



House of Representatives

General Assembly

File No. 97

January Session, 2021

House Joint Resolution No. 59

House of Representatives, March 22, 2021

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 joint resolution ought to be adopted.

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

Resolved by this Assembly:

1 Section 1. WHEREAS, at the 2019 regular session of the General
2 Assembly of the state of Connecticut, said General Assembly did
3 approve, by at least a majority, but by less than three-fourths, of the total
4 membership of each house, a resolution proposing an amendment to the
5 Constitution of the State which amendment, in accordance with article
6 sixth of the amendments to the Constitution, was published in the
7 manner prescribed therein and continued to the present regular session
8 of the General Assembly, and which resolution is as follows:

9 "Resolved by this Assembly:

10 Section 1. That the following be proposed as an amendment to the
11 Constitution of the State, which, when approved and adopted in the
12 manner provided by the Constitution, shall, to all intents and purposes,
13 become a part thereof:

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

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

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

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

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

38 Sec. 4. [At the meetings of the electors in the respective towns held
39 quadrennially as herein provided for the election of state officers, the
40 presiding officers shall receive the votes and shall count and declare the
41 same in the presence of the electors] The votes at the election of state
42 officers shall be counted and declared in open meeting by the presiding
43 officers in the several towns. The presiding officers shall make and
44 certify duplicate lists of the persons voted for, and of the number of
45 votes for each. One list shall be delivered within three days to the town

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

80 RESOLVED: That the foregoing proposed amendment to the

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

90 NOW, THEREFORE, BE IT RESOLVED BY THIS ASSEMBLY: That
91 the said amendment so proposed is approved and that it be presented
92 to the electors at the general election to be held on November 8, 2022.

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 22 \$	FY 23 \$
Secretary of the State	GF - Cost	None	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This resolution proposes a constitutional amendment to authorize the General Assembly to provide by law for in-person, early voting before an election or referendum.

The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 23 (for the November 2022 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.

As 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 23 cost may be shifted into FY 25 pursuant to the requirements of the constitutional amendment process.

OLR Bill Analysis**HJ 59*****RESOLUTION APPROVING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING.*****SUMMARY**

This resolution proposes a constitutional amendment to authorize the General Assembly to provide by law for in-person, early voting before an election or referendum. It also removes the requirement that a duplicate list of election results for state officers and state legislators, which under the constitution must be sent to the secretary of the state within 10 days after the election, be submitted under seal. (Under the General Statutes, moderators must send a duplicate list of election results to the secretary (1) electronically within 48 hours after the election and (2) under seal within three days after the election (CGS § 9-314).)

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?"

EFFECTIVE DATE: If the resolution passes by a majority of the membership 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. It currently requires election officials to receive and declare votes on this day to elect state legislators and state officers, with one exception. (The exception authorizes the General Assembly to pass

a law allowing electors to cast their votes by absentee ballot for specified reasons (e.g., illness or physical disability).)

If passed, the resolution would authorize the General Assembly to provide by law for in-person, early voting before an election or referendum. To effectuate this, it eliminates the requirement that election officials receive and declare votes on the day of an election for state officers and state legislators.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 4 (03/05/2021)