

Government Administration and Elections Committee
JOINT FAVORABLE REPORT

Bill No.: SB-410

AN ACT CREATING EFFICIENCIES AND REDUCING CONFUSION IN

Title: STATUTES CONCERNING ELECTIONS.

Vote Date: 3/23/2018

Vote Action: Joint Favorable Substitute

PH Date: 3/15/2018

File No.: 473

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

The bill seeks to make several clarifications to election statutes to help clarify dates when new enrollees in a party may not be used in computing the number of signatures required on nominating petitions. Additionally, it classifies as "unassigned" the multiple votes an elector may cast on the ballot for cross-endorsed candidates, and requires the Secretary of the State to publish and archive on the Internet any declaratory ruling or opinion issued by the Secretary. Finally, it requires selection of districts for audit to take place within seventy-two hours after an election or primary.

Substitute Language:

Sec. 9-404c. Registrar's receipt and verification of petitions for candidacies for nomination to state or district office. Filing with Secretary, Tabulation:

which shall include the name of an elector enrolled in the party between the completion of such list and the checking of such signatures by the registrar

Sec. 9-412. Registrar's receipt and verification of petitions for candidacies for nomination to municipal office or election as town committee members. Filing with clerk

which shall include the name of an elector enrolled in the party between the completion of such list and the checking of such signatures by the registrar,

RESPONSE FROM ADMINISTRATION/AGENCY:

Denise Merrill, Secretary of the State, Connecticut

Secretary Merrill refers to several sections of the bill that she opposes.

Sections one through four of the bill (included as part one of the statement of purpose), Secretary Merrill believes that this section disenfranchises voters and opposes the changes. Specifically the effects of this proposal “would actually change existing law related to petition gathering in a way that would prevent people who aren’t yet registered to vote when the percentages of petition signatures needed are calculated from participating in the petition process”. Current law allows unregistered eligible voters to register to vote and to sign a petition at the same time, allowing them to participate in the petition process.

Section six (included as part three of the statement of purpose) would require that any opinion or ruling given by my office be archived on the website. Secretary Merrill finds that the language of the bills is overboard and does not support it. She is however in contact with ROVAC to help provide clarity and advice that individual registrars require without needing any additional changes in the statute.

Section seven (included as part four of the statement of purpose) would require the districts to be subject to the post-election audit to be selected within 72 hours of the primary or general election. She asserts that the proposal is unworkable because towns and districts that would be subject to a recount will not have been determined within the 72 hour period.

NATURE AND SOURCES OF SUPPORT:

Timothy De Carlo, Registrar of Voters, City of Waterbury, Chair of the New Haven County ROVAC Association, Chairman of ROVAC Legislative Committee

Mr. De Carlo notes that many of the items in the bill received unanimous support and were passed on consent calendar last year in the House of Representatives.

There is a concern regarding primary petitions. Candidates must collect at least 5% of the electors who appear on this enrollment list. Instructions are given to candidates that the only electors who can sign a petition must have appeared on the last-completed enrollment list. Mr. DeCarlo notes that even though the instructions are clear, petition pages are often turned into our offices accompanied by voter registration cards.

They are concerned that a legal challenge may arise because the voters were not members of the party when signing the petition. SB 410 simply changes the current statute so that it follows the instructions that are currently being distributed to all petitioning candidates.

The bill also changes the word of “unknown” votes to that of “unassigned”. If a voter fills in both ovals on a ballot for a cross-endorsed candidate the tabulator places that vote in the column of “unknown” yet, the candidate that received the vote is known (yet know what candidate received the vote, however it is not yet assigned to a political party).

SB 410 also would create an online directory of legal opinions and directives from the Secretary of the State’s office. The goal of the directory is to reduce calls coming into the

Secretary's office from Registrars of Voters, Town Clerks, Town Committee Chairmen and candidates. An online directive would be able to give a consistent answer to any person with the same question.

Finally, SB 410 would require that the post-election audit locations be chosen and announced within 72 hours of an election. ROVAC believes the current date chosen, near the Thanksgiving holiday can make it difficult to staff an audit that is conducted manually. Additionally, if a recanvass is needed the moderator needs to inform those parties involved in the recanvass within 72 hours after the conclusion of the election. Elections that require a recanvass are currently exempt from a post-election audit. When the post-election audit is drawn there is also a list of alternate polling places that are chosen but not audited. If for some reason the information of a recanvass has not reached the Secretary of the State's office within 72 hours, that polling location can be replaced by one from the alternate list.

Peter Gostin, Member, ROVAC Legislative Committee

Mr. Gostin remarks that often petition pages are turned in to the registrar's office with new voter registration cards that were filled out while the petitions were being circulated (prior to when the voter was registered to any party). They argue that this creates a legal situation where signature from a new voter / party registration is invalid as of the day the petition is signed. Additionally, they argue that the actual number of the petition signatures required for submission is a "moving target" because every increase in the registration to a party's ranks during the petition timeframe increases the number of signatures required. The "last completed enrollment list" can create confusion for petition circulators because every day there is a new "last completed enrollment list". So to create more clarification Mr. Gostin believes that is important that only signatures from the party registration list created at the time petitions are taken out be counted as valid.

Matthew Waggoner, Registrar of Voters, Town of Fairfield, CT

This bill primarily concerns petition eligibility. While the "last completed list" standard is impractical, the bill would prohibit new applicants from signing petitions, which would curtail an important source of voter registration activity – namely, petitioning campaigns.

Mr. Waggoner states that, "In places with more transient populations, where motor vehicle updates and postal address changes reach a lower share of the people, people campaigning at grocery stores and going door-to-door to get signatures provide valuable updates, getting hard-to reach voters on the list and ultimately reducing Election Day workloads."

He suggests base the number of signatures required on the active list as of the date when petitions are requested, and permitting any voter who has enrolled by the date the petitions are due to be counted.

With respect to audit selection date he believe it's important for the audited districts to be announced after the last date to file amended returns. He believes that if people knew for certain that a particular district will not be audited that there may be tampering that goes undetected, defeating an important purpose of the audit.

Luther Weeks, Executive Director, CT Voters Count

Supports Sections 6 and 7 with changes

Section 6 add “**or still in effect on or after said date**” because election officials, candidates, and the public should have a complete list all rulings and opinions available in one place.

Section 7 change to **To**: Such selection process shall be open to the public, **noticed on the Internet web site of the office of the Secretary of the State, at least 72 hours prior to the selection** and take **place no earlier than the forth day after** and not later than seventy-two **seven days** after any election or primary.

Mr. Weeks notes that the Secretary of the State’s official audit procedures require registrars to publicly notice their local audit counting sessions three days in advance. The drawing should be noticed at least that far in advance as well. And that, “such drawings have been noticed as late as the end of the work-day prior to a mid-morning drawing. This makes it difficult for the public or officials to learn the location, date, and time in time to plan to attend the drawing.”

Mr. Weeks states that audit best practices, require that drawings should occur after all results are reported to the public.

And finally, districts should also be selected such that discrepancy recanvasses cannot be called after the districts are selected.

NATURE AND SOURCES OF OPPOSITION:

See Secretary of the State’s testimony.

Reported by: Susan Tufts

Date: 4/16/2018