
OLR Bill Analysis

sSB 431

AN ACT CONCERNING THE SECRETARY OF THE STATE, PROCLAMATIONS OF A CIVIL PREPAREDNESS EMERGENCY AND NOTICE OF LEGISLATIVE SESSIONS.

SUMMARY:

Generally, this bill:

1. gives the secretary of the state authority to seek court intervention during a civil emergency or disaster on behalf of a municipality holding a primary, election, or referendum;
2. eliminates the requirement that the secretary publish certain gubernatorial orders in newspapers, instead requiring her to post them on her office's website and print them in the *Connecticut Law Journal*;
3. eliminates the requirement that the secretary notify legislators of special or reconvened sessions by sending a copy of the session call to their home address or having it delivered to them in person, instead requiring her to deliver the copy to their capitol complex offices;
4. eliminates provisions allowing notices of special and reconvened sessions to be delivered to legislators up to 24 hours before the session.

EFFECTIVE DATE: Upon passage for publishing gubernatorial orders and legislative session notices; October 1, 2013 for the secretary's authority to intervene.

INTERVENING IN A PRIMARY, ELECTION, OR REFERENDUM

Following a declaration of a civil preparedness emergency by the governor, or emergency or major disaster by the president, the bill

gives the secretary of the state standing to seek court intervention on behalf of a municipality that (1) is holding an election, primary, or referendum and (2) requests it. The request must be made by all registrars of voters.

The bill specifies that the attorney general must bring the action in Superior Court for the judicial district of Hartford and that the intervention may include postponing or relocating the election, or any other action required for its orderly execution.

By law and under the bill, “major disaster” means a catastrophe including, a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, a fire, flood, explosion, or manmade disaster in the state that causes enough damage to warrant federal major disaster assistance, as determined by the president, to supplement the efforts and resources of the state, local governments, and disaster relief organizations in alleviating damage, loss, hardship, or suffering.

“Emergency” means an occasion or instance for which federal assistance is needed, as determined by the president, to supplement state and local efforts and capabilities to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe in any part of the state.

GUBERNATORIAL ORDERS CONCERNING CIVIL PREPAREDNESS OR PUBLIC HEALTH EMERGENCIES

After the governor issues a civil preparedness or public health emergency proclamation, the law allows him to modify or suspend, in whole or in part, any statute, regulation, or requirement he finds conflicts with actions necessary to efficiently address the situation. The order has the full force and effect of law upon its filing with the secretary of the state.

Currently the secretary must publish the order, within four days after receiving it, in at least one issue of a general circulation newspaper in each county. The bill instead requires her to

immediately post the order on her office's Internet website and also print it in the *Connecticut Law Journal*.

NOTICES OF SPECIAL AND RECONVENED SESSIONS

The bill eliminates the requirement that the secretary of the state notify General Assembly members of special and reconvened sessions either by (1) sending a copy of the session call, via first class certified mail, to their home addresses or (2) having a copy delivered to them in person by a state marshal, constable, state policeman, or indifferent person. Instead, it requires her to deliver a copy of the call to members' Capitol or Legislative Office Building offices.

Currently, the secretary must notify members between 10 and 15 days before a special session and at least five days before a reconvened session, with the following exception: she can provide notice up to 24 hours beforehand by having a copy of the call delivered to members in person. The bill eliminates her ability to notify members up to 24 hours beforehand, but retains the other deadlines.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/04/2013)