

129th MAINE LEGISLATURE

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Legislative Document

No. 1489

H.P. 1091

House of Representatives, April 4, 2019

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Election of Senators

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative HUTCHINS of Penobscot. Cosponsored by Representatives: LOCKMAN of Bradley, LYFORD of Eddington, STEARNS of Guilford. 1 **Constitutional amendment. Resolved:** Two thirds of each branch of the 2 Legislature concurring, that the following amendment to the Constitution of Maine be 3 proposed:

4 **Constitution, Art. II, §4** is amended to read:

5 Section 4. Time of state election; absentee voting. The election of Senators and Representatives shall be on the Tuesday following the first Monday of November 6 biennially forever and the election of, except as provided in this section. Beginning with 7 8 the general election held in 2022, the election of Senators and the Governor shall be on the Tuesday following the first Monday of November every 4 years. The Legislature 9 under proper enactment shall authorize and provide for voting by citizens of the State 10 absent therefrom in the Armed Forces of the United States or of this State and for voting 11 12 by other citizens absent or physically incapacitated for reasons deemed sufficient.

13 **Constitution, Art. IV, Pt. Second, §1** is amended to read:

Section 1. Number of Senators. The Senate shall consist of an odd number of Senators, not less than 31 nor more than 35, except that, on or after December 7, 2022, the Senate shall consist of 32 Senators, elected at the same time and for the same term as Representatives by the qualified electors of the districts into which the State shall be from time to time divided except that beginning with the general election held in 2022, Senators are elected as provided in Article II, Section 4.

20 **Constitution, Art. IV, Pt. Second, §2, first** ¶ is amended to read:

21 Section 2. Submission of reapportionment plan to Secretary of Senate; Legislature's action on commission's plan; division of State into Senatorial 22 Districts; division by Supreme Judicial Court. 23 The Legislature which shall 24 convene in the year 2013, and also the Legislature which shall convene in the year 2021 and every tenth year thereafter, shall cause the State to be divided into districts for the 25 choice of a Senator from each district, using the same method as provided in Article IV, 26 27 Part First, Section 2 for apportionment of Representative Districts, and the Legislature 28 which shall convene on January 5, 2022 shall reapportion the State so that the Senatorial 29 Districts coincide with the counties of the State, resulting in the voters of each county having the right to vote for 2 Senators. 30

31 **Constitution, Art. IV, Pt. Second, §5** is amended to read:

32 Section 5. Determination of Senators elected; procedure for filling vacancies. The Senate shall, on said first Wednesday of December, biennially until the 33 34 general election held in 2022 and quadrennially thereafter determine who is elected by a plurality of votes to be Senator in each district. All vacancies in the Senate arising from 35 death, resignation, removal from the State or like causes, and also vacancies, if any, 36 37 which may occur because of the failure of any district to elect by a plurality of votes the Senator to which said district shall be entitled shall be filled by an immediate election in 38 39 the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election. 40

Constitution, Art. IV, Pt. Third, §1-A, last indented ¶ is amended to read:

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Public members of the commission shall receive the same rate of per diem that is paid 2 to Legislators for every day's attendance at special sessions of the Legislature as defined 3 by law. All members of the commission shall be reimbursed for actual travel expenses 4 incurred in carrying out the business of the commission. The Legislature which is 5 required to apportion shall establish a budget for the apportioning commission within the 6 state budget document in the fiscal year previous to the fiscal year during which the 7 apportioning commission is required to convene and shall appropriate sufficient funds for 8 the commission to satisfactorily perform its duties and responsibilities except that the 9 Legislature which is required to apportion and which convenes on January 5, 2022 is not 10 11 required to so establish a budget for the apportioning commission. The budget shall include sufficient funds to compensate the chairperson of the commission and the 12 chairperson's staff. The remainder of the appropriation shall be made available equally 13 among the political parties represented on the commission to provide travel expenses, 14 incidental expenses and compensation for commission members and for partisan staff and 15 operations. 16

17 **Constitutional referendum procedure; form of question; effective date.** 18 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their 19 respective cities, towns and plantations to meet, in the manner prescribed by law for 20 holding a statewide election, at a statewide election held in the month of November 21 following the passage of this resolution, to vote upon the ratification of the amendment 22 proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to reduce the size of
the Senate from no more than 35 members to 32 members by
reapportioning senatorial districts to coincide with the counties of the
State and to increase the Senate term from 2 to 4 years, effective
December 7, 2022?"

28 The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding 29 square below the word "Yes" or "No." The ballots must be received, sorted, counted and 30 declared in open ward, town and plantation meetings and returns made to the Secretary of 31 State in the same manner as votes for members of the Legislature. The Governor shall 32 review the returns. If it appears that a majority of the legal votes are cast in favor of the 33 amendment, the Governor shall proclaim that fact without delay and the amendment 34 becomes part of the Constitution of Maine on the date of the proclamation. 35

- Secretary of State shall prepare ballots. Resolved: That the Secretary of State
 shall prepare and furnish to each city, town and plantation all ballots, returns and copies
 of this resolution necessary to carry out the purposes of this referendum.
- 39 SUMMARY
- 40 This resolution proposes to amend the Constitution of Maine to reduce the size of the 41 Senate from no more than 35 members to 32 members as a result of reapportioning to 2

- Senators per county. The resolution also requires the redrawing of district lines in 2022. The resolution increases the Senate term from 2 to 4 years. 1
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