

127th MAINE LEGISLATURE

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Legislative Document

No. 957

S.P. 337

In Senate, March 17, 2015

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General, Secretary of State and Treasurer of State

Reference to the Committee on State and Local Government suggested and ordered printed.

HEATHER J.R. PRIEST Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative CHENETTE of Saco and
Senators: MASON of Androscoggin, President THIBODEAU of Waldo, WILLETTE of
Aroostook, Representatives: ESPLING of New Gloucester, FREDETTE of Newport,
HOBBINS of Saco.

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. V, Pt. Second, §1 is amended to read: 5 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 6 7 the same manner as provided by this Constitution for the election of Senators and Representatives in convention. 8 9 Constitution, Art. V, Pt. Second, §1-A is amended to read: 10 Section 1-A. Succession to the office of Secretary of State. If a vacancy occurs in the office of the Secretary of State, the first deputy secretary of state shall act as 11 the Secretary of State until a Secretary of State is elected by the Legislature during the 12 eurrent session if in session, or at the next regular or special session popular election. A 13 vacancy in the office of the Secretary of State may be filled by a new election. 14 15 Constitution, Art. V, Pt. Third, §1 is amended to read: 16 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first session 17 of the Legislature, by joint ballot of the popular election on the same date and in the same 18 manner as provided by this Constitution for the election of Senators, and Representatives 19 in convention. 20 Constitution, Art. V, Pt. Third, §1-A is amended to read: 21 Section 1-A. Succession to the office of Treasurer. If a vacancy occurs in the office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State 22 23 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 popular election. A vacancy in the office 24 25 of Treasurer of State may be filled by a new election. 26 Constitution, Art. IX, §11 is amended to read: Section 11. Attorney General. The Attorney General shall be chosen biennially 27 by joint ballot popular election on the same date and in the same manner as provided by 28 29 this Constitution for the election of the Senators and Representatives in convention. 30 Vacancy in said office occurring when the Legislature is not in session, may be filled by 31 appointment by the Governor, subject to confirmation as required by this Constitution for 32 Justices of the Supreme Judicial Court. 33 : and be it further 34 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

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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, the Treasurer of State and the Attorney General be elected by the people biennially 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.

19 SUMMARY

 This resolution proposes a constitutional amendment that provides for direct popular election beginning in 2016 of the Secretary of State, the Treasurer of State and the Attorney General biennially in the manner currently provided for Senators and Representatives.