

Legislative History for Connecticut Act

HB 5595	PA 125	1978
Senate	1652-1655, 1668	(5 p.)
House	1452-1462 , 2811-2814	(15 p.)
Elections	2, 4-5, 11-14, 24-26, 64	(11 p.)
LAW/LEGISLATIVE REFERENCE DO NOT REMOVE FROM LIBRARY		total 31 p.

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

Connecticut State Library
Compiled 2016

S-133

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1978

VOL. 21
PART 4
1263-1671

Tuesday, April 18, 1978

138.

roc

Polinsky, House chairman of the subcommittee on planning and zoning of the General Law Committee for their yeoman work and my appreciation goes to them for their efforts. The amendment, Mr. President, very simply, after the words, artificial flavoring, adds the word "and", excuse me, strike out the word "and" and insert the word "or". In line 148, insert the following after the word pesticides, artificial fertilizers. I would move the amendment, Mr. President.

the PRESIDENT:

The question is on the amendment. All in favor.
All opposed. The Ayes have it. AMENDMENT A IS ADOPTED.

SENATOR CUTILLO:

On the bill, Mr. President, it very simply defines what is truly, in fact, truly organic foods and other substances such as artificial fertilizer and pesticides. It's a good bill and I believe it should go on the Consent Calendar.

THE PRESIDENT:

Hearing no objection, it shall be done.'

THE CLERK:

Continuing on page seventeen of the Calendar, top item on the page, Cal. 584, Files 258 and 497. Favorable report of the joint standing Committee on Elections. Substitute for House Bill 5595. AN ACT CONCERNING ELECTION COMPLAINTS AND THE REVISION OF PRIMARY PETITION CIRCULATION TO PRECLUDE POSSIBLE FRAUD, as amended by House Amendment Schedules A and B.

THE PRESIDENT:

Wednesday, April 18, 1978

139.

roc

Senator O'Leary.

SENATOR O'LEARY: (7th)

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

THE PRESIDENT:

Will you remark?

SENATOR O'LEARY:

I think there is an amendment on this.

THE CLERK:

The Clerk has Senate Amendment Schedule A, File 497, Substitute for House Bill 5595. LCO 3445 offered by Senator O'Leary. 3445.

SENATOR O'LEARY:

Mr. President, I move the amendment, and if I might summarize it.

THE PRESIDENT:

Will you remark?

SENATOR O'LEARY:

Yes. It is a rather lengthy amendment but I think it can be fairly easily summarized. The bill, -as written, would have required that the circulator of a nominating petition present the petition in person to Registrar of Voters. This amendment will allow the circulator of a petition to acknowledge before a proper authority such as a notary or justice of the peace that they have circulated this petition, that they have

~~We~~ Tuesday, April 18, 1978

140.

roc

witnessed the signature to the petition and upon that acknowledgment, they may then turn the petition in. They do not have to go to the Registrars Office in person, but I believe that we keep the intent of the law that we know exactly who is circulating our petitions and that the persons circulating them realize that they have to do a proper job and that they will be swearing to this fact and signing their name to the petition if they have witnessed these.

THE PRESIDENT:

Any further remarks on the amendment? Senator Johnson.

SENATOR JOHNSON: (6th)

Speaking on the amendment, we have worked closely together and with the Secretary of the State's office and I am convinced that we have maintained the tightness in the bill to accomplish the purposes of the original legislation by adding in the requirement that the number of signatures be attested to also. And I am satisfied with the amendment and hope it will succeed and receive the support of the Senate.

the pRESIDENT:

Any further remarks on the amendment? The question then is on the amendment. All in favor of adopting the amendment. All opposed. The Ayes have it. AMENDMENT A IS ADOPTED.

SENATOR O'LEARY:

Mr. President, I move the acceptance and passage of the bill as amended.

Tuesday, April 18, 1978

141.

roc

THE PRESIDENT:

Will you remark further?

SENATOR O'LEARY:

Yes. The bill addresses itself to several, ah, the correction of several practices which were faulty and these were revealed in the last election. Some concerned the circulation of a petition. This bill would do a number of things to eliminate that. For example, a candidate may not circulate a petition for another candidate of the same party for the same office. A person may not circulate petitions for more than one candidate. That was corrected by the House Amendment. A person may now circulate a petition for all of the individuals on that person's party, and any petition page circulated in violation of the provisions may be rejected by the Secretary of the State. If there are no questions on the bill, I would move it to today's Consent Calendar.

THE PRESIDENT:

Hearing no objection, it shall be done.

SENATOR OWENS: (22nd)

I have no objections, but for the record, may my amendment on that matter be withdrawn, please. I had filed an amendment to it. I asked that it be withdrawn in view of Senator O'Leary's more compact amendment.

THE PRESIDENT:

Your amendment will be withdrawn and hearing no objection the matter will be placed on the Consent Calendar.

Wednesday, April 18, 1978

154.

HB 5840, SB 552, SB 278

SB 165

roc

Page nine - Cal. 471, 510 and 511. Page ten - Cal. 527.

HB 5547, HB 5735

HB 5949

Page eleven - Cal. 533, 534. Page twelve - Cal. 542. Page

SB 626 SB 424

HB 5775, HB 5163,

thirteen - Cal. 557 and 558. Page fourteen - Cal. 561, 563,

HB 5612, HB 5794, HB 5306

HB 5887, HB 5497, HB 5754

564, 565, 566. Page fifteen - Cal. 569, 570, 572. Page

HB 5157, HB 5796

HB 5595

sixteen - Cal. 581 and 583. Page seventeen - Cal. 584.

The rest were roll called.

THE PRESIDENT:

The Clerk please announce an immediate roll call on today's Consent Calendar.

THE CLERK:

An immediate roll call on today's Consent Calendar. Would all senators please return to the chamber to vote on today's Consent Calendar.

THE PRESIDENT:

The machine is open on today's Consent Calendar. The machine is closed and locked. Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, while the vote is being tallied, the Senate will meet tomorrow at one o'clock. There will be a Democratic and I would guess a Republican caucus at 11:30.

THE PRESIDENT:

Today's Consent Calendar:

Those Voting	34
Necessary for Passage . . .	18
Voting Yea	34
Voting Nay	0

THE CONSENT CALENDAR IS PASSED.

H-201

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1978

VOL. 21
PART 4
1251-1713

House of Representatives

Thursday, April 6, 1978

51
mcb

THE DEPUTY SPEAKER:

The Resolution FALLS.

THE CLERK:

Page 9 of the Calendar. Calendar No. 426, substitute for H.B. No. 5595, File No. 258. AN ACT CONCERNING ELECTION COMPLAINTS AND THE REVISION OF PRIMARY PETITION CIRCULATION TO PRECLUDE POSSIBLE FRAUD.

Favorable report of the Committee on Elections.

MR. LOWDEN (146th):

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

THE DEPUTY SPEAKER:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill. Would you remark, sir?

MR. LOWDEN (146th):

Mr. Speaker, I think the Clerk has an amendment identified as LCO No. 358. I would ask that the Clerk call the amendment and if Representative Stevens will accept the microphone, I would ask him to explain the amendment, or if Mr. Stevens would not accept the yield, I shall explain it.

THE DEPUTY SPEAKER:

The Clerk has in his possession LCO No. 358, which shall be designated as House Amendment Schedule "A". Would the Clerk please call and read the amendment.

THE CLERK:

House Amendment Schedule "A", LCO No. 358, offered by Representative Stevens, 119th District.

In line 219 before the word "group" insert the word "another".

MR. LOWDEN (146th):

Mr. Speaker and ladies and gentlemen in the House, this is a simple amendment and it merely clarifies the language in the particular section in which line 219 rests, and I would move its adoption.

THE DEPUTY SPEAKER:

The question is on adoption of House Amendment Schedule "A". Would you remark? All those in favor of House Amendment Schedule "A" will indicate by saying "Aye". Those opposed? House "A" is ADOPTED and ruled technical by the Chair.

Would you remark further on the bill as amended?

MR. LOWDEN (146th):

Mr. Speaker, I believe there is another amendment and I think if Representative Pugliese would identify its number the Clerk might call it. I would then yield to Representative Pugliese to explain the amendment.

MR. PUGLIESE (22nd):

Mr. Speaker, the amendment is LCO No. 3038.

THE DEPUTY SPEAKER:

The Clerk has in his possession LCO 3038 which shall be designated as House Amendment Schedule "B". The Clerk please call and read.

THE CLERK:

House Amendment Schedule "B", LCO No. 3038, offered by Representative Pugliese, 22nd District.

In line 225, strike the words "one candidate or group" and insert the following words "maximum number".

In line 226, strike the words "contained in one primary petition".

House of Representatives

Thursday, April 6, 1978

53
mcb

In lines 226 and 227, strike the words "for the nomination of" and insert the following words "to be nominated by".

MR. PUGLIESE (22nd):

Mr. Speaker, the amendment addresses itself to that portion of the bill that has to do with municipal offices only -- elective municipal offices, and what it does is allow an individual to circulate petitions for more than one candidate as for example in a Council or Aldermanic race, but not more petitions than the number that can be nominated by the party. I move adoption of the amendment.

THE DEPUTY SPEAKER:

The question is on adoption of House Amendment Schedule "B".

Would you remark?

MR. LOWDEN (146th):

Mr. Speaker, the amendment has the approval of the Secretary of State's Elections Group and the Elections Commission at whose behest this bill was raised, and I would support the amendment and urge that it be supported by the members of this body.

THE DEPUTY SPEAKER:

The question is on adoption of House Amendment Schedule "B".

All those in favor indicate by saying "Aye". Those opposed? House "B" is ADOPTED and ruled technical.

Would you remark further on the bill as amended by House Amendments "A" and "B"?

MR. LOWDEN (146th):

Mr. Speaker, this bill contains several provisions aimed at im-

House of Representatives

Thursday, April 6, 1978

54
mcb

proving the remedies available in the event of a contested election and also imposes some restrictions on the circulation of nominating petitions. These are summarized as follows: In sections 1 and 2, sections 1 and 2 pertain to the circulation of petitions for candidates for State and District Offices. They provide (1) that a candidate may not circulate a petition for another candidate of the same party for the same office. (2) A person may not circulate petitions for more than one candidate of the same party for the same office. (3) Provides that any petition page circulated in violation of this provision must be rejected by the Secretary of the State.

Sections 3 and 4 of the bill pertain to the circulation of petitions for candidates for municipal, town committee and delegates to conventions. They provide (1) similar prohibitions as above with regard to circulations for more than one candidate for the same office. (2) That petitions must be submitted to the Registrars by the circulators in person and authenticated by the circulators in the presence of the Registrars. And (3) that any petition circulated in violation of these provisions must be rejected by the Registrars.

Section 5 of the bill permits the Superior Court to issue an order removing a candidate from a ballot before the primary if it is shown that he was improperly on the ballot. These changes are designed to eliminate some specific abuses that have been observed to have occurred during primaries from time to time. By prohibiting circulation of petitions for rival candidates, the bill would prevent the somewhat unfair tactic of siphoning off votes of a strong rival to a weaker one, thereby increasing

House of Representatives

Thursday, April 6, 1978

55
mcb

the circulator's relative strength. The provisions concerning the submission and authentication of petition pages are simply intended to tighten the procedures for insuring authentic signatures.

Sections 6 through 12 of the bill clarify the provisions of the election laws with respect to access to the courts by persons aggrieved by rulings of election officials. In general, they make it clear that any voter, including of course, the candidates themselves may apply to an appropriate court for relief from a ruling of an election official either before or after an election or primary. The sections further make clear that the court may order appropriate remedies including a new election or primary, where warranted by the facts.

(recor
#10

Section 6 pertains to federal elections. Section 7 to State elections, Section 9 to municipal elections and Section 12 to primaries. All these sections are clarifications of existing statutes, namely sections 9-323, 9-324, 9-328, and 9-449 respectively. Section 10 would amend section 9-325 of the election laws to make the language concerning appeals to higher courts consistent with the language changes in other sections of this bill. And it makes it clear that the Supreme Court may establish a procedure for the expeditious hearing of election cases. This bill is strongly supported by the Elections Commission and the Elections Division of the Secretary of State's Office, and I urge your support.

MR. BORDIERE (24th):

Mr. Speaker, a question to the proponent bringing out the bill, through you.

THE DEPUTY SPEAKER:

Please frame your question, sir.

MR. BORDIERE (24th):

Yes, Mr. Speaker. In section 3 starting on line 230 the provisions that the circulator shall submit to the Registrar in person each page that he circulated: What effect would this have on the statute that requires the first one to present the circulations be the first name appearing on the ballot?

MR. LOWDEN (146th):

I'm not quite sure I understand. The circulator can be an individual other than a candidate, so I don't see how your question pertains.

MR. BORDIERE (24th):

All right. Through you, Mr. Speaker. Let's assume that there are 50 circulators to pick up 3,000 signatures. All 50 circulators must they appear at the Registrars collectively or one by one in order to be counted as first to deliver their signatures in order to qualify?

MR. LOWDEN (146th):

Mr. Speaker, I think the answer is that person -- the petitions for the candidate who gets all his petition pages in earlier than the other candidate will be first on the ballot.

MR. BORDIERE (24th):

Mr. Speaker, in commenting on this portion of the bill -- there are many fine points in this bill -- this point in my mind and I have listened to the arguments prior to this while I was in the Committee, I cannot understand in a situation such as New Britain, for example, where we are prone to primaries constantly, there is on the books a statute that says the first

House of Representatives

Thursday, April 6, 1978

57
mcb

one to deliver the petitions filed will be the first on the line. In this situation if you have 50 circulators and they arrive periodically at City Hall, from 8 o'clock in the morning on, how in heaven are you going to have all signatures counted at 8 o'clock if there's a line a mile long with circulators delivering their circulated petitions for various candidates to the Registrar. I submit that this part of the bill is unworkable and it should be amended out of the bill. I must vote against the bill because there will be mass confusion.

I attempted to submit a bill into the Elections Committee this year that would have allowed all candidates to submit their names in during the designated period of say two weeks and have the names taken up by lot to see what position on the machine the names would take. However, being the short session and only committee bills would be raised, I went by the rules. If that bill was raised and eventually passed, this problem would be alleviated.

The other objection is that we like to get all people involved in the election process and therefore you ask friends, neighbors, and concerned citizens to circulate petitions and once they know that on a Monday morning they must take the day off or the morning off in order to personally bring that circulated petition to the Registrar and wait for the clearance, they will refuse to get involved in the process. I think at this point you're going to turn people away, and I really believe that these three lines, 230, 231, and 232 is unworkable and unless we can hold this bill long enough for me to get an amendment to remove this portion of specifically having the circulators bring it back. I'm not against having them notarized on the outside

or anything else, but to personally bring that list to the Registrar, I think is a big inconvenience and it will defeat the whole purpose. So it's my wish at this time to have an amendment prepared for that removal of that portion.

MR. LOWDEN (146th):

Mr. Speaker, I fear that the good Representative and my good friend, Mr. Bordiere's fears are ungrounded. I can't envisage a line a mile long waiting to hand in petition forms to a Registrar. As a matter of fact, the more circulators the fewer signatures you're going to have on your pages, and they can be checked very quickly by the Registrars. I really don't think that the objection is valid.

MR. DESMOND (23rd):

Mr. Speaker, I would point out to Representative Lowden that he doesn't live in New Britain and is not really familiar with the situation as we know it in that town. If it were to happen that there were five candidates seeking to be on the ballot for a particular office, each of them having 25 circulators of his petitions, there would be a line from the fifth floor of City Hall down onto Main Street, and an unworkable situation would be created. I would urge, Representatives, to ask that this item be passed temporarily so an appropriate amendment can be prepared, or I feel that those of us who are in large cities where problems are likely to occur will be first to vote against the entire bill, even though the bill does have many fine points as was pointed out by Representative Bordiere.

THE DEPUTY SPEAKER:

Will you remark further?

House of Representatives

Thursday, April 6, 1978

59
mcb

MR. LOWDEN (146th):

Mr. Speaker, asking for permission to speak for the third time.

THE DEPUTY SPEAKER:

Is there any objection?

MR. LOWDEN (146th):

I do not live in New Britain. I am aware of New Britain's --

THE DEPUTY SPEAKER:

Representative Lowden. Is there any objection to the gentleman from the 146th speaking for the third time? Please proceed, sir.

MR. LOWDEN (146th):

Mr. Speaker and ladies and gentlemen. I do not reside in New Britain, as the fine gentleman has said. I am however aware of some of New Britain's problems and New Britain's reputation. As a matter of fact, the bill before you is designed to correct some abuses that occurred in the City of New Britain. It was not my intention to mention the name of the town, but I think it's been forced upon me. To amend that section would destroy the bill. As I understand it, there were many signature pages, petition pages submitted with different names in with the same handwriting. The requirement that the circulator deliver the petitions to the Registrar in person is designed to discourage a practice which apparently has occurred in some communities.

THE DEPUTY SPEAKER:

Will you remark further?

MR. DESMOND (23rd):

Thank you, Mr. Speaker. My suggestion would be that if a

House of Representatives

Thursday, April 6, 1978

60
mcb

petition form required notarization before being filed, the proper witnessing of the signature would be accomplished. I would move that this item be passed temporarily.

THE DEPUTY SPEAKER:

The question is on passing this item temporarily. Are there any objections? Are there any objections?

MR. LOWDEN (146th):

I object, Mr. Speaker.

THE DEPUTY SPEAKER:

There is an objection. Would you remark on the motion to pass this item temporarily? If not, the Chair will try your minds. All those in favor of the motion indicate by saying "Aye". All those opposed? The Chair is in doubt.

MR. CARRAGHER (5th):

I move that a vote be taken and it be taken by roll call.

THE DEPUTY SPEAKER:

The question is on a roll call vote. All those in favor of a roll call would indicate by saying "Aye". The Chair will try your minds again. All those in favor of a roll call will indicate by saying "Aye". More than twenty percent have answered in the affirmative, and a roll call is in order.

Would you remark further on the motion to pass temporarily? If not, will all the members please take your seats. Would the staff and guests please come to the well of the House. The machine will be open.

The Chair would inform the Chamber that we are now voting on

House of Representatives

Thursday, April 6, 1978

61
mcb

a motion to pass temporarily on Calendar Item 426, substitute for H.B. No. 5595, File No. 258. Have all the members voted? Have all the members voted? Is your vote properly recorded? Is so, the machine will be locked and the Clerk please take a tally.

MRS. WILBER (133rd):

Mr. Speaker, I ask to be recorded in the negative, please.

THE DEPUTY SPEAKER:

The Clerk please note Representative Wilber in the negative.

The Clerk please announce the tally.

(record
#11)

THE CLERK:

Total Number Voting.....	142
Necessary for Passage.....	72
Those Voting Yea.....	100
Those Voting Nay.....	42
Those Absent and Not Voting.....	9

THE DEPUTY SPEAKER:

The bill as amended is PASSED.

MR. SCULLY (75th):

Mr. Speaker, will the Clerk please pull LCO 2523, Senate Joint Resolution No. 144 and read it.

THE DEPUTY SPEAKER:

The Clerk has in his possession LCO 2523, Senate Joint Resolution No. 144. Would the Clerk please call and read?

THE CLERK:

Senate Joint Resolution No. 144. RESOLUTION RECALLING SUBSTITUTE SENATE BILL 189 FROM THE GOVERNOR'S OFFICE. Introduced by Senator Dinielli, 31st District, Representative Scully, 75th District.

H-204

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1978

VOL. 21
PART 7
2621 - 3097

indicate by saying "Aye". Opposed? In the opinion of the Chair, the "Ayes" clearly have it. The bill as amended is PASSED.

THE CLERK:

Page 27 of the Calendar. Calendar No. 426. Substitute for H.B. No. 5595, File Nos. 258 and 497. AN ACT CONCERNING ELECTION COMPLAINTS AND THE REVISION OF PRIMARY PETITION CIRCULATION TO PRECLUDE POSSIBLE FRAUD. As amended by House Amendment Schedules "A" and "B" and Senate Amendment Schedule "A".

Favorable report of the Committee on Elections.

MR. LOWDEN (146th):

Mr. Speaker, I move acceptance and passage.

THE SPEAKER:

The question is on acceptance and passage. Will you remark, sir?

MR. LOWDEN (146th):

Mr. Speaker, the Clerk has Senate Amendment Schedule "A", which is identified by LCO No. 3445. I would ask that the Clerk call the amendment and that I be allowed to summarize.

THE SPEAKER:

The Clerk please call LCO No. 3445, Senate "A".

THE CLERK:

Senate Amendment Schedule "A", LCO No. 3445.

THE SPEAKER:

Is there objection to the request of the gentleman from the 146th for leave of the Chamber to summarize in lieu of the Clerk's

reading? Hearing no such objection, the gentleman from the 146th first to summarize.

MR. LOWDEN (146th):

Mr. Speaker, ladies and gentlemen of the House, the net effect of the Senate Amendment Schedule "A" is to delete from the bill the provision that a petition filed by the circulator must be delivered to the Registrars in persons, and substitutes therefor a requirement that each page of such petition be acknowledged before a person authorized to take acknowledgments. And I move adoption of Senate "A" and I would ask suspension of the rules so that the vote may be taken by voice.

THE SPEAKER:

The question is on adoption of Senate "A" and we will dispose of that motion first after we determine whether there is further colloquy in the adoption of Senate "A", and at a later time we will entertain the motion for suspension in the context of voting by a voice vote in lieu of roll call. Will you remark further on the motion for adoption of Senate "A"? Will you remark further on Senate "A"? If not, the question is on adoption of Senate Amendment Schedule "A", and all those in favor of Senate "A" will indicate by saying "Aye". Opposed?

The Chair will try your minds again. All those in favor of adoption of Senate "A" will indicate by saying "Aye". Opposed? There is no doubt and now -- the standing Greek chorus in Section 4. The "Ayes" have it. Senate "A" is ADOPTED and ruled technical.

Now, will you remark further on the bill as amended and the

Chair will entertain a motion for suspension in context of the roll call.

MR. LOWDEN (146th):

Mr. Speaker, I move passage of the bill as amended by House Amendment Schedules "A" and "B" and Senate Amendment Schedule "A". We have fully discussed this bill last week and I don't think any further discussion is necessary, and I would ask that the rules be suspended so that we may ballot on this by voice.

THE SPEAKER:

Is there objection to the request of the gentleman from the 146th that when the vote be taken it be taken on a voice vote in lieu of a roll call? Is there any such objection? Hearing none, by unanimous leave of the Chamber, the rules are suspended for that particular purpose in the context of this particular bill, and will you remark further on the bill as amended by House Amendment Schedules "A" and "B" and Senate Amendment Schedule "A".

MR. BORDIERE (24th):

Thank you, Mr. Speaker. With this amendment, this is the same bill that I alluded to about a week ago that it was an excellent revision in the election laws, and with the amendment it makes it very workable, and I would expect that everybody will back it. Thank you.

THE SPEAKER:

Will you remark further on the bill as amended? Will you remark? If not, the Chair will make an appropriate announcement. Will you remark further on the bill as amended? If not, the question is on acceptance of the Joint Committee's favorable report and passage of the

House of Representatives

Thursday, April 20, 1978

194
mcb

bill as amended by House "A", House "B", and Senate "A". All those in favor of the motion will indicate by saying "Aye". Opposed? The "Ayes" clearly have it. The bill is PASSED as amended.

(record
#28)

THE CLERK:

Page 28 of the Calendar. Calendar No. 467. H.B. No. 5160,
File Nos. 316 and 496. AN ACT CONCERNING APPROVAL OF SPECIAL PERMIT OR
EXCEPTION BY FAILURE OF PLANNING AND ZONING COMMISSIONS TO ACT WITHIN
PRESCRIBED PERIODS. As amended by House Amendment Schedules "A" and "B"
and Senate Amendment Schedule "A".

Favorable report of the Committee on General Law.

MRS. POLINSKY (38th):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark, madam?

MRS. POLINSKY (38th):

Mr. Speaker, the Clerk has an amendment, Senate Amendment Schedule "A". Would the Clerk please call and read it.

THE SPEAKER:

For the benefit of the Chamber, the Chair would recall and share with the members the fact this is a House Bill which had previously been amended by House Amendment Schedule "A", which amendment was further adopted by the Senate, further amended in the House by House "B", which amendment was adopted by the Senate. The Senate adopted Senate Amendment

JOINT

STANDING

COMMITTEE

HEARINGS

ELECTIONS

1978

INDEX

SECRETARY SCHAFFER (Continued): sufficient authority over the appointment of moderators. I think that this is a matter that very clearly needs rectification by the General Assembly. In order to tighten up and improve procedures involving primary election law violations, I am submitting a proposal which contains several provisions designed to enhance the remedies which are available in cases of contested election. This HB 5595 proposal also involved restrictions on the circulation of nominating petitions. We have recently had a number of problems that are not necessarily new problems, but their cropping up in a dramatic way makes it extremely important I think that we amend the law to be sure that the law takes care of the kinds of holes and gaps that make it possible for almost untenable situation to occur.

I will just view the bills very briefly by citing Raised Committee Bill 316 which concerns itself with absentee ballot counting, would add an additional time period for the counting of absentee ballots. It requests specifically 5:00 P.M. on election day. This is done both at the request of the registrar of the voters of Connecticut and also because we in my office have recognized that it is important that we count absentee ballots several times during the day. We think that this bill will result in a much more convenient and less hectic procedure for completing the absentee vote count by providing a late afternoon count of votes, received by that time, which is the time generally designated after the last mail delivery. Raised Committee Bill 317, which concerns itself with the distribution of absentee ballots provides that the first day that absentee ballots for a primary must be made available to the public, would be the 19th rather than the 21st day. This gives election officials two additional days for printing the ballots and since we now have the printed ballots it has proven necessary in order to avoid the costly overtime and last minute rush. I feel very strongly that the advantages far out weigh the slight shortening of the ballot mail and return period.

The third proposal which is Raised Committee Bill 318, has to do with dummy machines. I think the title of the bill through no fault of the Members of the Committee or myself is somewhat of a misnomer. The bill requires that the sample ballot will be used as a tool for the instruction of voters by election officials in addition to the dummy machine. My first preference would be to do away with the dummies, but since that doesn't seem to be in favor I think that this bill is important because the sample ballot label is actually a much more accurate way of showing voters how the machine actually appears. And if some day the voting machine company delivers, and has promised to come up with a more accurate replication of the voting machine, we may be able to substitute a new dummy for the present

SECRETARY SCHAFFER (Continued): concur strongly with this, that the Saturday after Labor Day is a mandatory voter making session for the Board of Admissions has been extremely poorly attended. People who register at that time cannot vote in the primary which occurs the following week. People do occasionally register at that time and then are very disillusioned to discover that their registration does not allow them to register for the primary. I think it is unnecessary session and I feel that the local officials are already burdened with quite enough voter making sessions and that we can dispense with this one.

Committee Bill 5595, which has to do with election complaints and circulation of primary petitions is the major measure to which I referred before, which I think will help to plug at least most of the gaps which exist in the present system, which is sometimes invitations to fraud.

SEN. O'LEARY: Which bill number?

SECRETARY SCHAFFER: That bill is Bill 5595. Just to summarize the bill as it is written, Sections 1 and 2 pertain to the circulation of petitions for candidates for state and district office. Sections 3 and 4 pertain to the circulation of petitions for candidates for municipal town committees and delegates to conventions. Basically the same ground rules are set-up in both instances. The ground rules are one, that one candidate may not circulate a petition for another candidate of the same party, for the same office. Two, a person may not circulate petitions for more than one candidate of the same party for the same office and three, the Secretaries of State shall reject any petition page circulated in violation of this provision. Section 5 permits the Superior Court to issue an order removing a candidate from a ballot before the primary if it is shown that that candidate was improperly on the ballot. Now these changes are designed to eliminate some specific abuses that have occurred and by prohibiting the circulation of petitions for rival candidates, the bill would present, I think, the somewhat unfair tactics of siphoning off the votes of a strong rival to a weaker one, thereby increasing the circulated relative strength.

Section 6 of the bill pertains to Federal Offices and it basically provides for the same three sanctions. Section 7 pertains to the elections for any state office, sheriff or judges probate and provides the same basic kind of remedies. Section 9 pertains to election for any municipal office with again the same remedy.

SECRETARY SCHAFFER (Continued): This office, in conjunction with the Election Commission, strongly supports these changes and clarifications in the law thus providing a more effective role for the courts in remedying the problems arising in the course of elections, campaigns and primaries.

Raised Committee Bill 5596 which is the forfeiture of electoral privileges provides that a ten day period during which a person has received notice of forfeiting because of conviction of a felony may submit proof that there is a mistake and that he qualifies for restoration of his rights. I support this bill because it makes the process of forfeiture much more fair and because it simplifies the avoidance of erroneous erasures from the registered list.

Committee Bill 5597 which concerns itself with the appointment of moderators to which I referred earlier again is extremely important. Right now registrars and voters are sometimes unfairly castigated for problems that occur in relation to the performance of election officials and most specifically moderators, because registrars do not have the kind of authority that they think they should have in treating moderators at primary. What the bill would specifically say is that the registrar must appoint a moderator who is known to the applicable candidate, but that the registrar is, in his or her judgment, signs that the list of individuals suggested as moderators submitted to that registrar is unsuitable in the registrar's judgment, then the registrar can go beyond the list. I think that this bill will help to insure that only qualified persons will be selected to serve as moderators in primaries and it still, I think, takes into account the sensitivity that candidates feel in the appointment of a moderator in primaries.

Now the House Bill 5592 which provides for the mandatory training of moderators at this point applies only to elections not to primaries. I would be ambitious in asking you to apply it across the board but we must crawl before we walk, we will settle for mandatory training at elections and perhaps can

11
gfv

ELECTIONS

March 7, 1978

REPRESENTATIVE LOWDEN (Continued): Colucci. To my left is Senator Ballen. To his left is Representative Caplan and to his left Representative Green. We have a speaker's list here. If any of you care to sign up to get on the list, please take advantage of it. Are there any other state officials of any kind or nature here that want to be heard on these bills? Mrs. Jacobs. Please identify yourself for the record as you well know.

CLAIRE JACOBS: I'm Claire Jacobs, Vice Chairman of the State Elections Commission. I'm here to support two bills - Raised Committee Belt Bill 5595 and Raised Committee Bill 5592. The Commission feels #3 that Raised Committee 5595 complements the Commission's Legislative Recommendation which is Raised Senate Bill 418 which broadens the scope and procedures of remedies available to the Commission and the Attorney General in seeking relief for election law violations. This bill, if enacted, would prevent many of the abuses which were found to have occurred in the New Britain municipal primaries this past Fall and would also resolve some of the issues of procedure and available remedies which were raised during the course of the court action brought by the Attorney General. Raised Committee Bill 5595 addresses the questionable practice of serious contenders circulating primary petition sheets in order to get spoiler candidates on the ballot. This is made illegal by this bill. This practice, though not prohibited under the present law, serves only to dilute the effectiveness of an individual's vote, especially when as in Connecticut, the winner of the municipal primary can be decided on the basis of a plurality vote rather than a majority. The bill further requires that a circulator of a primary petition sheet should sign that sheet in the presence of the registrar to prevent the submission of unauthorized signatures in the name of the designated circulator. The Commission's investigation in New Britain revealed that many of the sheets submitted were not in fact circulated by the person designated as circulator. There are also sheets to which names have been added after the circulator has signed and submitted those sheets to a third person for delivery to the registrar. Such fraudulent abuses of the petition process would be severely curtailed if the circulator were required to personally attest to the authenticity of those sheets, for which he is accountable, in the presence of the registrar. This bill allows the validating authority, the secretary of the state or the registrar of voters to reject petition sheets which in its determination have been illegally circulated. Under the present statute, the validating authority can reject only petition sheets which are defective in their form of

12
gjb

ELECTIONS

March 7, 1978

CLAIRE JACOBS (Continued): certification and eliminate from the tabulation of necessary signatures those names which do not appear on the party enrollment sheets. This bill would allow the secretary of the state or registrars to look beyond errors of form in the review of petition sheets and reject sheets where substantive violations of the election laws exist. The bill also broadens the statutory grounds on which a contest of an election can be based. Under the present statute, an election or primary may be contested where it is claimed that there was an erroneous ruling made by a moderator on Election Day. This bill provides that an aggrieved party may base a contest on an erroneous ruling made by any election official in connection with the election. It makes little sense to limit an aggrieved party's right to contest an election to errors made by one election official on Election Day, when errors made by any number of election officials on days other than Election Day can have as profound an effect on the final outcome of the election. This bill also provides that any such complaint be heard and decided by any judge of the Superior Court in an expeditious manner. The Committee's Recommendation Number 2 which is Raised Bill 418, will provide the Attorney General with the same remedy and procedures available to aggrieved parties under this bill. The provisions of this bill which give the presiding judge the discretion to order a new election or change an existing election schedule would by statute resolve an issue which Judge Rubinow raised in the New Britain case as to whether the court could interpret its power to grant injunctive relief to include other forms of equitable relief which might be sought in an election contest. I mention that bill although you don't have it before you because they complement each other and should be considered together. The Commission urges you to give this bill as well as the Commission's Recommendation Number 2 priority consideration. It is important that the citizens of the State of Connecticut be given the effective means to prevent the type of fraud and abuses of the election process that occurred in New Britain municipal primaries from ever occurring again. I'd like to speak briefly on Raised Committee Bill 5592. I feel that it is of tremendous importance that moderators be required to attend training sessions. We found in any of our investigations that a moderator has made an erroneous decision and not with willful intent, but because they just lack the training and we feel that any moderator who is going to be that effective on Election Day, when you consider the fact that town clerks and registrars work throughout the whole year setting up an election and wanting it to run smoothly. Then you come to the Election Day and the moderator is queen or king for the day

13
gjjv

ELECTIONS

March 7, 1978

CLAIRE JACOBS (Continued): and has the ultimate decision which could affect a lot of votes. So we feel that those people serving as moderators should be well trained beforehand. So, those are the only two bills I wanted to address myself today.

REPRESENTATIVE LOWDEN: Questions from members of the Committee?

SENATOR O'LEARY: Senator O'Leary, I have one. Could you elaborate on that practice you outlined, that Bill 5595 was designed to eliminate where a serious candidate circulates a petition on behalf of his own opponent, is that correct?

CLAIRE JACOBS: Right.

SENATOR O'LEARY: In a primary? What would that hope to accomplish? How does that work?

CLAIRE JACOBS: Well, in the New Britain primary it was generally felt that the fifth candidate on the ballot who ran very last fifth had -- there was a chance that there was a collusion between that candidate and the one who eventually won because each had circulated a petition for the other and while there was no proof that that had been a factor, it's quite a questionable practice when you figure the serious candidate wants to put on somebody who might be effective against his opponents.

SENATOR O'LEARY: In other words draw votes from the opponents?

CLAIRE JACOBS: Right. In this case it was an ethnic situation where one particular ethnic group is very popular and two candidates went on the ballot and as a result, it was a very close election, but the one who circulated the petition, the one with the ethnic candidate in fact won the election by 30 votes.

REPRESENTATIVE LOWDEN: I would think that that probably might be possibly the only situation under which such a circumstance might arise. Right?

CLAIRE JACOBS: Right.

REPRESENTATIVE LOWDEN: It's the only one I can think of right now. Are there any further questions from the members of the Committee? Thank you, Claire.

CLAIRE JACOBS: Thank you. I'll leave the statement with you.

REPRESENTATIVE LOWDEN: Are there any more representatives of state

REP. LOWDEN (Continued): agencies or commissions who would like to be heard? If not, we will note the arrival of delayed member, Chester Morgan. And we'll get down to the public testimony. The first one on the speaker's list is Mrs. Sandra Finder, speaking for the League of Women Voters.

SANDRA FINDER: Good morning, I'm Sandra Finder, speaking for the Connecticut League of Women Voters, concerning some of the Bills up for consideration by this committee during the current legislative session. We appreciate the opportunity to comment on these proposed legislative Bills and hope that even though the session is short, there will be ample opportunity to pass legislation so vitally needed in this area.

The League of Women Voters commends the intent of Senate Bill #319, which proposes to eliminate the necessity for dating the inner envelope for absentee ballots. We have a long-standing position on expediting and simplifying absentee voting procedures, and this type of proposal certainly works toward accomplishing these goals. This Bill is logical, easy to implement and long overdue in assisting people who must use this ballot to register their electoral preferences. The League whole heartedly supports Senate Bill #5592 which seeks to require mandatory training sessions for moderators, a position we have long encouraged to assure the highest possible confidence of electoral officials at the polls. This type of Bill serves the best interests of the citizens of this state in assuring basic instruction to all who are responsible for conducting elections. We must urge passage of House Bill #5597, along with this Bill, in allowing registrars to choose primary moderators from among the lists submitted to them, as specified in this legislation. The House Bill #5592 would proscribe mandatory training to moderators. This Bill would aid in the selection of these people that registrars would be most qualified and able to benefit from such training. These two Bills passed together would go a long way to ensure a high degree of electoral confidence at the polls. That would benefit citizens gracious enough to give of their time and those who exercise their electoral obligations by voting at the polls. These two Bills would assure qualified moderators trained to understand their responsibilities in carrying out the serious job essential to the democratic process, and we urge their passage. We also would like to say that Secretary of State's comments concerning this Bill were most appropriate and that we hope that this Bill is eventually extended to include training in primary.

The Connecticut League of Women Voters half-heartedly supports

4. Raised Committee Bill 319. Elimination of Date Requirement on Absentee Ballot Form

This bill provides that the mere failure of an absentee voter to date the ballot envelope will not invalidate the ballot. Since the ballot is released by the town clerk in accordance with a statutory timetable and must be returned to the clerk by election day, the date that the voter signs it is really not significant. Therefore, this bill eliminates a technicality that has in the past unnecessarily invalidated some absentee ballots, and we wholeheartedly support it for that reason.

5. Raised Committee Bill 320. Crosstown Registration

This bill provides that a valid registration in one town by a person who resides in another town will be effective on the date he or she applies to register, provided the registration is later approved by the town of residence. Under existing law, the registration does not take effect until later approved by the town of residence, with the result that a delay in the mails may cause the registration to arrive in the town of residence too late. We are in favor of this bill because it rectifies a problem that is not the fault of the individual who makes a timely application to register.

6. Raised Committee Bill 5592. Training of Moderators

This bill requires moderators at elections to attend instruction sessions conducted by the Secretary of the State. This office strongly supports this bill, as we have in the past, because we believe it is vitally important to have moderators who are well trained to perform a sensitive and complex job. The bill also requires voting machine mechanics to attend instruction sessions established or supervised by the Secretary of the State.

7. Raised Committee Bill 5593. Elimination of Voter Making Session on Saturday After Labor Day

This bill eliminates the Saturday after Labor Day as a mandatory voter making session of the board for admission of electors. It has been the experience of the town clerks and registrars with whom we have talked that this session is poorly attended and really unnecessary. Accordingly, we support this change.

8. Raised Committee Bill 5595. Election Complaints and Circulation of Primary Petitions - Prevention of Fraud

This bill contains several provisions aimed at improving the remedies available in the event of a contested election and also imposes some restrictions on the circulation of nominating petitions. These are summarized as follows:

8. (Contd.)

Sections 1 and 2 - These sections pertain to the circulation of petitions for candidates for state and district offices. They provide

- a) a candidate may not circulate a petition for another candidate of the same party for the same office;
- b) a person may not circulate petitions for more than one candidate of the same party for the same office;
- c) the Secretary of the State shall reject any petition page circulated in violation of this provision.

Sections 3 and 4 - These sections pertain to the circulation of petitions for candidates for municipal, town committee, and delegates to conventions. They provide

- a) similar prohibitions as above with regard to circulation for more than one candidate for the same office;
- b) petitions must be submitted to the registrars by the circulators in person and authenticated by the circulators in the presence of the registrars.
- c) the registrars shall reject any petitions circulated in violation of these provisions.

Section 5 - This section permits the superior court to issue an order removing a candidate from a ballot before the primary if it is shown that he was improperly on the ballot.

These changes are designed to eliminate some specific abuses that occurred during primaries held last September, notably in New Britain. By prohibiting circulation of petitions for rival candidates, the bill would prevent the somewhat unfair tactic of siphoning off the votes of a strong rival to a weaker one, thereby increasing the circulator's relative strength.

The provisions concerning the submission and authentication of petition pages are simply intended to tighten the procedures for ensuring authentic signatures.

Section 6 - This section pertains to elections for federal offices. It provides

- a) any elector or candidate may bring a complaint to a judge of the state supreme court concerning a ruling of an election official or an alleged mistake in the vote count;
- b) the complaint may be brought before the election or within 10 days thereafter;
- c) the judge may order a new election or a change in the election schedule.

Section 7 - This section pertains to elections for any state office, sheriff or judge of probate and it provides the same remedies to any elector or candidate in the state superior court.

Section 9 - This section pertains to elections for any municipal office, and it provides the same remedies to any elector or candidate in the state superior court.

Section 11 - This section clarifies the role of the state supreme court in appeals and reservations of questions from the superior court.

Section 13 - This section pertains to primaries, and it provides the same remedies to electors or candidates in superior court.

Our office, in conjunction with the Elections Commission, strongly supports these changes and clarifications in the law as providing a more effective role for the courts in remedying problems arising in the course of campaigns, elections and primaries.

9. Raised Committee Bill 5596. Forfeiture of Electoral Privileges

This bill provides a 10 day period during which a person who has received notice of forfeiture because of conviction of a felony may submit proof that there was a mistake or that he qualifies for restoration of his rights. We support this bill because it makes the process of forfeiture much more fair and because it simplifies the avoidance of erroneous erasures from the registry lists.

10. Raised Committee Bill 5597 - Appointment of Moderators

This bill provides that the registrar shall appoint moderators at primaries from lists submitted by the candidates unless, in the judgment of the registrar, none of the persons on the lists are qualified, in which case the registrar may appoint a person of his own choosing. In that case, the registrar must appoint a moderator who is known to support the applicable candidate.

We support this bill because it will help ensure that only qualified persons will be selected to serve as moderators at primaries. It should be noted here that H.B. 5592, providing mandatory training of moderators, applies only to elections, not primaries.

11. Raised Committee Bill 5598 - Absentee Ballot-Filing with Secretary of the State

This bill provides that absentee ballots must be filed with the Secretary of the State 35 days before an election instead of 20 days as under present law. It also clarifies that corrected ballots must be filed.

Our office supports this bill because it will enable us to review the ballots before they must be available for public distribution (30 days before election).

37
kjj

ELECTIONS

March 10, 1978

SEN. O'LEARY: Outside contracted services ...

WILLIAM COSTERCO: We have a relationship with the Attorney General that we would like to keep as friendly as possible, because he is one of the people that we can refer some of our to, so I think in this case we are following the lead in that respect. If there are no other questions, the next bill is HB 5765. I'm sorry, excuse me, I thought that was up today. SB 418 is the last one that I will be addressing. SB 418 deals specifically with the powers of the Commission and basic relationships between the Commission and other agencies within the state. It really is an ancillary bill in connection with Secretary of State's bill, HB 5595, entitled, An Act Concerning Election Complaints and the Revision of Primary Petition Circulation to Preclude Fraud, and SB 418 arises principally, I think, from the experience that we had in this past fall, with respect to inadvertent Democratic primary. Now this bill would accomplish three things. The first thing it would do would be to formalize an existing relationship with the Secretary of State, the Attorney and the Chief State's Attorney. We found it necessary to deal with all three of these agencies in undertaking our powers. We rely heavily on our communications and good relationship with the Secretary of State for information and also for mutual advice, and secondly, the Chief State's Attorney and the Attorney General are the two agencies that we must turn to in order to attempt to enforce the results of the investigations that we undertake.

The language here creates a formal consulting relationship so that anybody who may be charged with a violation of a law, would not have a claim that he would be in any way prejudice by virtue of the fact that during the investigation of the violation that we consulted with both the State's Attorney and Attorney General, or the Secretary of State in order to finalize our recommendations regarding either prosecution or civil action. That's the first thing that the bill would accomplish.

Secondly, as you know, the statutes are now drafted with respect to our own power to investigate matters where civil relief would be the outcome. This only provides that injunctive relief be sought by the Attorney General upon our recommendation. The second provision would allow other ancillary equitable relief in addition to injunctive relief to be sought by the Attorney General.