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Act No. 50 (H.512). Elections; recounts; campaign finance; miscellaneous

An act relating to miscellaneous amendments to election law

This act combines provisions of four bills: H.512 As Introduced (relating to the procedure for conducting recounts); H.397 As Introduced (relating to allowing a tied candidate to withdraw after a general election); S.44 As Passed by Senate (relating to equally shared candidate campaign expenditures); and H.514 As Introduced (relating to elections corrections).

Sec. 1 amends statutes governing the procedure for conducting primary and general election recounts. Aside from amendments of a technical nature, this section makes substantive amendments, including:

- requiring each candidate subject to the recount to submit a list of recount committee nominees and providing that a recount will not move forward if the petitioning candidate fails to submit a complete list;
- requiring a vote tabulator test prior to a recount and prohibiting the use of any vote tabulator that does not accurately tabulate the votes on test ballots;
- requiring ballots to be reviewed before they are fed into a vote tabulator and mandating a hand count of ballots that may not be vote tabulator-readable; and
- allowing candidates and their attorneys to present evidence to the Superior Court after a recount regarding the marking of ballots as defective in the original election.

Sec. 46 allows a candidate who is tied after a general or special election to withdraw, instead of automatically requiring a recount.

Sec. 65 is in regard to equally shared candidate campaign expenditures. This section amends the provision of campaign finance law regarding “related expenditures” by providing that equal expenditures by candidates for a shared electioneering communication shall not constitute contributions, so long as specified standards are met.

The remaining sections of the act make miscellaneous elections corrections, many of which are clarifying or technical in nature. However, included in the act are substantive amendments regarding the following issues:

- Minor parties. Moving the minor party nomination deadline to be the same as independent candidates (Secs. 9 and 16).
- Vote tabulators. Requiring the use of vote tabulators only in the general elections of larger towns (Sec. 22) and that vote tabulator tests be open to the public (Sec. 23).
- Early or absentee voters. Revising the early voter absentee ballot application and how applications may be made (Secs. 26 and 27); specifying the manner in which early voter absentee ballots must be returned (Sec. 31); and revising the procedure for processing these ballots (Secs. 32 and 33).
- Defective ballots. Requiring a notation providing the reason for marking a ballot as defective (Secs. 34 and 43).
- Local election recounts. Revising the procedure required in a local election recount (Sec. 59).

Effective Date: July 1, 2017