



House of Representatives

General Assembly

File No. 348

February Session, 2016

Substitute House Bill No. 5387

House of Representatives, March 31, 2016

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CIRCULATION OF NOMINATING PETITIONS.

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

1 Section 1. Section 9-453e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to nominating petitions circulated on or after said date*):

4 Each circulator of a nominating petition page shall be a United
5 States citizen [] and at least eighteen years of age [and a resident of a
6 town in this state] and shall not be on parole for conviction of a felony.
7 Any individual proposed as a candidate in any nominating petition
8 may serve as circulator of the pages of such nominating petition.

9 Sec. 2. Section 9-453j of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective from passage and*
11 *applicable to nominating petitions circulated on or after said date*):

12 Each page of a nominating petition submitted to the town clerk or

13 the Secretary of the State and filed with the Secretary of the State under
14 the provisions of sections 9-453a to 9-453s, inclusive, or section 9-216
15 shall contain a statement as to the [residency in this state and]
16 eligibility of the circulator and authenticity of the signatures [thereon]
17 on the nominating petition, signed under [penalties] penalty of false
18 statement, by the person who circulated the [same] nominating
19 petition. Such statement shall set forth (1) such circulator's residence
20 address, [including the town in this state in which such circulator is a
21 resident,] (2) the circulator's date of birth and that the circulator is at
22 least eighteen years of age, (3) that the circulator is a United States
23 citizen and not on parole for conviction of a felony, [and] (4) that each
24 person whose name appears on such page signed [the same] such page
25 in person in the presence of [such] the circulator and that either the
26 circulator knows each such signer or [that the] such signer
27 satisfactorily identified himself or herself to the circulator, and (5) that
28 the circulator agrees to submit to the jurisdiction of this state in any
29 case or controversy arising out of or related to the circulation of a
30 nominating petition pursuant to this subpart. Any false statement
31 committed with respect to such statement shall be deemed to have
32 been committed in the town in which the petition was circulated.

33 Sec. 3. Subsection (a) of section 9-453k of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective from*
35 *passage and applicable to nominating petitions circulated on or after said*
36 *date*):

37 (a) The town clerk or Secretary of the State shall not accept any page
38 of a nominating petition unless the circulator [thereof] of such
39 nominating petition has signed before him or an appropriate person as
40 provided in section 1-29 [,] the statement as to the [residency in this
41 state and] eligibility of the circulator and authenticity of the signatures
42 [thereon] on the nominating petition required by section 9-453j, as
43 amended by this act.

44 Sec. 4. Subsection (a) of section 9-453o of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective from*

46 *passage and applicable to nominating petitions circulated on or after said*
 47 *date):*

48 (a) The Secretary of the State may not count, for purposes of
 49 determining compliance with the number of signatures required by
 50 section 9-453d, the signatures certified by the town clerk on any
 51 petition page filed under sections 9-453a to 9-453s, inclusive, or 9-216
 52 if: (1) The name of the candidate, [his] the candidate's address or the
 53 party designation, if any, has been omitted from the face of the
 54 petition; (2) the page does not contain a statement by the circulator as
 55 to the [residency in this state and] eligibility of the circulator and
 56 authenticity of the signatures [thereon] on such page as required by
 57 section 9-453j, as amended by this act, or upon which such statement of
 58 the circulator is incomplete in any respect; or (3) the page does not
 59 contain the certifications required by sections 9-453a to 9-453s,
 60 inclusive, by the town clerk of the town in which the signers reside.
 61 The town clerk shall cure any omission on [his] the town clerk's part
 62 by signing any such page at the office of the Secretary of the State and
 63 making the necessary amendment or by filing a separate statement in
 64 this regard, which amendment shall be dated.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to nominating petitions circulated on or after said date</i>	9-453e
Sec. 2	<i>from passage and applicable to nominating petitions circulated on or after said date</i>	9-453j
Sec. 3	<i>from passage and applicable to nominating petitions circulated on or after said date</i>	9-453k(a)

Sec. 4	<i>from passage and applicable to nominating petitions circulated on or after said date</i>	9-453o(a)
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Statement of Legislative Commissioners:

In Section 2(4), "the same" was bracketed and after the closing bracket "such page" was inserted for clarity, and "that the" was bracketed and "such" was inserted before "signer" for proper grammar; in Section 3(a), "thereof" was bracketed and after the closing bracket "of such nominating petition" was inserted for clarity; and in Section 4(a)(2), "thereon" was bracketed and after the closing bracket "on such page" was inserted for clarity.

GAE *Joint Favorable Subst. -LCO*

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 eliminates the requirement that circulators of nominating petitions be residents of this state, has no fiscal impact.

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

OLR Bill Analysis**sHB 5387*****AN ACT CONCERNING THE CIRCULATION OF NOMINATING PETITIONS.*****SUMMARY:**

This bill eliminates the prohibition on out-of-state residents circulating nominating petitions on behalf of petitioning party candidates seeking statewide, legislative, or municipal office at a regular or special election. It subjects out-of-state circulators to the same eligibility requirements as those that 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).

By law, circulators must sign the petitions they submit, under penalty of false statement, and include a statement affirming their eligibility and the authenticity of the signatures. The bill requires that circulators additionally agree to submit to Connecticut's jurisdiction in any case or controversy relating to petition circulation. By law, false statement is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

The bill retains the residency requirement for individuals circulating primary petitions on behalf of candidates for statewide, legislative, or municipal office, or president (in a presidential preference primary) (CGS §§ 9-404b, -410, and -468).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage and applicable to nominating petitions circulated on or after that date.

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 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 size of the circulator pool 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. 3:15-CV-1851 (JCH) (D. Conn. Jan. 26, 2016)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/11/2016)