

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.)
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1978

VOL. 21
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1263-1671

Tuesday, April 18, 1978

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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.

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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

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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.

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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.

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HB 5840, SB 552, SB 278

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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

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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

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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.

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1251-1713

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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".

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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-

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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

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.

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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