

Legislative History for Connecticut Act

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SB 396                      PA 300                      1975  
House 4145-4148                      (4)  
Senate 1926                      (1)  
Elections 102, 104-105, 106-107, 108, 110, 122 (8)

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1975

VOL. 18

PART 9

4041-4553

House of Representatives

Monday, May 19, 1975

105  
mms

The gentleman from the 23rd in the affirmative.

REP. BADOLATO (23rd):

In the affirmative.

THE DEPUTY SPEAKER:

Clerk please announce the tally.

THE ASSISTANT CLERK:

Total Number Voting.....	136
Necessary for Passage.....	69
Those Voting Yea.....	135
Those Voting Nay.....	1
Those absent and not Voting.....	15

THE DEPUTY SPEAKER:

The Bill is passed.

THE CLERK:

Calendar 948. Substitute for Senate Bill 396. AN ACT  
CONCERNING CENTRAL COUNTING OF ABSENTEE BALLOTS AT ELECTIONS AND  
PRIMARIES.

THE DEPUTY SPEAKER:

Representative Weigand of the 83rd.

REP. WEIGAND (83rd):

Mr. Speaker I move acceptance of the Joint Committee's  
Favorable Report and passage in concurrence with the Senate.

THE DEPUTY SPEAKER:

Question is on acceptance and passage in concurrence. Will  
you remark?

REP. WEIGAND (83rd):

Yes Mr. Speaker.

THE DEPUTY SPEAKER:

Representative from the 83rd.

REP. WEIGAND (83rd):

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Mr. Speaker, this is permissive legislation which would allow for central counting of absentee ballots, if designated by local registrars. In towns that adopt central counting, the town clerk would deliver all absentee ballots received by 5:00 P.M. on the day before the election to registrars who would check those ballots against the Registry lists as soon as possible thereafter.

A major change if this type of counting is adopted, would be that the count of the ballots would take place in public view. The elector would be allowed to withdraw his absentee ballot and vote in person up until 2:00 P.M. on Election Day. In towns that choose not to adopt central counting, the Bill would change the time for the first delivery of absentee ballots by the town clerks to the registrars to 2:00 P.M. on Election Day in all elections, instead of as presently done at 12:00 o'clock.

As I stated at the outset Mr. Speaker, this is permissive legislation. Those towns that prefer to count absentee ballots at the polling places as presently done could continue to do so. Those that choose to opt for central counting, if the registrars concur and make that decision and notice is given of this change of procedure, then that would be the method followed. Because of the permissive nature of the Bill, in those towns choosing to follow this policy, I move for passage of the Bill.

THE DEPUTY SPEAKER:

Will you remark further? Remark further? If not, would the Members please take their seats? Would the staff please come to the well? The machine will be open. Every Member voted? The machine will be closed. Clerk please take a tally.

Representative Lyddy.

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REP. LYDDY (126th):

In the affirmative please.

THE DEPUTY SPEAKER:

Representative Lyddy in the affirmative. Representative Lyddy from the 126th. Has he voted?

Representative Shea.

REP. SHEA (19th)

In the affirmative.

THE DEPUTY SPEAKER:

Representative Shea from the 19th in the affirmative.

Representative Abate.

REP. ABATE (148th):

In the affirmative please.

THE DEPUTY SPEAKER:

Representative Abate from the 148th in the affirmative.

REP. ABATE (148th):

Thank you Mr. Speaker.

REP. TRUGLIA (145th):

Mr. Speaker, in the affirmative.

THE DEPUTY SPEAKER:

Representative Truglia from the 145th in the affirmative.

Representative Collins.

REP. COLLINS (140th):

Affirmative please.

THE DEPUTY SPEAKER:

Representative Collins from the 140th in the affirmative.

Clerk please announce the tally.

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THE ASSISTANT CLERK:

Total Number Voting.....131  
 Necessary for Passage..... 66  
     Those Voting Yea.....131  
     Those Voting Nay..... 0  
     Those absent and not Voting..... 20

THE DEPUTY SPEAKER:

The Bill is passed.

THE CLERK:

Calendar 949. Substitute for Senate Bill 1054. AN ACT  
 CONCERNING TESTING OF ANIMALS IN DRAWING CONTESTS.

THE DEPUTY SPEAKER:

Representative Cornelius O'Leary from the 60th.

REP. O'LEARY (60th):

Mr. Speaker, I would like to move some items including that  
 one to today's Consent Calendar?

THE DEPUTY SPEAKER:

Please proceed.

REP. O'LEARY (60th):

Starting on page 4.

THE DEPUTY SPEAKER:

May we please have some order in the Assembly so we can  
 hear the gentleman from the 60th, placing these items on the Consent  
 Calendar? They're very important.

REP. O'LEARY (60th):

On page 4. At the top of the page. Calendar No. 320.  
 Substitute for House Joint Resolution No. 131, files no. 113 and 758.  
 Calendar No. 321. House Joint Resolution No. 132. Files  
 No. 111 and 767.

Calendar No. 322. House Joint Resolution No. 133. Files

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1975

VOL. 18  
PART 4  
1559-2065

May 13, 1975

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C.G.C.

Hearing none, so ordered.

THE CLERK:

Calendar number #647 file #648 favorable report joint standing committee on Elections on substitute Senate Bill #396 AN ACT CONCERNING CENTRAL COUNTING OF ABSENTEE BALLOTS AT ELECTIONS AND PRIMARIES.

THE CHAIR:

Senator Schwartz.

SEN. SCHWARTZ:

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

THE CHAIR:

Will you remark?

SEN. SCHWARTZ:

Yes, Mr. President. This would facilitate the counting of absentee ballots, especially in the larger towns, by allowing the ballot counting to proceed, in a central place designated by the Town Clerk, outside of the polls. It would free up the polling personnel to perform their duties with regard to machines and checking, and would allow separate personnel to count absentee ballots without concern for the goings on at the polls. In addition, with regards to absentee ballots received late in the course of the day, it would probably preserve the anonymity of the sender of the absentee ballots and would further preserve the electoral process in the state, and if there is no dissent, Mr. President, I move this be placed on the Consent Calendar.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ELECTIONS**

**1975**

CHARLES ENOS, TOWN CLERK OF SOUTH WINDSOR & LEGISLATIVE CHAIRMAN OF THE TOWN CLERK'S ASSOCIATION: I just have a few comments and I'll try to be as brief as possible. On proposed Bill 6348 in regards to the list of physically disabled - excuse me, I meant 1134 - the Town Clerk's Association thinks it might be a better idea if this could be worked out the same as a serviceman by the direction of the town clerks and/or the registrar of voters.

REP. LOWDEN: In other words, you want to include registrars?

MR. ENOS: Oh, yes (testimony inaudible-too close to mike) And on this doctor's certificate concerning disabled people, we would like to carry it a step further and even work out the certification by a public official. On certain occasions here you have one person making voters.....in certain sections of the law, so why not have one or two persons, rather than having to getting this doctor's certificate because a lot of times, they don't even have a public, you know.....

Of course, the town clerks are in favor of Bill 6341. We've been trying to get this through for years - the new absentee ballot form. Of course, we would like to see that 30 days in there. There's too much time now - as long as we have something to mail out to the people along with the absentee ballot. At the present time, we're mailing it out to the servicemen 90 days before, civilians, 60 - you don't even have a list to send them - so if you put that 30 days ---

REP. GREEN: Pardon me, we've never been able to because of the time element.

MR. ENOS: That's right, that's exactly the reason, it should be mandatory in that bill as far as I'm concerned, as far as we're concerned, excuse me.

Elimination of the dummy voting machine, yes, we're in favor of that. Proposed Bill 396, counting of absentee ballots in central location, we're in favor of that.

REP. LOWDEN: Everybody seems to be.

MR. ENOS: Well, of course, we've heard in some places, they're doing it already. Proposed Bill 475, this was just a technicality to straighten out the process of handling absentee ballots. Because you got a bunch of bills in here on absentee ballots on referendum, we're not against this. All we ask is time, the same as on the other absentee ballots. Give us time to get them printed up. That's all we ask. We're not against anything that will open up the voting process. No way. But we would like the time, to prepare these absentee ballots. Right now, a referendum under the statutes, 30 days of warning for a referendum. Like on our council, we usually meet on the 29th day, we pass a resolution, you gotta get it in the paper the next day. It's going to be 10 to 12 days to get those printed up.

REP. GREEN: (Beginning of new record) Because of the time problem.

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REP. LOWDEN: I don't think we have that bill on our list for today's hearing, but you've expressed your opinion.

REP. GREEN: You oppose 7988?

MR. ENOS: Right. Proposed Bill 6329, we are in favor of that, closing of schools on election day.

REP. GREEN: Mike, pardon me, can't it be optional?

MR. ENOS: All I can say, we have no objection to it. And Committee Bill 6334, UNIFORM MODERATORS RETURN. The way it reads here, this just concerns state elections - should be uniform..

REP. LOWDEN: You want it to include municipal elections?

MR. ENOS: Yes. That's it as far as I go, sir.

REP. LOWDEN: Any questions from Mr. Enos? Thank you. The next speaker on our list is Mrs. Nancy Tatano.

NANCY TATANO, STAMFORD, VICE-PRESIDENT OF REGISTRAR OF VOTERS: Bill Murphy will speak on the group of bills for the association but I would like to comment on this bill, in particular, because I think it is the most important bill in my opinion. That's Bill 396, to permit registrars of voters of any town to provide for central counting.

REP. LOWDEN: May I ask a question of you people who are here to testify just to get your thinking on it. Do you think it would be more businesslike if we took one bill at a time or would you rather go through the speaker's list as we do now and skip around from bill to bill? Do you have any feeling on it? (Suggestions from audience)

MRS. TATANO: I think it's good though. We're covering a lot more at one hearing. It's far more difficult for you unless it were in numerical order.

On commenting on this central counting on absentee ballots, first of all, the absentee ballot counters going out to the polling areas hold up the lines and this they have to do in order to get their names checked off the list. So in a Presidential election or a state election, it really is bad. Hours and hours of standing trying to get - holding up the voters - and this is holding up the process of voters at polling areas. Also, the sets of counters, as it stands now, up to eight o'clock at night the counters turns over to registrars of voters absentee ballots and the registrars must see that the counters go out again to various polling areas, 24 to 40 districts in some of the towns, I know we have 24 in the state elections, and at that time, they have to travel miles and miles and they are holding up the moderators, the assistants, the checkers, also officials, in order to check them off after eight o'clock and in order to count the ballots. Your media is held up. Everyone at eight o'clock is held up. I know in Stamford,

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our moderators didn't get in until almost two o'clock in the morning after the last state election because they had to wait for the counters to go through this procedure.

So, it would be far more simple and everybody seems to be in support of this to have the central counting. I really think this would be a giant step forward. Thank you.

REP. LOWDEN: Do you like this bill as drafted?

MRS. TATANO: I think it's just fine. I really do. Thank you.

REP. LOWDEN: Any questions from the members of the committee?

WILLIAM J. MURPHY, LEGISLATIVE CHAIRMAN, REGISTRAR OF VOTERS ASSOCIATION:

I have these bills in numerical order and I will say either favorable or the few that we are opposed to: All these are favorable: 131, 167, 389, 473, 505, 1282, 1507. Now this is not on your list, 1520, but it's a deadline to receive absentee ballots, we are favorable to it. Also, 5031, 5303, 5345, 5385, 6109, 6112, 6330, 6332 also is not on your list but we favor it - 6334, 6337, 6338, 6340, 6348, 6350, 7800, 7920, 7802, 7807, 7811, 7814, 7815, 7919, 7818, 7927, 7929, 7945 is not on your list, we are in favor of it, 8024, 7820, 8044, 8072, and 8075.

Now, the following bills we oppose: 385, this is the one for the free postage, the voter should pay for his own postage the same as the voter that drives to the polls to pay for his gas. You don't pay for the gas fee, why should the absentee ballots be free, and 391, this is the unofficial checkers for elections - unnecessary - petition candidates are allowed runners and you can't be provided with the necessary lists by the regular party checkers - 1251 - there shouldn't be any non-paid election checkers. They should all be sworn in and paid election officials accountable to the moderators and registrars of voters - no reason for having volunteers, and 7944, we oppose that. That's an ACT CONCERNING IDENTIFICATION CARDS. Absolutely unnecessary.

REP. LOWDEN: Any questions from Mr. Murphy?

REP. WEIGAND: These bills, Mr. Murphy, were they published in the bulletin today?

MR. MURPHY: Most of them were. Six were not on the list. There were some bills here that I have listed which I did not have any copies on and which I didn't speak to. I don't know what they are.

REP. LOWDEN: I might say that by way of identification, we skipped apparently Senator Schwartz, but I'll identify this committee here, I'm Rep. Lowden, House Chairman, gentleman in back is Rep. Weigand, then Rep. Farricielli, Rep. Ambrogio, Rep. Walkovich, Rep. Green, and Rep. Colucci.

REP. LOWDEN: I'll have to apologize because we skipped Mr. John Esposito from on this list. We're having an awful time today so please accept our apologies.

JOHN ESPOSITO, NEW HAVEN, CONNECTICUT: Ladies and gentlemen, each of the five bills that I'll speak to briefly is on the agenda for today. The first bill, No. 7918, I'd like to speak in support of. This is a plot (Committee adjourned for a half hour)

CHARLES MOKRISKI OF DAY, BERRY & HOWARDS: I'm speaking in behalf of the Connecticut Daily Newspaper Association and we'd like to support one bill that is before you today, No. 6350, AN ACT CONCERNING THE RIGHTS OF REPRESENTATIVES OF THE NEWS MEDIA WITHIN POLLING PLACES.

REP. LOWDEN: To behave if we let them.

MR. MOKRISKI: If they don't behave apparently the bill provides that they can be thrown out, Mr. Lowden, I believe the bill is self-explanatory. It grows out as I understand it of incidents of the last election period that was a misunderstanding of the scope of their activities. It expressly permits them to record by word or picture the voting data, give the voters of the state a better idea of the electoral process.

I'd like to speak briefly on Committee Bill 396, AN ACT CONCERNING CENTRAL COUNTING OF ABSENTEE BALLOTS AT ELECTIONS AND PRIMARIES. Again, the bill to me as a voter represents a step forward. So far as the newspapers are concerned, I know some language was worked out between the news media and the Secretary of State, so far as submitting a bill of this sort goes. My preliminary checking seems to be in order. I would call some question to Lines 136 and 137, the problem that I see here is that the central locations for counting of absentee ballots are open to members of the public. I'd like to suggest perhaps subject to getting further input from the Secretary of the State that perhaps the individual polling places where a municipality does not elect to have central counting of ballots be open to members of the news media. I believe this is an objective that the reporters of the Capitol had a couple of years ago. As I said, I'm not sure this is something they conceded in conferences with the Secretary of State in drafting of the bill, but I'd like to at least have it considered that they're access to counting be made broader, and not only in those instances where central location is opted. The problem is, of course, that in small towns or even medium towns where the registrars do not opt for central counting of the absentee ballots, the counting process would not be acceptable to the press, and perhaps, it should be.

I would be very happy to discuss this point with the draftsmen of the bill and with the committee at a further time.

REP. LOWDEN: Would you like to submit to us some suggested language?

MR. MOKRISKI: Suggested language, Mr. Lowden, would be in 136 after the

word, "place" add the words all in caps, AND REPRESENTATIVES OF THE NEWS MEDIA. This it seems to me would harmonize the bill with 6350 where the news media is accorded special protection, under Section 9-236. An alternative way of doing it, of course, would be to eliminate the restriction in Line 137, IF CONDUCTED AT A CENTRAL LOCATION, but that might become unwieldy if the public at-large in addition to the news media were invited in to what could be a very small premises - the counting of absentee ballots and I recognize that problem.

As I said, I'll keep in touch with the committee. This is not a strong point but it is something I think ought to be taken into account. Thank you very much.

MARION GLICKSON, LEAGUE OF WOMEN VOTERS OF CONNECTICUT: Basically, as you know, that we believe in safeguarding the rights of citizens to vote and to vote effectively and knowledgeably.

Bill No. 6341, making a so-called "true" ballot available to the absentee voter, we attach a high priority to. I haven't heard anything against it so far, except as Mrs. Green suggested, the amount of time. Do I understand that 30 days seems agreeable - the gentleman before me --

REP. GREEN: They worked it out.

MS. GLICKSON: It is just dreadfully confusing now, and I who have tried to tell the people how to vote absentee for a number of years finally did it myself this year. I thought it would be a snap but it wasn't. It's complicated and you're terribly afraid that you're going to make a mistake and it will be voided. Also, it would seem to me, a facsimile ballot would simplify the counting for our election officials. They would see right there who instead of having seen an x and then having to look at the other page with the names on it.

Now, Bill 6109, we urge passage of to permit absentee voting in referendum, and of course the true ballot in this case as well.

We support Bill 5031 extending the privilege of absentee voting to those unable to get to the polls because they might be out of town on election day, whatever their reasons.

We continue to be concerned about canvass procedures which we spoke about last week. Provided the canvass is properly executed, we support Bill #1134 to mail absentee ballots automatically to the permanently disabled. There has to be some check that they still indeed are there and not just automatically send them.

To simplify procedured for both the voter and election officials we favor a uniform date of return of absentee ballots. Bill 5303 returning ballots by close of polls on election day would conform to federal requirements for national elections. We think the uniform date for all elections outweighs the disadvantage of late return.

Then everybody would know that it would be one day all the time.

We favor Bill 396 providing for central counting of ballots, because it would protect the secrecy of the absentee vote. At present, there is always the risk that the absentee vote cast in a small town or in a one-party district will be obvious to the party checkers. I know it's your place to ask me questions, but I have to ask Mrs. Green a question. For that reason, we are opposing Bill 7800 permitting the ballot counting three times a day. Unless I have misunderstood the bill, we feel that if it is divided so many times, it is quite possible that say one ballot will be left at the end of the day and everybody will know exactly how that person voted. This is possible. Therefore, the twice a day, while it's a burden on the checkers, we know that, but we're more concerned with the secrecy, and again, the true ballot would help the counting. I assume that this is referring to the counting at the polls, not at the central place.

Bill No. 7929 to permit the staff of the town clerk to process absentee ballots seems reasonable enough, and No. 6332 to require explaining why the absentee form cannot be issued seems only just.

We oppose Bill 7988 requiring the signature of J.P.'s or notaries on absentee ballots as being discriminatory. These officials are not always readily available for those in hospitals or homebound, and their fee imposes an unjust tax on the absentee voter. We much prefer having the signatures of all registered voters on file as a way to prevent fraud. I'll get into that right away.

The League's interest in protecting the rights of a voter does not blind us to the possibilities of abuse. We strongly support the requirements that voters sign in at the polls as provided in Bill 7944. I don't think you have a copy of it here. Rep. Orcutt who came by and I know she went to the House for the vote, it's her bill and she asked me to clarify something. In the proposed bill, it says I believe, "signatures identification cards" and also I believe in your schedule for today, I don't know how the final bill is but she does not mean that people should carry cards with them, and indeed, the League is opposed to that. For instance, in New York as an example which is one of the 21 states that has signature identification, is a card on file when you register and a card in the notebook for instance of the checkers, so that there is you know, you just sign right next to or right under your other signature. We find that when we members come, you know there is always a big turnover, they come from other states, they're appalled that we don't have this kind of checkin. We feel the procedure is simple. I think one of the objections has been that it takes time. I guess our feeling is that it's worth the time, and even showing a card would be, incidentally, we do not favor Bill No. 6335 requiring only voter identifications cards. We feel cards can be lost. They can be transferred or forged. We support very strongly procedure for identification.

We favor Bill 389 in eliminating the dummy machine and substituting a

personally. Bill 471, architectural barriers - it will make my vote a real independent one. As it is now, my husband must go with me to help me up a flight of stairs.

I also would like to recommend Bill 1134 concerning a permanent list of disabled persons for voting purposes. I also think it would help in other matters concerning the handicapped people where a consensus hasn't been taken. Thank you.

REP. LOWDEN: Thank you very much for being so patient.

JEAN HUBBELL, NEWTOWN, REGISTRAR OF VOTERS: I have these in order in the way I was going to speak. No. 396, central counting, very much in favor of central counting. We in Newtown now will have four voting districts. Sometimes in the smaller districts, we only have a few number of absentee ballots, but you have to have two absentee ballot counters in there and it's the time involved. We did have a primary where we had only one ballot in one of those districts. I feel that central counting will make it much faster and it will be far more to the advantage to the registrars certainly in keeping with the time allotment. If you have to take these ballots out at 6 or 7 o'clock when your post office closes, you run around to these different places, you end up where you have all your absentee ballot counters are sitting there and it makes it a little difficult for them because people are crowding around and these ballots are supposed to be kept in secret.

I do object to the gentleman concerning the press being there to observe absentee ballots being counted. The law is very explicit. It says that only your absentee ballots and the election officials meaning the moderator, the registrar of voters. In our town, we have a roped off area where the absentee ballots are counted. I have no objection to the absentee ballots all being counted in one polling place rather than in a secret office, if this is what anyone is referring to. We can still keep one roped off area in one polling place. It would be at the present time the District 1, and in that roped in area, there are only the two absentee ballot counters and the absentee ballots and two large tables. Now, if they need any help, they call the moderator and the moderator goes into that area. No one else goes into that area. And I can see no reason for the press standing crowding up to a table to observe. Where is the secrecy of this person's ballot. They're not allowed to peek behind the curtain if you're pulling down the lever. I think this would be very wrong.

Now, proposed Bill 476 concerning a panel of moderators, I think this is very good. Someone did question what would happen in case of emergency. At the very end of this bill takes care of that, there is a safeguard. I can't see where there would be any problem there.

REP. LOWDEN: I think I asked that question to the Secretary of State, and she didn't know the answer.

MS. HUBBELL: It's right here in your bill. The safeguard is here the way I see it (reading it from the bill) but, like in all cases, if the registrar of

60 years or over. The other part of that is that, relating once again, many of the people who are involved were deprived the right to vote in '73 in New Haven were 60 years and over. That is my concern with that one.

The last one I have, Bill No. 7807 which states that the general statutes be amended to delete the reasons for requesting an absentee ballot, said ballot shall be - shall then be issued to any person requesting the same. Again, I'm repeating myself, I just fail to understand the thinking or the motives, the rationale behind people who are interested in encouraging more people to make use of absentee ballots. As I said before, I think it's part of the responsibility of the legislation to encourage as many people as possible to participate actively. I just don't understand and that what it appears to me to be.

I just would like to thank you very much for the opportunity --

HELEN LITMAN, REGISTRAR FROM GLASTONBURY: On 396, central counting, in my town now, I'm in the process of redistricting, going from three districts to seven, and central counting in trying to tell my forefathers here I guess, you know, asking them for money, what the cost you know telling them right now what the cost for the redistricting and on election day, and that would be of assistance of having it all in one central place.

SEN. SCHWARTZ: It also tends to give some anonymity to -----

MS. LITMAN: Right. That's very good on that. And I'm sure we would have a problem as was stated by the registrar from Newtown.

Closing of schools is a good idea. This is one of the things we thought we were going to have to do and have to ask and they really got up-in-arms, that's bill 6329. We have one school and we have one driveway coming in and when it rains, everyone comes up to pick up their children, they don't want them to go home on a school bus. The police one time took pictures of that and they showed the hazard of a car pulling out and someone else coming in, a voter crossing the street. So, even though I have straightened out as far as the school is concerned, we meet with the Police Department and the Board of Education before our elections anyway, and right now, we're in the process of planning our elections. We have to have a meeting in March. We usually do this two or three times a year. If we did, we wouldn't have any problems at all as far as transportation, you know, with people coming in.

SEN. SCHWARTZ: How do you feel with, have you contemplated any problem with youngsters being home and this tying.....down and not allowing them to get out to vote.

MS. LITMAN: Well, what the parties are saying, at our way it is able to function your polling places a little easier. And their idea, they can't get any polling workers. They get polling workers -----headquarters workers if their children are home, they can't get baby sitters, if they are working, they usually use the high school students who get out early and they're the