



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 607

S.P. 187

In Senate, February 17, 2011

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require the Governor To Be Elected by a Majority Vote**

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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. First, §3** is amended to read:

5 **Section 3. Election; votes to be returned to Secretary of State; Secretary**
6 **of State to lay lists before the Senate and House of Representatives; provision**
7 **in case of tie.** The meetings for election of Governor shall be notified, held and
8 regulated and votes shall be received, sorted, counted and declared and recorded, in the
9 same manner as those for Senators and Representatives. Copies of lists of votes shall be
10 sealed and returned to the secretary's office in the same manner and at the same time as
11 those for Senators. The Secretary of State for the time being shall, on the first
12 Wednesday after the first Tuesday of January then next, lay the lists returned to the
13 secretary's office before the Senate and House of Representatives to be by them
14 examined, together with the ballots cast if they so elect, and they shall determine the
15 number of votes duly cast for the office of Governor, ~~and in case of a choice by plurality~~
16 ~~of all of the votes returned they shall declare and publish the same.~~ If no person received
17 more than 50% of the votes duly cast for the office of Governor, the Senate and House of
18 Representatives meeting in joint session shall order a runoff, to be held within 2 weeks,
19 between the 2 persons who received the largest number of votes duly cast for the office of
20 Governor. The person who receives the larger number of votes in the run-off election is
21 declared the Governor. If there shall be a tie between the 2 persons ~~having the largest~~
22 ~~number of votes for Governor in the run-off election,~~ the House of Representatives and
23 the Senate meeting in joint session, and each member of said bodies having a single vote,
24 shall elect one of said 2 persons having so received an equal number of votes and the
25 person so elected by the Senate and House of Representatives shall be declared the
26 Governor.

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 require a run-off
35 election between the 2 candidates for Governor who received the largest
36 number of votes in a gubernatorial election if no candidate received more
37 than 50% of the votes?"

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
43 review the returns. If it appears that a majority of the legal votes are cast in favor of the

1 amendment, the Governor shall proclaim that fact without delay and the amendment
2 becomes part of the Constitution of Maine on the date of the proclamation; and be it
3 further

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

7 **SUMMARY**

8 This resolution proposes to amend the Constitution of Maine to require that a
9 candidate for Governor receive more than 50% of the votes cast to be elected. Currently,
10 the candidate who receives the largest number of votes, regardless of that number's
11 percentage of the total number of votes cast, becomes Governor. This resolution requires
12 a run-off election between the 2 persons who received the largest number of votes when
13 no candidate received more than 50% of the total number of votes cast. The person who
14 receives the larger number of votes in the run-off election is declared Governor.