



House of Representatives

General Assembly

File No. 621

January Session, 2009

Substitute House Bill No. 6692

House of Representatives, April 15, 2009

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE CONNECTICUT TOWN CLERKS.

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

1 Section 1. Section 2-30a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) At such time as a proposed constitutional amendment and its
4 concomitant ballot question is approved by the General Assembly for
5 presentation to the electors of the state for their consideration at a
6 general election, the Office of Legislative Research shall prepare a
7 concise explanatory text as to the content and purpose of the proposed
8 constitutional amendment subject to the approval of the joint standing
9 committee of the General Assembly having cognizance of
10 constitutional amendments. Upon such approval, the Secretary of the
11 State shall cause such proposed amendment and such explanatory text
12 to be printed and transmitted to the town clerk in each town in the
13 state in sufficient supply for public distribution.

14 (b) The Secretary of the State shall print the explanations of
15 proposed constitutional amendments, as required by subsection (a) of
16 this section, on posters of a size to be determined by said secretary and
17 shall mail at least three such posters for every polling place within a
18 town, to the [town clerk] registrars of voters. Said [clerk] registrars
19 shall cause at least three such posters to be posted at each polling place
20 at which electors shall be voting on such proposed constitutional
21 amendments. Any posters received by [a town clerk] the registrars in
22 excess of the number required by this subsection to be so posted may
23 be displayed by said [clerk at his] registrars at their discretion at
24 locations which are frequented by the public. No expenditure of state
25 funds shall be made to influence electors to vote for or against any
26 such proposed constitutional amendment.

27 Sec. 2. Section 9-17a of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2009*):

29 As used in sections 9-17, 9-19b, 9-19c(a), 9-20, 9-23a, 9-24, 9-31a, 9-
30 31b and 9-31l, unless otherwise provided, the term "admitting official"
31 means a [town clerk, assistant town clerk,] registrar of voters, deputy
32 registrar of voters, assistant registrar of voters, special assistant
33 registrar of voters or the board for admission of electors. For the
34 purposes of section 9-15a, "admitting official" includes a town clerk or
35 an assistant town clerk.

36 Sec. 3. Section 9-42a of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2009*):

38 [(a) As used in this section, the term "municipal office" shall be
39 construed as defined in section 9-372, except that such term shall not
40 include the municipal offices of state senator and state representative.]

41 [(b)] (a) On the written request of any elector who identifies himself
42 to the satisfaction of the registrars of voters, such registrars shall make
43 any changes in the name of such elector as it appears on the registry
44 list, provided such elector furnishes reasonable evidence to the
45 registrars that the name as changed is a lawful name of such elector.

46 No such change shall be made between the Tuesday of the fifth week
47 before a regular election and the day of such election.

48 [(c)] (b) No such change in the name of a candidate at a primary
49 shall affect the name of the candidate as it appears on the primary
50 ballot. [unless the elector is a candidate for town committee or
51 municipal office and the change is made not later than the twenty-
52 ninth day preceding the day of the primary.] No such change in the
53 name of a major party candidate at an election shall affect the name of
54 such candidate as it appears on the election ballot. [unless the elector is
55 a candidate for municipal office and the change is made not later than
56 the fifty-fifth day preceding the day of such election.] No such change
57 in the name of a minor party candidate or a nominating petition
58 candidate for any office at an election shall affect the name of such
59 candidate as it appears on the election ballot unless the change is made
60 not later than the fifty-fifth day preceding the day of the election.

61 Sec. 4. Section 9-232j of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2009*):

63 The moderator of the election in each voting district shall appear at
64 the office of the [town clerk] registrars of voters not later than eight
65 o'clock p.m. of the day before an election for federal office. At such
66 time, the [town clerk] registrars of voters shall provide a provisional
67 ballot packet to such moderator or moderators. Each packet shall
68 include: (1) The appropriate number of provisional ballots for federal
69 office provided by the Secretary of the State, which shall be equal to
70 not less than one per cent of the number of electors who are eligible to
71 vote in the voting district served by the moderator, or such other
72 number as the municipal clerk and the registrars agree is sufficient to
73 protect electors' voting rights, (2) the appropriate number of serially-
74 numbered envelopes prescribed by the Secretary, (3) a provisional
75 ballot inventory form, (4) a provisional ballot depository envelope, and
76 (5) other necessary forms prescribed by the Secretary.

77 Sec. 5. Section 9-461 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2009*):

79 Not later than the seventh day following the date set for the primary
80 for nomination at any election at which a municipal office is to be
81 filled, the clerk of the municipality in which such election is to be held
82 shall file with the Secretary of the State a list of the candidates of each
83 party for the municipal offices to be filled at such election nominated
84 in accordance with the provisions of this chapter. Such list shall be on a
85 form provided by the Secretary of the State and shall indicate the name
86 and address of each candidate and the office and term for which each
87 candidate has been nominated, and, except for major party candidates
88 for the municipal offices of state senator or state representative, shall
89 contain the certification of such municipal clerk that he has compared
90 the name of each such candidate with the candidate's name as [it
91 appears on the registry list] the candidate authorizes it to appear on
92 the ballot, pursuant to the certificate filed in accordance with
93 subsection (c) of section 9-391 or the statement of consent filed in
94 accordance with section 9-409, as applicable, and has verified and
95 corrected the same. In the case of major party candidates for the
96 municipal offices of state senator or state representative, such list shall
97 contain the certification of the [town] municipal clerk that he has
98 compared the name of each such candidate with the candidate's name
99 as the candidate has authorized, on the certificate or statement of
100 consent filed under subsection (b) of section 9-391 or section 9-409, his
101 name to appear, and has verified and corrected the same. Such list
102 shall include a statement of the total number of candidates for which
103 each elector may vote for each office and term at such election as set
104 forth in the list or amendment or supplement thereto filed with the
105 Secretary of the State under section 9-254. After the filing of such list of
106 candidates, the clerk of the municipality shall forthwith notify the
107 Secretary of the State of any errors in such list or of any changes in
108 such list provided for in section 9-329a or 9-460.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	2-30a
Sec. 2	October 1, 2009	9-17a

Sec. 3	<i>October 1, 2009</i>	9-42a
Sec. 4	<i>October 1, 2009</i>	9-232j
Sec. 5	<i>October 1, 2009</i>	9-461

GAE *Joint Favorable Subst.*

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: None

Municipal Impact: None

Explanation

There is no fiscal impact associated with this bill.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6692*****AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE CONNECTICUT TOWN CLERKS.*****SUMMARY:**

This bill (1) transfers certain election responsibilities from town clerks to registrars of voters; (2) removes town clerks from certain duties assigned to “admitting officials,” but retains them for others; and (3) changes the process they use to certify the names for certain municipal candidates.

The bill also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2009

REGISTRARS OF VOTERS

The bill makes registrars of voters, rather than town clerks, responsible for:

1. receiving from the secretary of the state posters explaining proposed constitutional amendments and posting them at each polling place and
2. providing provisional packets to head moderators before federal elections.

TOWN CLERKS

The bill removes town clerks from the definition of “admitting official” for purposes of certain voter registration functions. However, the bill’s effect is unclear since it retains their responsibility to admit electors under other provisions.

In addition, town clerks remain admitting officials for the purpose

of sitting on the board for admission of electors. By law, these boards receive appeals from individuals who are denied admission as electors by a registrar of voters.

Table 1 shows the admitting officials’ functions from which the bill exempts town clerks and the voter registration functions they retain under the bill. In some instances, they retain a particular responsibility as “town clerks,” but lose it as “admitting officials.”

Table 1: Town Clerks’ Voter Registration Functions Under the Bill

<i>Admitting Official Functions and Provisions from which Town Clerks are Exempt</i>	<i>CGS §</i>	<i>Admitting Official Functions Town Clerks Retain</i>	<i>CGS §</i>
Visit a college, place of employment, or nursing home to act on voter registration applications if at least 25 people who believe they are qualified to vote have submitted registration applications and a session was not held there within the prior 120 days.	§ 9-19c	Except during the period between the last day for admission before an election and the day after the election, examine the qualifications of individuals who apply in person for admission and, if qualified, admit them as electors.	§ 9-19b
Accept cross-town applications for admission.	§ 9-19e	Accept signed voter registration applications from at least 25 people in the same college, place of employment, or nursing home who believe they are qualified to vote.	§ 9-19c
Examine the qualifications of individuals who apply in person for admission and, if qualified, admit them as electors.	§ 9-20	Act upon cross-town applications for admission	§ 9-19e
Travel to the residences of individuals with permanent physical disabilities to examine their qualifications and, if qualified, admit them as electors.	§ 9-31a	Act upon admission applications after the registration deadline for an election	§ 9-19g
Allows people denied admission by an admitting official to appeal the decision to the board for admission of electors.	§ 9-31/	Act upon applications by members of the armed forces or people temporarily residing outside of the U.S.	§§ 9-25 and 9-26
		Travel to the residences of individuals with permanent	§ 9-31a

		physical disabilities to examine their qualifications and, if qualified, admit them as electors.	
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Under the bill, individuals who apply for but are denied admission by any admitting official, other than a town clerk, may appeal the official's decision to the local board for admission of electors. But because town clerks must still act on admission applications, the bill inadvertently removes the statutory right of these individuals to appeal their decision (see COMMENT).

Certifying Municipal Candidates' Names

Under the bill, town clerks certify the name of a major party municipal office candidate in a primary or election by comparing it to the name the candidate authorizes to appear on the ballot on the endorsement certificate or petition form, rather than by comparing it to the name on the registry list. This conforms to practice for statewide and legislative office candidates.

COMMENT

Appeals to the Board for Admission of Electors

Under current law, individuals who are denied admission by any admitting official may appeal the decision to the board for admission of electors. Since the bill removes town clerks from the definition of "admitting official" for the purposes of giving individuals the right to appeal, it appears someone who is denied admission by an admitting official who is a town clerk may not have this right (CGS § 9-31).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/27/2009)