



General Assembly

Amendment

January Session, 2019

LCO No. 7308



Offered by:

REP. CANDELORA, 86th Dist.

REP. PERILLO, 113th Dist.

To: Subst. House Joint Resolution
No. 161

File No. 436

Cal. No. 237

**"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
2 internal references accordingly:

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

11 WHEREAS, through witness testimony and evidence, the
12 committee on contested elections verified and stated in its report that

13 seventy-five voters at the Bunnell High School polling place received
14 the wrong ballot and were unable to vote for the office of state
15 representative in the 120th Assembly District, if they intended to do so;
16 and

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

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

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

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

42 WHEREAS, Philip Young, the candidate for the 120th Assembly
43 District with the greatest number of votes pursuant to the election

44 results certified by the Secretary of the State, was sworn in as a
45 member of the House of Representatives on January 9, 2019; and

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

48 NOW, THEREFORE, BE IT RESOLVED, the Connecticut General
49 Assembly hereby orders an election to be held in District 90-1 of the
50 120th Assembly District, located at Bunnell High School, for the office
51 of state representative on June 25, 2019, in accordance with the
52 following:

53 (1) Only candidates for the office of state representative for the
54 120th Assembly District who appeared on the ballot on November 6,
55 2018, shall be qualified to appear on the ballot in the June 25, 2019,
56 election; and

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

69 (3) No committee other than a town committee, legislative caucus
70 committee or legislative leadership committee shall make an
71 organization expenditure for the benefit of a candidate, or the
72 candidate committee of a candidate, for the office of state
73 representative in the June 25, 2019, election ordered under this
74 resolution. No town committee, legislative caucus committee or

75 legislative leadership committee shall make an organization
76 expenditure for the benefit of a participating candidate or the
77 candidate committee of a participating candidate under the Citizens'
78 Election Program for the office of state representative in the election
79 ordered under this resolution in an amount exceeding two thousand
80 dollars in the aggregate. Organization expenditures made by any such
81 committee for the benefit of a candidate or candidate committee in the
82 November 6, 2018, general election shall not be counted toward such
83 aggregate amount; and

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

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

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

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

102 (8) The registrars of voters of the town of Stratford shall use the
103 same official voter list at the June 25, 2019, election ordered under this
104 resolution that was used by municipal election officials at the
105 November 6, 2018, election. Only those electors whose names

106 appeared on the official voter list for District 90-1 of the 120th
107 Assembly District on November 6, 2018, or whose names were
108 properly added by municipal election officials to said list on
109 November 6, 2018, shall be permitted to vote in the June 25, 2019,
110 election; and

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

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

123 (11) The registrars of voters of the town of Stratford shall file with
124 the Secretary of the State, not less than ten days before the June 25,
125 2019, election, a sample ballot identical to those to be provided for the
126 District 90-1 polling place located at Bunnell High School, and shall
127 jointly with the town clerk certify in writing to the Secretary of the
128 State the number of ballots that have been ordered for such polling
129 place; and

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

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

135 (14) The town clerk of the town of Stratford shall make absentee

136 ballots available on or before June 14, 2019; and

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

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

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

153 (18) Said town clerk shall issue absentee ballots in accordance with
154 sections 9-153d to 9-153f, inclusive, of the general statutes, for the June
155 25, 2019, election beginning May 10, 2019; and

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

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

163 (21) Each voting tabulator memory card to be used at the election
164 ordered under this resolution shall be programmed for the election by
165 Thursday, June 20, 2019; and

166 (22) Any candidate opting to appoint official checkers in the election
167 ordered under this resolution shall submit to the registrar of voters a
168 list of unofficial checkers not later than five o'clock p.m., Thursday,
169 June 20, 2019; and

170 (23) The testing of each voting tabulator to be used at the election
171 shall be performed not later than twelve o'clock noon, Monday, June
172 24, 2019; and

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

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

189 (26) If applicable, any required recanvass of the results of the
190 election under chapter 148 of the general statutes shall be limited to the
191 votes cast on June 25, 2019. If such recanvass is required, the results of
192 the recanvass of the June 25, 2019, election shall be aggregated with the
193 certified results of the recanvass which took place on November 13th
194 and 14th of 2018, excluding the tabulator ballots from District 90-1 cast
195 in the November 6, 2018, election, in accordance with subdivision (25)
196 of this resolution. If such recanvass is required, the recanvass shall
197 commence at nine o'clock a.m., Wednesday, June 26, 2019; and

198 (27) The municipal election officials of the town of Stratford shall
199 certify the result of the election ordered under this resolution on or
200 before five o'clock p.m., Wednesday, June 26, 2019, and shall provide
201 such certification to the Secretary of the State via electronic mail or
202 facsimile within one hour of their certification; and

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

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