

Legislative History for Connecticut Act

HB 5831 P.A. 109 1994

Senate 2235-2238, 2340-2342 (7)

House 1611-1613 (3)

GAE: 510, 511-512, 546,
550-553, 555-556
597, 598, 602, 603
605-606 (16)

(267)

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

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1994

VOL. 37
PART 7
2174-2564

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second Go List which will deal with bills that have been Passed Temporarily.

On Page 3, Calendar Item 284, Substitute HB5831, placed on a Go List. On Page 5, Calendar Item 337, Substitute HB5368 is a Go. On Page 7, Calendar Item 368 is a Go.

On Page 7, Calendar Item 370, Substitute HB5367 is a Go. On Page 7, Calendar Item 375, Substitute HB5834 is a Go. On Page 11, Calendar Item 413, Substitute HB5675 is a Go.

On Page 15, Calendar Item 435, Substitute HB5861 is a Go. On Page 16, Calendar Item 436, HB5069 is a Go. On Page 22, Calendar Item 215, Substitute SB255 is a Go. On Page 24, Calendar Item 260, Substitute SB360 is a Go.

On Page 25, Calendar Item 310, Substitute SB298 is a Go. On Page 25, Calendar Item 325, Substitute HB5137 is a Go. On Page 26, Calendar Item 349, SB142 is a Go. On Page 27, Calendar Item 135, Substitute SB276 is a Go. Those are the markings, Madam President.

THE CHAIR:

Thank you very much, Senator DiBella. Mr. Clerk.

THE CLERK:

Turning to Calendar Page 3, Calendar #284, File #329, Substitute HB5831, AN ACT CONCERNING PARTY

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ENROLLMENT. Favorable Report of the Committee on
Government Administration and Elections.

THE CHAIR:

The Chair would recognize Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I move adoption of the
committee's joint favorable report and move adoption of
the bill.

THE CHAIR:

Thank you very much, Senator. Do you wish to
remark further?

SENATOR DIBELLA:

Yes. This bill reduces from 6 to 3 months the
length of time an unaffiliated elector or a person who
has relinquished his voting privileges must wait to
enroll in any political party, vote in a caucus or
primary, or enjoy other privileges of party membership.
The waiting period begins when the application is
filed.

By law, an elector becomes unaffiliated by
requesting that his name be removed from or transferred
from the party enrollment list. An elector
relinquishes his voting privileges by cancelling his
voter registration and party enrollment. The law
continues to allow electors who cancel their voting

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registration to apply at any time.

If there are no further questions, Madam President,
I move this to the Consent Calendar.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

Yes, Madam President, if I might, a question,
through you, to the proponent?

THE CHAIR:

Certainly, sir.

SENATOR FLEMING:

I was wondering if you're an unaffiliated voter,
does the 6 month waiting period to become a party
affiliated voter apply?

SENATOR DIBELLA:

Thank you, Madam President. No, I believe it's 3
months.

SENATOR FLEMING:

Thank you, Madam President.

THE CHAIR:

Thank you. Are there any other questions of
Senator DiBella on Senate Calendar #284? Are there any H135831
further questions? If not, then, yes, Senator
Robertson.

SENATOR ROBERTSON:

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Thank you very much, Madam President. If I could, through you, to Senator DiBella, a question.

THE CHAIR:

Certainly.

SENATOR ROBERTSON:

As I was listening to the conversation, I believe now an unaffiliated voter, there is no time limit for them to register with a party, but I think as you answered Senator Fleming's question, there would now be a three month wait for an unaffiliated voter to join a party?

SENATOR DIBELLA:

I stand corrected. There would be no period of time.

SENATOR ROBERTSON:

Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Robertson. Would anybody else wish to remark on Senate Calendar 284? Are there any further remarks? If not, there's been a motion by Senator DiBella to place this item on the Consent Calendar. If there is no objection. Is there any objection to placing Senate Calendar 284, Substitute for House Bill 5831, on the Consent Calendar? Is there any objection? Hearing none, so ordered.

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Senator DiBella.

SENATOR DIBELLA:

Would the Clerk please read the Consent Calendar,
Madam President?

THE CHAIR:

Thank you very much. Mr. Clerk.

THE CLERK:

An immediate roll call has been ordered in the
Senate on the Consent Calendar. Will all Senators
please return to the Chamber. An immediate roll call
has been ordered in the Senate on the Consent Calendar.
Will all Senators please return to the Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before
the Chamber is Consent Calendar No. 2 for today,
Monday, May 2, 1994. Mr. Clerk, would you please read
the items that have been placed on Consent.

THE CLERK:

Beginning on Calendar Page 2, Calendar No. 267,
Substitute for House Bill 5440. Calendar 271,
Substitute for House Bill 5605.

Calendar Page 3, Calendar 284, Substitute for House
Bill 5831.

Calendar Page 5, Calendar No. 337, Substitute for
House Bill 5368.

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Calendar Page 7, Calendar No. 368, Substitute for
House Bill 5792.

Calendar Page 10, Calendar No. 410, Substitute for
House Bill 5751.

Calendar Page 22, Calendar No. 215, Substitute for
Senate Bill 255.

Calendar Page 24, Calendar 260, Substitute for
Senate Bill 298. Calendar 325, Substitute for House
Bill 5137.

Page 27, Calendar 135, Substitute for Senate Bill
276. Madam President, that completes the second
Consent Calendar.

THE CHAIR:

Thank you very much. You've heard the items that
have been placed on Consent Calendar No. 2. The
machine is closed. You may record your vote.

Senator Milner, Senator Larson, Senator Kissel,
Senator Fleming. Senator Fleming. Have all Senators
voted and are your votes properly recorded? Have all
Senators voted and are your votes properly recorded?
The machine is closed.

The result of the vote:

35	Yea
0	Nay
1	Absent

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The Consent Calendar is adopted.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I'd move we transmit to the House all items that require action in the House.

THE CHAIR:

Thank you very much. You have a motion by Senator DiBella for the immediate transmittal of all items that require the House's action. Is there any objection to his motion? Any objection? Hearing none. Mr. Clerk, I think you have some business on your desk. You have a couple of Agendas, sir. We can't find #4. We didn't have #4.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda #5. However, for those keeping track, I don't believe there was a Senate Agenda #4, for Monday, May 2, 1994.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I move adoption of the Agenda and date it -- what's the date?

THE CHAIR:

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DEPUTY SPEAKER COLEMAN:

The Journal will so note.

Are there any further announcements or Points of Personal Privilege? Any further announcements or Points of Personal Privilege? If not, will the Clerk please return to the Call of the Calendar, Calendar 316, please.

CLERK:

Page 12, Calendar 316, Substitute for House Bill 5831, AN ACT CONCERNING PARTY ENROLLMENT. Favorable Report of the Commission on GAE.

DEPUTY SPEAKER COLEMAN:

The Chair represents the honorable Chairman of the Government, Administration and Elections Committee, Representative Miles Rapoport.

REP. RAPOPORT: (18th)

Thank you very much, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER COLEMAN:

The question is acceptance and passage. Will you remark further?

REP. RAPOPORT: (18th)

Mr. Speaker, yes, I will. This is a bill that came to us from the Secretary of the State's Office which

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was unanimously voted in Committee.

It makes only small change to the election procedures in the state, and that is to reduce the time from six months to three months that an elector can change their parties and have their voting rights become effective.

Six months is one of the longest such periods of any state in the country. This would reduce it to three. I would point out to members of the Chamber that the effective date of the act is January 1st of 1995, so this would have no impact on this year's election.

We are certainly not intending on the Committee to change the rules in the middle of the game, but for future elections, this would be reduced from six months to three months. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Rapoport. Will you remark further on the bill? Will you remark further on the bill? If not, would staff and guests please come to the Well? Members, please be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.
Members, please report to the Chamber. The House is

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voting by roll. Members, to the Chamber please.

DEPUTY SPEAKER COLEMAN:

Have all members voted, and is your vote properly recorded? Please check the board. If all members have voted, the machine will be locked.

Will the Clerk please take a tally?

The Clerk will announce the tally.

CLERK:

House Bill 5831.

Total Number Voting 139

Necessary for Passage 70

Those Voting Yea 128

Those Voting Nay 11

Those absent and not Voting 12

DEPUTY SPEAKER COLEMAN:

The bill is passed.

Will the Clerk please continue the Call of the Calendar?

CLERK:

Page 13, Calendar 319, Substitute for House Bill 5817. AN ACT ESTABLISHING A NON-PROFIT CORPORATION TO MANAGE DEVELOPMENT OF THE SITE OF THE FORMER MANSFIELD TRAINING SCHOOL. Favorable Report of the Committee on GAE.

DEPUTY SPEAKER COLEMAN:

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or in that case, federal interest, could, in protecting the integrity of the electoral system, could justify restrictions on contributions.

The bill does not limit expenditures which are independently made and therefore casino interests could still take out ads promoting casinos. By adopting this bill, and this is what I'd like to make clear today, Connecticut would be joining New Jersey, Iowa and Louisiana as states which limit or restrict casino interest contributions to campaigns.

The bill before you today is modeled on a New Jersey statute which was upheld in 1989 by the New Jersey Supreme Court and I am distributing with my testimony a summary of the restrictions in other states that was prepared by Mary Janicke of OLR.

Finally, the bill also contains a reference to Indian tribes and here I think the bill is defective in that the bill prohibits campaign contributions from all tribes whether or not they are engaged in gaming and I think that is clearly overly broad. There has to be an overwhelming state interest to justify limiting contributions and the mere fact that there's a tribe, which in the future might want to apply for gaming I don't think justifies a restriction. So I would respectfully request that if the bill moves forward, that the references to tribe as such be deleted and that only tribes which are engaged in gaming activities under the federal Indian Gaming Act be included in the limitation. Thank you very much, Mr. Chairman, for letting me speak this afternoon.

REP. RAPOPORT: Thank you very much.

REP. KNOPP: Thank you.

REP. RAPOPORT: (inaudible).

SEC. OF THE STATE PAULINE KEZER: I'm Pauline Kezer, Secretary of the State. Just a quick follow up on the bill just testified by Representative Knopp. HB 5831 HB 5816
I'd say ditto. I think that's a very good idea. SB 365 HB 5818
I'd like to speak on HB 5830, AN ACT ELIMINATING HB 5822 SB 367
PARTY ROWS ON FUTURE VOTING MACHINES.

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This in conjunction with our efforts to approve different types of voting machines for the State of Connecticut to offer municipalities the option of purchasing new equipment when necessary. I want to repeat for the record that nobody is requiring municipalities to buy new voting machines, but a number of municipalities need new equipment and we're attempting to give them a variety of sources to go for that equipment from and one is the (inaudible) ballot you will be hearing testimony later on that will show you the ballot or you may have gotten the configurations already and it means that it's not a party row, but clearly every candidate on that ballot would be listed with their party affiliation, if any, in a very clear and concise way. This is really a very important piece of legislation to moving into the next era or next agenda, if you will, of voting machines for the state and I really urge its support. It's an extremely important piece of legislation for the elections process in the State of Connecticut.

HB5831 is sort of our housekeeping bill for the year. A couple of little things, let me quickly run through them. One has to do with how much it costs to copy materials in our elections office. Right now it's 30 cents a page up to ten pages and then 50 cents afterwards. What we have done is installed copiers in our office to make it easier for customers where they use a debit card and make the number of copies required. That does not allow for a differentiation between price from \$30 to \$50 and that's also higher than the actual cost of producing the copy for the customer. So our recommendation is to go from one flat fee of 25 cents a page and be done with it.

Section 2 gives municipalities two options when there's a vacancy on the ballot either to put a -- have the ballot reprinted or to use a sticker. Again, flexibility on cost and management for the local community.

Section 3 asks for a four year certification of machine mechanics, similar to what we do with the moderator's certification, have them all the same. Section 4 simply says the 75 foot mark, it is not just to promote a candidate, but if you were working against a candidate.

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Evidently there was a case where the language was not specific enough and so you can't do anything within 75 feet for or against someone.

Section 5 talks about the change in time in which a vote may switch enrollment in a major party. It currently is six months. It's far too long. We recommend that it would be three months and this has been before you before and yet it keeps coming up as an issue. People have to determine, for instance, right now, well, it's too late now to determine whether or not you'd want to vote in a primary next September. It's strictly overprohibitive and doesn't encourage people to join political parties or get involved.

Also, I have attached a copy of legislation, additional language for this bill in your packets. This has to do with the pilot of a program called "Kids Voting." It's a program that's been very successful in Arizona, Ohio, etc. in terms of civics education. It's a program where children in grades Kindergarten through 12 learn about voting and the end processes that they accompany their parent to the poll and they actually get to cast the ballot in it and that allows for that to happen. Right now you have to be in fourth grade to be able to go into a polling place. We're just changing the year from Kindergarten to grade 12 and this will not be in every polling place in the state. We have a potential fund to try it in three towns down state.

HB5816, I will say I strongly support. I don't know what you're going to do with it, buy my direct primaries again, and I'll put it before you for as long as I probably live and one of these years it will go somewhere.

SB365, AN ACT CONCERNING JPs, is a bill similar to last year. We're still trying to work out what we're going to do about Justices of the Peace in the state. I will tell you that all the concerned parties met with Judge Dorsey over the interim. It is my opinion and the opinion that was prevalent in the room that day that the proposal that you had last year would not meet the court mandate, so I don't think you could just do that again. I still

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subs to subs than ever existed before in the history of the agency. Their own bill now they don't want.

My recommendation is that this be turned into the circular file. Let's not let the bill sunset, and if anything, let's reduce that money that seems so cumbersome to them, let's reduce it. Let's take it out. Because you know what? There hasn't been one bid under this bill. They've done no auditing. They don't want to do any auditing, because they have to come forward and say that they've never put anything under this.

By the way, the largest construction project in the state of Connecticut that hit the papers throughout the department of transportation building in Newington, they wanted to blame everybody. One agency had the job taken away from them by the Governor's office. The department of public works.

So there's something wrong here and I think you better take a very close look at it, before you approve anything that gives a wide range latitude to the department of public works. Thank you.

REP. RAPOPORT: Any questions?

SHAUN CASHMAN: Thank you.

REP. RAPOPORT: (inaudible) Jim, Eric, Russell, Beverly, Edward, Jan Murtha.

JAN MURTHA: Everybody want to get up and stretch? For the record my name is Jan Murtha president of the Registrar of Voters Association and I'd like to preface my commen's by sta'ing tha' w'en our registrar of voters association legislative committee looks at bills to testify on, we look only at the content of the bill and how it's going to affect us and I think that the first bill I'm going to testify on will explain why I have chosen to preface it that way.

HB 5821
HB 5828
HB 5830
HB 5831

HB5701, AN ACT CONCERNING MEMBERS AND EMPLOYEES OF THE ELECTIONS ENFORCEMENT COMMISSION. We fully support this bill as we feel there would be a definite conflict of interest of an employee/member of the commission, of this very special commission.

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Lines 177 to 180 address voting machine requirements. we support this section as written. HB5830, AN ACT ELIMINATING PARTY ROWS ON FUTURE VOTING MACHINES, we support this bill. HB5831, AN ACT CONCERNING THE COST OF CERTAIN COPIES AND MINOR AMENDMENTS TO THE STATE ELECTIONS LAWS. We really weren't going to testify on this bill until we saw some substitute language that the secretary was bringing in and I think you all have a copy of that.

It has to do with a new section adding to kids voting. Although we basically want to support this concept, we do feel that there has to be some changes. We would like you to take out "may require," the word require has got to come out of there. I know that when the Secretary spoke today, she spoke of a pilot program. However, the way that this language has been drafted that has been given to me, it doesn't indicate pilot program. It indicates it will be done.

And to require this of some towns is almost going to be an impossibility. Other towns it might work out quite well and I will tell you what I told the Secretary of State's Office when they called me on this. In a municipal election, we might be looking for things to do on election day because it's usually so slow.

But in a presidential election, when you got people waiting 45 minutes in line, to an hour in line, we don't have time, to be honest with you, to fool around with something like this. I think we can do some things, but I think it has to be addressed accordingly. I, for instance, have one polling place that I couldn't fit another machine in it. I just about have room for the staff that has to go in this one polling district.

I know in some of the larger cities, where they use, where they have precincts within districts, they use garages, there's just no place for this kind of thing. But something might be worked out. So what my suggestion would be is if there be some substitute language that would say that the Secretary could work out a plan with the local registrars, but not require them to do it.

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I think when you're requiring somebody to do something on election day, when the poll workers, the moderators, the assistant registrars and the registrars already have an incredible amount to do, I think that it's nicer if we can just kind of work it out among us.

Also, this bill talks to voting machines. I don't know if any of us that have that number of spare voting machines in our districts, but it does cost to program those machines and you're talking of a minimum, usually, of \$60 per machine. I know, in my situation, that would mean 4 additional machines, so we're talking around \$240 and in another district, they might have 10 or 20, so you're talking a cost factor to be added to the municipality.

The last comment we have as far as this is concerned, if you decide to pass this section of the bill, which has some good things to it, we totally recommend to you that we follow the same guidelines as we do for unofficial checkers that come into the polling place within the 75 feet on election day, and that is that the registrar be told who's going to be coming in to monitor this table and ballot box, if that's what's going to be used, or machine, and what hours they're going to be there, so that we don't have 20 young people coming in and saying I'm supposed to be here. It's going to cause chaos in the polling place.

After all, our most important thing is that we have to run elections to be fair first of all, to the elector; secondly to the candidate; and thirdly to the political parties. That's the end of my testimony unless you have something you'd like to ask me.

REP. RAPOPORT: Any questions? Representative Kirkley-Bey.

JAN MURTHA: We want you to know that we appreciate that. Okay. Thank you.

REP. RAPOPORT: (inaudible)

JAN MURTHA: You have to work on the wording.

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REP. KIRKLEY-BEY: I just wanted to ask you a question. You said you were in favor, I believe, of this electronic voting stuff. Right?

JAN MURTHA: Yes.

REP. KIRKLEY-BEY: The gentleman before me couldn't answer the question, but I'm saying for those of us who have to have materials in languages other than English and for those of us who are concerned about senior citizens and others, do you think, don't you think this is an overwhelming looking piece of paper?

JAN MURTHA: Well, let me tell you some experience that we've done.

REP. KIRKLEY-BEY: Okay. Maybe you can help me.

JAN MURTHA: First of all, we had in our convention for two years in a row now, we have elected our officers by that voting machine as well as another kind of voting machine. Last year in our convention, we had detailed workshops for the registrars to visit in a presentation by machine companies, all the different kinds of machines that were being presented, and I will be very honest with you and tell you that some registrars liked some machines over other machines.

The reason that we said we would support this is because it gives that registrar in that town the ability to buy that kind of a machine if they so desired to do so. But they may not decide to do that. I have a couple of questions on this machine myself and which I have asked Pauline Kezer to check out. Some of us were privy to a private showing of this machine in the Secretary's Office and at the end of the presentation, I asked how many ballots might go in that first bin, that means we're going to have to count them individually after the polls close at night, because the first bin that it goes into, and perhaps the best thing that your group could do is have Mr. McGivney bring a machine in and do a demonstration for you and it might help answer some of your questions.

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But if somebody doesn't fill the ballot out right, I know he talked today that it can be rejected and you get another ballot and one thing or another. I have little problems with that, personally. I'm not talking about my group; I'm talking about me. But if it does go into the first compartment where it might have to be counted by hand, how many are going to be counted by hand and calculated after the polls close? So therefore it could present a problem.

But the reason we basically support it is because there's lots of machines out there. We're going to another presentation at the Secretary of State's Office on Monday, from another whole new company, and by passing this bill, it does give the latitude of different kinds of machines to be used.

REP. KIRKLEY-BEY: To follow up on that, are you saying that the registrar of voters or whomever, in Hartford, could have something different than New Haven, could have something different than Bloomfield?

JAN MURTHA: Absolutely.

REP. KIRKLEY-BEY: I would think town committees and others would have input. Okay. You've helped me out. Thank you very much.

JAN MURTHA: You're welcome.

REP. RAPOPORT: Thank you, Jan.

JAN MURTHA: You're welcome. Thank you for all being so patient and still staying on a Friday night when it's snowing.

REP. RAPOPORT: (inaudible)

ERIC LORENZINI: Thank you, Mr. Chairman, members of the committee. For the record, my name is Eric Lorenzini, executive director of common cause in Connecticut. We've submitted written testimony in support of three bills. Since you have the written testimony, I'm going to be brief.

HB 5834
HB 5701
HB 5527
HB 5831
HB 5816

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It was probably an oversight that the law was not revised, that the elections enforcement commission law was not revised in the 1980's when the state personnel act was changed. This apparent oversight should be corrected now before a situation arises in which the impartiality of the commission should be questioned.

We believe the restrictions proposed in the bill are reasonable. The ethics commission is currently subject to tighter restrictions on political activity and I would add that, someone had brought up the issue earlier of whether members and employees of the ethics commission can run for municipal office. I'm not sure in the current law what the correct answer to that is, but it did occur to me that the ethics commission regulates municipal office holders. I mean the ethics commission does not regulate municipal office holders, while the elections enforcement commission does.

So there is a distinction there that I think is important. I would add also that these type of restrictions are not unusual, and in fact, many private non-partisan organizations such as common cause, place similar restrictions on the partisan political activities of their employees and officers and common cause has similar and even broader restrictions on the officers and staff.

Finally, concerning HB5816, the direct primary bill, we were disappointed last year that the state senate saw fit to preserve the current archaic, undemocratic system of nominating candidates, and will continue to advocate forcefully for a change in this law. We would hope that the General Assembly would act before the 1996 General Assembly and congressional races and by that time we would have a unified, open, more democratic system of nominating candidates.

Just one other thing I'd like to add is HB5831 concerning the cost of copies. We support the intent of this bill, but believe that the cost should be lowered to 5 cents as proposed in HB5527 for copies at other public agencies. I think the 5 cents is a reasonable figure and I know common cause is looking into purchasing a photocopier

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right now, and I calculated out the cost it's going to cost us, if you look at the machine and the paper and the supplies and everything. The cost we're looking at is 3 cents per copy.

So I think 5 cents certainly should be able to take into account those costs and even a little bit of the labor cost.

REP. RAPOPORT: Any questions for Eric? Thank you.

ERIC LORENZINI: Thank you.

REP. RAPOPORT: Fred Diggle.

FRED DIGGLE: Thank you. My name is Fred Diggle and I'm the administrator of the Foundation for Fair Contracting. I guess by virtue of being last, I'm the person you've been waiting for all day. HB 5833

The Foundation for Fair Contracting, just give you a little background on it. Our mission, first of all, we're a labor-management organization that's been developed to monitor public works construction. Our mission is to preserve quality workmanship and fair competition in the public side of the construction industry.

We've been at it a little over a year now, and I'll tell you, we really have a front seat on the problems that are occurring in the industry today, at least on the public side. The foundation and its supporters, feel that HB5832 is extremely important, not only to the state, but to the Connecticut construction industry as well.

I think everybody agrees here that our state's tax dollars are an extremely important commodity, precious, certainly and government owes it to the taxpayers to protect their tax dollar investments.

By having a contractor data base, data bank, will give the industry a means and warding authorities, a means of identifying those contractors who provide quality products and who abide by the law, and also those who don't. In doing so, the warding authorities at the various levels, the state or municipal level, will ultimately be able to get the best people involved in public works construction.

TESTIMONY OF JEFFREY B. GARFIELD, EXECUTIVE DIRECTOR &
GENERAL COUNSEL OF THE STATE ELECTIONS ENFORCEMENT
COMMISSION FOR A PUBLIC HEARING OF THE
G.A.E. COMMITTEE
March 18, 1994

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RE: H.B. 5818, 5820, 5831 and S.B. 366, 367 HB 5576

I'd like to offer the Commission's comments concerning some of the bills on your agenda today.

The Commission urges your rejection of those provisions in H.B. 5818 which would allow any applicant for an absentee ballot to fax his application to the Town Clerk's office and to receive a ballot without requiring the applicant to provide an application with his original signature. Further, the bill also allows an absentee voter to cast his ballot by fax. We feel that these revisions would greatly increase the opportunity for ballot tampering and undue influence in the absentee voting process. And, should abuses occur, the absence of an original signature on the application and ballot will greatly encumber the Commission's efforts to properly investigate and to enforce the laws. The bill's provisions also greatly diminish the right of secret voting which is guaranteed in Section 5 of Article Sixth of the Connecticut Constitution, as amended by Article XXIV of the Amendments to the Constitution. For the foregoing reasons, we recommend that 5818 not be given any further consideration.

The Commission supports H.B. 5820 and 5831, both of which were submitted by the Secretary of the State. H.B. 5820 makes a reasonable, cost effective provision for the taxpayers, who are not registered voters, to vote in a referendum which is held in conjunction with an election. The bill should result in less confusion for both the taxpayer (voter) and local election

officials and provide greater assurance of the integrity of election results. H.B. 5831 would reduce the cost of copies for election records housed in the Secretary of the State, and make other positive changes in various provisions of the election laws. We recommend that you give these measures your favorable consideration.

The Commission is generally supportive of restrictions on political contributions by gaming interests as found in R.B. 366. Similar restrictions were enacted in New Jersey to eliminate political favoritism or the appearance of favoritism in the casino industry. These restrictions have withstood constitutional challenge. Some of the language of the bill appears to be redundant with existing State and Federal election law. For example, Section 9-333o, General Statutes, already prohibits contributions by business entities. Contributions by foreign nationals in connection with federal, state or local elections are prohibited by 2 U.S.C. 441e. Some revisions to the bill may have to be made to ensure that the restrictions are not overly broad. I would be willing to assist the committee in this endeavor.

Finally, the Commission supports the concept of computerizing campaign finance records housed at the Secretary of the State's Office, as incorporated in S.B. 367. However, we prefer the more detailed plan for computerization which is contained in H.B. 5576.

Thank you for your consideration of these comments.

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PAULINE R. KEZER
Secretary of the State

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**REGISTER
VOTE**
YOU CAN MAKE A DIFFERENCE

TO: Members of the Government Administration and Elections Committee
FROM: Pauline R. Kezer, Secretary of the State *PRK*
DATE: March 18, 1994
RE: Proposed Legislation

HB 5831 HB 5816 SB 365 HB 5818

There are a number of bills before you this afternoon which effect elections in the state of Connecticut. I thank you for having raised the proposals put forth by the Office of the Secretary of the State and take this opportunity to speak to those proposals as well as couple of others now before you.

HB 5830 - AN ACT ELIMINATING PARTY ROWS ON FUTURE VOTING MACHINES

This legislation will assist in bringing voting options to Connecticut municipalities. Within the next couple of years there will be a need for some to purchase new voting machines and it is important that we provide them with a variety of options so that each may decide what best meets their individual needs.

This proposal specifically allows for alteration of the face of the ballot to accomodate a marksense voting machine. The format of the ballot provides for each office to be enclosed in one block with the party label next to the candidate's name, whereas current statute mandates that party designation be placed in the far left margin.

Regulations for both direct recording electronic voting machines (DRE), which are similar in design to the current lever machines, and marksense machines have been approved by the Regulations Review Committee and notices have gone out to the vendors of these products so that they may apply for testing of state and federal standards. Once vendors have met the standards, local officials will be advised of those machines approved for use in Connecticut. The existing lever machines will still be certified for continued use.

Last fall I observed an election in North Carolina which made use of the marksense machines. It was the feeling of the voters with whom I spoke that the ballot was easier to read and they felt closer to the process. I strongly encourage your support of this legislation.

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**HB 5831 - AN ACT CONCERNING THE COST OF CERTAIN COPIES AND MINOR
AMENDMENTS TO THE STATE ELECTION LAWS**

The first section of this bill addresses fees for copies in the Office of the Secretary of the State. Current statute requires a fee of thirty cents per page up to ten pages and fifty cents per copy thereafter. In an effort to improve services to the public, a coin operated copier has been provided for use by the public in the campaign finance division of the office. However, the machine cannot make a distinction in the number of copies being made by an individual. Therefore, the current fee for copies is fifty cents. The proposal of twenty-five cents is more in line with the cost of producing the product.

Section 2 provides municipalities with two options when a vacancy occurs on the ballot. They may either have the ballot reprinted, or with this legislation may have stickers printed that would be affixed in the appropriate position on the ballot. Since vacancies can occur frequently, this is a cost saving measure for municipalities. It is currently allowed for absentee ballots.

Section 3 provides for a uniform four year certification period for machine mechanics, similar to that for moderator's certification.

Section 4 specifies that campaigning AGAINST a candidate is prohibited within the 75' foot mark. Current legislation prohibits only campaigning FOR a candidate.

Section 5 changes the time in which a voter may switch enrollment in a major party. Current statute requires a six month waiting period before participating in the primary of another party. It does not encourage participation in the election process. Six months before a primary many people do not know who will be involved in that primary. I have previously supported a change from the six months to three months and maintain that people want to have a say in who will be on the ballot in the general election.

Attached to my written comments I have provided you with some additional language for this bill which would provide the Secretary of the State with the authority to approve educational programs whose curriculum entails students voting separately, but in the company of a parent at the polls.

Other Legislation:

**HB 5816 - AN ACT PROVIDING FOR DIRECT PRIMARIES FOR STATE AND
DISTRICT OFFICE**

This legislation is the same legislation which was before you last year. More than ever, I believe that the voters of Connecticut have the right to chose who will be on the November ballot and that they are tired of having the party hierarchies tell them what their choices are.

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ADDITIONAL LANGUAGE PROPOSED FOR HB 5831

Section 1. Sec. 9-236a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any town, with the approval of the legislative body of the town or, in the case of a town in which the legislative body is a town meeting, the board of selectmen, may require a spare voting machine to be provided inside any polling place or in a room adjacent to the polling place, for the educational use of students in grades [four] KINDERGARTEN to twelve, inclusive. Upon such approval, the registrars shall establish procedures for the use of the machine, including but not limited to: (1) Location and preparation of the machine, (2) duties of machine tenders and (3) canvassing the returns. Any such machine shall be in addition to the demonstrator or spare voting machine required by section 9-260.

(b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (a), THE SECRETARY OF THE STATE MAY REQUIRE THE USE OF A SPARE VOTING MACHINE OR BALLOT BOX TO BE PROVIDED INSIDE ANY POLLING PLACE OR IN A ROOM ADJACENT TO THE POLLING PLACE FOR USE BY STUDENTS PARTICIPATING IN AN EDUCATIONAL PROGRAM APPROVED BY SAID SECRETARY. BALLOTS USED BY STUDENTS ARE UNOFFICIAL AND REGISTRARS AND POLLING PLACE PERSONNEL ARE NOT REQUIRED TO HANDLE OR COUNT THESE BALLOTS.

Section 2. Section 9-236 of the general statutes is repealed and the following is substituted in lieu thereof:

On the day of any primary, referendum or election, no person shall solicit in behalf of the candidacy of another or himself or in behalf of any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach, except as provided in section 9-294. Nothing contained in this section shall be construed to prohibit parent-teacher associations or parent-teacher organizations from holding bake sales or other fund-raising activities on the day of any primary, referendum or election in any school used as a polling place, provided such sales or activities shall not be held in the room in which the election booths are located. Nothing in this section shall be construed to prohibit the registrars of voters from directing the officials at a primary, referendum or election to distribute, within the restricted area, adhesive labels on which are imprinted the words "I voted Today". (1) The selectmen shall provide suitable markers to indicate the seventy-five foot distance from such entrance. Such markers shall consist of a board resting on an iron rod, which board shall be not less than twelve inches square and painted a bright color and shall bear the figures and letters "75 feet" and the following

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words: "On the day of any primary, referendum or election no person shall solicit in behalf of another or himself or peddle or offer any ballot, advertising matter or circular to another person or loiter within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach." (2) Notwithstanding the provisions of subdivision (1) of this section the selectmen may provide the markers required by the provisions of this section in effect prior to October 1, 1983 except that in the case of a referendum which is not held in conjunction with an election or a primary, the selectmen shall provide the markers required by subdivision (1) of this section. The moderator and his assistants shall meet at least twenty minutes before the opening of a primary, referendum or an election in the voting district, and shall cause to be placed by a police officer or constable, or such other primary or election official as they select, a suitable number of distance markers. Such moderator or any police officer or constable shall prohibit loitering and peddling of tickets within that distance. No person except those permitted or exempt under this section and primary or election officials and party checkers appointed under section 9-235 shall be allowed within any polling place except: for the purpose of casting his vote. Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator. A number of students in grades [four] KINDERGARTEN to twelve, inclusive, not to exceed four at any one time in any one polling place, [may enter any polling place between twelve o'clock noon and three o'clock p.m.] for the purpose of observing the activities taking place therein and, when allowed by the registrars of voters, for the purposes of Section 9-236a, provided there is proper parental or teacher supervision present, and provided further, any such student who in any way interferes with the orderly process of voting shall be evicted by the moderator. An elector may be accompanied into any polling place by one or more children who are ten years of age or younger and supervised by the elector. Any person who violates any provision of this section or, while the polls are open for voting, removes or injures any such distance marker, shall be fined not more than fifty dollars or imprisoned not more than three months or both.