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Legislative Document

No. 202

S.P. 91

In Senate, January 27, 2021

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting

Received by the Secretary of the Senate on January 25, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative EVANGELOS of Friendship and
Senator: President JACKSON of Aroostook, Representatives: DOUDERA of Camden,
GEIGER of Rockland, HARNETT of Gardiner, MATLACK of St. George, McCREIGHT of
Harpwell.

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

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

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

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

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

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

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

39 **Section 3. Election; votes to be returned to Secretary of State; Secretary of**
40 **State to lay lists before the Senate and House of Representatives; provision in**
41 **case of tie.** The meetings for election of Governor shall be notified, held and regulated
42 and votes shall be received, sorted, counted and declared and recorded, in the same manner
43 as those for Senators and Representatives. Copies of lists of votes shall be sealed and

1 returned to the secretary's office in the same manner and at the same time as those for
2 Senators. The Secretary of State for the time being shall, on the first Wednesday after the
3 first Tuesday of January then next, lay the lists returned to the secretary's office before the
4 Senate and House of Representatives to be by them examined, together with the ballots cast
5 if they so elect, and they shall determine the number of votes duly cast for the office of
6 Governor, and in case of a choice by ~~plurality~~ majority of all of the votes returned they
7 shall declare and publish the same. If there shall be a tie between the 2 persons having the
8 largest number of votes for Governor, the House of Representatives and the Senate meeting
9 in joint session, and each member of said bodies having a single vote, shall elect one of
10 said 2 persons having so received an equal number of votes and the person so elected by
11 the Senate and House of Representatives shall be declared the Governor.

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

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

18 "Do you favor amending the Constitution of Maine to require candidates
19 for the political offices of Governor, State Senator and State
20 Representative to be elected by a majority of the votes cast for that office?"

21 The legal voters of each city, town and plantation shall vote by ballot on this question
22 and designate their choice by a cross or check mark placed within the corresponding square
23 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared
24 in open ward, town and plantation meetings and returns made to the Secretary of State in
25 the same manner as votes for members of the Legislature. The Governor shall review the
26 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,
27 the Governor shall proclaim that fact without delay and the amendment becomes part of
28 the Constitution of Maine on the date of the proclamation.

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

32 **SUMMARY**

33 This resolution proposes to amend the Constitution of Maine to require candidates for
34 the political offices of Governor, State Senator and State Representative to be elected by a
35 majority of the votes cast for that office.