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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 504, L.D. 1572, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General, Treasurer of State and State Auditor"

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

'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'

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. 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 Senators and Representatives in convention. Beginning in 2014 and every 4 years thereafter, the Secretary of State must be chosen by popular election on the same date and in the same manner as provided by this Constitution for the election of Senators and Representatives.

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 election, the vacancy must be filled by the first deputy secretary of state until the first

COMMITTEE AMENDMENT

1 Wednesday after the first Tuesday in January following the election. At the election, a  
2 Secretary of State must be elected to fill the unexpired term created by the vacancy.

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

4 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first session  
5 of the Legislature, by joint ballot of the Senators, and Representatives in convention.  
6 Beginning in 2014 and every 4 years thereafter, the Treasurer must be chosen by popular  
7 election on the same date and in the same manner as provided by this Constitution for the  
8 election of Senators and Representatives.

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

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

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

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

27 ; and be it further

28 **Constitutional referendum procedure; form of question; effective date.**

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

34 "Do you favor amending the Constitution of Maine to provide that,  
35 beginning in 2014, the Secretary of State, the Treasurer of State and the  
36 Attorney General be elected by the people every 4 years in the same  
37 manner as members of the Senate and House of Representatives?"

38 The legal voters of each city, town and plantation shall vote by ballot on this question  
39 and designate their choice by a cross or check mark placed within the corresponding  
40 square below the word "Yes" or "No." The ballots must be received, sorted, counted and  
41 declared in open ward, town and plantation meetings and returns made to the Secretary of  
42 State in the same manner as votes for members of the Legislature. The Governor shall

1 review the returns. If it appears that a majority of the legal votes are cast in favor of the  
2 amendment, the Governor shall proclaim that fact without delay and the amendment  
3 becomes part of the Constitution of Maine on the date of the proclamation; and be it  
4 further

5 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State  
6 shall prepare and furnish to each city, town and plantation all ballots, returns and copies  
7 of this resolution necessary to carry out the purposes of this referendum.'

8 **SUMMARY**

9 This amendment, which is the minority report of the committee, proposes a  
10 constitutional amendment to provide that, beginning in 2014, the Secretary of State, the  
11 Treasurer of State and the Attorney General be elected by the people every 4 years in the  
12 same manner as members of the Senate and House of Representatives. The amendment  
13 also removes a provision in the resolution that provides for the popular election of the  
14 State Auditor.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**