

CV22-5032649

NO.

: SUPERIOR COURT

NOEMI SOTO

: JUDICIAL DISTRICT OF NEW BRITAIN

VS

: AT NEW BRITAIN

STATE OF CONNECTICUT

: NOVEMBER 7, 2022

COMPLAINT & REQUEST FOR DECLARATORY JUDGEMENT

Authority:

I, Noemi Soto, the named Plaintiff, am seeking declaratory relief pursuant to CGS Sec. 9-371b¹. Whereas, I am a person claiming to have been aggrieved by rulings made from election officials in connection with a referendum. Declaratory Judgment is being sought in accordance with CT PB Sec. 17-55. Whereas,

- (1) By the act of amending the Connecticut Constitution I am in danger of losing substantial rights, power and privilege over ballot security and election integrity.
- (2) There is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement between the parties.
- (3) And there is no other form of proceeding that can provide immediate redress.

COMPLAINT

- A) The Connecticut General Assembly (CGA) did grossly error in the enacting of Public Act 21-1, also known as, House Joint Resolution No. 59, Resolution Act No. 21-1, RESOLUTION APPROVING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING (HJ-59).
- B) Due Process for the Act **was not adhered to** in accordance with the governing authority, **Article Sixth of the Amendments to the Constitutionⁱⁱ** which states that:

"Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year."

- C) The Referendum Constitutional Question in association with HJ-59, under the designation of **"Shall the Constitution of the State be amended to permit the General Assembly to provide for early voting?"**, will not only permit early voting, but will also remove the Constitutional requirement to submit election results to the Secretary of State under seal.
- D) In violation of **CGS Sec. 2-18ⁱⁱⁱ**, the Referendum Constitutional Question in association with HJ-59 fails to end with a statement of the intended objective addressed by the amendment. The amendment proposed addresses two distinctly separate and substantially material objectives; the first objective is to provide by law for early voting; the second is to remove the requirement for providing election results to the Secretary of State "under seal". The Referendum Constitutional Question violates **CGS Sec. 2-18** because it ends with a statement for only one of the intended objectives that is addressed by the proposed amendment.

STATEMENTS OF FACTS

- (1) In Session Year 2019, RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY VOTING, **S.J. No. 14 (SJ-14)**, was introduced by the Government Administration and Elections Committee.
- (2) No Roll Call Vote Tally record is evidenced in the Bill History of SJ-14 for the House nor the Senate. The only voting record noted is the Committee Vote Tally.
- (3) 2021-02-17, In Session Year 2021, RESOLUTION APPROVING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING, **HJ-59**, was introduced by the Government Administration and Elections Committee.
- (4) **SJ-14** and **HJ-59** are not integrally the same. In **SJ-14**, no brackets are enclosed to indicate any intent to remove any of the "under seal" provisions within the constitutional text. Under **HJ-59** however, the brackets are introduced to schedule the removal of "under seal" provisions in addition to all the other amendments introduced with **SJ-14**. **Because the two bills are substantially different, no claim can be made that HJ-59 is a continuation of SJ-14.**
- (5) **HJ-59** was introduced in the 2021 Session and passed by at least three-fourths of the total membership of the House, but by less than three-fourths of the total membership of the Senate. In Accordance with Article Sixth of the Amendments to the Constitution:

"An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, **shall be published** with the laws which may have been passed at the same session **and be continued** to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year."
- (6) Under Article Sixth of the Amendments to the Constitution there is a provision that permits for an amendment that was **continued** from the previous general assembly and that is "again approved" by at least a majority of the total membership of each house, to be presented to the electors but that provision can not be correctly applied due to the material fact that **HJ-59** is not a continuation of any bill previously approved by the general assembly.

- (7) **HJ-59** was erroneously considered approved by the CGA under the instruction that they only needed "at least a majority of the total membership of each house".
- (8) The designated question for the approved bill and Public Act at issue is currently on the November 8, 2022 ballot.

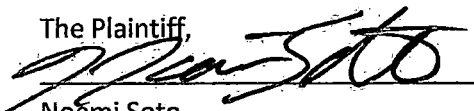
STATEMENT OF REMEDY

A) Plaintiff believes that the Referendum Question, "Shall the Constitution of the State be amended to permit the General Assembly to provide for early voting?", was unlawfully approved to be on the ballot for November 8, 2022, this election year, and as a result, Public Act 21-1, RA 21-1, HJ-59 and any and all resulting effect in association, should be declared legally null and void in their entirety.

B) Plaintiff also believes that the volume and severity of the errors committed by the members and staff of the CGA are sufficient to conclude gross negligence on parties directly responsible for the drafting, approval, and legal interpretation of contingent Constitutional and statutory authority used to process HJ-59. Plaintiff seeks a declaratory judgment that either affirms or rejects this belief for the purpose of determining whether or not culpability can be reasonably applied to any or the allegation made in this complaint.

I, Noemi Soto, do solemnly swear that the statements contained herein are true to the best of my knowledge and belief, so help me God.

The Plaintiff,

 Pro Se
Noemi Soto

CT Justice of the Peace
230 Whiting St. #6
New Britain, CT. 06051
860.256.1999

Sec. 9-371b. Rulings by election officials re referendum. Complaints to Superior Court. Time limitation. Notice to Secretary of the State and State Elections Enforcement Commission. Hearing. Orders. ~~Any person (1) claiming to have been aggrieved by any ruling of any election official in connection with a referendum.~~ (2) claiming that there has been a mistake in the count of votes cast for a referendum, or (3) claiming to be aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at a referendum, ~~may bring a complaint to any judge of the Superior Court for relief from such ruling, mistake or violation.~~ In any action brought pursuant to the provisions of this section, the complainant **shall** send a copy of the complaint by first class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such referendum, such judge shall proceed expeditiously to render judgment on the complaint and **shall** cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such referendum, it shall be brought within thirty days after such referendum to any judge of the Superior Court, in which the person **shall** set out the claimed errors of the election official, the claimed errors in the count or the claimed violations of said sections. Such judge **shall** forthwith order a hearing to be held upon such complaint, upon a day not more than five or less than three days from the making of such order, and **shall** cause notice of not less than three or more than five days to be given to any person who may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties to the hearing, of the time and place for the hearing upon such complaint. Such judge **shall**, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judge may order any voting tabulators to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge **shall**, if such judge finds any error in the rulings of the election official or any mistake in the count of the votes, certify the result of such judge's finding or decision to the Secretary of the State before the tenth day succeeding the conclusion of the hearing. Such judge **may** order a new referendum or a change in the existing referendum schedule. Such certificate of such judge's finding or decision **shall** be final and conclusive upon all questions relating to errors in the ruling of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and **shall** operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, except that this section **shall** not affect the right of appeal to the Supreme Court and it **shall** not prevent such judge from reserving such questions of law for the advice of the Supreme Court as provided in section 9-325. Such judge **may**, if necessary, issue a writ of mandamus, requiring the adverse party and those under such judge to deliver to the complainant the appurtenances of such office, and **shall** cause such judge's finding and decree to be entered on the records of the Superior Court in the proper judicial district.

Article Sixth of Amendment to The Constitution: Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, ~~but by less than three-fourths~~, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. An amendment so proposed, approved upon roll call by a yea vote ~~of at least three-fourths~~ of the total membership of each house, ~~or any amendment which, having been continued from the previous general assembly, is again approved~~ upon roll call by a yea vote ~~of at least a majority~~ of

the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

iii **Sec. 2-18.** Form of bills amending statutes and resolutions amending Constitution; ballot designation of proposed constitutional amendments. Each bill for a public act amending any statute, each special act amending any special act and each resolution proposing an amendment to any provision of the Constitution shall set forth in full the act or constitutional provision, or the section or subsection thereof, to be amended. Matter to be omitted or repealed shall be surrounded by brackets and new matter shall be indicated by underscoring or, where an electric magnetic tape typewriter or other electronic equipment or device is used, by capitalization or underscoring of all words in the manuscript bill and by underscoring, capitalization or italics in its printed form. Each resolution proposing an amendment to any provision of the Constitution shall also include the designation of such proposed amendment to be used on the voting tabulator ballots and absentee ballots in the event such amendment is approved by the General Assembly. Such designation shall be a question, commencing with the words "shall the Constitution of the state be amended to" and ending with a statement of the intended objective addressed by the amendment. Nothing in this section shall preclude the General Assembly from adopting rules authorizing the introduction by members of bills, special acts or resolutions which set forth only a statement of purpose or of intent and do not set forth the statute or constitutional provision to be amended.

CERTIFICATION

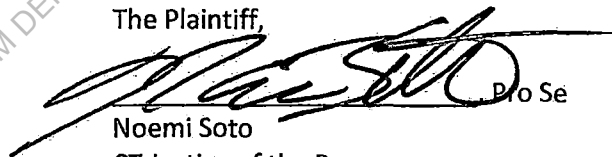
I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on 11/7/2022 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

**GOVERNMENT ADMINISTRATIONS
AND ELECTIONS COMMITTEE**
300 Capitol Avenue
Legislative Office Building, Room 2200
Hartford, CT 06106

OFFICE OF THE ATTORNEY GENERAL
165 Capitol Avenue
PO Box 120
Hartford, CT 06106

**OFFICE OF SECRETARY OF THE STATE
STATE OF CONNECTICUT**
P.O. Box 150470
165 Capitol Avenue, Suite 1000
Hartford CT 06115-0470

The Plaintiff,

A handwritten signature in black ink, appearing to read 'Noemi Soto', is written over a horizontal line. To the right of the signature, the text 'Pro Se' is printed.

Noemi Soto
CT Justice of the Peace
230 Whiting St. #6
New Britain, CT. 06051
860.256.1999

Oral Argument is Requested.

CV22-5032649

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CONNECTICUT GENERAL ASSEMBLY

State Capitol | Hartford, Connecticut 06106-1562

C G A / BILL STATUS

H.J. No. 59 Session Year 2021

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

Introduced by:

Government Administration and Elections Committee

New today

2-4 days old

5 days & older

Text of Bill

Resolution Act No. 21-1

File No. 97

GAE Joint Favorable Resolution [doc]

House Constitutional Resolution [doc]

Called Amendments

Senate Schedule A LCO# 9505 (R) [doc]

Uncalled Amendments

Uncalled Amendments

Senate LCO Amendment #9518 (R) [doc]

Senate LCO Amendment #9507 (R) [doc]

House LCO Amendment #8037 (R) [doc]

House LCO Amendment #8094 (R) [doc]

House LCO Amendment #8108 (R) [doc]

Votes

Senate Roll Call Vote 284

Senate Roll Call Vote 283

House Roll Call Vote 87

Committee Actions

GAE Joint Fav. Rpt

GAE Vote Tally Sheet (Joint Favorable)

GAE Vote Tally Sheet-B

GAE Vote Tally Sheet-A

Fiscal Notes

Fiscal Note for Amendment LCO 9518 (Minimal Cost)

Fiscal Note for Amendment LCO 9507 (Minimal Cost)

Fiscal Note for Amendment LCO 9505 (Minimal Cost)

Fiscal Note for Amendment LCO 8108 (See Fiscal Note Details)

Fiscal Note for Amendment LCO 8094 (See Fiscal Note Details)

Fiscal Note for Amendment LCO 8037 (See Fiscal Note Details)

Fiscal Notes

Fiscal Note For File Copy 97

Bill Analyses

Bill Analysis For File Copy 97

Summary for Public Act No. 21-1

Bill History

Date ◆	Action Taken ◆
6/4/2021	Transmitted to the Secretary of State
5/27/2021	In Concurrence
5/27/2021	Adopted, Senate
5/27/2021	Not Properly Before the Senate, Senate Amendment Schedule A 9505
5/10/2021	Senate Calendar Number 417
5/10/2021	Favorable Report, Tabled for the Calendar, Senate
5/6/2021	Adopted, House
3/22/2021 (LCO)	File Number 97
3/22/2021	House Calendar Number 104
3/22/2021	Favorable Report, Tabled for the Calendar, House
3/22/2021 (LCO)	Reported Out of Legislative Commissioners' Office
3/15/2021 (LCO)	Referred to Office of Legislative Research and Office of Fiscal Analysis 03/22/21 10:00 AM
3/8/2021 (LCO)	Filed with Legislative Commissioners' Office
3/5/2021 (GAE)	Joint Favorable

Date ↕	Action Taken ↕
2/18/2021	Public Hearing 02/22
2/17/2021	Referred to Joint Committee on Government Administration and Elections

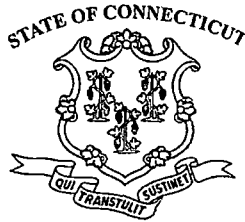
Co-sponsors of HJ-59

Rep. Christine Conley, 40th Dist.
 Rep. Cristin McCarthy Vahey, 133rd Dist.
 Rep. Bob Godfrey, 110th Dist.
 Rep. Patricia Billie Miller, 145th Dist.
 Rep. Eleni Kavros DeGraw, 17th Dist.
 Rep. David Michel, 146th Dist.
 Rep. Joseph P. Gresko, 121st Dist.
 Rep. Lucy Dathan, 142nd Dist.
 Sen. Rick Lopes, 6th Dist.
 Rep. Jonathan Steinberg, 136th Dist.
 Rep. Robert Sanchez, 25th Dist.
 Rep. Emmanuel Sanchez, 24th Dist.
 Rep. Patricia A. Dillon, 92nd Dist.
 Rep. Kenneth M Gucker, 138th Dist.
 Rep. John-Michael Parker, 101st Dist.
 Rep. Geraldo C. Reyes, 75th Dist.
 Sen. Matthew L. Lesser, 9th Dist.
 Rep. Anne M. Hughes, 135th Dist.
 Rep. Jeff Currey, 11th Dist.
 Rep. Kate Farrar, 20th Dist.
 Rep. Aimee Berger-Girvalo, 111th Dist.
 Rep. Susan M. Johnson, 49th Dist.
 Rep. Edwin Vargas, 6th Dist.
 Rep. Gary A. Turco, 27th Dist.
 Rep. Henry J. Genga, 10th Dist.
 Sen. Catherine A. Osten, 19th Dist.
 Rep. Stephanie Thomas, 143rd Dist.
 Rep. Philip L. Young, 120th Dist.
 Rep. Jason Doucette, 13th Dist.
 Rep. Michael D'Agostino, 91st Dist.

Rep. Brian T. Smith, 48th Dist.
Sen. Alex Kasser, 36th Dist.
Rep. Michael D Quinn, 82nd Dist.
Rep. Matt Blumenthal, 147th Dist.
Rep. Jason Rojas, 9th Dist.
Rep. Mike Demicco, 21st Dist.
Sen. Christine Cohen, 12th Dist.
Sen. Julie Kushner, 24th Dist.
Rep. John K. Hampton, 16th Dist.
Rep. Anthony L. Nolan, 39th Dist.
Rep. Jaime S. Foster, 57th Dist.
Sen. Will Haskell, 26th Dist.
Rep. Chris Perone, 137th Dist.
Rep. Maria P. Horn, 64th Dist.
Rep. Tammy R. Exum, 19th Dist.
Rep. Gregory Haddad, 54th Dist.
Rep. Caroline Simmons, 144th Dist.
Rep. Michael A. Winkler, 56th Dist.
Sen. Derek Slap, 5th Dist.
Rep. Jennifer Leeper, 132nd Dist.
Rep. Frank Smith, 118th Dist.
Rep. Peter A. Tercyak, 26th Dist.
Rep. Amy Morrin Bello, 28th Dist.
Rep. Hilda E. Santiago, 84th Dist.
Rep. Steven J. Stafstrom, 129th Dist.
Rep. Corey P. Paris, 145th Dist.
Rep. Larry B. Butler, 72nd Dist.
Sen. Steve Cassano, 4th Dist.

Public Hearing Testimony

NOTE: Please direct all inquiries regarding the status of bills to the **Office of the House Clerk** and/or **Senate Clerks' Office** .



House Joint Resolution No. 59

Resolution Act No. 21-1

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

Resolved by this Assembly:

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

"Resolved by this Assembly:

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

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

Sec. 7. 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

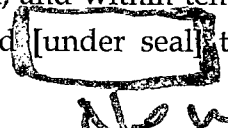
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House Joint Resolution No. 59

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. 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.

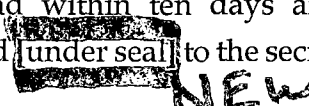
Section 9 of article third of the Constitution is amended to read as follows:

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.


New

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


NEW

House Joint Resolution No. 59

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.

House Joint Resolution No. 59

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?"

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

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY

RA 21-1—HJ 59

Government Administration and Elections Committee

**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 (see BACKGROUND).

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: The resolution 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.

BACKGROUND

Duplicate List

By law, after an election, moderators generally must send a duplicate list of election results to the secretary of the state (1) electronically within 48 hours and (2) under seal within three days (CGS § 9-314). For the 2020 state election and any election, primary, or referendum held from June 23, 2021, through November 2, 2021, the law extends these deadlines to 96 hours for the electronic submission and five days for the sealed submission (PA 20-3, July Special Session (§ 14), as amended by PA 21-2, June Special Session (§ 142)).

*Intended
objection*
①
②

Vote for HJ-59 Roll Call Number 87

Taken on 05/06

The Speaker ordered the vote be taken by roll call at 5:30 p.m.

The following is the result of the vote:

Total Number Voting	141
Necessary for Adoption	76
Those voting Yea	115
Those voting Nay	26
Those absent and not voting.....	10

The following is the roll call vote:

Y	ABERCROMBIE	Y	HUGHES	Y	WOOD, K.	N	MCGORTY, B.
Y	ALLIE-BRENNAN	Y	JOHNSON	Y	YOUNG	Y	NUCCIO
Y	ARCONTI	Y	KAVROS DEGRAW	Y	ZIOGAS	X	O'DEA
Y	ARNONE	Y	LEEPER			N	PAVALOCK-D'AMATO
Y	BAKER	Y	LEMAR			Y	PERILLO
Y	BARRY	Y	LINEHAN	Y	ACKERT	N	PETIT
Y	BERGER-GIRVALO	Y	LUXENBERG	Y	ANDERSON	N	PISCOPO
Y	BLUMENTHAL	Y	MCCARTHY VAHEY	Y	ARORA	N	POLLETTA
Y	BORER	Y	MC GEE	N	BETTS	N	REBIMBAS
Y	BOYD	Y	MESKERS	X	BOLINSKY	X	RUTIGLIANO
Y	CHAFEE	Y	MICHEL	N	BUCKBEE	N	SCOTT
Y	COMEY	Y	MORRIN BELLO	Y	CALLAHAN	N	VAIL
Y	CONCEPCION	Y	NAPOLI	Y	CANDELORA, V.	N	VEACH
Y	CONLEY	Y	NOLAN	X	CARNEY	N	WILSON
Y	CURREY	Y	PALM	Y	CARPINO	Y	WOOD, T.
Y	D'AGOSTINO	Y	PAOLILLO	N	CASE	Y	YACCARINO
Y	DATHAN	Y	PARIS	Y	CHEESEMAN	N	ZAWISTOWSKI
Y	DE LA CRUZ	Y	PARKER	N	D'AMELIO	Y	ZULLO
Y	DEMICCO	Y	PERONE	N	DAUPHINAIS	N	ZUPKUS
Y	DIGIOVANCARLO	Y	PHIPPS	N	DELNICKI		
Y	DILLON	Y	PORTER	Y	DEVLIN		
Y	DIMASSA	Y	QUINN	N	DUBITSKY		
Y	DOUCETTE	Y	ROCHELLE	Y	FERRARO	Y	RITTER
Y	ELLIOTT	Y	ROJAS	N	FIORIELLO		
Y	EXUM	Y	SANCHEZ, E.	N	FISHBEIN		
Y	FARRAR	X	SANCHEZ, R.	Y	FRANCE	Y	GODFREY
Y	FELIPE	Y	SCANLON	N	FUSCO		
Y	FOSTER	Y	SIMMONS, C.	X	GREEN		
Y	FOX	Y	SIMMS, T.	Y	HAINES	Y	BUTLER
Y	GARIBAY	Y	SMITH, B.	X	HALL	Y	CANDELARIA, J.
Y	GENGA	Y	SMITH, F.	Y	HARDING	Y	COOK
Y	GIBSON	Y	STAFSTROM	Y	HARRISON	Y	GONZALEZ
Y	GILCHREST	Y	STALLWORTH	N	HAYES	Y	HALL, J.
Y	GOUPIL	Y	STEINBERG	Y	HOWARD	Y	MUSHINSKY
Y	GRESKO	Y	TERCYAK	Y	KENNEDY	X	REYES
Y	GUCKER	Y	THOMAS	Y	KLARIDES-DITRIA	Y	RILEY
Y	HADDAD	Y	TURCO	N	LABRIOLA	Y	ROSARIO
X	HAMPTON	X	WALKER	N	LANOUE	Y	RYAN
Y	HENNESSY	Y	WELANDER	N	MASTROFRANCESCO	Y	SANTIAGO
Y	HORN	Y	WINKLER	Y	MCCARTY, K.	Y	VARGAS

Total Membership
= 151

÷ 4
37.75
3
113.25

pass by
3/4ths
majority

Vote for HJ-59 Sequence Number 284
Taken on 5/27

The following is the result of the vote at 5:45 p.m.:

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	26
Those voting Nay	9
Those absent and not voting	1

Total Senate Membership = 36
 $36 \div 4 = 9$
 $9 \times 3 = 27$ = 3/4th
Necessary for Adoption

The following is the roll call vote:

Y 1 JOHN W. FONFARA	Y 19 CATHERINE A. OSTEN
Y 2 DOUGLAS MCCRORY	Y 20 PAUL M. FORMICA
Y 3 SAUD ANWAR	N 21 KEVIN C. KELLY
Y 4 STEVE CASSANO	Y 22 MARILYN MOORE
Y 5 DEREK SLAP	A 23 DENNIS BRADLEY
Y 6 RICK LOPES	Y 24 JULIE KUSHNER
N 7 JOHN A. KISSEL	Y 25 BOB DUFF
N 8 KEVIN D. WITKOS	Y 26 WILL HASKELL
Y 9 MATTHEW L. LESSER	Y 27 PATRICIA BILLIE MILLER
Y 10 GARY WINFIELD	Y 28 TONY HWANG
Y 11 MARTIN M. LOONEY	Y 29 MAE FLEXER
Y 12 CHRISTINE COHEN	N 30 CRAIG MINER
Y 13 MARY ABRAMS	N 31 HENRI MARTIN
Y 14 JAMES MARONEY	N 32 ERIC C. BERTHEL
Y 15 JOAN V. HARTLEY	Y 33 NORMAN NEEDLEMAN
N 16 ROB SAMPSON	N 34 PAUL CICARELLA
Y 17 JORGE CABRERA	N 35 DAN CHAMPAGNE
Y 18 HEATHER S. SOMERS	Y 36 ALEX KASSER

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CONNECTICUT GENERAL ASSEMBLY

State Capitol | Hartford, Connecticut 06106-1562

C G A / BILL STATUS

S.J. No. 14 Session Year 2019

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY VOTING

To propose an amendment to the Constitution of the state to permit early in-person voting.

Introduced by:

Government Administration and Elections Committee

New today

2-4 days old

5 days & older

Text of Bill

File No. 663 [doc]

GAE Joint Favorable Resolution [doc]

Committee Bill [doc]

Proposed Senate Joint Resolution [doc]

Committee Actions

GAE Joint Fav. Rpt

Committee Actions

GAE Vote Tally Sheet (Vote to Draft)

GAE Vote Tally Sheet

Fiscal Notes

Fiscal Note For File Copy 663

Bill Analyses

Bill Analysis For File Copy 663

No Vote Recorded for House + Senate

Bill History

Date ◆		Action Taken ◆
4/15/2019	(LCO)	File Number 663
4/15/2019		Senate Calendar Number 322
4/15/2019		Favorable Report, Tabled for the Calendar, Senate
4/15/2019	(LCO)	Reported Out of Legislative Commissioners' Office
4/8/2019	(LCO)	Referred to Office of Legislative Research and Office of Fiscal Analysis 04/15/19 10:00 AM
4/1/2019	(LCO)	Filed with Legislative Commissioners' Office
3/29/2019	(GAE)	Joint Favorable
3/21/2019		Public Hearing 03/25
2/7/2019		Referred to Joint Committee on Government Administration and Elections
2/6/2019	(GAE)	Vote to Draft
2/6/2019		Drafted by Committee

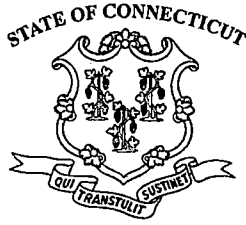
Date ◆	Action Taken ◆
1/23/2019	Referred to Joint Committee on Government Administration and Elections

Co-sponsors of SJ-14

Sen. Martin M. Looney, 11th Dist.
 Sen. Bob Duff, 25th Dist.
 Sen. John W. Fonfara, 1st Dist.
 Sen. Douglas McCrory, 2nd Dist.
 Sen. Steve Cassano, 4th Dist.
 Sen. Gary A. Winfield, 10th Dist.
 Sen. Christine Cohen, 12th Dist.
 Sen. Mary Daugherty Abrams, 13th Dist.
 Sen. James J. Maroney, 14th Dist.
 Sen. Catherine A. Osten, 19th Dist.
 Sen. Marilyn V. Moore, 22nd Dist.
 Sen. Dennis A. Bradley, 23rd Dist.
 Sen. Julie Kushner, 24th Dist.
 Sen. Will Haskell, 26th Dist.
 Sen. Mae Flexer, 29th Dist.
 Sen. Norman Needleman, 33rd Dist.
 Sen. Alexandra Bergstein, 36th Dist.
 Sen. Matthew L. Lesser, 9th Dist.
 Rep. Patrick S. Boyd, 50th Dist.
 Rep. David Michel, 146th Dist.
 Rep. Ezequiel Santiago, 130th Dist.
 Rep. Patricia A. Dillon, 92nd Dist.
 Rep. Josh Elliott, 88th Dist.
 Rep. Matt Blumenthal, 147th Dist.

Public Hearing Testimony

NOTE: Please direct all inquiries regarding the status of bills to the **Office of the House Clerk** and/or **Senate Clerks' Office** .



Senate

General Assembly

File No. 663

January Session, 2019

Senate Joint Resolution No. 14

Senate, April 15, 2019

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the joint resolution ought to be adopted.

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY 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 appear
10 at the polling place on the day of election because of absence from the
11 city or town of which they are inhabitants or because of sickness or
12 physical disability or because the tenets of their religion forbid secular
13 activity.

14 b. The general assembly may provide by law for voting in person in
15 the choice of any officer to be elected or upon any question to be voted
16 on at an election (1) by qualified voters of the state who do not appear
17 at the polling place on the day of election, and (2) in the city or town of
18 which such qualified voters are inhabitants.

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
26 shall be delivered [within three days] to the town clerk [, and within
27 ten days after such meeting,] and the other shall be delivered under
28 seal to the secretary of the state.

No
Brackets

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

No
Intent
to remove

47 treasurer and secretary only. A fair list of the persons and number of
48 votes given for each, together with the returns of the presiding officers,
49 shall be, by the treasurer, secretary and comptroller, made and laid
50 before the general assembly, then next to be held, on the first day of
51 the session thereof. In the election of governor, lieutenant-governor,
52 secretary, treasurer, comptroller and attorney general, the person
53 found upon the count by the treasurer, secretary and comptroller in
54 the manner herein provided, to be made and announced before
55 December fifteenth of the year of the election, to have received the
56 greatest number of votes for each of such offices, respectively, shall be
57 elected thereto; provided, if the election of any of them shall be
58 contested as provided by statute, and if such a contest shall proceed to
59 final judgment, the person found by the court to have received the
60 greatest number of votes shall be elected. If two or more persons shall
61 be found upon the count of the treasurer, secretary and comptroller to
62 have received an equal and the greatest number of votes for any of
63 said offices, and the election is not contested, the general assembly on
64 the second day of its session shall hold a joint convention of both
65 houses, at which, without debate, a ballot shall be taken to choose such
66 officer from those persons who received such a vote; and the balloting
67 shall continue on that or subsequent days until one of such persons is
68 chosen by a majority vote of those present and voting. The general
69 assembly shall have power to enact laws regulating and prescribing
70 the order and manner of voting for such officers. The general assembly
71 shall by law prescribe the manner in which all questions concerning
72 the election of a governor or lieutenant-governor 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 3, 2020, 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 3, 2020,
78 whichever the case may be, according to article sixth of the
79 amendments to the Constitution. The designation of said proposed
80 amendment to be used on the ballots at such election shall be "Shall the
81 Constitution of the State be amended to allow the General Assembly to

82 provide opportunities for early voting in person prior to the day of an
83 election?"

GAE *Joint Favorable*

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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 20 \$	FY 21 \$
Secretary of the State	GF - Cost	None	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution proposes an amendment to the State Constitution to: 1) eliminate the requirement that electors gather on the day of an election to vote for state officers and state legislators, 2) authorize the General Assembly to provide by law for in-person early voting for state or municipal elections or referenda, and 3) lift certain constitutional deadlines.

The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 21 (for the November 2020 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. Since 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 21 cost may be shifted into FY 23 pursuant to the requirements of the constitutional amendment process.

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OLR Bill Analysis**SJ 14****RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY VOTING.****SUMMARY**

This resolution proposes a constitutional amendment to (1) eliminate the requirement that electors gather on the day of an election to vote for state officers and state legislators and (2) authorize the General Assembly to provide by law for in-person early voting for state or municipal elections or referenda. Under the amendment, electors may vote early only in the municipality where they reside.

The amendment also lifts the constitutional deadlines by which the lists of results (i.e., moderator returns) for state officers and state legislators must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively). The General Statutes set earlier deadlines by which moderators must submit these returns (see BACKGROUND).

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 allow the General Assembly to provide opportunities for early voting in person prior to the day of an election?"

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house of the General Assembly, it will be placed on the 2020 general election ballot. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2021 session of the legislature. If it passes in that session by a majority 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.

BACKGROUND

Moderator Returns

The statutes require moderators to do the following:

1. prepare a preliminary list of results and electronically transmit it to the secretary of the state by midnight on election day,
2. electronically transmit a "duplicate list of the votes" to the secretary no later than 48 hours after the polls close,
3. deliver a sealed copy of the duplicate list to the secretary no later than the third day after the election, and
4. provide a copy of the duplicate list to the town clerk (CGS § 9-314).

Related Constitutional Amendment

sHJ 161 (File 436), reported favorably by the Government Administration and Elections Committee, proposes a constitutional amendment to require an early voting period and allow for no-excuse absentee voting.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 10 Nay 5 (03/29/2019)