



# Senate

General Assembly

**File No. 377**

February Session, 2016

Substitute Senate Bill No. 257

*Senate, March 31, 2016*

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 substitute bill ought to pass.

***AN ACT CONCERNING REMOVAL FROM PARTY ENROLLMENT  
LISTS AND DENIAL OF PRIVILEGES.***

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

1 Section 1. Section 9-53 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The registrars of voters in each municipality in which an enrollment  
4 session is to be held shall give notice of such session, and of the  
5 purpose, day, hours and place thereof, by publication in a newspaper  
6 published in or having a circulation in such municipality, not more  
7 than fifteen nor less than five days before such session. Nothing in this  
8 section shall require that such publication be in the form of a legal  
9 advertisement. In each municipality divided into voting districts, any  
10 session for enrollment in such municipality may, if the registrars of  
11 voters so decide, be held in each such district by assistant registrars of  
12 voters appointed under section 9-192, provided the registrars of voters  
13 in the notice shall specify the place in each such district in which such

14 session is to be held. When such a session is so held in each such  
15 district by such assistant registrars of voters, within forty-eight hours  
16 after the close of each of such sessions, each of such assistant registrars  
17 of voters shall deliver to the registrar of whom he is the appointee a  
18 true and attested list or lists, as made by such assistant registrars of  
19 voters at such session, showing all enrollments and corrections, if any,  
20 [by them made, together with a list of all applications rejected under  
21 the provisions of sections 9-60 and 9-63] made by such assistant  
22 registrars of voters.

23 Sec. 2. Subsection (e) of section 9-55 of the general statutes is  
24 repealed and the following is substituted in lieu thereof (*Effective from*  
25 *passage*):

26 (e) The registrars of voters shall make available for public use such  
27 list in the office of the registrars of voters until the printing of the next  
28 completed enrollment list; and they shall deliver to the chairman of the  
29 town committee of each political party copies of each such list for each  
30 voting district in the town. Whenever the registrars of voters are not in  
31 their office, such list shall be available at another municipal office.  
32 Upon request, the registrars of voters shall give one complete set of  
33 such lists to each candidate for nomination for any office or for election  
34 as a town committee member. The registrars of voters shall deliver a  
35 sufficient number of copies thereof to the moderator of each primary.  
36 [No petition brought under the provisions of section 9-63 shall operate  
37 to delay the completion and printing of such lists. If the petition of any  
38 elector is granted after any such list has been completed, the registrars  
39 of voters or assistant registrars of voters, as the case may be, shall issue  
40 to such elector a certificate showing that the elector is entitled to the  
41 privileges accompanying enrollment in the political party named in the  
42 elector's petition.]

43 Sec. 3. Section 9-56 of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective from passage*):

45 Except as otherwise provided in the case of an elector whose name  
46 has not been placed on or has been removed from the enrollment list

47 under section 9-59, [9-60, 9-61 or 9-62,] any elector not enrolled on any  
48 enrollment list may at any time make a written and signed application  
49 for enrollment to the registrars of voters on an application form for  
50 admission as an elector, in accordance with the requirements of this  
51 section. The application shall be effective as of the date it is filed with  
52 the registrars of voters of the town of residence of the applicant and  
53 any person making application for enrollment in such manner shall  
54 immediately be entitled to the privileges of party enrollment unless the  
55 application for enrollment (1) is filed in person by the applicant with  
56 the registrars of voters after twelve o'clock noon on the last business  
57 day before a primary, in which case he shall be entitled to the  
58 privileges of party enrollment immediately after the primary, (2) is  
59 otherwise filed with the registrar after the fifth day before the primary,  
60 in which case he shall be entitled to the privileges of party enrollment  
61 immediately after the primary, except as provided in section 9-23a, or  
62 (3) is filed with the registrars of voters after 5:00 p.m. on the last  
63 business day before a caucus or convention, in which case he shall be  
64 entitled to the privileges of party enrollment immediately after the  
65 caucus or convention. The application shall be signed or initialed by  
66 the registrar, deputy, assistant or registrar's clerk receiving it, or by  
67 such other personnel as such registrar or deputy may appoint for [the]  
68 such purpose, showing the date when such application is received and,  
69 in the case of an applicant not immediately eligible under section 9-59  
70 [ 9-60, 9-61 or 9-62] to the privileges accompanying enrollment in the  
71 party named in his application, the date upon which such applicant  
72 becomes so eligible. In municipalities divided into voting districts in  
73 which an enrollment session is held in each district thereof under  
74 section 9-51, application for enrollment shall be made to the registrar  
75 or assistant registrar, as the case may be, in the voting district in which  
76 such elector is entitled to vote at the time of making such application.  
77 If any registrar or assistant registrar fails to add any name to any such  
78 list on written application or adds any name to any such list except as  
79 [herein provided, he] provided in this section, such registrar or  
80 assistant registrar shall be guilty of a class D misdemeanor.

81 Sec. 4. Section 9-361 of the general statutes is repealed and the

82 following is substituted in lieu thereof (*Effective from passage*):

83 The following persons shall be guilty of primary or enrollment  
84 violations: (1) Any person unlawfully voting or participating or  
85 attempting to vote or participate in any primary in which he is not  
86 eligible to vote or participate; (2) in towns divided into voting districts,  
87 any elector who registers or votes at any primary in a voting district  
88 other than the district in which such elector is legally entitled to vote at  
89 the time of such primary; (3) any elector who signs the name of  
90 another to a written application to register, without the knowledge and  
91 consent of the person whose name is signed thereto, or who falsely  
92 represents the contents of any written or printed form of application  
93 for enrollment with intent to secure the application of an elector for  
94 enrollment upon a list other than that of his true political preference;  
95 (4) any registrar or deputy registrar of voters who fails to hold sessions  
96 as provided in sections 9-51 and 9-53, as amended by this act, or who  
97 fails to register an elector upon the oral or written application for  
98 enrollment of such elector, except as provided by law, or who fails to  
99 erase an elector's name as provided in section 9-59 or who registers  
100 any elector upon an enrollment list other than that declared by such  
101 elector in his application as his political preference, or who removes or  
102 erases the name of any elector from any enrollment list except as  
103 provided by law; [(5) any person who fails to properly serve any notice  
104 or citation required by sections 9-60 and 9-61 when directed so to do  
105 by any registrar or deputy registrar, or who makes any false return as  
106 to any such notice or citation; and (6)] and (5) any moderator of a  
107 primary of the enrolled electors of a specified party, such primary  
108 being legally called for the nomination of candidates for any public  
109 elective office, who fails to comply with the requirements of chapter  
110 153. The penalty for any such violation shall be a class D misdemeanor,  
111 except that any person found to have violated subdivision (1) or (2) of  
112 this section shall be guilty of a class D felony and shall be  
113 disfranchised.

114 Sec. 5. Subsection (b) of section 51-164n of the 2016 supplement to  
115 the general statutes is repealed and the following is substituted in lieu

116 thereof (*Effective from passage*):

117 (b) Notwithstanding any provision of the general statutes, any  
118 person who is alleged to have committed (1) a violation under the  
119 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
120 283, 7-325, 7-393, 8-12, 8-25, 8-27, [9-63,] 9-322, 9-350, 10-193, 10-197, 10-  
121 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,  
122 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
123 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
124 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
125 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
126 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
127 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
128 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
129 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
130 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
131 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
132 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
133 14-153 or 14-163b, a first violation as specified in subsection (f) of  
134 section 14-164i, section 14-219 as specified in subsection (e) of said  
135 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
136 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
137 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
138 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-  
139 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
140 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,  
141 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,  
142 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,  
143 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,  
144 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-  
145 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,  
146 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,  
147 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,  
148 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-  
149 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-  
150 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-

151 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or  
152 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63  
153 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,  
154 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of  
155 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-  
156 29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-  
157 39e, 22-49, 22-54, subsection (d) of section 22-84, 22-89, 22-90, 22-98, 22-  
158 99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,  
159 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-  
160 359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246,  
161 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,  
162 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,  
163 section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or  
164 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,  
165 subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-  
166 19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56,  
167 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section  
168 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91,  
169 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-  
170 132, 26-138 or 26-141, subdivision (2) of subsection (j) of section 26-  
171 142a, subdivision (1) of subsection (b) of section 26-157b, subdivision  
172 (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a,  
173 subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244,  
174 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-  
175 6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or  
176 (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of  
177 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section  
178 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-  
179 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-  
180 36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,  
181 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,  
182 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,  
183 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-  
184 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,  
185 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-

186 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,  
187 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of  
188 section 53-344b, or section 53-450, or (2) a violation under the  
189 provisions of chapter 268, or (3) a violation of any regulation adopted  
190 in accordance with the provisions of section 12-484, 12-487 or 13b-410,  
191 or (4) a violation of any ordinance, regulation or bylaw of any town,  
192 city or borough, except violations of building codes and the health  
193 code, for which the penalty exceeds ninety dollars but does not exceed  
194 two hundred fifty dollars, unless such town, city or borough has  
195 established a payment and hearing procedure for such violation  
196 pursuant to section 7-152c, shall follow the procedures set forth in this  
197 section.

198 Sec. 6. Section 51-274 of the general statutes is repealed and the  
199 following is substituted in lieu thereof (*Effective from passage*):

200 All special acts or provisions thereof inconsistent with this chapter  
201 and with sections 1-1a, 2-5, 2-40, 2-61, 5-164, 5-189, 7-80, 8-12, [9-63,] 9-  
202 258, 9-368, 12-154, 14-141, 14-142, 18-65, 18-73, 19a-220, 21a-96, 29-13,  
203 29-362, 30-105, 30-107, 30-111, 35-22, 46b-120, 46b-133, 46b-160, 47a-23,  
204 47a-28, 47a-35, 47a-37, 49-61, 49-62, 51-6a, 51-9, 51-15, 51-27, 51-30, 51-  
205 33, 51-34, 51-36, 51-48, 51-49, 51-50, 51-51, 51-52, 51-59, 51-72, 51-73, 51-  
206 78, 51-95, 51-183b, 51-183d, 51-183f, 51-183g, 51-215a, 51-229, 51-232,  
207 51-237 and 51-241, subsection (a) of section 51-243 and sections 51-247,  
208 51-347, 52-45a, 52-45b, 52-46, 52-97, 52-112, 52-139, 52-193, 52-194, 52-  
209 196, 52-209, 52-212, 52-215, 52-226, 52-240, 52-257, 52-258, 52-261, 52-  
210 263, 52-268, 52-270, 52-278i, 52-293, 52-297, 52-298, 52-324, 52-351, 52-  
211 397, 52-425, 52-427, 52-428, 52-521, 53-308, 53-328, 54-2a, 54-56f, 54-66,  
212 54-72, 54-74, 54-82g, 54-82j, 54-82k, 54-95a, 54-96a, 54-96b, 54-97, 54-108,  
213 54-154, 54-166 and 54-169 to 54-174, inclusive, are repealed.

214 Sec. 7. Sections 9-60 to 9-63, inclusive, of the general statutes are  
215 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	9-53
Sec. 2	<i>from passage</i>	9-55(e)
Sec. 3	<i>from passage</i>	9-56
Sec. 4	<i>from passage</i>	9-361
Sec. 5	<i>from passage</i>	51-164n(b)
Sec. 6	<i>from passage</i>	51-274
Sec. 7	<i>from passage</i>	Repealer section

**Statement of Legislative Commissioners:**

In Section 1, "them" was changed to "such assistant registrars of voters" for clarity.

**GAE**      *Joint Favorable Subst. -LCO*

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.

***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which repeals certain provisions that give registrars of voters and town committee chairpersons the discretion to erase or exclude an elector's name from their party's enrollment list for lack of good-faith party affiliation, has no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 257*****AN ACT CONCERNING REMOVAL FROM PARTY ENROLLMENT LISTS AND DENIAL OF PRIVILEGES.*****SUMMARY:**

This bill repeals statutory provisions that allow registrars of voters and town committee chairpersons to erase or exclude an elector's name from their party's enrollment lists for lack of good-faith party affiliation. Currently, under these provisions, registrars and chairpersons can erase or exclude a name (1) after providing notice and an opportunity for a hearing, as the facts warrant, or (2) before providing notice and an opportunity for a hearing, if there is reasonable proof that the elector committed an act within the previous two years that constitutes prima facie evidence of lack of good-faith party affiliation. When prima facie evidence exists, the name is erased or excluded from the list for two years; however, the elector is provided with an opportunity for a hearing to have his or her name restored or added.

Neither the bill nor these provisions affect electoral status.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Erasure or Exclusion After Notice and Hearing***

Under the discretionary erasure and exclusion provisions:

1. a registrar (or deputy registrar legally acting in his or her place) who believes that an enrolled party member or applicant for enrollment is not affiliated with, or a good faith member of, the

party and does not intend to support its principles or candidates may summon the elector to appear before the registrar and town committee chairperson (or, in the absence of a chairperson, an enrolled party member of the registrar's choosing);

2. the summons must be in writing and served upon the elector at his or her residence at least two days before the hearing, which cannot be less than a week before the party's next primary or caucus;
3. the registrar and chairperson may erase or exclude the elector from the enrollment list (1) after the hearing for lack of good-faith party affiliation or (2) if the elector fails to appear at the hearing, as the facts warrant based on a statement by the registrar; and
4. an aggrieved elector may, within 10 days after the erasure or exclusion, appeal to Superior Court.

If the court finds the elector is entitled to relief, it may order the registrar to restore or add the elector's name to the enrollment list, whichever applies. A registrar who fails to obey an order is deemed guilty of contempt and may be fined up to \$100.

#### ***Erasure or Exclusion Before Notice and Hearing***

An elector's name may be erased or excluded from the enrollment list, before notice or a hearing, if reasonable proof exists that he or she committed an act during the previous two years that constitutes prima facie evidence of lack of good-faith party affiliation. When prima facie evidence exists, the name is erased or excluded from the list for two years; however, the elector receives notice and an opportunity for a hearing to have the name restored or added. The notice and hearing procedures are the same as those described above.

The following actions, if they occurred during the previous two years, constitute prima facie evidence that an elector is not affiliated

with, or a good faith member of, a party and does not intend to support its principles or candidates:

1. enrollment in, or active affiliation with, another political party or organization;
2. knowingly being a candidate at any primary or caucus of another party or political organization; or
3. being a candidate for office under the designation of another party or organization.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 9      Nay 6      (03/11/2016)