

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Governor To Be Elected by a Majority Vote

Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. V, Pt. First, §3 is amended to read:

Section 3. Election; votes to be returned to Secretary of State; Secretary of State to lay lists before the Senate and House of Representatives; provision in case of tie.

The meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes shall be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State for the time being shall, on the first Wednesday after the first Tuesday of January then next, lay the lists returned to the secretary's office before the Senate and House of Representatives to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, ~~and in case of a choice by plurality of all of the votes returned they shall declare and publish the same.~~ If no person received more than 50% of the votes duly cast for the office of Governor, the Senate and House of Representatives meeting in joint session shall order a runoff, to be held within 2 weeks, between the 2 persons who received the largest number of votes duly cast for the office of Governor. The person who receives the larger number of votes in the run-off election is declared the Governor. If there shall be a tie between the 2 persons ~~having the largest number of votes for Governor in the run-off election,~~ the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said 2 persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor.

; and be it further

Constitutional referendum procedure; form of question; effective date.

Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to require a run-off election between the 2 candidates for Governor who received the largest number of votes in a gubernatorial election if no candidate received more than 50% of the votes?"

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 square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation

SP0187, LD 607, item 1, 125th Maine State Legislature
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meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation; and be it further

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.

SUMMARY

This resolution proposes to amend the Constitution of Maine to require that a candidate for Governor receive more than 50% of the votes cast to be elected. Currently, the candidate who receives the largest number of votes, regardless of that number's percentage of the total number of votes cast, becomes Governor. This resolution requires a run-off election between the 2 persons who received the largest number of votes when no candidate received more than 50% of the total number of votes cast. The person who receives the larger number of votes in the run-off election is declared Governor.