
OLR Bill Analysis

sHJ 161

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING AND NO-EXCUSE ABSENTEE VOTING.

SUMMARY

This resolution proposes a constitutional amendment to (1) eliminate the requirement that electors gather on the day of an election to vote for state officers and state legislators; (2) remove the constitution's current restrictions on absentee voting; and (3) require an in-person, early voting period for at least three days before any state or municipal election or referendum. (The resolution does not designate an entity for establishing the early voting period and it is unclear whether this requirement applies to primaries.)

The amendment also (1) 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) and (2) removes the requirement that the second list be submitted under seal. The General Statutes set earlier deadlines by which moderators 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 provide a minimum of three days of early voting and to allow all voters to vote by absentee ballot?"

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 2020 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 2021 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2022 general election

ballot. If a majority of those voting on the amendment in the general election approves it, the amendment 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 (see BACKGROUND).

If passed, the resolution would amend the constitution by removing 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

CGS 9-135 permits qualified electors to vote by absentee ballot if:

5. they are absent from the municipality in which they reside during all hours of voting;
6. they are ill or have a physical disability;
7. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
8. they are in active service in the U.S. Armed Forces; or
9. their duties as primary, election, or referendum officials outside of their voting district will keep them away during all hours of voting.

Related Constitutional Amendment

SJ 27, reported favorably by the Government Administration and Elections Committee, proposes a constitutional amendment to permit no-excuse absentee voting.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 6 (03/20/2019)