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**RESOLUTION, Proposing an Amendment to the  
Constitution of Maine To Provide for a Lieutenant  
Governor and Change the Line of Succession for Governor**

**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. IV, Pt. First, §5** is amended to read:

**Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House.** The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the ~~Secretary of State~~Lieutenant Governor forthwith. The Governor shall examine the returned copies of such lists and 7 days before the first Wednesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of December biennially, and they shall finally determine who are elected.

**Constitution, Art. IV, Pt. Second, §3** is amended to read:

**Section 3. Election of Senators; lists of votes delivered forthwith.** The meetings within this State for the election of Senators shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the office of the ~~Secretary of State~~Lieutenant Governor forthwith.

**Constitution, Art. IV, Pt. Third, §§17, 18, 20 and 22** are amended to read:

**Section 17. Proceedings for people's veto.**

**1. Petition procedure; petition for people's veto.** Upon written petition of electors, the number of which shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the Governor and filed in the office of the ~~Secretary of State~~Lieutenant Governor by the hour of 5:00 p.m., on or before the 90th day after the recess of the Legislature, or if such 90th day is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00 p.m., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until 30 days after the Governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a statewide or general election.

**2. Effect of referendum.** The effect of any Act, bill, resolve or resolution or part or parts thereof as are specified in such petition shall be suspended upon the filing of such petition. If it is later finally determined, in accordance with any procedure enacted by the Legislature pursuant to the Constitution, that such petition was invalid, such Act, bill, resolve or resolution or part or parts thereof shall then take effect upon the day following such final determination.

**3. Referral to electors; proclamation by Governor.** As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next statewide or general election, whichever comes first, not less than 60 days after such proclamation. If the Governor fails to order such measure to be submitted to the people at the next statewide or general election, the ~~Secretary of State~~Lieutenant Governor shall, by proclamation, order such measure to be submitted to the people at such an election and such order shall be sufficient to enable the people to vote.

## **Section 18. Direct initiative of legislation.**

**1. Petition procedure.** The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the ~~Secretary of State~~Lieutenant Governor by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the Legislature in first regular session or on or before the 25th day after the date of convening of the Legislature in second regular session, except that the written petition may not be filed in the office of the ~~Secretary of State~~Lieutenant Governor later than 18 months after the date the petition form was furnished or approved by the ~~Secretary of State~~Lieutenant Governor. If the applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until the hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

**2. Referral to electors unless enacted by the Legislature without change; number of signatures necessary on direct initiative petitions; dating signatures on petitions; competing measures.** For any measure thus proposed by electors, the number of signatures shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition. The date each signature was made shall be written next to the signature on the petition. A signature is not valid if it is dated more than one year prior to the date that the petition was filed in the office of the ~~Secretary of~~

State Lieutenant Governor. The measure thus proposed, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next statewide election to be held not less than 60 days after the first vote thereon be submitted by itself if it receives more than 1/3 of the votes given for and against both. If the measure initiated is enacted by the Legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The Legislature may order a special election on any measure that is subject to a vote of the people.

**3. Timing of elections; proclamation by Governor.** The Governor shall, by proclamation, order any measure proposed to the Legislature as herein provided, and not enacted by the Legislature without change, referred to the people at an election to be held in November of the year in which the petition is filed. If the Governor fails to order a measure proposed to the Legislature and not enacted without change to be submitted to the people at such an election by proclamation within 10 days after the recess of the Legislature to which the measure was proposed, the ~~Secretary of State~~Lieutenant Governor shall, by proclamation, order such measure to be submitted to the people at an election as requested, and such order shall be sufficient to enable the people to vote.

**Section 20. Meaning of words "electors," "people," "recess of Legislature," "statewide election," "measure," "circulator," and "written petition"; written petitions for people's veto; written petitions for direct initiative.** As used in any of the 3 preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list or to certify signatures on petitions for voters on the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of the city, town or plantation of the official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the ~~Secretary of State~~Lieutenant Governor, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative

pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be filed in the office of the ~~Secretary of State~~Lieutenant Governor, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must complete the certification of only those petitions submitted by these deadlines and must return them to the circulators or their agents within 2 days for a petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. Signatures on petitions not submitted to the appropriate local or state officials by these deadlines may not be certified. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the ~~Secretary of State~~Lieutenant Governor upon written application signed and notarized and submitted to the office of the ~~Secretary of State~~Lieutenant Governor by a resident of this State whose name must appear on the voting list of the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the ~~Secretary of State~~Lieutenant Governor shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

**Section 22. Election officers and officials, how governed.** Until the Legislature shall enact further laws not inconsistent with the Constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing. The Legislature may enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions. Such laws shall include provision for judicial review of any determination, to be completed within 100 days from the date of filing of a written petition in the office of the ~~Secretary of State~~Lieutenant Governor.

**Constitution, Art. V, Pt. First, §§2, 3, 4, 14 and 15** are amended to read:

**Section 2. Term of office; reelection eligibility.** The Governor shall be elected by the qualified electors, and shall hold the office for 4 years from the first Wednesday after the first Tuesday of January next following the election and until the successor to the Governor has been duly elected and qualified. The person who has served 2 consecutive popular elective 4-year terms of office as Governor shall be ineligible to succeed himself or herself. In the election of Governor and Lieutenant Governor, voting for such offices shall be as a unit. Neither candidate's name shall appear on the ballot except in conjunction with the name of the candidate for the other office.

**Section 3. Election; votes to be returned to Lieutenant Governor; Lieutenant Governor to lay lists before the Senate and House of Representatives; provision in case of tie.** The meetings for election of Governor and Lieutenant 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~~Lieutenant Governor's office in the same manner and at the same time as those for Senators. The ~~Secretary of State~~Lieutenant Governor 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~~Lieutenant Governor'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~~offices of Governor and Lieutenant Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same. If there shall be a tie between ~~the 2~~ persons having the largest number of votes ~~for in the election of Governor and Lieutenant Governor~~, 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 from the candidates~~ 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 the Lieutenant Governor.~~

**Section 4. Qualifications.** The Governor shall, at the commencement of the Governor's term, be not less than 30 years of age; a citizen of the United States for at least 15 years, have been 5 years a resident of the State; and at the time of election and during the term for which elected, be a resident of said State. The Lieutenant Governor shall, at the commencement of the Governor's term, be not less than 30 years of age; a citizen of the United States for at least 15 years, have been 5 years a resident of the State; and at the time of election and during the term for which elected, be a resident of said State.

**Section 14. Vacancy, how supplied.** Whenever the office of Governor shall become vacant because of the death, resignation or removal of a Governor in office, or any other cause, the ~~President of the Senate~~Lieutenant Governor shall assume the office of Governor until another Governor shall be duly qualified. ~~When the vacancy occurs more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term.~~

Whenever the offices of Governor, and ~~President of the Senate~~Lieutenant Governor are vacant at the same time, the ~~Speaker of the House of Representatives~~President of the Senate shall assume the office of Governor for the same term and under the same conditions as the President of the Senate. When the vacancies in the offices of Governor and Lieutenant Governor occur more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor and a Lieutenant Governor shall be elected to fill the unexpired terms created by the vacancies. When the vacancies occur less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term of Governor.

Whenever the offices of Governor, Lieutenant Governor and President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as ~~Secretary of State~~Speaker of the House of Representatives for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the offices of the President of the Senate and the Speaker of the House, ~~and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate. When the vacancies in the offices of Governor, Lieutenant Governor and President of the Senate occur more than 90 days~~

preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the Speaker of the House of Representatives shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor and a Lieutenant Governor shall be elected to fill the unexpired terms created by the vacancies in the positions of Governor and Lieutenant Governor. When the vacancies occur less than 90 days preceding the date of a primary election the Speaker of the House of Representatives shall fill the unexpired term of Governor.

**Mental or physical disability of the Governor continuously for more than 6 months.** Whenever for 6 months a Governor in office shall have been continuously unable to discharge the powers and duties of that office because of mental or physical disability such office shall be deemed vacant. Such vacancy shall be declared by the Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of 2/3 of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

**Section 15. Temporary mental or physical disability of Governor.** Whenever the Governor is unable to discharge the powers and duties of that office because of mental or physical disability, the ~~President of the Senate~~Lieutenant Governor, or if that office is vacant, the ~~Speaker of the House of Representatives~~President of the Senate, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of that office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and duties of that office, the Governor may so certify to the Chief Justice of the Supreme Judicial Court, in which case and upon notice from the Chief Justice, the ~~President of the Senate~~Lieutenant Governor, or if that office is vacant, the ~~Speaker of the House of Representatives~~President of the Senate, shall exercise the powers and duties of the office of Governor until such time as the Governor shall certify to the Chief Justice that the Governor is able to discharge such powers and duties and the Chief Justice shall so notify the officer who is exercising the powers and duties of the office of Governor.

When the ~~Secretary of State~~Lieutenant Governor shall have reason to believe that the Governor is unable to discharge the duties of that office, the ~~Secretary of State~~Lieutenant Governor may so certify to the Supreme Judicial Court, declaring the reason for such belief. After notice to the Governor, a hearing before the court and a decision by a majority of the court that the Governor is unable to discharge the duties of the office of Governor, the court shall notify the ~~President of the Senate~~Lieutenant Governor, or if that office is vacant the ~~Speaker of the House of Representatives~~President of the Senate, of such inability and that officer shall exercise the functions, powers and duties of the office of Governor until such time as the ~~Secretary of State~~Lieutenant Governor or the Governor shall certify to the court that the Governor is able to discharge the duties of the office of Governor and the court, after notice to the Governor and a hearing before the court, decides that the Governor is able to discharge the duties of that office and so notifies the officer who is exercising the powers and duties of the office of Governor.

Whenever either the ~~President of the Senate~~Lieutenant Governor or ~~Speaker of the House of Representatives~~President of the Senate shall exercise the office of Governor, the officer shall receive only the compensation of Governor, but the officer's duties as ~~President~~Lieutenant Governor or ~~Speaker~~President of the Senate shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until the officer shall cease to exercise the office of Governor.

**Constitution, Art. V, Pt. Second, headnote** is amended to read:

**. Secretary~~Lieutenant Governor~~.**

**Section .**

**Constitution, Art. V, Pt. Second, §§1, 1-A, 2, 3 and 4** are amended to read:

**Section 1. Election.** ~~The Secretary of State~~Lieutenant Governor shall be chosen biennially at the first session of the Legislature, by joint ballot of the Senators and Representatives in convention ~~elect~~ed by the qualified electors, and shall hold the office for 4 years from the first Wednesday after the first Tuesday of January next following the election and until the successor to the Lieutenant Governor has been duly elected and qualified. The person who has served 2 consecutive popular elective 4-year terms of office as Lieutenant Governor shall be ineligible to succeed himself or herself.

**Section 1-A. Succession to the office of Lieutenant Governor.** If a vacancy occurs in the office of the ~~Secretary of State~~Lieutenant Governor, the first deputy secretary of state ~~Lieutenant Governor~~ shall act as the ~~Secretary of State~~Lieutenant Governor until a ~~Secretary of State~~Lieutenant Governor is elected by the Legislature during the current session if in session, or at the next regular or special session in accordance with Article V, Part Second, Section 1.

**Section 2. Records of State; deputies.** The records of the State shall be kept in the office of the ~~secretary~~Lieutenant Governor, who may appoint deputies to that office, for whose conduct the ~~secretary~~Lieutenant Governor shall be accountable.

**Section 3. Attend the Governor, Senate, and House.** The ~~Secretary of State~~Lieutenant Governor shall attend the Governor, Senate and House of Representatives, in person or by the deputies of the ~~Secretary of State~~Lieutenant Governor as they shall respectively require.

**Section 4. Records of executive and legislative departments.** The ~~Secretary of State~~Lieutenant Governor shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

**Constitution, Art. IX, §3** is amended to read:

**Section 3. Commissions.** All commissions shall be in the name of the State, signed by the Governor, attested by the ~~Secretary~~Lieutenant Governor or a deputy of the ~~Secretary~~Lieutenant Governor and have the seal of the State thereto affixed.

**Constitution, Art. IX, §24, sub-§1** is amended to read:

**1. Procedure.** Beginning in 2021 and every 10 years thereafter, when the ~~Secretary of State~~Lieutenant Governor has received notification of the number of congressional seats to which the State is entitled and the Federal Decennial Census population count is final, the Legislative Apportionment Commission, established every 10 years pursuant to Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If the districts do not conform to Supreme Judicial Court guidelines, the commission shall reapportion the State into congressional districts.

In making such a reapportionment, the commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible. The commission shall submit its plan to the Clerk of the House of Representatives no later than June 1st of the year in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special session by a vote of 2/3 of the members of each House by June 11th of the year in which apportionment is required to the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

**Constitution, Art. X, §6** is amended to read:

**Section 6. Constitution to be arranged by Chief Justice of the Supreme Judicial Court; Constitution to be enrolled and printed with laws; supreme law of the State.**

The Chief Justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature; and such arrangement of the Constitution shall be made and submitted to the regular session of the Legislature in 1973 and every 10 years thereafter unless sooner authorized by the Legislature; and the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the ~~Secretary of State~~Lieutenant Governor; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.

; 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 eliminate the position of Secretary of State and replace it with the position of Lieutenant Governor, who would be:

1. Elected by popular vote and on the same ballot as is the Governor in a general statewide election;
2. Limited to serving 2 consecutive terms;
3. Subject to the same eligibility requirements as is the Governor;
4. First in line of succession to the position of Governor in the event of the Governor's death, resignation or removal from office; and
5. Responsible for the duties currently held by the Secretary of State regarding storing and archiving official state records, overseeing the citizen's initiative and people's veto processes and overseeing elections and voting processes?"

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 to amend the Constitution of Maine to eliminate the position of Secretary of State and replace it with the position of Lieutenant Governor, to be elected by popular vote and on the same ballot as is the Governor. Under this resolution, a person serving as Lieutenant Governor:

1. Is limited to serving 2 consecutive terms;
2. Is subject to the same eligibility requirements as is the Governor;
3. Is first in line of succession to the position of Governor in the event of the Governor's death, resignation or removal from office; and
4. Is responsible for the duties currently held by the Secretary of State regarding storing and archiving official state records, overseeing elections and voting processes and overseeing the citizen's initiative and people's veto processes.