



Senate

General Assembly

File No. 663

January Session, 2019

Senate Joint Resolution No. 14

Senate, April 15, 2019

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, 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, and (2) in the city or town of
18 which such qualified voters are inhabitants.

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

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

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

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

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

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

82 provide opportunities for early voting in person prior to the day of an
83 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 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) eliminate the requirement that electors gather on the day of an election to vote for state officers and state legislators, 2) authorize the General Assembly to provide by law for in-person early voting for state or municipal elections or referenda, and 3) lift certain constitutional deadlines.

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**SJ 14****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 the day of an election to vote for state officers and state legislators and (2) authorize the General Assembly to provide by law for in-person early voting for state or municipal elections or referenda. Under the amendment, 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). 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 allow the General Assembly to provide opportunities for early voting in person 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 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.

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

sHJ 161 (File 436), reported favorably by the Government Administration and Elections Committee, proposes a constitutional amendment to require an early voting period and allow for no-excuse absentee voting.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 10 Nay 5 (03/29/2019)