



House of Representatives

General Assembly

File No. 633

January Session, 2009

Substitute House Joint Resolution No. 113

House of Representatives, April 15, 2009

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute joint resolution ought to be adopted.

RESOLUTION AMENDING THE STATE CONSTITUTION TO ALLOW EARLY VOTING.

Resolved by this Assembly:

1 That the following be proposed as an amendment to the
2 Constitution of the State, which, when approved and adopted in the
3 manner provided by the Constitution, shall, to all intents and
4 purposes, become a part thereof:

5 Section 1. Section 7 of article sixth of the Constitution is amended to
6 read as follows:

7 The general assembly may provide by law for voting in the choice of
8 any officer to be elected or upon any question to be voted on at an
9 election by qualified voters of the state [who are unable to appear at
10 the polling place on the day of election because of absence from the
11 city or town of which they are inhabitants or because of sickness or
12 physical disability or because the tenets of their religion forbid secular
13 activity] who do not appear in person at a polling place on the day of

14 an election.

15 Sec. 2. Section 4 of article fourth of the Constitution is amended to
16 read as follows:

17 [At the meetings of the electors in the respective towns held
18 quadrennially as herein provided for the election of state officers, the
19 presiding officers shall receive the votes and shall count and declare
20 the same in the presence of the electors.] The votes at the election of
21 state officers shall be counted and declared by the presiding officers.
22 The presiding officers shall make and certify duplicate lists of the
23 persons voted for, and of the number of votes for each. One list shall
24 be delivered within three days to the town clerk, and within ten days
25 after such meeting, the other shall be delivered under seal to the
26 secretary of the state. The votes so delivered shall be counted,
27 canvassed and declared by the treasurer, secretary, and comptroller,
28 within the month of November. The vote for treasurer shall be
29 counted, canvassed and declared by the secretary and comptroller
30 only; the vote for secretary shall be counted, canvassed and declared
31 by the treasurer and comptroller only; and the vote for comptroller
32 shall be counted, canvassed and declared by the treasurer and
33 secretary only. A fair list of the persons and number of votes given for
34 each, together with the returns of the presiding officers, shall be, by the
35 treasurer, secretary and comptroller, made and laid before the general
36 assembly, then next to be held, on the first day of the session thereof.
37 In the election of governor, lieutenant-governor, secretary, treasurer,
38 comptroller and attorney general, the person found upon the count by
39 the treasurer, secretary and comptroller in the manner herein
40 provided, to be made and announced before December fifteenth of the
41 year of the election, to have received the greatest number of votes for
42 each of such offices, respectively, shall be elected thereto; provided, if
43 the election of any of them shall be contested as provided by statute,
44 and if such a contest shall proceed to final judgment, the person found
45 by the court to have received the greatest number of votes shall be
46 elected. If two or more persons shall be found upon the count of the
47 treasurer, secretary and comptroller to have received an equal and the

48 greatest number of votes for any of said offices, and the election is not
49 contested, the general assembly on the second day of its session shall
50 hold a joint convention of both houses, at which, without debate, a
51 ballot shall be taken to choose such officer from those persons who
52 received such a vote; and the balloting shall continue on that or
53 subsequent days until one of such persons is chosen by a majority vote
54 of those present and voting. The general assembly shall have power to
55 enact laws regulating and prescribing the order and manner of voting
56 for such officers. The general assembly shall by law prescribe the
57 manner in which all questions concerning the election of a governor or
58 lieutenant-governor shall be determined.

59 Sec. 3. Section 9 of article third of the Constitution is amended to
60 read as follows:

61 At all elections for members of the general assembly the presiding
62 officers in the several towns shall [receive the votes of the electors,
63 and] count and declare [them] votes of the electors in open meeting.
64 The presiding officers shall make and certify duplicate lists of the
65 persons voted for, and of the number of votes for each. One list shall
66 be delivered within three days to the town clerk, and within ten days
67 after such meeting, the other shall be delivered under seal to the
68 secretary of the state.

69 RESOLVED: That the foregoing proposed amendment to the
70 Constitution be continued to the next session of the General Assembly
71 elected at the general election to be held on November 2, 2010, and
72 published with the laws passed at the present session, or be presented
73 to the electors at the general election to be held on November 2, 2010,
74 whichever the case may be, according to article sixth of the
75 amendments to the Constitution. The designation of said proposed
76 amendment to be used on the voting machine ballot labels and
77 absentee ballots at such election shall be "Shall the Constitution of the
78 State be amended to authorize voting without appearing in person at a
79 polling place on the day of an election?"

Statement of Legislative Commissioners:

In section 1, "without appearing" was deleted and "who do not appear" was substituted for clarity. The bracketed language in section 3 was altered and the words "votes of the electors" were added for clarity and to conform with the intent of the committee.

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Secretary of the State	GF - Cost	None	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

This resolution is anticipated to have a cost of \$5,000 to the Office of the Secretary of the State in FY 11 (for the November 2010 election) for providing posters with the proposed constitutional amendment question and explanation to each polling place in every municipality. This cost will cover the printing and mailing of the posters. Since all materials required for placing a constitutional amendment on the ballot are supplied by the State, no costs will be incurred by municipalities.

The Out Years

None

Source: Office of the Secretary of the State (based on costs of constitutional amendment posters for the November 2008 election)

OLR Bill Analysis**sHJ 113****RESOLUTION AMENDING THE STATE CONSTITUTION TO ALLOW EARLY VOTING.****SUMMARY:**

This resolution proposes a constitutional amendment to (1) eliminate the requirement for electors to gather on Election Day to elect state officers and (2) remove restrictions on absentee voting.

The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to authorize voting without appearing in person at a polling place on the day of an election?"

Currently, the state constitution sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices (Article 3 § 8 and Article 4 § 1). With one exception, it requires electors to gather at a meeting on this day to elect state officers (Article 4 § 2). The exception is for electors who cast their vote by absentee ballot because they will be out of town, sick, or physically disabled or the tenets of their religion prohibits secular activity on Election Day (Article 6 § 7).

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house of the General Assembly, it will be placed on the 2010 general election ballot. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2011 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2012 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

BACKGROUND

Related Bill

sSJ 43, also favorably reported by the Government Administration and Elections Committee, proposes a constitutional amendment to remove restrictions on absentee voting.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 1 (03/27/2009)