
OLR Bill Analysis

sSB 244

AN ACT CONCERNING ELIGIBILITY TO HOLD PUBLIC OFFICE OR BE EMPLOYED BY THE STATE OR ANY MUNICIPALITY.

SUMMARY

This bill generally codifies in statute and expands upon provisions in the U.S. Constitution that disqualify someone from certain elected or appointed offices because of specified actions (see BACKGROUND). Under the bill, a person is permanently ineligible to be elected or appointed to any state or municipal office or serve in the state armed forces if he or she meets all of the following criteria:

1. holds or held any elected or appointed state or municipal office, or serves or served as a sworn member of a municipal police department;
2. took an oath before beginning that position's duties to support the U.S. Constitution; and
3. engaged in insurrection or rebellion against the U.S. or gave aid or comfort to its enemies.

The bill correspondingly allows any state resident to bring a declaratory judgment action in Superior Court to determine whether a person is permanently ineligible under the bill's provisions. The declaratory judgment is for averting potential injury to the public interest, by avoiding voter confusion and disruptions in the elections process or the possibility of a vacancy in elective or appointive state or municipal office, or in maintaining the minimum strength of the state's armed forces. The bill requires that a certified copy of the court's declaration be filed with the secretary of the state upon its issuance.

Under existing law, the state's armed forces consist of the (1) National

Guard; (2) organized militia; and (3) naval militia and Marine Corps branch of the naval militia, whenever organized.

The bill also makes a person permanently ineligible to be a state or municipal employee if he or she is convicted of seditious conspiracy, insurrection, or rebellion against the U.S., or a felony related to any of these acts.

EFFECTIVE DATE: Upon passage

BACKGROUND

U.S. Constitution's Disqualification Clause

The U.S. Constitution prohibits a person from serving in Congress or as elector for president and vice president, or holding any civil or military office under the U.S. or any state, if he or she (1) previously took an oath to support the U.S. Constitution as a member of Congress, an officer of the U.S., a state legislator, or a state executive or judicial officer, and (2) subsequently engaged in insurrection or rebellion against the U.S. or gave its enemies aid or comfort. Congress may remove this disability by a two-thirds vote in each house (U.S. Constitution, Amendment XIV, § 3).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/27/2023)