Act Number:	09-170	
Bill Number:	913	
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Will the House please come back to order. And we will return to the call of the Calendar. Will the Clerk please call Calendar number 701.

THE CLERK:

On page 27, Calendar 701, substitute for Senate Bill number 913, AN ACT CONCERNING UNITED STATES SENATE VACANCIES favorable report of the Committee on Appropriations.

DEPUTY SPEAKER ORANGE:

That's quite a welcome to you, Representative Spallone, you have the floor, sir.

REP. SPALLONE (36th):

Thank you, Madam Speaker and good evening.

DEPUTY SPEAKER ORANGE:

Good evening to you.

REP. SPALLONE (36th):

Madam Speaker, I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker. Madam Speaker, this bill gives this General Assembly a unique opportunity in history to help determine how our State would replace a United States Senator in the event of a vacancy that occurs during the term of the Senator whether by death, resignation, elevation to federal office -- higher federal office, or whatever else might occur.

Madam Speaker, the issue has been before this body in the past. Historically when the United States Constitution was amended to allow for the direct election of Senators, this body had approved a law that would allow for the filling of United States Senate vacancies by special election. And that law was changed in the 1940s and we're seeking to return to the way it was between 1939 and 1945 -- I'm sorry -- 1913 and 1945.

Madam Speaker, it's important as we begin the debate to recognize that the amendment to the United States Constitution Article 17 providing for the direct election of a United States Senators provides in part when vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies provided that the legislature of any state may empower the executive thereof to make temporary appointments

until the people fill the vacancies by election of the -- by election as the legislature may direct.

So the default position in that amendment to the Constitution of the United States is to have a special election. And that's what we're attempting to do here, Madam Speaker. I would add that while this issue has been before this body several times over the last two decades it's also frankly been an issue that has been in the news. That attention has been drawn to how states fill Senate vacancies in that President Obama drew a lot of talent from the Senate where he had served to join him in his Cabinet. And he also chose a running mate from the Senate, Senator Biden became Vice President. The Senator from New York, Hillary Clinton, became the Secretary of State. The Senator from Illinois himself was elected President of the United States. A Senator from Colorado was made the Interior Secretary.

And so all around the country states had to grapple with this and as you know in the State of Illinois at the time there was a Governor who was -- had been arrested on corruption charges and the appointment of the replacement for President Obama was tainted. In the State of New York the replacement for Hillary Rodham Clinton became a big media event and there was a lot of criticism of the way the Governor of New York handled

that matter. But fundamentally if we move aside from these issues of what other states might have done and how it looks in the news, this is an issue of the people getting to decide who the United States Senator will be if their Senator resigns or dies in office or otherwise leaves before the end of his or her term.

So it's really a fundamental issue of democracy and in -- when a United States Representative -- Representative in Congress leaves office early we do have a procedure for special elections. Madam Speaker, there's a strike-all amendment that became the bill in the Senate. It was Senate Amendment Schedule A and that becomes the bill. And at this time in order to launch into our debate I would wish to cal the amendment. The Clerk should be in possession of an amendment bearing LCO number 8605 previously designated as Senate A. I ask that he call and I be permitted to summarize.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will the Clerk please call LCO number 8605 previously designated as Senate Amendment A.

THE CLERK:

LCO number 8605, Senate A offered by Senator Slossberg and Representative Spallone.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Any objection? Any objection?

Hearing none, Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker. I'll summarize briefly and then describe the mechanics of the amendment. This amendment repeals the existing law that provides for the Governor to fill Senate vacancies. In most circumstances also allows for election at the next State election. And replaces it with a system that's similar to the replacement of a member of Congress. The amendment also varies from the file copy in making some other changes concerning a rare circumstance where there be a gubernatorial nomination and appointment, establishes a primary date, and makes minor changes to accommodate 150 day election calendar. I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the chamber is on adoption. Will you remark further on Senate Amendment A?

Representative Spallone.

REP. SPALLONE (36th):

Madam Speaker, the -- as I mentioned this amendment becomes the bill and it sets out several scenarios. The most common one would be if there's a vacancy early in a Senator's term there

would be a 150 day special election calendar whereby there would be time to have a primary. If we're talking about having a more democratic process for the replacement of a Senator who leaves office early it's also important that the parties have an opportunity to select the best person for the job and be able to have that debate within their party in an open process.

However, in the interest of practicality of the vacancy occurs closer to the November election there would be conventions of the parties without a primary and then we'd proceed to the general election. Now there are two rare circumstances covered in the amendment where the Governor might still make an appointment. And that would be if the person left office, vacated the United States Senate seat that they were holding after the municipal election or prior to the last year of their term or during that last year of their term. And the reason that there would be no special election is because it would be impractical and it would be a lot of election -- to put it briefly if you had a special election in between November and another election in November. So the Governor would nominate a person who would have to be approved by two thirds of each house of the General Assembly to take office.

The other rare option or opportunity for a gubernatorial appointment, Madam Speaker, would be if a Senator were to -- if

there were a catastrophic event where 50 or more Senator's seats were vacated due to a catastrophic event including those in Connecticut. In that case the Governor could make a nomination to fill that vacancy as provided in the amendment. Madam Speaker, since the amendment becomes the bill and we may some time to debate it this evening, I think it's appropriate to ask that when the vote be taken on the amendment it be taken by roll please.

DEPUTY SPEAKER ORANGE:

The question before the chamber is vote -- roll call vote on the amendment. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

The 20 percent has been met when the vote is taken it will be taken by roll call. Will you care to remark further on Senate Amendment A?

Representative Sawyer.

Representative Hetherington of the 125.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. To the proponent if I may.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP HETHERINGTON (125th):

Thank you. I wonder if the proponent would review more specifically if he will what -- how this amendment differs from the underlying bill. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Madam Speaker, through you to the distinguished Ranking Member of the GA and E Committee the amendment specifically -- the major change that it contains is having the Governor fill the vacancy in the event that the vacancy occurs after the municipal election or during the -- in the year proceeding the Senator's last year of their term or during the Senator's last year of their term. And also making some technical changes to ensure that the 150 day calendar works for the special election. And those are the two primary changes that make the amendment differ from the file copy.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Is that addressed in line 16 through 40 -- 54? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Madam Speaker, through you to Representative Hetherington line 16 through part of 20 are the end of the repealer portion concerning existing law and then lines 20 and proceeding onward establish the schedule for a special election in the case of a vacancy.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

For the purposes of a primary when would a primary take place? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, a primary would take place in the event that at the convention the endorsed -- a person who is not the endorsed candidate received 15 percent of the delegate votes or a person was able to petition for primary pursuant to Connecticut law.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Under what circumstances would the candidate be chose by convention without the possibility of a primary? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

through you, Madam Speaker to Representative Hetherington, that would be if the vacancy occurred between 125 days and 63 days before a regularly scheduled State or municipal election.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

And in that case the decision of the convention would be conclusive. Is that right, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, yes.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

And in that case who would be the delegates to the convention? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, the delegates would be those persons who were chosen as delegates to the last State convention and if there were any vacancies in that convention role those would be filled by the Democratic -- the Democratic or Republican or other party town committees of the towns that had vacancies.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

So, through you, Madam Speaker, those delegates as they were delegated to the last State convention could have been selected three years earlier. Is that right? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, State conventions I believe occur -- they occur when there's a

race for United States Senator. They occur when there's a race for Governor. They also occur for selection of individuals to serve on the Republican or Democratic national committees. So I'm not exactly certain as I stand here but they're no less than four -- no less than every four years but it might actually be every two years that there's a State convention of one kind or another.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

If you would just refresh my recollection, how are those convention delegates chosen? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, it depends upon the rules of the party in question. Many are chosen by Republican or Democratic town committees within the communities that are selecting delegates. In some situations they're chosen by caucus I believe. And in some instances I believe there are even primaries for the selection of delegates.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

And there are super delegates. Are there not, through you, Madam Speaker, who are actually not elected but they're office holders. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington unless I'm mistaken, I believe the only super delegates I'm familiar with are delegates to the Democratic national convention under the Democratic party rules. I don't -- I'm not familiar with super delegates at the State convention although I would stand to be corrected.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. Your understanding, through you, Madam Speaker, at least in the Democratic rules is that in a convention to choose -- yeah, convention to choose a candidate for the U.S. Senate state office holders such as us if you're a Democrat would not be eligible to attend as a super delegate? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, in my experience with the rules of the State Democratic Party, and I have none with the State Republican party, we do not have super delegates at the State Democratic Convention.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

How does a Senate seat become vacant? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, death, resignation would be the ways that a Senate seat would become vacant as contemplated by the bill.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Madam Speaker. If you moved out of the state and established in another states would that -- would that cause your Senate seat to become vacant?

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, the Constitution of the United States is quite clear for qualifications for the United States Senate. They're fairly limited. I don't have that page in front of me right now. I know that they concern age and citizenship. I would have to review the relevant amendment to determine whether there's a residency requirement.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I see. Well, I'm going to have move to comment on this bill but for purposes of the amendment I'm going to conclude my questions and hold further questions and comments until we talk about the bill in chief. Thank you and I thank the proponent.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on the amendment before us?

Representative David Labriola, you have the floor, sir.

REP. LABRIOLA (131st):

Thank you, Madam Speaker, it's good to see you tonight.

DEPUTY SPEAKER ORANGE:

Nice to see you too.

REP. LABRIOLA (131st):

Madam, I rise in opposition to this amendment for many reasons. I believe that the underlying bill would leave us without representation for up to five months, 150 days. I think that it would be extremely costly to the people of Connecticut and that it is simply a power grab and entirely unnecessary certainly this year. Under the proposal for over 150 days -- up to 150 days Connecticut would be without a United States Senator. And particularly for a small state like Connecticut for us to not have a U.S. Senator in the Senate is just a terrible idea.

There's really no reason to do this. If this amendment became law we would be hurting ourselves so dramatically by only having one Senator and having a vacancy for five months. We have such serious fiscal issues here in Connecticut with the budget deficit that's facing us and so many other serious problems for us to be taking up this bill tonight, the night before session ends is really a mistake. And the fact is that having an election -- having an election across the State for the United States Senate vacancy is going to cost the people of Connecticut a lot of money.

So not only are we not dealing with the fiscal problems that we are facing tonight but if we did this -- this new way to fill a Senate vacancy -- if we held a election for Senate vacancies it's going to not only not solve the fiscal problems but it's going to add to them by costing us more money; our municipalities, our taxpayers, the people of Connecticut. We're talking tonight about adding more to their burden, making it more costly.

It's just a really bad idea. Why would we need to do this? What's the crisis? What are we trying to solve? What is the problem? Why do we really have to do this now? We don't. Why do we have to do it this year? Why do we have to do it during this session when we have these serious problems? And why do we have to do it the night before session ends? It makes no sense. It is a brazen power grab. It tinkers with the mechanics of the separation of powers. That's what it is. It's an attempt to grab power from the executive branch. And so, because --

DEPUTY SPEAKER ORANGE:

Excuse me, sir. You're questioning the integrity and we're asking you to speak on just only the amendment please.

REP. LABRIOLA (131st):

That's fine, Madam Speaker. I will. I'm wrapping up my remarks. Because this proposal would leave us with only one

Senator and have us be underrepresented in the United States Senate, it's a disservice to the people of Connecticut. And I'm not questioning the motives. I'm questioning the policy. It's a bad idea. It's particularly bad for Connecticut because we're a small state. It's particularly bad this year because we're facing such fiscal problems. It's particularly bad because we're also not even addressing the real problems that we're facing. And it's particularly bad because it's the night before session ends. That's why it's the policy that I question, Madam Speaker. It's a power grab. It's an attempt to tinker with the separation of powers. And for those reasons I ask that my colleagues oppose the amendment. Thank you.

DEPUTY SPEAKER ORANGE:

Will you care to remark further on the amendment before us? Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, good evening. Thank you very much. If I may just a few questions for the proponent of the bill through you.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. PERILLO (113th):

Thank you. As I try to get a sense of what the cost would

be of the amendment, particularly the cost to small towns. We have heard it said that this will cost money. What do we expect, through you, Madam Speaker, that the cost to municipalities in the State of Connecticut would be to administer the special elections the amendment would require? Thank you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

through you, Madam Speaker, to Representative Perillo, first of all it's important to bear in mind that this last happened that there was a vacancy in the office of the United States Senator in I believe 1949 or 1950 when Governor Bowles appointed William Benton to be a Senator. So with the inflation the cost has changed during that time if we could have had an election then. So 50 years from now is 2059. I'd imagine the numbers will be somewhat different at that time.

I would add that the fiscal note shows in direct answer to the question that in a large city the cost of a special election could range from $75,000 to $85,000, in a medium sized community $10,000 to $15,000, in a small town probably $5,000. I would finally add in answer to the gentleman's question that under current law there could be a special election after the appoint

-- not -- yes there would be an election following that appointment that would out of normal sequence to fill out the remainder of the term. So fiscally I would submit that the bill does not change the political world a great deal.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

thank you, Madam Speaker. And I thank the gentleman for his answer. I don't know that I'm willing to go as far to say that it isn't a financial big deal especially in this day and age where we're seeing municipalities struggling quite a bit. You read in the paper every day -- especially in municipal budget season which we're right in the thick of. In fact we're reaching the end of.

You see municipalities raising their mill rates significantly. We saw in the current fiscal year -- we know there are municipalities out there. Many of us live in municipalities that are experiencing a deficit right now. And I am a little bit concerned about the implications this has on municipalities. And I am little bit concerned that we are going to put this election mandate on municipalities.

And I respect the gentleman's point that this doesn't happen every year. And there's quite a bit of truth in that.

But the reality is it does happen. And we need to be cognizant of that. And I don't think that we can simply say to ourselves and justify this to ourselves by saying, well the odds of having one aren't that great and the mandate's not going to happen on a municipality every year and it's not going to cost a municipality money every year.

We need to recognize the fact that there is a distinct possibility that this is going to cost towns a lot of money. And $75,000 to $85,000 to a large city is a lot of money. And half of that to a medium-sized city is a lot of money, particularly when towns are experiencing challenged financial times. So I think we do need to recognize that. Another question if I may, and I would just sort of -- not being on the gentleman's Committee I wasn't necessarily privy to all the discussion. You know, I was watching television last night and Senator Dodd had a TV ad on. His election is a year and a half away and his reelection campaign -- his reelection is a year and a half away.

I'm just wondering whether or not there was any consideration given to whether or not 150 days is an ample amount of time for a statewide campaign and for a candidate in earnest to get their message out so that the residents of the State of Connecticut can make an educated vote on who they

should elect. I know it's even -- it's extraordinarily challenging, you know, running and winning a special election myself is extraordinarily challenging to get a message out in a very short period of time and this is for district of you know, 13,000 -- 13,5000 registered voters in a -- in a state rep special election.

A statewide election's a different ballgame entirely. So did the GAE Committee, through you, Madam Speaker, give any thought or have any discussion about whether or not we'd be able to give the residents of the State of Connecticut the tools they need to make an educated decision in only 150 days?

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Perillo, that was certainly a consideration. There was -- I don't recall if it was discussion on the record in the public hearing but certainly in discussions with my colleagues and members of the Committee in crafting the legislation there is awareness that a election campaign for United States Senator would be conducted a great deal on television, in the newspapers, and on the internet. And so I think that the message could certainly get

out that the election was happening and in fact the residents might be relieved by a somewhat shorter election calendar.;

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

I would agree with the gentleman that perhaps the residents of the State of Connecticut might not want us on TV and campaigning for a year and a half but -- but I don't know that that necessarily changes the facts of the case. I would ask one more question and especially in light of September 11, 2001 and the severe -- the severe -- the always real risk of terrorist attack of calamatist disaster. I personally am concerned about what would happen to the State of Connecticut's representation if in particular there were a targeted attack on Congress.

Many other states in the U.S. give appointment power to their Governors and would be able to seat Senators relatively quickly. This amendment before us would essentially take that ability away from us as I read it. And how would the gentleman respond to my concern that it is not entirely unrealistic that the State of Connecticut could be left without any Senate representation, not just one but two Senators in the event of a disaster and how this amendment as proposed accounts for that. How it mitigates it. How it deals with it. And how it

necessarily ensures that the State of Connecticut still has the representation it needs in the U.S. Senate.

As we recall the bicameral legislature is designed for a reason. And representation in the Senate is designed for a reason. It's designed to ensure that small states like the State of Connecticut do get equal representation with all other states. It is really a tremendous political tool for the residents of the State of Connecticut to have two Senators. How do we mitigate that? How do we deal with it? And if the gentleman could address that concern of mine I would appreciate it. Through you, Madam Speaker. Thank you.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Perillo, the bill contains a continuity of Congress provision in section 3 which provides that if there were a circumstance where 50 or more United States Senate vacancies occurred amongst the states including Connecticut that the Governor could nominate someone to fill a vacancy occurring -- could nominate someone to fill that vacancy. So there's the continuity of Congress provision that's designed to address the matter of a catastrophic attack on the Congress.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you. Just to get some clarity on that. What would trigger the Governor's ability to make that appointment? What would trigger the continuity clause? Through you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Perillo, section 3 of the bill provides in part that notwithstanding the provisions of sections 9-211 of the General Statutes, in the event that among the states there are 50 or more vacancies in the office of Senator and Congress at any single point in time and one of such vacancies is from Connecticut, the Governor is empowered to fill such vacancy by appointment as provided herein.

DEPUTY SPEAKER ORANGE:

Representative Perillo.

REP. PERILLO (113th):

Madam Speaker, thank you. So, that certainly makes some sense but it begets the question what if it's 40? What if it's

48? What if it's 49? That's a pretty calamitous situation. Yet, it would not trigger the ability of the Governor to make an immediate appointment. The State of Connecticut could be severely underrepresented for almost half a year. And I think that's a matter of concern. I think that's something we need to consider.

We live in dangerous times and that's just the reality. And I think we would be remiss, we would be doing the residents of the State of Connecticut an injustice if indeed we didn't take that severe risk, that always real risk into consideration. And I -- just to make a few closing comments if I could. This is often billed as a move to give choice to the people. The people's choice. And there's some truth in that. There honestly and truly is. There is some truth in that.

But let's not forget that in the system that we have right now, people still have that choice. They always do. There always will be an election. There always will be an opportunity to choose and it seems to me that we forget that. That we neglect the fact that there will be an election, just in the interim there will be an appointment. And that appointment is specific. It's for a reason. It's to ensure that the residents of the State of Connecticut are appropriately and adequately

represented with two Senators, two individuals as the voice of the residents of Connecticut in the U.S. Senate.

This isn't necessarily about you know, giving people choice because we don't give them choice now. The voters of the State of Connecticut always have the right to choose. There will always be an election. But we have an obligation to ensure that the residents of the State of Connecticut are represented and they're represented immediately. And particularly in the world in which we live that they're represented immediately in the event that there is a severe calamity.

And I give credit to the gentleman for all the hard work that I know went into this. We heard about this last year. We've heard about it in previous years but at this time I think we need to be aware of the reality of the world. And I think we need to make sure that the residents of the State of Connecticut are fully represented at all times and I would not support this amendment. And I thank the gentleman for his time and for his answers. And I thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you for your comments, sir. Will you care to remark further on Senate Amendment A?

Representative Lile Gibbons of the 150 district, you have the floor, ma'am.

REP. GIBBONS (150th):

Thank you, Madam Speaker and good evening.

DEPUTY SPEAKER ORANGE:

Good evening to you too.

REP. GIBBONS (150th):

If I may through you please a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please frame your question.

REP. GIBBONS (150th):

May I ask sir, through you please, how many years has the Governor been able to appoint a vacant Senate seat in the State of Connecticut? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Gibbons, since 1945 so that would be 64 years.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you. And through you, Madam Speaker, is this true of all states in the union or is it just true for the State of

Connecticut or is a U.S. Senator vacancy always appointed -- or filled by an appointment through the Governor? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Gibbons, it varies from state to state. The Constitution of the United States provides that vacancies shall be filled by election but provides for the opportunity for temporary appointment by the executive if the state legislature so chooses.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you for that response. And do you know, sir, how many states do allow the Governors to make this appointment? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Gibbons, there is some -- some variation among the states but certainly the vast majority do provide for gubernatorial appointment

although again, there's -- in most cases, an election -- a special election or interim election to fill out the remainder of the term when the next State election rolls around. Through you.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

I thank Representative Spallone for his answer. It is my understanding that generally the Governors do make these appointments. Sometimes if there's three years to fill out then you have to have an interim election but I believe a U.S. Senator serves for six years. So I guess it's not three years. If there's four or five years still to be served then there might be a special election in between. But you cited the case of both Illinois and -- what was the other state -- New York where there was some problems with the gubernatorial appointment this past year.

I think there have been a lot more appointments where there's not been any issue and I would hate to think that Connecticut is doing this just because of the problems with those states. Can you tell me, Representative, please through you, Madam Speaker, why we are trying to bring this up now and is there a certain motive or an agenda as to why we should be

making this -- passing this amendment today. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Gibbons, the majority of the members of the GAE Committee believe that it was good public policy to do so.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker. And I thank the Representative for his answer. I don't happen to agree with the majority members of -- the members of the GAE Committee. I think that this really ends up being a very political debate. I think that if the majority party were the minority party possibly the tables would be turned and we would not be having this discussion. However, this is the bill that came out of the GAE Committee and we will have to see where it goes from here. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on the amendment?

Representative Arthur O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And if I may a few questions for the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please frame your question, sir.

REP. O'NEILL (69th):

First question I would ask is related to the frequency or the commonness of this type of proposal that's before us this evening. I was wondering how many other states use a special election procedure such as the one that's being proposed here this evening. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, Senate Judiciary Committee and the subcommittee on the constitution did a study and divided the states into several categories. There are 45 states that provide for appointments, eight states provide for quick, special elections with interim gubernatorial appointments, and the remaining 37 permit the appointments to serve till the next election. There are four

states that require the appointee to be from the same party as the previous incumbent.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So then, if -- and I always distrust my math, but if I understood the answer correctly 90 percent of the states provide for a gubernatorial appointment in the first instance and a vast majority of states provide for the full two years until the next regularly scheduled election. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, four states require special election, 45 provide for temporary appointments by Governors and the status in Alaska is somewhat unclear.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

So it appears then that Connecticut stands today in the majority of the states across the country in that we have a

gubernatorial appointment to fill a vacancy in the U.S. Senate. And we know -- and I would -- that Illinois obviously is one of those states because of the scandal that occurred surrounding the appointment of Senator Burr by then Governor Blagojevich. Has Illinois taken action to change the way they choose United States Senators? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, a bill was submitted in the legislature in the State of Illinois but it did not so far pass.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And in the State of Delaware, I believe was recited that Vice President Biden was a Senator and had to vacate his Senate seat upon taking the Vice Presidency. And has the State of Delaware changed its process for selecting a -- first of all is the State of Delaware a state where the Governor gets to appoint the replacement Senator? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to the gentleman from Southbury, yes.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And in light of what happened in the State of Illinois with the scandal involving Governor Blagojevich, was -- has the State of Delaware changed the process by which they elect or rather choose a United States Senator to go to an elected instead of an appointed system? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to the best of my knowledge the State of Delaware has not changed its law regarding the appointment or election or an interim United States Senator.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I believe there was mentioned made of the appointment of the Secretary, I believe it's of the Interior, Secretary Salazar was a United States

Senator from the State of Colorado. And is Colorado one of those states that chooses its Senator replacement by way of an appointment by the Governor? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And in light of the scandal that occurred where Governor Blagojevich appeared to be trying to auction off the Senate seat for Senator -- then Senator Obama. Has the State of Colorado taken action to switch from an appointment by the Governor to an election? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, it's my understanding that Connecticut's bill has gotten farther than those introduced in any other states.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. That anticipates my next question which is are there any other states besides Connecticut that, again in light of the scandal that occurred in the State of Illinois where Governor Blagojevich appeared to be auctioning off the U.S. Senate vacancy. Have any other states chosen to switch from being a gubernatorial appointment state to a special election state? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, according to the National Conference of State Legislatures, ten states including Connecticut considered legislation that would reduce or eliminate the Governor's authority to fill a vacancy during this year.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And have any of those bills become law? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, no.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So then Connecticut would be at this date it's June -- it's my understanding from looking at various calendars of state legislatures across the country that most of our sister legislatures are getting done. They're finishing their work. They're pretty close to the same schedule that we have. Some are year round legislatures but most of them like us terminate after five, six, seven months into the year.

So it seems to me that if no other state has enacted this type of legislation that we are likely, if we do it, to be the only state in the whole country that is going to respond to the scandal in Illinois by changing the way we select a replacement United States Senator in the event of a vacancy. I think that that is a strange outcome.

If this is such a serious problem that even Illinois has chosen not to do anything about it by changing the way they choose Senators. They rather chose to get rid of the corrupt Governor who was causing the problem in the State of Illinois. Now, we had a little bit of a discussion of what the costs of

this would be. What is the cost of having the Governor appoint a replacement United States Senator at the present time, if the gentleman knows? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, I believe that the cost is -- would be handled within the available appropriations of the Governor's office because it probably entails issuing a declaration or a letter or signing a writ of appointment. There may be some other costs entailed with conducting interviews and so forth but I believe those would all occur within the normal duties of the Governor.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And if the gentleman knows, what would the cost be for having a statewide special election, including primaries? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, the

fiscal note addresses the costs to municipalities which I recited earlier. And the cost to the State is actually not addressed in the fiscal note except to the potential cost to the Office of Legislative Management for special session in the event of a gubernatorial appointment under the rare circumstance that would occur.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. I guess what I was aiming at was the cost to municipalities if you tallied it up what the statewide cost would be if all 169 municipalities had to participate in special election system which would -- as I understand the bill. Let me stop there. As I understand the bill it is -- it calls for in some but not necessarily all cases for the option of a primary to be held. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, there would be a primary if the vacancy occurs greater than 125 days before a regular election.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So that would mean that between elections approximately 21 months of the time, that is 21 out of the 24 months that separate elections, there would be the option of a primary. And during the last 125 days -- I guess that's -- I'm sorry that's more like four months. So 20 months out of the year there would be a possibility of a primary. For the last four months before the election or thereabouts there would be no primary that would be an option as I understood the answer. So that means most of the time if there were a vacancy that would -- that occurs there would be the possibility of a primary. So, I think we should assume that there might be a primary. There's a pretty good chance that there would be a primary in the event that we have a special election to fill a Senate vacancy.

And so the question then is -- make sure it's properly framed -- what would the cost to the 169 municipalities be if we had, first a primary, and then a general election in order to -- or a special election to fill a Senate -- U.S. Senate vacancy? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, the fiscal note gives ranges; a large city a special election can cost between $75,000, $85,000, for a smaller community $10,000 to $15,000. That would be a medium small town probably less than $10,000. My understanding, the fiscal note does not contain math adding together averages or trying to come up with a figure for the entire costs around the State. And I have not done so personally either.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And so, a medium-sized town, did the fiscal note indicate about how big a town that would be? What they considered a medium-sized town? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, the town listed is the town of Farmington. And if the gentleman wants to -- is prepared to ask me the population of that city -- town, I don't know the size of the town of Farmington.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. My vague recollection from when we last did redistricting and reapportionment was that Farmington got to have pretty much -- not entirely but most of Farmington fits within a single legislative district. I think a small slice of it is in a district that stretches over into West Hartford, if I'm not mistaken. So that would mean Farmington would have a population somewhere in the neighborhood of about 20,000 to 25,000, something like that. And what was the cost if the special election were held in Farmington? If I may ask. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, $10,000 to $15,000.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. So if we take the midpoint of $10,000 to $15,000 that would be about $12,500. And if Farmington is somewhere in

the 20s that would be about -- I would say that would be about an average sized town across the State. The population is 3.5 million and there are 169 towns. It sounds to me like that would make Farmington about an average sized town. So if there were 169 times $12,500, I think that that's about $2.25 million dollars or so. And that would be for the general election. Does the -- does the gentleman know what the cost of a primary might be? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, I don't believe the fiscal note discusses a division there. But when you think about it if both parties had a primary the cost would be very similar to a general election. But if only one party has a primary some of the costs are fixed but they are certainly reduced. Fewer workers are needed. Less space is needed. Possibly even fewer polling stations. So while it might not be half, it would certainly be less for a primary if there's only one party having a primary.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. I'll work on the assumption that with the opportunity for a U.S. Senate vacancy that there'd be a lot of competition and interest by people to seek that office. So I'm going to assume that both parties would -- major political parties would have a primary. So I'm going to assume that the total cost is going to be around the same, maybe a bit less than the cost of the general election. So that would mean that we'd be spending something close to $4.25 perhaps $4.5 million in order to have a special election. I'm tempted since I see the Representative from the town of Farmington has reentered the chamber to find out exactly what Farmington's population is but maybe I'll refrain. I don't want to frighten him away.

REP. CAFERO (142nd):

Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero, good evening, sir.

REP. CAFERO (142nd):

Good evening, Madam Speaker. Madam Speaker, I question the existence of a quorum.

DEPUTY SPEAKER ORANGE:

The chamber will stand at ease please.

(Chamber at ease.)

Speaker Donovan in the Chair.

SPEAKER DONOVAN:

In the opinion of the Chair there is a quorum present.

Deputy Speaker Orange in the Chair.

DEPUTY SPEAKER ORANGE:

I believe Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Thank you for remembering. I believe the point that I was making at the time that the quorum was called, was that the cost of doing a special election together with a primary was going to be somewhere on the order of $4.25 to $4.5 million based on the relatively and admittedly rough estimates that we were making based on the -- using Farmington as an average or typical sized community for the entire State of Connecticut.

And so that seems to me at least, Madam Speaker, like an awful lot of money to spend in the process when you compare that with, particularly the current process which is the most common

process across the country, of allowing the Governor to fill this vacancy by a simple appointment of someone to serve for that brief period of time definitely not more than two years, and perhaps only a few months, perhaps only a few weeks until the next regularly scheduled election when the vacancy would then be filled by the normal election process. Now there was some discussion earlier on about the process that gets us to a primary or gets us towards the election.

And as I understood -- and I want to be sure I did understand it correctly, the way the nominees would first be chosen would not be by way of a primary but rather would be chosen by way of a reconvened convention -- statewide convention. Am I correct in that? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to the gentleman from Southbury, yes.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I believe there was some discussion about the notion that conventions happen every two

years in each of the two major parties. Is that the gentleman's understanding; the Chair of the Government, Administration, and Elections Committee? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to the -- to Representative O'Neill I believe that when you consider that there could be a senatorial nomination, a gubernatorial nomination occur at staggered times and also election of members to the national committees of the two parties that it would probably be every two years but I do not have such a calendar before me.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And that's interesting because -- and I don't know the rules of how things are done within the Democratic Party. Although I suppose with the internet I could look into it. I imagine those are posted somewhere on the Democratic Party's website. One thing I do know for sure and that is that the Republican Party did not have a statewide convention in this past election in 2008 because there was no statewide office to elect or to nominate people for election to.

In other words, we had no Governor, no United States Senate race up in 2008 and so the Republican Party did not have a convention.

What that means, Madam Speaker, is that the convention if for example this law were on the books today and we had a vacancy sometime this year. The convention would be reconvening the 2006 Republican convention. I guess I would ask the question to the Chair of the Government, Administration, and Elections Committee if he is aware of whether or not the Democratic Party did in fact have a statewide convention in 2008. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, while I would welcome to shout an answer, my recollection is that I thought there was one for election of members of the Democratic National Committee. So I think there was. It's my best recollection as I stand here today.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And if that were the case -- if those people were chosen for that purpose based on political experience that certainly I have but I will check in with the Chair of the GAE Committee. Were the delegates that went to that convention likely to be the same type of delegates as went to for example the 2006 Democratic State Convention? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative O'Neill, like any volunteer organization there are a few individuals who tend to carry the weight and many delegates return year after year. And of course there are always new ones who come along as well. So I don't know the exact numbers involved but there's certainly a number of returning delegates in any state convention.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Because my impression is that if you have a contested United States Senate seat as was the case in the Democratic Party in 2006, contested nomination for Governor, that you get a lot of people who are very interested.

You get some very energetic people. You get very enthusiastic people. You get very actively involved people within a political party. And if those people would have been the delegates to the 2006 convention but if you're just picking a couple of people or whatever the number is, I believe it's a somewhat larger number for the Democratic Party.

If you're just picking a few people to go to the Democratic National Committee and be members of that and you don't have a Senate race and you don't have candidates for all of the offices, Attorney General, Comptroller, Treasurer, Secretary of State, Lieutenant Governor, as well as Governor, then the interest level is just inevitably going to have to be somewhat lower. And so it would seem to me that the reconvened convention if there were one in 2008 for the Democratic Party would inevitably be made up of not necessarily the most active and enthusiastic and necessarily representative members of the Democratic Party but the folks who care enough to show up to select National Committee as opposed to the people who show up to pick Governors and Senators.

And as I said before, I'm positive that the Republican Party did not have a State convention. At least I did not go and I'm supposed to be super delegate to the State conventions in the Republican Party by virtue of being a legislator. So I

don't ever remember being invited to it, notified of it, hearing about it, or going to it. So, in the case of the Republican Party if this law were on the books we would be reconvening a three year old convention and in the case of the Democratic Party a convention whose main function when those delegates were chosen was not to pick a United States Senate candidate but in fact to pick somebody to go to the Democratic National Committee.

And it seems to me that in either case you're talking a population now that is going to be significantly non-represented. And I have some personal experience on dealing with reconvened conventions that are reconvened for the purpose of replacing a delegate -- an elected official who has let office. In the first instance was when I was first elected to the State House of Representatives in 1988. I was in a special election in February.

We reconvened the convention that had been convened for the purpose of selecting a nominee. Everybody knew who that nominee was going to be. It was a well-respected, beloved incumbent. And it was a convention of people that were that persons' -- that lady's folks and they came to that convention and dutifully nominated her and went never thinking that they were going to have to choose anybody else.

The few months later, about a year later -- more than that actually, almost a year and a half later they were called back to choose replacement when she resigned in order to become First Selectman in the town of Southbury and I was the possible candidate they had to look at. But one of the things we discovered was that in the intervening 15, 16, 17 months a lot of people had changed their lifestyles. Several people had died. A couple of people had moved out of the State. Other people were busy with things going on in their lives at this odd time, not a July convention or anything like that but a convention in the beginning of January -- middle of January is when this convention was held. And so you had to find replacement delegates for the original delegates and that process is a very convoluted one and does not really involve a whole lot of public input.

I'm not sure what the rules are necessarily for the Democratic Party to do this but I know that within the Republican Party this is not something that involves much of the opportunity for the public to get back involved again as they did when they were perhaps choosing delegates to go to a convention. My second experience with this was when I sought the nomination to become a State Senator when the vacancy occurred in the State Senate district that I live in. And

again, out of the 64 people who were delegates to that convention, it's my recollection that half of them had to be replaced because people had moved. People had moved to a different town, were no longer available. They'd left the State of Connecticut. Several people unfortunately had passed away. Other people were simply unavailable and had no inclination to come the convention which was again being held in the middle of winter. Not a convention at the normal time people expected to be called to a convention.

So whenever this special convention is held to pick the delegates to -- rather of delegates to pick the nominees, it is going to be a convention that's at an odd time where the people who originally were chosen to be delegates are in many cases not going to be available. And many, many new delegates are going to have to be chosen for the purpose of filling this vacancy in the nomination of the United States Senate seat. And it would seem to me that the nomination phase, that part of it is likely to be a very, very important part of the whole process. In fact, if I might ask, is there a point in time after which only the convention nominee is eligible to be the nominee of the two political parties? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, yes.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Unfortunately I was distracted for a moment. Could the gentleman repeat his answer? DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, yes, there is a point in time after which the nominee of the convention would be the nominee.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And how long before the election would the convention become the sole nominating entity? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, 63 days.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So during the last two months prior to the time when the election's going to occur the convention will be the only source of a nominee for either political party. And that's pretty much the way we run our State legislative special elections. There is no real opportunity for a primary and the result of that while it might save some money -- a couple of million dollars, means that only political insiders are going to have an opportunity to make a choice as to who the nominees are going to be.

And given the realities of the political world in Connecticut, the likeliest possibility is that one of those two individuals chosen by one of the two major parties is going to be elected in any kind of special election. Is there a process by which someone could petition after that convention -- that point, that 63 day point in which someone could file a petition to become an independent candidate? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, in the event that there is a convention and primary under the bill there would be an opportunity for a person to petition on to the ballot for primary under current law. Under the situation where there's a truncated procedure and the convention produces the nominee, there would be no opportunity to petition on -- to petition for a primary.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And in the truncated situation would it be possible for an independent petitioning candidate to be able to petition onto the ballot? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, I believe yes.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. If the Representative needs a moment to verify I think that it's important for us to know whether in the truncated situation if the person can in fact petition their way onto the ballot. Through you, Madam Speaker. If he could perhaps get me that information I would appreciate it.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, I don't believe that the petitioning process is covered in the bill. Through you.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So that in the event that there were a vacancy it sounds like that if the -- if it occurs within the 63 days before the election then the -- the vacancy is only going to be filled by people who are nominated only by conventions to fill a United States senate which is a pretty substantial position in our governmental structure. And we have had years and years of efforts at lowering the threshold for qualifying for a primary till finally eliminating the threshold

in terms of delegates necessary so you can petition directly to get a primary.

That's only a recent innovation in Connecticut election laws. And for many, many years there was an extended debate about whether or not the conventions really should have the dominate role that they play during the -- most of the last century in our political life. And only in the last few years we've basically moved away from having conventions be the pretty much sole source of candidates to saying that we are going to have the opportunity for primaries. And now with this piece of legislation it looks like we're creating a situation in which it's going be quite possible that a convention originally convened not to pick a candidate for the United States Senate convened -- reconvened years after those delegates were originally chosen to be delegates to a different convention with a different purpose are going to be reconvened to try to choose a nominee to be a United States Senator.

And it doesn't strike me that that necessarily is help the voters get a good choice or allowing the kind of public input that it was suggested that this bill was designed to try to accomplish; that we were really democratizing the process of electing a United States Senator. I am put in mind in fact of a comment once made by Boss Tweed who made the statement, I

believe that he didn't care who did the voting just so long as he got to do the nominating.

And in a state such as Connecticut where the two party system is as dominant as it is it appears to me that whoever does the nominating is likely to choose whoever the United State Senator is going to be. At least choose the last two individuals whom the voters get to choose from. And the voters are not going to be choosing who they really want necessarily but rather the people who a couple of conventions may present to them. And again, we would be taking in some ways a fairly large step backward compared to all the reforms that have been made to our political process and our nominating process here in the State of Connecticut over the last 20 years or so that I have served in the General Assembly.

Now, I would ask is there any other office in the State of Connecticut -- statewide office that is filled by way of a special election? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, I don't believe so.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So we don't -- so then, if there were to be a vacancy in the office of Attorney General with all of the power and discretion that the Attorney General has we would not have -- the voters would not have the opportunity to have a say as to who the next Attorney General is going to be. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, no, but it's not a bad idea.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker, if the Chair of the GAE Committee is aware, what is the process by which we replace a vacancy -- or fill a vacancy in the office of Attorney General? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, there was testimony regarding this before the GA and E Committee. The Governor fills vacancies in the office of the Attorney General.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And is the same thing true of the office of State Treasurer, the person who makes all of the investment decisions involving the pensions of State employees and public school teachers and so forth? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, no, the legislature fills vacancies for Secretary of the State, Comptroller, and Treasurer.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. Does the legislature always fill vacancies in the offices of Comptroller, Treasurer, and Secretary of State? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker. Through you to Representative O'Neill, I believe there's a procedure when the legislature is not in session for the filling of those vacancies.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And if the -- the Chair of the GAE Committee could remind me what is that procedure when the legislature is not in session? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, General Statutes 9-213 sets forth the provisions. The General Assembly would fill the vacancy for the unexpired portion of a term. If it's not in session or if it fails to make the appointment, the Governor shall appoint a person to serve in an

acting role until the next regular session of the General Assembly.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So, it appears then that unless it happens that the vacancy occurs when the General Assembly is in session. The Governor gets to fill the vacancies in the offices of Secretary of State, Treasurer, and Comptroller. And that in any event the Attorney General is a gubernatorial appointment as well. So it seems to me, Madam Speaker, -- I could ask, the Chair of the GAE Committee in response to my earlier question about the Attorney General suggested that it might be a good idea to have a special election to fill a vacancy in the office of Attorney General. Was any such legislation introduced this year? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative O'Neill, no.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So what we have is a situation that almost every other state in the union, I mean only a handful of states don't have the Governor do the appointment. In the State of Connecticut the Governor is frequently and sometimes completely the appointing authority for a replacement of a statewide office such as the Attorney General or the Treasurer. And that only in the case of a vacancy in the United States Senate seat are we going to go through the tremendous expense of having a special election to fill that vacancy.

And as was indicated earlier by one of the other speakers while all that is going on we're going to be in the position of not having an incumbent in that office in Washington to represent the interests of the people of the State of Connecticut.

Now, for a state like New York or a state like California that may not be such a big deal because they have huge congressional delegations. But in the case of the State of Connecticut being a relatively small state we only have five U.S. Representatives. New York, I believe, has something like 35 and the State of California has something in excess of 50.

So we're in the position where other states are in the House of Representatives are going to be very dominant in terms of moving legislation. And that our principal voice of the big

opportunity we have to be heard is to have a United States Senator there to represent the people of Connecticut, not just one but actually to have two. And so that for months after a vacancy occurs we are going to be in the situation of not having a voice in the United States Senate.

REP. SPALLONE (36th):

Through you, Madam Speaker, no.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Madam Speaker. So it's only in this one very strange case with a person who -- I believe the last thing I read about former Governor Blagojevich was that he couldn't participate in a TV show in which it was -- I think the title of it is something like help, get me out of here I'm a celebrity. He had to send his wife to be dropped by air into a jungle someplace so that she could be filmed trying to escape from the situation there in the jungle because he was now being detained and the judge wouldn't allow him to leave the United States. So, Mr. Blagojevich is a very strange person. And to cite him as a leading example for why we need to change the way we here in Connecticut choose United States Senators and the position that we've had on our books now for half a century seems to me

just to be stretching it a little bit. That was -- I don't know, a burlesque, vaudeville show travesty. It was many things, what happened in the State of Illinois.

But I don't think that it in and of itself proves the case for why you should just have a special election in any case and every case in the event of a vacancy. So, Madam Speaker because it's going to cost $4.5 million to have primaries and special elections, because it's going to deny the State of Connecticut it's proper voice in the United States Senate for the better part of four months, because it's going to bring about a competition for nominations among delegates who were chosen for some other purpose years earlier.

It seems to me that the system that's being proposed in this bill is really not a very good one. But if we were to follow this system then it seems to me, Madam Speaker we should apply it to everyone and not leave the other offices such as Attorney General, Treasurer, Comptroller, and Secretary of the State out of it. If this is really all about giving the voters an opportunity to weigh in and make a choice to replace someone that they elected originally then it should be applicable to all of those positions and not just to the position of a United States Senator, which happens to be a gubernatorial appointment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you for your comments, sir. Will you care to remark further on Senate A?

Representative Noujaim, you have the floor, sir.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Good evening to you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good evening, sir.

REP. NOUJAIM (74th):

Madam Speaker, with all my respect to the Chairman of the GAE Committee, I rise in opposition to this bill. And I would like to let Representative --

DEPUTY SPEAKER ORANGE:

We're on the Amendment Senate A.

REP. NOUJAIM (74th):

On the amendment. Madam Speaker, after listening to this dialogue between Representative O'Neill and Representative Spallone, after awhile you lose your speech. But Madam Speaker, with all my due respect I rise in opposition of this amendment. And I will not be asking any questions because honestly Madam Speaker I know the answers. I know most of the answers that were going to be given anyway and I do not want to be redundant

as to repeat something that any of my colleagues or for that matter Representative Spallone would say. But I wanted to associate my comments with my colleague behind me here, Representative Labriola who talked very adequately about the problems that we face with this issue and why this should not be done.

But Madam Speaker, as I am listening to the conversation and the dialogue between Representative O'Neill and Representative Spallone I concluded that we have a -- we have a system here in the State of Connecticut. A system that has been in place since 1945. Now we want to change it one night before the end of the session. When there are only four states in the entire nation who have this process and obviously the State of Connecticut wants to be the fifth.

Madam Speaker, this morning I went to work. I got to work real early at 6:00. I had to go and catch up and see what's going on. So by 8:00 a.m. right on the dot I started calling my customers. Economy is tough. Everybody knows this and business is slow. I wanted to get some business. Every single customer that I called before I talked to them about wanting to do business with them, they know that I'm a legislator. They knew that we were here until after 1:00 a.m. this morning. The first question that they asked me, have you done a budget yet for the

State of Connecticut? They don't care whether we are Republicans, Democrats, or the Governor. They don't care. They just care about the fact that they want a budget so that we can go on with our lives. But yet one night -- one night right before the end of our session we are introducing a bill to fix something that we think that we have a perception that it is a problem. A system that has worked since 1945 but now we want to change it one night before the end of session at 9:45 p.m. when we have been here since 10:30 this morning. And now we want to introduce to change a system that has been with us since 1945.

Madam Speaker, when this bill was called and I saw legislators walking in I got really excited. I thought that we are going to debate a budget. And we will have a budget in time. But yet we do not have a budget in time. What we have is a debate on a bill that in my opinion -- an amendment, I apologize, and a bill to follow that in my opinion is totally and completely unnecessary one night -- one night before the end of session. One night. People in municipalities are asking us to give them a budget when we are in the hole by $9 billion. Nine billion dollars.

We are looking now to spend more money on an election that is totally and completely not needed. According to the conversation between Representative O'Neill and Representative

Spallone they are saying $4.5 million. So I was doing a little calculation myself as they were speaking and adding things up. I think it will cost the State of Connecticut $10 million -- $10 million to do this process. For what? I can see Representative Thompson in there saying I can take this $10 million and send it into the children of our State.

We have too many other needs in our State of Connecticut that are prevalent, that are needed, that something we must do to take care of the needy, to take care of the underprivileged, to take care of our municipalities, to reduce taxes on people, to help people who are out of jobs. But yet we are debating a bill that is not necessary. A system that has worked with us in this State since 1945. Not a problem occurred. We have never had a problem with this since 1945 but yet now one night before the end of session we are going to change it. Why? I have no idea. Save the money. Do a budget. Let's keep the system the way it is until things get better and we are out of this financial dilemma. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Will you care to remark further on Senate A? Remember we're on Senate A.

Representative Alberts of the 50.

REP. ALBERTS (50th):

Good evening, Madam Speaker. I think I do want to address Senate Amendment A.

DEPUTY SPEAKER ORANGE:

Good evening. Please proceed.

REP. ALBERTS (50th):

Thank you, Madam Speaker. If I could a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please frame your question.

REP. ALBERTS (50th):

Thank you, Madam Speaker. When the bill was being -- or the amendment that is before us was being fashioned did the GAE Committee rely on the public testimony in the crafting of this item? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Alberts, there was testimony before the GAE Committee. The Committee reported out a bill and then the amendment was refined based on the record, based on consultation with the Office of Legislative Research, the Office of -- and the Legislator's Commissioner's Office and so forth.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. Is -- I've had an opportunity here over the past several hours to look at the written testimony that was submitted. I believe there are four pieces that were submitted and one of the pieces was from the Attorney General of the State. Attorney General Richard Blumenthal, and is the proponent of the amendment familiar with the Attorney General's proposal? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Alberts, yes.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And I think just to generally summarize, you know the sense that the Attorney General presented was he was in favor of the amendment that's before us. One of the things though, however that he urged the Committee to consider was a similar process for filling vacancies of State constitutional officers, including the Office of Secretary of

the State, Comptroller, and Treasurer. Was this considered by the proponent of the amendment in the crafting of the language?

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Alberts, yes, I think the Attorney General's testimony was certainly intriguing. However, there was no public hearing -- public notice for making that substantive change in Connecticut law and it is probably worthy of a discussion in a subsequent session.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. And is the Attorney General correct in his testimony that under the present process the legislature would fill those vacancies for those state constitutional offices? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Alberts, following on my colloquy with Representative O'Neill, the Governor fills vacancies in the Office of the Attorney General,

the legislature for the other constitutional officers unless we're not in session then the Governor appoints until we're back in session.

DEPUTY SPEAKER ORANGE:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I do thank the proponent of the amendment for his responses to my questions. The hour is late, Madam Speaker. I know that we probably want to call the question at some point but I look at this and I believe that this legislation is at least partly before us for the opportunity for political gain. Clearly that may not be present in all of the constitutional law offices and for that reason, Madam Speaker, I will be opposing the amendment and after that the bill. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on Senate Amendment Schedule A? Do you care to remark further on Senate Amendment Schedule A? If not, staff and guests please come to the well. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call.

Members to the chamber. The House is voting by roll call. Members to the chamber please.

DEPUTY SPEAKER ORANGE:

Have all the members voted? Have all the members voted? Please check the board to determine if your vote has been properly cast. If all members have voted the machine will be locked and the Clerk will take a tally. And the Clerk will please announce the tally.

THE CLERK:

On Senate Amendment Schedule A for Senate Bill 913

Total number voting	143
Necessary for adoption	72
Those voting Yea	99
Those voting Nay	44
Those absent and not voting	8

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk.

The amendment passes.

Will you remark further on the bill as amended? Will you remark further on the bill as amended?

Representative Hetherington of the 125, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam. Thank you, Madam Speaker. On the bill the Clerk will soon have in his possession LCO number 9285. I ask that when the Clerk has received it --

DEPUTY SPEAKER ORANGE:

Will the chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

Will the chamber come back to order.

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay. Thank you.

DEPUTY SPEAKER ORANGE:

You still have the floor, sir.

REP. HETHERINGTON (125th):

Madam Speaker, when the Clerk has indicated he has the bill I would ask -- the amendment, I would ask that it be called and I be permitted to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO 9285 designated as House Amendment Schedule A, I believe it would be.

THE CLERK:

LCO number 9285, House A offered by Representative Hetherington.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Is there objection? Is there objection?

Hearing none, Representative Hetherington, please proceed.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. This is a very simple amendment. The bill that we are dealing with relates to -- ultimately to Article one, section 3 of the United States Constitution, and this does as well. It would add three lines on new section 501 providing any person who holds the office of Senator in Congress shall remain a resident of Connecticut during the entirety of such persons term in office. And I move -- I move approval.

DEPUTY SPEAKER ORANGE:

Adoption, sir?

REP. HETHERINGTON (125th):

I move adoption.

DEPUTY SPEAKER ORANGE:

The question is on adoption. Will you remark further on House Amendment Schedule A? Will you remark on House Amendment Schedule A?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. The Constitution originally provided in Article 1 Section 3 that the legislature of each state would choose the two Senators. It also provided that the qualifications for a Senator would be 30 years of age and so forth and that should be an inhabitant of the state at the time he is selected.

The purpose of this amendment would to provide that the Senator, he or she, shall be a resident of Connecticut throughout his or her term. This seems to me consistent with the demands of modern life. We're going to have a Senator. We ought to have that Senator reside in this state and focus his attention on the people of this state throughout his or her term. And that's all that this does is simply adopt what seems to me an intuitive requirement that the Senator chosen from Connecticut ought to remain a resident of Connecticut. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Than you, sir. Will you care to remark further on House Amendment A?

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to the distinguished Ranking Member of the GA and E Committee I would like to pose a question or two.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, how is resident as contemplated by this amendment defined?

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

A resident yields the definition that would be required of a resident for any other purposes such as voting in Connecticut. It is different from an inhabitant of Connecticut and indicates a degree of permanency and involvement with the political life and civic affairs of the State.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, would a person therefore fulfill these requirements if they are a registered voter of the State of Connecticut.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

They would unless their registration would be subject to void because that person was no longer a resident of Connecticut.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, as the Representative I'm sure knows, Senate terms are six years and often Senators will establish a home in the District of Columbia or the surrounding area. If a person were to purchase a home or rent a home in the District of Columbia, Maryland, Virginia, or anywhere in the Washington, D.C. area would the gentleman therefore decide that they were no longer a resident of the State of Connecticut through this legislation? Through you.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

No, because I believe that the individual would still choose Connecticut as his residence and not make any decision that would be inconsistent with being a resident of Connecticut.

For example, such person would not register to vote in Washington, D.C.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Madam Speaker, I would just -- I'm not going to belabor this with further questions. I would just ask the members of the chamber to oppose the amendment. The amendment is really trying to resolve an issue that is not a significant one facing our State. Our Senators, are residents. If they were not residents I think that the people of the State of Connecticut would take action at an election to resolve that if they felt they weren't in touch with the State.

I would further add that this is coming before us at 10:07 on the night before adjournment when the bill has already passed the Senate and has come down to the House with a day remaining here. And that it -- would have certainly require repassage in the Senate if passed. It also, as I stated, is not resolving a problem that the State faces and that qualifications for the United States Senate and House of Representatives are exclusively in the domain of the Constitution of the United States. And so I therefore strongly urge rejection of the amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment A? Will you care to remark further on House A? B -- no, A.

REP. HETHERINGTON (125th):

Madam I if I may -- if I may for a second time.

DEPUTY SPEAKER ORANGE:

Yes, Representative Hetherington, for a second time, sir.

REP. HETHERINGTON (125th):

Thank you. This is not a complicated amendment. It's not going to take a lot of time. It's three lines. It simply sets forth what I think everybody would reasonably expect. And that is if you're going to serve the State of Connecticut, you be a resident of the State of Connecticut. And that you not become a resident of some other place for whatever reason. And I ask that when a vote is taken a roll call be taken. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

The question is on a roll call vote. All those in favor of a roll call vote when the vote is taken please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

Twenty percent has been met. When the vote is taken it will be taken by roll call. Will you care to remark further on House Amendment Schedule A?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. If I may a few questions to the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. CANDELORA (86th):

Thank you, Madam Speaker. I appreciate this issue being brought out tonight. And I was wondering what be the -- well, I guess my first question would be, is it not a requirement that our Connecticut -- the Connecticut U.S. Senators be a resident of the State of Connecticut in order to represent the people of Connecticut? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Madam Speaker. I can only refer the Representative to Article 1, Section 3 of the Constitution which sets forth that a Senator need only be an inhabitant of the

state at the time of his election. In those days of course of it was his election. And since the Constitution together with certain other things are the supreme law of the land, I take it that that is the only requirement. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. And I appreciate that answer. It would seem to me that anybody that would certainly run for office would have an interest in being a resident of the State of Connecticut. So, I'm wondering what the purpose of this particular amendment would be. If there's a situation that may have given rise to why we are debating this issue today. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Madam Speaker, there was a -- several published reports that a Senator serving from the State of Connecticut in fact removed from the State of Connecticut and became a citizen of another state. I believe it was Iowa, in order to participate in the political process of the State of

Iowa. So that such furnishes a rather dramatic example of -- of the point that I'm seeking to address here tonight.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. So, currently I guess in as our laws read an individual could run for U.S. Senate to represent the State of Connecticut but subsequent to getting elected after -- I guess would it be the day after the election if they so choose they could move out of the State of Connecticut? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Madam Speaker, I would construe it to mean that he would have to hang around long enough to be sworn in and after that it's out of here. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. So then under our current laws without this amendment it would be possible for someone to run for Senate, be elected Senate, sworn in, and after the swearing

in the very next day if they so choose they could move out of the State of Connecticut to some other jurisdiction for say three years and then move back into the State of Connecticut in time to run for reelection? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I see no constitutional prohibition to that. I suppose that in time ones registration as a Connecticut voter would go stale and at such time as the voting list was called to remove those voters who were no longer qualified to vote in Connecticut that might be an issue of some embarrassment. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker, but as I read this amendment the amendment nearly is requiring residency but not necessarily whether or not that individual is a registered voter in the State of Connecticut. So I would think that in order to run for U.S. Senate you would not need to be registered to vote, rather you would just merely need to be a resident. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Madam Speaker, I would agree that's probably right. You know as a lawyer I think the Representative knows that the question about resident and domicile and so forth are complicated issues. But certainly a resident would be someone who has settled ties with the State which most -- probably most formally be suggested by someone who had registered to vote -- who was a registered voter here. But I would accept the question as to whether or not that is absolutely required to be a resident. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. In my understanding of the definition of resident I just did a quick reading of our statutes. I'm not sure if it is defined anywhere. Would the good Representative know if the definition is contained in our statutes or is it something that maybe defined through case law? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I think it probably is defined in the statute. I mean the question of jurisdiction of the courts, someone dies, domiciled here, so forth. So I don't have the complete answer to that but I would suspect if we did the research we would find that the definition -- that the term resident is probably pretty well settled. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. And I thank the good Representative for his answers. I have to say when the bill was called -- this bill was called tonight I -- I wasn't all that frankly interested in the topic because I think that whether or not a vacancy is created in Connecticut is probably rare indeed. And maybe if we amended the statute we would see it being evoked, I don't know once every 50 years or once every 100 years.

So certainly it just -- it didn't strike me as being all that necessary of an amendment. But I do feel that this present amendment frankly excites me. I think it's something that makes a heck of a lot of sense for the State of Connecticut. We certainly want our public officials to be a resident of the

State of Connecticut when they run for office. And absolutely we want them to remain residents while they're in term in office.

I was actually frankly surprised to hear that that wasn't the case. And I think many of us realize that that was not the case when our own good Senator from Connecticut had moved to Ohio, Representative -- sorry, Senator Dodd had moved to Ohio -- I'm sorry Iowa -- excuse me. That the residency requirements was not necessary. And I heard from many constituents ask me how is that possible that our U.S. Senator does not need to be a resident of the State of Connecticut in order to represent its people. It put me aback a bit. I was quite surprised to hear that. And I think that this is a very strong public policy that this chamber should certainly support. I think it's important.

Certainly all of us had that requirement when we run for office and we're sworn in. We're required to reside in the district that we're representing. And as all of us know every day it's critical because when we're home we have our businesses -- our local businesses, our constituents coming to us with questions and concerns. We're accessible. But we're connected to our community. We're connected to our State. And certainly I know in the recesses of my mind, the term resident in case law

speaks to a very important component. And that is the person's state of mind.

In order to be a resident you need to have the state of mind of wanting to be -- having permanency in that jurisdiction. I believe that some of the analyses that courts have gone through when they're determining residency. And so certainly we would want our U.S. Senators to have the state of mind that they want to be residing in Connecticut, representing the individuals of Connecticut, being accessible to their constituent base, paying taxes in this community so the decisions that they make down in Washington D.C. certainly will affect them, will affect their neighbors, will affect their businesses. They will have a vested interest in those decisions they make. It gravely concerns me the way our laws are currently written that a Senator has no such requirement. So they have the ability to just pack their bags, up and leave, move to another jurisdiction, and even possibly advocate for people in some other jurisdiction.

And because they're not a resident of the State of Connecticut, they no longer necessarily have that vested interest of have those ties connected. So I strongly support this amendment. I thank the good Representative for bringing it

out. And I look forward to the debate. Thank you, Madam Speaker.

Deputy Speaker McCluskey in the Chair.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your comments tonight. And will you remark further on House Amendment A? Will you remark further on House Amendment A?

Representative Rowe of the 123, you have the floor, sir.

REP. ROWE (123rd):

Thanks. Good evening or goodnight. I don't know which it is, Madam Speaker.

Deputy Speaker Orange in the Chair.

DEPUTY SPEAKER ORANGE:

It's still evening. Good evening, sir.

REP. ROWE (123rd):

Okay. Good evening. This is an easy one I think we've got here. And I rise in support. I -- if I could -- I know you just sat down but through you if I could ask a quick question to the proponent.

DEPUTY SPEAKER ORANGE:

You certainly may, sir. I'm right here.

REP. ROWE (123rd):

Thank you.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. ROWE (123rd):

Thank you. Reference was made that the issue of residency for one of our U.S. Senators wasn't in Connecticut for awhile recently. And I think you referenced some reports but can you -- can you tell us with a little more detail or specificity the background of that? Through you.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well during the course of the 2008 primary campaign Senator Dodd entered the race as a candidate for President of the United States and chose to participate in the Iowa primary. And I'm relying on news reports now, I mean wasn't -- wasn't there.

REP. ROWE (123rd):

You were in your district.

REP. HETHERINGTON (125th):

But -- that's right. I stuck with my district. But apparently Senator Dodd removed his family to quarters in Iowa, registered them in school in Iowa I believe -- the children, and I think -- I think registered to vote in the Iowa primary -- caucus.

REP. ROWE (123rd):

Thank you. I thank the gentleman for his clarification on that.

DEPUTY SPEAKER ORANGE:

Representative Rowe.

REP. ROWE (123rd):

Thank you. As I said, this -- this seems to be an easy one. If we asked our constituents this question, should our United States Senator live and be a resident of the state that he represents my guess is that those numbers would come back pretty close to 100 percent. Perhaps the only reason to not support this is the difficulty that it would go back to the Senate but one the Senate can pass this in a nanosecond and two the underlying the bill I don't think is going to be signed into law anyways so that -- that shouldn't be an issue.

What we should do is make a statement here tonight, it's a simple statement that if you're going to hold the office of United States Senator from the State of Connecticut, you've got

to abide by the constitutional requirements and also by the way we're going to require that you're a resident of the State of Connecticut. That's far from burdensome. It's entirely appropriate.

It would be shameful for a United Senator not to be a resident of the State of Connecticut while he is in an -- in office. But politics aside that is inappropriate -- clearly inappropriate and I dare say all of our constituents would agree with that. So I appreciate the gentleman bringing out the amendment and Madam Speaker, for your time. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House A? Care to remark further on House A? Representative Aman of the 14.

REP. AMAN (14th):

Thank you, Madam Speaker. I'm just listening to the debate and again like most of us I was very, very surprised about a year ago to learn that you can be a Senator from the State of Connecticut and not be a resident. I find that surprising because you have to have -- be resident to receive in-state tuition. You've got to be a resident to get a motor vehicle license. You've got to be a resident to get a divorce. You've got to be a resident to get a marriage. You've got to be a

resident to be -- or most of the time you have to be a resident to pay income taxes within the State of Connecticut. And for elected office on the municipal level you have to be a resident.

In fact there's been several cases over the years where people have debated a second home, if they really intended to live in the location. But they -- it's been fairly well held along the line that Connecticut statutes require someone be an elector in the town that they're serving in the municipalities. Most of our town charters or rules say that the elected officials, they not only have to be an elector but they have to be a resident.

Very often police officers, a police chief, fire chief, other town and state employees are required to be residents. And the reason they're all -- the requirements on the municipality side is they recognize very clearly that to really represent your community its best that you live there, that you know the people, that you participate in the activities in the area.

I'm fully aware that a Senator spends most of his time in Washington, D.C. It would be very difficult for them not to do that. I would also understand a Senator whose children were registered in schools in Washington, D.C. I would have a problem if his children were registered in school in Washington

D.C. and on the registration for becoming a student they put down they were a resident of Washington, D.C. and not of the State of Connecticut.

So I will be endorsing this amendment because I feel that from the municipal level right up to the Senate level we should be represented by people who live here and have the best interests of the State of Connecticut at heart. So I urge my colleagues to join with me in voting for this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. Will you remark further on House Amendment Schedule A?

The honorable deputy Minority Leader from Terryville, Representative Hamzy, you have the floor, sir.

REP. HAMZY (78th):

Thank you, Mr. Speaker. Mr. Speaker, I think this is about as simple an amendment as can possibly be offered on the floor of the House. It simply says if you choose to run and be granted the privilege of representing the State of Connecticut in the United States Senate that you be a resident of this state. You know there's a lot of towns that adopt ordinances that have residency requirements for people who take jobs such as police officer, or fire fighter, teacher, superintendent of

schools where they require residency within the -- within the border of the town in which they -- in which they work. In fact there are incentives that are usually offered as part of those job openings.

With regard to -- with regard to arguments in opposition to this requirement frankly I just don't understand them. There's been a -- there's been a point made that the bill has already passed the Senate and is now before us in the House. There is still a full day left in this legislative session for the Senate to take up this bill. And I'm not sure why it's ever not the prerogative of the House to adopt an amendment to a bill based on its merit.

The merit of this amendment I think far outweighs -- far outweighs the detriment that may become of this bill. We don't know that this won't get taken up in the Senate. We don't know that they won't adopt this amendment, this very common sensical amendment upstairs. So I don't understand the opposition to this. It may be procedural. It may be something else. But I would strongly urge the members of this chamber to adopt this amendment, this common sensical amendment to this bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. Will you remark further on House Amendment Schedule A?

The honorable gentleman from Waterbury, Representative Noujaim, you have the floor, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker and good evening. Mr. Speaker, very briefly at 10:10 this evening about 20 minutes ago Representative Spallone made the statement and I am paraphrasing just to make sure that I do not misuse any of the words that he said. Based on the request to have this amendment adopted, Representative Spallone said -- and I stand corrected if I am wrong -- Representative Spallone said we should not send it back to the Senate because it has already been approved by the Senate and this is not a crisis. So there is no crisis in the State of Connecticut.

So in my opinion if there's no crisis in the State of Connecticut A, we should adopt this bill or we should not take up the -- we should adopt this amendment or we should not take up this bill altogether. We have more important matters to consider. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. Will you remark further?

The honorable gentleman from the 69 district, Representative O'Neill, you have the floor.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker, and if I could just a couple of questions for the proponent of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. O'NEILL (69th):

Where in the Constitution of the United States does it specify what the qualifications are to be a United States Senator? If the Representative knows. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, the qualifications for Senator are found in Article 1, Section 3 of the Constitution. And it's in the third paragraph. I'm sorry, fourth paragraph.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. And --

DEPUTY SPEAKER McCLUSKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you. And in looking at the language contained therein now that it's been located for me by the Representative, I noticed that there is a provision for the individual to be an inhabitant of the State when elected. Is it that phrase about being when elected that enables a United States Senator to after election remove themselves from the state which they -- to which -- from which they were elected and live somewhere else. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. And it appears that we have an actual example of a United States Senator in the form of Senator Dodd who removed himself from the State of Connecticut for many months while he was campaigning for the United States presidency, the nomination in the State of Iowa. And am I correct -- I'm not sure if I remember it correctly but did Senator Dodd move his children to the State of Iowa and enroll

them in Iowa's schools? Through you, Mr. Speaker for the proponent.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, yes. I hesitate -- I never like commenting on children because I don't think it belongs in political context. And I won't in this case except to note that the fact of the matter is that he did enroll his daughter in school in Des Moines and rented a house. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. And this is something that actually happened as opposed to the situation which this underlying bill is addressed at the removal of the United States Senator from the presence of the State of Connecticut for months, not in order to carry out the duties of the United States Senator in the environs of Washington D.C. or to carry out missions abroad on behalf of the Congress or to conduct investigations of our military situation or foreign policy situations in foreign countries but for the purpose of

campaigning to be the holder of another office. Removed himself from the State of Connecticut, enrolled children -- his child in a public school system or school system in another state and for all practical purposes for months at a time became a resident of that other state. That really happened.

The problem of some kind of corruption or of some kind of abuse of power in the appointment of a United States Senator by a Governor of Connecticut has so far as I know not happened, certainly not for decades, probably generations. And we now are facing a situation where we have this bill before us, the underlying bill to address a problem that we don't have and the amendment to address a problem that we do have, which we have dealt with, which we've had to cope with. And that is having a United States Senator not living in the State of Connecticut for months and months at a time while campaigning for this office rather than being a United States Senator wanting to be something else.

It seems to me that the amendment is very simple. I think it's something that would be amazing to the people of the State of Connecticut that the United States Senators for the State of Connecticut are under no obligation whatsoever at the present time to actually maintain a residence in this state. And I would urge adoption of the amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. Will you remark further on House A?

The honorable gentleman from Bethel, Representative Bartlett, you have the floor, sir.

REP. BARLTETT (2nd):

Thank you, Mr. Speaker. Mr. Speaker, the proponent has mentioned the Constitution and where the qualifications to be a U.S. Senator are. I'd just like to read it. No person shall be a Senator who shall not have attained the age of 30 years and been nine years a citizen of the United States and who shall not when elected be an inhabitant of that state for which he shall be chosen.

Now I'm not a constitutional scholar, but it seems to me that we all took U.S. history in high school and we should all have an understanding that we cannot write into statute prerequisites to be a U.S. Senator. The Constitution governs the qualifications to be a U.S. Senator and I can't for the life of me understand why we're take -- discussing an amendment that would supersede the Constitution of the United States in this manner. Mr. Speaker, a question to the proponent.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. BARTLETT (2nd):

Mr. Speaker, to the proponent is there any other state that has added prerequisites to being a U.S. Senator and if so can you tell me what state and what they added to the Constitution and what was upheld. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I don't know. I don't know if another state has --

REP. BARTLETT (2nd):

I can't hear him, he's not on.

REP. HETHERINGTON (125th):

I don't know.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington, I think you're mic's on now.

REP. HETHERINGTON (125th):

A little problem there. Thank you. I -- to the Representative, I don't know what other states may have done in terms of their qualifications. However, I would point out that the same requirement, that is only inhabitant at the time of election is -- was -- or in the Constitution for House members. And although I haven't researched the point, I believe that a House member currently must be a resident of the state.

DEPUTY SPEAKER McCLUSKEY:

Representative Bartlett.

REP. BARTLETT (2nd):

I appreciate the answer that -- the question had to do with the United States Senate and U.S. Senators. So, my follow question, Mr. Speaker, is -- is there -- can we then as a body pass a statute that says that if you are African American you would be disqualified to be a United States Senator. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I'm sorry. Would the gentleman repeat that question.

DEPUTY SPEAKER McCLUSKEY:

Please repeat your question, Representative Bartlett.

REP. BARTLETT (2nd):

We passed a statute, Mr. Speaker, and said if all African Americans are no longer qualified to be U.S. Senators would the proponent consider that Constitutional. We added a prerequisite to the Constitution that you must not -- you're not allowed to be an African American.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, that -- it's hard to regard that as a serious question but I mean no disrespect and so I of course will answer it as in that manner. That would violate not only the U.S. Constitution. It would violate the State of Connecticut Constitution. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Bartlett.

REP. BARTLETT (2nd):

Thank you, Mr. Speaker. Well I asked the question because on its face I mean we know the answer because the Constitution sets the qualifications to be a U.S. Senator, period. And what is being suggested tonight is unconstitutional. And I just have to say that you know I listened to the proponent bring out the underlying bill and I listened to my colleagues in terms of their opposition and what rang out was that we were being political by bringing out this bill. And what rang out was that this was a power grab by bringing out this bill. But for the last half hour what I've heard is not a discussion as to the merits of the bill but an attempt to embarrass our sitting U.S. Senator.

DEPUTY SPEAKER McCLUSKEY:

Representative Bartlett, please don't impune the character of any of the people making opposition remarks.

REP. BARTLETT (2nd):

I'm sorry.

DEPUTY SPEAKER McCLUSKEY:

Please stick to House Amendment Schedule A.

REP. BARTLETT (2nd):

I'm sorry if I -- I apologize if I did. What I'm just saying though is that the conversation about Senator Dodd moving to another state when we know he did not move to the State of Iowa. To suggest and to push a myth that he did I think is very unfair to Senator Dodd. And I consider that a political argument and not an argument about the merits of the underlying bill and certainly not putting forth an amendment that's constitutional. And so for that, sir, I hope that we reject this. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. Will you remark further?

The honorable gentleman from Manchester, Representative Thompson, you have the floor.

REP. THOMPSON (13th):

Thank you, Mr. Speaker. Mr. Speaker, I've been here 23 years and this is the most painful night I've sat through. And

all of the deliberations we've had all of those years and I really believe that I don't want to ask for point of order but I would make an appeal to leadership on both sides to PT this bill and let's go on with other business. And I would make that appeal directly.

DEPUTY SPEAKER McCLUSKEY:

The room will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER McCLUSKEY:

Chamber will come back to order. Seeing that there was no specific request, I'm going to the next speaker.

Representative Perillo, you have the floor.

REP. PERILLO (113th):

Mr. Speaker, good evening. Thank you very much. I -- Representative Bartlett made reference to the U.S. Constitution. I think it's all fitting and appropriate that we do that. And while on the topic of constitutions I thought I would look at our own here in the State of Connecticut.

Article 3, Section 4 of our own Constitution covers our seats as members of the House of Representatives. It says the House of Representatives shall consist of not less than 125 or

more than 225 members each of whom shall have attained to the age of 18 years and be an elector residing the assembly district from which he is elected. We can change that now to he or she. If it's good enough for us and if it's important enough that members of this body reside in their district in order to appropriately and best represent the members of our districts, then it would only seem logical that we would extend that same thought process, that same set of values to our representation in Washington as well.

Others have mentioned and it seems like a common sense sort of thing to me. And I thank Representative Bartlett for bringing out attention to constitutions because we can use our own as a very simple and very obvious example. If we're going to hold our legislature to a standard here in the State of Connecticut, here in Hartford -- and by the way that's true for our Senators as well in Article 3, Section 3.

If we are going to hold ourselves to that standard then it's only fitting that we do that for our national representation as well. I don't want to belabor this point. I actually share some of the thoughts of Representative Thompson that perhaps there is other business before us that merits our attention. But I do think that I needed to bring that to everyone's attention and I think this is a fitting amendment and

it's appropriate and it's reasonable that the citizens of the State of Connecticut expect that our representatives reside in the state and represent them appropriately in doing so. And I thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. The gentle lady from Bolton, Representative Sawyer, you have the floor, madam.

REP. SAWYER (55th):

Mr. Speaker, growing up I think there are certain expectations that children have. They expect that they will always live in their town. That doesn't always happen. They expect that mommy and daddy are going to stay together. That doesn't always happen. But we also know, Mr. Speaker, that when it comes to the stability of the government people have certain expectations as well.

They have an expectation that their mayor is from town, that their first selectman or in the case of their council people, their board of ed members, the board of finance members perhaps. We've had the case where -- I've seen where people have been out of town for periods of time in local government because there has been a family emergency. They've been -- had to reside with an elderly parent, a sick child, in college, someone who's had an accident. We had an issue where there was

a state representative who was on the other coast a few years ago because her child was very badly injured in an accident and she stayed with that child.

So it's those types of expectations that I think people expect for short periods of time when there's an emergency. But they expect people to fulfill their duties. And what we're looking at -- I think in the expectation of the House and the Senate here in Connecticut that people live within their district when elected. It's an acceptable and expected thing so much so it's referred to in statute.

What we know certainly is that we believe that the President of the United States is going to be a U.S. citizen. That was something that's been in the news fairly recently. So I don't think that this is out of line, Mr. Speaker. It is something that we have found to be sort of in the course of expectations in America that our form of government which was formed and modeled after nothing else. There really had never been a country that had broken away and created its independence.

So some of our beliefs are hard and fast and I believe that what we are -- is proposed now tonight was something that was accepted. It was already happening. It was something that we felt that our -- our Senator would live in the state except when

he was in Washington or perhaps when he was away on vacation or perhaps for a family emergency. We could understand that.

So I'm going to throw my support behind this amendment Mr. Speaker, because it follows expectations. It certainly follows the question that people had in their mind fairly recently in the State of Connecticut. And this chamber oftentimes responds to those types of situations that have occurred in which the residents in Connecticut find that there is a question in their mind and we respond. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks. Will you remark further on House A? Will you remark further on House A? If not, will staff and guests please come to the well of the House. Will members please take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call on House Amendment Schedule A. Members to the chamber.

DEPUTY SPEAKER McCLUSKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to determine if your vote is properly cast. If all the members voted the machine

will be locked. Will the Clerk please take a tally. Will the Clerk please announce that tally.

THE CLERK:

On House Amendment Schedule A for Senate bill 913

Total number voting	145
Necessary for adoption	73
Those voting Yea	37
Those voting Nay	108
Those absent and not voting	6

DEPUTY SPEAKER McCLUSKEY:

House A failed. Will you remark further on the bill as amended? Will you remark further on the bill?

Representative O'Neill, you have the floor, sir.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. I had earlier made some comments about the underlying bill and during the course of that discussion the thought crossed my mind that if this is a good bill for the United States Senate vacancies it would be a even better bill if it were applied to the offices of Attorney General, Treasurer, Comptroller, and Secretary of State. And in fact I believe that I heard the Chair of the Government Administration Elections committee that he thought at least as it applied to the Attorney General that it might be a good idea.

So in an effort to test that sentiment and give the assembly an opportunity to expand the scope of this bill to cover more offices and if the underlying notion here is that we need more democracy and more elections to fill vacancies I have drafted an amendment which I believe the Clerk is in possession of, LCO number 9296. Would he please call and I be given leave to summarize.

DEPUTY SPEAKER McCLUSKEY:

Will the Clerk please call LCO 9296 to be designated House Amendment Schedule B.

THE CLERK:

LCO number 9296 House B offered by Representative O'Neill.

DEPUTY SPEAKER McCLUSKEY:

The gentleman has asked leave of the chamber to summarize his amendment. Is there any objection? Is there any objection? If not, sir, please summarize your amendment.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. As I indicated earlier the purpose of this amendment is to expand the scope of it -- the underlying bill so that it would apply to filling vacancies for the offices of Attorney General, which are now only filled by the Governor, and the offices of Secretary of State, Treasurer, and Comptroller which are filled by the Governor until the next

session of the legislature if the legislature is not in session at the time of the vacancy. And I would move adoption.

DEPUTY SPEAKER McCLUSKEY:

Question before the chamber is on adoption. Will you remark?

REP. O'NEILL (69th):

Thank you, Mr. Speaker. First I would -- since I believe this is an important matter coming before the House, I would ask that when the vote be taken it be taken by roll.

DEPUTY SPEAKER ORANGE:

The question is on a roll call voted. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

The 20 percent certainly has been met. When the vote is taken it will be taken by roll call.

REP. O'NEILL (69th):

Thank you, Madam Speaker. And I would just make a relatively few comments on behalf of the amendment. Again, everything that was basically articulated on behalf of this amendment by the Chair -- by the underlying by the Chair of the Government, Administrations, and Elections Committee is equally,

forcefully applicable to the offices of Attorney General, Secretary of State, Treasurer, and Comptroller. If it is improper for the Governor to have sole discretionary appointment authority over the Attorney General -- or over a United States Senator, it presumably is equivalently improper for the Governor to have that authority over the elected office of Attorney General. The same thing would apply to Secretary of State, Comptroller, and State Treasurer.

These vacancies -- these positions have actually become vacant during the years that I have served in office here. When I first arrived I believe we had just filled the vacancy in the office of Attorney General when then Attorney General Lieberman moved up to become Senator Lieberman. A short time thereafter there was a vacancy in the office of Treasurer and the incumbent resigned that office and the Governor appointed with the approval and I think I voted at that time on the replacement for the Treasurer of the State of Connecticut.

And shortly before I was elected, I think it was in 1987 or 86 there was a vacancy in the office of Treasurer that occurred and there was a one year period of time during which a lady was appointed to that office. So in the last 25 years or so we've had -- it's my knowledge at least -- three vacancies in the

three offices -- three -- in the offices that are in statewide, one in the Attorney General and two in the office of Treasurer.

So this is something which happens with much more frequency. It's something that is a reality as opposed to the vacancies in the United States Senate which have not happened since shortly after World War II and I think that it's much more likely that there would be a vacancy in one of these other offices than there is in the Senate. And so if we are trying to make sure that there is no abusive power, if we are trying to make sure that there's going to be more democratic participation, then we should expand the scope of the bill to embrace these other statewide offices. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further? Representative Spallone, on House B.

REP. SPALLONE (36th):

Thank you, Madam Speaker. And I will just speak briefly in opposition to the amendment. I rise in opposition. I urge my colleagues to oppose this amendment for the following reasons; one, while this may promote a good public policy the bill was not submitted in this session. There was no public hearing on it while we do change the law sometimes without public hearings

this is a very significant matter that concerns the election of officials -- statewide elected officials. Second, Madam Speaker, I would note that the terms of these individuals are four years rather than six years.

These are four year terms regarding departments of the State and so any vacancy would be for at the most four years but probably significantly less depending on what happens. Third, the United States Senate vacancy issue concerns issues of national importance and it's very important that the individuals of the State, the residents have an opportunity to select their Senators. That's distinguishable from the amendment. Again, I urge rejection of the amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule B? House amendment?

Representative Hamzy.

REP. HAMZY (78th):

Thank you, Madam Speaker. I rise to support this amendment. Unlike the underlying bill, which I believe is a solution in search of a problem. This amendment in fact corrects the appointment process or the way a vacancy in these offices are filled when they have actually been vacated. If the goal of the underlying bill is to promote democracy and promote

citizen involvement in its government, then rationally that public policy should be extended to these offices as well. And I would urge the members of this chamber to support the amendment.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House B? House B? Will you care to remark further on House Amendment B?

Representative O'Neill for the second time, sir.

REP. O'NEILL (69th):

Yes. Briefly, Madam Speaker, I would like to respond to earlier comment of the Chair of the GAE Committee and point out that the offices that we're talking about are offices that have great importance to the people of the State of Connecticut. Yes it's true that a United States Senator is a national office and has an impact across the country. The Attorney General for example of the State of Connecticut makes vitally important decisions. Decides whether or not, for example, this legislature has to approve a -- what's called continuing resolution or an extension of the budgetary authority in order for the government to continue functioning. The Attorney General has twice issued rulings on that subject.

Slightly different, one from the other but nevertheless it is upon those rulings that decisions have been made about whether or not the government of the State of Connecticut will continue to function, whether or not the government could be shut down as former Governor Weicker attempted to do in 1991. It was the Attorney General who ruled that that basically could not happen.

Those are important to the people who live here in the State of Connecticut. They have a vital and direct impact. Had the Attorney General ruled the other way, perhaps the Governor would have been able to shut down the prison system, the hospitals, and every other institution of importance in the State of Connecticut. But the Attorney General ruled no, that the Constitution and the laws of Connecticut required that the government had to continue functioning.

The Attorney General makes these decisions with respect to settling lawsuits that are worth millions and in some cases hundreds of millions of dollars that affect the people of the State of Connecticut. This happens constantly. The Attorney General makes decisions about commencing lawsuits on behalf of the people of the State of Connecticut to vindicate their rights or to decide that the lawsuit is not going to be successful and

need not -- should not be brought. These are vitally important decisions for the people of the State of Connecticut.

The Treasurer also makes vitally important decisions about investing the pension funds of the thousands and tens of thousands of State employees. United States Senators are part of a group of a 100 and then beyond that they're part of a group of 535 with the United States Congress. They're part of a very large group. And one Senator while vital to the people of the State of Connecticut, we have that voice, ultimately those decisions are made by a very large group. The Attorney General makes these decisions that we're talking about all by him or herself.

And so filling that vacancy if it's really important that we have an election to fill this vacancy for the Senate, it is even more important that we have an election to fill the vacancy for the position of Attorney General. And I would urge adoption of the amendment. Thank you, Madam Speaker.

Thank you, sir. Will you care to remark on House B? House Amendment B?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. I rise in support of this amendment and for many of the statements that Representative

O'Neill has just pointed out. I think today we're discussing the public policy of how vacancies are being filled. And certainly in these discussions this chamber is making the determination that a U.S. Senators position should be filled through an election. And I understand where that discussion germinates from. And certainly I believe in our State offices, this discussion should apply equally.

As Representative O'Neill has pointed out, all of these offices are critical to our government. The Attorney General, just as this legislature, even the Comptroller and the Treasurer and the Secretary of State all are responsible for setting public policy in the State of Connecticut, for carrying out the duties under the Constitution. And I certainly think that if these individuals are charged with those great responsibilities they certainly should always be elected by the residents of Connecticut if we are carrying the logic through that we're applying to the underlying bill.

I think it's -- it's just as important these offices, although they're the executive branch offices, they're rolls are equally as vital as State Representatives and Senators. When our chairs become vacant, certainly there are always special elections. They're not filled by appointments for the purpose that we represent the constituent base in the individuals --

those individuals should be responsible for putting the people into office. And I think the same certainly would carry for our State offices, the Attorney General, the Treasurer, the Comptroller.

All these offices and the duties they perform go well beyond just ministerial acts. But they're making decisions of what type of cases to bring on behalf of residents of the State of Connecticut to protect the public trust, protect our interests. We've heard many -- had many meetings with the Comptroller and the Treasurer in these budgetary times of how to invest our money, how to set policies that might be more efficient for us to save money or giving us suggestions on budget policy, cutting government spending, things of that nature.

So I think the functions they serve are vitally important. They certainly are setting public policy. And so for those reasons I support this amendment because if the underlying bill is concerned with individuals not being disillusioned and making sure that the elected officials are elected by the individuals that represent them then certainly that same logic carries very nicely and smoothly to our constitutional officers. And therefore I support the amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you for your comments, sir. Will you care to remark further on House Amendment Schedule B? Will you care to remark further? If not, staff and guests please come to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER ORANGE:

Have all the members voted? Have all the members voted? Please check the board to determine if your vote has been properly cast. If so the machine will be locked and the Clerk will take a tally. And will the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule B for Senate Bill 913

Total number voting	144
Necessary for adoption	73
Those voting Yea	39
Those voting Nay	105
Those absent and not voting	7

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. And the amendment fails. Will you care to remark further on the bill as amended by Senate A? Will you care to remark further on the bill? Representative Hamzy.

REP. HAMZY (78th):

Thank you, Madam Speaker. Madam Speaker, the Clerk has amendment LCO number 9282. May he call it and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO 9282 designated as House Amendment Schedule C.

THE CLERK:

LCO number 9282 House C offered by Representatives Cafero, Hamzy, and Klarides.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Is there objection? Is there objection? Hearing none, Representative Hamzy, please proceed, sir.

REP. HAMZY (78th):

Thank you, Madam Speaker. This is a very simple amendment, it extends the effective date of the underlying bill to January 3, 2011. What is the effect of this amendment? Very simply, I think it takes all the politics that is -- that is assumed in the underlying bill out of this process. The current U.S.

Senator will not be affected. The current Governor could be effected hopefully if she gets reelected -- and chooses to run and gets reelected. But we start fresh. None of the current players will be impacted by the underlying bill.

If the public policy of this State is to have an election for a vacancy, no one is assuming there's going to be a vacancy between now and the effective date of this amendment, January 2, 2011. The public policy of this State has been what it is to this point. I don't think -- I'm not sure when the last time it was used. I don't believe there's any harm in extending the effective date. Madam Speaker, I would ask that when the vote be called it be called by roll.

DEPUTY SPEAKER ORANGE:

The question is on a roll call vote. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed nay.

The ayes have it. Your 20 percent has been met, sir.

REP. HAMZY (78th):

Madam Speaker.

DEPUTY SPEAKER ORANGE:

When the vote is taken it will be taken by roll call.

REP. HAMZY (78th):

Madam Speaker, if I may add, I can't remember if I moved adoption, but I do move adoption.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you remark further on House Amendment Schedule C? Will you remark further on House C? Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker. Briefly, I rise in opposition to the amendment and I will give two reasons. The first is that -- and I'll repeat it, is that the bill passed the Senate. It's before us with just over 24 hour remaining the session and it would have a heavy lift to get repassed in the Senate if this amendment were adopted. And I think it's incumbent upon us to proceed with the bill. But secondly, and I appreciate the opportunity to address this and I will be very, very brief about it.

But from my perspective and I believe my co-Chair and members of the Committee, this is not a bill that was -- that is laden with politics. That I have the greatest respect for Governor Rell, and in the remote opportunity that she would have the opportunity to fill a Senate vacancy I believe that she

would use a systematic process like she did when she filled the Department of Environmental Protection vacancy years ago. And -- but this is a law for the ages not for this moment. It may not be used again for another 50 years, 25 years, or two years.

And I would further add, Madam Speaker, that the effect of adopting this amendment would be very small indeed in that the underlying bill provides that if the vacancy were to occur after the municipal election in the year proceeding the final year of the term of the Senator, that the Governor would appoint a replacement for that short period of time in any event because there'd be an election coming up. So because it would have very little change, because there was -- at least from my perspective not a political motivation here, and because the bill has already passed the Senate and we'd like to get it to the Governor's desk, I urge my colleagues to oppose the amendment. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you for your comments, sir. Will you care to remark further on House C? Representative Hetherington.

REP. HETHERINGTON (125th):

Madam Speaker, I rise to respectfully urge the adoption of this amendment. I appreciate the argument that this would have to go back to the Senate, but I think that our first

responsibility here is to get things done in accordance with our best judgment not just to get things done. And if we believe that this is the thing -- this is the course we should follow, and I believe it is, then we should do it and if it's compelling the Senate will do it. They've done it once. They would do it again. It's a small change and I believe it could be done. It is -- in many ways it is conventional not to diminish the powers of an executive in office absent some offense by the executive that requires that we address it by action.

There is --there's no reason to fault the Governor for her role in appointing a Senator. She's not had the occasion to appoint a Senator. In all likelihood in this term at least she certainly won't have. Both Senator Lieberman and Senator Dodd seem to be in robust health. I think we passed the time when positions -- high positions in President Obama's administration will be filled so as possibly to take away Dodd or Lieberman.

So in all likelihood this won't come up in the balance of Governor Rell's term. And it would be -- it would be offensive in my judgment to diminish the powers of the incumbent Governor no matter who he or she may be to reduce their powers over what is purely a hypothetical. And certainly does not address any abuse of power on the part of the executive. So I would urge that we do this. It would be -- you know we don't reduce the

salaries or shorten the terms or do other things that limit the effectiveness of an incumbent unless of course that incumbent has directly provoked some action needed to curb the excesses or the abuses of that incumbent.

It seems to me that it's very much in keeping with the notion of a civilized and orderly and decent government that regardless of the politics of it we don't take action to reduce the powers of the incumbent absent a good reason. And in this case there is no reason. So let's -- let's do this. Let's change the date. Let's urge our colleagues in the Senate to go along with that. And let's not -- let's not be drive by the calendar. Let's be driven by our responsibilities to our constituencies and this State. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House C? Representative Shawn Johnston, you have the floor, sir.

REP. JOHNSTON (51st):

Thank you, Madam Speaker. Madam Speaker, speaking in support of the amendment I had actually drafted an almost identical Madam Speaker. It came across from LCO with the date of January 31, a misprint instead of January 3. So I was actually glad to see that someone else drafted this amendment.

Madam Speaker, I've been in this chamber -- this is my 15 year. And tonight will be the third time that I vote on this language. I voted no two prior times, Madam Speaker. And not because I don't think it's a good idea that we ought to elect a replacement for the U.S. Senate. I think it's a great idea. And I agree with 99.99 percent of the bill before us as it is right now, Madam Speaker, except for the effective date. The first time I had a chance to vote was my very first term up here.

And that time when I voted no I think I surprised some of my colleagues and they wondered why I voted no. And I told them because I don't think it's our responsibility or our privilege to diminish someone's power when they're in office. I said if you had had -- you had drafted the bill so it takes effect after the next gubernatorial election I'd vote for that bill. My next term either the next term or the next year, I couldn't remember which, the identical bill was before us again, Madam Speaker. Again, effective upon passage and I voted against that.

I would dearly like a chance tonight to vote for this bill. I think it is good public policy. I think our citizens of the State of Connecticut deserve the right in the case of a vacancy to elect and have a special election and not have the Governor make the appointment. There's been a procedural recommendation

that we ought to vote this down because it might jeopardize the bill and send it back up to the Senate. I would make a procedural recommendation exactly the opposite. I think that we ought to adopt this because if we do not I think we can all figure out what the outcome of the bill will be when it reaches the Governor's desk.

And so maybe we pass the bill in the legislature but it doesn't become law. Because I would guess there's a pretty good chance that a sitting Governor is not going to pass -- going to sign a bill that diminishes their power. I would suggest to you if we really want to move forward tonight, adopt this amendment and then adopt the bill and I think we have a fair shot at this actually taking effect and being law going forward. I would seriously ask this chamber to think about that for a moment. I think that we would be doing a great service if we could do just that. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House C?

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, I'm sure it will be a shock to a lot of people in this chamber but I'd like to

associate myself with the comments of Representative Johnston. I think it does take the politics out of the bill at this point by moving the date to some point in the future when the Governor is not going to be affected. And I would also agree with Representative Johnston because I've had the experience.

This is an amazing place, both the House chamber and the Senate chamber. Sometimes it takes a long time for a bill to get through both places and amazingly sometimes it doesn't. And in fact last year, Madam Speaker, a bill passed the House here on the last day and within an hour and a half that bill passed the Senate. Go figure. Three years earlier I tried to pass the bill. No luck and bango it's done in an hour and a half through both chambers. I don't think the issue of time is an issue. I think actually we could do this. And actually I think if the bill didn't get signed by the Governor at that point then it wouldn't have been our fault that that didn't happen, Madam Speaker. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you for your comments, sir. Will you care to remark on House C?

Representative Rebimbas, you have the floor, ma'am.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Madam Speaker, just to summarize a little bit of what's already been said as I don't want to repeat a lot of the testimony that was provided but I do rise in support of this amendment. And I do so for the mere fact that as people are saying that there's no political intent regarding the underlying bill, then I would ask everybody to support this amendment to demonstrate in fact that there is no underlying political intent there. And again just to reiterate what has already been said by the other Representative that that is the process.

We are here to improve these bills and if we can improve them by submitting an amendment then we certainly have that responsibility to do so. And certainly we have look forward to then -- to having this bill if it is passed, submitted to the Senate and then hopefully proceeding from thereafter. But again we do have a responsibility to improve bills whenever we can. So I would certainly encourage everyone to support this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on House Amendment C? will you care to remark further? If not, staff and guests please come to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting House Amendment Schedule C by roll call. Members to the chamber.

DEPUTY SPEAKER ORANGE:

Have all members voted? Representative Genga. Have all members voted? Have all members voted? Please check the board to determine if your vote has been properly cast. If so the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule C for Senate Bill 913

Total number voting 141	
Necessary for adoption	71
Those voting Yea	39
Those voting Nay	102
Those absent and not voting	10

DEPUTY SPEAKER ORANGE:

House Amendment C fails. Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended by Senate A? Will you care to remark further?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker. Just one question to the proponent and then I'd just like to make some summary remarks.

DEPUTY SPEAKER ORANGE:

Please frame your question, sir.

REP. HETHERINGTON (125th):

Through you, Madam Speaker, what do you conclude is the maximum amount of time that Connecticut could be without one Senator if -- if the procedure contemplated by this bill passes. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, I believe it's 150 days.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And does that include the time -- that's the election but then there'd be some time to be sworn in which would be presumably in January following the election. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, that would only be in the case where the election at or around the time of a regular election in November. However, there would not be an interim period. I believe once the person is qualified they would present their credentials to the Clerk of the Senate at the Capital in Washington and then be sworn in thereafter.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. I will accept 150 days as the greatest number of period that Connecticut might be without one Senator. But it may not break quite that simply. I would remind -- since we're talking about experiences in other states, let's remember the experience in Minnesota where -- I don't know, maybe it's settled now but until very recently Minnesota did not have a Senator because the election -- the popular election could not be settled since November of 2008.

So conceivably you could have a situation even in a popular vote where the outcome would not be known for a long period of time. But consider what would happen if the Senate is closely balanced as it so often is in -- over the course of history.

The stimulus bill, for example that was one of the early priorities of the Obama registration could well have failed had Connecticut not had both Democrat Senators on board. There have been a number of times in history when one vote of a Senator has made a big difference.

Let's remember that in 1999 the article of impeachment against Bill Clinton that charged obstruction of justice got a 50/50 tie in the Senate. And in fact those of you who like history, in 1868 Andrew Johnson would have been impeached were it not for the vote of one Senator. So one Senator can be very important. And it's particularly important in the times we face. This is not a time when we can look upon our representation as to be completed leisurely.

We may need both Senators -- we may need both Senators on the job as quickly as possible. Reflect on what would happen if we did not have two Senators when we were threatened with the loss of the subase in Groton. So, it is vital that we have our Senators on the job just as quickly as possible.

Which brings me I guess to the last point. Why are we doing this? which has come up in terms of a number of bills. Why are we doing it? I mean there have been references to the scandals in Illinois and so forth but they didn't happen here. I mean you can point to some process of government that's been

abused somewhere always. And if you want to look at the experience of other states look at Minnesota they had a popular election. It wasn't a scandal exactly but it proved to block the office from being filled for what five, six months. We just cannot afford that time in the world we live in.

We would do this why because we want to -- we wanted deny a Governor appointment for a limited amount of time -- for a limited amount of time and for that we would give up -- we would give up a Senator. I don't think that's -- I don't think that's a very good balance. We give up -- we run the risk that we lose a Senator for 150 days in exchange for having a gubernatorial appointment for some period of time. I don't think that's a very good trade. I don't think that's a very good trade.

Ultimately the democratic process will be served and we will have an election whether or not we have a gubernatorial appointment in the interim or not. But we need a gubernatorial -- we need a Senator. We need a Senator right away. It's odd in a way that Connecticut should be one of the small minority of states that wants to tinker with the system in the Senate when it was Connecticut that stood up for the small states and accomplished the original balance in the legislature -- the national legislature, that's reflected in the Constitution.

So in conclusion I would urge you, again, not to -- not to give up a chance of losing a Senator in exchange for gain -- for avoiding a short gubernatorial appointment. And I urge the rejection of this bill. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further?

Representative Spallone, for the second time, sir.

Representative Hamzy.

REP. HAMZY (78th):

Thank you, Madam Speaker. I rise in opposition to the bill as amended. Madam Speaker, we have a process to fill a Senate vacancy that works. There has been no rumblings that I've heard of that either Senator Lieberman or Senator Dodd have any intention of resigning and creating a vacancy. We offered an amendment to postpone the effective date of this bill to January of 2011 which I thought was a very reasonable amendment if we were going to change the policy -- the public policy of the State of Connecticut with regard to this issue.

I don't believe that there's been any compelling reason made to change the system as it exists now. Because something so distasteful occurred in a state -- in the State of Illinois, I don't believe is justification for changing the process that we have here in the State of Connecticut. I would ask the

members of this chamber to take into consideration the huge costs involved in conducting a special election and balance that with current system that we have which does involve the public in a very timely manner. And I would urge the members of this chamber to vote against this bill. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on the bill as amended? Will you care to remark?

If not -- Representative Carson of the 108.

REP. CARSON (108th):

Thank you, Madam Speaker. I rise also briefly to speak against the bill and to be honest with you until I listened to the debate tonight I really was uncertain as to how I would vote on this bill. Some six or seven years ago, long before we faced the issues in Illinois or New York State this bill has been talked about in this building, maybe even longer than that. And at that time when it was posed -- the question was posed to me, do you want the Governor to make this choice or do you want the people to decide.

Well I'm on the side of the people. I absolutely, positively would prefer that the people have an opportunity to voice their support for a candidate. But if you posed the question, do you want that seat in Congress to sit vacant for up

to five months versus the potential -- potential of someone died or withdrew or whatever the day after they were elected, perhaps for two years we'd have to deal with the Governor's appointment. I would say, I want that seat filled in Washington. As others have said before us tonight we only have a handful of people down there to represent us. And I think that is far more critical. So I have to say I have truly changed my mind tonight based on the debate that I've heard. And I cannot support this bill. I think the people of the State of Connecticut will be better served to leave the law the way it stands now. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Care to remark?

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Madam Speaker. I rise to associate my remarks with my colleagues. I guess my basic response to this is I don't understand. I don't really understand why we're doing something that I don't perceive nor has anyone else perceived as a problem. If there had been some concern in the State of Connecticut with the way we do things I would certainly understand why we would sit down, go back to the drawing board

and figure out how we should fix it and make our process better going forward. That's what we do in this building.

But to look at another state or somewhere else and see they had a problem that had nothing to do with us does not make any sense to me and I don't think it makes any sense to the people of the State of Connecticut. We've heard the phrase if it isn't broke, don't fix it. And as simple as that is I think it certainly applies to this situation. Madam Speaker, I would not be supporting this amendment and the bill. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you for your comments.

Representative Johnston, will you care to remark on the bill as amended, sir?

REP. JOHNSTON (51st):

On the bill, Madam Speaker, in opposition. Madam Speaker, we in this chamber would not pass a bill that would diminish our own power. And I don't think we would pass a bill to increase our power while we're in office. This legislature's been careful in the past when we have voted on pay raises, Madam Speaker. We've not voted for pay raises for ourselves. We voted for pay raises for the next person that would take that office. And whoever the public would elect to that next office would elect that person at a different pay scale.

If I was to vote for this tonight, Madam Speaker, I think that that would be an arrogant vote to a different branch of government and to say to that branch of government you were elected by the people of Connecticut with certain powers, duties, and responsibilities, and in the middle of that contract we've rewritten the rules on your power. Madam Speaker, this is not good public policy. I would urge rejection.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further?

Representative Caruso.

REP. CARUSO (126th):

Thank you, Madam Speaker. Madam Speaker, the position of United States Senator for the State of Connecticut belongs solely with the people of the State of Connecticut, not the Governor. And the people of the State of Connecticut have the right to choose a replacement, not the Governor. So let's be about voting for this and giving the right back to the people as it has been in the past in the State of Connecticut. At one time in Connecticut the people voted for replacements for the office of U.S. Senator for Connecticut. Let's do it again. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further? Will you care to remark further?

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker, for the second time on the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SPALLONE (36th):

Madam Speaker, very briefly I agree with my predecessor Representative Caruso that this is not a bill in response to my friend Representative Johnston, it is not a bill about trying to diminish the authority of the executive but rather a bill about trying to enhance the authority and sovereignty of the people of the State of Connecticut.

This is a bill about restoring the rightful place of the voters of this state in selecting a United States Senator when a vacancy occurs. It is not presented will ill intent. It is presented as a good government bill. It is a good measure to, as I said, restore this authority and to -- and it is not a reaction to a particular event but rather the best public policy at this time considering all of the circumstances. It would be a good bill whether it was Governor O'Neill, Governor Weiker,

Governor Rell or whoever might be elected in the future. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark? Will you care to remark? If not, staff and guests please come to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted? If all members have voted -- if all members have voted the machine will be locked and the Clerk will take a tally. And will the Clerk please announce the tally.

THE CLERK:

Senate Bill 913 as amended by Senate A in concurrence with the Senate

Total number voting	144
Necessary for passage	73
Those voting Yea	107
Those voting Nay	37
Those absent and not voting	7

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. The bill passes in concurrence with the Senate. Will the House please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

Will the chamber please come back to order. Is there any business on the Clerk's desk?

THE CLERK:

Madam Speaker, there is business from the Senate. We have a list of favorable reports on Senate Bills.

DEPUTY SPEAKER ORANGE:

Representative Denise Merrill, the Majority Leader.

REP. MERRILL (54th):

Thank you, Madam Speaker. I move the waive the reading of the Senate favorable reports bills be tabled for calendar.

DEPUTY SPEAKER ORANGE:

Without objection, so ordered. Returning to the call of the Calendar, will the Clerk please call Calendar 659.

THE CLERK:

S – 590

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GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2009

VOL. 52
PART 14
4324 – 4666

Those voting aye 13

Those voting nay 20

Those absent and not voting 3

THE CHAIR:

The resolution fails.

Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, an additional item to call. If the Clerk might call on calendar page 30, Calendar 386, Senate Bill 913.

THE CHAIR:

Mr. Clerk?

THE CLERK:

Turning to the call of the calendar, Calendar Page 30, Calendar Number 386, File Number 540, substitute for Senate Bill 913, AN ACT CONCERNING UNITED STATES SENATE VACANCIES, favorable report of the Committee on Government, Administration and Elections and Appropriations. The Clerk is in possession of amendments.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President, and good evening.

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

THE CHAIR:

On acceptance and passage of the bill, ma'am, would you like to remark further?

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

The Clerk has in his possession LCO Number 8605. I ask that it be called, and I seek leave to summarize.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 8605, which will be designated Senate Amendment Schedule A, is offered by Senator Slossberg of the 14th District.

THE CHAIR:

There's a motion on the floor for summarization. Seeing no objection, please proceed, ma'am.

SENATOR SLOSSBERG:

Thank you, Mr. President. I move adoption.

THE CHAIR:

The motion is on adoption. Without objection, please proceed.

SENATOR SLOSSBERG:

Thank you, Mr. President.

This is a strike-all amendment that will become the bill, and this amendment, very simply, restores the right of the people of the state of Connecticut to choose their U.S. Senator in the case of a vacancy in that position.

It establishes a process for an election for 150 days from the vacancy, and the bill allows for the possibility of primaries. It changes our current process which is though gubernatorial appointment to an election with two exceptions that are notable.

One, in the last year of a Senate term when the Senate is on -- that Senator's term is up, in the very short period where it would be not feasible to have an election in both June and then in November for the same position, and secondly, in a catastrophic event situation where 50 or more U.S. Senators were to perish.

Under those circumstances, there would be a gubernatorial appointment.

As I stated, this bill is pretty simple, so actually I wanted to just share with the chamber some of the history surrounding how we ended up with the

particular process we have right now.

Because Connecticut has not always had a gubernatorial appointment to fill a vacancy in the U.S. Senate, in fact, in 1913 when Connecticut ratified the 17th Amendment, we had an election to choose our U.S. Senator and an election to choose our U.S. Senator in the case of a vacancy.

We have the ability through the 17th Amendment to have the Governor appoint someone to fill the vacancy, but when we ratified the 17th Amendment, we did not choose to exercise that option.

Why? Because we believed, as I believe now, that the people should choose who is going to represent us in our local government, in our state government, and in our federal government.

And, as we all know, we have elections to fill our local positions. If one of us resigned, we would have a special election to fill that seat. If there's a vacancy in our congressional seats, there is an election. So, it seems sort of odd when you start to think about it that somehow the people lost the right to elect our U.S. Senator in the case of a vacancy there.

From 1913 to 1945, any vacancy we had would have

been filled by a special election, but in 1945, it is only because of a convergence of a number of extraordinary events that the law was changed. There was a vacancy in the last term on the U.S. Senate term. There was a world war. There was one party in charge of both the Legislature and the Governor's seat, and they had a candidate to fill the vacancy created by a sudden death who was -- that candidate was well respected, and widely supported by the public.

And, so, the law was changed in 1945 to allow the Governor for that one specific time to appoint a U.S. Senator to fill the term of the late Francis T. Maloney, and the legislation in 1945 was specific. It did not convey to the Governor a broad right to appoint. It specifically provided the Governor with the right to appoint a successor to Francis T. Maloney.

The debate at that time in 1945 centered around this special election -- this special exception, the changing from election to appointment. The discussion centered largely on the fact that it was wartime, and the Legislature was very concerned that if there was an election, that it would disrupt wartime production

in the factories, and they wanted to make sure that people were not going to leave their wartime factories in order to go and vote or that there would be fights as a result of it or they were worried about fighting between factions with regard to candidates and, of course, because of wartime, they were also worried about the cost.

So, as a result of this legislation, we went from election to appointment, and there was an appointment for a year, and then there was an election.

The following year in 1947 was the year the sales tax was implemented, and in that year, in the middle of the night, without any debate, the law was changed to permanently take away elections to fill a vacancy in the U.S. Senate seat, and what was supposed to be a special exception became the law of the land.

So, that is how we actually have that law today. Efforts to restore elections to the people are not new. We've been discussing and debating this for at least the last ten years, but after witnessing the spectacles in Illinois and New York and a number of other states where there was corruption and real possibilities that people who might be appointed were not qualified or were chosen on the basis of their

political connections or influence or fame or fortune, it became painfully obvious that the best way to choose our U.S. Senators is by fair and free elections by the people of our state.

The notion that Senators could sit as long as two years or more at the whim of a Governor is in conflict with the basic notions of democracy. No one can sit in our federal House of Representatives without facing the voters. No one can sit in this chamber without facing the voters, yet we would allow our U.S. Senator to avoid facing the voters.

If you want to be a U.S. Senator, you should need to make your case to the people of our state, not to the inhabitants of the Governor's mansion.

The person who represents us in the U.S. Senate must be chosen by the people to reflect their will. After all, one person in the Senate can affect the balance of power in our entire nation. No one person, no one party, no small group of political insiders should have that power to decide who represents us. That power belongs with the people.

Mr. President, I would ask for a roll call vote on the amendment.

THE CHAIR:

Thank you, ma'am. Roll call vote will be ordered. Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

Through you, Mr. President, I'd like to ask some questions of the proponent of the bill.

THE CHAIR:

Senator Slossberg? Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Mr. President.

Through you, Mr. President, just for clarification, Senator, how long has Connecticut used the current method for filling the vacancies?

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Well, specifically through gubernatorial appointment, it would be officially 1947, but in actuality, it was 1945 was the first appointment.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

And through you, how many other states have a

gubernatorial appointment to fill Senate vacancies, and when was it the last time that the state of Connecticut had a vacancy in the United States Senate?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

To the best of my knowledge, there are approximately 45 states that currently have gubernatorial appointments, but a number of them are considering this special election, just as we are. In fact, Alaska, I believe, to the best of my recollection changed in 2002, and Massachusetts changed in 2004, and a number of other states have this pending right now.

And, as to your second question as to when the last time we had an appointment, off the top of my head I do not recall.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

And through you, so 45 states currently do it the

way we do here in Connecticut, I believe you said, and I believe that to be fairly accurate. Alaska apparently is looking at their process now, so if, in fact, 45 out of 50 states seem to have a very good way to fill a vacancy for the United States Senate, through you, Mr. President, what makes you think that this now becoming a minority in the process is a better way?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

I'd say that just because 45 other states were or 40 states, depending upon, you know, those who are considering it right now, just because a number of other states have gubernatorial appointment doesn't make it a better way or the right way. I happen to believe that giving the people the power to choose their representative is always the better way.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

And, through you, giving people the power I think

is a good idea, and certainly we all represent about 90,000 people, and here in the circle of the State Senate we make a lot of choices that are representative of the people, and so I would suggest that perhaps the Governor, who is elected by the people, is also asked to make some important decisions.

Have any uses of the vacancy appointment authority here in Connecticut ever been problematic? Have we ever had a problem with this current process?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

Not to my knowledge.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Okay. So, the process is working well, and do you have any reason to believe that we'll have a Senate vacancy here in Connecticut in the near future?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

No, I do not.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

And through you, Mr. President, what do you suppose has suddenly changed the environment here in Connecticut but more specifically here in the General Assembly that suggests that this is a good idea to eliminate the Governor in the appointment process of a vacancy?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Well, I don't think that there's anything that's been urgent about this currently. This has been pending and we've probably been discussing this for probably about twelve years now, at least, as far as the records go back that we can tell. It's very possible it was brought up long before then, but we don't have legislative history of this.

As to why it needs to happen, what I always tell

my children is there's never a wrong time to do the right thing.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

I appreciate that, Senator Slossberg, but you mentioned it's been discussed for twelve years now. Why was it not approved in the last twelve years and now this General Assembly feels its the right time?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

I can't speak to previous legislatures as to why it didn't pass. Certainly, there are many reasons why bills don't pass, you know, the clock runs out, people filibuster, the hour gets late, and other bills take precedence.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

And, thank you for that legislative history. Being a newcomer, I appreciate that viewpoint, but I

do wonder if this has been discussed so many times in the past and has not been successful, that it's just one more reason for me to take pause and wonder why this is being represented as a good idea.

I wonder if, through you, Mr. President, Senator Slossberg, have you been contacted by any U.S. Senators or Representatives of Congress about this proposal?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

No, I don't believe so.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

And, so, through you, Mr. President, then no current members of the United States Senate representing Connecticut or members of our congressional delegation have expressed a concern about this issue and contacted you or your peers here in the General Assembly to lobby for this change?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

I can't speak for the other members of the chamber as to what conversations they may or may not have had with members of our congressional delegation, but I do not believe that there is any lobbying effort by members of our congressional delegation with regard to this bill.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President. And, thank you for that answer.

So, for twelve years we've considered it and declined the change, and members of Congress representing Connecticut haven't expressed a concern to change it,and 45 states of the great United States of America do it the same way we do, so I'm still a little perplexed in trying to understand why this would be such a good idea.

Have you been contacted by any national political party officials about this proposal?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

No.

THE CHAIR:

Through me, ma'am. Through the Chair.

SENATOR SLOSSBERG:

Through the Chair.

THE CHAIR:

Thank you. Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and thank you, Senator, for your answer.

If a special election were to take place and it's a state-wide special election, through you, Mr. President, what is the cost to Connecticut taxpayers for a special election?

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President, that would depend upon whether the -- if it's a state-wide election and it's a state election year, I don't believe that the numbers are clear. If it's a municipal year, it also

depends upon each town, so I don't know.

If you're looking for a state number, I believe the fiscal -- there's a fiscal note that addresses that, that I believe possibly has it in the two million dollar range for state-wide if you were looking at it, but, again, that would depend on town by town as to how much it would cost for them to run each election.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and thank you for the answer.

Through you, Mr. President, so just for clarification, a special election state-wide in Connecticut would cost taxpayers about two million dollars to run?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Yes. Through you, Mr. President, according to the (inaudible) note, it suggests that with regard to a state-wide election, the total amount could exceed

two million in the case of a general election or more if there was both a primary and a general. But, again, that would require there actually to be a vacancy.

THE CHAIR:

Senator Slossberg -- I mean Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and thank you for your indulgence, my colleagues in the circle at this late hour, but I think this is an important change that's being proposed to the way we operate here in Connecticut, and so I do have more questions.

Through you, Mr. President, Senator, how many -- how many vacancies have occurred in the United States Senate that have required special appointments?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you, to the best of my recollection, I think there's 184.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and I appreciate that answer, Senator.

If we were to be considering -- excuse me. Is there -- or isn't this a recognition of the fact that there are instances in which it's preferable to have a Senate seat filled more expediently than through special elections?

I suggest that the Office of Legislative Research had provided to us as members of the Government Administration and Elections Committee a table that spells out pretty clearly the time line for a special election when a vacancy occurs in the United States Senate, and I believe, also, that in that time line that was created by our non-partisan staff, that, in fact, it seems to show me that there are times when a special election will exclude the opportunity of a party primary.

Through you, Mr. President.

Senator, can you clarify that and what would happen? Thank you.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

If I understand the question being are there certain circumstances under which there would be no primary in a special election, the answer is yes.

Just like with our -- with our congressional special elections, if the vacancy occurs between 63 and 125 days before the election, there would be an election without a primary.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

In the case of a primary, if the delegates in a primary do not endorse a candidate or the endorsement is not certified prior to the scheduled primary date, what happens?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President.

If a -- if the endorsement -- if an endorsement is not made, then there would be no candidate in that position just like in any other convention. If there is no endorsement, there is no candidate unless there

is a petition for a primary.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President. And, so, in that scenario then, there's no candidate in a primary, so I assume that means there is no special election? Is that what you're suggesting?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President.

No. If there's no candidate, that would be -- that would be in one party. Presumably, there would be another candidate in the other party, in which case that person would run unopposed.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

So, a special election, primary process, a breakdown in the process itself, we have a candidate that runs unopposed, and the Connecticut taxpayers pay

two million dollars to run a special election. That doesn't sound like a good way to do business.

Through you, Mr. President.

Is there no other way to provide an opportunity to have two candidates on the ballot?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

I'm not aware of any other way. Through you, Mr. President.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

So, perhaps this is one of the issues that certainly needs a little bit more attention, that this bill needs to be fine-tuned some more. I guess it's been -- been getting tuned up for twelve years, and we might have to shoot for thirteen because I think there are some issues here that just a need a little bit more tweaking and fine-tuning.

Now, the newest part of the bill which we see tonight in this amendment speaks to a very unusual

situation where you're suggesting that we fill a vacancy in the case of 50 or more vacancies in the office of United States Senator.

Through you, Mr. President, Senator, what brought that on? Thank you.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you, this is a parallel to the continuity with Congress act that was passed after September 11th, and at that time it only applied to members of Congress.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and thank you, Senator, for that answer.

So, this was a post-9/11 succession plan that was put together. Is that what I'm understanding correctly? Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President.

I guess you could call it that.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

So, Senator, what if two members of the United States Senate die? What happens then?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President.

I assume that there would be a funeral, but beyond that, this bill doesn't address that.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

So, I can see that the late hour has us all with a -- we haven't lost our sense of humor, but more specifically, Senator -- through you, Mr. President -- if two United States Senators from the state of Connecticut die, what happens? Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

Depending upon when that occurrence would happen, in most instances there would be a special election.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and thank you for that answer, Senator.

Now, in special elections in the state of Connecticut -- and I believe across the country, but it's been my experience here in the state of Connecticut -- would you agree, Senator, that there is extraordinarily low voter turn-out for these special elections?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, I don't have any figures on voter turn-out in front of me, but I do believe that sometimes they can be less than in the general

election.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President, and through you, Mr. President, so Senator, you're only acknowledging that it is somewhat less than a general election when, in fact, I think it's common knowledge in political circles that a special election is a fraction of general election-day voter turn-out? Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President.

As I stated, I actually don't have that data in front of me in terms of the voter turn-out for special elections, but I certainly imagine that if there was a hotly contested U.S. Senate seat, that people would be very interested in turning out and participating. Unfortunately, we haven't had that experience because we don't currently have special elections to fill vacancies in U.S. Senate seats.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President. So, through you, Mr. President, so you're suggesting that we're going to have a special election for a vacancy in the U.S. Senate and that we're going to have a voter turn-out that will meet or exceed election day voter turn-out?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President. I make no predictions whatsoever with regard to voter turn-out at any time.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President.

And, I was interested to hear you mention about a little bit of the history of how Connecticut has selected a vacancy in the United States Senate, and you mentioned that one of the changes was made, quote, in the middle of the night.

Through you, Mr. President, could you clarify

that statement and what that was, please?

THE CHAIR:

I believe the sun was down, but personally, Senator Slossberg, go ahead.

SENATOR SLOSSBERG:

Thank you, Mr. President.

To the best of my recollection, there was a press clipping that it occurred in the middle of the night.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you. So, it wasn't the change in the law. I thought I heard you say that they changed the law in the middle of the night.

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President. That the law -- that the bill was debated, just like this bill is being debated, in the middle of the night.

THE CHAIR:

Senator McLachlan?

SENATOR McLACHLAN:

Thank you. How ironic. I don't know if you worked on scheduling as well to have this discussion tonight. Thank you, Senator, for your answers.

I guess that perhaps the tone of my questions does clarify my opposition to this. I think that the selection of the United States Senator in the case of a vacancy currently works very well in the state of Connecticut. We, in fact, have had so few opportunities for the Governor of Connecticut to make a choice for the vacancy of the United States Senate that I'm wondering why this body of the General Assembly is entertaining this idea at all unless, in fact, it is just a power grab.

I wonder why, you know, the majority party would want to take away the executive power, if you will, of the Governor of this state to make this selection when it works so well elsewhere across the country, number one, and number two, I guess there's a time when there might be a Democratic Governor, and will they want to change it back again?

So, I stand in opposition to this amendment and the underlying bill.

Thank you, Mr. President.

THE CHAIR:

Senator Kane?

SENATOR KANE:

Thank you, Mr. President. Through you, just a quick question to the proponent of the amendment.

THE CHAIR:

Senator Slossberg.

SENATOR KANE:

Thank you, Mr. President, and I apologize if this question was asked because I know you were asked numerous questions, but in the situation in this bill, would the delegates of the previous convention decide who the nominee would be from each party?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, that would be correct, which is the same process we have with special elections for filling congressional vacancies.

THE CHAIR:

Senator Kane?

SENATOR KANE:

Thank you, Mr. President. I thought so. I thank

the Senator for her answer.

I guess I rise with mixed feelings on this because I am a product of a special election, and did win my nomination through the delegates of a previous convention, but having said that, I do have some concerns about this legislation through the facts that were raised by Senator McLachlan. I do think that because 45 states use this approach with the gubernatorial choice, I think that's pretty clear that, you know, 45 out of 50 states do it this way. I think that's a pretty strong mandate.

I also know that there is low voter turn-out in special elections, again, having been elected in a special myself. It was January of last year, in the dead of winter, and it's very difficult, as we all know, to get voters out on a cold winter day, and we really struggled to get people out. I want to say it was like 17 percent voter turn-out overall, so it was extremely low, especially when it's not during November when, obviously, a presidential election or even municipal elections are going on, so I think that's a very dangerous thing, considering the amount of turn-out that happens.

I do believe, according to one of Senator

McLachlan's questions, that there will be an additional cost to the towns and municipalities who have to put these elections on. I know that in my home town, historically we've had to go to referendum quite often with out own budgets, school budgets and municipal budgets, and each time we go out to referendum, it typically costs about 12 to $15,000 in our own little town, so I can imagine the cost through 169 towns in the state of Connecticut.

And then lastly, I do believe this is in contradiction to the 17th Amendment of the United States Constitution which states that it empowers the executive; therefore, to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

So, although I am a person who was elected in a special election, obviously on a much smaller scale in my District compared to the entire state of Connecticut, I do believe with those four factors that I mentioned, I would have to stand in opposition to this amendment.

Thank you, Mr. President.

THE CHAIR:

Senator Boucher?

SENATOR BOUCHER:

Good morning, Mr. President.

THE CHAIR:

Good morning, ma'am.

SENATOR BOUCHER:

I rise for the purposes of an amendment, Mr. President.

THE CHAIR:

We have an amendment on the floor currently.

SENATOR BOUCHER:

Ah, we do; that's true.

THE CHAIR:

We have to close this one out and go on to another one.

SENATOR BOUCHER:

Then I may defer then to the rest of the body to possibly vote on this amendment before I propose another one. Thank you.

THE CHAIR:

Thank you, ma'am. Remark further on Senate A? Senator Looney?

SENATOR LOONEY:

Mr. President, speaking in support of the amendment, I wanted to thank Senator Slossberg for

bringing this forward.

In our history, Mr. President, as we know, U.S. Senators were originally selected by state legislators. In fact, that was the pattern in our nation's history for a longer period of time than we have had direct election of U.S. Senators. From 1789 until 1913, it was state legislators who chose members of the United States Senate until the Constitution was amended at a time during the so-called progressive era in the early decades of the 20th century.

But, the trend in our democracy over time has been toward broad-based electoral participation and toward allowing the people to choose and to have a more inclusive and democratic process to fill various offices, and that -- that is what is -- that trend that has been part of the basic trend in our democracy is what is offered in this amendment.

During the so-called progressive era championed by Senator Robert LaFollette from Wisconsin and others, the innovation of the direct primary was created in those years, and one by one, states moved toward the direct primary process rather than the purely convention-based process for selecting candidates for offices, and that was a move more

broad-based, participatory democracy.

Under our system, Mr. President, obviously, if there is a vacancy in the office of Congress, a U.S. Representative, there's not an executive appointment to fill that vacancy. The executive doesn't fill vacancies for the state legislature, but we have the current system actually, although it may be one that is used in a large number of states, is somewhat of an anomaly and goes against the tradition of encouraging elections, encouraging broad-based choice rather than having someone choose, a single individual choose a candidate for such a high office.

So that this amendment is actually moving in what has been the pattern of our democracy over decades, the moving gradually toward broad-based, more inclusive electoral processes to fill offices and, obviously, with the exception of the office of Governor itself, there is probably no more significant office in the state than that of a United States Senator, so I would urge support of the amendment.

THE CHAIR:

Will you remark further on Senate A? Senator Slossberg for the second time.

SENATOR SLOSSBERG:

Thank you, Mr. President. I appreciate it. I'll be brief.

I did just want to share just two observations with regard to a couple of the comments that were made. With regard to the concept of voter turn-out, whether the turn-out is high or low, if there's even one person who comes to vote, that is more than we have currently.

So, secondly, the 17th Amendment actually provides -- and I'll quote -- that when vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancy.

So, actually, the 17th Amendment provides for the writs of election, and then goes on after that to provide that the Legislature may empower the executive thereof to make temporary appointments, so the election piece is actually in the 17th Amendment.

So, I would urge the adoption again. This is about returning the power to vote to the people in the state of Connecticut, and, you know, I have great respect for our executive branch, and we entrust them to make lots of decisions, but ultimately that power belongs to the people.

Thank you, Mr. President.

THE CHAIR:

Will you remark further on Senate A? Senator McKinney?

SENATOR McKINNEY:

Thank you, Mr. President.

Mr. President, I rise in opposition to the amendment. Mr. President, this -- let's be clear. This is not about whether or not we have an election to fill the vacancy for United States Senator, it's about when that election occurs.

I would not want our United States Senator to be elected by the vote of one person in the state of Connecticut, but we have a process whereby there's a gubernatorial appointment, and that appointment lasts until the next national election cycle.

So, if, for example, we had a resignation or a vacancy created one year after a Senator was elected and the next national election cycle one year later, we would have an election.

The representations have been made that this is about whether we have an appointment or an election. The appointment does not kill out the entire, under my hypothetical, five years remaining on the Senate term.

There would be an election one year later, and that election would fill out the balance of four years of the term, so there is an election that happens. The question is when does that election happen and what kind of election do we want.

It has been mentioned here -- and it is a fact that some may want to ignore -- but that a special election held perhaps in January will yield a much lower, a significantly lower turn-out than a national election in November. So, do you want your United States Senator elected with maybe 15 or 20 or 25 percent of the people participating, or do you want your United States Senator elected with 60 or 65 or 70 percent of the people participating?

I'll choose the latter every day of the week.

There's another important reason why the overwhelming majority of the states reject this proposal before us, and that is the reason why the filling of a vacancy for a Senator is different from that of a member of Congress, because the role and responsibility and power of the United States Senator is dramatically different.

Every state has the same number of United States Senators. California has the same as Connecticut, and

one Senator under Senate rules has enormous power to put holds on bills and prevent that bill from even coming up for a vote in the United States Senate. One Senator can do that.

Ask the people of Minnesota. Ask the people of Minnesota if they feel good about being without a United States Senator right now. Imagine, imagine if we did not have one of our two Senators in Connecticut. If we had a vacancy several years ago when the United States Congress was debating the base realignment closings, how would we feel if we were waiting three months or six months or nine months to have the special election, and we were lacking a United States Senator to help keep the sub base open?

That's why this is different. That's why this is different, because one United States Senator has enormous power, and when there's a vacancy, the Governor, the executive branch, can fill that vacancy immediately and restore balance for that state, and then on the next federal election cycle, there will be an election.

So, this is not about whether we elect or appoint our United States Senators. It's about when that election occurs and what kind of election we have, and

whether or not as a state you are willing to live without that one Senator for maybe as much as nine months.

I think on balance the overwhelming majority of the states that have rejected this proposal are right, and that's why we should similarly reject this proposal tonight.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further on Senate A? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment

Schedule A.

Total number voting	32
Those voting yea	20
Those voting nay	12
Those absent and not voting	4

THE CHAIR:

The amendment passes.

Senator Boucher?

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise for the purpose of proposing an amendment and, Mr. President, the Clerk has Amendment Number LCO 8551.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 8551, which is designated Senate Amendment Schedule B is offered by Senator Boucher from the 26th District.

SENATOR BOUCHER:

Mr. Speaker, I move adoption and ask for a roll call vote.

THE CHAIR:

The motion's on adoption, summarization. Without

objection, please proceed, ma'am.

SENATOR BOUCHER:

Mr. President, two issues have arisen due to the conversations that were had previously. One of them was in regard to a special election and the voter turn-out during a special election, and also one that I feel is very important, and that is the cost of a special election. Given the economic circumstances that we're in, given the budget situation that we're in, if we were to have such an eventuality -- and it's very possible that that can happen as we do have a U.S. senatorial race coming up -- I am concerned about both of those eventualities.

It's been our experience that in local election periods, municipal election cycles, we have anywhere from ten to 35 percent turn-out whereas in gubernatorial years we'll see about a 60 percent turn-out at the height and oftentimes during a presidential election, it can be anywhere 70 and 95 percent.

A special election, which I also have had the experience with as some others have in this chamber -- and there's no question that the numbers are substantially less -- and for such an important seat

in our state and in our nation, I think it's something we need to be very cognizant of, being very deliberative of.

This amendment that is being proposed could solve that problem. It is a strike-all amendment that literally would say that it wouldn't just be the next state election that would be eligible for an election of a vacancy, but a municipal election as well. So, there would be very little time between the time of an opened vacancy to the next available time that a regular election would occur in a municipality. This would help greatly because the fiscal note for the amendment that was just passed has in it a provision that if a vacancy occurs if the General Assembly is not in session, it may be necessary to convene a special session which would cost upwards of $11,000 a day for such an eventuality, and if a special election were held, there would be a state-mandated cost to municipalities that could run in the neighborhood of anywhere from $15,000 for a very small town but close to $100,000 for a larger city.

We could avoid all of that by simply adding to the current laws that we have that the next available election could be a municipal election or it could be

a state election, whichever is closest to this vacancy. I think that this is a reasonable approach, maybe a compromise position between the two proposals that we've been hearing tonight. One is to leave the situation as it is; the other is to dramatically change it altogether.

So, for those reasons, Mr. President, I urge the chamber to consider this amendment as a good compromise step to reduce the cost of what's being proposed right now at a time when we can least afford it, and still accomplish the goal of having a speedy election, one where everyone and more than would be currently proposed will be able to get to the polls and have the public weigh in on this very, very important position.

Thank you very much, Mr. President.

THE CHAIR:

Thank you, ma'am. Will you remark further on Senate B? Senator Fasano?

SENATOR FASANO:

Thank you, Mr. President. Mr. President, I rise in support of Senate B and adopt the statements of Senator Boucher.

Mr. President, obviously by allowing this

amendment to go in, we're going to reduce the amount of impact to municipalities. All of us have heard around our Districts as well as even when we visit others that they're tired of state mandates that we put on municipalities, when we tell municipalities they have to do this and they have to do that, because we think we know best, and it results in expenditures at the municipal level.

Mr. President, what this does is to say we recognize those expenditures, and this is a way you can defray them by adding them into the regular elections so it's not going to cost you much more, if anything, to have this election the same time as you're having other elections.

Mr. President, that makes sense in the face of the mandates that we place on municipalities. This is just one less if we adopt this minor amendment, so I urge adoption of the amendment.

Thank you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, through you, a quick question to the proponent.

SENATOR BOUCHER:

Senator Boucher?

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, through you, if I'm to understand this strike-all right, the maximum amount of time that would occur between the vacancy and the election would be one year. Is that correct, or 364 days if a vacancy were to happen the day after an election? Is that true, Mr. President, through you?

THE CHAIR:

Senator Boucher?

SENATOR BOUCHER:

That is correct. Through you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

And, it's also true that in the underlying bill that this seeks to replace, the number of days that would occur between a vacancy and an election would be 150 days after the writs of election were issued. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Boucher?

SENATOR BOUCHER:

That is my understanding, Mr. President.

SENATOR DEBICELLA:

Thank you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President, and I thank Senator Boucher for the answers to those questions.

Mr. President, I rise in support of this amendment as a very common sense, straightforward way to deal with the issue of Senate vacancies. We've talked a lot tonight about the will of the people, and I think as Senator McKinney said, the will of the people can't be expressed when you have a 12 percent turn-out for something as important as a U.S. Senate election, and the trade-off here that we seem to be discussing is the speed at which the voters vote versus doing it in a way that truly represents the will of the people.

And, under the underlying proposal that Senator Slossberg has brought forward, it potentially could go a little faster. It could potentially go at 150 days

rather than upwards of a year, but the cost of doing that is unrepresentativeness -- whew. Try to get that one out at 1:15 -- where you have such a small amount of the electorate making such an incredibly important decision.

What Senator Boucher's amendment does is it makes a slight trade-off that yes, an appointed Senator may be there for a few months longer, but the trade-off is that you have an election in which you get large voter turn-out to reflect the will of the people.

This seems to me to be the height of common sense. If the desire is to have, as Senator Looney said, the march of history towards more participation in our democracy, surely we don't want to replace an appointment by the Governor to an election where a minuscule portion of our population actually decides the state Senator. We want to have it so that it is the vast majority of the voting populace voting as they do in Connecticut in both municipal and state elections.

So, I believe that Senator Boucher's amendment is straightforward, common sense, and allows for elections in a much better way than the underlying bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark? Will you remark further? Senator Frantz?

SENATOR FRANTZ:

Thanks, Mr. President.

I stand in favor of the amendment and thank Senator Boucher for raising it before us tonight. What I like about it particularly is the fact that it does save money. This is something that could get very expensive. We don't know what the costs are for sure. It's hard to project.

The other component I like about it is that it expedites the election process for an unusual set of circumstances, and it virtually guarantees democracy. We all have to remember, especially after Senator Slossberg's great lesson in history tonight -- which I personally appreciated because I did learn a lot from that -- and time has --thank you -- times have changed, and we're now looking at a larger country, 300 million-plus people in our country, and towns and cities have grown in population, so there's a lot more to it, and the dynamics, of course, have changed as well.

The gubernatorial appointment provision I would remind all of us is for emergency circumstances, for unusual circumstances, and the reason why I feel that that's important is that you need, oftentimes you need near instantaneous representation in Washington, D.C. You can dream up all kinds of circumstances that could exist where we do need our second Senator or both of those Senators in Washington, D.C., representing the interests of the people of Connecticut, and so there's rhyme and reason and logic to why there's a gubernatorial appointment process in place right now.

The amendment that's proposed by Senator Boucher gets us closer to democracy but still provides for those unusual circumstances where we need a representative in Washington in the U.S. Senate.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further? Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

I rise in opposition to the amendment, and while I appreciate the good Senator's attempt at compromise, I'm still persuaded by the underlying belief that it

is in our best interests to have a special election to fill the vacancy as fast as we possibly can, and in this instance we would be, I believe, over a year. With an appointment, we have municipal elections. As we know, some occur in May, in which case those towns would be out on their own. We don't have any uniformity as to when the municipal elections are, and this also doesn't address the issue with regard to primaries.

So, for those reasons and the underlying reasons spoken before, I would oppose this amendment.

THE CHAIR:

Thank you, ma'am. Remark? Remark further on Senate Amendment B? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have

voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule B.

Total number voting	33
Those voting yea	12
Those voting nay	21
Those absent and not voting	3

THE CHAIR:

The amendment fails. Remark further on the bill as amended by Senate A? Senator Fasano?

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, in light of LCO 8551 not getting favorable result, we have established a system if this bill makes it through that a special election can be called costing the municipality significant monies in which to have the special election.

Therefore, Mr. President, I would ask the Clerk to call LCO 6312 and request permission to summarize.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 6312 which would be designated Senate Amendment Schedule C is offered by Senator Fasano of the 34th District, et al.

THE CHAIR:

There's a motion on the floor for summarization of the bill. Seeing no objection, so ordered.

Senator Fasano?

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, essentially what this bill does is say that the state shall reimburse each town of the cost of any election held pursuant to the General Statutes which were amended by Section 1 of this act.

Mr. President, what this does is it's an addition to the bill before us and requires the state to reimburse a municipality. Now, if we believe -- and this bill gets approved -- and we believe that a special election is the best method and manner in which to achieve a vacancy at the U.S. Senate as opposed to the Governor choosing, along with that comes the expense, obviously, of that special election, and that expense does, according to the fiscal note with the underlying bill, that expense does run from any numbers from 10,000, I think, up to

75, $85,000 per town.

Mr. President, it seems unfair that we make a policy decision, once again, that's going to be mandated to the municipalities and have the municipalities have to pay the sum of money. If we believe this to be good policy and we believe this is just and right for the state of Connecticut for the reasons that Senator Slossberg has talked about in presenting this bill, then I think the proverbial we should put our money where our mouth is, and say we are going to reimburse every town for that cost, because we believe it's that important a policy that we should reimburse the town for its cost.

Mr. President, many of us as I suggested go around and talk about we're against municipal mandates, it creates great disdain in front of our various town functions or events we go to where they say if you'd just leave us along, we'd be okay; if you just stop putting on mandates, we can't survive.

Well, Mr. President, here's a mandate that we are putting on, and we have the unique opportunity while we're doing it to say: In the rare occasion that it does happen, because we can't even know when the last time it happened, nobody has a clue, but in the rare

occasion that it does happen, we're willing to foot the bill because that's how strongly we believe in this policy.

Now, some may say, well, you know, it's a big bill, I think the note on it is like $2.4 million. It's a big bill. I get that, but no one in history can recall when we've ever utilized the ability of the Governor to appoint a vacancy at the U.S. Senate or, I guess, prior to the law change that Senator Slossberg told us about, whether we've ever used this provision, so there's really not a lot of fear in doing it, and it's not like we're going out on a limb when we do it, but it certainly sets a standard, and it's kind of funny because you can set a standard on something that may never happen, and you can say, see, we're changing our ways.

So, I can't think of a downside in allowing this amendment to go forward. I can't think of a reason why someone would oppose have the state pick up a mandated cost to the municipality, and I can't think of a reason why someone would oppose paying for a bill that probably will never, ever happen. But, we have the privilege and right of going back to our District and saying we've changed our ways, we've heard your

voices.

Therefore, Mr. President, I urge adoption of this amendment.

THE CHAIR:

Remark on Senate C? Senator Boucher?

SENATOR BOUCHER:

Thank you, Mr. President.

I rise in strong support of this amendment. I think that the fact that this eventuality may not occur may not be the case, given what we see in the landscape in this country today and particularly in our state, it could happen at any time. And, it surprises me that, in fact, this particular bill has reached this circle given that it does have the one stipulation that it is a mandate, both local and at the state, and I know that in every committee we all serve on, any bill that has a mandated or a mandate attached to it, a cost to the municipalities, in the Office of Fiscal Analysis report, is dead on arrival in almost every Committee I've served on, and I'm sure we've all had that experience in this circle as well.

So, it is interesting that we are now contemplating passing this bill and yet the previous amendment was voted down that could have alleviated

that very fiscal note for this initiative, so I'm grateful to Senator Fasano for bringing this amendment forward. I think it is the only acceptable approach if we're going to move this big issue forward because if, in fact, the cost of doing this, providing funding for municipalities is over $2 million, then certainly not doing this means that we are passing on that $2 million to the local municipalities and cities at a time when they could not afford it, and that eventuality, that this bill may actually be utilized may be just around the corner. We just cannot be sure.

And, given the angst that we've just been going through with regard to our budget and our deficit, and so forth, it doesn't seem rational or common sense that we would actually entertain passing a bill right now that could cost our municipalities nearly $2 million.

So, for that reason, I rise in strong support of passing amendment if this initiative is actually going to move forward.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Boucher. Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, through you, questions to the proponent of the amendment.

SENATOR FASANO:

Senator Fasano?

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, my first question is around the special election costs. Senator Fasano had mentioned that under the underlying bill, the municipality has to bear the cost of the election. I'm just wondering through you, Mr. President, does Senator Fasano know the cost of the special election for our own Senate Kane that happened last year? Through you, Mr. President.

THE CHAIR:

Senator Fasano?

SENATOR FASANO:

Yes. I'm aware of the rough cost for that special election. Through you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

And, what was that cost that was borne for the special election for Senator Kane? Through you, Mr. President.

THE CHAIR:

Senator Fasano?

SENATOR FASANO:

According to the Secretary of State, Susan Bysiewicz, in a letter that she wrote in regard to the probability of a special election,she indicated that it would cost $25,000 per -- for each town of that District, and I believe there were ten towns in that District, so the figure as I understand it based upon the letter dated July 5th, I think is the letter, my understanding is that would be about $250,000. Through you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

And, through you, if I'm doing my math right at this late hour, if we were to extrapolate that out to all 36 Senate Districts, which would be done in the event of a state-wide election, that would be a total

cost of -- and I ask Senator Fasano to check my math, Mr. President -- $9 million. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Fasano?

SENATOR FASANO:

Mr. President, two things. One, I think the letter -- I misspoke -- is June 21st, 2007, and number two, I don't think anybody ever wants me to check anybody's math, so I would take Senator Debicella's word for that value.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

And through you, Mr. President, if we were to pass on $9 million in costs to our municipalities that is not budgeted for in their budgets, what is going to be the impact of that on our municipalities? Through you, Mr. President.

THE CHAIR:

Senator Fasano?

SENATOR FASANO:

Thank you, Mr. President.

My guess would be that that would be passed on to the constituents of those towns by virtue of an increase in property tax.

Through you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

And, Mr. President, in looking at this and always thinking about the unintended consequences of the things that we do up here, is there any municipality to the Senator's knowledge in the state of Connecticut that would have the ability to bear the burden of this cost in an unexpected way without raising property taxes?

Through you, Mr. President.

THE CHAIR:

Senator Fasano?

SENATOR FASANO:

I don't imagine that there's a town, especially in this time, that can spare any money to do any special election, and what's interesting about this particular special election, unlike a congressional, if we were to do the U.S. Senator, you're right.

Every single town is going to be impacted because they all have to vote in this, so it's going to be a blanket. Those who can afford it, those who put a little bit of money away, are probably going to drive up those reserves because we've mandated for them to do it, they have no choice, they're going to have to do it, it's statutory obligations.

So, when you have that special election, it's a lot of gearing up for registered voters, for poll people, for police, for a whole slew of things, so what we're talking about is an exorbitant amount of expense, an exorbitant amount of energy, that all 169 towns are going to have to bear this responsibility, and it's a huge task.

And, those people who put a little money away for the rainy day fund, if you would, it's going to dry up very, very quickly, and that's just going to throw a lot of people out of balance, and that's why this amendment seeks to protect against those types of consequences that we do not anticipate and, therefore, that's the reason why I seek the amendment to say that the state will come in and bear those burdens.

Through you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President. I thank Senator Fasano.

Another question through you. In looking at the unintended consequences of this bill, as we think about, we obviously hope that we never have to implement this, right? We all hope that there is never an actual vacancy that we need to fill.

But, as we're looking at this, given the fact that Senator Boucher's amendment failed and that this would be a special election, the thought of looking at the cost per voter, because another way to look at this is to say what is the cost of running the special election in and of itself, but the other way to look at it would be the cost per voter, and I would imagine that the cost per voter on our regular election day is probably astronomically lower relative to a special election where you get 10, 15 percent turn-out, and yet have to spend the same amount of money to run the election as you do on a normal election day.

So, through you, Mr. President, through the prism of dollars per voter, isn't this if the amendment before us does not pass, isn't that even more of an

undue burden on the property taxpayers of the state of Connecticut?

Through you, Mr. President.

THE CHAIR:

Senator Fasano?

SENATOR FASANO:

Thank you, Mr. President.

Truly, the bang for the buck, if you would, is a lot less for the special election. And everybody knows, as Senator Kane indicated because he is the product of a special election, when we've seen municipalities put their budgets out for referendums, which is a form of a special election, if you would, the turn-out is really poor.

In North Haven, we had a budget turn-out, I think it was 12 percent, so it's extraordinarily low, but every polling station is open, every polling station is manned, every machine has to be checked, all of those little costs and expenditures associated with the special election is what you have to do.

So, 169 towns are going to have to gear up; 169 towns are going to have to go through this. The same costs whether everyone shows up. That's the reason why Senator Boucher's amendment made a lot of sense

because you're working with an election that you're doing anyway, but there is a huge expense, and you're not going to get the bang for the buck when you end up doing a special election, because everyone knows --fundamentally it's true -- that a special election does not get the turn-out that you're supposed to have, and I would suspect this is going to be no different.

Through you, Mr. President.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Mr. President, I thank Senator Fasano for the answers to those questions, and thank you, Mr. President.

Mr. President, based on this discussion, I stand in strong support of this amendment. Mr. President, we cannot continue to pass on these costs to our municipalities. CCM was up here just the other day pleading with the Legislature not to add on additional costs or to cost their state aid, and this bill, while well intentioned, has that exact impact of adding up to $9 million of costs to our municipalities in the event of a special election, something that they're

not going to plan for, and something that is going to cause a shortfall in their budget.

And, Mr. President, I believe Senator Fasano's amendment is not only well intentioned but is the right thing to do. We all go around, and we all talk a very good game about not liking unfunded mandates, and most unfunded mandates, Mr. President, aren't the obvious ones that smack you in the face like in school suspension. They're the subtle ones; they're the side effects of otherwise well intentioned bills that happen to slap a municipality with costs.

So, Mr. President, this amendment does not change anything in the underlying bill that Senator Slossberg has brought out. It merely says that the state and we politicians are going to put our money where our mouth is and say we are not going to put this on the back of property taxpayers.

I encourage adoption of the amendment. Thank you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. I rise in opposition to the amendment. I would just let the chamber know

that there are a number of bills pending in our congress right now, one of which is House Resolution 899, which actually provides for reimbursement if we were to pass this or similar legislation, so that money would, hopefully, be coming from the federal government.

In the event, though, that that does not happen, there is definitely a cost to democracy, but I believe if you ask most people on the street if they're willing to bear that cost, they would gladly pay it.

Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am. Senator Frantz?

SENATOR FRANTZ:

Thanks, Mr. President.

We're here as representatives of our citizens i our respective towns and municipalities. We're also here representing the town and municipal leaders in our respective Districts, and I am in favor of this amendment because on cost alone, purely on cost.

I think whatever merits there are on the other side of this argument, I think, given the state of the economy and town and municipal finances at this point in time, I think there'd be an outcry against this,

given that the cost is estimated to be a minimum of $9 million, so I think we have to do the right thing and give the municipalities and the towns a break here by passing this amendment, so I stand in favor of it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further? Remark further on Senate C? Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President.

Speaking in opposition to the amendment and would ask for a roll call vote.

THE CHAIR:

A roll call vote has been ordered, sir. Thank you.

Will you remark further on Senate C? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule C.

Total number voting	33
Those voting yea	12
Those voting nay	21
Those absent and not voting	3

THE CHAIR:

Amendment C fails. Will you remark further? Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, through you, some questions to the proponent of the bill.

THE CHAIR:

Senator Slossberg?

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, how do we currently replace other state-wide constitutional offices when there is a

vacancy, thinking specifically of Secretary of State, Treasurer, Comptroller, and Attorney General. Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, I believe it depends upon which vacancy you're -- which position you're speaking about, but it is a combination of the Legislature, I believe, or a gubernatorial appointment.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

And, so, why would we not want to have those state-wide officials directly elected by the people just as U.S. Senators are being proposed to be directly elected in the event of a vacancy?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Through you, Mr. President. Actually, I think

that's probably something that we ought to be looking at, but that's not currently in this bill.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Mr. President. Well, if that is something we should be looking at, is that something that we should just tack on tonight to say that the exact way that Senator Slossberg has proposed doing this, is just as good for our other state-wide elected officials as it is for our federal officials in the U.S. Senate?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you. Well, unfortunately that isn't something that I believe we should be tacking on tonight because the implication -- there are -- I listened very carefully to the discussion about cost and the concern for my colleagues about the cost with regard to special elections. In the case of the particular positions being mentioned -- the Attorney General, the Secretary of State, the Treasurer, the Comptroller -- those

positions if we were to just tack that onto this bill at this time would have significant implications to our citizens' election fund, in which case we wouldn't be able to deal with that on the fly, as it would be this evening.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President. And, I'm sorry. I thought I heard Senator Slossberg say about two minutes ago that the citizens didn't mind paying for democracy.

Am I to understand that Senator Slossberg believes they're okay with paying for the U.S. Senator but not for a Secretary of State vacancy?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President.

Now I actually believe that there is a cost of democracy that people are willing to pay; however, we do not have a bill in front of us that currently addresses the implications to the citizens' election

fund to address these particular issues.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President. And, through you, just to probe on that a little bit, what does she mean by that in that the citizens' election fund already provides for money for special elections. That is actually in the law that was passed to provide specific grant amounts for special elections that differ from general election amount, so I'm not quite sure what the good Senator means. Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you, actually our current law does not provide for special elections with regard to those particular positions because currently if they were to be vacant, there is not special -- the law does not provide for a special elections, so the citizens' election fund does not address that particular situation because it doesn't exist.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President.

Well, surely, then, the good Senator would support us passing tonight something that made the U.S. Senate and their constitutional officers equivalent, and then in the context of the budget that we are going to pass, to rectify that issue. Through you, Mr. President.

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you. No, I don't believe that would be wise at this time.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Through you, Mr. President. Why not?

THE CHAIR:

Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. As I stated, I don't believe that the implications have been addressed, and

I believe that's something that we should be looking at further rather than making that determination at quarter of 2:00 in the morning without a proposal in front of us.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President. I thank Senator Slossberg for the answers to those questions.

Mr. President, I'd like the Clerk to call LCO 6428.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 6428 designated as Senate Amendment Schedule D is offered by Senator McKinney of the 28th District, et al.

THE CHAIR:

Senator Debicella?

SENATOR DEBICELLA:

Thank you, Mr. President. I move the amendment.

THE CHAIR:

There's a motion on the floor for summarization and movement of the amendment. Seeing no objection,

please proceed.

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, the amendment before us tonight to me goes to the core of this entire discussion and debate. Senator McLachlan asked the question rhetorically before if this was a power grab, and this tonight, this amendment will show us whether it is or not, because as I think Senator Slossberg correctly said, if you believe in direct election for the vacancy of a U.S. Senate seat, you must logically also believe that there should be direct elections for Secretary of State, Treasurer, Comptroller and Attorney General.

It is illogical to say that one of those deserves direct election and one of those deserves appointment. And, Mr. President, Senator Slossberg cites a technicality as the reason why we shouldn't do something fundamental to democracy.

She said that we need to make a change so that we can have a vacancy grant in our public financing laws, something that I believe does exist for State Senators and State Representatives. And, so, there's a very easy fix to this, exceedingly easy, and I believe that

the technicality that she has cited to say that we shouldn't do this, there's been a lot of high-minded rhetoric here tonight, Mr. President, around the march of democracy, around how this is giving power to the people. If this amendment fails, Mr. President, the real answer is we'll give the power to the people sometimes; we'll give the power to the people when it means that the Democratically controlled Legislature can take that power from a Republican Governor.

Mr. President, the way we do Secretary, Treasurer, Comptroller and Attorney General appointments right now is a mish-mash that is even more egregious than the U.S. Senate.

Senator Slossberg quite correctly stated that it depends on which office you're talking about. For the Attorney General,the Governor simply appoints, much like the U.S. Senate, but for the Secretary of State or Comptroller, it actually happens that the General Assembly appoints the replacement unless the General Assembly isn't in session, in which case the Governor appoints.

For Treasurer, it is even more complex. If the office of the Treasurer becomes vacant and the General Assembly is in session, we shall appoint for the

unexpired portion of the term, but if it's not when it's in session, then the Governor can actually appoint, but if the vacancy occurs when we're not in session and in a year when a state election is to be held for the office of Treasurer, the Deputy Treasurer becomes the Treasurer.

So, Mr. President, we have these byzantine laws here of how to replace constitutional officers and, Mr. President, the amendment before us tonight does exactly what Senator Slossberg has proposed for the U.S. Senate and for our other constitutional officers. It is illogical and I believe shows motivation to actually say that we should not do direct elections for these four constitutional officers, but we should for the U.S. Senate.

And, so, Mr. President, I will close with simply the testimony of Attorney General Richard Blumenthal who testified to the Committee that, quote, I urge the Committee to consider a similar process for filling vacancies of state constitutional officers. The people should have a similar voice in filling vacancies in these offices as they currently have in selecting the constitutional officer in a general election.

Dick Blumenthal gets it, and we tonight in the circle should get it as well. Let's not be hypocritical and say yes to the U.S. Senate but no to the other four constitutional officers. If we are going to do this for state-wide office, let's do it for all the state-wide offices and ask for a roll call on the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, I endorse the amendment put out by Senator Debicella, and I'd like to add a few comments, if I may.

First of all, the statute that refers to the way we treat the Secretary, the Treasurer, Comptroller and Attorney General, 9-213, is some statute that is sixty years old, fifty to sixty years old, so in fifty or sixty years, we haven't touched that statute with respect to the procedures.

In 2000, we made some amendments to that statute and separated out some things, but basically we haven't touched that statute for fifty or sixty years.

Mr. President, this goes back to the issue when

we were talking about tax policies, when we had the amendment which was the Democratic budget where it had a whole different flavor of tax policy -- 30 percent increase in corporate tax, a personal tax going up, credits for hybrid cars disappearing, tax on stuff -- sales tax on items that we no longer sales tax -- all of those things which would have changed the whole face of taxation in the state of Connecticut, the same thing we're doing here: No consistency.

We say, you know what? Some people we're going to treat this way, and some state-elected officials we're going to treat that way, and why? I don't know. Just because we're in session and we're just going to do it because we want to do it, but we don't look at the overall policy, because if there's a policy, there's a thought process which establishes the policy. If the policy is, we want people to be involved, we want to have elections, we want the people's voices to be heard. As Senator Slossberg says, if one person shows up to vote, that's one more than what we had.

The same philosophy should apply to the state officers, the constitutional officers, same philosophy: Everybody gets a chance to vote. So,

either you believe in the philosophy we're opening up the polls to everybody or you don't, but to pick and choose is disingenuous to the policy that you're saying should be there.

So, when we look at the amendment as called by Senator Debicella, it is consistent with the underlying bill as advanced by Senator Slossberg. It is not an amendment that defeats the spirit or intent of the original bill or, for that matter, changes the original bill in a significant manner. In fact, it's symbiotic with the original bill because it sticks with the line of thinking that elections are a good thing. Open government is a good thing. The ability to go to polls is a good thing, and it's good for a U.S. Senator that 169 towns vote on, well, then, it's good for all of these other officers that 169 towns vote on. Consistency in policy, consistency in thought.

Now, you may be attacked on that policy issue, but you can't be attacked because you're not being consistent, so I would urge the adoption of this amendment. I believe it is good, sound policy if you believe in the underlying bill. If you believe that is the right thing to do, then this is the amendment

we should go forward with.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator McKinney?

SENATOR McKINNEY:

Thank you, Mr. President. I actually wanted to just disagree with my colleague, Senator Fasano, on one point that he made, and that is there is a difference between the election to fill the vacancy of the United States Senator and the filling of vacancies for the constitutional officers.

Under our scenarios and what Senator Slossberg has said is that we could be without electing a United States Senator for as much as two months -- two years and 63 days. It would be two years and 63 days we'd have an appointed United States Senator before we had an election.

But with a constitutional officer, it could be a full four years before we had another one elected, so if you believe in electing state-wide officers, if you believe that it's wrong to go two years and 63 days without electing somebody, I think you would think it's even more wrong to go almost four years without an election, so I believe there is a difference, sir.

Thank you.

THE CHAIR:

Remark? Will you remark further on Senate D? Senator Slossberg?

SENATOR SLOSSBERG:

Thank you, Mr. President. I rise reluctantly in opposition to this amendment, although I will state I'm delighted to hear the proponents speaking about their support for direct elections, and I would argue that, you know, this is a -- this is a good idea, and I do believe it is something that we should be doing as I stated before the amendment was brought out, and I hope that the proponent of the bill and those people who support this amendment will work on this next session, and we will join together working through all the details to actually make this happen because I do actually believe that it should happen, but I do believe that at this time it is premature to be passing this amendment.

I would just note with regard to the argument about consistency and whether you actually support direct elections, I believe you could argue that in the reverse as well. If you believe it is appropriate to have direct elections for the Attorney General, the

Treasurer, and the Comptroller, then by definition you should believe that we would have direct elections to fill the vacancy of a U.S. Senate seat, so I'm hoping that this is an indication that those who have proposed this amendment will be supporting the underlying bill as well.

Thank you, Mr. President, and I'd ask for a roll call vote.

THE CHAIR:

Thank you. A roll call will be ordered. Senator Fasano for the second time.

SENATOR FASANO:

Mr. President, I'll be short.

And then consequently based upon the argument advanced by Senator Slossberg, I suppose since she believes in the underlying bill, she would believe in my amendment as well or Senator Debicella's amendment.

Thank you, Mr. President.

THE CHAIR:

Remark further? Senator Debicella for a second time?

SENATOR DEBICELLA:

Yes. Thank you, Mr. President.

I am actually exceedingly confused by Senator

Slossberg's comments tonight on this because we just passed earlier tonight a bill that had no public hearing, was thrown together at the last minute, that had serious workability issues around it, that was trying to muck up our budget process, and now tonight we have an amendment that is exactly the same thing as the underlying bill and yet we're hearing excuses of why we can't do it.

Now, Mr. President, I leave it to the individual members of the circle to determine for themselves if there is a flaw in my logic. If there is someone who wants to speak out in favor of appointment for one of these offices and election for another, please make that argument, but that's not what I'm hearing tonight.

What I'm hearing is that actually people only want to have direct elections in some cases but not in others, and Senator Slossberg says, well, if you want this amendment, you must like my underlying bill. Well, the answer is no because the underlying bill actually then says that you want to pick and choose where the people have direct democracy, that much like when Slossberg gave the very interesting history lesson behind this, that in the depth of night, the

State Senate and the General Assembly took away direct elections in the 1940's.

Well, once again, in the dead of night, we are picking and choosing where we believe the people should have a say. The amendment if it passes actually makes this bill a comprehensive whole and actually makes it logical and non-political. It failing actually leads me to vote against this bill because it says we, the State Senate, and we, the General Assembly, we're going to pick and choose where we want the people to have a say, all right?

So, Mr. President, I encourage adoption of this amendment unless anyone would like to make the argument that the Treasurer should be appointed while the U.S. Senator should be elected. Through you, Mr. President.

THE CHAIR:

All right.

SENATOR DEBICELLA:

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further on Senate D? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Senator LeBeau?

Have all Senators voted? All Senators have voted. Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption, Senate Amendment Schedule D.

Total number voting	33
Those voting yea	12
Those voting nay	21
Those absent and not voting	3

THE CHAIR:

Senate Amendment D fails.

Will you remark further on the bill as amended by Senate A? Senator McKinney?

SENATOR McKINNEY:

Thank you, Mr. President.

I believe the Clerk is in possession of amendment LCO 6218. I ask that he call such amendment.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 6218 which has been designated Senate Amendment E, it's offered by Senator McKinney of the 28th District.

THE CHAIR:

There is a motion on this floor for summarization. Seeing no objection, please proceed, sir.

SENATOR McKINNEY:

Thank you, Mr. President. I move adoption of the amendment.

THE CHAIR:

Without objection, please proceed.

SENATOR McKINNEY:

Thank you, Mr. President.

Members of the circle, very briefly, this amendment would strike the underlying bill before us, restore our current practice of appointment by the executive branch, by the Governor, but would change that appointment power in one important way.

It would change the appointment power so that the Governor, whoever he or she may be, or whatever political party the Governor may be, would be required to appoint someone to fill the vacancy who is of the same political party as the person who vacated office, and as a protection that somebody wouldn't just change political parties from one day to the next, would require for that person to have been enrolled in such political party for a period of not less than one year prior to such appointment.

This would guarantee immediately filling the vacancy of United States Senator so that our state would not be disadvantaged, and would ensure that the decision of the people of the state of Connecticut to pick a Democrat or Republican, as is most often the case, would still be adhered to by guaranteeing that the same political party would be represented.

We've seen in other states how this could, in fact, shift the balance of power in the United States Senate, could lead to perhaps a 60 vote majority. This would, I think, keep the integrity of the election intact but still give the Governor the proper appointment of filling a vacancy.

Mr. President, I would urge adoption and ask when

the vote be taken that it be taken by roll call.

THE CHAIR:

A roll call vote will be ordered. Will you remark further? Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President. I rise in support of this amendment. As I understand, some of the 45 other states across America who allow for gubernatorial appointment of a U.S. Senate vacancy do, in fact, follow this rule, and so I think this is a good idea that we will assure that the voters who originally made a decision of a political party in the case of a U.S. Senator representing the state of Connecticut, that the voters' choice is preserved by protection of that party in which the Senator who vacated was a member.

So, I applaud Senator McKinney's efforts in this regard, and I hope those who are members of the circle here will support it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further on Senate E? Senator Slossberg?

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

I rise in opposition to this amendment for all of the previously stated reasons.

THE CHAIR:

Thank you, ma'am. Remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? All Senators have voted. Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule E.

Total number voting	33
Those voting yea	12
Those voting nay	21
Those absent and not voting	3

THE CHAIR:

Senate E fails. Will you remark further on the bill as amended by Senate A? Senator McLachlan?

SENATOR McLACHLAN:

Thank you, Mr. President. I rise in opposition to the underlying bill. I'm somewhat disappointed. I think we've had a very interesting debate tonight about direct election, about the importance of the power of representation of a United States Senator and how it affects the state of Connecticut and its residents. I still, as we have heard tonight, am very concerned that should we have a vacancy here in our representative in the United States Senate, that we're going to be left for a long period of time without proper representation.

And, today in this environment when Washington, D.C., is doing so much to help with the poor economy that we have in this country, it is so important for us to have at all times all of our representatives representing us in Washington, D.C.

And, so, I still am very concerned that should a vacancy occur, that we're going to be left for months at a time without someone sitting in the chair, representing Connecticut.

I thank my colleagues who have submitted good opportunities, good amendments, that have driven the debate in favor of preserving our current process. I thank those on the other side of the aisle for their discussion about this, but I still believe that in this case, we have proven through this discussion that a direct election does occur, ultimately does occur in the event of a vacancy.

A direct election occurs because all we're doing with a gubernatorial appointment in a vacancy scenario is filling a short-term vacancy and that it is the voters that ultimately have the decision to make, and that it's the Governor that is filling that short-term vacancy so we don't have an empty chair in Washington.

So, I urge my colleagues to reject this bill so that we don't have an empty chair in Washington, D.C.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further? Senator Meyer?

SENATOR MEYER:

Thanks, Mr. President. I want to first of all thank Senator Gayle Slossberg for lots of hard work on this over a long period of time, and working with members of the Government Administration and Elections

Committee, and putting this together. Secretary of State Susan Bysiewicz also was a part of our coalition, and thank you, Gayle, for that.

You know, the last time we had a gubernatorial appointment of a United States Senator in the United States was several months ago by Governor Blagojevich of Illinois. Governor Rell is not a Governor Blagojevich, thank goodness, but that experience which badly reverberates right up to this day with more news coming out with respect to the fix that appears to have taken place in Illinois suggests that you never can lose when you have an election by the people, and even if it's only 15 or 20 or 25 percent, you're going to have a popular election.

Our Declaration of Independence says government of the people, by the people and for the people, and that starts with popular elections, and that's what this amendment does, and that's why I support it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further on the bill? Senator Frantz?

SENATOR FRANTZ:

Thank you, Mr. President.

While I understand exactly what Senator Meyer is trying to say, I hope those in the circle understand the differences between Illinois and Connecticut. And, once again to reiterate what has been said many times before tonight, and that is that this is really just a provisional appointment, trying to -- attempting to get us through a short period of time under severe circumstances, and if there is any concern in the circle tonight for an appointment run amuck, the statistics are that roughly 33, 34 percent of those appointed to a short-term stint in the United States Congress do not run again, and those who do run again, it's a 50-50 chance that they'll get back in.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark? Remark further on the bill as amended by Senate A? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the

chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check the machine. The Clerk will call the tally.

THE CLERK:

Motion to pass Senate Bill 913 as amended by Senate Amendment Schedule A.

Total number voting	33
Those voting yea	21
Those voting nay	12
Those absent and not voting	3

THE CHAIR:

The bill as amended passes. Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. For a couple of additional markings, and a couple of items on the foot of the calendar to be removed and marked PR.

The first of those, Mr. President, is on calendar page 45, Calendar 317, Senate Bill 586. I would move to remove that item from the foot and mark it PR.

And, the second item, Mr. President, is also on the foot of the calendar, calendar page 50, Calendar 583, House Bill 6592. I would also move to remove

Necessary for Adoption	18
Those voting Yea	33
Those voting Nay	2
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Mr. President, if we might stand at ease just a moment.

THE CHAIR:

The Senate will stand at ease.

(Senate at ease).

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, would -- to move for suspension of our rules for immediate transmittal to the House of Representatives of two items acted upon last evening and that are still in the Chamber's possession, I believe, and that is Calendar 551, Raised Senate Bill Number 1162 and

Calendar 386, Substitute for Raised Senate Bill Number 913.

THE CHAIR:

There's a motion by the good Senator to suspend rules to transmit immediately Calendar 551 and Calendar 386. Is there objection?

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, my apology. I couldn't hear over the noise. If the good Senator could repeat those?

THE CHAIR:

As we get to the final hours of closure, I'd appreciate people keeping the tone of the Chamber down so we can conduct our business, and also, if you're going to congregate or stand, it kind of confuses me on who really wants to talk or who's really doing who's, who's in the zoo here. So I appreciate your cooperation on that.

No offense, Senator Kissel.

Senator Debicella, there's a motion on the floor to suspend to immediately transmit Calendar 551 and Calendar 386.

Is there objection to suspend the rules to send those down?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Do you know the titles of those bills?

THE CHAIR:

Senator Looney, could you -- I apologize, can you repeat those titles again?

SENATOR LOONEY:

Yes, Mr. President. That first Calendar 551, Raised Senate Bill 1162, was An Act Concerning Expenditures of Appropriated Funds Other Than The general Fund, and Calendar 386, Substitute for Raised Senate Bill 913 was An Act Concerning United States Senate Vacancies.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, I object to transmittal to the House.

THE CHAIR:

Okay. We will -- Senator Looney.

SENATOR LOONEY:

Yes, ask for a roll call.

THE CHAIR:

Okay.

Mr. Clerk, please call for a roll call vote -- hold on please. We're waiting for the suspension of rules to go up on the board.

All right. The Senate will come back to order.

So the motion is on suspension of the rules. If you vote in the affirmative, you are supporting the suspension of the rules to transmit the two items downstairs immediately. If you vote in the red, you are not. Is that clear?

Okay. Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is to suspend the rules.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	24
Those voting Nay	12
Those absent and not voting	0

THE CHAIR:

Suspension of the rule passes. The items will be sent down immediately.

Mr. Clerk.

THE CLERK:

Calendar page 9, Calendar Number 597, Files Number 100 and 736, Substitute for House Bill 6114, AN ACT CONCERNING DISCLOSURE OF HISTORIC DISTRICT DESIGNATIONS AND LEASED ITEMS TO PROSPECTIVE PURCHASERS OF RESIDENTIAL PROPERTY, favorable report of the Committee on Insurance and General Law. Clerk is in possession of amendment.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

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

THE CHAIR:

JOINT
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STEVEN FOURNIER: -- and we're advocating opening it up to other third, other fourth, fifth and sixth party candidates, because we think that it's good public policy for this state and that's our reasoning.

REP. HETHERINGTON: The other question was, did you qualify for public campaign financing?

STEVEN FOURNIER: Actually, in the House, the U.S. House of Representatives we don't have public financing.

REP. HETHERINGTON: That's right.

STEVEN FOURNIER: So far, I don't think we've qualified a candidate in the Green Party for public financing but that would be in the state races for House of Representatives and State Senate.

REP. HETHERINGTON: Right. Of course, yes. Thank you.

REP. SPALLONE: Thank you, Sir. Any further questions? If not, thank you very much for your testimony.

STEVEN FOURNIER: Thank you very much.

REP. SPALLONE: Appreciate it, and our next speaker is the Secretary of the State, Susan Bysiewicz. Welcome, Madam Secretary.

SUSAN BYSIEWICZ: Good morning.

REP. SPALLONE: Thank you for joining us.

SUSAN BYSIEWICZ: Representative Spallone, Senator Slossberg, Representative Hetherington, Representative O'Brien, it's nice to be before

HB5903
HB6440
HB6441
SB913
HB5825

Unfortunately, in the Governor's budget we lost two positions in our election division, so if this bill is passed there would be a fiscal note attached to it, and the other point that I would make about this bill is that right now our election system is decentralized.

It depends on a decentralized system of counting and I think that is a protection.

The bell has rung, but I did want to say that there are a whole host of other bills on your agenda today that I very strongly support, including AB ACT CONCERNING UNITED STATES SENATE VACANCIES, changes to absentee ballot voting provisions, AN ACT ESTABLISHING A NO-FAULT PROVISIONAL BALLOT LAW, AN ACT CONCERNING ELECTION DAY REGISTRATION, and others.

SB913
HB5825

And I'd be happy to answer any questions, and if I can keep going, I'd be happy to do that, but I know you have everyone on a tight time frame.

REP. SPALLONE: Thank you very much for your testimony. I appreciate it, and I will, I'm going to start with a couple of questions that I think will allow you to revise and extend your remarks.

SUSAN BYSIEWICZ: Right. And we'll be submitting written testimony, too.

REP. SPALLONE: Thank you. With respect to the Senate vacancy bill, could you let us know why you think that's imperative to pass this year?

SUSAN BYSIEWICZ: You know, we have watched as other states have attempted to fill Senate vacancies that were created when senators left to be part

of President Obama's administration and I think it's very important, that experience of watching what happened in Illinois with Governor Blagojevich and also watching what happened in New York.

I think that the public would have much more confidence in a system that would allow the voters to participate in this very important decision, and I think our citizens are always best served when everyone has the opportunity to participate.

And I would point out that until 1947, it was Connecticut's law to allow for special elections if there was a vacancy for United States Senate as well as United States Congress, and for some reason in 1947 the Legislature made a change and allowed the Governor to appoint in Senate vacancy situations.

But we still have special elections for the Congress vacancies, and that seems, that seems crazy to me that we would have that different system of choosing our United States Senator.

So I would just propose that we simply put back our law to what it was prior to 1947 and let the people choose for that very important position.

And I would just say that our office has received overwhelming support from constituents in our state on this, this concept.

REP. SPALLONE: Now I was watching one of the cable news shows and Governor Rendell of Pennsylvania was on. He speaks his mind, sort of says what comes to his mind, I think, and he said, well, I think he was being asked about the

Blagojevich situation and the appointment of the Senator Burris Durbin there, and he said well, you know, if there's a special election the parties would quickly choose the candidates.

And I was sitting there thinking well, I think we could provide for primaries if we do this properly. Do you have a specific position on the time frame and whether we should allow time for primary?

SUSAN BYSIEWICZ: I do believe we should allow time for primaries. We do allow that for special elections for United States Congress and Representative O'Brien was one of the drafters of that provision along with this Committee.

So I think if you have 150 days, you could allow for a primary first, if there was one in either party, and I think that that would serve our state very well. We do that for Congress. Why wouldn't we do it for United States Senate?

REP. SPALLONE: And I would note that our population of members has increased a little bit so I want to open up and see if other members have questions for Secretary Bysiewicz. Our Ranking Member Representative Hetherington.

REP. HETHERINGTON: Thank you, Mr. Chairman. Madam Secretary, interesting, you give a little history of this. Do you have any information as to why the law was changed in 1947?

SUSAN BYSIEWICZ: You know, we looked for the legislative history surrounding that change in 1947, and we found none, and we found no references in the Hartford Courant or some other newspapers at the time.

But I would note that at the time there was a Republican governor and Republican controlled Houses, in both Houses of the General Assembly, so I don't know if that had anything to do with it.

REP. HETHERINGTON: Okay. Thank you, madam. Thank you, Mr. Chairman. Thank you, Madam Secretary.

REP. SPALLONE: Representative O'Brien.

REP. O'BRIEN: Thank you, Madam Secretary and thank you for talking about the U.S. Senate on the special elections. This is one of the things that we kind of tripped over as we were reviewing the process by electing, for electing members of the U.S. House and realized that we have this arcane system in existence.

This particular issue tends to get wrapped up in the cross currents of state and national politics and it's probably a good timing for us to get this particular piece of legislation done this year because it doesn't, it looks, there's no clear idea about when the next time it might be used, and so nobody can predict, you know, which governor would be in a position, whose party's governor would be in a position to do such an appointment.

So we should probably get this fixed up, especially now with all the other things that are going on nationally.

SUSAN BYSIEWICZ: Well, I would agree. I think that recent events have put this legislation back on the front burner. But it is something that's been considered by this Committee on numerous occasions, and when I was Cochair of the GAE Committee in the late 1990s, we considered it but it only went so far.

Now, I think a lot of our constituents see that. If you have this decision in the hands of only one person you can have cronyism, corruption, nepotism, and why not, why not let the people decide.

REP. O'BRIEN: Another thing I wanted to ask you about, something you didn't have the chance to expand on is that the legislation on the no-fault provisional balloting. HB5825

I will note the, our LCO did a good job of writing up the law but there are some things that need to be tightened up with it. Notably that it might have, the way it's written, it might have the effect of constricting peoples' access to vote if they don't have a government issued ID. We need to fix that.

Also, clarifying the point that the proposal would be to, that the vote would be counted if the person is eligible to be a voter, and if that's the intent of the law.

With that in mind, is there, did you want to expand on your comments on that?

SUSAN BYSIEWICZ: I think that this is a good concept because it extends provisional ballot status, not just in federal election situations, but also in municipal and state elections, and I think it's important we shouldn't just have the concept available only in federal elections, and that's why our office is in support of it.

REP. O'BRIEN: I don't, I keep on citing this statistic but I can't remember exactly. A few years back there was a report to this Committee on provisional ballots and I seem to recall

have a centralized voter registration system in place to prevent someone from registering more than once.

Not only this system protects against fraud, but also protects voter rights and prevents people from being removed for the wrong reasons.

So I would suggest that we have a very, very strong protection in place to prevent fraud.

REP. FLEISCHMANN: Thank you. I concur wholeheartedly and really appreciate your advocacy for the support measure. Thank you, Madam Secretary.

SUSAN BYSIEWICZ: Absolutely. Thank you.

REP. SPALLONE: Representative Hetherington, please.

REP. HETHERINGTON: Thank you, Mr. Chairman. I thank you for your indulgence of being recognized for a second time. SB913

Madam Secretary, and I ask this question against this background. It's likely, given the registration in Connecticut and the registration trends that we see, that over the long run we'll see a Democrat as governor more often than we'll see a Republican as governor.

SUSAN BYSIEWICZ: I hope that's a good prediction for 2010, Representative.

REP. HETHERINGTON: It's an observation. Against that background, one of the advantages in having the governor enabled to appoint is speed.

Now I would suggest that if a governor, the governor of Connecticut were Democrat and a vacancy occurred, and that scenario had existed in 2009, that it's unlikely the stimulus package would have been passed, because if you had a vacancy on the Democrat side and you had to go through the time it took to have a special election, the Democrats probably would not have had the votes to pass that and to avoid a filibuster.

So it's highly, the House and the Senate I think you'll agree are quite different. The Senate is a very small body. The likelihood that the Senate will be very evenly divided is much more likely than the House being very evenly divided.

So isn't there a value in having the ability of the governor to get someone down in Washington right away? And I again would suggest that you look at the scenario that might have existed this year.

SUSAN BYSIEWICZ: You know, Representative Hetherington, I guess we're weighing two public policies values. One is speedy appointment that one elected official makes versus a decision that all the registered voters in the state make, and you weigh speed with participation.

And I guess I would weigh in with participation, and I do understand. You know, you make a fair point that sometimes you would like to have a representative there right away, but I think there's also a very strong value in having everyone participate in such an important decision, and we recognize that in our state statutes with the filling of Congress vacancies.

And I guess I would suggest if we're going to have somebody representing the entire state, not just a congressional district that I'd rather have everyone be participating in that decision.

REP. HETHERINGTON: I guess the other side of that is that all of the voters in the state aren't represented at all if that seat is empty and Connecticut has no one in Washington.

SUSAN BYSIEWICZ: Well, there's that other senator there but yes, there's one less vote if there was a vote on an issue. You're right.

REP. HETHERINGTON: Right. Right. And if you'll just indulge me a philosophical observation here. In the balance between increasing voter participation and the interest that a democratic society has in the protection of the integrity of the process, where does the greater weight lie?

SUSAN BYSIEWICZ: What was the first thing? I'm sorry. I was thinking about the United States senator who has actually proposed the same legislation at the federal level, so I'm watching this whole issue being debated in Washington as well.

REP. HETHERINGTON: Well, moving on from the particular question of the Senate, just as a matter, in your judgment when you look at things like election day registration, when you have on one hand increasing voter turnout and on the other hand the interest our democratic society has in the integrity of the process, which holds greater weight?

HB6435

JOINT
STANDING
COMMITTEE
HEARINGS

GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 2
333 - 682

2009

GEORGE CODY: No, I was on the Association.

SEN. SLOSSBERG: Up until this point. Okay.

GEORGE CODY: Yeah, as a past President of ROVAC, and as a member of the Legislative Committee, and as one who's testified on behalf of ROVAC for oh, probably going on ten years.

SEN. SLOSSBERG: Okay. Terrific. Any questions for George? Representative Hetherington.

REP. HETHERINGTON: Thank you, Madam Chair. I just have to comment, George. I've seen you here many times and I see you frequently in New Canaan and your public service distinguishes you here and there.

GEORGE CODY: Thank you.

REP. HETHERINGTON: And so I'm proud to be your Representative.

GEORGE CODY: Thank you.

REP. HETHERINGTON: Thank you. Thank you, Madam Chair.

SB913

GEORGE CODY: I would, in addition to answering one of your questions earlier, I had a theory about in 1947 when they removed the selection of the governor.

In 1947, McMahon, Senator McMahon was putting together a run for the presidency in 1948, which he did, and obviously he did not get the nomination.

But I suspect that among the Republican Legislature and Republican governor, felt that would be a good opportunity to appoint a

Republican to that position if in case he did win.

I don't know if that was a factor, but I do know that Senator McMahon did present himself as a candidate to the convention in 1948.

REP. HETHERINGTON: That's interesting. Thank you.

SEN. SLOSSBERG: I'll add some, I'll add another clue to the whole 1947 controversy and what happened. That was the year that the Legislature enacted the sales tax, so all the media was focused on the sales tax and that's why there was no media attention whatsoever paid toward, paid to the change in power on the election vacancy.

Somebody's been, I've been doing my homework, but yeah, that was the big thing in 1947, so, in any case, are there any other questions for? Representative Reeves.

REP. REEVES: Thank you, Madam Chair. Thank you, George, for coming again and I've seen you testify many times and I've actually usually been on the other side so it's interesting for me to be here.

I have a question to ask you about your comments regarding the fact that the registrars under that proposed bill would not be allowed to touch anything to do with the ballots or the machines for 30 days before and after.

Except in a primary situation when the registrars, the Democrat and Republican are running, are they in fact running against each other so that there is a loser and a winner?

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Testimony of Chris Healy
Connecticut Republican Party Chairman
February 18, 2009
Government Administration and Elections Committee

For your review, please find testimony for the following bills before your committee:

HB5825
HB6435

Senate Bill 910 - AAC Permanent Absentee Ballot Affiliation

Assuming that all privacy issues could be guaranteed with severe penalties for those who violate these protections, we would view SB 910 favorably for those voters who are permanently constrained from voting.

Senate Bill 911 – AAC Voters Who Change Party Affiliation

There is no demonstrated need to shorten the time period before a change in party affiliation is officially sanctioned.

Senate Bill 913 – AAC United State Senate Vacancies

This legislation is totally unnecessary. The current law allows for an orderly filling of the vacancy and for a subsequent election.

Senate Joint No. 42 - Amending the Constitution to Allow Early Voting

SJ 43 Proposing an Amendment to the Constitution Concerning Voting by Absentee Ballot

Both of these resolutions are opposed by many members of the Republican Party. There is no reason to place the voting requirements and procedures in the Connecticut Constitution. There are plenty of laws and safe guards concerning who is eligible to vote and under what circumstances that people may vote.

HB 5012 AAC – Implementing Early Voting in Connecticut

This bill is the classic camel's nose under the tent. By eliminating all requirements for absentee ballots, Connecticut would embark on a classic early voting format. We are opposed to this legislation because voting is both a right and responsibility and we don't need to dilute that

Paid for by the Connecticut Republicans/Jerry Labriola, Jr., Treasurer

RICHARD BLUMENTHAL
ATTORNEY GENERAL

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Office of The Attorney General
State of Connecticut

TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
FEBRUARY 18, 2009

I appreciate the opportunity to support Senate Bill 913, An Act Concerning United States Senate Vacancies.

This legislation provides a direct election by the voters to fill a vacancy in the office of United States Senator. The election would take place within 160 days of the vacancy or at the next regular state or municipal election if such election is not less than 63 days nor more than 125 days from the date of the vacancy.

Direct election to fill United States senator vacancies is long overdue. Currently, the Governor singularly decides who will fill the vacancy rather than the will of the people of our state. Direct elections are used in Connecticut to fill vacancies of state representatives, state senators and United States Congressmen. Gubernatorial appointment for a United States Senate vacancy is anachronistic and undemocratic. It should be abolished.

Looking at the recent experience in other states, gubernatorial appointments have spurred serious federal investigations and political controversies. Such experience has demeaned the office and degraded the democratic process. Direct election provides people a voice while alleviating a political and legal contention.

I urge the committee to also consider a similar process for filling vacancies of state constitutional officers. Currently, the legislature fills vacancies in the offices of Secretary of the State, Comptroller and Treasurer. The Governor fills vacancies in the office of the Attorney General. The people should have a similar voice in filling vacancies in these offices as they currently have in selecting the constitutional officer in a general election.

I urge the committee's favorable consideration of Senate Bill 913 with an amendment extending direct elections to vacancies of the constitutional officers.

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Testimony of Phil Sherwood
Deputy Director of the Connecticut Citizen Action Group
Before the GAE Committee
Wednesday, Feb 18, 2009

Good morning Senator Slossberg, Representative Spallone and other members of the Government Administration and Elections Committee. My name is Phil Sherwood and I'm the Deputy Director of the Connecticut Citizen Action Group (CCAG). CCAG has approxitmitly 25,000 member families and we appreciate the opportunity to speak in support of **HB6435 AAC Election Day Registration, HB5012 AA Implementing Early Voting in Conn, SB913 AAC United States Senate Vacancies.**

We support Election Day Registration (EDR) and believe **HB6435** would account for increased participation in our election process, strengthening our democracy. EDR legislation similar to this exists in nine other states. It's time for Connecticut to remove the arbitrary voter registration deadlines, and allow a greater percentage of citizens to participate in the election process. Voter turnouts for elections in states that allow Election Day Registration see higher turnouts on average of 10-12%. The success of the last election in relation to EDR speaks for itself. Over one million voters participated in the democratic process on or before Nov. 4th, 2008.

CCAG supports the efforts behind **HB5012, AA Implementing Early Voting**. Recent 2008 general election results indicate that almost 40 million people, 30% of the voter turnout, voted prior to Election Day. **28** states allow no-excuse absentee voting by mail and **32** states allow no-excuse pre-Election Day in-person voting - either early voting on a voting machine or in-person absentee voting.

CCAG also supports SB913. Connecticut law currently provides that the Governor choose a member of the U.S. Senate when someone leaves that office, and the Governor's selection stays in place until the next regular election - for up to two full years. CCAG supports legislation that calls for the voters to be able to choose their U.S. Senator for a vacancy for U.S. Senate, allowing for the democratic process to play out, as we do for other vacancies such as the U.S. House of Representatives.

As we've seen with the scandal surrounding former Governor Blagojevich, there is no good reason for preventing the people to choose there representatives and for further relying on an old and unfair system.

I would like to thank the Committee for their time and consideration and urge the support of all three bills. Attached is information gathered from other states that outline the different early voting and absentee ballot voting standards currently implemented.

Phil Sherwood
Deputy Director,
CCAG

The following information was compiled by:
THE EARLY VOTING INFORMATION CENTER at REED COLLEGE (www.earlyvoting.net)
Early and absentee voting laws vary widely, and are decided on a state level. The grid lays out the basic pattern of laws across states, with some quick facts at the end. The table below has a more detailed outline of each state's laws, as well as links to the relevant Codes and Statutes.

LAST UPDATED: 10/23/2008

Summary Table

	Early Voting (In Person)			Absentee Voting (By Mail)		
	Permitted		Not permitted	Permitted		No Excuse Permanent Absentee?
	No excuse	Excuse required		No excuse	Excuse required	
AL		x			x	
AK	x			x		
AZ	x			x		
AR	x			x		
CA	x			x		x
CO	x			x		x
CT		x			x	
DE		x			x	
DC		x			x	
FL	x			x		
GA	x			x		
HI	x			x		
ID	x			x		
IL	x				x	
IN	x				x	
IA	x			x		
KS	x			x		
KY		x			x	
LA	x				x	
ME	x			x		
MD			x		x	
MA		x			x	
MI		x			x	
MN		x			x	
MS		x			x	
MO		x			x	
MT	x			x		x

NE	x			x		
NV	x			x		
NH		x			x	
NJ	x			x		
NM	x			x		
NY		x			x	
NC	x			x		
ND	x			x		
OH	x			x		
OK	x			x		
OR			x	x		
PA		x			x	
RI			x		x	
SC		x			x	
SD	x			x		
TN	x				x	
TX	x				x	
UT	x			x		
VT	x			x		
VA		x			x	
WA			x	x		x
WV	x				x	
WI	x			x		
WY	x			x		

Fast Facts

32 states allow no-excuse pre-Election Day in-person voting - either early voting on a voting machine or in-person absentee voting.

14 states and the District of Columbia require an excuse for in-person absentee voting

1 state is all vote-by mail

4 states do not allow early or in-person absentee voting

28 states allow no-excuse absentee voting by mail

22 states and the District of Columbia require an excuse to vote absentee by mail

Detailed Breakdown

State	Pre-Election Day In-Person			Absentee Voting		

Voting

Alabama	Excuse required, in-person absentee.	Excuse required. Code of Alabama Section 17-11-3
Alaska	Yes. In-person absentee voting. No excuse required. 15 days prior to an election through election day at regional election office buildings and airports. Alaska Statute 15.20.061	No excuse required. Alaska Statute 15.20.010
Arizona	Yes. Early voting. No excuse required. For general and primary elections, starts 33 days before election day and ends 5pm the Friday before election day. For the presidential preference election, starts 26 days before the election. AZ Secretary of State and Arizona Revised Statutes 16-541(A)	No excuse required. Arizona Statutes refer only to "early ballots", which can be voted in-person or by mail. Arizona Revised Statutes 16-541(A)
Arkansas	Yes. Early voting. No excuse required. Early voting shall be available to any qualified elector who applies to the county clerk's designated early voting location, beginning fifteen (15) days before a preferential primary, general primary, general election, or general run-off election between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 1:00 p.m. to 4:00 p.m. Saturday and ending at 5:00 p.m. on the Monday before the election. Ark. Code Ann. 7-5-418 and Arkansas Secretary of State website	No excuse required. To be qualified to vote an absentee ballot, you must meet one of the following criteria: You will be unavoidably absent from your polling site on election day (the law does not require you to give a reason), or you will be unable to attend the polls on election day because of illness or physical disability.Arkansas Secretary of State website
California	Yes. Early absentee voting. No excuse required. This is an alternative method of casting an absentee ballot; only registered absentee voters may vote early. Calif. Election Code 3018	No excuse required. Voters may also place themselves on a "permanent absentee" list. Calif. Election Code 3003
Colorado	Yes. Early voting. No excuse required. Begins 15 days prior to a general election; begins 10 days prior to a primary or special election. Colo. Rev. Stat. 1-8-202	No excuse required. Voters may also place themselves on a "permanent absentee" list. Colo. Rev. Stats. 1-8-102 and 1-8-104.5
Connecticut	Excuse required, in-person absentee.	Excuse required. Conn. Election Code

		9-135
Delaware	Excuse required, in-person absentee.	Excuse required. Delaware Code 5502
District of Columbia	Yes. In-person absentee voting. Excuse required. DC Board of Elections and Ethics website	Excuse required. D.C. Code Ann. 1-1001.09 (b)(2)
Florida	Yes. Early voting. No excuse required. Begins 15 days prior to election. Fla. Stats. Title 9, ch. 101.657 and Elections Division page	No excuse required. Ballots are mailed no fewer than 45 days before a general election (35 for primaries). Fla. Stats. Title 9, ch. 101.62
Georgia	Yes. In-person absentee voting. No excuse required. An elector who casts a ballot in-person during the week preceding an election "shall not be required to provide a reason". Ga. Code 21-2-380(b)	No excuse required. An elector who applies for absentee ballot by mail "shall not be required to provide a reason". Ga. Code 21-2-380(b)
Hawaii	Yes. In-person absentee voting. No excuse required. Absentee polling places are open no later than 10 working days before Election Day, and all Saturdays falling within that period, or as soon thereafter as ballots are available. Hi. Code 15-7	No excuse required. Hi. Code 15-4(a)
Idaho	Yes. In-person absentee voting. No excuse required. Idaho Statutes 34-1006	No excuse required. Idaho Statutes 34-1001
Illinois	Yes. Early voting. No excuse required. The period for early voting by personal appearance begins the 22nd day preceding a general primary, consolidated primary, consolidated, or general election and extends through the 5th day before election day. A permanent polling place for early voting must remain open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on Saturdays, Sundays, and holidays. 10 Ill. Comp. Stat. Ann. 5/19A-15	Excuse required. 10 Ill. Comp. Stat. Ann. 5/19-1
Indiana	Yes. In-person absentee voting. No excuse required. IC 3-11-10-26	Excuse required. IC 3-11-10-24
Iowa	Yes. In-person absentee voting. No excuse required. The voter may vote at the county commissioner's office no more than 40 days preceding a	No excuse required. Iowa Code, Title 2, Chapter 53.1

	primary or general election. Iowa Code, Title 2, Chapter 53.10	
Kansas	Yes. Advance voting. No excuse required. Kan. Stat. 25-1122a	No excuse required. Kan. Stat. 25-1119
Kentucky	Yes. In-person absentee voting. Excuse required. Ky. Rev. Stat. 117.085(c)	Excuse required. Ky. Rev. Stat. 117.085(a) and Ky. Rev. Stat 117.075
Louisiana	Yes. Early voting (but must apply, similar to in-person absentee voting). No excuse required. The period of early voting shall be from fourteen (14) to seven (7) days prior to any scheduled election. La. Rev. Stat. 18-1309	Excuse required. La. Rev. Stat. 18-303(B)
Maine	Yes. In-person absentee voting. No excuse required. Voters may go in-person to the clerk's office as soon as absentee ballots are available (30 - 45 days before election). Maine Rev. Stat. Title 21A 9-753-B(8)	No excuse required. Maine Rev. Stat. Title 21A, Chapter 9-751
Maryland	No.	Excuse required. Md. Code, Title 9, Section 304
Massachusetts	Excuse required.	Excuse required. M.G.L. Chapter 54, Section 86
Michigan	Excuse required. Michigan Compiled Laws Act 116 of 1954, Secion 168-759	Excuse required. Michigan Compiled Laws Act 116 of 1954, Secion 168-759
Minnesota	Yes. Excuse required. In-person absentee voting. Minnesota Statues 203B.081	Excuse required. Voters who are permanently unable to vote in-person on Election Day (e.g., due to illness or nursing home residence) may sign up for permanent absentee status. Minnesota Statues 203B.02
Mississippi	Excuse required, in-person absentee.	Excuse required. Miss. Code of 1972, Section 23-15-713
Missouri	Excuse required, in-person absentee.	Excuse required. Missouri Rev. Stat. Section 155.277
Montana	Yes. In-person absentee voting. No excuse required. Begins 30 days prior to general election. Mont. Code Annotated 13-13-222	No excuse required. Permanent absentee status is also available. Mont. Code Annotated 13-13-201
Nebraska	Yes. In-person early voting. No excuse required. Ballots can be voted up to 35 days before the election. Neb. Stat. 32-942	No excuse required. Neb. Stat. 32-938

Nevada	Yes. Early Voting. No excuse required. The period for in-person early voting begins the third Saturday before an election, extending through the Friday before Election Day, excluding Sundays and holidays. Nev. Rev. Stat. 293.356	No excuse required. Nev. Rev. Stat. 293.313
New Hampshire	Excuse required, in-person absentee.	Excuse required. Source: NH Rev. Stat. 657:1
New Jersey	No excuse required, in-person absentee.	No excuse required. Source: New Jersey Statutes 19:57-2-4
New Mexico	Yes. Early voting. No excuse required. Commencing on the third Saturday prior to an election, an early voter may vote in person, on an electronic voting machine at an alternate location established by the county clerk. N.M. Stat. 1-6-5.7	No excuse required. N.M. Stat. 1-6-3
New York	Excuse required, in-person absentee.	Excuse required. N.Y. Election Law, 8.400 [PDF]
North Carolina	Yes. One-stop absentee voting. No excuse required. Beginning on the third Thursday before an election and ending on the last Saturday before that election, voters can vote an absentee ballot in person. The law provides only for in-person absentee voting at the office of the county board of elections, but allows counties to establish alternative sites (as approved by the State Board of Elections). N.C. Gen. Stat. 163-227.2	No excuse required. N.C. Gen. Stat. 163-226a
North Dakota	Yes. Early voting. No excuse required. Counties provide early voting facilities up to fifteen days immediately before the day of the election, at the discretion of county auditors. N.D. Stat. 16.1-07-15	No excuse required. N.D. Stat. 16.1-07-01
Ohio	Yes. In-person absentee voting. No excuse required. Begins 35 days before primary and general elections. OH Secretary of State	No excuse required. OH Secretary of State
Oklahoma	Yes. In-person absentee voting. No excuse required. A registered voter	No excuse required. Ok. Stat. 26-14-115

	may apply for an in-person absentee ballot at a location designated by the secretary of the county election board from 8 a.m. to 6 p.m. on Friday and Monday immediately preceding any election and from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal election. Ok. Stat. 26-14-115	
Oregon	All mail-in voting.Ore. Stat. 254.465	No excuse required. Ballots are mailed about three weeks before each election. Ore. Stat. 253.015
Pennsylvania	Excuse requied, in-person absentee.	Excuse required (affirmation of absence). Pa. Code 171.11
Rhode Island	No.	Excuse required (21-day advance application). R.I. Stat. 17-20-2
South Carolina	Excuse required, in-person absentee.	Excuse required. (Can apply and vote on same day, if the ballots are prepared.) S.C. Code 7-15-320
South Dakota	Yes, in-person absentee voting. At anytime prior to an election, a voter may apply in person to the person in charge of the election for an absentee ballot during regular office hours up to 3:00 p.m. of the day of the election. S.D. Code 12-19-2.1	No excuse required. (Application deadline 3pm on election day.) S.D. Code 12-19-1
Tennessee	Yes. Early voting. No excuse required. A voter who desires to vote early shall go to the county election commission office within the posted hours not more than twenty (20) days nor less than five (5) days before the day of the election. Tenn. Code 2-6-102	Excuse required. Tenn. Code 2-6-201
Texas	Yes. Early voting. No excuse required. Early voting in person starts 17 days before each election unless the first day falls on the weekend, then early voting begins on the following Monday and ends 4 days before each election. Tex. Elec. Code 81.001	Excuse required. Tex. Elec. Code 82.001
Utah	Yes. Begins fourteen days in advance of election. No excuse required. Utah Elec. Code 20A-3-601	No excuse required. Utah Elec. Code 20A-3-301

Vermont	Yes. Up to 30 days in advance of a general election, in the Town Clerk's office. No excuse required. Vermont Stat. 17Â¤2537	No excuse required. Vermont Stat. 17Â¤2531
Virginia	Yes. In-person absentee voting. Excuse required. Absentee voting in person begins approximately 45 days before a November General Election and approximately 30 days before other elections and ends at 5:00 p.m. on the Saturday before the election. Va. Code 24.2-707	Excuse required. Va. Code 24.2-700
Washington	No.	No excuse required. R.C.W. 29A.40.010
West Virginia	Yes. No excuse required. Available from the twentieth day before the election to the third. W.V. Code 3-3-3	Excuse required. W.V. Code 3-3-1
Wisconsin	Yes. In-person absentee voting. No excuse required. Ballots available three weeks ahead of each election. Wi. Code 6.29	No excuse required. 6.20 and 6.85
Wyoming	Yes. In-person absentee voting. No excuse required. 40 days before election.	No excuse required. Wy. Stat. 22-9-102 [DOC]

Re: Libertarian party of Connecticut supports HB 6436

Dear Government And Elections Committee,

I am Andrew Rule and live in Wallingford. I am the Treasurer of the Libertarian Party of Connecticut (LPCT) and I was the Ballot Access Coordinator for LPCT in 2008. In that capacity I managed about two dozen people directly and others indirectly to achieve our efforts for ballot status for Barr/Root, the Libertarian Presidential Ticket. We handed in just short of 13,000 signatures, on 1,796 petition sheets for 144 towns. We were told that we failed to achieve ballot status with only 6,995 valid signatures. Other counts from SOTS told 7,218 valid signatures. (Also, some petition sheets were missing). We decided to recheck the valid signatures and found that over 350 signatures should have been counted. (SOTS disputes some of these things). And, we went to Federal Court to try to over turn this decision, and failed. I am here to represent the LPCT today.

**Ballot access campaigns are very costly in terms of money, time, and effort especially in facing the possibility of failure. But these costs go up not as an arithmetic progression but a geometric progression. This is because you have to introduce more people into the effort requiring more management into the situation to get the job done, entailing training, steeper learning curve and extra quality control among other things.

**As a consequence of this it is harder to find people to commit to projects. Therefore, the pool of capable people diminishes making it difficult and sometimes impossible to gain ballot access for a minor party.

**When the demand for a greater number of signatures goes up, the desire and ability for quality goes down. This is because the focus is on number of signatures obtained and not on more conversation with the elector for his consent and encouragement for putting the information on the petition form ACCURATELY and LEGIBILY.

**After rechecking the signatures after we were rejected for the ballot, I found a new appreciation for what the town clerks have to endure to validate these signatures. It is a hard job that taxes their resources. From their end the effort to validate signatures for a particular nominating petition goes up geometrically as the number of signatures goes up as well. Part of that is because they have to keep tract of someone signing the petition twice, part of it is organizing the names, but also going back to the petition campaigns themselves, the quality of signatures goes down for the number of signatures going up. I talked with my town clerk, Barbara Kapi, and the thing that she would find most helpful is LEGIBILITY and FILING OUT THE FORMS CORRECTLY. These things a petition drive can and should do if the number of required signatures are fewer. After organizing and keeping tract of signatures to hand in and afterward when they were rejected re-inspecting them with the rejection codes, I have to most heartily agree.

****We, the LPCT, therefore support HB 6436; Most especially for the lower threshold for the number of signatures required to gain ballot status. Thank you.**