



General Assembly

January Session, 2019

Committee Bill No. 6065

LCO No. 5329



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING SPECIAL ELECTIONS TO FILL STATE
LEGISLATIVE VACANCIES.***

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

1 Section 1. Subsections (d) and (e) of section 9-215 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2019*):

4 (d) (1) [If such] (A) Except as provided in subparagraph (B) of this
5 subdivision, if a vacancy resulting from the resignation or death of a
6 member or member-elect of the General Assembly exists in a senatorial
7 or assembly district composed of a single town or part of a single
8 town, [such] nominations by political parties to fill any such vacancy
9 shall be made as the rules of such parties provide, in accordance with
10 section 9-390, and filed with the Secretary of the State; except that [(A)]
11 (i) if such rules provide for selection by delegates and the vacancy
12 exists in a senatorial or assembly district composed of a single town,
13 the delegates to the convention held for the nomination of a candidate
14 for the office of state senator or state representative in such town at the
15 last state election shall be the delegates for the purpose of selecting a

16 [candidate] nominee to fill such vacancy; [(B)] (ii) if such rules provide
17 for the selection by delegates and the vacancy exists in a senatorial or
18 assembly district composed of part of a single town, the delegates to
19 the convention held for the nomination of a candidate for the office of
20 state senator or state representative in such district at the last state
21 election shall be the delegates for the purpose of selecting a [candidate]
22 nominee to fill such vacancy; and [(C)] (iii) if such rules provide for
23 direct primaries under section 9-390, the nomination shall be made by
24 the town committee of such party in the case of a vacancy in a
25 senatorial or assembly district composed of a single town and, in a
26 senatorial or assembly district composed of part of a single town, by
27 the members of the town committee from such political subdivision or
28 senatorial or assembly district.

29 (B) (i) If a vacancy resulting from the resignation or death of a
30 member or member-elect of the General Assembly exists in (I) a
31 senatorial or assembly district composed of a single town, nominations
32 by political parties to fill any such vacancy may be made by caucus of
33 the enrolled members of such parties in such town, or (II) a senatorial
34 or assembly district composed of part of a single town, nominations by
35 political parties to fill any such vacancy may be made by caucus of the
36 enrolled members of such parties in such district.

37 (ii) As used in this subparagraph, "caucus" means any meeting, at a
38 designated hour and place, or at designated hours and places, of the
39 enrolled members of a political party within a town or district, as
40 applicable, for the purpose of making nominations to fill a vacancy
41 resulting from the resignation or death of a member or member-elect
42 of the General Assembly.

43 (2) [If such] (A) Except as provided in subparagraph (B) of this
44 subdivision, if a vacancy resulting from the resignation or death of a
45 member or member-elect of the General Assembly exists in a district
46 office, as defined in section 9-372, nominations by political parties to
47 fill any such vacancy shall be made by the delegates to the senatorial

48 or assembly convention for the last state election. [shall be the
49 delegates for the purpose of selecting a candidate to fill such vacancy.]

50 (B) (i) If a vacancy resulting from the resignation or death of a
51 member or member-elect of the General Assembly exists in a district
52 office, nominations by political parties to fill any such vacancy may be
53 made by caucus of the enrolled members of such parties in the
54 geographic portion of the state served by such district office.

55 (ii) As used in this subparagraph, "caucus" means any meeting, at a
56 designated hour and place, or at designated hours and places, of the
57 enrolled members of a political party within the geographic portion of
58 the state served by a district office for the purpose of making
59 nominations to fill a vacancy resulting from the resignation or death of
60 a member or member-elect of the General Assembly.

61 (3) If a vacancy occurs in the delegation from any town, political
62 subdivision or district, such vacancy may be filled by the town
63 committee of the town in which the delegate resided.

64 (4) Nominations by political parties pursuant to this section may be
65 made and certified at any time after the resignation or death of the
66 member or member-elect of the General Assembly and not later than
67 the thirty-sixth day before the day of the election. No such nomination
68 shall be effective until the presiding officer or secretary of any district
69 convention, or the chairperson or presiding officer of any caucus held
70 pursuant to subdivision (2) of this subsection, has certified the
71 nomination to the Secretary of the State or, in the case of a vacancy in a
72 senatorial or assembly district composed of a single town or part
73 thereof, until the presiding officer or secretary of the town committee
74 or single town convention, or the chairperson or presiding officer of
75 any caucus held pursuant to subdivision (1) of this subsection, has
76 certified the nomination to the Secretary of the State. If a certificate of a
77 party's nomination to fill a vacancy resulting from the resignation or
78 death of a member or member-elect of the General Assembly is not
79 received by the Secretary of the State on or before the thirty-sixth day

80 prior to the day of the election, such certificate shall be invalid and
81 such party, for the purposes of section 9-224a, shall be deemed to have
82 made no valid certification of nomination [by a political party] for such
83 senatorial or assembly office.

84 (e) No primary shall be held for the nomination of any political
85 party to fill any vacancy in the office of state senator or state
86 representative and the [party-endorsed candidate so selected]
87 candidate selected in accordance with subsection (d) of this section
88 shall be deemed, for the purposes of chapter 153, the person certified
89 by the Secretary of the State under section 9-444 as the nominee of such
90 party.

91 Sec. 2. Subparagraph (A) of subdivision (5) of subsection (a) of
92 section 9-7b of the general statutes is repealed and the following is
93 substituted in lieu thereof (*Effective October 1, 2019*):

94 (5) (A) To inspect or audit at any reasonable time and upon
95 reasonable notice the accounts or records of any treasurer or principal
96 treasurer, except as provided for in subparagraph (B) of this
97 subdivision, as required by chapter 155 or 157 and to audit any such
98 election, primary or referendum held within the state; provided, (i) (I)
99 not later than two months preceding the day of an election at which a
100 candidate is seeking election, the commission shall complete any audit
101 it has initiated in the absence of a complaint that involves a committee
102 of the same candidate from a previous election, and (II) during the
103 two-month period preceding the day of an election at which a
104 candidate is seeking election, the commission shall not initiate an audit
105 in the absence of a complaint that involves a committee of the same
106 candidate from a previous election, and (ii) the commission shall not
107 audit any caucus, as defined in subdivision (1) of section 9-372, or any
108 caucus held pursuant to subsection (d) of section 9-215, as amended by
109 this act.

110 Sec. 3. Section 9-396 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2019*):

112 At any caucus of the enrolled members of any party in any
113 municipality or in any voting district of any municipality, [the
114 chairman] or at any caucus held pursuant to subsection (d) of section
115 9-215, as amended by this act, the chairperson or presiding officer of
116 such caucus shall, upon the receipt of a written motion from any
117 person lawfully participating in such caucus calling for a vote by ballot
118 upon such matter as such motion designates, submit such motion to a
119 rising vote; and, if fifteen electors present and legally entitled to
120 participate in such caucus vote in favor of such motion, the vote on the
121 matter specified in such motion shall be by ballot. The chairperson or
122 presiding officer shall thereupon appoint two tellers; and, upon the
123 written application of fifteen electors legally entitled to participate in
124 such caucus, he or she shall appoint a teller from the persons whose
125 names appear on such application. Before any ballot is deposited, the
126 name of the elector offering to vote shall be given to the clerk or
127 secretary of such caucus, and such name shall be checked on the
128 enrollment list of such party. No person shall vote or participate or
129 attempt to vote or participate in any caucus of a party in any voting
130 district unless he is enrolled on the last-completed enrollment list of
131 such party in such voting district; provided, if the party rules of such
132 party provide for a joint caucus for two or more voting districts of a
133 municipality, a person may vote in such joint caucus if the voting
134 district in which he is enrolled is participating in such joint caucus.
135 Any person who violates any provision of this section shall be guilty of
136 a class D misdemeanor.

137 Sec. 4. Section 9-414 of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective October 1, 2019*):

139 (a) No town committee, caucus or convention shall endorse and
140 certify to the clerk of a municipality, and no primary shall choose,
141 more candidates for nomination to municipal office or more persons as
142 members of a town committee than an elector may vote for in each
143 such case. As used in this subsection, "caucus", "convention" and
144 "primary" have the same meanings as provided in section 9-372.

145 (b) No caucus, as defined in subdivision (1) or (2), as applicable, of
146 subsection (d) of section 9-215, as amended by this act, and held
147 pursuant to said subsection, shall nominate and certify to the Secretary
148 of the State more candidates for nomination to the office of state
149 senator or state representative than an elector may vote for in the
150 election held pursuant to said section.

151 Sec. 5. Section 9-431a of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective October 1, 2019*):

153 A person whose name does not appear on the registry list of any
154 town or district shall not be eligible to vote in any caucus, primary or
155 town convention, as those terms are defined in section 9-372, within
156 such town, or in any caucus, as defined in subdivision (1) or (2), as
157 applicable, of subsection (d) of section 9-215, as amended by this act,
158 and held pursuant to said subsection.

159 Sec. 6. Subdivision (3) of subsection (a) of section 9-706 of the
160 general statutes are repealed and the following is substituted in lieu
161 thereof (*Effective October 1, 2019*):

162 (3) A participating candidate for nomination to the office of state
163 senator or state representative at a special election in 2008, or
164 thereafter, may apply to the State Elections Enforcement Commission
165 for a grant from the fund under the Citizens' Election Program for a
166 general election campaign after the close of the (A) district convention,
167 (B) caucus held pursuant to subsection (d) of section 9-215, as amended
168 by this act, or (C) municipal caucus, convention or town committee
169 meeting of the candidate's party that is called for the purpose of
170 choosing candidates for nomination for the office that the candidate is
171 seeking. As used in subparagraph (B) of this subdivision, "caucus" has
172 the same meaning as provided in subdivision (1) or (2), as applicable,
173 of subsection (d) of section 9-215, as amended by this act, and as used
174 in subparagraph (C) of this subdivision, "caucus" has the same
175 meaning as provided in section 9-372.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	9-215(d) and (e)
Sec. 2	<i>October 1, 2019</i>	9-7b(a)(5)(A)
Sec. 3	<i>October 1, 2019</i>	9-396
Sec. 4	<i>October 1, 2019</i>	9-414
Sec. 5	<i>October 1, 2019</i>	9-431a
Sec. 6	<i>October 1, 2019</i>	9-706(a)(3)

Statement of Purpose:

To allow political parties to hold caucuses to determine nominees to run in special elections to fill state legislative vacancies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. GILCHREST, 18th Dist.

H.B. 6065