Offered by:
REP. FOX, 148th Dist.
SEN. FLEXER, 29th Dist.

To: Subst. House Joint Resolution       File No. 436       Cal. No. 237
No. 161

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

1 Strike everything after the resolving clause and substitute the
2 following in lieu thereof:

3 "Section 1. That the following be proposed as an amendment to the
4 Constitution of the State, which, when approved and adopted in the
5 manner provided by the Constitution, shall, to all intents and
6 purposes, become a part thereof:

7 Section 7 of article sixth of the Constitution is amended to read as
8 follows:

9 Sec. 7. The general assembly may provide by law for voting in the
10 choice of any officer to be elected or upon any question to be voted on
11 at an election by qualified voters of the state who are unable to appear
12 at the polling place on the day of election because of absence from the
city or town of which they are inhabitants or because of sickness or physical disability or because the tenets of their religion forbid secular activity. The general assembly may further provide by law for voting in person prior to the day of election in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state.

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

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

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

Sec. 4. [At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors] The votes at the election of state officers shall be counted and declared in open meeting by the presiding officers in the several towns. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered [under seal] to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller, within the month of November. The vote for treasurer shall be counted, canvassed and declared by the secretary and comptroller only; the vote for secretary shall be counted,
canvassed and declared by the treasurer and comptroller only; and the
vote for comptroller shall be counted, canvassed and declared by the
treasurer and secretary only. A fair list of the persons and number of
votes given for each, together with the returns of the presiding officers,
shall be, by the treasurer, secretary and comptroller, made and laid
before the general assembly, then next to be held, on the first day of
the session thereof. In the election of governor, lieutenant-governor,
secretary, treasurer, comptroller and attorney general, the person
found upon the count by the treasurer, secretary and comptroller in
the manner herein provided, to be made and announced before
December fifteenth of the year of the election, to have received the
greatest number of votes for each of such offices, respectively, shall be
elected thereto; provided, if the election of any of them shall be
contested as provided by statute, and if such a contest shall proceed to
final judgment, the person found by the court to have received the
greatest number of votes shall be elected. If two or more persons shall
be found upon the count of the treasurer, secretary and comptroller to
have received an equal and the greatest number of votes for any of
said offices, and the election is not contested, the general assembly on
the second day of its session shall hold a joint convention of both
houses, at which, without debate, a ballot shall be taken to choose such
officer from those persons who received such a vote; and the balloting
shall continue on that or subsequent days until one of such persons is
chosen by a majority vote of those present and voting. The general
assembly shall have power to enact laws regulating and prescribing
the order and manner of voting for such officers. The general assembly
shall by law prescribe the manner in which all questions concerning
the election of a governor or lieutenant-governor shall be determined.

RESOLVED: That the foregoing proposed amendment to the
Constitution be continued to the next session of the General Assembly
elected at the general election to be held on November 3, 2020, and
published with the laws passed at the present session, or be presented
to the electors at the general election to be held on November 3, 2020,
whichever the case may be, according to article sixth of the
amendments to the Constitution. The designation of said proposed amendment to be used on the ballots at such election shall be "Shall the Constitution of the State be amended to permit the General Assembly to provide for early voting?"