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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 856

H.P. 607

House of Representatives, March 6, 2013

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require State Officers To Be Elected by a Majority of Voters

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

Millicent M. Macfarland MILLICENT M. MacFARLAND

Clerk

Presented by Representative BROOKS of Winterport.

Cosponsored by Senator TUTTLE of York and

Representatives: CHIPMAN of Portland, EVANGELOS of Friendship, FARNSWORTH of

Portland, LIBBY of Lewiston, RUSSELL of Portland, VEROW of Brewer, Senator:

HASKELL of Cumberland.

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:

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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 forthwith. If no person received more than 50% of the votes duly cast for the office of Representative in a district, the House of Representatives shall order a run-off election, to be held within 2 weeks of the date of the order, between the 2 persons who received the largest number of votes duly cast for the office of Representative in that district. The person who receives the larger number of votes in the run-off election is declared the Representative for that district. 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 more than 50% 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 forthwith. If no person received more than 50% of the votes duly cast for the office of Senator in a district, the Senate shall order a run-off election, to be held within 2 weeks of the date of the order, between the 2 persons who received the largest number of votes duly cast for the office of Senator in that district. The person who receives the larger number of votes in the run-off election is declared the Senator for that district.

Constitution, Art. IV, Pt. Second, §4 is amended to read:

Section 4. Lists of votes examined by Governor; 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 more than 50% of the votes in each senatorial district, to attend that day and take their seats.

Constitution, Art. IV, Pt. Second, §5 is amended to read:

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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 more than 50% of the 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 more than 50% of the 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; votes to be returned to Secretary of State; Secretary of State to lay lists before the Senate and House of Representatives; provision in case of tie. 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 The Secretary of State for the time being shall, on the first those for Senators. 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 no person received more than 50% of the votes duly cast for the office of Governor, the Senate and House of Representatives meeting in joint session shall order a run-off election, to be held within 2 weeks of the date of the order, between the 2 persons who received the largest number of votes duly cast for the office of Governor. The person who receives the larger number of votes in the run-off election is declared the Governor. If there shall be a tie between the 2 persons having the largest number of votes for Governor in the run-off election, 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.

; 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 require a run-off election between the 2 candidates for the office of Governor, State Senator or State Representative who received the most votes in an election in which no candidate received more than 50% of the votes?"

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.

20 SUMMARY

 This resolution proposes to amend the Constitution of Maine to require that a candidate for the office of Governor, State Senator or State Representative receive more than 50% of the votes cast to be elected. Currently, the candidate who receives the largest number of votes, regardless of that number's percentage of the total number of votes cast, is elected. This resolution requires a run-off election between the 2 persons who received the largest number of votes when no candidate received more than 50% of the total number of votes cast. The person who receives the larger number of votes in the run-off election is declared the winner.