

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 Provide for the Popular Election of the  
Secretary of State, Attorney General and Treasurer of State**

**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. Second, §1** is amended to read:

**Section 1. Election.** ~~The Secretary of State shall be chosen biennially at the first session of the Legislature, by joint ballot of the popular election on the same date and in the same manner as provided by this Constitution for the election of Senators and Representatives in convention.~~

**Constitution, Art. V, Pt. Second, §1-A** is amended to read:

**Section 1-A. Succession to the office of Secretary of State.** ~~If a vacancy occurs less than 90 days before a primary election in the office of the Secretary of State, the first deputy secretary of state shall act as the Secretary of State until a Secretary of State is elected by the Legislature during the current session if in session, or at the next regular or special session for the remainder of the term. If the vacancy occurs more than 90 days before the primary election for nominating candidates to be voted for at the next biennial election, the vacancy must be filled by the first deputy secretary of state until the first Wednesday after the first Tuesday in January following the biennial election. At the biennial election, a Secretary of State must be elected to fill the unexpired term created by the vacancy.~~

**Constitution, Art. V, Pt. Third, §1** is amended to read:

**Section 1. Election.** ~~The Treasurer shall be chosen biennially, at the first session of the Legislature, by joint ballot of the popular election on the same date and in the same manner as provided by this Constitution for the election of Senators; and Representatives in convention.~~

**Constitution, Art. V, Pt. Third, §1-A** is amended to read:

**Section 1-A. Succession to the office of Treasurer.** ~~If a vacancy occurs less than 90 days before a primary election in the office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State until a Treasurer of State is elected by the Legislature during the current session if in session, or at the next regular or special session for the remainder of the term. If the vacancy occurs more than 90 days before the primary election for nominating candidates to be voted for at the next biennial election, the vacancy must be filled by the deputy treasurer of state until the first Wednesday after the first Tuesday in January following the biennial election. At the biennial election, a Treasurer of State must be elected to fill the unexpired term created by the vacancy.~~

**Constitution, Art. IX, §11** is amended to read:

**Section 11. Attorney General.** ~~The Beginning in 2014 and every 4 years thereafter, the~~ Attorney General shall ~~must~~ be chosen biennially by ~~joint ballot~~ popular election on the same date and in the same manner as provided by this Constitution for the election of the Senators and Representatives in convention. Vacancy in said office ~~occurring when the Legislature is not in session,~~ may be filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme Judicial Court.

; 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 provide that the Secretary of State and the Treasurer of State be elected by the people biennially and that the Attorney General be elected by the people every 4 years in the same manner as members of the Senate and the House of Representatives?"

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 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 a constitutional amendment that provides for direct popular election beginning in 2014 of the Secretary of State and the Treasurer of State biennially and for direct popular election of the Attorney General every 4 years in the manner currently provided for Senators and Representatives.