

PA13-295

HB6630

Government Admin. & Elections	1451, 1454-1455, 1505- 1506, 1567, 1569, 1575	8
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H – 1155

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 6
1695 – 2023**

pat/gbr
HOUSE OF REPRESENTATIVES

215
April 24, 2013

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER ORANGE:

The bill passes.

Will the Clerk please call Calendar Number 307.

THE CLERK:

House Calendar Number 307, Favorable Report of the Joint Standing Committee on Government Affairs and Elections, or Government Administration and Elections, House Bill 6630 AN ACT CONCERNING DELIVERY OF ABSENTEE BALLOTS BY THE TOWN CLERKS.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I move 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, sir?

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REP. JUTILA (37th):

Thank you, Mr. Speaker. Yes, the purpose of this bill is to give the town clerk and the registrars in our towns more flexibility in terms of when they deliver absentee ballots on the day of an election.

Under our current statute, the town clerk is required to deliver absentee ballots received after 11:00 on the day before the election in a very specific window of time between 10:00 a.m. and 12:00 noon on the day of the election.

The town clerks have asked for more flexibility in that and the reason for that is that times have changed and we don't have the old machine voting booths any more and we've gone to the optical scanners and in certain towns and with certain town clerks and registrars it makes more sense to have the ballots delivered later in the day all at once and it allows the clerk and the registrar to coordinate better with election day staff.

And the time change would, I mean the time requirement will remain in the statute, but it can be adjusted by mutual agreement of the town clerk and the registrars, so I would urge support for this bill.

SPEAKER SHARKEY:

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Thank you, sir. Will you remark? Will you remark further on the bill? Representative Hwang of the 134th.

REP. HWANG (134th):

Thank you, Mr. Speaker. Through you, a couple questions to the proponent of this bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. HWANG (134th):

Thank you very much. Thank you. Was there an agreement or a collaboration or feedback from the registrar of voters as it relates to this collaborative effort?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, to the Ranking Member, the registrars were, along with the town clerks, were all over our Committee this year during our public hearing process and testified on a number of bills.

I actually don't recall testimony by the registrars on this particular bill, but there certainly was no opposition to it. The Town Clerks

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Association supported it as well as the Secretary of State and I would remind the Members that the only way that the time can be altered for the delivery of the absentee ballots is by mutual agreement of the registrars and the town clerks, so both would have to agree. Through you.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Thank you. Through you, Mr. Speaker, I find that it's very important that we are able to share that with the audience in recognizing that the town clerk and the registrar of voters both need to mutually agree.

Through you, Mr. Speaker, what should happen if they aren't able to mutually agree? What would be the default application of this law? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Jutila.

REP.. JUTILA (37th):

Through you, Mr. Speaker, a very good question. The default would be the language in the existing statute, so they would still, the town clerk would

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still be required to deliver the ballots during that brief window between 10:00 a.m. and noontime.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Thank you. Through you, Mr. Speaker, again, now the flexibility in regards to a delivery time is the intent of this bill. But through you, Mr. Speaker, could the good Chair clarify that must all the ballots be in by the close of polls of 8:00 o'clock election day. I just wanted to ask, through you, the clarification and validation of that.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, yes, that is correct. All the ballots have to be in by the close of the polls at 8:00 p.m.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Thank you. And I want to thank the good Chair for his work on this bill and listening to the town

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clerks and offering them some flexibility and I believe a lot of that was based on our move to the optical scan ballot versus the lever and it is a reflection of our ability to keep up with the current technology and trends, and I want to thank the good Chair for his work. Thank you.

SPEAKER SHARKEY:

Thank you, sir. Will you remark? Will you remark further on the bill that's before us?

If not, staff and guests 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.

The House of Representatives is voting by Roll.

Will Members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the Members voted? Have all the Members voted? Members please check the board to make sure your votes are properly cast.

If all Members have voted, the machine will be locked and the Clerk will take a tally. The Clerk please announce the tally.

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HOUSE OF REPRESENTATIVES

221
April 24, 2013

THE CLERK:

House Bill 6630.

Total Number voting	145
Necessary for Passage	73
Those voting yea	145
Those voting Nay	0
Those absent and not voting	5

SPEAKER SHARKEY:

The bill is passed.

Will the Clerk please call Calendar Number 293.

THE CLERK:

On Page 43, Calendar Number 293, Favorable Report of the Joint Standing Committee on Higher Education and Employment Advancement, House Bill 5602 AN ACT EXEMPTING INSTITUTIONS OF HIGHER EDUCATION THAT OFFER FREE COURSES TO INMATES FROM STATE CONTRACTING REQUIREMENTS.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

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

SPEAKER SHARKEY:

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VETO
SESSION**

**VOL. 56
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5161 - 5482**

SENATOR MUSTO:

Yes, Madam President. This is a highly technical bill.

It's so technical that it looks almost like it would be a dummy bill, there are so few changes to it. But, it does -- it is a cleanup bill from LCO. It basically changes the word "commission" to the "Office of State Ethics" in several places and makes some other grammatical changes. I don't believe there's anything substantive in here that would give anybody pause, and I would simply ask that the Circle's support for the bill.

THE CHAIR:

Will you remark further? Will you remark further?

If not, I call for --

SENATOR MUSTO:

I was going to ask to put it on consent, but if there is some objection?

THE CHAIR:

Seeing no objection, so ordered.

SENATOR MUSTO:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Also, on page 4, Calendar 465, House Bill Number 6630, AN ACT CONCERNING THE DELIVERY OF ABSENTEE BALLOTS BY THE TOWN CLERK, favorable report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Musto, let's see if you can do it again.

SENATOR MUSTO:

Thank you, Madam President.

I move the joint committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage.

Will you remark, sir?

SENATOR MUSTO:

Yes, Madam President.

This bill simply changes -- it does basically exactly what the title says it does. It changes the delivery of absentee ballots -- excuse me -- the timing of the delivery of the absentee ballots by the town clerks. It was at the request, I believe, of ROVAC, the registrars that this came to us. It is, again, very, very simple bill, and I would just ask for the Chamber's support.

THE CHAIR:

Will you remark? Will you remark?

Seeing none, Senator Musto.

SENATOR MUSTO:

Madam, President, if there is no objection, I would ask this also be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR MUSTO:

Thank you, Madam President.

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 5
1351 - 1698**

2013

2
 law/gbr GOVERNMENT ADMINISTRATION
 & ELECTIONS COMMITTEE

March 18, 2013
 11:00 A.M.

In the event of a lockdown announcement please remain in the hearing room and stay away from the exit doors until the all clear announcement is heard. And with that we will move on to our first witness, Secretary of State Denise Merrill. Thank you as always for giving us your opinion on our bills, Madam Secretary.

SECRETARY OF STATE DENISE MERRILL: Good morning once again to the GAE committee. Chairman Musto, Chairman Jutila, ranking member Senator McLachlan, and members of the committee. You have -- for the record my name is Denise Merrill. I'm Secretary of the State of Connecticut. There are quite a number of bills in your agenda today some of which affect the conduct and administration of elections and some other bills that I'll testify and thank you for allowing me to do them all at once. And I'll be happy to take questions afterwards.

First, Senate Bill 775, A RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REVERSE THE UNITED STATES SUPREME COURT DECISION KNOWN AS CITIZENS UNITED. Simply put I support this resolution. The Supreme Court's ruling in the Citizens' United case said corporations have a right to free speech on par with individuals and to spend directly from their treasuries on political campaigns is one of the greatest legal travesties we've seen in this country in the last 50 years.

It reversed over 60 years of federal campaign finance law that really sought to put some reasonable limits on the corrosive influence of money in politics. Our founding fathers when they authored the Bill of Rights surely had no intention of extending an individual's right to

HJR 3
SB 729
SB 1118
HB 6630
HB 6633
HB 6635
SB 1126
SB 1125
SB 283

March 18, 2013
11:00 A.M.

early voting in Connecticut. And while the date for state and federal elections is set by the Connecticut and U.S. Constitutions, municipal elections are not set out in the State Constitution.

That is why this might be possible to formulate as an idea. So we're happy to assist in further developing this idea. And over the last several months I've actually asked some towns and cities of all shapes and sizes if this is an idea they'd like to further develop. There are quite a few towns that are interested in pursuing this option. You may hear from some of them today. So again I urge passage of this bill so we can further develop this idea.

Senate Bill 1118, AN ACT CONCERNING QUALIFICATIONS OF ELECTION MODERATORS. This bill prohibits anyone who's been convicted of or plead guilty or no contest to any felony in -- regarding fraud, forgery, larceny, embezzlement or bribery or a violation of title nine election law from serving as a moderator or an alternative moderator on Election Day. This prohibition would exist so long as that conviction or guilty plea was entered in a court of competent jurisdiction. I support this bill. We should expect the highest standards of conduct from our elections officials and we certainly would not want anyone who has committed these types of crimes to be responsible for running a polling place.

House Bill 6630, considering -- concerning delivery of absentee ballots by the town clerks. Under current law absentee ballots are required to be delivered by town clerks to the registrars two or three times over the course of the day on Election Day. This bill would allow the town clerks and registrars to

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mutually agree on a later time for delivery of the ballots provided it's not later than the 8 P.M. cutoff. I support this bill. Current law reflects a time when we used the old lever machines and absentee ballots were counted by hand. Very labor intensive and time consuming. But since we now have been using optical scanners to count ballots some towns might prefer to run the absentee ballots through the machine all at the same time and we're supportive of that issue.

House Bill 6633, AN ACT CONCERNING CAMPAIGNS, FINANCE LAW AND PRIOR BAD ACTS. While this is not directly about election administration I'm a strong supporter of public campaign financing. I think it's imperative that campaign grants that we award through the Citizens' Election Program are not misused. This bill would prohibit persons who have been convicted of or plead guilty or no contest to certain relevant felonies from serving as campaign treasurers or from receiving a grant from the fund. This is a sensible approach that balances the public's benefit of limiting the influence of special interest with our obligation to safeguard public funds. So I urge passage.

And finally, House Bill 6635, AN ACT CONCERNING AMENDED ELECTION RETURNS. This bill would impose a seven day limit for towns to file amended election returns. Currently towns are required to file their election returns with my office after the polls close up to 6 P.M. the following day. They can then also submit an amended returns if a count in a precinct is off or if mistakes were made in the count. But there needs to be a limit on when these amended returns can be submitted. We've seen amended returns submitted weeks after election day.

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law/gbr GOVERNMENT ADMINISTRATION
& ELECTIONS COMMITTEE

March 18, 2013
11:00 A.M.

that you know people will just you know sign on to. So I strongly suggest that at a -- at a minimum that this four weeks be reduced to own or eliminated altogether because there's already the January reporting and also audits that are going to be done to the campaigns and that's full disclosure. I'll accept any questions you may have.

SENATOR MUSTO: Any questions from members of the committee?

Thank you, Representative Butler.

REP. BUTLER: Thank you.

SENATOR MUSTO: Next on our list is Essie Labrot followed by Daniel Drew and Marc DiBella.

ESSIE LABROT: Good afternoon, Senator Musto, Representative Jutila, Ranking Member Senator McLachlan, and Representative Hwang and the other distinguished members of the GAE committee. My name is Essie Labrot and I'm testifying on behalf of the Connecticut Town Clerks Association. I am the Vice Chair of the CTCA's legislative committee and the Town Clerk of West Hartford. The Connecticut Town Clerks Association supports House Bill 6630, AN ACT CONCERNING THE DELIVERY OF ABSENTEE BALLOTS BY THE TOWN CLERKS and House Bill 6635, AN ACT CONCERNING AMENDED ELECTION RETURNS.

These bills were initiated by our association and we appreciate the support of the Secretary of the State and ROVAC on these. The House Bill 6630 would simply allow us some flexible ability in when we received the absentee ballots. As you know volume can be as -- as few as a few handfuls, a few dozen to many thousands. So this would allow us some

HB6634

March 18, 2013
11:00 A.M.

flexibility to help us in determining staffing and the counting of those ballots. Regarding House Bill 6635, the amended election returns, this basically -- due to registrars being part time, the moderators having availability immediately after the election this would help us in -- in certain -- in being able to have the correct numbers and accountability and accuracy on these election returns within seven days.

The Town Clerks Association is also supporting House Bill 6634, AN ACT ESTABLISHING A PILOT PROGRAM FOR MUNICIPAL CAMPAIGN FINANCE FILINGS. Since it has the -- the potential to increase efficiency and provide easier access for the public. Thank you for raising these bills and I'd be happy to answer any questions you might have.

SENATOR MUSTO: Thank you. I have a quick question. The 6634 says that the State election enforcement may establish a pilot program with assistance to town clerks not more than 20 municipalities. Now the municipalities apparently have to apply in order to be accepted into the program but if -- should there be any -- I guess the question is should there be any limits on the application regarding very large towns or very small towns? I mean are we looking for a cross section? Are we going to try it -- in your estimation what would be good procedures for -- for those -- picking those 20 municipalities?

ESSIE LABROT: We would suggest a cross section of small towns, medium sized and cities just to get an idea if you're talking about cost savings or efficiencies what exactly those are. Because there's 169 towns with 169 ways of doing things sometimes. So -- and they all



DENISE MERRILL
 SECRETARY OF THE STATE
 CONNECTICUT

Spoken
 3/18/13

Line Number 8

Page Number 1

**Government Administration and Elections Committee Public
 Hearing
 March 18, 2013
 Testimony**

Good Morning once again to the GAE Committee – Chairman Musto, Chairman Jutila, and members. For the record, my name is Denise Merrill and I am Secretary of the State of Connecticut. There are many bills on your agenda today, and many bills that affect the conduct and administration of elections in our state.

SENATE BILL 775 “A RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REVERSE THE UNITED STATES SUPREME COURT’S DECISION KNOWN AS CITIZENS UNITED.”

HJR 3

SB729

SB1118

HB6630

HB6633

HB6635

Simply put, I support this resolution. The Supreme Court’s ruling in the *Citizen’s United* case – that corporations have a right to free speech on par with individuals and to spend directly from their treasuries on political campaigns – is one of the greatest legal travesties we have seen in this country in the last 50 years. It reversed over 60 years of federal campaign finance law that really sought to put some reasonable limits on the corrosive influence of money in politics. Our founding fathers – when they authored the bill of rights – surely had no intention of extending an individual’s right to freedom of speech contained in the first amendment to a corporation.

I’m sorry but corporations are NOT people.

Connecticut has been a national leader in campaign finance reform and we are the first state to establish public campaign grants for state office by legislative action rather than initiative or referendum. We did that because we believe in clean elections where the influence of a few powerful well-funded donors cannot drown out the voices of everyday citizens who can only afford to give small dollar amounts to political campaigns. This Supreme Court decision reversed decades of campaign finance laws. We in Connecticut must respond.

set out in the state constitution. We would be happy to assist in further developing this idea.

Over the last several months I have asked several towns of all shapes and sizes if this is an idea that they would like to further develop. Early voting provides more opportunities for citizens to vote and reduces pressure on Election Day. This would be a municipal option, so only cities and towns who would like to participate would do so; no one will be mandated. I believe this is a great opportunity to test the waters and get some data on early voting – to see how it works in reality for some of the municipalities in our state so I urge passage of this bill.

SENATE BILL 1118 “AN ACT CONCERNING QUALIFICATIONS OF ELECTION MODERATORS”

This bill prohibits anyone who has been convicted of or pled guilty or no contest to any felony involving fraud, forgery, larceny, embezzlement or bribery or a violation of Title 9 election law from serving as a moderator or an alternative moderator on Election Day. This prohibition would exist so long as that conviction or guilty plea happened in a court of competent jurisdiction

I support this bill; we should expect the highest standards of conduct from our elections officials. We certainly would not want anyone who had committed these types of crimes to be responsible for running a polling place.

HOUSE BILL 6630 “AN ACT CONCERNING THE DELIVERY OF ABSENTEE BALLOTS BY THE TOWN CLERKS”

Under current state law, absentee ballots are required to be delivered by Town Clerks to the Registrars two or three times over the course of the day on Election Day. This bill would allow the town clerks and registrars to mutually agree on a later time for delivery of the ballots (provided it is not later than 8 pm) and I support this bill. Current law reflects a time when we used the old lever-ballot voting machines and absentee ballots were counted by hand – a very labor intensive and time consuming process, but since we have been using optical scanners to count ballots, some towns may prefer to run the absentee ballots through the machines very quickly and accurately in one count. Again, I support passage.

HOUSE BILL 6633 “AN ACT CONCERNING CAMPAIGN FINANCE LAW AND PRIOR BAD ACTS”

As a strong supporter of public campaign financing, I think it is imperative that the campaign grants that we award through the Citizens Election Program are not misused, and I think we should be very conscious of upholding the public trust in how we award these dollars and who we award them to. This bill would prohibit persons

Connecticut Town Clerks Association, Inc.



Spoken
3/18/13

Line Number 24

Page Number 5

TESTIMONY

MARCH 18th, 2013

Government Administration and Elections Committee

H.B. 6630 *An Act Concerning the Delivery of Absentee Ballots by the Town Clerks*

H.B. 6635 *An Act Concerning Amended Election Returns*

H.B. 6634 *An Act Establishing a Pilot Program for Municipal Campaign Finance Filings*

Good afternoon Senator Musto, Representative Jutila and the distinguished members of the GAE Committee. My name is Essie Labrot and I am testifying on behalf of the Connecticut Town Clerks Association (CTCA). I am the Vice Chair of CTCA's Legislative Committee, and the Town Clerk of West Hartford.

The Connecticut Town Clerks Association supports House Bill 6630 An Act Concerning the Delivery of Absentee Ballots by Town Clerks, and House Bill 6635, An Act Concerning Amended Election Returns.

House Bill 6630 would allow some flexibility in the delivery of Absentee Ballots. Currently, statutes require that ballots be delivered "not earlier than 10 a.m." and "no later than twelve o'clock noon" on the day of the election or primary and at twelve o'clock noon on the day of a referendum. Since the number of absentee ballots differs depending on the type of election, this bill would allow the clerks in conjunction with the Registrars of Voters to determine the most appropriate time to deliver ballots in order to provide an adequate number of Election workers and enough time to process in the event of larger volume of ballots. It also would allow for later delivery in the event of smaller elections such as Referendums or Primaries. This could result in cost savings and more efficient processing of the ballots.

Regarding House Bill 6635, An Act Concerning Amended Election Returns, town clerks across the State have experienced finding errors on Election Returns which require the filing of Amended returns, sometimes weeks after the Election has taken place. The Clerks are required to certify State elections, and it has been difficult to determine corrections without the Head Moderator and Registrars available to assist in resolving them. This bill would provide increased accuracy in the reporting of Election results to