
OLR Bill Analysis

sHJ 161 (as amended by House "A")*

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) authorize the General Assembly to provide by law for in-person, early voting before any state or municipal election or referendum; (2) eliminate the requirement that election officials receive and declare votes on the day of an election for state officers and state legislators; and (3) remove the requirement that the second list of election results for state officers and state legislators, which must be sent to the secretary of the state within 10 days after the election, be submitted under seal.

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 the General Assembly to provide for early voting?"

*House Amendment "A" eliminates provisions in the underlying resolution that (1) remove the constitution's current restrictions on absentee voting; (2) require an in-person, early voting period for at least three days before any state or municipal election or referendum; and (3) lift 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.

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 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).

It currently requires election officials to receive and declare votes on this day to elect state legislators and state officers, with one exception (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 for specified reasons (Article VI, § 7) (see BACKGROUND).)

If passed, the resolution would amend the constitution by removing the requirement that election officials receive and declare votes on the day of an election for state officers and state legislators.

BACKGROUND

Absentee Voting

The General Assembly exercised its authority to provide for absentee voting and passed laws codified at CGS § 9-135. Under CGS § 9-135, qualified electors may 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 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)