

Senate, April 6, 1998. The Committee on Government Administration and Elections reported through SEN. LEBEAU, 3rd DIST., Chairman of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MINOR CHANGES TO THE ELECTION LAWS.

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

1 Section 1. Section 9-153e of the general  
2 statutes is repealed and the following is  
3 substituted in lieu thereof:

4 THE FOLLOWING PERSONS MAY APPLY BEFORE A  
5 REGULAR ELECTION FOR A BLANK ABSENTEE BALLOT TO  
6 VOTE FOR ALL OFFICES BEING CONTESTED AT THE  
7 ELECTION, DUE TO MILITARY OR OTHER CONTINGENCIES  
8 WHICH PRECLUDE NORMAL MAIL DELIVERY TO SUCH  
9 PERSONS: (1) A member of the armed forces who is  
10 an elector or an applicant for admission as an  
11 elector, or the member's spouse or dependent if  
12 living where such member is stationed, [may apply  
13 before a regular election for a blank absentee  
14 ballot to vote for all offices being contested at  
15 the election] AND (2) AN ELECTOR OR APPLICANT FOR  
16 ADMISSION AS AN ELECTOR WHO IS LIVING, OR EXPECTS  
17 TO BE LIVING OR TRAVELING, OUTSIDE THE TERRITORIAL  
18 LIMITS OF THE SEVERAL STATES OF THE UNITED STATES  
19 AND THE DISTRICT OF COLUMBIA, BEFORE AND ON  
20 ELECTION DAY. The clerk shall make such ballots  
21 available for this purpose beginning not earlier  
22 than ninety days before the election. Application

23 shall be made upon a form prescribed by the  
24 Secretary of the State or on the federal postcard  
25 application form provided pursuant to the  
26 Uniformed and Overseas Citizens Absentee Voting  
27 Act, 100 Stat. 924, 42 USC 1973ff et seq., as  
28 amended from time to time, or any other applicable  
29 law. [and shall be issued only if the applicant  
30 states that due to military contingencies the  
31 regular application procedure, as set forth in  
32 section 9-140, cannot be followed.] Upon receipt  
33 of the application, the municipal clerk shall  
34 issue the ballot, which shall be prescribed and  
35 printed by the Secretary of the State, and a list  
36 of the offices to be voted upon indicating the  
37 number of individuals for which each elector may  
38 vote. As soon as a complete list of nominated  
39 candidates, including the party designations of  
40 such candidates, and questions is available, the  
41 clerk shall send such list to each applicant. If  
42 the list of candidates and questions is not  
43 available when the ballot is issued, the clerk  
44 shall include a statement indicating that such  
45 list shall be mailed as soon as it becomes  
46 available. The ballot shall permit the elector to  
47 vote by writing in the names of specific  
48 candidates and offices for which he is voting. The  
49 elector may also vote on the questions in a manner  
50 prescribed by the Secretary of the State. [If the  
51 military contingency no longer exists, application  
52 for an additional ballot for all offices may be  
53 made pursuant to the provisions of section  
54 9-153b.]

55 Sec. 2. Subsection (a) of section 9-261 of  
56 the general statutes is repealed and the following  
57 is substituted in lieu thereof:

58 (a) [When] IN EACH ELECTION, PRIMARY OR  
59 REFERENDUM, WHEN an elector has entered the  
60 polling place, he shall (1) announce his street  
61 address, if any, and his name to the checkers in a  
62 tone sufficiently loud and clear as to enable all  
63 the election officials present to hear the same  
64 and (2) (A) present to the checkers his Social  
65 Security card or any other preprinted form of  
66 identification which shows his name and either his  
67 address, signature or photograph, or (B) sign a  
68 statement under penalty of false statement, on a  
69 form prescribed by the Secretary of the State,  
70 that he is the elector whose name appears on the

71 official checklist. Each of the checkers shall  
72 check the name of such elector on the official  
73 checklist.

74 Sec. 3. Section 9-333a of the general  
75 statutes, as amended by section 11 of public act  
76 97-5 of the June 18 special session, is repealed  
77 and the following is substituted in lieu thereof:

78 As used in this chapter:

79 (1) "Committee" means a party committee,  
80 political committee or a candidate committee  
81 organized, as the case may be, for a single  
82 primary, election or referendum, or for ongoing  
83 political activities, to aid or promote the  
84 success or defeat of any political party, any one  
85 or more candidates for public office or the  
86 position of convention delegate or town committee  
87 member or any referendum question.

88 (2) "Party committee" means a [state central  
89 committee or a town] committee WHICH (A) IS  
90 ORGANIZED BY A MAJOR PARTY OR A MINOR PARTY, AS  
91 DEFINED IN SECTION 9-372, AS AMENDED, AT EITHER  
92 THE STATE OR MUNICIPAL LEVEL, OR BOTH, AND (B) HAS  
93 FILED PARTY RULES PURSUANT TO SECTION 9-374.  
94 "Party committee" does not mean a party-affiliated  
95 or district, ward or borough committee which  
96 receives all of its funds from the state central  
97 committee of its party or from a single town  
98 committee with the same party affiliation. Any  
99 such committee so funded shall be construed to be  
100 a part of its state central or town committee for  
101 purposes of this chapter.

102 (3) "Political committee" means (A) a  
103 committee organized by a business entity or  
104 organization, (B) persons other than individuals,  
105 or two or more individuals organized or acting  
106 jointly conducting their activities in or outside  
107 the state, (C) a committee established by a  
108 candidate to determine the particular public  
109 office to which he shall seek nomination or  
110 election, and referred to in this chapter as an  
111 exploratory committee or (D) a committee  
112 established by or on behalf of a slate of  
113 candidates in a primary for the position of  
114 convention delegate, but does not mean a candidate  
115 committee or a party committee.

116 (4) "Candidate committee" means any committee  
117 designated by a single candidate, or established  
118 with the consent, authorization or cooperation of

119 a candidate, for the purpose of a single primary  
120 or election and to aid or promote his candidacy  
121 alone for a particular public office or the  
122 position of town committee member, but does not  
123 mean a political committee or a party committee.

124 (5) "National committee" means the  
125 organization which according to the bylaws of a  
126 political party is responsible for the day-to-day  
127 operation of the party at the national level.

128 (6) "Organization" means all labor  
129 organizations, (A) as defined in the  
130 Labor-Management Reporting and Disclosure Act of  
131 1959, as from time to time amended, or (B) as  
132 defined in subdivision (9) of section 31-101,  
133 employee organizations as defined in subsection  
134 (d) of section 5-270 and subdivision (6) of  
135 section 7-467, bargaining representative  
136 organizations for teachers, any local, state or  
137 national organization, to which a labor  
138 organization pays membership or per capita fees,  
139 based upon its affiliation or membership, and  
140 trade or professional associations which receive  
141 their funds exclusively from membership dues,  
142 whether organized in or outside of this state, but  
143 does not mean a candidate committee, party  
144 committee or a political committee.

145 (7) "Business entity" means the following,  
146 whether organized in or outside of this state:  
147 Stock corporations, banks, insurance companies,  
148 business associations, bankers associations,  
149 insurance associations, trade or professional  
150 associations which receive funds from membership  
151 dues and other sources, partnerships, joint  
152 ventures, private foundations, as defined in  
153 Section 509 of the Internal Revenue Code of 1986,  
154 or any subsequent corresponding internal revenue  
155 code of the United States, as from time to time  
156 amended; trusts or estates; corporations organized  
157 under sections 38a-175 to 38a-192, inclusive,  
158 38a-199 to 38a-209, inclusive, and 38a-214 to  
159 38a-225, inclusive, and chapters 594 to 597,  
160 inclusive; cooperatives, and any other  
161 association, organization or entity which is  
162 engaged in the operation of a business or  
163 profit-making activity; but does not include  
164 professional service corporations organized under  
165 chapter 594a and owned by a single individual,  
166 nonstock corporations which are not engaged in

167 business or profit-making activity, organizations,  
168 as defined in subdivision (6) of this section,  
169 candidate committees, party committees and  
170 political committees as defined in this section.  
171 For purposes of this chapter, corporations which  
172 are component members of a controlled group of  
173 corporations, as those terms are defined in  
174 Section 1563 of the Internal Revenue Code of 1986,  
175 or any subsequent corresponding internal revenue  
176 code of the United States, as from time to time  
177 amended, shall be deemed to be one corporation.

178 (8) "Individual" means a human being, a sole  
179 proprietorship, or a professional service  
180 corporation organized under chapter 594a and owned  
181 by a single human being.

182 (9) "Person" means an individual, committee,  
183 firm, partnership, organization, association,  
184 syndicate, company trust, corporation, limited  
185 liability company or any other legal entity of any  
186 kind but does not mean the state or any political  
187 or administrative subdivision of the state.

188 (10) "Candidate" means an individual who  
189 seeks nomination for election or election to  
190 public office whether or not such individual is  
191 elected, and for the purposes of this chapter an  
192 individual shall be deemed to seek nomination for  
193 election or election if he has (A) been endorsed  
194 by a party or become eligible for a position on  
195 the ballot at an election or primary or (B)  
196 solicited or received contributions or made  
197 expenditures or given his consent to any other  
198 person to solicit or receive contributions or make  
199 expenditures with the intent to bring about his  
200 nomination for election or election to any such  
201 office. "Candidate" also means a slate of  
202 candidates which is to appear on the ballot in a  
203 primary for the position of convention delegate.  
204 For the purposes of sections 9-333 to 9-333l,  
205 inclusive, AS AMENDED, and section 9-333w,  
206 "candidate" also means an individual who is a  
207 candidate in a primary for town committee members.

208 (11) "Campaign treasurer" means the  
209 individual appointed by a candidate or by the  
210 chairman of a party committee or a political  
211 committee to receive and disburse funds on behalf  
212 of the candidate or committee.

213 (12) "Deputy campaign treasurer" means the  
214 individual appointed by the candidate or by the

215 chairman of a committee to serve in the capacity  
216 of the campaign treasurer if the campaign  
217 treasurer is unable to perform his duties.

218 (13) "Solicitor" means an individual  
219 appointed by a campaign treasurer of a committee  
220 to receive, but not to disburse, funds on behalf  
221 of the committee.

222 (14) "Referendum question" means a question  
223 to be voted upon at any election or referendum,  
224 including a proposed constitutional amendment.

225 (15) "Lobbyist" means a lobbyist as defined  
226 in subsection (l) of section 1-91.

227 (16) "Business with which he is associated"  
228 means any business in which the contributor is a  
229 director, officer, owner, limited or general  
230 partner or holder of stock constituting five per  
231 cent or more of the total outstanding stock of any  
232 class. Officer refers only to the president,  
233 executive or senior vice-president or treasurer of  
234 such business.

235 (17) "Independent expenditure" means an  
236 expenditure that is made without the consent,  
237 knowing participation, or consultation of, a  
238 candidate or agent of the candidate committee.  
239 "Independent expenditure" does not include an  
240 expenditure (A) if there is any coordination or  
241 direction with respect to the expenditure between  
242 the candidate or the treasurer, deputy treasurer  
243 or chairman of his candidate committee and the  
244 person making the expenditure or (B) if, during  
245 the same election cycle, the individual making the  
246 expenditure serves or has served as the treasurer,  
247 deputy treasurer or chairman of the candidate  
248 committee.

249 Sec. 4. Section 9-333y of the general  
250 statutes is repealed and the following is  
251 substituted in lieu thereof:

252 (a) Any person who knowingly and wilfully  
253 violates any provision of this chapter shall be  
254 fined not more than five thousand dollars or  
255 imprisoned not more than five years or both. The  
256 Secretary of the State or the town clerk shall  
257 notify the State Elections Enforcement Commission  
258 of any such violation of which said secretary or  
259 such town clerk may have knowledge.

260 (b) If any campaign treasurer or lobbyist  
261 fails to file the statements required by section  
262 9-333j, AS AMENDED, or subsection (g) of section

263 9-3331, AS AMENDED, as the case may be, within the  
264 time required, he shall pay a late filing fee of  
265 fifty-five dollars. In the case of a statement  
266 that is required to be filed with the Secretary of  
267 the State, the secretary shall, within ten days  
268 after the filing deadline, notify by certified  
269 mail, return receipt requested, the person  
270 required to file that, if such statement is not  
271 filed within twenty-one days after the deadline,  
272 the person is in violation of said section or  
273 subsection. If the person does not file such  
274 statement within twenty-one days after the  
275 deadline, the secretary shall notify the State  
276 Elections Enforcement Commission within  
277 twenty-eight days after the deadline. In the case  
278 of a statement that is required to be filed with a  
279 town clerk, the town clerk shall, [forthwith]  
280 WITHIN TEN DAYS after the filing deadline notify  
281 by certified mail, return receipt requested, the  
282 person required to file that, if such statement is  
283 not filed within [seven] TWENTY-ONE days after  
284 [receiving such notice, the town clerk shall  
285 notify the State Elections Enforcement Commission  
286 that] THE DEADLINE, the person is in violation of  
287 said section or subsection. IF THE PERSON DOES NOT  
288 FILE SUCH STATEMENT WITHIN TWENTY-ONE DAYS AFTER  
289 THE DEADLINE, THE TOWN CLERK SHALL NOTIFY THE  
290 STATE ELECTIONS ENFORCEMENT COMMISSION WITHIN  
291 TWENTY-EIGHT DAYS AFTER THE DEADLINE. The penalty  
292 for any violation of said section or subsection  
293 shall be a fine of not more than one thousand  
294 dollars or imprisonment for not more than one year  
295 or both.

296 GAE COMMITTEE VOTE: YEA 17 NAY 0 JF

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER SB 560**

STATE IMPACT	See Explanation Below
MUNICIPAL IMPACT	Potential Cost, see explanation below
STATE AGENCY(S)	Secretary of the State, Election Enforcement Commission

EXPLANATION OF ESTIMATES:

STATE IMPACT: Expanding access to absentee ballots could potentially increase the total number of ballots that are distributed by the Secretary of the State. It is assumed that the need for additional ballots can be accommodated within the agency's normal printing order, therefore, would have a minimal impact on the anticipated budgetary resources of the agency.

It is anticipated that any workload increase associated with applying campaign finance laws to minor parties could be handled within the anticipated budgetary resources of the Elections Enforcement Commission.

MUNICIPAL IMPACT: To the extent that expanding access to absentee ballots results in an increase in the number of requests, a workload increase and additional costs could potentially result. The workload increase is associated with preparing the materials that must be mailed to the applicant. The potential additional costs include mailing expenses. The extent of the workload increase and additional costs will vary by municipality.

Making the time frame for filing campaign finance statements consistent with that which the Secretary of

the State must follow could potentially reduce the number of notices that must be sent by the town clerk. To the extent that such a reduction occurs, a workload decrease and minimal savings could result for municipalities.

\* \* \* \* \*

### OLR BILL ANALYSIS

SB 560

#### AN ACT CONCERNING MINOR CHANGES TO THE ELECTION LAWS

**SUMMARY:** This bill:

1. allows any voter who is or expects to be out of the country, in addition to those in the military, to apply for blank absentee ballots;
2. applies the campaign finance laws for party committees to minor party committees;
3. requires voters at a referendum to show identification; and
4. makes the timeframes for town clerks' actions the same as those for the secretary of the state when campaign finance reports are late.

EFFECTIVE DATE: October 1, 1998

#### FURTHER EXPLANATION

##### Blank Absentee Ballot

The bill allows any registered voter or any person registering to vote who lives or expects to be living or traveling overseas before and on election day to apply for a blank absentee ballot. This is the ballot that lists only the offices being contested in the election, not the candidates, since it is mailed before all the candidates are known. Currently, only members of the armed forces, their spouses, and dependent children living where they are stationed can use blank absentee ballots. Town clerks provide these ballots upon application but no more than 90 days before the election, then mail a complete list of nominated

candidates with their party designations and ballot questions as soon as they are available. The voter writes on the ballot the names of the candidates and offices. The bill deletes the requirement that applicants for these ballots state that they cannot use the regular absentee ballot because of military service.

### **Minor Parties**

The bill makes state or local committees established by minor parties which have filed their rules with the secretary of the state subject to the state's campaign finance laws as a party committee rather than a political committee which generally allows them to make unlimited contributions to candidates and other committees.

### **Voter Identification**

The bill requires voters to follow the same procedures at a referendum as they must for an election or primary under current law, including showing identification. Voters must either (1) present a social security card or any preprinted identification card that has their name and either an address, signature, or photograph or (2) attest to their identity in writing.

### **Campaign Finance Statement Deadlines**

The bill makes the timeframes that town clerks must follow when a campaign finance statement has not been filed by the deadline the same as those that the secretary of the state follows. Under the bill, the clerk has 10 days after the filing deadline to send a notice to the filer; currently, the clerk must send the notice "forthwith" after the deadline. The bill gives the filer 21 days after the deadline, rather than seven days after receiving the notice, to send in the report. Otherwise, the clerk must notify the State Elections Enforcement Commission (SEEC) which, under the bill, must be within 28 days after the filing deadline. Current law requires notifying the SEEC if the filer fails to send in the statement after receiving the notice, but does not set a deadline for this notice.

### **BACKGROUND**

**"Minor Party"**

A minor party is a political organization whose candidate for governor in the last election received less than 20% of the total vote cast for the office or that has less than 20% of the total number of enrolled party members in the state, but has established minor party status because its candidate for an office received at least 1% of the total number of votes cast for the particular office at the last election.

**Campaign Finance Statements**

Party committees; committees formed for a constitutional amendment referendum; individual lobbyists; political committees (PACs); and candidate committees formed for candidates for statewide offices, sheriff, probate judge, and members of the General Assembly file their statements with the secretary of the state. Committees formed for a local referendum question, and PACs and candidate committees for other public offices, such as municipal office or town committee member, file with the appropriate town clerk. Town committees and convention delegate slate committees file with both.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Report  
Yea 17      Nay 0