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Ballot Controls Proposed For Candidates

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The secretary of the state is proposing a change that would force candidates to petition their way onto the November ballot weeks before a party primary.

The move would allow voters to know upfront that candidates who lose a primary collected enough signatures to be on the ballot on Election Day.

Secretary of the State Susan Bysiewicz said she is making the proposal after U.S. Sen. Joseph Lieberman collected signatures and formed his own party last summer after it looked likely he could lose the Democratic primary to Greenwich cable entrepreneur Ned Lamont. In the fall election, Lieberman ran as petition candidate and won.

"This issue came to light because Senator Lieberman decided to petition onto the ballot under the Connecticut for Lieberman party label," Bysiewicz said.

Her proposal, which will be reviewed by the General Assembly's Government Administration and Elections Committee later this session, would move up the deadline for submitting petitions - Aug. 9, the day after the primary - by weeks.

Bysiewicz's proposal does not go as far as the "sore-loser" laws, found in more than 40 states, that force candidates to make a choice - either run in a primary or petition their way onto the ballot.

Facing a primary challenge from Lamont, Lieberman created his own party and collected the 7,500 signatures needed to run as a petition candidate in the general election. The backup plan paid off when Lieberman lost the Democratic Party nomination but won a fourth term in November as a self-described "independent Democrat."

Although Lieberman tipped his hand in mid-July by filing paperwork to begin collecting signatures, the schedule allowed his campaign to remain coy about the petition drive and whether he might concede to Lamont rather than split the party.

"Primary voters should have that information available to them prior to the primary," said Bysiewicz, a Democrat. "It's beneficial to the candidates. If you're another major or minor party candidate, you should know who your general election opponents will be."

Her proposal is receiving a mixed reception from legislators on the elections committee, even though it was endorsed last week by the State Democratic Party and Chairwoman Nancy DiNardo.

State Sen. Gayle Slossberg, D-Milford, co-chairwoman of the elections committee who supports the change, said it would fix an oversight left after the legislature changed the date for primaries. It also would create more openness, Slossberg said.

"It used to be we did (primaries) in September. Now we moved them to August. But we didn't move the corresponding date for the petitions back a month," she said. "It puts the electorate on notice to what a candidate's intentions are and the candidates on notice as to who likely will be on the ballot in the general election."

But her co-chairman, state Rep. Chris Caruso, D-Bridgeport, is less certain.

"I'm not really convinced we need to change it yet," Caruso said. "We may want to look at moving the primary back to September."

Ranking Republican state Sen. Judith Freedman of Westport said she opposes Bysiewicz's proposal. Freedman said she does not understand the logic of forcing someone to declare they are a petition candidate as they are vying in a primary.

"You might win it and you don't need any of that," Freedman said. "I think the Democrats' noses are out of joint because they lost."

But for some, Bysiewicz's proposal does not go far enough.

Fairfield University politics professor John Orman is a former Democrat and Lieberman critic who recently took over the Connecticut for Lieberman party after Lieberman and his supporters abandoned it.

Orman said he hoped Bysiewicz would pursue a "sore-loser" law.

"If it's a Republican or Democratic primary, I don't think they should be allowed to continue. Our parties are pretty weak in America and this is one of the minimal things we have," Orman said. "You've been a (party) member your whole life, finally lose a primary and say, 'Oh, I want to run again.' It defeats the purpose."

Bysiewicz said some question the point of paying for a primary when a losing candidate can remain on the ballot.

"Some folks believe very strongly if you participate in a primary that you ought to accept the results," Bysiewicz said. "I believe in giving people more access to the ballot rather than less . . . and I think there would be a First Amendment problem with prohibiting someone from being on the ballot again in November."

But Richard Winger of California, editor of the Web site Ballot Access News, said 46 states have laws that prevent primary losers from continuing their campaigns, and none has been challenged successfully.

"The U.S. Supreme Court upheld 'sore-loser' laws in 1974 in a California case," Winger said.

But he said he opposes such laws.

Connecticut "proved they were perfectly capable of having a well-run election with a sore loser on the ballot," Winger said. "The point of the framers of the Constitution was to make sure the people can pick anybody they want to represent them in Congress, assuming they're citizens and old enough. We ought to have enough loyalty for the Constitution to stick up for that."

Had Bysiewicz pursued a "sore-loser" law, she would have faced an uphill battle from the Democrats running the elections committee. Slossberg and Caruso said they do not want to limit ballot access.

Edward Still, an Alabama elections attorney who maintains a Web site and blog called Votelaw, said that if Bysiewicz's new deadline passes, party leaders could establish their own rules preventing primary candidates from running simultaneously as petition candidates.

"That would prevent anybody from having two different choices (and) actually give the change in law some teeth," Still said.
