Legislative History for Connecticut Act

HB 2894	(PA 17)	1963
Elections	53-59	7 p.
Senate	722-723	2 p.
House	799-800	2 p.
		11 p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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ASSEMBLY

1963

Mr. Richard S. Childs, Chairman of the Executive Committee on the National Municipal League, a civic research organization which makes recommendations in the field of governmental operations. In his letter of November 29, 1962, Mr. Childs says, and I quote, "I feel that we are on the eve of a tremendously important demonstration" and he's referring to Connecticut, "of how the usual type of direct primary across the nation can be very much simplified, with primary elections occurring only when there is a contest as an exceptional event, likely to bring out competent attention and scrutiny." He means on the part of the voter. Because primaries are held only when contests exist, he cites the resultant higher voter-turnouts and lower cost of Connecticut's Challenge Primary. These aspects of our present law are in line with the original recommendations of Charles Evans Hughes, made in 1921 in his inaugural address as president of the National Municipal League. For instance, in 1962, of the more than 6,000 challenges possible in Connecticut, only 61 resulted in primaries. Of these, 50% were won by the party-endorsed candidates, 43% by the challengers, and 7% were won by default because there were no party-endorsed candidates. The average voter-turnout was 46%, a better than average voter-interest for Connecticut primaries than found in other states. These statistics would seem indicative of a healthy climate for our primary system: neither reprsenting a threat to party influence, nor an unwarranted expense to the taxpayer incurred by irresponsible action on the part of challengers. In many cases these primaries were hard fought campaigns, closely won, further indicating that the rank-and-file voter wants to exercise this privilege and is willing to participate. And may I take a moment here.

The League of Women Voters would like to comment on H.B. No. 2894, AN ACT RESTATING THE PRIMARY ELECTION LAW (Rep. Lester), sponsored by the Commission to Revise Election Laws, and to compliment the committee of the Commission responsible for this much-needed codification

and clarification of our existing Primary Law.

The League respectfully requests that your committee give H.B. No. 2321 an unfavorable report so that Connecticut will not revert to denying the right of its rank-and-file voters to participate in the nominating machinery of their political parties.

Sen. Caldwell: I take it the League is not only opposed to H.B. No. 2321 but also to H.B. No. 2323 which distinguishes between cities and small towns.

Mrs. Reiley: Yes, and I have some further remarks on that one if you'd like those first ones then you can combine your questions.

Sen. Caldwell: Fine. Go right ahead.

Mrs. Reiley: Thank you. The League is opposed to H.B. No. 2323 (Rep. Schlossbach) TO ABOLISH PRIMARIES IN TOWNS OF UNDER 10,000 POPULATION, which would abolish the primary in towns with a population under 10,000. This bill would erode the voter's privilege to challenge the nominations made by his political party. The political system of this country begins at the local level, as it should. Since the passage of the Primary Law in 1955, most of each year's total primaries have been held for local office. According to the 1960 Census figures, 110 towns of the 169 in Connecticut would be deprived of the privilege of primary at the local level for municipal office. In 1962, 15 primaries of the 61 called throughout the entire state were held in 13 towns in this category, with an average voter-turnout of 57%, which is considerably higher than the 46% turnout recorded for all primaries held in that year. If these voters in smaller towns are more interested in their local affairs than some of their neighbors in the larger cities, should we even consider denying them the right to challenge on the municipal level?

The League respectfully requests that your committee give H.B. No. 2323 an unfavorable report so that 65% of the towns in this state will be able to continue to settle their political problems at the grass-roots level,

rather than being forced to take challenges to party leadership to district or state levels, which in the end would be more costly. The League, by the way, has prepared a report on the primary as it was executed in 1962. If you wish we would be glad to send you a copy.

Sen. Caldwell: All right. Fine. I would like that and I would say this if it would be possible to have another copy of your statement you might file it with the....

Mrs. Reiley: You want another one?

Sen. Caldwell: No -- you're going to leave this one. That's fine. It would help the secretary no end, I'm sure. Thank you very much. Are there any questions, incidentally, of Mrs. Reiley. Thank you very much. Is there anyone else who would like to speak in opposition to either H.B. No. 2321 or H.B. No. 2323. Hearing none we will now pass on to H.B. No. 2894 (Rep. Lester) TO CLARIFY THE PROVISIONS OF THE PRIMARY LAW, introduced by Mrs. Lester. Anyone who like to speak. Mr. Daly.

Mr. James Daly, Deputy Secretary of State: I would like to speak in favor of H.B. No. 2894. This bill represents a great deal of work by the Commission to revise the election laws and we view it as a magnificent achievement. It is my experience as an assistant Attorney General that this body of law was one of the most difficult to interpret of all the general statutes. A restatement is badly needed. This bill puts the related laws next to each other where they should be instead of scattered throughout the whole body of the law as they have been. They are presented in logical, orderly sequence and will facilitate understanding and interpretation.

Sen. Ives: Mr. Daly, are the only changes in the law the underlining questions covered.

Mr. James Daly, Deputy Secretary of State: I believe that is the procedure.

Rep. Lester: There's absolutely no change of content. Nothing's left out except one under....

Mr. James Daly, Deputy Secretary of State: On the first or second page there are one or two....

Rep. Lester: Changes of content will come in technically.

Sen. Caldwell: Thank you. Anyone else who would like to speak.

Mr. Dudley Birmingham, President, Connecticut Town Clerks Association: Mr. Chairman. Until we see Mr. Schlossbach's direct primary bill we would certainly have to go on record as favoring this legislation and I certainly want to give credit where credit is due. You have amongst you this morning Helen Lester who was the sub-chairman of the committee who reviewed the primary law. I'm sure she and her committee did a very fine job and went through it with a fine tooth comb and I think that this certainly will help immeasurably throughout the State when anyone who is trying to get the proper relationship of the various sections of the primary law. This puts them in proper sequence which heretofore they never were. And it used to be quite a job, believe me, to try and find what you were looking for quickly when a question was raised on a primary law. So I think this bill is very, very well done and I say until we see the proposed measure on the direct primary law we certainly go in favor on record of this bill.

Sen. Caldwell: Thank you very much, Mr. Birmingham. Mr. Larson.

Mr. Kenneth A. Larson, President, Connecticut Registrars of Voters Association: I'm going to be very brief. Having served on the Governor's Commission I want to put the Registrars Association in favor of this bill.

Sen. Caldwell: Thank you very much. Anyone else who would like to speak in favor of this clarification?

Rep. John R. Keilty, Watertown: Mr. Chairman, Members of the Committee, On page 3, Section 2 underlined state, district and municipal offices. I was also a member of the Governor's Commission on the election laws. I concur with this bill but I would like to see it expanded. I was not successful in doing this in the Commission but maybe I have a shot here. But I would like very much to have included in that section on page 3, the second section, all elective offices and by that I mean Fire Districts, Boroughs anything that...any office. It makes no difference to me what it is if it's elective I think that we should have the right

to the primary and in Watertown we have what is known as the Watertown Fire District and we elect annually our officers and we have, I suppose you would call it, a caucus. Now we have in the vicinity of I'd say about 3,000 people in the district and any person residing in the district that is eligible to vote in the town meetings may vote in the Fire District meetings. At least that was our thinking until just this past Monday night when it came out that we don't even come under the home rule law of fire districts which I attempted to change in this Commission on Election Laws. But it was brought out very distinctly on Monday night when we had a resident -- several residents -- that pay taxes in this district but were denied the right to vote and the papers in Waterbury made quite an issue of this taxation without representation which I hoped to meet with the leaders of both parties and see if I can't get some emergency certification out of this House of Representatives. We don't come under the home rule act -- at least our attorneys have rules. We have no primary choice. We go in there and people are elected annually this is now every year but there's no way of challenge. We cannot even petition. We think this is bad. I've always thought it was bad and I have the charter of the district in my pocket. Anyone who desires to read it would find it most interesting but I would very definitely like to see all elective office holders included in this bill. Thank you, Mr. Chairman.

Sen. Caldwell: Any of the Committee members have any questions?

Rep. Ralph L. Earle, North Haven: May I ask you a question in public?

Sen. Caldwell: I assume you've discussed this privately first? Mr. Earle.

Rep. Ralph L. Earle, North Haven: First may I offer my condolences. Secondly, what offices do you come up with in the Fire District.

Rep. John R. Keilty, Watertown: We have several boards. We have what is known as the District Board of three members. We elect one member each year for three years. We have a Water Board the same way. One member each year for three years term.

Rep. Ralph L. Earle, North Haven: A Water Board? What is its purpose.

Rep. John R. Keilty, Watertown: They handle the water facilities. We have our own water facilities in Watertown and the Fire District Board is the over-all -- they draw up all the rules and regulations for the district. They operate everything other than the water supply -- system and as I said it has three members elected annually. We have a budget that runs in the vicinity of oh, $2½ - $3 million dollars annually we approve and well, as I've stated, we have no choice --

Rep. Ralph L. Earle, North Haven: Do they have the power to pay taxes and that sort of thing?

Rep. John R. Keilty, Watertown: Definitely.

Rep. Ralph L. Earle, North Haven: And are they responsible for some higher body within the town.

Rep. John R. Keilty, Watertown: No, except the District Annual Meeting where we make these choices of our officers of elections. We meet annually every February and we choose one member on each board.

Rep. Ralph L. Earle, North Haven: Do you have the regular town government in Watertown?

Rep. John R. Keilty, Watertown: We have the Council-Manager form of government --

Rep. Ralph L. Earle, North Haven: That's one mistake, right there.

Rep. John R. Keilty, Watertown: I agree. With the Council-Manager type of government we also have two independent governments within the community and these are these districts and we have a Watertown Fire District and an Oakville Fire District which do not come under the home rule and they do not come under the primary law and they are exampt, incidentally, from minority representation law.

Rep. Ralph L. Earle, North Haven: I think you have a housecleaning chore.

Rep. John R. Keilty, Watertown: Well, there's no doubt but Monday night at this meeting is when it came out so graphicly when this person attempted to vote and could not and he pays taxes. So then I went to one of our largest industries in Watertown. He is the largest, let me see, about the fifth

largest taxpayer in the community and his -- it's the Watertown Manufacturing Company and Carl Siemon, the Republican Representative, is the owner. And he may not, and I called it to his attention Tuesday, he may not vote in district meetings when we tax his property because he lives outside the district. He can't even come. He can't -- he has no voice, no vote, no nothing but we just the other night set a 3-mill tax and his assessment's probably a couple hundred thousand dollars or more. He has no voice and well, I'd just like to see them all included. Any other questions?

Sen. Caldwell: Anyone else in favor of this opposition -- I said in favor of this opposition.

Rep. Benjamin M. Schlossbach, Westbrook: I know it will be sort of amusing that I should possibly appear in favor. However, my appearance in favor of the restating the new primary election law is not so much as to be in favor of the primary law, of course, but it to congratulate the group that worked so hard in this restatement so to make it at least possible that if you want to find something in the law you can go someplace directly and find it without having to call up the Secretary of State. So that you will have somewhat the ability though I do disagree with the primary law, of course, of stating here in the open meeting that if we're going to have the law for any length of time we at least should have the right to be able to know where to look for it anyway.

Sen. Caldwell: Thank you very much, Ben. Anyone else who would like to speak in favor of -- or I guess we concluded those speaking in favor and anyone who would like to speak in opposition to H.B. No. 2894. I think we'll pass on to H.B. No. 2895 (Rep. Lester) CONCERNING VACANCIES IN DELEGATIONS TO PARTY CONVENTIONS also sponsored by Mrs. Lester on behalf of the Commission to Revise the Election Laws. Mr. Daly, you'd like to speak in favor of this one?

Mr. James Daly, Deputy Secretary of State: With your permission, Mr. Chairman, may I address myself very briefly to the last bill, please?

Sen. Caldwell: Yes.

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CONNECTICUT
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PROCEEDINGS
1963

VOL. 10, PART 2

MAR. 5 - MAR. 28

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acceptance of the committee's joint favorable report and the passage of the bill. All those in favor say "Aye", opposed "No." The bill is passed.

THE CLERK:

Calendar No. 49. File No. 37. Modified House Bill No. 2894. An act restating the Primary Law. Favorable Report, Joint Committee on Elections.

THE SPEAKER:

The Lady from Litchfield.

MRS. LESTER:

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and passage of the bill. Will you remark.

MRS. LESTER:

Mr. Speaker. House Bill No. 2894, an act restating the primary law, clarifies and simplifies the laws that govern the nominating procedures that exist in this state, by rearranging them in a more functional order and by clarifying and simplifying statuatory language. House Bill No. 2894 is one of the bills recommended by the commissions who revise the Election Laws, appointed at the close of our last General Assembly. It is the hope of this commission that the functional rearrangement of sections contained in this bill will serve to eliminate much of the confusion which has existed in the past. This bill makes no

changes of substance, and merely clarifies our existing law. Changes of substance will be introduced later in separate bills. This is a very good bill, and I urge its passage.

THE SPEAKER:

The question is on acceptance of the committee's joint favorable report and the passage of the bill. Will you remark further. If not, all those in favor say "Aye", opposed "No". The bill is passed.

THE CLERK:

Calendar No. 50. File No. 36. House Bill No. 3372. An act concerning fees of Registrars of Vital Statistics. Favorable Report, Joint Committee on Finance.

THE SPEAKER:

The Lady from Stonington.

MRS. BOATWRIGHT:

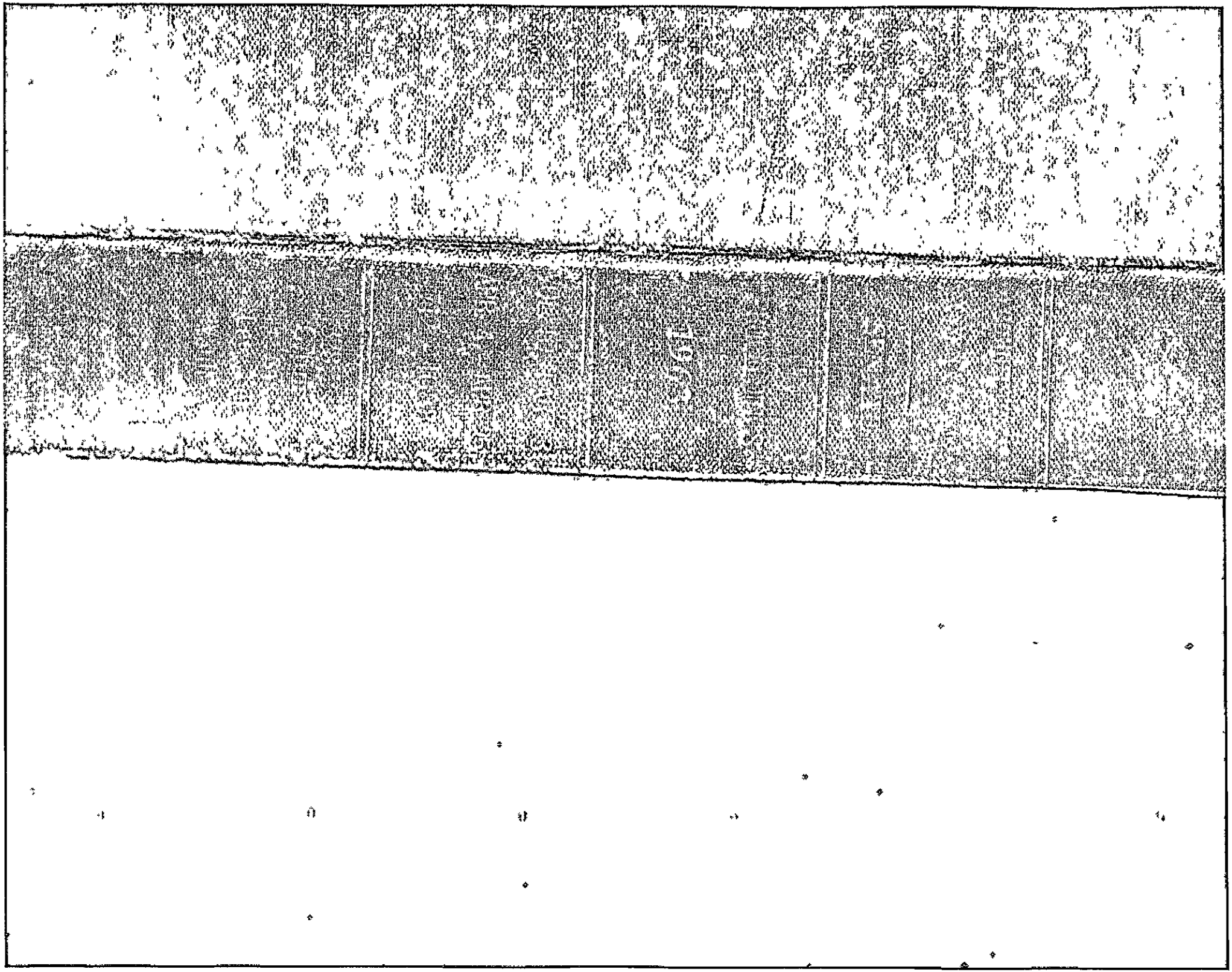
Mr. Speaker. I move acceptance of this joint favorable bill and passage of the bill.

THE SPEAKER:

The question is on acceptance of the committee's joint favorable report and the passage of the bill. Will you remark.

MRS. BOATWRIGHT:

This bill is an act concerning fees of Registrars. Mr. Speaker, the present General Statutes of Connecticut provide that any physician, midwife or medical examiner reporting a birth or death will receive a fee of 25 cents for each certificate. It is the purpose of this bill to eliminate the payment



in the gallery. (Applause)

THE CHAIR:

Any business on the desk, Mr. Clerk?

THE CLERK:

Senate change of reference, report of the Joint standing Committee on Cities and Boroughs, SB 512, recommendation that it be transferred to the Committee on Roads and Bridges.

THE CHAIR:

To the Committee on Roads and Bridges.

THE CLERK:

Business on the Calendar, page 1, calendar No. 93, HB 2456, An Act Providing for the Appointment of Library Directors in the Town of Burlington. Favorable report of the Joint Committee on Cities and Boroughs.

SENATOR GLADSTONE:

Mr. President, on page 1, calendar No. 93 and No. 94--may that be passed, holding its place on the calendar? The Chairman of the Committee is otherwise engaged.

THE CHAIR:

They may be so passed.

THE CLERK:

Calendar No. 95, Modified HB 2894, An Act Restating the Primary Law. Favorable report of the Joint Committee on Elections.

THE CHAIR:

The Senator from the 23rd.

SENATOR CALDWELL:

Mr. President, I move for acceptance of the Committee's favorable report and passage of the bill.

THE CHAIR:

Question is on the acceptance of the Committee's favorable report and passage of the bill. Any remarks?

SENATOR CALDWELL:

Mr. President, HB 2894 is an act restating the primary law. It clarifies and simplifies the laws that govern nominating procedures in this state by rearranging them in a more functional order and by clarifying and simplifying statutory language. It is one of the bills recommended by the Commission to Revise the Election Laws appointed at the close of our last General Assembly. It is the hope of this Commission, upon which I was privileged to serve, that the functional rearrangement of sections contained in this bill will serve to eliminate much of the confusion which has existed in the past. I hope that we will have unanimous approval of this bill.

THE CHAIR:

Any further remarks? Question is on the acceptance of the Committee's favorable report and passage of the bill. All those in favor, say AYE. Opposed? Passed.

THE CLERK:

Calendar No. 99, Substitute for SB 820. An Act concerning the Directors of State Banks and Trust Companies. Favorable report of the Joint Committee on Banks.