



General Assembly

Amendment

January Session, 2009

LCO No. 7454

HJ0011307454HDO

Offered by:
REP. SPALLONE, 36th Dist.

To: Subst. House Joint Resolution File No. 633 Cal. No. 423
No. 113

**"RESOLUTION AMENDING THE STATE CONSTITUTION TO
ALLOW EARLY VOTING."**

1 Strike everything after the resolving clause and substitute the
2 following in lieu thereof:

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

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

9 a. The general assembly may provide by law for voting by absentee
10 ballot, as defined by law, in the choice of any officer to be elected or
11 upon any question to be voted on at an election by qualified voters of
12 the state who are unable to appear at the polling place on the day of
13 election because of absence from the city or town of which they are

14 inhabitants, [or] because of sickness or physical disability or caregiving
15 duties for a sick or physically disabled person, because the tenets of
16 their religion forbid secular activity, because of active service with the
17 armed forces of the United States or because of the required
18 performance of duties as a primary, election or referendum official at a
19 polling place other than their own during all of the hours of voting.

20 b. The general assembly may provide by law for voting in person on
21 a day or days prior to the day of an election in the choice of any officer
22 to be elected or upon any question to be voted on at an election by
23 qualified voters of the state.

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

26 [At the meetings of the electors in the respective towns held
27 quadrennially as herein provided for the election of state officers, the
28 presiding officers shall receive the votes and shall count and declare
29 the same in the presence of the electors.] At all elections for state
30 officers, the presiding officers in the several towns shall count and
31 declare the votes of the electors in open meeting. The presiding officers
32 shall make and certify duplicate lists of the persons voted for, and of
33 the number of votes for each. One list shall be delivered within three
34 days to the town clerk, and within ten days after such meeting, the
35 other shall be delivered under seal to the secretary of the state. The
36 votes so delivered shall be counted, canvassed and declared by the
37 treasurer, secretary, and comptroller, within the month of November.
38 The vote for treasurer shall be counted, canvassed and declared by the
39 secretary and comptroller only; the vote for secretary shall be counted,
40 canvassed and declared by the treasurer and comptroller only; and the
41 vote for comptroller shall be counted, canvassed and declared by the
42 treasurer and secretary only. A fair list of the persons and number of
43 votes given for each, together with the returns of the presiding officers,
44 shall be, by the treasurer, secretary and comptroller, made and laid
45 before the general assembly, then next to be held, on the first day of
46 the session thereof. In the election of governor, lieutenant-governor,

47 secretary, treasurer, comptroller and attorney general, the person
48 found upon the count by the treasurer, secretary and comptroller in
49 the manner herein provided, to be made and announced before
50 December fifteenth of the year of the election, to have received the
51 greatest number of votes for each of such offices, respectively, shall be
52 elected thereto; provided, if the election of any of them shall be
53 contested as provided by statute, and if such a contest shall proceed to
54 final judgment, the person found by the court to have received the
55 greatest number of votes shall be elected. If two or more persons shall
56 be found upon the count of the treasurer, secretary and comptroller to
57 have received an equal and the greatest number of votes for any of
58 said offices, and the election is not contested, the general assembly on
59 the second day of its session shall hold a joint convention of both
60 houses, at which, without debate, a ballot shall be taken to choose such
61 officer from those persons who received such a vote; and the balloting
62 shall continue on that or subsequent days until one of such persons is
63 chosen by a majority vote of those present and voting. The general
64 assembly shall have power to enact laws regulating and prescribing
65 the order and manner of voting for such officers. The general assembly
66 shall by law prescribe the manner in which all questions concerning
67 the election of a governor or lieutenant-governor shall be determined.

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

70 At all elections for members of the general assembly the presiding
71 officers in the several towns shall [receive the votes of the electors,
72 and] count and declare [them] the votes of the electors in open
73 meeting. The presiding officers shall make and certify duplicate lists of
74 the persons voted for, and of the number of votes for each. One list
75 shall be delivered within three days to the town clerk, and within ten
76 days after such meeting, the other shall be delivered under seal to the
77 secretary of the state.

78 RESOLVED: That the foregoing proposed amendment to the
79 Constitution be continued to the next session of the General Assembly

80 elected at the general election to be held on November 2, 2010, and
81 published with the laws passed at the present session, or be presented
82 to the electors at the general election to be held on November 2, 2010,
83 whichever the case may be, according to article sixth of the
84 amendments to the Constitution. The designation of said proposed
85 amendment to be used on the voting machine ballot labels and
86 absentee ballots at such election shall be "Shall the Constitution of the
87 State be amended to authorize voting in person on a day or days prior
88 to the day of an election and by absentee ballot for individuals unable
89 to appear at a polling place as a result of caregiving duties for a sick or
90 physically disabled person, active service in the armed forces or
91 required performance of duties as a primary, election or referendum
92 official in a polling place other than their own?"