



General Assembly

Raised Bill No. 6825

January Session, 2023

LCO No. 5150



Referred to Committee on GOVERNMENT
ADMINISTRATION AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE APPEARANCE OF UNFILLED
VACANCIES IN CANDIDACIES ON THE BALLOT.***

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

1 Section 1. Section 9-460 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 If any party has nominated a candidate for office, or, on and after
4 November 4, 1981, if a candidate has qualified to appear on any ballot
5 by nominating petition under a reserved party designation, in
6 accordance with the provisions of this chapter, and such nominee
7 thereafter, but prior to forty-six days before the opening of the polls on
8 the day of the election for which such nomination has been made, dies,
9 withdraws such nominee's name or for any reason becomes
10 disqualified to hold the office for which such nominee has been
11 nominated, (1) such party or, on and after November 4, 1981, the party
12 designation committee may make a nomination to fill such vacancy or
13 provide for the making of such nomination as its rules prescribe, and
14 (2) if another party that is qualified to nominate a candidate for such
15 office does not have a nominee for such office, such party may also

16 nominate a candidate for such office as its rules prescribe. No
17 withdrawal, and no nomination to replace a candidate who has
18 withdrawn, under this section shall be valid unless the candidate who
19 has withdrawn has filed a letter of withdrawal signed by such
20 candidate with the Secretary of the State in the case of a state or district
21 office or the office of state senator or state representative from any
22 district, or with the municipal clerk in the case of a municipal office
23 other than state senator or state representative. A copy of such
24 candidate's letter of withdrawal to the municipal clerk shall also be
25 filed with the Secretary of the State. No nomination to fill a vacancy
26 under this section shall be valid unless it is certified to the Secretary of
27 the State in the case of a state or district office or the office of state
28 senator or state representative from any district, or to the municipal
29 clerk in the case of a municipal office other than state senator or state
30 representative, by the organization or committee making such
31 nomination, at least forty-two days before the opening of the polls on
32 the day of the election, except as otherwise provided by this section. If
33 a nominee dies within forty-six days, but prior to twenty-four hours,
34 before the opening of the polls on the day of the election for which
35 such nomination has been made, the vacancy may be filled in the
36 manner prescribed in this section by two o'clock p.m. of the day before
37 the election with the municipal clerk or the Secretary of the State, as
38 the case may be. If a nominee dies within twenty-four hours before the
39 opening of the polls and prior to the close of the polls on the day of the
40 election for which such nomination has been made, such nominee shall
41 not be replaced and the votes cast for such nominee shall be canvassed
42 and counted, and if such nominee receives a plurality of the votes cast,
43 a vacancy shall exist in the office for which the nomination was made.
44 The vacancy shall then be filled in a manner prescribed by law. A copy
45 of such certification to the municipal clerk shall also be filed with the
46 Secretary of the State. Such nomination to fill a vacancy due to death or
47 disqualification shall include a statement setting forth the reason for
48 such vacancy. If at the time such nomination is certified to the
49 Secretary of the State or to the municipal clerk, as the case may be, the
50 ballots have already been printed, the Secretary of the State shall direct

51 the municipal clerk in each municipality affected to (A) have the
52 ballots reprinted with the nomination thus made included thereon, (B)
53 cause printed stickers to be affixed to the ballots so that the name of
54 any candidate who has died [, withdrawn or been disqualified] is
55 deleted and the name of any candidate chosen to fill such vacancy
56 appears in the same position as that in which the vacated candidacy
57 appeared, or (C) cause [blank stickers to be so affixed] to be obscured
58 the name of the candidate whose candidacy has been vacated if the
59 vacancy is not filled.

60 Sec. 2. Subsection (a) of section 9-437 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective from*
62 *passage*):

63 (a) At the top of each ballot shall be printed the name of the party
64 holding the primary, and each ballot shall contain the names of all
65 candidates to be voted upon at such primary, except the names of
66 justices of the peace. The vertical columns shall be headed by the
67 designation of the office or position and instructions as to the number
68 for which an elector may vote for such office or position, in the same
69 manner as a ballot used in a regular election. The name of each
70 candidate for town committee or municipal office, except for the
71 municipal offices of state senator and state representative, shall appear
72 on the ballot as authorized by each candidate. The name of each
73 candidate for state or district office or for the municipal offices of state
74 senator or state representative shall appear on the ballot as it appears
75 on the certificate or statement of consent filed under section 9-388, 9-
76 391, 9-400 or 9-409. On the first horizontal line, below the designation
77 of the office or position in each column, shall be placed the name of the
78 party-endorsed candidate for such office or position, such name to be
79 marked with an asterisk; provided, where more than one person may
80 be voted for for any office or position, the names of the party-endorsed
81 candidates shall be arranged in alphabetical order from left to right
82 under the appropriate office or position designation and shall
83 continue, if necessary, from left to right on the next lower line or lines.

84 In the case of no party endorsement there shall be inserted the
85 designation "no party endorsement" at the head of the vertical column,
86 immediately beneath the designation of the office or position. On the
87 horizontal lines below the line for party-endorsed candidates shall be
88 placed, in the appropriate columns, the names of all other candidates
89 as [hereinafter] provided in this section.

90 Sec. 3. Subsection (g) of section 9-437 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective from*
92 *passage*):

93 (g) The name of each candidate shall appear on the ballot in such
94 position as is [hereinbefore] required in this section, and such position
95 shall be determined as of the final time for filing candidacies specified
96 in section 9-400 or 9-405. Vacancies in candidacies thereafter occurring
97 shall not cause the position of any candidate's name on the ballot to be
98 changed to another position. The name of any candidate whose
99 candidacy has been vacated shall not appear on the ballot. If such a
100 vacancy results in the cancellation of a primary for any office, the office
101 column or columns where the names of the candidates and the title of
102 the office would have appeared if the primary for that office had not
103 been cancelled shall be left blank. If a vacancy occurs in a party-
104 endorsed candidacy and a person is chosen in accordance with section
105 9-426 or 9-428 to fill the resulting vacancy in candidacy, the name of
106 the person so chosen shall appear in the same position as that in which
107 the name of the vacating candidate appeared. The municipal clerk
108 shall have the ballot prepared so that the name of any candidate who
109 has vacated such candidate's candidacy is deleted and so that the name
110 of any candidate chosen to fill a vacancy in candidacy appears in the
111 same position as that in which the vacated candidacy appeared. The
112 municipal clerk may use [blank or] printed stickers [, as the case may
113 be,] in preparing the ballots if the ballots were printed before [the
114 occurrence of the vacancy in candidacy or] the selection of a candidate
115 to fill a vacancy in candidacy. The municipal clerk shall cause to be
116 obscured the name of the candidate whose candidacy has been vacated

117 if the vacancy is not filled. The order of the offices and positions shall
118 be as prescribed by the Secretary of the State.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 9-460 |
| Sec. 2 | <i>from passage</i> | 9-437(a) |
| Sec. 3 | <i>from passage</i> | 9-437(g) |

GAE *Joint Favorable*