



House of Representatives

General Assembly

File No. 464

January Session, 2017

Substitute House Joint Resolution No. 95

House of Representatives, April 6, 2017

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute joint resolution ought to be adopted.

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY AND REGIONAL VOTING.

Resolved by this Assembly:

1 Section 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 7 of article sixth of the Constitution is amended to read as
6 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] do not appear at a polling place on the day of election,

14 provided any such voting in person shall occur not more than five
15 days prior to such day of election.

16 Section 9 of article third of the Constitution is amended to read as
17 follows:

18 At all elections for members of the general assembly the presiding
19 officers in the several towns shall [receive the votes of the electors,
20 and] count and declare [them] the votes of the electors in open
21 meeting. The presiding officers shall make and certify duplicate lists of
22 the persons voted for, and of the number of votes for each. One list
23 shall be delivered [within three days] to the town clerk, and [within
24 ten days after such meeting,] the other shall be delivered under seal to
25 the secretary of the state.

26 Section 4 of article fourth of the Constitution is amended to read as
27 follows:

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

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

70 RESOLVED: That the foregoing proposed amendment to the
71 Constitution be continued to the next session of the General Assembly
72 elected at the general election to be held on November 6, 2018, and
73 published with the laws passed at the present session, or be presented
74 to the electors at the general election to be held on November 6, 2018,
75 whichever the case may be, according to article sixth of the
76 amendments to the Constitution. The designation of said proposed
77 amendment to be used on the ballots at such election shall be "Shall the
78 Constitution of the State be amended to expand eligibility for voting
79 by absentee ballot and permit electors to vote in person up to five days
80 prior to the day of an election?"

GAE *Joint Favorable Subst.*

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 18 \$	FY 19 \$
Secretary of the State	GF - Cost	None	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This resolution proposes an amendment to the State Constitution to permit early and regional voting.

The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 19 (for the November 2018 election) for providing posters with the proposed constitutional amendment question and explanation to each polling place in every municipality. The FY 19 cost may be shifted into FY 21 pursuant to the requirements of the constitutional amendment process.

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, and the vote will occur in a regularly scheduled statewide election, no costs will be incurred by municipalities.

The Out Years

The cost identified above is one-time. However, the FY 19 cost may be shifted into FY 21 pursuant to the requirements of the constitutional amendment process, as noted above.

OLR Bill Analysis

sHJ 95

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY AND REGIONAL VOTING.**SUMMARY**

This resolution proposes a constitutional amendment to (1) eliminate the requirement that electors gather on election day to vote for state officers and state legislators, (2) authorize the General Assembly to provide by law for voting starting five days before an election, (3) remove the constitution's current restrictions on absentee voting.

The resolution also allows the General Assembly to provide by law for voting, starting five days before election day, in polling places serving more than one political subdivision. It makes a conforming change by eliminating a requirement that a person be a bona fide resident of the town in which he or she seeks to be admitted as an elector.

Finally, the resolution lifts the constitutional deadlines by which the lists of results (i.e., moderator returns) for state officers and state legislators must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively). State statutes set earlier deadlines by which they must submit these returns (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 permit electors to vote prior to the day of an election and at polling places that serve multiple political subdivisions of the state?"

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 2018 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 2019 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2020 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

CURRENT CONSTITUTIONAL PROVISIONS

The state constitution currently sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices (Article III, § 8 and Article IV, § 1). With one exception, it requires electors to gather at a meeting on this day to elect state legislators and state officers (Article III, § 9 and Article IV, § 4).

The exception authorizes the General Assembly to pass a law allowing electors to cast their votes by absentee ballot if they will be out of town, they are sick or have a physical disability, or the tenets of their religion prohibit secular activity on election day (Article VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

If passed, the resolution would amend the constitution to remove these provisions.

BACKGROUND

Moderator Returns

The statutes require moderators to do the following:

1. prepare a preliminary list of results and electronically transmit it to the secretary of the state by midnight on election day,
2. electronically transmit a “duplicate list of the votes” to the secretary no later than 48 hours after the polls close,

3. deliver a sealed copy of the duplicate list to the secretary no later than the third day after the election, and
4. provide a copy of the duplicate list to the town clerk (CGS § 9-314).

Absentee Voting

State statutes permit qualified electors to vote by absentee ballot if:

1. they are absent from the municipality in which they reside during all hours of voting;
2. they are ill or have a physical disability;
3. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
4. they are in active service in the U.S. Armed Forces; or
5. their duties as election or referendum officials outside of their voting district will keep them away during all hours of voting (CGS § 9-135).

Related Constitutional Amendment and Bill

HJ 96, reported favorably by the Government Administration and Elections (GAE) Committee, proposes a constitutional amendment to allow the General Assembly to provide by law for no-excuse absentee voting.

SB 897, reported favorably by the House GAE Committee, amends CGS § 9-135 to allow electors to vote by absentee ballot if they are absent from the municipality in which they reside; the absence need not span all voting hours as under current law.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9 Nay 8 (03/17/2017)