



General Assembly

Amendment

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LCO No. 5539

HB0565905539HDO

Offered by:

REP. AMANN, 118th Dist.
REP. CAFERO, 142nd Dist.
REP. CARUSO, 126th Dist.

REP. URBAN, 43rd Dist.
REP. HETHERINGTON, 125th Dist.
REP. NOUJAIM, 74th Dist.

To: Subst. House Bill No. 5659

File No. 304

Cal. No. 171

"AN ACT CONCERNING THE SECURITY OF CHILDREN AT POLLING LOCATIONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 9-710 of the general statutes is amended by adding
4 subsections (d) and (e) as follows (*Effective from passage*):

5 (NEW) (d) (1) Notwithstanding the provisions of this section, any
6 candidate who intends to participate in the Citizens' Election program
7 may reuse the lawn signs of such candidate. Such reuse shall be
8 considered the provision of personal funds by such candidate to the
9 candidate's candidate committee. Such reuse shall not be subject to the
10 limits provided in subsection (c) of this section.

11 (2) The value of any such reused signs shall be assessed at thirty per
12 cent of the original purchase price of such signs and the treasurer shall

13 provide a good-faith estimate of such price if not readily available.

14 (NEW) (e) Any personal funds provided by the candidate to the
15 candidate's candidate committee shall be reported to the commission
16 not later than the close of the reporting period covered by the
17 cumulative itemized accounting accompanying the grant application,
18 as provided in subsection (c) of section 9-706. The initial grant that a
19 qualified candidate committee is eligible to receive under section 9-705
20 shall be reduced by the amount of any personal funds that the
21 candidate provides, as provided in subdivision (1) of subsection (j) of
22 section 9-705.

23 Sec. 502. Section 9-7b of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective from passage*):

25 (a) The State Elections Enforcement Commission shall have the
26 following duties and powers:

27 (1) To make investigations on its own initiative or with respect to
28 statements filed with the commission by the Secretary of the State or
29 any town clerk, or upon written complaint under oath by any
30 individual, with respect to alleged violations of any provision of the
31 general statutes or regulations relating to any election or referendum,
32 any primary held pursuant to section 9-423, 9-425 or 9-464 of the 2008
33 supplement to the general statutes or any primary held pursuant to a
34 special act, and to hold hearings when the commission deems
35 necessary to investigate violations of any provisions of the general
36 statutes or regulations relating to any such election, primary or
37 referendum, and for the purpose of such hearings the commission may
38 administer oaths, examine witnesses and receive oral and
39 documentary evidence, and shall have the power to subpoena
40 witnesses under procedural rules the commission shall adopt, to
41 compel their attendance and to require the production for examination
42 of any books and papers which the commission deems relevant to any
43 matter under investigation or in question. In connection with its
44 investigation of any alleged violation of any provision of chapter 145,

45 or of any provision of section 9-359 or section 9-359a, the commission
46 shall also have the power to subpoena any municipal clerk and to
47 require the production for examination of any absentee ballot, inner
48 and outer envelope from which any such ballot has been removed,
49 depository envelope containing any such ballot or inner or outer
50 envelope as provided in sections 9-150a and 9-150b and any other
51 record, form or document as provided in section 9-150b, in connection
52 with the election, primary or referendum to which the investigation
53 relates. In case of a refusal to comply with any subpoena issued
54 pursuant to this subsection or to testify with respect to any matter
55 upon which that person may be lawfully interrogated, the superior
56 court for the judicial district of Hartford, on application of the
57 commission, may issue an order requiring such person to comply with
58 such subpoena and to testify; failure to obey any such order of the
59 court may be punished by the court as a contempt thereof. In any
60 matter under investigation which concerns the operation or inspection
61 of or outcome recorded on any voting machine, the commission may
62 issue an order to the municipal clerk to impound such machine until
63 the investigation is completed;

64 (2) To levy a civil penalty not to exceed (A) two thousand dollars
65 per offense against any person the commission finds to be in violation
66 of any provision of chapter 145, part V of chapter 146, part I of chapter
67 147, chapter 148, section 7-9, section 9-12 of the 2008 supplement to the
68 general statutes, subsection (a) of section 9-17 of the 2008 supplement
69 to the general statutes, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-
70 21, 9-23a, 9-23g of the 2008 supplement to the general statutes, 9-23h, 9-
71 23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
72 9-42, 9-43, 9-50a, 9-56, 9-59 of the 2008 supplement to the general
73 statutes, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a
74 to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h,
75 inclusive, 9-453k or 9-453o, or any regulation adopted pursuant to said
76 sections or chapters, (B) two thousand dollars per offense against any
77 town clerk, registrar of voters, an appointee or designee of a town clerk
78 or registrar of voters, or any other election or primary official whom

79 the commission finds to have failed to discharge a duty imposed by
80 any provision of chapter 146 or 147, or any regulation adopted under
81 said chapters, (C) two thousand dollars per offense against any person
82 the commission finds to have (i) improperly voted in any election,
83 primary or referendum, and (ii) not been legally qualified to vote in
84 such election, primary or referendum, or (D) two thousand dollars per
85 offense or twice the amount of any improper payment or contribution,
86 whichever is greater, against any person the commission finds to be in
87 violation of any provision of chapter 155 or sections 9-700 to 9-716,
88 inclusive. The commission may levy a civil penalty against any person
89 under subparagraph (A), (B), (C) or (D) of this subdivision only after
90 giving the person an opportunity to be heard at a hearing conducted in
91 accordance with sections 4-176e to 4-184, inclusive. In the case of
92 failure to pay any such penalty levied pursuant to this subsection
93 within thirty days of written notice sent by certified or registered mail
94 to such person, the superior court for the judicial district of Hartford,
95 on application of the commission, may issue an order requiring such
96 person to pay the penalty imposed and such court costs, state
97 marshal's fees and attorney's fees incurred by the commission as the
98 court may determine. Any civil penalties paid, collected or recovered
99 under subparagraph (D) of this subdivision for a violation of any
100 provision of chapter 155 applying to the office of the Treasurer shall be
101 deposited on a pro rata basis in any trust funds, as defined in section 3-
102 13c, affected by such violation;

103 (3) (A) To issue an order requiring any person the commission finds
104 to have received any contribution or payment which is prohibited by
105 any of the provisions of chapter 155, after an opportunity to be heard
106 at a hearing conducted in accordance with the provisions of sections 4-
107 176e to 4-184, inclusive, to return such contribution or payment to the
108 donor or payor, or to remit such contribution or payment to the state
109 for deposit in the General Fund, whichever is deemed necessary to
110 effectuate the purposes of chapter 155;

111 (B) To issue an order when the commission finds that an intentional
112 violation of any provision of chapter 155 has been committed, after an

113 opportunity to be heard at a hearing conducted in accordance with
114 sections 4-176e to 4-184, inclusive, which order may contain one or
115 more of the following sanctions: (i) Removal of a campaign treasurer,
116 deputy campaign treasurer or solicitor; (ii) prohibition on serving as a
117 campaign treasurer, deputy campaign treasurer or solicitor, for a
118 period not to exceed four years; and (iii) in the case of a party
119 committee or a political committee, suspension of all political
120 activities, including, but not limited to, the receipt of contributions and
121 the making of expenditures, provided the commission may not order
122 such a suspension unless the commission has previously ordered the
123 removal of the campaign treasurer and notifies the officers of the
124 committee that the commission is considering such suspension;

125 (C) To issue an order revoking any person's eligibility to be
126 appointed or serve as an election, primary or referendum official or
127 unofficial checker or in any capacity at the polls on the day of an
128 election, primary or referendum, when the commission finds such
129 person has intentionally violated any provision of the general statutes
130 or regulations relating to the conduct of an election, primary or
131 referendum, after an opportunity to be heard at a hearing conducted in
132 accordance with sections 4-176e to 4-184, inclusive;

133 (D) To issue an order to enforce the provisions of the Help America
134 Vote Act, P.L. 107-252, as amended from time to time, as the
135 commission deems appropriate;

136 (E) To issue an order following the commission's determination of
137 the right of an individual to be or remain an elector when such
138 determination is made (i) pursuant to an appeal taken to the
139 commission from a decision of the registrars of voters or board of
140 admission of electors under section 9-31l, or (ii) following the
141 commission's investigation pursuant to subdivision (1) of this
142 subsection;

143 (4) To issue an order to a candidate committee that receives moneys
144 from the Citizens' Election Fund pursuant to sections 9-700 to 9-716,

145 inclusive, to comply with the provisions of sections 9-700 to 9-716,
146 inclusive, after an opportunity to be heard at a hearing conducted in
147 accordance with the provisions of sections 4-176e to 4-184, inclusive;

148 (5) To inspect or audit at any reasonable time and upon reasonable
149 notice the accounts or records of any campaign treasurer or principal
150 campaign treasurer, as required by chapter 155 and to audit any such
151 election, primary or referendum held within the state; provided, (A) (i)
152 not later than two months preceding the day of an election at which a
153 candidate is seeking election, the commission shall complete any audit
154 it has initiated in the absence of a complaint that involves a committee
155 of the same candidate from a previous election, and (ii) during the
156 two-month period preceding the day of an election at which a
157 candidate is seeking election, the commission shall not initiate an audit
158 in the absence of a complaint that involves a committee of the same
159 candidate from a previous election, and (B) the commission shall not
160 audit any caucus, as defined in subdivision (1) of section 9-372;

161 (6) To attempt to secure voluntary compliance, by informal methods
162 of conference, conciliation and persuasion, with any provision of
163 chapters 149, 151 to 153, inclusive, 155 and 156 or any other provision
164 of the general statutes relating to any such election, primary or
165 referendum;

166 (7) To consult with the Secretary of the State, the Chief State's
167 Attorney or the Attorney General on any matter which the commission
168 deems appropriate;

169 (8) To refer to the Chief State's Attorney evidence bearing upon
170 violation of any provision of chapters 149, 151 to 153, inclusive, 155
171 and 156 or any other provision of the general statutes pertaining to or
172 relating to any such election, primary or referendum;

173 (9) To refer to the Attorney General evidence for injunctive relief
174 and any other ancillary equitable relief in the circumstances of
175 subdivision (8) of this subsection. Nothing in this subdivision shall
176 preclude a person who claims that he is aggrieved by a violation of any

177 provision of chapter 152 or any other provision of the general statutes
178 relating to referenda from pursuing injunctive and any other ancillary
179 equitable relief directly from the Superior Court by the filing of a
180 complaint;

181 (10) To refer to the Attorney General evidence pertaining to any
182 ruling which the commission finds to be in error made by election
183 officials in connection with any election, primary or referendum. Those
184 remedies and procedures available to parties claiming to be aggrieved
185 under the provisions of sections 9-323 of the 2008 supplement to the
186 general statutes, 9-324 of the 2008 supplement to the general statutes,
187 9-328 of the 2008 supplement to the general statutes and 9-329a of the
188 2008 supplement to the general statutes shall apply to any complaint
189 brought by the Attorney General as a result of the provisions of this
190 subdivision;

191 (11) To consult with the United States Department of Justice and the
192 United States Attorney for Connecticut on any investigation pertaining
193 to a violation of this section, section 9-12 of the 2008 supplement to the
194 general statutes, subsection (a) of section 9-17 of the 2008 supplement
195 to the general statutes or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20,
196 9-21, 9-23a, 9-23g of the 2008 supplement to the general statutes, 9-23h,
197 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42,
198 9-43, 9-50a, 9-56 or 9-59 of the 2008 supplement to the general statutes
199 and to refer to said department and attorney evidence bearing upon
200 any such violation for prosecution under the provisions of the National
201 Voter Registration Act of 1993, P.L. 103-31, as amended from time to
202 time;

203 (12) To inspect reports filed with the Secretary of the State and with
204 town clerks pursuant to chapter 155 and refer to the Chief State's
205 Attorney evidence bearing upon any violation of law therein if such
206 violation was committed knowingly and wilfully;

207 (13) To intervene in any action brought pursuant to the provisions
208 of sections 9-323 of the 2008 supplement to the general statutes, 9-324

209 of the 2008 supplement to the general statutes, 9-328 of the 2008
210 supplement to the general statutes and 9-329a of the 2008 supplement
211 to the general statutes upon application to the court in which such
212 action is brought when in the opinion of the court it is necessary to
213 preserve evidence of possible criminal violation of the election laws;

214 (14) To adopt and publish regulations pursuant to chapter 54 to
215 carry out the provisions of section 9-7a, this section, chapter 155 and
216 sections 9-700 to 9-716, inclusive; to issue upon request and publish
217 advisory opinions in the Connecticut Law Journal upon the
218 requirements of chapter 155, and to make recommendations to the
219 General Assembly concerning suggested revisions of the election laws;

220 (15) To the extent that the Elections Enforcement Commission is
221 involved in the investigation of alleged or suspected criminal
222 violations of any provision of the general statutes pertaining to or
223 relating to any such election, primary or referendum and is engaged in
224 such investigation for the purpose of presenting evidence to the Chief
225 State's Attorney, the Elections Enforcement Commission shall be
226 deemed a law enforcement agency for purposes of subdivision (3) of
227 subsection (b) of section 1-210 of the 2008 supplement to the general
228 statutes, provided nothing in this section shall be construed to exempt
229 the Elections Enforcement Commission in any other respect from the
230 requirements of the Freedom of Information Act, as defined in section
231 1-200;

232 (16) To enter into such contractual agreements as may be necessary
233 for the discharge of its duties, within the limits of its appropriated
234 funds and in accordance with established procedures;

235 (17) To provide the Secretary of the State with notice and copies of
236 all decisions rendered by the commission in contested cases, advisory
237 opinions and declaratory judgments, at the time such decisions,
238 judgments and opinions are made or issued;

239 (18) To receive and determine complaints filed under the Help
240 America Vote Act, P.L. 107-252, as amended from time to time, by any

241 person who believes there is a violation of any provision of Title III of
242 P.L. 107-252, as amended. Any complaint filed under this subdivision
243 shall be in writing, notarized and signed and sworn by the person
244 filing the complaint. At the request of the complainant, there shall be a
245 hearing on the record, conducted in accordance with sections 4-167e to
246 4-184, inclusive. The commission shall make a final determination with
247 respect to a complaint prior to the expiration of the ninety-day period
248 beginning on the date the complaint is filed, unless the complainant
249 consents to a longer period for making such determination. If the
250 commission fails to meet the applicable deadline under this
251 subdivision with respect to a complaint, the commission shall resolve
252 the complaint within sixty days after the expiration of such ninety-day
253 period under an alternative dispute resolution procedure established
254 by the commission.

255 (b) In the case of a refusal to comply with an order of the
256 commission issued pursuant to subdivision (3) of subsection (a) of this
257 section, the superior court for the judicial district of Hartford, on
258 application of the commission, may issue a further order to comply.
259 Failure to obey such further order may be punished by the court as a
260 contempt thereof."