

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

Amend the resolution by striking out the title and substituting the following:

**'RESOLUTION, Proposing an Amendment to the Constitution of Maine
Authorizing the Legislature, or Electors through Direct Initiative,
To Enact Legislation To Determine the Winner of Elections for
the Offices of State Senator, State Representative and Governor'**

Amend the resolution by striking out everything after the title and before the summary and inserting the following:

'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. ~~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 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~~Legislature by proper enactment, or electors pursuant to Article IV, Part Third, Section 18, shall determine the method by which Representatives are chosen by popular election.

Constitution, Art. IV, Pt. Second, §§3, 4 and 5 are amended to read:

Section 3. Election of Senators. ~~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 forthwith~~Legislature by proper enactment, or electors pursuant to Article IV, Part Third, Section 18, shall determine the method by which Senators are chosen by popular election.

Section 4. Governor to issue summons to persons who appear to be elected. The Governor shall, ~~as soon as may be, examine the copies of such lists, and~~ at least 7 days before the said first Wednesday of December, issue a summons to such persons; as shall appear to be elected by a plurality of the votes in each senatorial district; to attend that day and take their seats.

Section 5. Determination of Senators elected; procedure for filling vacancies. The Senate shall, on said first Wednesday of December, biennially determine who is elected by a plurality of votes to be Senator in each district. All vacancies in the Senate arising from death, resignation, removal from the State or like causes, ~~and also vacancies, if any, which may occur because of the failure of any district to elect by a plurality of votes the Senator to which said district shall be entitled shall be filled~~ by an immediate election in the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election.

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

Section 3. Election. 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 there shall be a tie between the 2 persons having the largest number of votes for 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 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~~ Legislature by proper enactment, or electors pursuant to Article IV, Part Third, Section 18, shall determine the method by which the Governor is chosen by popular election.

; 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 repeal the method by which State Senators, State Representatives and the Governor are elected by a plurality of the votes cast and instead authorize the Legislature, or the electors through direct initiative, to enact a process for determining the winners of the elections to those offices by popular vote?"

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"

SP0577, LD 1624, item 2, 128th Maine State Legislature , Amendment C "A", Filing Number S-300, Sponsored by
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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 amendment replaces the resolution and proposes an amendment to the Constitution of Maine to authorize the Legislature, or the electors through the direct initiative process, to enact legislation for the determination of the winners of elections for the offices of State Senator, State Representative and Governor by popular vote.