



Senate

General Assembly

File No. 596

January Session, 2023

Substitute Senate Bill No. 244

Senate, April 17, 2023

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) (1) Notwithstanding any
2 provision of title 9 or 27 of the general statutes, if any person who holds
3 or held any elective or appointive state or municipal office, or serves or
4 served as a sworn member of a municipality's police department, and
5 who took an oath before entering upon the duties of such position to
6 support the Constitution of the United States engages in insurrection or
7 rebellion against the United States or gives aid or comfort to the enemies
8 of the United States, such person shall, upon such act, be permanently
9 ineligible to be elected or appointed to any state or municipal office or
10 to serve in the armed forces of the state, as defined in section 27-2 of the
11 general statutes.

12 (2) For the purposes of averting potential injury to the public interest
13 in avoiding voter confusion and disruptions in the elections process or

14 the possibility of a vacancy in elective or appointive state or municipal
 15 office, or in maintaining the minimum strength of the armed forces of
 16 the state as provided under section 27-12 of the general statutes, any
 17 resident of the state may commence a declaratory judgment action
 18 under section 52-29 of the general statutes for a determination as to
 19 whether, pursuant to subdivision (1) of this subsection, a person is
 20 permanently ineligible to be elected or appointed to any state or
 21 municipal office or to serve in the armed forces of the state. Upon the
 22 issuance of the Superior Court's declaration, a certified copy of such
 23 declaration shall be filed with the Secretary of the State.

24 (b) Notwithstanding any provision of title 5 or 7 of the general
 25 statutes, if any person is convicted of seditious conspiracy, insurrection
 26 or rebellion against the United States, or a felony in relation to any such
 27 act, such person shall, upon such conviction, be permanently ineligible
 28 to be employed by the state or any municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which makes changes regarding eligibility to hold certain state or municipal positions, does not result in a fiscal impact to the state or municipality as it is not expected to affect the ability of the state or municipalities to fill relevant offices or positions.

The Out Years**State Impact:** None**Municipal Impact:** None

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)