



General Assembly

January Session, 2021

Committee Bill No. 5540

LCO No. 5600



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING CERTAIN AUTHORITY OF THE SECRETARY
OF THE STATE.***

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

1 Section 1. Section 9-3 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) (1) The Secretary of the State, by virtue of the office, shall be the
4 Commissioner of Elections of the state, with such powers and duties
5 relating to the conduct of elections as are prescribed by law and, unless
6 otherwise provided by state statute and subject to the provisions of
7 subdivision (2) of this subsection, the Secretary's regulations,
8 declaratory rulings, instructions and opinions, if in written form, and
9 any order issued under subsection (b) of this section [, shall be presumed
10 as correctly interpreting and effectuating the administration of elections
11 and primaries under this title, except for chapters 155 to 158, inclusive,
12 and] shall be executed, carried out or implemented, as the case may be,
13 provided nothing in this section shall be construed to alter the right of
14 appeal provided under the provisions of chapter 54. Any such written
15 instruction or opinion shall be labeled as an instruction or opinion

16 issued pursuant to this section, as applicable, and any such instruction
17 or opinion shall cite any authority that is discussed in such instruction
18 or opinion.

19 (2) (A) In the case of any declaratory ruling issued pursuant to section
20 4-176, or any instruction, opinion or order issued under the provisions
21 of this section, that is so issued earlier than ninety days prior to any
22 regular election, the Secretary of the State shall adopt such declaratory
23 ruling, instruction, opinion or order as a regulation, in accordance with
24 the provisions of chapter 54. Prior to any such issuance, the Secretary
25 shall publish on the eRegulations System a notice of intent to adopt (i)
26 such declaratory ruling as a regulation not later than sixty days after
27 receipt of a petition for a declaratory ruling, and (ii) such instruction,
28 opinion or order as a regulation immediately upon proposing to so issue
29 any such instruction, opinion or order. Such declaratory ruling,
30 instruction, opinion or order shall be effective when the regulation is
31 posted on the eRegulations System by the Secretary of the State under
32 section 4-172.

33 (B) In the case of any declaratory ruling issued pursuant to section 4-
34 176, or any instruction, opinion or order issued under the provisions of
35 this section, that is so issued later than ninety days prior to any regular
36 election, the Secretary of the State shall submit such declaratory ruling,
37 instruction, opinion or order to the General Assembly. The General
38 Assembly may disapprove such declaratory ruling, instruction, opinion
39 or order by a majority vote in each chamber. In any matter challenging
40 a decision of the General Assembly with regard to any such declaratory
41 ruling, instruction, opinion or order, the Supreme Court shall exercise
42 original jurisdiction.

43 (b) During any municipal, state or federal election, primary or
44 recanvass, or any audit conducted pursuant to section 9-320f, the
45 Secretary of the State may issue an order, whether orally or in writing,
46 to any registrar of voters or moderator to correct any irregularity or
47 impropriety in the conduct of such election, primary or recanvass or

48 audit. Any such order shall be effective upon issuance. As soon as
49 practicable after issuance of an oral order pursuant to this subsection,
50 the Secretary shall reduce such order to writing, cite within such order
51 any applicable provision of law authorizing such order and cause a copy
52 of such written order to be delivered to the individual who is the subject
53 of such order or, in the case that such order was originally issued in
54 writing, issue a subsequent written order that conforms to such
55 requirements. The Superior Court, on application of [the Secretary or]
56 the Attorney General, may enforce by appropriate decree or process any
57 such order issued pursuant to this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-3

Statement of Purpose:

To (1) eliminate the presumption that the Secretary of the State's declaratory rulings, opinions, instructions and orders correctly interpret and effectuate the administration of elections and primaries, (2) require that any such declaratory ruling, opinion, instruction or order be submitted for review and approval by the legislative branch, and (3) eliminate the ability of the Secretary to apply to the Judicial Branch for enforcement of certain orders issued by the Secretary.

[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. MASTROFRANCESCO, 80th Dist.; REP. FRANCE, 42nd Dist.
REP. CARPINO, 32nd Dist.; REP. FISHBEIN, 90th Dist.
REP. LABRIOLA, 131st Dist.; SEN. SAMPSON, 16th Dist.
REP. ANDERSON, 62nd Dist.

H.B. 5540