



# House of Representatives

General Assembly

**File No. 436**

January Session, 2019

Substitute House Joint Resolution No. 161

*House of Representatives, April 4, 2019*

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 AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING AND NO-EXCUSE ABSENTEE 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] will  
10 not appear at the polling place on the day of election. [because of  
11 absence from the city or town of which they are inhabitants or because  
12 of sickness or physical disability or because the tenets of their religion

13 forbid secular activity.]

14 b. There shall be a minimum of three days of voting in person prior  
15 to election day in the choice of any officer to be elected or upon any  
16 question to be voted on at an election by qualified voters of the state.

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

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

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

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

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

71 RESOLVED: That the foregoing proposed amendment to the  
72 Constitution be continued to the next session of the General Assembly  
73 elected at the general election to be held on November 3, 2020, and  
74 published with the laws passed at the present session, or be presented  
75 to the electors at the general election to be held on November 3, 2020,  
76 whichever the case may be, according to article sixth of the  
77 amendments to the Constitution. The designation of said proposed  
78 amendment to be used on the ballots at such election shall be "Shall the  
79 Constitution of the State be amended to provide a minimum of three

80 days of early voting and to allow all voters to vote by absentee ballot?"

**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 20 \$	FY 21 \$
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: 1) provide a minimum of three days of early voting, 2) allow all voters to vote by absentee ballot, 3) eliminate the requirement that electors gather on the day of an election to vote for state officers and state legislators, and 4) lift constitutional deadlines by which the lists of results for state officers and state legislators must be delivered to town clerks and the Secretary of the State and removes the requirement that the second list be submitted under seal.

The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 21 (for the November 2020 election) for providing posters with the proposed constitutional amendment question and explanation to each polling place in every municipality.

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 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 21 cost may be shifted into FY 23 pursuant to the requirements of the constitutional amendment process.

**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)