Offered by:
REP. CANDELORA, 86th Dist.
REP. PERILLO, 113th Dist.

To: Subst. House Joint Resolution
File No. 436
Cal. No. 237
No. 161

"RESOLUTION PROPOSING AN AMENDMENT TO THE STATE
CONSTITUTION TO ALLOW FOR EARLY VOTING AND NO-
EXCUSE ABSENTEE VOTING."

1 After the last section, add the following and renumber sections and
internal references accordingly:

"Sec. 501. WHEREAS, the committee on contested elections,
established pursuant to House Resolution No. 4 of the January 2019
session, received an election challenge complaint from Jim Feehan, a
candidate for the office of state representative for the 120th Assembly
District, alleging that during the general election held for said office on
November 6, 2018, approximately seventy-six voters were given
incorrect ballots and not given an opportunity to vote in a race that
was decided by thirteen votes; and

WHEREAS, through witness testimony and evidence, the
committee on contested elections verified and stated in its report that
seventy-five voters at the Bunnell High School polling place received
the wrong ballot and were unable to vote for the office of state
representative in the 120th Assembly District, if they intended to do so;
and

WHEREAS, the House of Representatives acts in a judicial character
in the exercise of its role as the final judge of contested House of
Representatives elections pursuant to article third, section 7 of the
Constitution of the state, which provides that "Each house shall be the
final judge of the election returns and qualifications of its own
members"; and

WHEREAS, the House of Representatives concludes that an election
should be ordered if: There were substantial errors in the rulings of an
election official or officials, or substantial mistakes in the count of the
votes; as a result of those errors or mistakes, the reliability of the result
of the election is seriously in doubt; and there is verifiable evidence
before the House of Representatives that demonstrates, to a reasonable
certainty, that a different electoral result would have occurred, but for
the substantial irregularity, mistake or error; and

WHEREAS, when ordering an election, the House of
Representatives must balance the interests of: The electors who
properly cast their votes in having such votes counted; the candidates
for whom votes have been cast in having such votes properly
recorded; and the rest of the electorate who voted properly in a
contested election in allowing its votes to count; and

WHEREAS, when the substantial errors in the rulings of an election
official or officials or substantial mistakes in the count of the votes can
be isolated to a single polling place, an election may be ordered for
only such polling place, therefore minimizing the potential
disenfranchisement of votes properly cast on November 6, 2018; and

WHEREAS, Philip Young, the candidate for the 120th Assembly
District with the greatest number of votes pursuant to the election
results certified by the Secretary of the State, was sworn in as a
dmember of the House of Representatives on January 9, 2019; and

WHEREAS, the Connecticut general statutes do not provide for an
election based on these findings.

NOW, THEREFORE, BE IT RESOLVED, the Connecticut General
Assembly hereby orders an election to be held in District 90-1 of the
120th Assembly District, located at Bunnell High School, for the office
of state representative on June 25, 2019, in accordance with the
following:

(1) Only candidates for the office of state representative for the
120th Assembly District who appeared on the ballot on November 6,
2018, shall be qualified to appear on the ballot in the June 25, 2019,
election; and

(2) The State Elections Enforcement Commission shall provide a
grant from the Citizens' Election Fund in the amount of seven
thousand dollars to each candidate committee that qualified for a grant
for the November 6, 2018, election without requiring any additional
qualifying contributions of such candidate committees. For purposes
of the Citizens' Election Program, such grant shall be administered as
an adjourned election grant pursuant to subdivision (3) of subsection
(f) of section 9-705 of the general statutes. The provisions of the general
statutes and regulations relating to the Citizens' Election Program shall
apply to the June 25, 2019, election, except the amount of the grant, the
limits on organization expenditures and the schedule for filing
campaign finance statements shall be as set forth in this resolution; and

(3) No committee other than a town committee, legislative caucus
committee or legislative leadership committee shall make an
organization expenditure for the benefit of a candidate, or the
candidate committee of a candidate, for the office of state
representative in the June 25, 2019, election ordered under this
resolution. No town committee, legislative caucus committee or
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legislative leadership committee shall make an organization expenditure for the benefit of a participating candidate or the candidate committee of a participating candidate under the Citizens' Election Program for the office of state representative in the election ordered under this resolution in an amount exceeding two thousand dollars in the aggregate. Organization expenditures made by any such committee for the benefit of a candidate or candidate committee in the November 6, 2018, general election shall not be counted toward such aggregate amount; and

(4) No candidate committee shall be permitted to use moneys remaining from the November 6, 2018, election cycle for the benefit of a candidate in the election ordered under this resolution; and

(5) The treasurer of each candidate committee shall file three weekly supplemental campaign finance statements with the State Elections Enforcement Commission, in accordance with section 9-712 of the general statutes, on June 4, 2019, June 11, 2019, and June 18, 2019. Each statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day, and shall cover the period immediately preceding the required filing day, and shall cover the period beginning with the first day not included in the last filed statement; and

(6) The town clerk of the town of Stratford shall publish notice of the June 25, 2019, election ordered under this resolution to the public in accordance with the provisions of section 9-225 of the general statutes on or before June 14, 2019; and

(7) The registrars of voters of the town of Stratford shall appoint election officials to serve in the polling place of the election ordered under this resolution not later than June 18, 2019; and

(8) The registrars of voters of the town of Stratford shall use the same official voter list at the June 25, 2019, election ordered under this resolution that was used by municipal election officials at the November 6, 2018, election. Only those electors whose names
appeared on the official voter list for District 90-1 of the 120th Assembly District on November 6, 2018, or whose names were properly added by municipal election officials to said list on November 6, 2018, shall be permitted to vote in the June 25, 2019, election; and

(9) Given that the errors that occurred at the Bunnell High School polling place in District 90-1 of the 120th Assembly District were confined to tabulator ballots, electors who voted either by absentee ballot or by an election day registration ballot in the November 6, 2018, general election shall have their original votes as cast at said general election counted for purposes of the election ordered under this resolution and shall not be permitted to vote in the June 25, 2019, election; and

(10) The town clerk of the town of Stratford shall file a printed absentee ballot and an affidavit certifying the number of absentee ballots being printed for the June 25, 2019, election with the Secretary of State on or before June 14, 2019; and

(11) The registrars of voters of the town of Stratford shall file with the Secretary of the State, not less than ten days before the June 25, 2019, election, a sample ballot identical to those to be provided for the District 90-1 polling place located at Bunnell High School, and shall jointly with the town clerk certify in writing to the Secretary of the State the number of ballots that have been ordered for such polling place; and

(12) The town clerk and registrars of voters of the town of Stratford shall order ballots to be printed for the June 25, 2019, election as soon as practicable, but not later than Friday, June 14, 2019; and

(13) Absentee ballot applications for the June 25, 2019, election shall be made available by the town clerk beginning June 13, 2019; and

(14) The town clerk of the town of Stratford shall make absentee
ballots available on or before June 14, 2019; and

(15) In order to permit officials to issue absentee ballots beginning on June 14, 2019, said town clerk may use as absentee ballots in the election proofs of the paper ballot that will be prepared by the printing vendor, and received by officials electronically. The town clerk may use such proofs as absentee ballots only until such time as the town clerk receives official printed ballots for the election from the printing vendor; and

(16) Said town clerk shall use available absentee ballot envelopes, with serial numbers, for all absentee ballots and shall maintain a log of each absentee ballot issued to each absentee ballot applicant in the June 25, 2019, election in the same manner as otherwise required by chapter 145 of the general statutes; and

(17) Absentee ballots may be hand counted by municipal election officials if a proof of the paper ballot was voted upon by an elector and the municipal election officials determine that hand counting of the ballot is required; and

(18) Said town clerk shall issue absentee ballots in accordance with sections 9-153d to 9-153f, inclusive, of the general statutes, for the June 25, 2019, election beginning May 10, 2019; and

(19) Any paper ballots to be voted upon at the polling place for the election ordered under this resolution shall be received by municipal election officials on or before Thursday, June 20, 2019, and made available for public inspection on that date; and

(20) Any supervised absentee voting conducted in accordance with section 9-159q of the general statutes shall occur on or before Thursday, June 20, 2019; and

(21) Each voting tabulator memory card to be used at the election ordered under this resolution shall be programmed for the election by Thursday, June 20, 2019; and
(22) Any candidate opting to appoint official checkers in the election ordered under this resolution shall submit to the registrar of voters a list of unofficial checkers not later than five o'clock p.m., Thursday, June 20, 2019; and

(23) The testing of each voting tabulator to be used at the election shall be performed not later than twelve o'clock noon, Monday, June 24, 2019; and

(24) At least one designee of the Secretary of the State shall be present at the polling place located at Bunnell High School during all hours of voting on June 25, 2019, and during the canvass and any applicable recanvass to monitor the election, canvass and recanvass;

(25) The canvass of the results of the June 25, 2019, election shall be limited to the District 90-1 polling place and shall be conducted immediately after the close of the polls on Tuesday, June 25, 2019, in the manner required by chapter 148 of the general statutes, and such results shall be aggregated with the certified results of the recanvass which took place on November 13th and 14th of 2018, excluding only the tabulator ballots from the District 90-1 polling place located at Bunnell High School, cast in the November 6, 2018, election for the office of state representative. Such certified results of such recanvass, excluding such tabulator ballots from District 90-1, are as follows: (A) Philip Young, 4,614 votes; (B) Jim Feehan, 4,350 votes; and (C) Prez Palmer, 49 votes; and

(26) If applicable, any required recanvass of the results of the election under chapter 148 of the general statutes shall be limited to the votes cast on June 25, 2019. If such recanvass is required, the results of the recanvass of the June 25, 2019, election shall be aggregated with the certified results of the recanvass which took place on November 13th and 14th of 2018, excluding the tabulator ballots from District 90-1 cast in the November 6, 2018, election, in accordance with subdivision (25) of this resolution. If such recanvass is required, the recanvass shall commence at nine o'clock a.m., Wednesday, June 26, 2019; and
(27) The municipal election officials of the town of Stratford shall certify the result of the election ordered under this resolution on or before five o'clock p.m., Wednesday, June 26, 2019, and shall provide such certification to the Secretary of the State via electronic mail or facsimile within one hour of their certification; and

(28) Not later than three days after the election, the Secretary of the State, Treasurer and State Comptroller shall, pursuant to section 9-319 of the general statutes, canvass the votes and declare who has been elected state representative for the 120th Assembly District; and

BE IT FURTHER RESOLVED, that the clerk of the House of Representatives cause a copy of this resolution to be sent to the town clerk and registrars of voters of the town of Stratford."