OLR Bill Analysis
sHB 7324

AN ACT CONCERNING NECESSARY ADJUSTMENTS FOR CIRCULATORS OF NOMINATING AND PRIMARY PETITIONS.

SUMMARY

This bill eliminates the prohibition on out-of-state residents circulating (1) primary petitions on behalf of major party candidates for congressional, statewide, legislative, or municipal office or president (in a presidential preference primary) or (2) nominating petitions on behalf of petitioning candidates seeking congressional, statewide, legislative, or municipal office at a regular or special election.

The bill subjects out-of-state circulators to the same eligibility requirements the law sets for in-state circulators (i.e., that they be U.S. citizens, age 18 or older, and not on parole for a felony conviction). It also requires out-of-state circulators to sign a statement, under penalty of false statement, agreeing to submit to Connecticut’s jurisdiction in any case or controversy relating to circulating a petition.

By law, circulators must sign the petitions they submit, under penalty of false statement, and include a statement of their residency that also affirms their eligibility and the authenticity of the signatures. By law, false statement is a class A misdemeanor punishable by up to one year imprisonment, up to a $2,000 fine, or both (CGS § 53a-157b).

EFFECTIVE DATE: Upon passage

BACKGROUND

Libertarian Party of Connecticut v. Merrill

In January 2016, a federal judge granted the Libertarian Party’s motion for a preliminary injunction and temporary restraining order against the petitioning party residency requirement. The party claimed
that the requirement (1) imposed an unconstitutional burden on political speech because it was not narrowly tailored to accomplish a compelling state interest and (2) reduced the circulator pool’s size by prohibiting the use of less expensive and more effective out-of-state circulators.

In applying strict scrutiny, the court rejected the state's argument that the residency requirement was narrowly tailored to minimize voter fraud and ensure that circulators were present for pre- and post-election hearings. It also held that (1) the Libertarian Party, in demonstrating the requirement would cause speech suppression, was substantially likely to succeed on the merits and (2) a preliminary injunction would be in the public interest (Libertarian Party of Conn. v. Merrill, No. 15-CV-1851 (JCH) (D. Conn. Jan. 26, 2016)).

**Related Bill**

SB 25, reported favorably by the Government Administration and Elections Committee, makes changes to the statutes governing circulating petitions by removing the eligibility requirement that a circulator not be on parole for a felony conviction.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 16  Nay 0  (03/29/2019)