MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

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First Special Session

Beginning April 5, 2023

Beginning with Page S-387

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prevent a Conflict of Interest in State Elections by Requiring the Secretary of State to Resign Before Running for Elected Office"

H.P. 301 L.D. 484

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. I rise in opposition to the motion. Just a very few brief remarks. First, I think the title of this bill is pretty straight forward in what the bill does, An Act to Prevent Conflict of Interest in State Elections by Requiring the Secretary of State to Resign Before Running for Elected Office. You know, the argument for this legislation really revolves around the appearance of impropriety and we've seen now in two states with - from two different political parties concerns about in the states of Arizona and in Georgia a Secretary of State basically being the Presiding Officer of certifying their own election to the office of Governor in those states. Whether anything improper took place or not in these states, there certainly has been a cause for question and the question of is it appropriate for a Secretary of State to be signing off on their own election in a hotly contested race like those were and is that something that we, by our current system, are opening ourselves up to as the State of Maine? So, this legislation was brought forward to try to address that before it ever becomes a problem in our state and that's why I oppose the pending motion and would support the alternate report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from York, Senator **LAWRENCE**, the Senator from Penobscot, Senator **BALDACCI**, the Senator from York, Senator **INGWERSEN**, the Senator from Franklin, Senator **BLACK**, the Senator from Somerset, Senator **FARRIN**, the Senator from Penobscot, Senator **LYFORD**, the Senator from Androscoggin, Senator **TIMBERLAKE**, and the Senator from Cumberland, Senator **CHIPMAN**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#77)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, LAFOUNTAIN, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BRAKEY, GUERIN, HARRINGTON, KEIM, LIBBY, MOORE, POULIOT, STEWART

EXCUSED: Senators: BALDACCI, BLACK, CHIPMAN, FARRIN, INGWERSEN, LAWRENCE, LYFORD, TIMBERLAKE

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 8 Senators being excused, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senate

Pursuant to Joint Order