



General Assembly

January Session, 2007

Committee Bill No. 40

LCO No. 3386

03386SB00040GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT LIMITING THE LENGTH OF TIME TO FILE A COMPLAINT WITH THE STATE ELECTIONS ENFORCEMENT COMMISSION AGAINST A CANDIDATE COMMITTEE.

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

1 Section 1. Subsection (g) of section 9-7a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (g) In the case of a written complaint timely filed with the
5 commission pursuant to section 9-7b₂ [on or after January 1, 1988,] if
6 the commission does not, by the sixtieth day following receipt of the
7 complaint, either issue a decision or render its determination that
8 probable cause or no probable cause exists for one or more violations
9 of state election laws, the complainant or respondent may apply to the
10 superior court for the judicial district of Hartford for an order to show
11 cause why the commission has not acted upon the complaint and to
12 provide evidence that the commission has unreasonably delayed
13 action. Such proceeding shall be privileged with respect to assignment
14 for trial. The commission shall appear and give appropriate

15 explanation in the matter. The court may, in its discretion, order the
16 commission to: (1) Continue to proceed pursuant to section 9-7b, (2) act
17 by a date certain, or (3) refer the complaint to the Chief State's
18 Attorney. Nothing in this subsection shall require the commission, in
19 any proceeding brought pursuant to this subsection, to disclose
20 records or documents which are not required to be disclosed pursuant
21 to subsection (b) of section 1-210. Nothing in this subsection shall
22 preclude the commission from continuing its investigation or taking
23 any action permitted by section 9-7b, unless otherwise ordered by the
24 court. The commission or any other party may, within seven days after
25 a decision by the court under this subsection, file an appeal of the
26 decision with the Appellate Court.

27 Sec. 2. Section 9-7b of the general statutes is amended by adding
28 subsection (c) as follows (*Effective October 1, 2007*):

29 (NEW) (c) In the case of a written complaint under oath by an
30 individual, as described in subdivision (1) of subsection (a) of this
31 section, the commission shall not accept any such complaint filed
32 against a candidate committee if such complaint is filed more than
33 ninety days after the filing of such candidate committee's final
34 statement to the commission pursuant to section 9-608.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	9-7a(g)
Sec. 2	<i>October 1, 2007</i>	9-7b

Statement of Purpose:

To create a statute of limitations for an individual to file a complaint with the State Elections Enforcement Commission.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. DEFRONZO, 6th Dist.

S.B. 40