



General Assembly

**Substitute House Joint
Resolution No. 113**

January Session, 2009

* HJ00113GAE 033009 *

**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.*