



General Assembly

**Senate Joint
Resolution No. 7**

January Session, 2023



**RESOLUTION PROPOSING A STATE CONSTITUTIONAL
AMENDMENT TO PROVIDE FOR JUDICIAL REVIEW OF CONTESTED
GENERAL ASSEMBLY ELECTIONS.**

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 third of the Constitution is amended to read as
6 follows:

7 Sec. 7. The treasurer, secretary of the state, and comptroller shall
8 canvass publicly the votes for senators and representatives. The person
9 in each senatorial district having the greatest number of votes for
10 senator shall be declared to be duly elected for such district, and the
11 person in each assembly district having the greatest number of votes
12 for representative shall be declared to be duly elected for such district.
13 The general assembly shall provide by law the manner in which an
14 equal and the greatest number of votes for two or more persons so
15 voted for for senator or representative shall be resolved. The return of
16 votes, and the result of the canvass, shall be submitted to the house of
17 representatives, [and] to the senate and to the supreme court on the
18 first day of the session of the general assembly. [Each house shall be

19 the final judge of the election returns and qualifications of its own
20 members] The judicial department shall have exclusive jurisdiction to
21 adjudicate disputes or questions regarding the election returns of
22 members of the general assembly.

23 RESOLVED: That the foregoing proposed amendment to the
24 Constitution be continued to the next session of the General Assembly
25 elected at the general election to be held on November 5, 2024, and
26 published with the laws passed at the present session, or be presented
27 to the electors at the general election to be held on November 5, 2024,
28 whichever the case may be, according to article sixth of the
29 amendments to the Constitution. The designation of said proposed
30 amendment to be used on the ballots at such election shall be "Shall the
31 Constitution of the State be amended to provide for judicial review of
32 disputes and questions regarding elections to the General Assembly?"

GAE *Joint Favorable*