



House of Representatives

File No. 798

General Assembly

January Session, 2017

(Reprint of File No. 464)

Substitute House Joint Resolution No. 95
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 25, 2017

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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 a. The general assembly may provide by law for voting in the choice
8 of 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 the
10 polling place on the day of election because of absence from the city or
11 town of which they are inhabitants or because of sickness or physical
12 disability or because the tenets of their religion forbid secular activity.

13 b. The general assembly may provide by law for voting in person in

14 the choice of any officer to be elected or upon any question to be voted
15 on at an election (1) by qualified voters of the state who do not appear
16 at the polling place on the day of election, (2) for a minimum of eight
17 hours on each day for not less than two days and not more than five
18 days during the fourteen days prior to such day of election, and (3) in
19 the city or town of which such qualified voters are inhabitants.

20 Section 9 of article third of the Constitution is amended to read as
21 follows:

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

30 Section 4 of article fourth of the Constitution is amended to read as
31 follows:

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

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

74 RESOLVED: That the foregoing proposed amendment to the
75 Constitution be continued to the next session of the General Assembly
76 elected at the general election to be held on November 6, 2018, and
77 published with the laws passed at the present session, or be presented
78 to the electors at the general election to be held on November 6, 2018,
79 whichever the case may be, according to article sixth of the

80 amendments to the Constitution. The designation of said proposed
81 amendment to be used on the ballots at such election shall be "Shall the
82 Constitution of the State be amended to allow the General Assembly to
83 provide opportunities for early voting in person during the fourteen
84 days prior to the day of an election?"

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

The resolution proposes an amendment to the State Constitution to permit early 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.

The 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.

House "A" makes various changes to the underlying resolution which does not alter the fiscal impact.

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 (as amended by House "A")*****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 and (2) authorize the General Assembly to provide by law for an in-person, early voting period.

Under the amendment, the early voting period must occur during the 14 days before an election and include (1) a minimum of two early voting days and a maximum of five early voting days and (2) at least eight hours during each early voting day. In addition, electors may vote early only in the municipality where they reside.

The amendment also 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 allow the General Assembly to provide opportunities for early voting in person during the fourteen days prior to the day of an election?"

*House Amendment "A" eliminates provisions in the underlying resolution that (1) removed that constitution's current restrictions on absentee voting and (2) allowed the General Assembly to provide by

law for early voting on a regional basis.

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.

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).

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)