

Legislative History for Connecticut Act

HB 5594	PA 153 scem	1978
Senate 1753-1754, 1791-1793		(5p)
House 1225-1237, 1304-1312		(22p)
Elections		
LAW/LEGISLATIVE REFERENCE DO NOT REMOVE FROM LIBRARY		27p.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS

1978

VOL. 21

PART 5

1672-2081

Wednesday, April 19, 1978

THE CLERK:

Continuing on page 10 of the calendar, calendar 556, File 451 Favorable Report of the Joint Standing Committee on Judiciary. Substitute for Senate Bill 549, An Act Eliminating An Ambiguity In Mortgage Deeds For Advances For Other Than Construction Purposes.

SENATOR DEPIANO:

Mr. President, I'm going to ask that that be passed retained.

THE CHAIR:

The matter will be marked passed retained.

THE CLERK:

Calendar 560, Files 246 and 488, Favorable Report of the Joint Standing Committee On Elections. Substitute for House Bill 5594, An Act Making Technical Changes TO The Election Laws, (As Amended by House Amendment Schedules "A" and "C").

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I move acceptance and passage of the bill in concurrence with the House.

THE CHAIR:

Will you comment on it, Senator?

SENATOR O'LEARY:

Yes. There are several small changes here which are not totally technical and I think I should just take one moment to explain them. The bill, by and large, is a technical amendment. One amendment added in the House would prohibit an incumbent from using the (inaudible),

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provides that nominating petitions can be sent to the Secretary of State by first class mail instead of by registered mail, makes uniform the standards used around the State for taking oaths for Justices of the Peace, changes the time requirement for making changes and corrections in the registry list from fourteen days before to one day before a caucus or convention, clarifies that anyone who cannot physically enter a polling place may apply for an absentee ballot. All of the other changes in the law are purely of a technical nature. If there's no objection to this bill, I would move it to today's consent calendar.

THE CHAIR:

Without objection, it is ordered to consent.

THE CLERK:

Continuing on page 10 of the calendar, calendar 567, File 284, Favorable Report of the Joint Standing Committee on Judiciary. Substitute for House Bill 5493, An Act Concerning Enforcement of Subpoena Powers.

SENATOR DEPIANO:

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

THE CHAIR:

Will you comment, Senator?

SENATOR DEPIANO:

Yes. This bill would authorize the superior court to order compliance with a subpoena in those instances in which subpoena powers are granted to an authority by the general statutes or a

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THE CLERK:

Yes, we have another page of the agenda too that we received, Senate Agenda, page 4 that have been distributed. (Transcriber's Note:) This was inadvertently included by me on my pages 6, 7, & 8).

SENATOR LIEBERMAN:

Mr. President, I move for adoption of page 4 of today's agenda pursuant to my earlier motion.

THE CHAIR:

You heard the motion. Objection? All in favor of adopting? Opposed, say nay. Page 4 is adopted, I think.

THE CLERK:

Clerk has received Petition 33 in accordance with provisions of Joint Rule 19, Committee on Appropriations, Substitute Bill 249, entitled An Act Concerning Prisoner Transportation by the Department of Correction. Clerk is ready to go over the consent calendar while we're waiting. On page 2, calendar <sup>SR 66, SR 67</sup> 686, 687, on page 3, all items <sup>SR 68,</sup> SJR 152-155 <sup>SJR 156</sup> <sup>SB 14</sup> on page 4, calendar 693 and 34. On page 5, calendar <sup>SB 112, SB 514, SB 327</sup> 331, 358, 392. On page 6, calendar 418, on page 7, calendar <sup>SB 560</sup> 331, 358, 392. On page 8, calendar <sup>SB 476, SB 497</sup> 530, 531, on page 9, calendar <sup>SB 117</sup> 541 and 553. On page 10, calendar <sup>HB 5694, HB 5493, HB 6857</sup> 560, 567, 568. Page 11, calendar <sup>HB 5849</sup> 571, 585. On page 12, calendar <sup>SB 580</sup> 586, calendars <sup>HB 5307, HB 5310, HB 5602</sup> 603, 604, 605. Page 13, calendar <sup>HB 5081,</sup> HB 5165, HB 5695 <sup>SB 15, SB 255, SB 271, SB 615</sup> 606, 607, 609. Page 14, calendar 626, 628, 629, 630. On page 15, calendar <sup>SB 572, SB 541, SB 621, SB 622</sup> 646, 647, 648, 649 and on page 22, all the items under the heading Resolutions, calendar <sup>SR 53, HJR 56-58</sup> 645, 683, 684 and 685. (Vote on p. 1793)

SENATOR LIEBERMAN:

Mr. President, I would then move for adoption of the Consent Calendar and ask that when the vote be taken, it be taken by roll

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call.

THE CHAIR:

Will you please announce the roll call on consent?

THE CLERK:

Immediate roll call will take place in the Senate on the Consent Calendar. Would all Senators please return to the chamber to vote on today's Consent Calendar.

SENATOR ROME:

Mr. President.

THE CHAIR:

Yes, Senator Rome.

SENATOR ROME:

May I ask leave of the Senate to add one item to the consent calendar. I am a hero worshipper from way back and there is a new hero that I have. He is the only person in the General Assembly or in government in Connecticut that I know who could have participated, let alone finish, the Boston Marathon. My new hero, and I would like to have on the consent calendar our unanimous approval of my hero worship of Wayne Baker, Senator from the 24th, our long distance runner.

THE CHAIR:

It only hurts a little bit Senator Baker to be replaced by you as Lewie Rome's hero. Put that on the consent calendar. All right. Now we're waiting for a roll call. Machine is open. Please vote on the consent calendar.

SENATOR LIEBERMAN:

Mr. President, I hope the Members of the Circle understand that

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we're coming back to the Sunday closing laws after the consent calendar, so they not depart from the Chamber.

SENATOR SULLIVAN:

Mr. President.

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

Will you hold the machine open until I get Senator Flynn? He's right outside.

THE CHAIR:

Certainly, Senator.

SENATOR SULLIVAN:

I think he forgot the announcement.

THE CHAIR:

Certainly, Senator. Machine is closed and locked. 34 total voting, 18 necessary for passage. 34 yeas, 0 nays. Consent is (see p.1791) adopted. Let's come to order again, Ladies and Gentlemen of the Circle. Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I wonder if I might ask Senator Hudson, Members of the Circle, while we are waiting for the copies of the amendment to be distributed if, as we have done in other cases, we could start the debate on the amendment proposed.

SENATOR DEPIANO:

Mr. President, may I recorded in the yea on the consent calendar, please?

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Total number voting . . . . .	142	efr
Necessary for passage . . . . .	72	
Those voting Yea. . . . .	142	
Those voting Nay. . . . .	0	
Those absent and not voting . . . . .	9	

The bill is passed. Are there any announcements at this time.

WILLIAM A. O'NEILL:

Thank you, Mr. Speaker. Yes, there is. There will be a Democratic House caucus in Appropriations 5:00 P.M. today. 5:00 P.M. in Appropriations...Democratic House caucus.

GERALD F. STEVENS:

Mr. Speaker, there will be a Republic House caucus tomorrow morning at 10:00 A.M. in General Law. Thank you.

MR. SPEAKER:

Thank you, sir. Further announcements, points of personal privilege, Journal notations? The Clerk please proceed with the recall of matters passed temporarily.

THE CLERK:

Page 6 of the Calendar, Calendar 414, Substitute for H.B. 5594, File 246, an Act making technical changes to the Election Laws. Favorable report of the Committee on Elections.

ELMER W. LOWDEN:

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

MR. SPEAKER:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill, and will you remark,

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efr

sir?

ELMER W. LOWDEN:

Mr. Speaker, I understand the Clerk has an amendment bearing L.C.O. No. 3020, and I would ask that he call it, and then I should like to yield to Representative Walsh to explain the amendment.

MR. SPEAKER:

The Clerk has in his possession...the Chair has a copy of L.C.O. 3021...and is that the L.C.O. that the gentleman of the 146th cares to have called?

ELMER W. LOWDEN:

Mr. Speaker, that is the number...not the number that my copy bears, but perhaps Representative Walsh could correct me.

MR. SPEAKER:

Is the gentleman of the 146th yielding to the gentleman from the 53rd?

ELMER W. LOWDEN:

Yes, Mr. Speaker.

MR. SPEAKER:

Does the gentleman from the 53rd accept the gentleman's yield?

ROBERT M. WALSH:

I do, Mr. Speaker.

MR. SPEAKER:

And does the gentleman care to offer something?

ROBERT M. WALSH:

Yes, Mr. Speaker. The Clerk has in his possession

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an amendment, L.C.O. No. 3021. May it be called, please. efr

MR. SPEAKER:

Will the Clerk please call L.C.O. No. 3021, House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", L.C.O. 3021.

MR. SPEAKER:

And is it the gentleman from the 53rd's pleasure to seek leave of the chamber to summarize in lieu of Clerk's reading, or to have the Clerk read in the alternative?

ROBERT M. WALSH:

I would request that I be given permission to summarize, Mr. Speaker.

MR. SPEAKER:

Is there objection to the gentleman's request? Hearing none, by leave of the chamber the gentleman from the 53rd to summarize.

ROBERT M. WALSH:

Thank you, Mr. Speaker. This is technically a very simple amendment. What it simply does is require that no person, or corporation, or entity, shall affix or place any advertising matter upon municipally-owned property when it relates directly or indirectly to a primary election. The insertion would take place on line 1,110 of the bill that is before us, and I would move the amendment, sir.

MR. SPEAKER:

The gentleman from the 53rd has moved the amendment,

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and will you remark?

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ROBERT M. WALSH:

Mr. Speaker, I think the amendment speaks for itself.

MR. SPEAKER:

If there are no further remarks on the amendment, the question is on its adoption. All those in favor of House "A" will indicate by saying "aye". Opposed. The "ayes" have it. "A" is adopted. Will you remark further on the bill as amended, and the gentleman of the 146th has the floor.

ELMER W. LOWDEN:

Mr. Speaker, this bill is designed to clear up some technical problems and vague points in various sections of the General Statutes pertaining to Election Laws. Section 1 provides that primary petitions required to be filed with the Secretary of the State by first class mail rather than certified or registered mail, since experience has indicated that first class mail arrives at its destination earlier than certified or registered mail. Section 2 of the bill clarifies the language relative to issuance of absentee ballots. Section 3 clarifies the date by which a person elected Justice of the Peace must take his oath of office. Section 4 of the bill repeats the language from Sec. 9-56 which establishes the cutoff date for enrollment in a political party in order to place all language about cutoff dates in the basic section on the subject, namely, Sec. 9-23. Section 5 removes from Sec. 9-20 reference to Sec. 9-18a, which was repealed in 1976. Section 6 adds to Sec. 9-57 a reference to Sec. 9-12, which was amended in 1977 to include pre-registration of

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17-year-olds. Such pre-registrants are permitted to select a party of their preference if they wish. Section 7 removes from Sec. 9-153 the reference to Sec. 9-151, which was repealed in 1977. Section 8 of the bill removes from the Application of Permanently Physically Disabled Person for Admission as Elector the requirement that the applicant disclose his or her marital status, or maiden name, or the name of her husband. Section 9 deletes from Sec. 9-203 reference to Sec. 7-387, which was repealed in 1969, and clarifies the term of office of members of Boards of Education as commencing at the same time as the terms of other town officers under Sec. 9-187a. Sections 10 through 17 make it clear that the Town Clerk is to handle absentee ballots and not the Municipal Clerk. This parallels the provisions with respect to Presidential ballots. Section 18 conforms procedure for retrieving Presidential ballots to that provided in the case of a regular absentee ballot when the person finds that on Election Day he can vote in person. Sections 19 and 20 conforms procedures for central counting of absentee ballots to that of counting regular ballots by providing that the Municipal Clerk is the clerk involved. Section 21 makes a technical change by referring to absentee electors instead of absentee voters. The word "voter" has a special meaning, since it can also be used to describe a taxpayer who is entitled to vote in a referendum. This section further provides that the counters of absentee ballots not count absentee ballots of persons whose names do not appear on the registry list and shall endorse on said ballots the reason for rejection. Sections 22 and 23 require that

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registry lists be retained for a period of two years, since Sec. efr  
9-42 requires that registrars look at registry lists for two  
previous years when restoring someone's name to the list. Sec-  
tion 24 provides that since under existing law vacancies in  
General Assembly seats are filled at a special election 40 days  
after such election is called by the Governor. Nominations for  
such vacancy may be made by petition submitted to the Town Clerk  
not later than ten days after the call for such special election.  
Since absentee ballots must be available 30 days prior to the  
election, the existing time table allows no time for the print-  
ing of such ballots. This bill provides that petitions must be  
submitted not later than eight days after the call, in order to  
allow two days for printing of absentee ballots. Section 25  
clarifies the time within which a petition for a special elec-  
tion to fill a vacancy on a Board of Selectmen may be filed.

MR. SPEAKER:

Excuse me, sir.

ELMER W. LOWDEN:

Thank you, Mr. Speaker. Section 26 provides that the  
receipt required to be given by the Registrar of Voters to the  
circulator of a primary petition shall be given to the person  
filing the petition, since the petition need not be filed by the  
circulator in person under present law. Section 27 adds to Sec.  
9-64a a reference to 9-42, which is one of the sections of the  
General Statutes dealing with restoring a name to the registry  
list. Section 28 let me comment on as follows. Under present  
law, a newly registered or unaffiliated person may choose to

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enroll with a party up until one day before a caucus or convention. This section provides that the registrars shall bring the enrollment lists up-to-date one day before a caucus or convention in order to have such person's name on the list. Section 29 repeals Sec. 9-57a because its procedure stems from Sec. 9-41, which was repealed in 1971. Sec. 9-8a is repealed because it deals solely with the election of members of the General Assembly in the year 1972. Sec. 9-390a is repealed because it pertains to the election of Town Committee members in 1972 only. Sec. 9-384a is repealed because it refers only to convention calls in 1974. Ladies and gentlemen of the House, I would ask your support of the bill.

JAMES A. SWOMLEY:

Mr. Speaker. Thank you, Mr. Speaker. I was prepared to support this bill. It was an excellent bill, and the Elections Committee Chairman has done an excellent job of explaining the bill in the form in which it came from the Elections Committee. I am disturbed, however, with the amendment which we passed a few moments ago, and I would like to raise some questions regarding the bill now that it has been amended. If Representative Walsh is in the room I would like to direct those questions to him. If not, through you, Mr. Speaker, I would like to direct my questions to the Chairman of the Committee and ask if he would comment on the implications of the amendment to the bill as amended.

MR. SPEAKER:

Before you frame your first question, sir...you have

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the floor. The gentleman of the 17th has the floor, and the  
paripatetic gentleman from the 53rd has graced us with his  
presence, and you...perhaps you could frame your question now to  
either of the gentlemen.

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JAMES A. SWOMLEY:

Thank you, Mr. Speaker. I will address the question to Representative Walsh. The amendment, and I now have a copy of it, states, "nor shall any person, corporation, partnership, incorporated or unincorporated association, or any other legal entity, place or affix any advertising matter on municipally-owned property which relates directly or indirectly to such primary for election." I would like to pose several hypothetical questions. One, if a person has a poster on top of his car and has it parked on municipally-owned property, would this be a violation of this statute?

MR. SPEAKER:

Does the gentleman care to respond?

ROBERT M. WALSH:

Mr. Speaker, through you, no.

MR. SPEAKER:

The gentleman of the 17th has the floor.

JAMES A. SWOMLEY:

If a town is proposing a bond issue and has material relating to that bond issue posted in the town hall or on any other municipal property, would this constitute a violation of this bill as amended with reference to the words "legal entity, place"?

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ROBERT M. WALSH:

Through you, Mr. Speaker.

MR. SPEAKER:

Yes.

ROBERT M. WALSH:

I...it's my understanding that towns in almost every instance put out is bi-partisan material and for information or rather than for partisan purposes, and as such I don't think it would be included within the perview of this amendment.

MR. SPEAKER:

The gentleman of the 17th has the floor.

JAMES A. SWOMLEY:

Yes. I would like to comment on that. The town that I live in, Bloomfield, the town did publish material relating to a bond issue that the town had had placed on the ballot. If this was affixed to town property would this be a violation of this statute?

MR. SPEAKER:

The gentleman care to respond?

ROBERT M. WALSH:

Through you, Mr. Speaker, I can only repeat that if the material is for informational purposes, it's therefore nonpartisan and wouldn't be applicable under this statute.

MR. SPEAKER:

The gentleman of the 17th has the floor.

JAMES A. SWOMLEY:

Thank you, Representative Walsh. I would like, Mr.

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Speaker, to ask Representative Lowden if he would care to comment efr  
on either of the questions that I have posed?

ELMER W. LOWDEN:

Mr. Speaker, through you, I think Representative Walsh has adequately answered the questions pertaining to the amendment, and I don't think I can add anything that he hasn't said.

JAMES A. SWOMLEY:

Thank you very much, sir.

MR. SPEAKER:

You're very welcome, sir. Will you remark further on the bill as amended?

JOHN N. DEMERELL:

Mr. Speaker. Thank you, Mr. Speaker. I believe when Mr. Lowden was first bringing the bill out he mentioned that line 19, which changed from registered or certified mail to first class mail, was changed because evidently first class mail moves faster than the other two. I parenthetically wasn't aware that any of our mail moved very fast. This change does concern me, because it seems to me that we do require a filing deadline of the 28th, and a question through you, Mr. Speaker, to Mr. Lowden.

MR. SPEAKER:

Please frame your question, sir.

JOHN N. DEMERELL:

That I will grant that you did this in the interest of speed. What bothers me, Mr. Lowden, though is in reaching for speed have we, indeed, deprived some protection to the filing

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parties in that they will have no record of having sent this, efr  
which they would have with either registered or certified mail?

MR. SPEAKER:

The gentleman care to respond?

ELMER W. LOWDEN:

Yes, Mr. Speaker, if you'll bear with me for just a moment. Representative DeMerell, I don't find the exact answer. I believe there is, or will be, if we go into other legislation coming out of the Committee, some provision that the postmark will be the governing feature. I cannot swear to that, Mr. DeMerell, and consequently I cannot give you an absolute answer. I suppose there might be a minimum of danger involved.

MR. SPEAKER:

The gentleman of the 35th has the floor.

JOHN N. DEMERELL:

Thank you, Mr. Lowden. Mr. Speaker, I suggest that this may be more than indeed a minimum danger. It does concern me, and it concerns me very greatly. There is the possibility if a postmark is the governing for some reason a particular missile may not be postmarked if it was brought in on the 28th. It may not be postmarked on the 28th, and, indeed, we are charging people to file by a given deadline, and, indeed, I think that the procedure involved should provide protection for that individual, and it should be spelled out, and I think it's unfortunate in the interest of speed, which may be questionable in the first place, that we have taken out the requirement that it be done by either registered or certified mail.

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DOROTHY C. GOODWIN:

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Mr. Speaker. Thank you, Mr. Speaker. Through you a question to the Chairman of the Elections Committee.

MR. SPEAKER:

Please frame your question.

DOROTHY C. GOODWIN:

Mr. Lowden, on page...on line 19, where it takes out "registered or certified" and puts in "first class mail", does that mean that it may not be registered or certified?

MR. SPEAKER:

The gentleman care to respond?

ELMER W. LOWDEN:

The language in the bill, Representative Goodwin, says "and shall forthwith file with such certified sheet in person or by first class mail", and I think the only reading I can give to that is that it should be filed by first class mail.

MR. SPEAKER:

The lady from the 54th has the floor.

DOROTHY C. GOODWIN:

Thank you, Mr. Speaker, and thank you, Mr. Lowden. I think I share Mr. DeMerell's concern about the validity of a postmark. It seems to me I've checked a lot of postmarks lately that have no dates on them at all, and they don't even have the point of origin on them, and I don't really think a postmark is adequate protection unless you go in person and get a receipt for it, which I gather that you can do, and which I surely would do in these circumstances. Thank you, Mr. Speaker.

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MR. SPEAKER:

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Further remarks on the bill as amended?

ELMER W. LOWDEN:

Mr. Speaker, the Committee on Elections is interested in good law. I think valid points have been raised with respect to the first section of this bill, and I personally would be willing to pass this matter temporarily, or pass retain it, while an amendment is drafted to restore the language originally in the bill.

MR. SPEAKER:

Would the gentleman be kind enough to withdraw his request that the matter be passed temporarily?

ELMER W. LOWDEN:

Mr. Speaker, I withdraw my request.

MR. SPEAKER:

Thank you, sir.

NATALIE RAPOPORT:

Mr. Speaker. Thank you, Mr. Speaker. I move that this bill be passed retaining its place on the Calendar.

MR. SPEAKER:

Is there objection? Hearing none, the matter is retained.

THE DEPUTY SPEAKER IN THE CHAIR

MR. SPEAKER:

Are there any announcements or points of personal privilege?

ROBERT J. CARRAGHER:

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the machine will be opened. Have all the members voted?  
If so, the machine will be locked. Clerk, please take the  
tally. Will the Clerk please announce the tally?

Total Number Voting.....143  
Necessary for Passage..... 72

Those voting Yea .....122  
Those voting Nay..... 21  
Those absent and not voting.... 8

THE DEPUTY SPEAKER:

The bill is PASSED.

THE CLERK:

Calendar No. 353. House Joint Res. No. 61.

REP. O'NEILL (34th):

I move this matter be passed retaining its place.

THE DEPUTY SPEAKER:

You heard the motion. Any objection. So ordered.

THE CLERK:

Calendar No. 414. Substitute for House Bill 5594,  
File 246, An Act Making Technical Changes to the Election  
Laws, as amended by House Amendment Schedule "A"  
Favorable report of the Committee on Elections.

REP. LOWDEN (146th):

Acceptance and passage was moved yesterday with  
respect to this bill. A lengthy explanation of the import of  
this bill was given. At my suggestion, the matter was passed  
over until today so that we could study a question raised by  
Rep. DeMerell. I have satisfied myself with respect to that  
question but I understand that Rep. DeMerell has an amendment  
to offer and I believe there's LCO number 2936. I would ask  
that the Clerk call the amendment and I shall be glad to yield

if he will accept the yield to Rep. DeMerell to discuss the amendment.

THE DEPUTY SPEAKER:

The Chamber has before it a bill that has Amendment A previously adopted, yesterday's session; the amendment to be considered is LCO 2936 which the Clerk has in his possession; it shall be designated as House Amendment, Schedule B. Will the Clerk call the amendment?

THE CLERK:

House Amendment Schedule B, LCO 2936.

THE DEPUTY SPEAKER:

Would the gentleman from the 146th please move adoption of the bill.

REP. LOWDEN (146th):

I thought that was done yesterday, Mr. Speaker but I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE DEPUTY SPEAKER:

Thank you, sir. The question before us is acceptance of the Joint Committee's favorable report and passage of the bill. The bill as amended by House Amendment Schedule "A". Does the gentleman from the 35th care to summarize House Amendment Schedule "B".

REP. DeMERELL (35th):

Mr. Speaker, I wonder if the Clerk, it's very short, read the amendment.

THE DEPUTY SPEAKER:

Certainly. Will the Clerk please read.

THE CLERK:

Offered by Rep. DeMerell, 35th District.

In line 19 remove the brackets and delete the words, "FIRST CLASS".

REP. DEMERELL (35th):

Mr. Speaker, I move adoption of the amendment.

THE DEPUTY SPEAKER:

The question is on the adoption of House Amendment Schedule "5B". Would you remark, sir.

REP. DEMERELL (35th):

Yes, thank you, Mr. Speaker. This amendment simply removes the words, "first class" in line 19 and reasserts the words, "registered or certified" so what we are doing basically is returning the bill in this section to its original form and instructing that the mail be sent registered or certified to the Secretary of State. Mr. Speaker, I think we went through the discussion on this at some length yesterday, I would merely state again that where we designate a firm guide line in terms of a date or something to be in the hands of a given State Department. I believe it is in the best interests of the sending party if they have a record that shows their execution. This is exactly what registered or certified mail would do and I believe the bill is better in this amended form.

THE DEPUTY SPEAKER:

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

REP. LOWDEN (146th):

Mr. Speaker, since we left off the discussion of this

bill, yesterday, I've had ample time to give the matter a little more thought and I have concluded that the requirement, that doing away with the requirement of certified or registered mail should be left in the bill, in short, that the amendment is unnecessary and undesirable. I think the amendment certainly would stymie what is thought to be accomplished by this section of the bill and that is to speed up the delivery of the mail. I don't think Mr. DeMerell's amendment is well taken for the reason that there is no reason for the registrar to have evidence of mailing of the list because there's no penalty provided in the event the registrar does not do so and furthermore, because it's the practice of the Secretary of the State's Office to call the registrars in the event in the event that the lists don't arrive in time. and I would, therefore, ask that you reject the amendment.

THE DEPUTY SPEAKER:

Remark further on House Amendment Schedule "B".

Rep. DeMerell speaking for the second time.

REP. DEMERELL (35th):

Mr. Speaker, in addressing myself to Mr. Lowden's remarks. I realize that there's no penalty implied in the bill. On the other hand, I simply think it is prudent for the registrar to have a copy of sending the required information. I think, honestly, since this Chamber was willing to put the passe piece of legislation the other day that required a rent receipt, that it certainly seems to me that it would be (record 7) appropriate to conform by passing this amendment and simply get on with good record keeping. I would also state that in my

mind it is a protective mechanism for the registrar to fall back on should the registrar receive a call from the Secretary of State saying, "where's this report; why haven't you done it; you're derelicting your duty; etcetera; etcetera. I think this does allow the registrar to come back and say, "well, I'm sorry I executed and I mailed on time and I have my copy of the certification or registration form."

THE DEPUTY SPEAKER:

Remark further on House Amendment Schedule "B", if not.

REP. LOWDEN (146th):

Mr. Speaker, I don't think the issue here is whether or not the registrars have evidence of compliance so they can thereby, berate the Secretary of State's office for bawling them out. I think the issue is speedy delivery of the mail and experience has shown that first class mail arrives in a much more expeditious manner than certified mail or registered mail.

THE DEPUTY SPEAKER:

Remark further on House Amendment Schedule "B" if not, all those in favor of House "B" will indicate by saying Aye. Those Opposed? The Chair's in doubt, we'll try your minds once again. All those in favor of House Amendment schedule "B" please indicate by saying Aye. Those Opposed? House "B" is DEFEATED.

Will you remark further on the bill as amended by House Amendment Schedule "A".

REP. SWOMLEY (17th):

Mr. Speaker, I rise for the purpose of offering an amendment. Would the Clerk please call LCO 359.

THE DEPUTY SPEAKER:

The Clerk has LCO 359, it shall be designated as House Amendment Schedule "C". Clerk please call the amendment.

THE CLERK:

House Amendment Schedule "C", LCO 359.

THE DEPUTY SPEAKER:

The gentleman care to seek permission to summarize?

REP. SWOMLEY (17th):

May I ask that the Clerk to read the amendment, it is a very brief one.

THE DEPUTY SPEAKER:

You surely may. Will the Clerk please read.

THE CLERK:

Offered by Rep. Swomley,,17th District.

After section 29, add a new section 30, as follows:

"Sec. 30. No incumbent holding office shall in the three months preceding an election in which he is a candidate for reelection or election to another office use public funds to mail or print distribution flyers or other promotional materials intended to bring about the election or reelection of said person."

Re-number "Sec. 30," as "Sec. 31."

REP. SWOMLEY (17th):

Mr. Speaker, I would like to move the adoption of this amendment.

THE DEPUTY SPEAKER:

The question is on adoption of House Amendment Schedule "C" would you remark, sir?

REP. SWOMLEY (17th):

Thank you. Yesterday we received this bill. Rep. Lowden did an excellent job of presenting the bill. An amendment was offered which was adopted and one which troubles me considerably because I feel it places the balance of power with the incumbent in elections in terms of the amendment which we adopted. The amendment which I offer now I feel will restore at least some balance to the election process. At the present time we have situations where incumbents in state office may use that office to circularize or promote reelection during the period of the election. This amendment I think would eliminate certain abuses real or potential as far as a reelection of a candidate is concerned, and I think it would restore an element of fairness to the election process. I think we have all seen in past elections in this state and in many other states where a candidate may use an office; the postage available to that office; the printing expenses available to that office; send out material or take actions purely designed to influence an election outcome. We have rules in this House that prevent us from taking advantage of this situation, but I think it should apply to all of our state and local offices in Connecticut.

I would, therefore, recommend and urge a vote for this amendment. Thank you.

THE DEPUTY SPEAKER:

Remark further?

REP. SWOMLEY (17th):

And may I ask, Mr. Speaker, that the vote be by roll call when it is taken.

THE DEPUTY SPEAKER:

The question is on a roll call vote. All those in favor of a roll call vote indicate by saying Aye. More than 20 percent have answered in the affirmative, roll call is in order. To remark further on House Amendment Schedule "C".

REP. LOWDEN (146th):

Mr. Speaker, in recognition of Rep. Swomley's excellent cooperation and record and work on the Committee on Elections I'm not going to oppose the bill, the amendment rather, in fact,,I would say unequivocally I support it.

THE DEPUTY SPEAKER:

Will you remark further, if not, will all the members please take your seats. Will the staff and guests please come to the well of the House and the machine will be opened. A roll call vote is in process in the Hall of the House. Have all the members voted and is your vote properly recorded? If so, the machine will be locked. Clerk please take a tally. Clerk please announce the tally.

THE CLERK:

Total Number voting.....	142
Necessary for Adoption.....	72
Those voting Yea.....	142
Those voting Nay.....	0
Those absent and not voting.....	9

THE DEPUTY SPEAKER:

House Amendment "C" is ADOPTED.

Would you remark further on the bill as amended by House "A" AND "C". Remark further, if not, all the members please take their seats and Staff and guests please come to the well of the House and the machine will be opened. A roll

call vote in process in the Hall of the House. Have all the members voted? So, the machine will be locked. Clerk please take a tally. Clerk please announce the tally.

THE CLERK

Total Number Voting.....	141
Necessary for Passage.....	71
Those Voting Yea.....	141
Those Voting Nay.....	0
Those absent and not Voting.....	10

THE DEPUTY SPEAKER:

Bill as amended is PASSED.

THE DEPUTY SPEAKER:

What purpose does the gentleman arise?

REP. GLASSMAN (14th)

For the purposes of an announcement, Mr. Speaker.

THE DEPUTY SPEAKER:

Please proceed, sir.

REP. GLASSMAN (14th):

Thank you, Mr. Speaker. I just like to inform the members of the Education Committee that we will be having an emergency meeting tomorrow at 11:30 in Room 408 to consider a bill that's petitioned out.

THE DEPUTY SPEAKER:

Further announcements, points of personal privilege?

THE CLERK:

Page 4 of the Calendar. S.J.R. 116, Resolution confirming the nomination of Common Pleas Court Judge Roman J. Lexton of New Britain, to be a Judge of the Superior Court. Favorable Report of the Committee on Judiciary.

REP. ABATE (148th):