



House of Representatives

General Assembly

File No. 386

February Session, 2018

House Joint Resolution No. 28

House of Representatives, April 10, 2018

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 joint resolution ought to be adopted.

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY 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 Sec. 7. a. The general assembly may provide by law for voting in the
8 choice of any officer to be elected or upon any question to be voted on
9 at an election by qualified voters of the state who are unable to appear
10 at 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.

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

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

23 Sec. 9. At all elections for members of the general assembly the
24 presiding officers in the several towns shall [receive the votes of the
25 electors, and] count and declare [them] the votes of the electors in open
26 meeting. The presiding officers shall make and certify duplicate lists of
27 the persons voted for, and of the number of votes for each. One list
28 shall be delivered [within three days] to the town clerk, and [within
29 ten days after such meeting,] the other shall be delivered under seal to
30 the secretary of the state.

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

33 Sec. 4. [At the meetings of the electors in the respective towns held
34 quadrennially as herein provided for the election of state officers, the
35 presiding officers shall receive the votes and shall count and declare
36 the same in the presence of the electors] The votes at the election of
37 state officers shall be counted and declared in open meeting by the
38 presiding officers in the several towns. The presiding officers shall
39 make and certify duplicate lists of the persons voted for, and of the
40 number of votes for each. One list shall be delivered [within three
41 days] to the town clerk, and [within ten days after such meeting,] the
42 other shall be delivered under seal to the secretary of the state. The
43 votes so delivered shall be counted, canvassed and declared by the
44 treasurer, secretary, and comptroller, within the month of November.
45 The vote for treasurer shall be counted, canvassed and declared by the
46 secretary and comptroller only; the vote for secretary shall be counted,

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

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

82 amendment to be used on the ballots at such election shall be "Shall the
83 Constitution of the State be amended to allow the General Assembly to
84 provide opportunities for early voting in person during the fourteen
85 days prior to 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 19 \$	FY 20 \$
Secretary of the State	GF - Cost	5,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution proposes an amendment to the State Constitution to allow 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 on the same day as 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**HJ 28*****RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY 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 at least two and no more than five early voting days, and 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?"

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 immediately 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

SJ 31, reported favorably by the House Government Administration and Elections Committee, contains the same provisions.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 9 Nay 8 (03/23/2018)