

PA13-269

HB5903

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
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cjd/lgg/cd
HOUSE OF REPRESENTATIVES

May 2, 2013

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REP. GENTILE (104th):

Through you, Mr. Speaker, yes. Cribs and bassinets mattresses are exempt.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

And I want to thank the kind lady for her answers.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move that we pass this bill temporarily.

SPEAKER SHARKEY:

Motion is to pass this bill temporarily. Is there objection? So ordered.

Will the Clerk please call the Calendar number 405?

THE CLERK:

Yes, Mr. Speaker. On page 26, Calendar 405, favorable report of the joint standing committee on

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Government Administration and Elections, Substitute
House Bill 5903, AN ACT CONCERNING THE RESOLUTION OF
TIE VOTES IN PRIMARIES FOR THE STATE OR DISTRICT
OFFICES AND FOR THE OFFICE OF STATE SENATOR OR STATE
REPRESENTATIVE.

SPEAKER SHARKEY:

Representative Elissa Wright. Good evening,
Madam.

REP. WRIGHT (41st):

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

SPEAKER SHARKEY:

The question is on acceptance of the joint
committee's favorable report and passage of the bill?

Will you remark, madam.

REP. WRIGHT (41st):

Thank you, Mr. Speaker. This bill would amend
Section 9-446 of the General Statutes to make it clear
that in the event of a tie vote in a primary for the
nomination for state or district office or the
municipal office of a general assembly, the winner of
that primary shall be determined at an adjourned
primary three weeks later at which only those

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candidates who tied and are the top-vote recipients shall appear on the ballot.

Just by way of background, prior to 2007 and the enactment of Public Act 07-194, the winner of the vote in a primary was determined by drawing lots. And in an example from real life, in August of 2006, I was involved in a three-way primary for the Democratic nomination for state representative from the 41st District, which resulted in a two-way tie. And in that instance, under the then-existing law, the registrar of voters determined the nominee of the party by a coin flip and that was the only known application of that previous law, and it prompted a legislative change in 2007 to the present procedure of holding an adjourned run-off primary and that increased the voice of the electorate and minimized the role of fate or chance in this election of nominees.

And then, in another example, this past August, a three-way primary for nomination for state representative from the 5th District resulted in a two-way tie, and in that instance, the non-tied candidate withdrew before the adjourned primary was held.

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This bill simply would clarify that in any future case the adjourned run-off primary, what is in effect a second round, resulting from a tie vote for state office, district office or the municipal office for state representative and state senator would only include those candidates who were involved in the tie vote. And this bill passed unanimously out of the Government Administration and Elections Committee, and I urge passage.

Thank you, Madam Speaker.

(Deputy Speaker Miller in the Chair.)

DEPUTY SPEAKER MILLER:

Thank you very much, Madam.

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

Representative Hwang from the 134th.

REP. HWANG (134th):

Thank you very much, Madam Speaker. It's great to see you up there.

DEPUTY SPEAKER MILLER:

Thank you.

REP. HWANG (134th):

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Through you, a couple of questions to the proponent of this bill, please.

DEPUTY SPEAKER MILLER:

Please frame your question, sir.

REP. HWANG (134th):

Thank you.

Under current law, if there was this scenario you described with three potential people even though two people tied, under the current law would all three candidates, if they so chose, be eligible to be in a primary run-off?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright, would you care to respond?

REP. WRIGHT (41st):

Through you, Madam Speaker, I thank the gentleman from Fairfield for his question. Yes that was the interpretation of the Secretary of State's Office. In the instance of that primary in August of 2012 in the 5th District Assembly seat.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Hwang, you still have the floor, sir.

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REP. HWANG (134th):

Thank you, ma'am.

Through you, now under this language would only the tied candidate be eligible for the run-off?

Through you, ma'am.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, yes, that is correct.

DEPUTY SPEAKER MILLER:

Representative Hwang, you still have the floor, sir.

REP. HWANG (134th):

Thank you.

Through you again, ma'am, now why is it that it is only specific for primaries of municipalities and not for general elections of these municipalities?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright, you care to respond?

REP. WRIGHT (41st):

Thank you, Madam Speaker.

And through you, there is a separate provision of the statutes that deals with adjourned elections in

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the case of tie votes. That is section 9-332 of the General Statutes and under -- the procedure under that statute is similar to the procedure that would be enacted through this bill. In other words, the run-off election in the case of a tie in a general election, the run-off election would be between only the highest vote getters who are tied and any trailing non-tied candidates would not appear on the ballot.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Hwang.

REP. HWANG (134th):

Thank you.

Through you, Madam Speaker, so just for a point of clarification, there are generally different guidelines regulating general elections and this is specific for primaries. Would that be the correct statement?

Through you, Madam Speaker.

REP. WRIGHT (41st):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER MILLER:

Representative Hwang.

REP. HWANG (134th):

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Thank you. Thank you. Thank you for that very informed answer.

Now, through you, Madam Speaker, an additional question. What would happen if the tie run-off was to occur again and the two or three individuals were to be tied again after the second round. What would be the process in determining that?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, that procedure would remain the same as it is in current statute. Should the second primary between the tied candidates in the first primary also result in a second tie that tie would be resolved by the drawing of lots between the tied candidates -- involving the tied candidates and overseen by the Secretary of State.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Hwang, you still have the floor, sir.

REP. HWANG (134th):

Thank you, ma'am. I want to thank the

Representative for the clarification on that.

Now, obviously, as so many of our bills come through and I've always made the inquiry about the fiscal note on this and, obviously, the Office of Fiscal Analysis denotes that there are no fiscal notes but in the case of a run-off, are there additional municipal costs placed on this?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Wright.

REP. WRIGHT (41st):

Through you, Madam Speaker, OFA has determined that there would be no state fiscal impact and no municipal impact resulting from this bill.

This bill would not result in the holding of any additional adjourned primaries.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Hwang

REP. HWANG (134th):

Thank you.

I want to thank the good Representative from Groton and New London for her clear answers. And in this case as we've spoken so often in this chamber,

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bills being proposed or not sometimes vetted through and clearly understood. I want to compliment this representative and the GAE Committee for phrasing a bill that recommends and understands a definition of the statutes, and it is an excellently written bill to clarify logistical error or a logistical problem that may arise, and I would urge support of this bill. And I want to thank the good Representative for her work on this as well.

Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, sir.

Will you care to remark? Will you care to remark?

Representative Ziobron from the 34th.

REP. ZIOBRON (34th):

Thank you, Madam Speaker.

I have a question for the proponent for clarification of the definition.

Through you.

DEPUTY SPEAKER MILLER:

Please frame your question, madam.

REP. ZIOBRON (34th):

Thank you, Madam Speaker.

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I'm curious, I looked through the bill to try and understand the definition of a part of the bill on line 5. Through you, Madam Speaker, to the proponent, it states, "or the municipal office of state senator or state representative." Could you please explain what the municipal office of state senator or state representative is?

Through you.

DEPUTY SPEAKER MILLER:

Representative Wright, would you please respond.

REP. WRIGHT (41st):

Thank you, Madam Speaker, certainly.

The representative is referred to the definitions in section 9-372 of the General Statutes. District office is defined as an elective office for which the electors in a district, which is also internally defined as the geographical portion of the state which crosses the boundaries between two or more towns. So a district office, in many cases, is the office of state representative or a state senator. When that district crosses the boundaries of two or more towns, it is considered a district office. A municipal office means an elective office for which only the electors of a single town, city, borough, et cetera,

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may vote.

So in those circumstances when the state representative, or it could be a state senator, if that district is wholly contained within one municipality, it is considered a municipal office under the definitions in the statute.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, ma'am.

Representative Ziobron, you still have the floor, madam.

REP. ZIOBRON (34th):

Thank you, Madam Speaker.

And I -- I thank the gentlelady for that explanation and it really helps me understand and puts that in better perspective, so thank you very much for your clarification.

Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, madam.

Will you care to remark further on the bill?

Would you care to remark further on the bill?

If not, will staff and guests please come to the well of the House. Will the members please take your

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seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

DEPUTY SPEAKER MILLER:

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast? If all members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 5903.

Total Number Voting	136
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Necessary for Passage	69
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Those voting Yea	136
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Those voting Nay	0
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Those absent and not voting	14
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DEPUTY SPEAKER MILLER:

The bill passes.

Will the Clerk please call Calendar Number 116?

A VOICE:

I'm sorry, it's 269, 269.

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SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, some additional items to add to the Consent Calendar.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Mr. President.

First is on Calendar page 17, Calendar 706, House Bill 6651, if that item might be added to our Consent Calendar?

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, also, Calendar page 5, Calendar 503, House Bill Number 6635, if that might be added to our Consent Calendar?

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 6, Calendar 519, House Bill Number 5903, if that might be added to our Consent Calendar?

THE CHAIR:

Without objection, so ordered.

Thank you, Mr. President.

Mr. President, if the clerk would now call -- would now list the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar before taking up additional items.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 2 -- sorry -- House Bill 6672, and then on page 2, Calendar 423, House Bill 5907.

On page 4, Calendar 464, House Bill 5601; Calendar 465, House Bill 6630.

On page 5: 485, House Bill 6602; Calendar 503, House Bill 6635.

On page 6: Calendar 19, House Bill 5903; Calendar 522, House Bill 5598.

On page 7: Calendar 570, House Bill 6486; Calendar 571, House Bill 6492.

On page 8: Calendar 601, House Bill 6490; Calendar 606, House Bill 6674.

On page 10, Calendar 644, House Bill 6363.

On page 12, Calendar 668, House Bill 6362; and Calendar 672, House Bill 548.

On page 15: Calendar 695, House Bill 5289; Calendar 696, House Bill 6658.

On page 16: Calendar 704, House Bill 6692; 705, House Bill 6703.

On page 17: Calendar 706, House Bill 6651.

And on page 21: Calendar 431, Senate Resolution Number 15.

HB 5480

THE CHAIR:

Mr. Clerk, please announce the pendency of a roll call vote, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

Have all members have voted? If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have recorded, the machine will be closed and the clerk will announce the tally.

THE CLERK:

The second Consent Calendar

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I just wanted to review and have we adopted Senate Agendas 3 and 4?

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 2
322 - 617**

2013

FTR



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

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MEMBER
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TESTIMONY OF
 REPRESENTATIVE ELISSA WRIGHT
 STATE REPRESENTATIVE, 41ST DISTRICT

*Proposed H.B. No. 5903, AN ACT CONCERNING THE RESOLUTION OF A TIE VOTE
 BETWEEN CANDIDATES IN A PRIMARY FOR STATE OR DISTRICT OFFICE*

*Government Administration and Elections Committee Public Hearing
 February 22, 2013*

Senator Musto, Representative Jutila, members of the Government Administration and Elections Committee, thank you for the opportunity to testify in support of H.B. No. 5903, AN ACT CONCERNING THE RESOLUTION OF A TIE VOTE BETWEEN CANDIDATES IN A PRIMARY FOR STATE OR DISTRICT OFFICE.

The purpose of this bill amending General Statutes § 9-446 (Tie vote) is to clarify that in the event of a tie vote in a primary, the winner of the primary shall be determined in a run-off primary at which only the top vote recipients whose votes are equal shall appear on the ballot and be voted on.

On August 8, 2006, I was involved in a three-way primary to determine the Democratic nominee for State Representative in the 41st Assembly District. Following a mandatory re-canvass pursuant to Section 9-445 of the General Statutes, a two-way tie was determined to exist. Out of a total of 1,322 votes cast, another candidate and I each received 457 votes.

The law governing primaries at that time required that in the event of a tie vote, the secretary of the state or registrar of voters, depending on the office, chose the winner of the primary by drawing lots. In my case, which was the first (and only) known test of that law's effectiveness, the registrar of voters determined the nominee of the Democratic Party by flipping a coin to decide between the two candidates who had polled an equal number of votes in the primary. The non-tied candidate was excluded from the lottery.

In response to the coin toss procedure used to dissolve that tied primary, Public Act No. 07-194, *An Act Concerning the Integrity and Security of the Voting Process* (§ 46), amended Section 9-446 of the General Statutes to eliminate a coin toss or any other form of chance to determine the winner of a primary when the number of votes received by candidates results in a tie. That law established the current procedure for resolving a tie vote in a primary held to nominate candidates for state, district, or municipal office,¹ providing consistency of procedures used to resolve tie votes in both elections and primaries, minimizing the role of chance in the selection of party nominees, and reaffirming the fundamental principle that every vote counts.²

The Office of Legislative Research in its Summary for Public Act No. 07-194 stated: "Under the act, the primary stands adjourned and a run-off primary between the candidates or slates of candidates who tied is held three weeks later."

As a proponent of the 2007 reform deleting the former provision regarding dissolving tie votes by lot, I believe it was the intent of the legislature to provide that in the event of a tie, the holding of an adjourned primary would be between, or among, the candidates who tied and at which only the top tied vote recipients shall appear on the ballot. Other candidates having received a lesser number of votes would be excluded from the run-off primary.

Thank you very much for the opportunity to be heard on this issue today. I welcome any questions and comments that you might have.

¹ District office pertains where boundaries extend beyond that of a single town. State Senators and State Representatives are included in the definition of municipal office where the senatorial or assembly district is comprised of a single town or a part thereof. General Statutes § 9-372 (3) (4) and (7).

² If the adjourned run-off primary results in a tie, the secretary of the state or the registrar of voters, depending on the office, must chose the nominee by drawing lots, following the procedure under prior law for resolving a tied primary.