



House of Representatives

General Assembly

File No. 416

January Session, 2011

House Joint Resolution No. 88

House of Representatives, April 6, 2011

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the joint resolution ought to be adopted.

RESOLUTION AMENDING THE STATE CONSTITUTION TO GRANT AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION.

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

47 be found upon the count of the treasurer, secretary and comptroller to
48 have received an equal and the greatest number of votes for any of
49 said offices, and the election is not contested, the general assembly on
50 the second day of its session shall hold a joint convention of both
51 houses, at which, without debate, a ballot shall be taken to choose such
52 officer from those persons who received such a vote; and the balloting
53 shall continue on that or subsequent days until one of such persons is
54 chosen by a majority vote of those present and voting. The general
55 assembly shall have power to enact laws regulating and prescribing
56 the order and manner of voting for such officers. The general assembly
57 shall by law prescribe the manner in which all questions concerning
58 the election of a governor or 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 6, 2012, 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 6, 2012,
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 remove restrictions concerning absentee ballots
79 and to permit a person to vote without appearing at a polling place on

80 the day of an election?"

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$
Secretary of the State	GF - Potential Cost	5,000

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 13 (for the November 2012 election) or FY 15 (for the November 2014 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

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HJ 88*****RESOLUTION AMENDING THE STATE CONSTITUTION TO GRANT AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION.*****SUMMARY:**

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

For state officers, the resolution also lifts the constitutional deadlines by which the lists of results (i.e., moderator's returns) must be delivered to town clerks and the secretary of the state (within three days after an election and within 10 days after, respectively). It retains deadlines for General Assembly members. In practice, moderators deliver their returns earlier than these deadlines (see BACKGROUND).

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 remove restrictions concerning absentee ballots and to permit a person to vote without appearing 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 2012 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 2013 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2014 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

Moderator Returns

The statutes require moderators to deliver their returns (1) by electronic means no later than midnight on Election Day (in which case they must also deliver a paper copy no later than three days after an election); (2) by hand to the secretary of the state no later than 6:00 pm the day after an election; or (3) by hand to the State Police by 4:00 pm the day after an election, who must then deliver it by hand to the secretary no later than 6:00 pm the same day. Moderators must deliver the returns to their respective town clerks on or before the day after an election (CGS § 9-314).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 2 (03/23/2011)