



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1653

S.P. 658

In Senate, April 13, 2023

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Allow Persons Under Guardianship for Mental Illness to
Be Electors and to Protect All Electors from Harassment and
Intimidation**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Senators: BRENNER of Cumberland, RENY of Lincoln, Representatives:
MONTELL of Gardiner, RIELLY of Westbrook, SUPICA of Bangor.

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, §§1 and 2** are amended to read:

5 **Section 1. Qualifications of electors; written ballot; military servicemen**
6 **service members; students.** Every citizen of the United States of the age of 18 years
7 and upwards, ~~excepting persons under guardianship for reasons of mental illness,~~ having
8 his or her residence established in this State, shall be an elector for Governor, Senators and
9 Representatives, in the city, town or plantation where his or her residence has been
10 established, if he or she continues to reside in this State; and the elections shall be by written
11 ballot. But persons in the military, naval or marine service of the United States, or this
12 State, shall not be considered as having obtained such established residence by being
13 stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall
14 the residence of a student at any seminary of learning entitle the student to the right of
15 suffrage in the city, town or plantation where such seminary is established. No person,
16 however, shall be deemed to have lost residence by reason of the person's absence from the
17 state in the military service of the United States, or of this State.

18 **Indians.** Every Indian, residing on tribal reservations and otherwise qualified, shall
19 be an elector in all county, state and national elections.

20 **Section 2. Electors exempt from arrests arrest, harassment or intimidation**
21 **on election days.** Electors shall, in all cases, except treason, felony or breach of the
22 peace, be privileged from arrest, harassment or intimidation on the days of election, during
23 their attendance at, going to, and returning ~~therefrom~~ from voting.

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

30 "Do you favor amending the Constitution of Maine to allow a person under
31 guardianship for reasons of mental illness to be an elector for Governor,
32 Senators and Representatives and to exempt all electors from harassment
33 or intimidation on the days of election during their attendance at, going to
34 and returning from voting?"

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

1 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State
2 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of
3 this resolution necessary to carry out the purposes of this referendum.

4 **SUMMARY**

5 This resolution proposes to amend the Constitution of Maine to allow persons under
6 guardianship to be electors for Governor, Senators and Representatives and to exempt all
7 electors from harassment or intimidation on the days of election during their attendance at,
8 going to or returning from voting.