



General Assembly

**Amendment**

*January Session, 2021*

LCO No. **9507**



Offered by:

SEN. SAMPSON, 16<sup>th</sup> Dist.

SEN. BERTHEL, 32<sup>nd</sup> Dist.

SEN. KELLY, 21<sup>st</sup> Dist.

To: House Joint Resolution No. **59**      File No. 97      Cal. No. 417

**"RESOLUTION APPROVING AN AMENDMENT TO THE STATE  
CONSTITUTION TO ALLOW FOR EARLY VOTING."**

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

3      "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 purposes,  
6 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

13 city or town of which they are inhabitants or because of sickness or  
14 physical disability or because the tenets of their religion forbid secular  
15 activity. The general assembly may further provide by law for voting in  
16 person prior to the day of election in the choice of any officer to be  
17 elected or upon any question to be voted on at an election by qualified  
18 voters of the state.

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 shall  
26 be delivered within three days to the town clerk, and within ten days  
27 after such meeting, the other shall be delivered [under seal] to the  
28 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 the  
34 same in the presence of the electors] The votes at the election of state  
35 officers shall be counted and declared in open meeting by the presiding  
36 officers in the several towns. The presiding officers shall make and  
37 certify duplicate lists of the persons voted for, and of the number of  
38 votes for each. One list shall be delivered within three days to the town  
39 clerk, and within ten days after such meeting, the other shall be  
40 delivered [under seal] to the secretary of the state. The votes so delivered  
41 shall be counted, canvassed and declared by the treasurer, secretary,  
42 and comptroller, within the month of November. The vote for treasurer  
43 shall be counted, canvassed and declared by the secretary and  
44 comptroller only; the vote for secretary shall be counted, canvassed and

45 declared by the treasurer and comptroller only; and the vote for  
46 comptroller shall be counted, canvassed and declared by the treasurer  
47 and secretary only. A fair list of the persons and number of votes given  
48 for each, together with the returns of the presiding officers, shall be, by  
49 the treasurer, secretary and comptroller, made and laid before the  
50 general assembly, then next to be held, on the first day of the session  
51 thereof. In the election of governor, lieutenant-governor, secretary,  
52 treasurer, comptroller and attorney general, the person found upon the  
53 count by the treasurer, secretary and comptroller in the manner herein  
54 provided, to be made and announced before December fifteenth of the  
55 year of the election, to have received the greatest number of votes for  
56 each of such offices, respectively, shall be elected thereto; provided, if  
57 the election of any of them shall be contested as provided by statute, and  
58 if such a contest shall proceed to final judgment, the person found by  
59 the court to have received the greatest number of votes shall be elected.  
60 If two or more persons shall be found upon the count of the treasurer,  
61 secretary and comptroller to have received an equal and the greatest  
62 number of votes for any of said offices, and the election is not contested,  
63 the general assembly on the second day of its session shall hold a joint  
64 convention of both houses, at which, without debate, a ballot shall be  
65 taken to choose such officer from those persons who received such a  
66 vote; and the balloting shall continue on that or subsequent days until  
67 one of such persons is chosen by a majority vote of those present and  
68 voting. The general assembly shall have power to enact laws regulating  
69 and prescribing the order and manner of voting for such officers. The  
70 general assembly shall by law prescribe the manner in which all  
71 questions concerning the election of a governor or lieutenant-governor  
72 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 8, 2022, 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 8, 2022,  
78 whichever the case may be, according to article sixth of the amendments

79 to the Constitution. The designation of said proposed amendment to be  
80 used on the ballots at such election shall be "Shall the Constitution of the  
81 State be amended to remove the one-day limitation on in-person voting  
82 to allow the General Assembly to provide for opportunities of early  
83 voting without any limitation?"