



General Assembly

January Session, 2003

**Amendment**

LCO No. 7070

\*HB0653307070HDO\*

Offered by:

REP. COCCO, 127<sup>th</sup> Dist.  
REP. O'ROURKE, 32<sup>nd</sup> Dist.  
REP. CARUSO, 126<sup>th</sup> Dist.  
REP. MARTINEZ, 128<sup>th</sup> Dist.  
REP. KEELEY, 129<sup>th</sup> Dist.  
REP. REINOSO, 130<sup>th</sup> Dist.  
REP. BEAMON, 72<sup>nd</sup> Dist.  
REP. BERGER, 73<sup>rd</sup> Dist.  
REP. CONWAY, 75<sup>th</sup> Dist.

REP. NOUJAIM, 74<sup>th</sup> Dist.  
REP. BOUKUS, 22<sup>nd</sup> Dist.  
REP. HARKINS, 120<sup>th</sup> Dist.  
REP. BOUCHER, 143<sup>rd</sup> Dist.  
REP. BERNHARD, 136<sup>th</sup> Dist.  
REP. DICKMAN, 132<sup>nd</sup> Dist.  
REP. MILLER, 122<sup>nd</sup> Dist.  
SEN. FINCH, 22<sup>nd</sup> Dist.  
SEN. NEWTON, 23<sup>rd</sup> Dist.

To: Subst. House Bill No. 6533

File No. 451

Cal. No. 300

**"AN ACT ESTABLISHING A PILOT PROGRAM FOR REFORMING  
THE ABSENTEE BALLOT PROCESS TO PREVENT FRAUD AND  
ABUSE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2003*) (a) A chief elected official of  
4 a municipality who is elected to a term of office of four years may be  
5 recalled by the electors of the municipality for misfeasance,  
6 malfeasance or nonfeasance in the performance of the duties of said  
7 office, in accordance with the provisions of this section.

8 (b) The Secretary of the State shall prescribe the form of recall  
9 petitions and such petitions shall be available from the town clerk of  
10 any municipality whose chief elected official is elected to a term of  
11 office of four years. The recall petition form shall include a space for  
12 the name of the official whose recall is sought, a statement that the  
13 purpose of the petition is to seek a referendum on the recall of said  
14 official, a space for the grounds for such recall, a statement of  
15 instructions to persons circulating the petition, lines for the signatures,  
16 street addresses and dates of births of persons signing the petition,  
17 spaces for the time and date on which the completed petition is filed  
18 with the town clerk and spaces for the information required under  
19 subsection (d) of this section concerning the circulation of the petition.

20 (c) A resident of any such municipality who is an elector may  
21 initiate the recall of the chief elected official of the municipality by  
22 filing an affidavit with the town clerk of the municipality stating the  
23 name of said official and the grounds upon which the recall of such  
24 official is sought and requesting recall petition forms. Upon such filing,  
25 the town clerk shall issue recall petition forms to said resident. The  
26 resident shall fill in the name of said official and the grounds for recall  
27 on the recall petition forms. Any resident of the municipality who is an  
28 elector may sign said petition.

29 (d) Each circulator of a recall petition page shall be a resident of said  
30 municipality and an elector. Each separate page of such petition shall  
31 contain a statement as to the authenticity of the signatures on the  
32 petition and the number of such signatures, and shall be signed under  
33 the penalties of false statement by the circulator of the petition page,  
34 setting forth such circulator's address and attesting that each person  
35 whose name appears on such sheet signed the same in person in the  
36 presence of such circulator, that the circulator either knows each such  
37 signer or that the signer satisfactorily identified the signer to the  
38 circulator. Each separate sheet of such petition shall also be  
39 acknowledged before an appropriate person as provided in section 1-  
40 29 of the general statutes.

41 (e) Any person who signs a name other than the person's own to a  
42 recall petition or who signs a name other than the person's own as  
43 circulator of said petition shall be fined not more than one hundred  
44 dollars or imprisoned not more than one year, or both.

45 (f) No petition for the recall of an official shall be effective unless  
46 filed with the town clerk not later than four o'clock p.m. on the twenty-  
47 eighth calendar day after the town clerk issues petition forms for such  
48 recall under subsection (c) of this section. Upon the filing of a recall  
49 petition, the town clerk shall sign and give to the person so submitting  
50 a page or pages of such petition a receipt indicating the number of  
51 such pages filed and the date and time when such pages were filed.  
52 The town clerk shall forthwith transmit the petition to the registrars of  
53 voters of the municipality who shall forthwith certify on each such  
54 petition page the number of signers on the page who are electors in the  
55 municipality. In the checking of signatures on recall petition pages, the  
56 registrars shall reject any name if such name does not appear on the  
57 last-completed active registry list in the municipality. The registrars  
58 shall not reject any name for which the street address on the petition is  
59 different from the street address on the registry list, if the person's date  
60 of birth, as shown on the petition page, is the same as the date of birth  
61 on the person's registration record. Each petition page shall contain a  
62 statement signed by a registrar of voters of said municipality attesting  
63 that the circulator is a resident of said municipality and an elector.  
64 Unless such a statement by a registrar appears on each page so  
65 submitted, the registrars shall reject such page. Any page of a petition  
66 that does not contain a statement by the circulator as to the  
67 authenticity of the signatures on the page, or upon which the  
68 statement of the circulator is incomplete in any respect shall be rejected  
69 by the registrars. The registrars shall also reject any page of a petition  
70 they determine to have been circulated in violation of any other  
71 provision of this section. The registrars shall complete their verification  
72 of petition signatures and return the petition with their certifications to  
73 the town clerk not later than seven calendar days after the petition is  
74 filed with the town clerk.

75 (g) If, upon receiving a recall petition from the registrars of voters  
 76 under subsection (f) of this section, the town clerk determines that the  
 77 number of valid signatures on the petition is at least ten per cent of the  
 78 total number of electors whose names appear on the active registry list  
 79 of said municipality, (1) the town clerk shall forthwith certify the  
 80 petition and submit said certification to the legislative body of the  
 81 municipality, and (2) said legislative body shall, not later than seven  
 82 days after receipt of said certification, order a referendum to be held  
 83 on the recall of the chief elected official of the municipality not later  
 84 than thirty days after receipt of said certification.

85 (h) A recall referendum shall be conducted in accordance with the  
 86 provisions of chapter 152 of the general statutes and this section. The  
 87 form of the question to be used on the voting machine ballot labels and  
 88 absentee ballots at said referendum shall be "Shall .... (name of the  
 89 official and office) be recalled?". If, upon the official determination of  
 90 the results of such vote, a majority of all the votes cast are in approval  
 91 of the question, the chief elected official's office shall be vacant and  
 92 shall be filled in accordance with the applicable provision of state or  
 93 municipal law concerning the filling of vacancies in said office.

94 (i) The provisions of this section shall not apply to any municipality  
 95 for which state or municipal authority exists on the effective date of  
 96 this section for the recall of the chief elected official of the  
 97 municipality."

This act shall take effect as follows:	
Section 1	July 1, 2003