OLR Bill Analysis
HB 5335

AN ACT CONCERNING REMOVAL FROM PARTY ENROLLMENT LISTS.

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 14  Nay 1  (03/06/2019)