



General Assembly

**Substitute House Joint
Resolution No. 161**

January Session, 2019



**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.*