

Changes to the State Elections Enforcement Commission's Complaint Review Process

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Issue

Summarize changes under 2017 June Special Session (JSS) legislation to the State Election Enforcement Commission's (SEEC) complaint review process.

Summary

By law, SEEC receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath concerning alleged election law violations. It investigates and holds hearings as it deems appropriate.

[PA 17-2, JSS](#) (§ 274) revises SEEC's process for reviewing complaints before determining whether probable cause exists to believe that a violation occurred. It also requires SEEC to dismiss any complaint it receives on or after January 1, 2018, that it has not adjudicated within one year after receiving it. The changes were effective upon passage.

Under existing law, unchanged by the act, if the commission makes a probable cause determination, the case generally proceeds to a contested case hearing, which SEEC holds in accordance with the Uniform Administrative Procedure Act.

Preliminary Examination

Under [PA 17-2, JSS](#), commission staff must conduct and complete a preliminary examination of a complaint within 14 days after receiving it. At that time, the act requires commission staff to do one of the following:

1. dismiss a complaint that fails to allege, with supporting evidence, a substantial violation of state election law;
2. attempt to speedily resolve a complaint about a de minimus violation by engaging the respondent in discussions; or
3. investigate and docket the complaint for a probable cause determination by the commission.

The act requires commission staff to provide a brief written statement setting forth the reasons for any complaint dismissal. It also requires staff to docket a complaint for a probable cause determination by the commission for any complaint it is unable to resolve within 45 days after receipt.

Deadlines

For complaints received on or after January 1, 2018, the act requires SEEC to issue a final decision within one year after receipt or dismiss the complaint. Under the act, if any of the following actions delays the issuance of a final decision, the length of the delay is added to the one-year deadline:

1. commission or commission staff granting a respondent any extension or continuance before issuing the decision;
2. a subpoena's issuance in connection with the complaint;
3. litigation is filed in state or federal court related to the complaint; or
4. consultation with the chief state's attorney, attorney general, U.S. Department of Justice, or U.S. attorney for Connecticut.

Under existing law, unchanged by the act, if SEEC has neither issued a decision nor made a probable cause determination by 60 days after receiving a written complaint, the complainant or respondent may apply to Hartford Superior Court for an order to show cause why the commission has not acted and provide evidence that it has unreasonably delayed action. By law, SEEC must dispose of complaints that the secretary of the state files in a different time frame (see Background).

Background

Complaints to SEEC by the Secretary of the State

With respect to complaints that the secretary of the state files, SEEC must (1) determine whether to investigate within 30 days after the filing and (2) complete an investigation and issue a decision within 90 days after the filing. If SEEC fails to meet these deadlines, the secretary may apply to Hartford Superior Court for an order to show cause why it has not acted on the complaint and provide evidence that it has unreasonably delayed action. Any such judicial proceeding must be privileged with respect to assignment for trial ([CGS § 9-7a\(g\)\(2\) and \(3\)](#)).

KS:cmg