

# EXPLANATORY TEXT FOR QUESTION #1

## PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF CONNECTICUT

In accordance with Article Twelfth of the Constitution of the State of Connecticut, the following proposed amendment to the constitution was approved by a majority of the total membership of each house, final legislative action thereon having been taken on the date indicated, and is to be voted upon by the electors of each town in the State at the State Election to be held Tuesday, November 4, 2014.

If a majority of the electors voting on the proposed amendment approve the same, the amendment shall become part of the Constitution of the State.

Under Section 2-30a of the General Statutes, the secretary of the state must cause the proposed amendment and the explanatory text thereof, prepared by the Office of Legislative Research and approved by the Committee on Government Administration and Elections of the General Assembly, to be printed and transmitted to each town clerk in sufficient supply for public distribution.

Accordingly, following is the designation of the proposed amendment as it will appear on regular and absentee ballots, the text of the proposed amendment, and the explanatory text as to the content and purpose thereof, prepared by the Office of Legislative Research and approved by the Committee on Government Administration and Elections of the General Assembly. Included in parentheses before the text of the proposed amendment is the number of the House Joint Resolution in which the amendment was proposed.

### DESIGNATION ON BALLOT

1. Shall the Constitution of the State be amended to remove restrictions concerning absentee ballots and to permit a person to vote without appearing at a polling place on the day of an election?

### TEXT OF THE PROPOSED AMENDMENT

(As set forth in H.J.R. No. 36 of 2013)

Section 1. Section 7 of article sixth of the Constitution is amended to read as follows:

The general assembly may provide by law for voting 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 who ~~[are unable to appear 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]~~ do not appear in person at a polling place on the day of an election.

Sec. 2. Section 4 of article fourth of the Constitution is amended to read as follows:

~~[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.

Sec. 3. Section 9 of article third of the Constitution is amended to read as follows:

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.

\*In the text of the proposed amendment, strikethrough material is being deleted and underlined material is new.

Adopted May 8, 2013

#### **EXPLANATORY TEXT AS TO THE CONTENT AND PURPOSE**

If this constitutional amendment passes, it would give the General Assembly greater authority to pass a law allowing voters to cast their ballots without having to (1) appear at their polling place on election day or (2) provide a reason for voting by absentee ballot.

If the amendment passes, it would also eliminate the constitutional deadlines by which election moderators must submit their election returns to their town clerks and the secretary of the state (i.e., within 3 and 10 days after an election, respectively). The Connecticut General Statutes set earlier deadlines by which they must submit these returns (e.g., midnight on election day to the secretary of the state).

#### ***Further Explanation***

The state constitution contains provisions regarding the administration of elections in Connecticut, including requiring voters to cast their ballots at their polling place on election day, unless they qualify to vote by absentee ballot. Under the constitution, voters may qualify for an absentee ballot if they will be out of town, are sick or have a physical disability, or the tenets of their religion prohibit secular activity on election day. Because these restrictions are in the constitution, the General Assembly does not currently have the authority to pass a law that changes them. The constitutional amendment would eliminate these restrictions.