



Senate

General Assembly

File No. 486

January Session, 2005

Senate Bill No. 1233

Senate, April 21, 2005

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE DEFINITION OF A MINOR PARTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (6) of section 9-372 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2005*):

4 (6) "Minor party" means (A) a political party or organization which
5 is not a major party and whose candidate for the office in question
6 received at the last-preceding regular election for such office, under the
7 designation of that political party or organization, at least one per cent
8 of the whole number of votes cast for all candidates for such office at
9 such election, or (B) a political party that submits a petition to form a
10 minor party that is signed by the number of qualified electors set forth
11 in subsection (b) of section 9-453d, as amended by this act, and
12 approved by the Secretary of the State pursuant to section 9-453o, as
13 amended by this act. A political party that qualifies as a minor party

14 under subparagraph (B) of this subdivision shall retain such minor
15 party status for seven hundred forty-three days after the day of the
16 first election following such qualification.

17 Sec. 2. Section 9-453a of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2005*):

19 Each petition for nomination for elective office or for the formation
20 of a minor party shall be on a form prescribed and provided by the
21 Secretary of the State. Such form shall include, at the top of the form
22 and in bold print, the following:

23 WARNING

24 IT IS A CRIME TO SIGN THIS PETITION

25 IN THE NAME OF ANOTHER PERSON

26 WITHOUT LEGAL AUTHORITY TO DO SO

27 AND YOU MAY NOT SIGN THIS PETITION

28 IF YOU ARE NOT AN ELECTOR.

29 Such form shall provide lines for the signatures, street addresses, dates
30 of birth and the printing of the names of signators. A signator shall
31 print his name on said line following the signing of the signator's
32 name. Before issuing a petition form, the secretary shall, above the
33 space provided for signatures, type or print the name and address of
34 the candidate, the office sought and the election and the date thereof.
35 The secretary shall give to any person requesting such form one or
36 more petition pages, suitable for duplication, as the secretary deems
37 necessary. If the person is requesting the form on behalf of an indigent
38 candidate or a group of indigent candidates listed on the same
39 nominating petition, the secretary shall give the person the number of
40 original pages that he requests or the number which the secretary
41 deems sufficient. An original petition page may be duplicated by or on
42 behalf of the candidate or candidates listed on the page and signatures

43 may be obtained on such duplicates. The duplicates shall be filed in the
44 same manner and shall be subject to the same requirements as original
45 petition pages.

46 Sec. 3. Section 9-453b of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective July 1, 2005*):

48 The Secretary of the State shall not issue any (1) nominating petition
49 forms for a candidate for an office to be filled at a regular election to be
50 held in any year prior to the first business day of such year, or (2)
51 petitions for the formation of a minor party prior to the first business
52 day of the year in which an election is being held for which the
53 circulators of the petition are seeking authorization to nominate a
54 minor party candidate. The secretary shall not issue any nominating
55 petition forms unless the person requesting the same makes a written
56 application therefor, which application shall contain the following:
57 [(1)] (A) The name or names of the candidates to appear on such
58 nominating petition, compared by the town clerk of the town of
59 residence of each candidate with his name as it appears on the last-
60 completed registry list of such town, and verified and corrected by
61 such town clerk or in the case of a newly admitted elector whose name
62 does not appear on the last-completed registry list, the town clerk shall
63 compare his name as it appears on his application for admission and
64 verify and correct it accordingly; [(2)] (B) a signed statement by each
65 such candidate that he consents to the placing of his name on such
66 petition; [] and [(3)] (C) the party designation, if any. An applicant for
67 petition forms who does not wish to specify a party designation shall
68 so indicate on his application for such forms and his application, if so
69 marked, shall not be amended in this respect. No application made
70 after November 3, 1981, shall contain any party designation unless a
71 reservation of such party designation with the secretary is in effect for
72 all of the offices included in the application or unless the party
73 designation is the same as the name of a minor party which is qualified
74 for a different office or offices on the same ballot as the office or offices
75 included in the application. The secretary shall not issue such forms
76 [(1)] (i) unless the application for forms in behalf of a candidate for the

77 office of presidential elector is accompanied by the names of the
78 candidates for President and Vice-President whom he represents and
79 includes the consent of such candidates for President and Vice-
80 President; [(2)] (ii) unless the application for forms in behalf of
81 Governor or Lieutenant Governor is accompanied by the name of the
82 candidate for the other office and includes the consent of both such
83 candidates; [(3)] (iii) if petition forms have previously been issued on
84 behalf of the same candidate for the same office unless the candidate
85 files a written statement of withdrawal of his previous candidacy with
86 the secretary; and [(4)] (iv) unless the application meets the
87 requirements of this section.

88 Sec. 4. Section 9-453d of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective July 1, 2005*):

90 (a) Each nominating petition shall be signed by a number of
91 qualified electors equal to the lesser of (1) one per cent of the votes cast
92 for the same office or offices at the last-preceding election, or the
93 number of qualified electors prescribed by section 9-380 with regard to
94 newly-created offices, or (2) seven thousand five hundred. "Qualified
95 electors" means electors eligible to vote for all the candidates proposed
96 by the petition. "Votes cast for the same office at the last-preceding
97 election" means, in the case of multiple openings for the same office,
98 the total number of electors checked as having voted at the last-
99 preceding election at which such office appeared on the ballot label.

100 (b) Each petition for the formation of a minor party shall be signed
101 by a number of qualified electors equal to at least one per cent of the
102 whole number of votes cast for all candidates for the office of
103 representative in Congress in each congressional district at the last
104 state election.

105 Sec. 5. Section 9-453e of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective July 1, 2005*):

107 Each circulator of a nominating petition page or a page of a petition
108 to form a minor party shall be a United States citizen, at least eighteen

109 years of age and a resident of a town in this state and shall not be on
110 parole for conviction of a felony. Any individual proposed as a
111 candidate in any nominating petition may serve as circulator of the
112 pages of such nominating petition.

113 Sec. 6. Section 9-453f of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective July 1, 2005*):

115 Before any signatures may be obtained on a nominating petition
116 signatures page, above the space provided for signatures shall be
117 indicated the party designation, if any, the name and address of the
118 candidate, the office sought, the election and the date thereof, and the
119 town and district, if such is the case, in which such petition page is to
120 be circulated. Such indication may not be altered or amended after any
121 person has signed the page. Each page of a nominating petition shall
122 contain the names and street addresses of the signers. No page of a
123 nominating petition shall be certified by the clerks of two or more
124 towns and signatures on any page so certified shall not be counted by
125 the Secretary of the State.

126 Sec. 7. Section 9-453g of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective July 1, 2005*):

128 Any person who signs a name other than his own to a nominating
129 petition or a petition to form a minor party, filed under sections 9-453a
130 to 9-453s, inclusive, as amended by this act, or section 9-216 shall be
131 fined not more than one hundred dollars or imprisoned not more than
132 one year or both.

133 Sec. 8. Section 9-453h of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective July 1, 2005*):

135 Any signer of a nominating petition or a petition to form a minor
136 party may withdraw his signature therefrom at any time up to the
137 deadline date for filing nominating petition pages or pages of a
138 petition to form a minor party, pursuant to section 9-453i, as amended
139 by this act, prior to the election, by sending a written notice of such

140 withdrawal to the candidate or candidates named in such petition and
141 by sending a copy of such notice to the Secretary of the State by such
142 day. Such written notice and the copy thereof shall be sent by
143 registered or certified mail.

144 Sec. 9. Section 9-453i of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective July 1, 2005*):

146 (a) Each page of a nominating petition proposing a candidate for an
147 office to be filled at a regular election shall be submitted to the
148 appropriate town clerk or to the Secretary of the State not later than
149 four o'clock p.m. on the ninetieth day preceding the day of the regular
150 election.

151 (b) Each page of a nominating petition proposing a candidate for an
152 office to be filled at a special election, except petitions filed under
153 section 9-216, shall be submitted to the appropriate town clerk or to the
154 Secretary of the State not later than four o'clock p.m. on the seventieth
155 day prior to such election, unless (1) such special election is held in
156 conjunction with a regular election, and (2) the writ of such special
157 election is issued at least fourteen days before the final day for the
158 filing of primary petitions for municipal offices to be filled at such
159 regular election pursuant to section 9-405, in which case the deadline
160 for submitting such nominating petition pages shall be the same as the
161 deadline for such submission in connection with such regular election
162 as provided in subsection (a) of this section.

163 (c) Each page of a petition to form a minor party shall be submitted
164 to the town clerk of the town in which signatures are collected or to the
165 Secretary of the State, not later than four o'clock p.m. on the eighty-
166 fifth day preceding the day of the regular election for which the
167 circulators of the petition are seeking authorization to nominate a
168 minor party candidate.

169 [(c)] (d) Each page of a nominating petition proposing a candidate at
170 an election or a petition to form a minor party shall be [so] submitted
171 either (1) to the town clerk of the town in which the signers reside, or

172 (2) to the Secretary of the State, in which case the Secretary of the State
173 shall submit the petition pages to the appropriate town clerk for the
174 purpose of certifying the signatures on such pages.

175 [(d)] (e) On such last day for submitting such nominating petition
176 pages or pages of a petition to form a minor party, in each town in
177 which [an election is to be held] such pages are circulated, the office of
178 the town clerk shall open not later than one o'clock p.m. and remain
179 open until at least four o'clock p.m., and the town clerk or his assistant
180 town clerk shall be present therein.

181 Sec. 10. Section 9-453j of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective July 1, 2005*):

183 Each page of a nominating petition or a petition to form a minor
184 party submitted to the town clerk or the Secretary of the State and filed
185 with the Secretary of the State under the provisions of sections 9-453a
186 to 9-453s, inclusive, as amended by this act, or section 9-216 shall
187 contain a statement as to the residency in this state and eligibility of
188 the circulator and authenticity of the signatures thereon, signed under
189 penalties of false statement, by the person who circulated the same.
190 Such statement shall set forth (1) such circulator's residence address,
191 including the town in this state in which such circulator is a resident,
192 (2) the circulator's date of birth and that the circulator is at least
193 eighteen years of age, (3) that the circulator is a United States citizen
194 and not on parole for conviction of a felony, and (4) that each person
195 whose name appears on such page signed the same in person in the
196 presence of such circulator and that either the circulator knows each
197 such signer or that the signer satisfactorily identified himself to the
198 circulator. Any false statement committed with respect to such
199 statement shall be deemed to have been committed in the town in
200 which the petition was circulated.

201 Sec. 11. Section 9-453k of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective July 1, 2005*):

203 (a) The town clerk or Secretary of the State shall not accept any page

204 of a nominating petition or a petition to form a minor party unless the
205 circulator thereof has signed before him or an appropriate person as
206 provided in section 1-29, the statement as to the residency in this state
207 and eligibility of the circulator and authenticity of the signatures
208 thereon required by section 9-453j, as amended by this act.

209 (b) The town clerk or Secretary of the State or an appropriate person
210 as provided in section 1-29 shall certify on each such page that the
211 circulator thereof signed such statement in his presence and that either
212 he knows the circulator or that the circulator satisfactorily identified
213 himself to the individual certifying.

214 (c) The town clerk or Secretary of the State shall forthwith give to
215 each circulator submitting a page or pages of a nominating petition or
216 a petition to form a minor party a receipt indicating the number of
217 such pages so submitted and the date upon which such pages were
218 submitted.

219 (d) Such town clerk shall certify on each such page the date upon
220 which it was submitted to the town clerk by the circulator or the
221 Secretary of the State and the number of names of electors on such
222 petition page, which names were on the registry list last-completed or
223 are names of persons admitted as electors since the completion of such
224 list. In the checking of signatures on such nominating petition pages or
225 pages of a petition to form a minor party, the town clerk shall reject
226 any name if such name is not the name of an elector as specified above.
227 Such rejection shall be indicated by placing a mark in a manner
228 prescribed by the Secretary of the State before the name so rejected.
229 The town clerk shall not reject any name on a nominating petition for
230 which the street address on the petition is different from the street
231 address on the registry list, if (1) such person is eligible to vote for the
232 candidate or candidates named in the petition, and (2) the person's
233 date of birth, as shown on the petition page, is the same as the date of
234 birth on the person's registration record. The town clerk shall not reject
235 any name on a petition to form a minor party for which the street
236 address on the petition is different from the street address on the

237 registry list if (A) such person is an elector in the town, and (B) the
238 person's date of birth, as shown on the petition page, is the same as the
239 date of birth on the person's registration record. Such clerk may place a
240 check mark before each name appearing on such registry list or each
241 name of a person admitted as an elector since the completion of such
242 list, but shall place no other mark on such page except as provided in
243 this section.

244 Sec. 12. Section 9-453m of the general statutes is repealed and the
245 following is substituted in lieu thereof (*Effective July 1, 2005*):

246 The use of titles, initials or customary abbreviations of given names
247 by the signer of a nominating petition or a petition to form a minor
248 party shall not invalidate such signature if the identity of the signer
249 can be readily established by reference to the signature on the petition
250 and the name of a person as it appears on the last-completed registry
251 list at the address indicated or of a person who has been admitted as
252 an elector since the completion of such list.

253 Sec. 13. Section 9-453n of the general statutes is repealed and the
254 following is substituted in lieu thereof (*Effective July 1, 2005*):

255 Any town clerk receiving any page of a nominating petition or a
256 petition to form a minor party under sections 9-453a to 9-453s,
257 inclusive, as amended by this act, or section 9-216 shall complete such
258 certifications as specified herein and shall file each such nominating
259 petition page or petition to form a minor party page with the Secretary
260 of the State within two weeks after it was so submitted to him.

261 Sec. 14. Section 9-453o of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective July 1, 2005*):

263 (a) The Secretary of the State may not count for purposes of
264 determining compliance with the number of signatures required by
265 section 9-453d, as amended by this act, the signatures certified by the
266 town clerk on any petition page filed under sections 9-453a to 9-453s,
267 inclusive, as amended by this act, or section 9-216 if: (1) The name of

268 the candidate, his address or the party designation, if any, has been
269 omitted from the face of the petition; (2) the page does not contain a
270 statement by the circulator as to the residency in this state and
271 eligibility of the circulator and authenticity of the signatures thereon as
272 required by section 9-453j, as amended by this act, or upon which such
273 statement of the circulator is incomplete in any respect; or (3) the page
274 does not contain the certifications required by sections 9-453a to 9-453s,
275 inclusive, as amended by this act, by the town clerk of the town in
276 which the signers reside. The town clerk shall cure any omission on his
277 part by signing any such page at the office of the Secretary of the State
278 and making the necessary amendment or by filing a separate statement
279 in this regard, which amendment shall be dated.

280 (b) Except as otherwise provided in this subsection, the Secretary of
281 the State shall approve every nominating petition or petition to form a
282 minor party which contains sufficient signatures counted and certified
283 on approved pages by the town clerks. In the case of a candidate who
284 petitions under a reserved party designation the secretary shall
285 approve the petition only if it meets the signature requirement and if a
286 statement endorsing such candidate is filed with the secretary by the
287 party designation committee not later than four o'clock p.m. on the
288 fifty-fifth day before the election. In the case of a candidate who
289 petitions under a party designation which is the same as the name of a
290 minor party the secretary shall approve the petition only if it meets the
291 signature requirement and if a statement endorsing such candidate is
292 filed in the office of the secretary by the chairman or secretary of such
293 minor party not later than four o'clock p.m. on the fifty-fifth day before
294 the election. No candidate shall be qualified to appear on any ballot by
295 nominating petition unless the candidate's petition is approved by the
296 secretary pursuant to this subsection.

297 (c) The Secretary of the State may approve a nominating petition or
298 petition to form a minor party received under section 9-453k, as
299 amended by this act, at any time except such approval shall be
300 withdrawn if sufficient signatures are withdrawn under section 9-
301 453h, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	9-372(6)
Sec. 2	<i>July 1, 2005</i>	9-453a
Sec. 3	<i>July 1, 2005</i>	9-453b
Sec. 4	<i>July 1, 2005</i>	9-453d
Sec. 5	<i>July 1, 2005</i>	9-453e
Sec. 6	<i>July 1, 2005</i>	9-453f
Sec. 7	<i>July 1, 2005</i>	9-453g
Sec. 8	<i>July 1, 2005</i>	9-453h
Sec. 9	<i>July 1, 2005</i>	9-453i
Sec. 10	<i>July 1, 2005</i>	9-453j
Sec. 11	<i>July 1, 2005</i>	9-453k
Sec. 12	<i>July 1, 2005</i>	9-453m
Sec. 13	<i>July 1, 2005</i>	9-453n
Sec. 14	<i>July 1, 2005</i>	9-453o

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Secretary of the State	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill provides an alternative method for a political party to qualify as a minor party, thereby increasing ballot access for candidates of such political party.

As a result of the bill, the Secretary of the State (SOTS) will have additional responsibilities related to issuing and sorting petitions that are sent to town clerks for signature verification. Once returned from the clerks, the SOTS would be responsible for totalling the signatures and certifying approval of the minor party. These responsibilities will have to be completed in a compressed time period, because petitioning minor parties that qualified would be entitled to nominate candidates for any office in the state being contested that year, no later than the 55th day before the election.

The SOTS may require additional part time or temporary clerical positions to handle these responsibilities. SOTS will also require mailing costs and supplies to sort, count, and mail petitions. The town clerks currently verify electors and this additional volume can be handled within existing resources of the municipalities.

The State Elections Enforcement Commission has jurisdiction over complaints concerning the validity of petitions, hence additional complaints will need to be investigated. This additional workload can be handled within the agency resources.

OLR Bill Analysis

SB 1233

AN ACT CONCERNING THE DEFINITION OF A MINOR PARTY**SUMMARY:**

This bill expands the definition of “minor party” to include a political party that submits a petition to form a minor party that is (1) signed by at least 1% of the total number of electors statewide who voted for a candidate for representative in Congress at the last election and (2) approved by the secretary of the state. Under the bill, a minor party formed in this way retains its status for 743 days following the first election that occurs after its qualification. Current law defines a minor party as a political party or organization (1) that is not a major party and (2) whose candidate for the office in question received at least 1% of the total votes cast at the last regular election for that office and ran under that party’s or organization’s designation.

The bill provides a method for minor parties to nominate candidates for any office in the state without having to circulate separate petitions for each one as is required under current law. It conforms minor party petitioning procedures to most of those that a petitioning candidate must follow in a general election.

Once a party establishes minor-party status under the procedures of the bill, it may nominate other candidates under its party rules during the 743 days it qualifies as a minor party.

EFFECTIVE DATE: July 1, 2005

PETITIONING PROCEDURES

Among other things, the bill’s petitioning procedures:

1. require the secretary of the state to prescribe and provide standard petition forms;
2. require a petition circulator to be a U.S. citizen, at least 18 years old, a resident of Connecticut, and not on parole for a felony

conviction;

3. prohibit false signing and make violations punishable by up to \$100, one year in prison, or both;
4. allow people who sign a petition to withdraw their signatures at any time before the filing deadline;
5. require each page of a petition to contain a statement by the circulator verifying (a) his residency and eligibility to circulate and (b) the authenticity of the signatures;
6. require the town clerk or the secretary of the state to certify the circulator's statement;
7. require the appropriate town clerk to certify the signatures and file a petition with the secretary of the state within two weeks of receiving it;
8. specify certain conditions enabling the secretary of the state to reject defective petition pages; and
9. require the secretary of the state to approve a petition to form a minor party if it meets the specified requirements.

The bill stipulates that the secretary of the state must make the petition forms available no earlier than the first business day of January in an election year. They must be filed with the town clerk of the town in which the signatures are collected, or with the secretary of the state, by 4:00 PM on the 85th day preceding the regular election for which the circulators are seeking authorization to nominate a minor party candidate.

BACKGROUND

Major Parties

A political party qualifies as a "major party" if:

1. its candidate for governor received at least 20% of the vote at the last gubernatorial election, or

2. it had at least 20% of the total number of enrolled members of all parties on the active registry list in the state at the time of the preceding gubernatorial election.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 17 Nay 2