



# Senate

General Assembly

**File No. 702**

January Session, 2015

Senate Bill No. 844

*Senate, April 16, 2015*

The Committee on Government Administration and Elections reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING VOTING RIGHTS OF MEMBERS OF MINOR PARTIES.***

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

1 Section 1. Section 9-453u of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) An application to reserve a party designation with the Secretary  
4 of the State and to form a party designation committee may be made at  
5 any time after November 3, 1981, by filing in the office of the secretary  
6 a written statement signed by at least twenty-five electors who desire  
7 to be members of such committee.

8 (b) The statement shall include the offices for which candidates may  
9 petition for nomination under the party designation to be reserved but  
10 shall not include an office if no elector who has signed the application  
11 is entitled to vote at an election for such office. Such statement may be  
12 amended for the purpose of including additional offices or electors

13 entitled to vote at a regular election for such additional offices until  
14 four o'clock p.m. on the ninetieth day preceding the day of such  
15 election, provided all other information contained in such statement,  
16 including such party designation and the names of the two persons  
17 authorized to execute and file statements of endorsement pursuant to  
18 subsection (d) of this section, remain the same.

19 (c) The statement shall include the party designation to be reserved  
20 which (1) shall consist of not more than three words and not more than  
21 twenty-five letters; (2) shall not incorporate the name of any major  
22 party; (3) shall not incorporate the name of any minor party which is  
23 entitled to nominate candidates for any office; [which will appear on  
24 the same ballot with any office included in the statement;] (4) shall not  
25 be the same as any party designation for which a reservation with the  
26 secretary is currently in effect for any office; [included in the  
27 statement;] and (5) shall not be the word "none", or incorporate the  
28 words "unaffiliated" or "unenrolled" or any similarly antonymous form  
29 of the words "affiliated" or "enrolled".

30 (d) The statement shall include the names of two persons who are  
31 authorized by the party designation committee to execute and file with  
32 the secretary statements of endorsement required by section 9-453o  
33 and certificates of nomination as required by section 9-460.

34 (e) The secretary shall examine the statement, and if it complies with  
35 the requirements of this section, the secretary shall reserve the party  
36 designation for the offices included in the statement and record such  
37 reservation in the office of the secretary. The reservation shall continue  
38 in effect from the date it is recorded until the day following any  
39 regular election at which no candidate appears on the appropriate  
40 ballot for that office under that party designation.

41 (f) Upon the reservation of a party designation, no other political  
42 party or organization shall engage in political activity under such  
43 party designation unless such political party or organization is both  
44 affiliated with the party designation committee that reserved such  
45 designation and operating under the same state party rules filed with

46 the Secretary of the State in accordance with section 9-374, as amended  
47 by this act.

48 Sec. 2. Section 9-374 of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective from passage*):

50 No authority of the state or any political subdivision thereof having  
51 jurisdiction over the conduct of any primary shall permit the name of a  
52 party-endorsed candidate for [an] any office or position to be printed  
53 on the official ballot to be used at any such primary unless [a] at least  
54 one copy of the party rules regulating such party and its method of  
55 selecting party-endorsed candidates for nomination to such office or  
56 for election as town committee members, or selecting state central  
57 committee members and state party leadership positions, as the case  
58 may be, has been filed in the office of the Secretary of the State at least  
59 sixty days before such candidate is selected under such method of  
60 endorsement. The selection of delegates to conventions shall not be  
61 valid unless at least one copy of the party rules regulating the manner  
62 of making such selection has been filed in the office of the Secretary of  
63 the State at least sixty days before such selection is made. A duplicate  
64 copy of such rules shall also be filed with the state central committee of  
65 such party. A copy of the local party rules, relating to a party in a  
66 municipality, shall be filed forthwith by the town chairman or the  
67 secretary of the town committee of such party in such municipality  
68 with the Secretary of the State. The state party rules shall be filed by  
69 the state chairman or the secretary of the state central committee of  
70 such party. In the case of a minor party, no authority of the state or any  
71 political subdivision thereof having jurisdiction over the conduct of  
72 any election shall permit the name of a candidate of such party for any  
73 office to be printed on the official ballot unless at least one copy of the  
74 party rules regulating the manner of nominating a candidate for such  
75 office or for selecting state central committee members and state party  
76 leadership positions, as the case may be, has been filed in the office of  
77 the Secretary of the State at least sixty days before the nomination of  
78 such candidate. In the case of a minor party, the selection of town  
79 committee members and delegates to conventions shall not be valid

80 unless at least one copy of the party rules regulating the manner of  
81 making such selection has been filed in the office of the Secretary of the  
82 State at least sixty days before such selection is made. [A] In the case of  
83 a minor party, a copy of the local party rules that have been approved  
84 by the state central committee of such minor party shall forthwith be  
85 also filed with the town clerk of the municipality to which they relate.  
86 Party rules shall not be effective until sixty days after the filing of the  
87 same with the Secretary of the State. A party in any municipality for  
88 which local party rules with respect to any office or position have not  
89 been filed as provided in this section shall, as to such office or position,  
90 be subject to the provisions of the effective state rules of such party  
91 applicable in municipalities which do not have local party rules, until  
92 such time as local party rules therefor are filed and become effective as  
93 provided in this section. The town chairman of a party in any  
94 municipality for which local party rules have not been adopted and  
95 filed as provided in this section shall forthwith file a statement with  
96 the Secretary of the State to the effect that such party in such  
97 municipality does not have local party rules. The term "party rules" as  
98 used in this section includes any amendment to such party rules.  
99 When any amendment is to be filed as required by this section,  
100 complete party rules incorporating such amendment shall be filed,  
101 together with a separate copy of such amendment.

102 Sec. 3. Section 9-375 of the general statutes is repealed and the  
103 following is substituted in lieu thereof (*Effective from passage*):

104 (a) The local party rules, governing a political party in any  
105 municipality, may be amended by one of the three following methods:  
106 (1) By a caucus of its enrolled party members, (2) by a convention of  
107 delegates chosen by its enrolled party members in a manner prescribed  
108 in such rules or (3) by its town committee. Whenever, in any  
109 municipality, the method of amending the local party rules of a party  
110 is by the town committee, such rules may also be amended either by a  
111 caucus of its enrolled party members or by a convention of delegates  
112 chosen by its enrolled party members in a manner prescribed in such  
113 rules, whichever such rules specify, which caucus or convention, as the

114 case may be, shall forthwith be called by the chairman of its town  
 115 committee upon the filing with the registrar of voters of such party in  
 116 such municipality of a petition signed by at least five per cent or five  
 117 hundred, whichever is less, of its enrolled party members in such  
 118 municipality, and such caucus or convention, as the case may be, shall  
 119 be held within a period of time reasonably necessary to convene the  
 120 same, which period of time shall be prescribed in its rules. Whenever  
 121 the method of amendment prescribed in accordance with the  
 122 provisions of this section for a party in any municipality consists of or  
 123 involves a convention of delegates chosen by its enrolled party  
 124 members under its party rules, such rule or amendment so prescribing  
 125 such method of amendment shall also prescribe the manner in which  
 126 such delegates are to be chosen.

127 (b) In the case of a minor party, the state party rules may be  
 128 amended by one of the three following methods: (1) By a caucus of its  
 129 enrolled party members, (2) by a convention of delegates chosen by its  
 130 enrolled party members in a manner prescribed in such rules, or (3) by  
 131 its state central committee as allowed in its state party rules. Whenever  
 132 the method of amending the state party rules of a minor party is by a  
 133 caucus of its enrolled members, such caucus shall be called by the state  
 134 central committee upon the filing with the Secretary of the State of a  
 135 petition signed by not less than five per cent of such party's state-wide  
 136 enrollment, or not fewer than five hundred enrolled party members.  
 137 Such caucus shall be held within a period of time reasonably necessary  
 138 to convene the same and properly noticed ten days in advance in one  
 139 or more newspapers having general circulation in the state. Such  
 140 proper notice shall include the time and place of such caucus and shall  
 141 identify the presiding officer or officers of such caucus.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-453u
Sec. 2	<i>from passage</i>	9-374
Sec. 3	<i>from passage</i>	9-375

**GAE**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill, which modifies certain organizational requirements of political parties, has no fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 844*****AN ACT CONCERNING VOTING RIGHTS OF MEMBERS OF MINOR PARTIES.*****SUMMARY:**

This bill makes changes affecting (1) party designation reservations and (2) party rules. The latter applies primarily to minor parties.

Among other things, the bill:

1. prohibits groups from reserving a party designation (i.e., name) that uses (a) an existing minor party's name or (b) the same name as an existing reserved party name;
2. establishes procedures minor parties must follow to amend their state party rules; and
3. appears to require that all minor parties establish a state central committee.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

**PARTY DESIGNATION RESERVATIONS**

By law, a group of 25 or more electors may file a statement with the secretary of the state to apply to (1) reserve a party designation and (2) form a party designation committee. The statement must include the (1) name of the designation, (2) offices for which candidates may petition for nomination under the designation, and (3) names of two people authorized to file party endorsements and nomination certificates. Only electors authorized to vote for the offices on the statement may sign it (e.g., they must reside in the same legislative

district as candidates for legislative office).

### **Amendments**

The bill allows these statements to be amended, until 4:00 p.m. on the 90<sup>th</sup> day before the election, to include additional (1) offices for which candidates may petition for nomination and (2) names of electors entitled to vote for the additional offices. The bill specifies that no other information can be added or changed. Currently, statements cannot be amended after submission.

By law, the 90<sup>th</sup> day before the election is also the filing deadline for nominating petitions (CGS § 9-453i).

### **Restrictions**

The bill prohibits reserving a party designation that (1) incorporates an existing minor party's name or (2) is the same as an existing reserved party designation on file with the secretary of the state. Under current law, these prohibitions apply only when the (1) minor party is entitled to nominate candidates for the same ballot with an office included in the statement or (2) reserved party designation on file with the secretary is in effect for an office included in the statement, respectively.

The bill also prohibits a political party or organization from engaging in political activity under a reserved party designation unless it is (1) affiliated with the party designation committee and (2) operating under the same state party rules filed with the secretary of the state. The bill thus appears to require groups reserving party designations to submit state party rules even before they attain political party status (see COMMENT and BACKGROUND).

### **PARTY RULES**

By law, major and minor state party rules must be on file with the secretary of the state for at least 60 days before the name of the party's candidate appears on a primary or general election ballot, respectively. For major parties, the rules must cover endorsement and nomination methods; for minor parties, nomination methods. The law generally

also requires that major and minor local party rules be on file with the applicable town clerk.

The bill expands the required content for state party rules to include methods of selecting state central committee members or state party leadership positions, whichever applies. It requires the local party rules of minor parties to be approved by the state central committee. Thus, the bill appears to require minor parties to establish a state central committee.

### ***Minor Parties***

The bill establishes procedures minor parties must follow to amend their state party rules. Under these procedures, they may amend their rules by (1) a caucus of enrolled party members; (2) a convention of delegates chosen by enrolled party members in a manner the rules prescribe; or (3) state central committee, as the state party rules allow.

If the method to amend the state party rules is caucus, the state central committee must call the caucus after filing a petition with the secretary of the state signed by at least (1) 5% of the party's statewide enrollment or (2) 500 enrolled party members, presumably, whichever is less. The caucus must be noticed 10 days in advance and held within a reasonable period of time. The notice must be in at least one newspaper with statewide general circulation, provide the caucus's time and place, and identify its presiding officers.

## **BACKGROUND**

### ***Attaining Minor Party Status***

By law, a political party may nominate candidates once it attains status as a major or minor party, which it earns by demonstrating a certain amount of public support at the last regular election.

Major parties may nominate candidates to any state, district, or municipal office. A party is a "major party" if its (1) candidate for governor received at least 20% of the total votes cast for that office at the last gubernatorial election or (2) enrolled membership, as of the last gubernatorial election, was at least 20% of the total enrollment in all

political parties in the state.

A “minor party” is one that is not a major party and whose candidate for the office in question received, under the same party designation, at least 1% of the votes cast for the same office at the last regular election. Minor parties, unlike major parties, attain their status, and thus ballot access, on a case-by-case basis and cannot nominate candidates to those offices for which they do not have the party status (CGS § 9-372).

## **COMMENT**

### ***Party Status***

The bill requires groups of 25 or more electors reserving party designations to submit state party rules, even before the group attains party status. However, state law only provides a framework for submitting state party rules by major and minor parties.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 9      Nay 6      (03/31/2015)