

## **126th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2013

**Legislative Document** 

No. 573

H.P. 392

House of Representatives, February 19, 2013

**RESOLUTION, Proposing an Amendment to the Constitution of** Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative KNIGHT of Livermore Falls. Cosponsored by Senator PLUMMER of Cumberland and Representatives: BEAULIEU of Auburn, CAMPBELL of Newfield, FOWLE of Vassalboro, KINNEY of Limington, MARKS of Pittston, SAUCIER of Presque Isle, SCHNECK of Bangor, Senator: MASON of Androscoggin. 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. II, §1** is amended to read:

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5 Section 1. Qualifications of electors; written ballot; military servicemen; 6 students. Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her 7 8 residence established in this State, shall be an elector for Governor, Senators and 9 Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State; and the elections shall be by 10 11 written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by 12 being stationed in any garrison, barrack or military place, in any city, town or plantation; 13 nor shall the residence of a student at any seminary of learning entitle the student to the 14 right of suffrage in the city, town or plantation where such seminary is established; nor 15 16 may any person convicted of a crime for which a sentence of imprisonment of more than 10 years may be imposed be entitled to the right of suffrage while that person is 17 18 imprisoned for that crime in a correctional facility of the State. No person, however, shall be deemed to have lost residence by reason of the person's absence from the state in the 19 20 military service of the United States, or of this State.

Indians. Every Indian, residing on tribal reservations and otherwise qualified, shall
 be an elector in all county, state and national elections.

; and be it further

24 **Constitutional referendum procedure; form of question; effective date.** 25 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their 26 respective cities, towns and plantations to meet, in the manner prescribed by law for 27 holding a statewide election, at a statewide election held in the month of November 28 following the passage of this resolution, to vote upon the ratification of the amendment 29 proposed in this resolution by voting upon the following question:

30 "Do you favor amending the Constitution of Maine to prohibit persons
31 incarcerated for committing a crime for which a sentence of more than 10
32 years may be imposed from voting while incarcerated?"

33 The legal voters of each city, town and plantation shall vote by ballot on this question 34 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 35 declared in open ward, town and plantation meetings and returns made to the Secretary of 36 State in the same manner as votes for members of the Legislature. The Governor shall 37 review the returns. If it appears that a majority of the legal votes are cast in favor of the 38 39 amendment, the Governor shall proclaim that fact without delay and the amendment 40 becomes part of the Constitution of Maine on the date of the proclamation; and be it 41 further

1 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of 2 State shall prepare and furnish to each city, town and plantation all ballots, returns and 3 copies of this resolution necessary to carry out the purposes of this referendum.

## SUMMARY

5 This resolution proposes an amendment to the Constitution of Maine that revokes the 6 right of a person in a correctional facility of the State to vote if that person was convicted 7 of a crime punishable by more than 10 years of imprisonment, which currently includes 8 murder and Class A crimes.

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