusion or deletion of expenditures at such time. After the public hearing, the board shall prepare an annual budget for the next fiscal year, make available on request copies thereof and deliver a reasonable number to the town clerk of each of the towns in the district at least five days before the annual meeting. At the annual meeting on the first Monday in May, the board shall present a budget which includes a statement of (1) estimated receipts and expenditures for the next fiscal year, (2) estimated receipts and expenditures for the current fiscal year, (3) estimated surplus or deficit in operating funds at the end of the current fiscal year, (4) bonded or other debt, (5) estimated per pupil expenditure for the current and for the next fiscal year and (6) such other information as is necessary in the opinion of the board. Persons present and eligible to vote under section 7-6 may accept or reject the proposed budget except as provided below. No person who is eligible to vote in more than one town in the regional school district is eligible to cast more than one vote on any issue considered at a regional school district meeting or referendum held pursuant to this section. Any person who violates this section by fraudulently casting more than one vote or ballot per issue shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disenfranchised. The regional board of education may, in the call to the meeting, designate that the vote on the motion to adopt the budget shall be by paper ballots at the district meeting held on the budget or by a "yes" or "no" vote on the voting machines in each of the member towns on the day following the district meeting. If submitted to a vote by voting machine, questions may be included on the ballot for persons voting "no" to indicate whether the budget is too high or too low, provided the vote on such questions shall be for advisory purposes only and not binding upon the board. Two hundred or more persons qualified to vote in any regional district meeting called to adopt a budget may petition the regional board, in writing, at least three days prior to such meeting, requesting that any item or items on the call of such meeting, be submitted to the persons qualified to vote in the meeting for a vote by paper ballot or on the voting machines in each of the member towns on the day following the district meeting and in accordance with the appropriate procedures provided in section 7-7. If a majority of such persons voting reject the budget, the board shall, within four weeks thereafter and upon notice of not less than one week, call a district meeting to consider the same or an amended budget. Such meetings shall be convened at such intervals until a budget is approved. After the budget is approved, the board shall estimate the share of the net expenses to be paid by each member town in accordance with subsection (b) of this section and notify the treasurer thereof. With respect to adoption of a budget for the period from the organization of the board to the beginning of the first full fiscal year, the board may use the above procedure at any time within such period. If the board needs to submit a supplementary budget, the general procedure specified in this section shall be used.

(1949 Rev., S. 1378; 1951, 1953, S. 906d; 1969, P.A. 698, S. 13; 1971, P.A. 679, S. 3, 4; P.A. 81-188; P.A. 83-82, S. 1, 2; 83-309, S. 1, 2; P.A. 84-255, S. 6, 21; 84-476, S. 1, 2; P.A. 92-262, S. 7; P.A. 93-158, S. 5; P.A. 94-245, S. 20; P.A. 95-282, S. 5.)



**Sec. 10-56. (In Part) Corporate powers. Bond issues.** (a) A regional school district shall be a body politic and corporate with power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; and to build, equip, purchase, rent, maintain or expand schools. Such district may issue bonds, notes or other obligations in the name and upon the full faith and credit of such district and the member towns to acquire land, prepare sites, purchase or erect buildings and equip the same for school purposes, if so authorized by referendum. Such referendum shall be conducted in accordance with the procedure provided in section 10-47c except that any person entitled to vote under section 7-6 may vote and the question shall be determined by the majority of those persons voting in the regional school district as a whole. The exercise of any or all of the powers set forth in this section shall not be construed to be an amendment of a regional plan pursuant to said section 10-47c. A regional board of education may expend any premium in connection with such issue, interest on the proceeds of such issue or unused portion of such issue to add to the land or buildings erected or purchased and for the purchasing and installing of equipment for the same. Such bonds, notes or other obligations shall be issued as either serial or term bonds or both, in registered form or with coupons attached, registrable as to principal and interest or as to principal alone, shall be signed by the chairman and the treasurer of the regional board of education and shall mature at such time or times, or contain provisions for mandatory amortization of principal at such time or times, be issued at such discount or bear interest at such rate or rates payable at such time or times, or contain provisions for the method or manner of determining such rate or rates or time or times at which interest is payable, and contain such provisions for redemption before maturity at the option of the issuer or at the option of the holder thereof at such price or prices and under such terms and conditions as shall be determined by such board, or by such officer or board to whom the regional board of education delegates the authority to make such determinations, provided that any serial bonds, notes or other obligations shall be so arranged to mature in annual or semiannual instalments of principal that shall substantially equalize the aggregate amount of principal and interest due in each annual period commencing with the first annual period in which an instalment of principal is due or maturing in annual or semiannual instalments of principal no one of which shall exceed by more than fifty per cent the amount of any prior instalment, and any term bonds, notes or other obligations, shall be issued with mandatory deposit of sinking fund payments into a sinking fund of amounts sufficient to redeem or amortize the principal of the bonds in annual or semiannual instalments that shall substantially equalize the aggregate amount of principal redeemed or amortized and interest due in each annual period commencing with the first annual period in which a mandatory sinking fund payment becomes due, or sufficient to redeem or amortize the principal of the bonds in annual or semiannual instalments no one of which shall exceed by more than fifty per cent the amount of any instalment. The first instalment of any series of bonds shall mature or the first sinking fund payment of any series of bonds shall be due not later than three years from the date of issue of such series and the last instalment of such series shall mature or the last sinking fund payment of such series shall be due not later than twenty years therefrom. Such bonds, notes or other obligations when executed, issued and delivered, shall be general obligations of such district and the member towns, according to their terms.

(1949 Rev., S. 1381; 1951, 1955, S. 911d; 1953, S. 919d, November, 1955, S. N118; February, 1965, P.A. 7; 1967, P.A. 626, S. 2; 674; 1969, P.A. 132, S. 2; 698, S. 16; P.A. 74-239, S. 1, 2; P.A. 86-350, S. 17, 28. P.A. 87-506, S. 7, 9; P.A. 93-158, S. 6; P.A. 95-282, S. 6.)

**Sec. 10-63h. Applicability to existing regional school districts.** Notwithstanding the provisions of any general or special act or compact adopted by referenda to establish a regional school district, the provisions of this part shall apply to the regional school districts in existence on June 24, 1969, except as provided below.

(a) Nothing in this part shall be construed to require an existing regional school district to change the composition of the membership of its board of education or their terms of office or as prohibiting the selection of members of such boards by appointment.

(b) If the board consists of nine members, three from each member town, such members may be elected on a rotating basis each year for terms of three years. If any adjustments are necessary to achieve this system, the regional school district shall use the procedures provided in section 10-47c to make the necessary changes, provided the term of office of no incumbent shall be shortened.

(c) Any such school district may change the representation of the member towns on the regional board or change the term of office of such members to four years in accordance with the procedures provided in section 10-47c. If the latter change is made, the member towns may elect their representatives on the regional board of education in accordance with subsection (b) or (c) of section 10-46 as determined by the legislative body of each town.

(1969, P.A. 698, S. 21; P.A. 86-333, S. 28.)

**Sec. 10-63L. Powers of regional school reapportionment committee.** (a) The power, function, and responsibility of the regional school reapportionment committee shall be to determine and recommend a plan of representation on the regional board of education consistent with federal constitutional standards. Among the alternatives it may consider and include in its recommendation are the following: (1) The number of members on the regional board from each participating town shall be determined in the proportion, within permissible deviant limits consistent with federal constitutional standards, that the population of each town bears to the population of the entire regional school district; (2) the regional school board shall be elected at large by the voters of the entire regional school district; (3) the voting power of the members from each town on the regional school board shall be weighted in the proportion, within permissible deviant limits consistent with federal constitutional standards, that the population of each town bears to the population of the entire regional school district; (4) such other method of representation or of distribution of voting power that is consistent with federal constitutional standards, provided, in the case of any such method which determines the number of members on the regional school board from each participating town, or the voting power of such members, in accordance with the proportion that the population of such town bears to the population of the entire regional school district or to the population of any other town in such district, the population of any such town shall not include the patients of any state institution located in such town.

(b) The regional school reapportionment committee shall submit its recommended plan of representation in writing to the State Board of Education within three months after its first organizational meeting.

(P.A. 75-644, S. 3, 14; P.A. 76-397, S. 1, 2.)

**Sec. 10-63n. Referendum for regional school reapportionment. Establishment of plan.**

(a) Upon receipt of a copy of the certificate of approval of the plan, the regional school reapportionment committee shall set the date upon which referenda shall be held on the same date in each town in the regional school district.

(b) The referenda shall be held in accordance with the provisions of section 10-45, except that the question on the voting machine ballot label shall be "Shall representation on the regional school board be established in accordance with the plan approved by the State Board of Education on .... (date)?" and the label used shall conform with the provisions of section 9-250.

(c) If the majority of the votes in each of the towns in the regional school district is affirmative, the plan of representation is established.

(d) If the majority vote of one or more towns is negative, the provisions of subsection (c) of said section 10-45 shall apply. If the majority of votes cast in each town on a second referendum is affirmative, the plan of representation is established.

(P.A. 75-644, S. 5, 14; P.A. 86-170, S. 9.)

**Sec. 10-63o. Execution of reapportionment plan.** A plan of representation established as provided for in subsection (a) of section 10-46 and sections 10-63j to 10-63t, inclusive, shall be effective seven days after the referenda resulting in an affirmative majority vote in each of the participating towns. If the plan of representation requires a reduction in the number of members on a regional board of education from a participating town, a determination of the order in which the terms of members from such town shall be terminated shall be made on the basis of the length of the unexpired portion of their terms, with the terms of members having the shortest unexpired portions being terminated first until the number of members from the town complies with the plan. If two or more members of a town have the same unexpired portions of their terms, then within seven days after the date the plan is established, and under the supervision of the other members of the regional board, the member or members whose term or terms shall terminate shall be determined by lot. If the plan requires that additional members on the regional board of education be added from a town within the regional school district, the legislative body of the town shall fill the vacancies by appointment. A new member of the board so appointed by the legislative body of a town shall serve until a successor is elected and qualified at the next town election. The remaining members on a regional board of education whose terms are not affected by the plan of representation shall serve the unexpired portions of the terms for which they have been elected. Questions as to the terms of office of members on a regional board of education shall be determined by the regional board in accordance with the principles established in section 10-46.

(P.A. 75-644, S. 6, 14; P.A. 78-218, S. 43.)

## CHAPTER 166

### TEACHERS AND SUPERINTENDENTS

#### PART I

(In Part)

## TEACHERS

**Sec. 10-153d. (In part) Meeting between board of education and fiscal authority required. Duty to negotiate. Procedure if legislative body rejects contract.** (b) The local or regional board of education and the organization designated or elected as the exclusive representative for the appropriate unit, through designated officials or their representatives, shall have the duty to negotiate with respect to salaries, hours and other conditions of employment about which either party wishes to negotiate. For purposes of this subsection and sections 10-153a, 10-153b and 10-153e to 10-153g, inclusive, (1) "hours" shall not include the length of the student school year; the scheduling of the student school year; the length of the student school day; the length and number of parent-teacher conferences; and the scheduling of the student school day, except for the length and the scheduling of teacher lunch periods and teacher preparation periods and (2) "other conditions of employment" shall not include the establishment or provisions of any retirement incentive plan authorized by section 10-183jj. Such negotiations shall commence not less than two hundred ten days prior to the budget submission date. Any local board of education shall file forthwith a signed copy of any contract with the town clerk and with the Commissioner of Education. Any regional board of education shall file forthwith a signed copy of any such contract with the town clerk in each member town and with the Commissioner of Education. Upon receipt of a signed copy of such contract the clerk of such town shall give public notice of such filing. The terms of such contract shall be binding on the legislative body of the local or regional school district, unless such body rejects such contract at a regular or special meeting called and convened for such purpose within thirty days of the filing of the contract. If a vote on such contract is petitioned for in accordance with the provisions of section 7-7, in order to reject such contract, a minimum number of those persons eligible to vote equal to fifteen per cent of the electors of such local or regional school district shall be required to participate in the voting and a majority of those voting shall be required to reject. Any regional board of education shall call a district meeting to consider such contract within such thirty-day period if the chief executive officer of any member town so requests in writing within fifteen days of the receipt of the signed copy of the contract by the town clerk in such town. The body charged with making annual appropriations in any school district shall appropriate to the board of education whatever funds are required to implement the terms of any contract not rejected pursuant to this section. All organizations seeking to represent members of the teaching profession shall be accorded equal treatment with respect to access to teachers, principals, members of the board of education, records, mail boxes and school facilities and, in the absence of any recognition or certification as the exclusive representative as provided by section 10-153b, participation in discussions with respect to salaries, hours and other conditions of employment.

(February, 1965, P.A. 298, S. 3; 1967, P.A. 752, S. 3; 1969, P.A. 811, S. 3; P.A. 73-391; P.A. 76-403, S. 4, 11; P.A. 77-614, S. 302, 610; P.A. 78-84; 78-218, S. 82; P.A. 83-72, S. 3, 9; P.A. 84-225; P.A. 87-250, S. 1, 11; P.A. 89-233, S. 23; P.A. 90-230, S. 79, 101; P.A. 92-84, S. 4; 92-170, S. 21; P.A. 96-244, S. 14.)

**Sec. 10-156e. Employees of boards of education permitted to serve as elected officials; exception.** Notwithstanding the provisions of any special act or municipal charter or ordinance to the contrary, any employee of a local or regional board of education or of an incorporated or endowed high school approved pursuant to the provisions of section 10-34 shall have the right to

serve on any governmental body of the town in which he resides except that no such employee shall serve on such employee's employing board of education.

(P.A. 81-310.)

## CHAPTER 170

(In Part)

### BOARDS OF EDUCATION

**Sec. 10-218a. Oath of office.** Members of boards of education shall, before entering upon their official duties, take the oath of office provided in section 1-25.

(1959, P.A. 76.)

**Sec. 10-219. Procedure for filling vacancy on local board of education.** If a vacancy occurs in the office of any member of the local board of education, unless otherwise provided by charter or special act, such vacancy shall be filled by the remaining members of said board until the next regular town election, at which election a successor shall be elected for the unexpired portion of the term, the official ballot specifying the vacancy to be filled.

(1949 Rev., S. 1500, 1502; 1953, S. 950d; 1967, P.A. 173; P.A. 81-257, S. 2, 10.)

**Sec. 10-232. Restrictions on employment of members of board of education.** Notwithstanding the provisions of any special act to the contrary, no member of the board of education shall be employed for compensation by the board of which he or she is a member in any position in the school system. If any member of such board is employed contrary to the provisions of this section, the office to which he or she was elected or appointed shall become vacant. No provision of this section shall be construed to prohibit any member of a board of education from serving as a member of any school building committee established by a town or regional school district to undertake a school building project as defined in section 10-282.

(1949 Rev., S. 1943; 1953, S. 948d; 1963, P.A. 303; February, 1965, P.A. 281, S. 1; 1967, P.A. 154; P.A. 78-218, S. 161.)

**Sec. 10-239. Use of school facilities for other purposes.** (a) Any local or regional board of education may provide for the use of any room, hall, schoolhouse, school grounds or other school facility within its jurisdiction for nonprofit educational or community purposes whether or not school is in session.

(b) Any local or regional board of education may grant the temporary use of rooms, halls, school buildings or grounds or any other school facilities under its management or control for public, educational or other purposes or for the purpose of holding political discussions therein, at such time when the school is not in session and shall grant such use for any purpose of voting under the provisions of title 9 whether or not school is in session, in each case subject to such restrictions as the authority having control of such room or building, grounds or other school facility considers expedient.

(1949 Rev., S. 1492; 1959, P.A. 122; 1963, P.A. 155; P.A. 78-21, S. 1, 2.)

## CHAPTER 173

(In Part)

### PUBLIC SCHOOL BUILDING PROJECTS

**Sec. 10-289e. Private academy project proposal, public hearing, referendum vote.** Any private academy may propose to undertake a school building project to be financed by a loan of the proceeds of bonds or notes of a qualifying municipality and to have such bonds or notes guaranteed by one or more qualifying municipalities as provided in sections 10-289d to 10-289g, inclusive. Any such proposal shall describe generally the school building project, the maximum amount of the loan, the maximum amount of any bonds or notes to be issued, the name of the qualifying municipality which will issue such bonds or notes and the name of each qualifying municipality which will guarantee the payment of such bonds or notes. The private academy shall submit any such proposal to the board of selectmen of each qualifying municipality named in the proposal which has a board of selectmen or to the town council in each qualifying municipality named in the proposal which has a town council. The board of selectmen or town council to which such a proposal is submitted may, and upon the recommendation of the board of education of such qualifying municipality shall, hold a public hearing and a referendum vote on such proposal. The referendum shall be held no later than ninety days after the private academy submits such a proposal to a qualifying municipality. A copy of the proposal shall be filed in the office of the town clerk of each qualifying municipality named in the proposal and shall be made available for public inspection during the period beginning at least five days prior to the public hearing and ending on the day of such referendum. Notice of the public hearing shall be posted and published in a newspaper which has a substantial circulation in the qualifying municipality at least five days prior to such public hearing. Notice of the referendum and the question to be proposed shall be posted and published in a newspaper which has a substantial circulation in the qualifying municipality at least thirty days prior to such referendum. The referendum shall be held between the hours of six a.m. and eight p.m. The vote shall be taken and the results of the vote canvassed and declared in the same manner as is provided for an election of officers of a town, except that any person entitled to vote under section 7-6 may vote. If, in each qualifying municipality named in the proposal, the majority of those persons voting vote in favor of the proposal, the proposal shall be approved.

(P.A. 87-461, S.2; 87-499, S.28)

## CHAPTER 177

(In Part)

### CONNECTICUT HISTORICAL COMMISSION

**Sec. 10-321. Appointment, duties and powers. Disclosure to public of location of archaeological sites. Development of model ballot for local historic districts. (In Part) (e)** The Connecticut Historical Commission shall develop a model ballot form to be mailed by clerks

of municipalities on the question of creation of historic districts or districts as provided for in section 7-147a to 7-147k, inclusive.

(P.A. 91-135, S.2)

## TITLE 11

### LIBRARIES

#### CHAPTER 190

(In Part)

#### PUBLIC LIBRARIES

**Sec. 11-21. Directors.** In the absence of any other provision therefor, the management of the public library in any municipality, fire district or incorporated school district which has established such library under the provisions of section 11-20 shall be vested in a board of directors, consisting of a number divisible by three to be elected in the manner provided in section 9-207. Such board may make bylaws for its government and shall have exclusive right to expend all money appropriated by such municipality for any such library.

(1949 Rev., S. 1659; 1953, 1955, S. 689d; P.A. 79-363, S. 31, 38.)

**Sec. 11-36. Town or borough tax.** When fifty electors of any town or borough present a petition to the clerk of such town or borough, asking that an annual tax be levied for the establishment and maintenance of a free public library and reading room in such town or borough, and specify in their petition a rate of taxation, not to exceed three mills on the dollar, such clerk shall, in the next legal notice of the regular municipal election in such town or borough, give notice that at such election the question of an annual tax for the maintenance of a library is to be voted upon in the manner prescribed in section 9-369. The designation of such question on the voting machine ballot label shall be, "Shall a .... mill tax be levied to establish and maintain a free public library and reading room?". Such notice and such designation of the question on the voting machine ballot label shall specify the rate of taxation mentioned in such petition. If, upon the official determination of the result of such vote, it appears that a majority of all the votes upon such question are in approval of such question, the tax specified in such notice shall be levied and collected in the same manner as other general taxes of such town or borough and shall be known as the "library fund." Such tax may afterwards be lessened or increased within the three-mill limit, or made to cease, in case the electors of any such town or borough so determine by a majority vote at any regular municipal election held therein, in the manner hereinbefore prescribed for voting upon such question; and the corporate authorities of such town or borough may exercise the same powers relative to free public libraries and reading rooms as are conferred upon the corporate authorities of cities.

(1983 Rev. C; P.A. 86-170, S. 10.)

## TITLE 12

### TAXATION

#### CHAPTER 208

#### CORPORATION BUSINESS TAX

##### PART I

(In Part)

#### IMPOSITION AND PAYMENT OF TAX

**Sec. 12-214. Imposition of tax.** (a) Every mutual savings bank, savings and loan association and every company engaged in the business of carrying passengers for hire over the highways of this state in common carrier motor vehicles doing business in this state, and every other company carrying on, or having the right to carry on, business in this state, including a dissolved corporation which continues to conduct business, except (1) as to income years beginning prior to January 1, 1973, insurance companies, and as to income years beginning on or after January 1, 1973, insurance companies incorporated or organized under the laws of any other state or foreign government, (2) companies exempt by the federal corporation net income tax law, and any company which qualifies as a Domestic International Sales Corporation (DISC) as defined in Section 992 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and as to which a valid election under Subsection (b) of said Section 992 to be treated as a DISC is effective, but excluding companies, other than any company which so qualifies as, and so elects to be treated as, a DISC, which elect not to be subject to such tax under any provision of said Internal Revenue Code other than said Subsection (b) of said Section 992, (3) companies subject to gross earnings taxes under chapter 210, (4) companies all of whose properties in this state are operated by companies subject to gross earnings taxes under chapter 210 (5) cooperative housing corporations, as defined for federal income tax purposes, (6) any organization or association of two or more persons established and operated for the exclusive purpose of promoting the success or defeat of any candidate for public office or of any political party or question or constitutional amendment to be voted upon at any state or national election or for any other political purpose, (7) any company which is not owned or controlled, directly or indirectly, by any other company, the gross annual revenues of which in the most recently completed year did not exceed one hundred million dollars and which engaged in the research, design, manufacture, sale or installation of alternative energy systems or motor vehicles powered in whole or in part by electricity, natural gas or solar energy including their parts and components, provided at least seventy-five per cent of the gross annual revenues of such company are derived from such research, design, manufacture, sale or installation and (8) any company which engages in the research, design, manufacture or sale in Connecticut of aero-derived gas turbine systems in advanced industrial applications, which applications are developed after October 1, 1992, which are limited to simple-cycle systems, humid air, steam or water injection, recuperation or

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intercooling technologies, including their parts and components, to the extent that such company's net income is directly attributable to such purposes, shall pay, annually, a tax or excise upon its franchise for the privilege of carrying on or doing business, owning or leasing property within the state in a corporate capacity or as an unincorporated association taxable as a corporation for federal income tax purposes or maintaining an office within the state, such tax to be measured by the entire net income as herein defined received by such corporation or association from business transacted within the state during the income year and to be assessed for each income year commencing prior to January 1, 1995, at the rate of eleven and one-half per cent, for income years commencing on or after January 1, 1995, and prior to January 1, 1996, at the rate of eleven and one-quarter per cent, for income years commencing on or after January 1, 1996, and prior to January 1, 1997, at the rate of ten and three-fourths per cent, for income years commencing on or after January 1, 1997, and prior to January 1, 1998, at the rate of ten and one-half per cent for income years commencing on or after January 1, 1998, and prior to January 1, 1999, at the rate of nine per cent and one-half per cent, for income years commencing on or after January 1, 1999, and prior to January 1, 2000, at the rate of eight and one-half per cent, and for income years commencing on or after January 1, 2000, at the rate of seven and one-half per cent. The exemption of companies included in subdivisions (7) and (8) of this section shall not be allowed with respect to any income year of any such company commencing on or after January 1, 1998, and any such company claiming such exemption for any income years commencing on or after January 1, 1985, but prior to January 1, 1998, shall be required to file a corporation business tax return in accordance with section 12-222 for each such income year.

(b) (1) With respect to income years commencing on or after January 1, 1989, and prior to January 1, 1992, any company subject to the tax imposed in accordance with subsection (a) of this section shall pay, for each such income year, an additional tax in an amount equal to twenty per cent of the tax calculated under said subsection (a) for such income year, without reduction of the tax so calculated by the amount of any credit against such tax. The additional amount of tax determined under this subsection for any income year shall constitute a part of the tax imposed by the provisions of said subsection (a) and shall become due and be paid, collected and enforced as provided in this chapter.

(2) With respect to income years commencing on or after January 1, 1992, and prior to January 1, 1993, any company subject to the tax imposed in accordance with subsection (a) of this section shall pay, for each such income year, an additional tax in an amount equal to ten per cent of the tax calculated under said subsection (a) for such income year, without reduction of the tax so calculated by the amount of any credit against such tax. The additional amount of tax determined under this subsection for any income year shall constitute a part of the tax imposed by the provisions of said subsection (a) and shall become due and be paid, collected and enforced as provided in this chapter.

(1949 Rev., S. 1897; 1951, 1953, June, 1955, S. 1089d; 1957, P.A. 515, S. 1; 649, S. 1; 1959, P.A. 394, S. 1; 510; 1961, P.A. 604, S. 2; February, 1965, P.A. 147; 461, S. 7; 1969, P.A. 674; June, 1969, P.A. 1, S. 13; 1971, P.A. 683, S. 1; June, 1971, P.A. 5, S. 111; 1972, P.A. 271, S. 1; 285, S. 6; P.A. 73-350, S. 6, 27; 73-442, S. 4; P.A. 75-101, S. 1, 2; 75-213, S. 1, 53; P.A. 77-476, S. 1, 3; 77-499, S. 1, 2; P.A. 80-406, S. 4, 5; 80-483, S. 54, 186; P.A. 81-472, S. 15, 159; P.A. 83-1 (June Session), S. 1, 15; P.A. 85-431, S. ULM P.A. 85-474, S. 1; P.A. 88-222, S. 1; P.A. 89-16, S. 1; P.A. 89-211, S. 22; P.A. 89-251, S. 20; P.A. 90-28, S. 1; June Sp. Sess. P.A. 91-3, S. 99, 168; P.A. 92-152, S. 1; P.A. 93-74, S. 5, 67; 93-199, S. 4, 6; P.A. 94-4, S. 1, 2; May 25 Sp. Sess. P.A. 94-1, S. 45, 130; P.A. 95-160, S. 32.)

## CHAPTER 226

(In Part)

### DIVISION OF SPECIAL REVENUE AND GAMING POLICY BOARD

**Sec. 12-574a. Town referendum on racing and fronton. Local legislative approval for Sunday meeting or performance dates for racing and jai alai events and off-track pari-mutual betting on racing programs; restrictions.** (a) Whenever a person or business organization files an application with the board for a license to conduct an activity regulated by section 12-574, exclusive of renewal license applications, the board shall forward within five days to the town clerk of the town within which such activity is proposed to be carried on a statement specifying the prospective applicant, the proposed activity, the site on which such activity is proposed to be conducted and the fact that an application has been filed with the board. Within ten days after such statement has been filed, such town clerk shall cause notice of such filing to be published in a newspaper having a circulation in the town wherein the activity is to be conducted. The question of the approval of the conducting of such activity shall be submitted to the electors of such town at a special election called for the purpose to be held not less than thirty nor more than sixty days after such publication, in conformity with the provisions of section 9-369, or at a regular town election if such election is to be held more than sixty but not more than one hundred twenty days after such publication, such question shall be so submitted and the vote shall be taken in the manner prescribed by said section 9-369. The town clerk shall notify the board of the results of such election. The disapproval of the conducting of such activity by a majority of those voting on the question shall be a bar to the granting of a license to that applicant to conduct such activity at such location. All costs incurred by a municipality in connection with such referendum shall be paid to said municipality by the person or business organization filing such application for such license. The provisions of this subsection shall not apply to any licensee authorized to operate the off-track betting system with respect to any off-track betting facility approved prior to June 25, 1993.

(b) No licensee may conduct any racing or jai alai event on any Sunday without the prior approval of the legislative body of the town in which the event is scheduled to take place.

(c) No licensee authorized to operate the off-track betting system may conduct any off-track pari-mutuel wagering on any racing program on any Sunday without the prior approval of the legislative body of the town in which such off-track betting facility is located.

(d) Notwithstanding the provisions of subsection (a) of this section, the prior approval of the legislative body only of the town shall be required in the event the division or the board issues a license pursuant to subsection (c) of section 12-574c.

(P.A. 73-600, S. 1, 2; P.A. 77-441; P.A. 79-404, S. 26, 45; P.A. 80-133, S. 5, 10; P.A. 81-50, S. 1, 2; 81-472, S. 17, 159; P.A. 83-81, S. 1, 2; 83-300, S. 1, 2; P.A. 85-42, S. 1; P.A. 87-121; P.A. 91-309, S. 4; P.A. 93-332, S. 34; P.A. 96-151, S. 1.)

### TITLE 13a

### HIGHWAYS AND BRIDGES

## CHAPTER 236

(In Part)

### DEFINITIONS AND ADMINISTRATION

**Sec. 13a-11. Adoption of town superintendent provisions.** The provisions of sections 13a-8 to 13a-11, inclusive, may be adopted, in the manner prescribed in section 9-369, at a regular or special meeting in any town. The selectmen of any town, upon the petition of five per cent of its electors, shall include in the warning of such regular or special meeting notice that the question of the approval or disapproval of said sections shall be voted upon. The designation of such question on the voting machine ballot label shall be, "Shall a town Superintendent of Highways and Bridges be appointed?" If, upon the official determination of the result of such vote, it appears that a majority of all the votes upon said question are in approval of said question, said sections shall take effect from the date of such meeting, and a certificate of such approval signed by the town clerk shall be transmitted to the secretary of the state, who shall record the same.

(1949 Rev., S.615; 1953, S. 244d; 1958 Rev., S. 13-55; 1963, P.A. 226, S. 11; P.A. 86-170, S. 11.)

### TITLE 13b

### TRANSPORTATION

### CHAPTER 242

### TRANSPORTATION DEPARTMENT

### PART IV

(In Part)

### AERONAUTICS

**Sec. 13b-42. (In Part). Airport or restricted landing area owned or leased by the state. Granting of interests. Purchase or taking of airport properties. Agreements with municipalities.** (d) In connection with the purchase or taking by the commissioner of any such property in a municipality, the commissioner shall file with the chief executive officer or first selectman of the municipality a written statement finding that the purchase or taking is necessary, setting forth the reasons supporting such finding and requesting approval by the municipality of the purchase or taking, which approval shall be by vote of the municipality at a referendum held at the next regular election held in the municipality. If the municipality by vote disapproves the purchase or taking, the commissioner may, within thirty days following the vote, appeal to the superior court for the judicial district in which the municipality is located and the appeal shall be accorded a privileged status on the docket and trial list. The court shall, after hearing, determine whether the commissioner has proven the necessity for the purchase or taking and the burden of

proving such necessity shall be upon the commissioner. If the court after hearing, deems that the commissioner has not sustained such burden of proof, the court shall enter judgment for, and may award reasonable costs to, the municipality. If the court, after hearing, determines that the commissioner has sustained such burden of proof, the court may set aside the action of the municipality disapproving the purchase or taking and may enter an order upon terms and conditions that it deems appropriate to safeguard the rights of the parties and the public. After a purchase or taking has been legally approved, or its disapproval has been set aside by the superior court, the state may proceed with the purchase or taking upon paying just compensation to the municipality. In case the state cannot agree with the municipality upon the amount of the compensation, the amount shall be determined in the manner prescribed in section 48-12. An appeal from the amount so determined shall not act as a stay of the purchase or taking.

(1969, P.A. 421, S. 1; 768, S. 37; 779, S. 1; P.A. 75-425, S. 38, 57; P.A. 76-253, S. 4, 6; P.A. 77-614, S. 19, 73, 610; P.A. 78-280, S. 2, 127; P.A. 80-231, S. 2; P.A. 81-421, S. 7, 9; 81-472, S. 127, 159; P.A. 85-613, S. 115; P.A. 87-496.)

## TITLE 16

### PUBLIC SERVICE COMPANIES

#### CHAPTER 283

(In Part)

#### DEPARTMENT OF PUBLIC UTILITY CONTROL: TELEGRAPH, TELEPHONE, ILLUMINATING, POWER AND WATER COMPANIES

**Sec. 16-262j. (In Part). Refusal of residential utility service. Regulations. Refusal of telecommunications service to a candidate or committee. Interest on customer security deposits. Deposit index.** (a) No public service company shall refuse to provide electric, gas or water service to a residential customer based on the financial inability of such customer to pay a security deposit for such service. The department of public utility control shall adopt regulations in accordance with chapter 54 to carry out the provisions of this subsection.

(b) No telephone company shall refuse to provide telecommunications service to a candidate or a committee, as defined in section 9-333a, on the grounds that such candidate, such committee or the person acting on behalf of such committee has offered to pay the security deposit for such service with a credit card.

(P.A. 79-329; P.A. 80-482, S.4, 40, 345, 348; P.A. 83-178, S. 1, 2; P.A. 91-407, S. 34; P.A. 93-242, S. 1.)

## TITLE 17a

### SOCIAL AND HUMAN SERVICES AND RESOURCES

#### CHAPTER 319i

## MENTALLY ILL PERSONS

### PART III

(In Part)

### PATIENTS' RIGHTS

**Sec. 17a-541. (Formerly Sec. 17-206b). Deprivation of rights of patient prohibited.**  
**Exception.** No patient hospitalized or treated in any public or private facility for the treatment of persons with psychiatric disabilities shall be deprived of any personal, property or civil rights, including the right to vote, hold or convey property, and contract, except in accordance with due process of law, and unless such patient has been declared incapable pursuant to sections 45a-644 to 45a-662, inclusive. Any finding of incapability shall specifically state which civil or personal rights the patient is incapable of exercising.

(1971, P.A. 834, S. 2; P.A. 93-369, S. 3; P.A. 95-257, S. 48; P.A. 96-202, S. 1.)

## TITLE 18

### CORRECTIONAL INSTITUTIONS AND DEPARTMENT OF CORRECTION

#### CHAPTER 321

(In Part)

### BOARD OF PARDONS

**Sec. 18-26. Jurisdiction.** (a) Jurisdiction over the granting of, and the authority to grant, commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death shall be vested in the Board of Pardons.

(b) Said board shall have authority to grant pardons, conditioned or absolute, for any offense against the state at any time after the imposition and before or after the service of any sentence.

(c) Whenever the board grants an absolute pardon to any person, the secretary of said board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted, or the Office of the Chief Court Administrator if such person was convicted in the court of common pleas, the circuit court, a municipal court, or a trial justice court.

(1949 Rev., S. 3020; 1959, P.A. 410, S. 4; P.A. 74-163, S. 5; P.A. 76-388, S. 5, 6; 76-436, S. 10a, 595, 681.)

**TITLE 22**

**AGRICULTURE. DOMESTIC ANIMALS**

**CHAPTER 422a**

(In Part)

**AGRICULTURAL LANDS**

**Sec. 22-26cc. (In Part). State acquisition of development rights to agricultural land. Program established. Joint ownership by the state and a town. Assistance of nonprofit organization. State acquisition of right to construct residence or farm structure.** (c) The commissioner shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. If the commissioner, in consultation with the commissioner of environmental protection and such advisory groups as the commissioner of agriculture may appoint, approves (1) a petition by the owner of the restricted agricultural land approved by resolution of the governing body of the town or (2) a petition by the town in which such land is situated, approved in writing by the owner, the governing body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the secretary of the state, and the then owner of the development rights shall be entitled to exercise all such rights including the sale thereof. Such petition shall set forth the facts and circumstances upon which the commissioner shall consider approval, and said commissioner shall deny such approval unless he determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The commissioner shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the reasonable value thereof at the time of such sale.

(P.A. 78-232, S. 3, 11; P.A. 79-208, S. 1, 2; P.A. 80-349, S. 2, 5; P.A. 81-151, S. 1, 3; P.A. 81-156, S. 2; P.A. 82-34, S. 1, 2; P.A. 86-16, S.1, 2; 86-135, S.1; 86-314, S.1,2; P.A. 87-184; P.A. 88-75, S. 2.)

**TITLE 22a**

**ENVIRONMENTAL PROTECTION**

**CHAPTER 440**

(In Part)

## WETLANDS AND WATERCOURSES

**Sec. 22a-42. (In Part). Municipal regulation of wetlands and watercourses. Action by commissioner.** (c) On or before July 1, 1988, each municipality shall establish an inland wetlands agency or authorize an existing board or commission to carry out the provisions of sections 22a-36 to 22a-45, inclusive. Each municipality, acting through its legislative body, may authorize any board or commission, as may be by law authorized to act, or may establish a new board or commission to promulgate such regulations, in conformity with the regulations adopted by the commissioner pursuant to section 22a-39, as are necessary to protect the wetlands and watercourses within its territorial limits. The ordinance establishing the new board or commission shall determine the number of members and alternate members, the length of their terms, the method of selection and removal and the manner for filling vacancies in the new board or commission. No member or alternate member of such board or commission shall participate in the hearing or decision of such board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of such board or commission and replacement shall be made from alternate members of an alternate to act as a member of such commission in the hearing and determination of the particular matter or matters in which the disqualification arose. For the purposes of this section, the board or commission authorized by the municipality or district, as the case may be, shall serve as the sole agent for the licensing of regulated activities.

(1972, P.A. 155, S. 7; P.A. 73-571, S. 3, 9; P.A. 74-133; P.A. 87-533, S. 5; P.A. 96-157, S. 3; 96-269, S. 3.)

### TITLE 30

### INTOXICATING LIQUORS

### CHAPTER 545

### LIQUOR CONTROL ACT

### PART III

(In Part)

### LOCAL OPTION

**Sec. 30-9. Status of towns as to sale of alcoholic liquor.** The sale of alcoholic liquor under the provisions of this chapter shall be permitted in any town in the state until by vote of the town, taken as provided in section 30-10, a contrary preference has been indicated; and nothing contained in this chapter shall be construed to permit the sale of alcoholic liquor in any town which has voted to the contrary.

(1949 Rev., S. 4231, 4319.)

**Sec. 30-10. Vote on liquor permit question.** Upon the petition of not less than ten per cent of the electors of any town, lodged with the town clerk at least sixty days before the date of any regular town election, the selectmen of the town shall warn the electors of such town that, at the regular town election, a vote shall be taken to determine: (1) Whether or not the sale of alcoholic liquor shall be permitted in such town, or (2) whether the sale of alcoholic liquor shall be permitted in such town in one or more of the classes of permits set forth in section 30-15. Such vote shall be taken in the manner prescribed in sections 9-369 and 30-11, and shall become effective on the first Monday of the month next succeeding such town election and shall remain in force until a new vote is taken; provided such vote may be taken at a special election called for the purpose in conformity with the provisions of section 9-164 and provided at least one year shall have elapsed since the previous vote was taken. The provisions of Chapter 145 concerning absentee voting at referenda shall apply to all votes taken upon the question of liquor permits. Any class or classes of permits already allowed in a town shall not be affected by any vote unless the petition specifies such class or classes or requests "No Permits."

(1949 Rev., S. 4232; 1953, S. 2150d; February, 1965, P.A. 362, S. 1; 1972, P.A. 294, S. 31; P.A. 79-604, S. 3, 5; P.A. 82-144; P.A. 86-179, S. 51.)

**Sec. 30-11. Form of ballot label.** The ballot label designations in a vote upon the question of liquor permits shall be, "Shall the sale of alcoholic liquor (permit for All Alcoholic Liquor) be allowed in ... (name of town)?" or "Shall the sale of alcoholic liquor under (Specified Permit or Permits) be allowed in .... (Name of town)?" or "Shall the sale of alcoholic liquor be prohibited (No Permits) in .... (Name of town)?" and shall be provided in accordance with the provisions of section 9-250. No elector shall vote for more than one designation. No permit shall be issued for "all alcoholic liquor" unless a majority of the votes cast shall be for "all alcoholic liquor" and votes for "all alcoholic liquor" shall be added to and counted as, votes for "(specified) permit" or "(specified) permits" in case the votes for "all alcoholic liquor" shall not amount to a majority of the total number of votes cast. The provisions of this section shall not affect wholesaler permits.

(1949 Rev., S. 4233; 1953, S. 2151d; February, 1965, P.A. 362, S. 2; P.A. 86-170, S. 12.)

## TITLE 31

### LABOR

#### CHAPTER 557

#### EMPLOYMENT REGULATION

#### PART II

(In Part)

#### PROTECTION OF EMPLOYEES



**Sec. 31-51L. Leave of absence for certain public and private employees elected to public office.** Any person employed by a private employer which employs more than twenty-five persons, or by a municipality in which there is no ordinance or charter provision to the contrary, who leaves such employment to accept a full-time elective municipal or state office shall be granted a personal leave of absence from such employment for not more than two consecutive terms of such office. Upon reapplication for his original position at the expiration of such term or terms of office, such person shall be reinstated to his original position or a similar position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so. Such person shall give notice in writing to his employer that he is a candidate for a full-time municipal or state office within thirty days after nomination for that office.

(P.A. 73-258; P.A. 74-241; P.A. 77-120.)

## TITLE 45a

### PROBATE COURTS AND PROCEDURE

#### CHAPTER 801

#### PROBATE COURT; ADMINISTRATIVE PROVISIONS

##### PART I

(In Part)

#### PROBATE COURTS IN GENERAL

**Sec. 45a-2. (Formerly Sec. 45-1.) Probate districts.** The probate districts of the state, for all purposes for which they were constituted, shall be as follows:

(a) Hartford County

The district of Hartford, consisting of the town of Hartford.

The district of Avon, consisting of the town of Avon.

The district of Berlin, consisting of the towns of Berlin and New Britain.

The district of Bloomfield, consisting of the town of Bloomfield.

The district of Bristol, consisting of the town of Bristol.

The district of Burlington, consisting of the town of Burlington.

The district of Canton, consisting of the town of Canton.

The district of East Granby, consisting of the town of East Granby.

The district of East Hartford, consisting of the town of East Hartford.

The district of East Windsor, consisting of the towns of East Windsor and South Windsor.

The district of Enfield, consisting of the town of Enfield.

The district of Farmington, consisting of the town of Farmington.

The district of Glastonbury, consisting of the town of Glastonbury.

The district of Granby, consisting of the town of Granby.

The district of Hartland, consisting of the town of Hartland.

The district of Manchester, consisting of the town of Manchester.

The district of Marlborough, consisting of the town of Marlborough.

The district of Newington, consisting of the towns of Newington, Rocky Hill and Wethersfield.

The district of Plainville, consisting of the town of Plainville.

The district of Simsbury, consisting of the town of Simsbury.

The district of Southington, consisting of the town of Southington.

The district of Suffield, consisting of the town of Suffield.

The district of West Hartford, consisting of the town of West Hartford.

The district of Windsor, consisting of the town of Windsor.

The district of Windsor Locks, consisting of the town of Windsor Locks.

(b) New Haven County

The district of New Haven, consisting of the town of New Haven.

The district of Bethany, consisting of the town of Bethany.

The district of Branford, consisting of the town of Branford.

The district of Cheshire, consisting of the towns of Cheshire and Prospect.

The district of Derby, consisting of the towns of Derby, Ansonia and Seymour.

The district of East Haven, consisting of the town of East Haven.

The district of Guilford, consisting of the town of Guilford.

The district of Hamden, consisting of the town of Hamden.

The district of Madison, consisting of the town of Madison.

The district of Meriden, consisting of the town of Meriden.

The district of Milford, consisting of the town of Milford.

The district of Naugatuck, consisting of the towns of Naugatuck and Beacon Falls.

The district of North Branford, consisting of the town of North Branford.

The district of North Haven, consisting of the town of North Haven.

The district of Orange, consisting of the town of Orange.

The district of Oxford, consisting of the town of Oxford.

The district of Southbury, consisting of the town of Southbury.

The district of Wallingford, consisting of the town of Wallingford.

The district of Waterbury, consisting of the towns of Waterbury, Middlebury and Wolcott.

The district of West Haven, consisting of the town of West Haven.

The district of Woodbridge, consisting of the town of Woodbridge.

(c) New London County

The district of New London, consisting of the towns of New London and Waterford.

The district of Norwich, consisting of the towns of Norwich, Franklin, Lisbon, Preston, Sprague and Voluntown.

The district of Bozrah, consisting of the town of Bozrah.

The district of Colchester, consisting of the town of Colchester.

The district of East Lyme, consisting of the town of East Lyme.

The district of Griswold, consisting of the town of Griswold.

The district of Groton, consisting of the town of Groton.

The district of Lebanon, consisting of the town of Lebanon.

The district of Ledyard, consisting of the town of Ledyard.

The district of Lyme, consisting of the town of Lyme.

The district of Montville, consisting of the town of Montville.

The district of North Stonington, consisting of the town of North Stonington.

The district of Old Lyme, consisting of the town of Old Lyme.

The district of Salem, consisting of the town of Salem.

The district of Stonington, consisting of the town of Stonington.

(d) Fairfield County

The district of Bridgeport, consisting of the town of Bridgeport.

The district of Danbury, consisting of the town of Danbury.

The district of Bethel, consisting of the town of Bethel.

The district of Brookfield, consisting of the town of Brookfield.

The district of Darien, consisting of the town of Darien.

The district of Fairfield, consisting of the town of Fairfield.

The district of Greenwich, consisting of the town of Greenwich.

The district of New Canaan, consisting of the town of New Canaan.

The district of New Fairfield, consisting of the town of New Fairfield.

The district of Newtown, consisting of the town of Newtown.

The district of Norwalk, consisting of the towns of Norwalk and Wilton.

The district of Redding, consisting of the town of Redding.

The district of Ridgefield, consisting of the town of Ridgefield.

The district of Shelton, consisting of the town of Shelton.

The district of Sherman, consisting of the town of Sherman.

The district of Stamford, consisting of the town of Stamford.

The district of Stratford, consisting of the town of Stratford.

The district of Trumbull, consisting of the towns of Trumbull, Easton and Monroe.

The district of Westport, consisting of the towns of Westport and Weston.

(e) Windham County

The district of Windham, consisting of the towns of Windham and Scotland.

The district of Ashford, consisting of the town of Ashford.

The district of Brooklyn, consisting of the town of Brooklyn.

The district of Canterbury, consisting of the town of Canterbury.

[The district of Chaplin, consisting of the town of Chaplin.]

[See P.A. 96-60, Sec. 2, following Sec. 45a-2.]

The district of Eastford, consisting of the [town of Eastford] towns of Eastford and Chaplin.

[See P.A. 96-60, Sec. 2, following Sec. 45a-2.]

The district of Hampton, consisting of the town of Hampton.

The district of Killingly, consisting of the town of Killingly.

The district of Plainfield, consisting of the town of Plainfield.

The district of Pomfret, consisting of the town of Pomfret.

The district of Putnam, consisting of the town of Putnam.

The district of Sterling, consisting of the town of Sterling.

The district of Thompson, consisting of the town of Thompson.

The district of Woodstock, consisting of the town of Woodstock.

(f) Litchfield County

The district of Litchfield, consisting of the towns of Litchfield, Morris and Warren.

The district of Barkhamsted, consisting of the town of Barkhamsted.

The district of Canaan, consisting of the towns of Canaan and North Canaan.

The district of Cornwall, consisting of the town of Cornwall.

The district of Harwinton, consisting of the town of Harwinton.

The district of Kent, consisting of the town of Kent.

The district of New Hartford, consisting of the town of New Hartford.

The district of New Milford, consisting of the towns of New Milford and Bridgewater.

The district of Norfolk, consisting of the town of Norfolk.

The district of Plymouth, consisting of the town of Plymouth.

The district of Roxbury, consisting of the town of Roxbury.

The district of Salisbury, consisting of the town of Salisbury.

The district of Sharon, consisting of the town of Sharon.

The district of Thomaston, consisting of the town of Thomaston.

The district of Torrington, consisting of the towns of Torrington and Goshen.

The district of Washington, consisting of the town of Washington.

The district of Watertown, consisting of the town of Watertown.

The district of Winchester, consisting of the towns of Winchester and Colebrook.

The district of Woodbury, consisting of the towns of Woodbury and Bethlehem.

(g) Middlesex County

The district of Middletown, consisting of the towns of Middletown, Cromwell, Durham and Middlefield.

The district of Clinton, consisting of the town Clinton.

The district of Deep River, consisting of the town of Deep River.

The district of East Haddam, consisting of the town of East Haddam.

The district of East Hampton, consisting of the town of East Hampton.

The district of Essex, consisting of the town of Essex.

The district of Haddam, consisting of the town of Haddam.

The district of Killingworth, consisting of the town of Killingworth.

The district of Old Saybrook, consisting of the town of Old Saybrook.

The district of Portland, consisting of the town of Portland.

The district of Saybrook, consisting of the town of Chester.

The district of Westbrook, consisting of the town of Westbrook.

(h) Tolland County

The district of Tolland, consisting of the towns of Tolland and Willington.

The district of Andover, consisting of the towns of Andover, Bolton and Columbia.

The district of Coventry, consisting of the town of Coventry.

The district of Ellington, consisting of the towns of Ellington and Vernon.

The district of Hebron, consisting of the town of Hebron.

The district of Mansfield, consisting of the town of Mansfield.

The district of Somers, consisting of the town of Somers.

The district of Stafford, consisting of the towns of Stafford and Union.

(1949 Rev., S. 6810; 1953, S. 2892d; 1957, P.A. 8; 1959, P.A. 336, S. 1, 2; February, 1965, P.A. 483, S. 1, 2; P.A. 75-567, S. 24, 80; P.A. 78-247, S. 2,3; P.A. 80-476, S. 3; P.A. 82-4, S. 1, 3; P.A. 85-186, S. 1.; P.A. 87-581, S. 1.)

## PUBLIC ACT 96-60

### AN ACT CONCERNING THE CONSOLIDATION OF THE PROBATE DISTRICTS OF CHAPLIN AND EASTFORD

**Sec. 2. (NEW).** The towns of Chaplin and Eastford shall, on or after the first Wednesday following the first Monday of January, 1999, constitute a probate district by the name of the probate district of Eastford. In 1998, and quadrennially thereafter, a judge of probate for such district shall be elected at the time and in the manner provided by law for the election of judges of probate. From and after the Wednesday following the first Monday of January, 1999, the probate court for the district of Eastford shall have the jurisdiction of all probate business arising in the towns of Chaplin and Eastford.

(P.A. 96-60, S. 2)

## PART II

(In part)

### PROBATE JUDGES

**Sec. 45a-18. (Formerly Sec. 45-5.) Election of judges. Term of office. Clerks.** (a) There shall be a court of probate in each probate district held by one judge elected by the electors residing in such district at the state election in 1974, and every four years thereafter.

(b) Each judge of probate shall hold office for four years beginning on the Wednesday after the first Monday in January next following his election.

(c) Each judge, before entering upon his duties, shall be sworn and shall record his certificate of election upon the records of his court.

(d) He shall appoint a clerk and may appoint one or more assistant clerks, each of whom shall be sworn to a faithful performance of his duties and shall, when required, give whatever bond the



judge deems necessary. Each such clerk shall continue in office until he resigns, is removed or is superseded.

(1949 Rev., S. 6811; 1953, S. 2895d; P.A. 80-476, S. 8)

**Sec. 45a-19. (Formerly Sec. 45-6). Electoral status of judges.** Each judge of probate shall be an elector of a town within the district in which he is elected to serve. If for any reason he ceases to be an elector of a town within such district, he shall thereupon cease to hold office in such district, and such office shall be deemed vacant.

(1949 Rev., S. 6815; 1953, S. 2897d; P.A. 80-476, S. 9.)

## CHAPTER 801b

### PROBATE COURT PROCEDURES

#### PART II

(In Part)

#### PROBATE COURT PROCEEDINGS IN GENERAL

**Sec. 45a-120. (Formerly Sec. 45-10). Citation of another judge.** If any judge of probate declines to act or is disqualified from acting as judge of probate, or is absent or unable to discharge his duties, or if the office of judge of probate in any district becomes vacant, the probate court administrator shall cite any judge of probate to act as judge of probate in the district to which he has been cited during such inability, absence or vacancy or in the matters in which the judge declines to act or is disqualified.

(1949 Rev., S. 6818; 1967, P.A. 558, S. 15; 1969, P.A. 323, S. 2; P.A. 80-476, S. 14.)

#### TITLE 51

#### COURTS

#### CHAPTER 877

(In Part)

#### JUSTICES OF THE PEACE

**Sec. 51-95. Qualifications and certification of nominated justices of the peace.** (a) Each person nominated to be a justice of the peace shall take the official oath on or before the first Monday of January following his nomination or, if nominated to fill a vacancy, within ten days thereafter. If the first Monday of January falls on a legal holiday, the oath shall be taken on or

before the first Tuesday of January. Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the clerk of the town in which the justice of the peace was nominated.

(b) Each such justice of the peace, after taking the official oath, shall furnish his signature to such town clerk upon a form prescribed and provided by the secretary of the state. The form shall be delivered or sent by the clerk to each nominated justice of the peace within the town.

(c) If a person nominated to be a justice of the peace fails to take the oath or to furnish his signature to the town clerk on or before the first Monday in January following his nomination, or the first Tuesday in January if the first Monday in January following the nomination is a legal holiday, the office to which he was nominated shall be deemed vacant.

(d) The town clerk of each town shall keep a record of the names of such qualified justices of the peace.

(e) On or before the fifteenth day of January following the nomination of justices of the peace or, if nominated to fill a vacancy, within ten days after the nomination, the town clerk shall make a certificate upon a form to be prescribed and furnished by the secretary of the state, stating the names of such qualified justices of the peace in the town, which names shall be set forth as on the registry list of electors in the town. The town clerk shall transmit the certificate to the secretary of the state.

(f) The certificate shall be sufficient authority upon receipt for the secretary of the state to certify that the justices of the peace were duly nominated and qualified. Town clerks may also certify to the nomination and qualification of justices of the peace in their respective towns.

(g) Within thirty days after the fifteenth day of January following the nomination of any justice of the peace, and provided the signature form has been received by the town clerk, the town clerk shall issue to each such qualified justice of the peace a certificate of qualification setting forth his name, address, term of office and a statement that he is qualified to act as a justice of the peace.

(h) Each such justice of the peace shall cause the certificate of qualification to be displayed to any person who seeks his service as a justice of the peace.

(1949 Rev., S. 7548; 1953, S. 3093d; 1957, P.A. 224; 1959, P.A. 28, S. 97; 1963, P.A. 532; February, 1965, P.A. 75; 1971, P.A. 443; 1972, P.A. 165, S. 13; June, 1972, P.A. 1, S. 20; P.A. 74-109, S. 9, 11; P.A. 76-71, S. 2, 3; P.A. 78-153, S. 3, 32; P.A. 82-248, S. 79; P.A. 91-24, S. 5; P.A. 94-230, S. 4.)

**Sec. 51-95b. Qualification and certification of appointed justices of the peace.** (a) Each person appointed to be a justice of the peace pursuant to section 9-184c, before commencing the duties of such office, shall take the official oath and shall furnish his signature to the clerk of the town in which the justice of the peace was appointed, upon a form prescribed and provided by the secretary of the state. The form shall be delivered or sent by the clerk to each appointed justice of the peace within the town. Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the clerk of the town in which the justice of the peace was appointed.

(b) The town clerk of each town shall keep a record of the names of such qualified justices of the peace.

(c) On or before the fifteenth day of January following the appointment of justices of the peace or, if appointed to fill a vacancy, within ten days after the appointment, the town clerk shall make a certificate upon a form to be prescribed and furnished by the secretary of the state, stating the names of such qualified justices of the peace in the town, which names shall be set

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forth as on the registry list of electors in the town. The town clerk shall transmit the certificate to the secretary of the state.

(d) The certificate shall be sufficient authority upon receipt for the secretary of the state to certify that the justices of the peace were duly appointed and qualified. Town clerks may also certify to the appointment and qualification of justices of the peace in their respective towns.

(e) Within thirty days after the fifteenth day of January following the appointment of any such justice of the peace, and provided the official oath has been taken and the signature form has been received by the town clerk, the town clerk shall issue to each qualified justice of the peace a certificate of qualification setting forth his name, address, term of office and a statement that he is qualified to act as a justice of the peace.

(f) Each such justice of the peace shall cause the certificate of qualification to be displayed to any person who seeks his service as a justice of the peace.

(P.A. 94-230, S. 7)

## CHAPTER 884

(In Part)

### JURORS

**Sec. 51-220. Number of jurors for each town.** The number of jurors to be chosen from each town shall be equal to a percentage of the town's population rounded off to the nearest whole number, such percentage to be determined by the jury administrator. Such population figures shall derive from the last published census of the United States Government.

(1949 Rev., S. 7928; 1949, S.A. 27; 1949, 1951, S. 1368b; 1953, S. 3176d; 1963, P.A. 505; 1967, P.A. 695, S. 1; 73-68; P.A. 82-248, S. 1, 23; 82-307, S. 2, 8; P.A. 84-393, S. 4, 20; P.A. 94-169, S. 6.)

## CHAPTER 885

(In Part)

### CIRCUIT COURT

**Sec. 51-274. Inconsistent special acts repealed.** All special acts or provisions thereof inconsistent with this chapter and with sections 1-1a, 2-5, 2-40, 2-61, 3-84, 5-164, 5-189, 7-80, 8-12, 9-63, 9-258, 9-368, 12-154, 14-141, 14-142, 18-65, 18-73, 19a-220, 21a-96, 29-13, 29-362, 30-105, 30-107, 30-111, 35-22, 46b-120, 46b-133, 46b-160, 47a-23, 47a-28, 47a-35, 47a-37, 49-61, 49-62, 51-6a, 51-9, 51-15, 51-27, 51-30, 51-33, 51-34, 51-36, 51-48, 51-49, 51-50, 51-51, 51-52, 51-59, 51-72, 51-73, 51-78, 51-95, 51-183b, 51-183d, 51-183f, 51-183g, 51-215a, 51-229, 51-232, 51-237, 51-241, 51-243(a), 51-247, 51-347, 52-45a, 52-45b, 52-46, 52-97, 52-112, 52-139, 52-193, 52-194, 52-196, 52-209, 52-212, 52-215, 52-226, 52-240, 52-257, 52-258, 52-261, 52-263, 52-268, 52-270, 52-272, 52-278i, 52-293, 52-297, 52-298, 52-324, 52-351, 52-397, 52-425, 52-427, 52-428, 52-521, 53-308, 53-328, 54-2a, 54-56f, 54-66, 54-72, 54-74,

54-82g, 54-82j, 54-82k, 54-95a, 54-96a, 54-96b, 54-97, 54-108, 54-154, 54-166 and 54-169 to 54-174, inclusive, are repealed.

(1959, P.A. 28, S. 213; P.A. 83-581, S. 33, 40; June Sp. Sess. P.A. 83-5, S. 16, 18; P.A. 84-393, S. 17, 18, 20; 84-546, S. 113, 173; P.A. 85-613, S. 107, 154; P.A. 89-174, S. 5, 7.)

## TITLE 53a

### PENAL CODE

#### CHAPTER 952

#### PENAL CODE: OFFENSES

#### PART II

(In Part)

#### SENTENCES AND SENTENCING PROCEDURE

**Sec. 53a-35a. Imprisonment for any felony committed on or after July 1, 1981: Definite sentences; terms authorized.** For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and the term shall be fixed by the court as follows: (1) for a capital felony, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a; (2) for the class A felony of murder, a term not less than twenty-five years nor more than life; (3) for a class A felony other than murder, a term not less than ten years nor more than twenty-five years; (4) for a class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years; (5) for a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term of not less than one year nor more than twenty years, except that for a conviction under section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall be not less than five years nor more than twenty-years; (6) for a class C felony, a term not less than one year nor more than ten years, except that for a conviction under 53a-56a, the term shall be not less than three years nor more than ten years; (7) for a class D felony, a term not less than one year nor more than five years, except that for a conviction under section 53a-60b or 53a-217, the term shall be not less than two years nor more than five years, for a conviction under section 53a-60c, the term shall be not less than three years nor more than five years, and for a conviction under section 53a-216, the term shall be five years; (8) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.

P.A. 80-442, S. 10, 28; P.A. 86-220; P.A. 92-260, S. 15; July Sp. Sess. P.A. 94-2, S. 2.)

**Sec. 53a-36. Imprisonment for misdemeanor: Maximum and minimum sentences.** A sentence of imprisonment for a misdemeanor shall be a definite sentence and the term shall be fixed by the court as follows: (1) For a class A misdemeanor, a term not to exceed one year

except that when a person is found guilty under section 53a-61(a)(3) or 53a-61a, the term shall be one year and such sentence shall not be suspended or reduced; (2) for a class B misdemeanor, a term not to exceed six months; (3) for a class C misdemeanor, a term not to exceed three months; (4) for an unclassified misdemeanor, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.

1969, P.A. 828, S. 36; 971, P.A. 871, S. 14; P.A. 77-422 S. 6; P.A. 92-260, S. 16.

**Sec. 53a-41. Fines for felonies.** A fine for the conviction of a felony shall be fixed by the court as follows: (1) For a class A felony, an amount not to exceed twenty thousand dollars; (2) for a class B felony, an amount not to exceed fifteen thousand dollars; (3) for a class C felony, an amount not to exceed ten thousand dollars; (4) for a class D felony, an amount not to exceed five thousand dollars; (5) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines the crime.

(1969, P.A. 828, S. 41; P.A. 92-260, S. 19; May Sp. Sess. P.A. 92-11, S. 50.)

**Sec. 53a-42. Fines for misdemeanors.** A fine for the conviction of a misdemeanor shall be fixed by the court as follows: (1) For a class A misdemeanor, an amount not to exceed two thousand dollars; (2) for a class B misdemeanor, an amount not to exceed one thousand dollars; (3) for a class C misdemeanor, an amount not to exceed five hundred dollars; (4) for an unclassified misdemeanor, an amount in accordance with the fine specified in the section of the General Statutes that defines the crime.

(1969, P.A. 828, S. 42; P.A. 92-260, S. 20; May Sp. Sess. P.A. 92-11, S. 50.)

## PART XI

(In Part)

### BRIBERY, OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE AND OTHER RELATED OFFENSES

**Sec. 53a-156. Perjury: Class D felony.** (a) A person is guilty of perjury if, in any official proceeding, he intentionally, under oath, makes a false statement, swears, affirms or testifies falsely, to a material statement which he does not believe to be true.

(b) Perjury is a class D felony.

(1969, P.A. 828, S. 158.)

**Sec. 53a-157b. (Formerly Sec. 53a-157). False statement in the second degree: Class A misdemeanor.** (a) A person is guilty of false statement in the second degree when he intentionally makes a false written statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable, which he does not believe to be true and which statement is intended to mislead a public servant in the performance of his official function. (b) False statement in the second degree is a class A misdemeanor.

(1969, P.A. 828, S. 159; P.A. 93-392, S. 6.)

## PART XIV

(In Part)

### BREACH OF THE PEACE, CREATING A PUBLIC DISTURBANCE, INTIMIDATION BASED ON BIGOTRY OR BIAS, STALKING, DISORDERLY CONDUCT, OBSTRUCTING FREE PASSAGE AND HARASSMENT

**Sec. 53a-182. Disorderly conduct: Class C misdemeanor.** (a) A person is guilty of disorderly conduct when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he: (1) Engages in fighting or in violent, tumultuous or threatening behavior; or (2) by offensive or disorderly conduct, annoys or interferes with another person; or (3) makes unreasonable noise; or (4) without lawful authority, disturbs any lawful assembly or meeting of persons; or (5) obstructs vehicular or pedestrian traffic; or (6) congregates with other persons in a public place and refuses to comply with a reasonable official request or order to disperse.

(b) Disorderly conduct is a class C misdemeanor.  
(1969, P.A. 828, S. 184.)

## TITLE 54

### CRIMINAL PROCEDURE

#### CHAPTER 960

(In Part)

### INFORMATION, PROCEDURE AND BAIL

**Sec. 54-47a. Compelling testimony of witness. Immunity from prosecution.** (a) Whenever in the judgment of the chief state's attorney, a state's attorney or the deputy chief state's attorney, the testimony of any witness or the production of books, papers or other evidence of any witness (1) in any criminal proceeding involving narcotics, arson, bribery, gambling, election law violations, felonious crimes of violence, any violation which is an offense under the provisions of title 22a, corruption in the executive, legislative or judicial branch of state government or in the government of any political subdivision of the state, fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act Amendments of 1965, as amended, any violation of chapter 949c, or any other class A, B or C felony or unclassified felony punishable by a term of imprisonment in excess of five years for which the chief state's attorney or state's attorney demonstrates that he has no other means of obtaining sufficient information as to whether a crime has been committed or the identity of the person or persons who may have committed a crime, before a court or grand jury of this state or (2) in any investigation conducted by an investigatory grand jury as provided in sections 54-47b

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to 54-47g, inclusive, is necessary to the public interest, the chief state's attorney, the state's attorney, or the deputy chief state's attorney, may, with notice to the witness, after the witness has claimed his privilege against self-incrimination, make application to the court for an order directing the witness to testify or produce evidence subject to the provisions of this section.

(b) Upon the issuance of the order such witness shall not be excused from testifying or from producing books, papers or other evidence in such case or proceeding on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence, and no testimony or evidence so compelled, and no evidence discovered as a result of or otherwise derived from testimony or evidence so compelled, may be used as evidence against him in any proceeding, except that no witness shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. Whenever evidence is objected to as inadmissible because it was discovered as a result of or otherwise derived from compelled testimony or evidence, the burden shall be upon the person offering the challenged evidence to establish a source independent of the compelled testimony or evidence.

(1969, P.A. 631, S. 1; P.A. 74-183, S. 140, 291; 74-227, S. 1, 2; P.A. 76-436, S. 539, 681; P.A. 78-96, S. 3-5; P.A. 80-313, S. 6; P.A. 81-104; P.A. 85-611, S. 8; P.A. 87-350, S. 4.)

**Sec. 54-47b. Investigatory grand jury. Definitions.** For the purposes of sections 54-47a to 54-47h, inclusive:

(1) "Applicant" means any judge of the superior court, appellate court or supreme court, the chief state's attorney or a state's attorney who makes an application to a panel of judges for an investigation into the commission of a crime or crimes.

(2) "Crime or crimes" means (A) any crime or crimes involving corruption in the executive, legislative or judicial branch of state government or in the government of any political subdivision of the state, (B) fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act amendments of 1965, as amended, (C) any violation of chapter 949c, (D) any violation of the election laws of the state and (E) any other class A, B, or C felony or any unclassified felony punishable by a term of imprisonment in excess of five years for which the chief state's attorney or state's attorney demonstrates that he has no other means of obtaining sufficient information as to whether a crime has been committed or the identity of the person or persons who may have committed a crime.

(3) "Investigatory grand jury" means a judge, constitutional state referee or any three judges of the superior court, other than a judge designated by the chief justice to serve on the panel, appointed by the chief court administrator to conduct an investigation into the commission of a crime or crimes.

(4) "Panel of judges" or "panel" means a panel of three superior court judges designated by the chief justice of the supreme court from time to time to receive applications for investigations into the commission of crimes in accordance with the provisions of sections 54-47a to 54-47h, inclusive, one of whom may be the chief court administrator.

(P.A. 85-611, S.1; P.A. 87-350, S.1)

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