

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 384

H. P. 239

House of Representatives, February 7, 1979

The Speaker laid before the House and referred to the Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Morton of Farmington.

Cosponsor: Mr. Bowden of Brooklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide  
for Gubernatorial Run-off Elections.**

**Constitutional amendment. RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

**Constitution, Art. V, Pt. First, § 3, 3rd sentence,** as amended by CR 1975, c. 5, is further amended to read:

The Secretary of State for the time being shall, on the first 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 candidate receives more than a majority of all votes returned for Governor, the procedures of section 3-A shall be followed.~~

**Constitution, Art. V, Pt. First, § 3-A** is enacted to read:

**Section 3-A. Run-off election for Governor.** In the event no gubernatorial candidate receives more than a majority of the whole number of votes returned for Governor in the general election, the Secretary of State shall continue the gubernatorial election by immediately calling a run-off election and shall designate as candidates therein the two persons who received the highest number of votes, who continue in life and have not declined to continue as a gubernatorial candidate. This run-off election shall be held on the third Tuesday immediately following the general election unless the date thereof shall be changed by the legislature. The run-off election shall be a continuation of the general election and only the electors who were entitled to vote in the general election shall be entitled to vote therein; and only those votes cast for two persons designated shall be counted in the tabulation and canvass of the votes cast. The provisions relating to the transmission of the returns in the general election, the opening of the returns, their tabulation, canvassing and publication shall apply to the run-off election. On the Tuesday following the run-off election, the Secretary of State shall convene, open, canvass, tabulate and publish the returns of the run-off election. The person having the highest number of votes entitled to be counted in the run-off election shall be declared the duly elected Governor of this State.

The Legislature may provide by law for any additional procedures or requirements connected with any subject matter embraced by this section and in connection with any contested election, provided the laws are not inconsistent with the provisions herein.

**Constitutional referendum procedure; form of question; effective date. Resolved:** That the city aldermen, town selectmen and plantation assessors 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 special statewide election on the Tuesday following the first Monday 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:

“Shall the Constitution of Maine be amended to require that if no candidate for Governor receives more than a majority of votes returned for Governor, a run-off gubernatorial election shall be conducted?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballots shall 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 and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on the date of the proclamation.

**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 purpose of this referendum.

#### STATEMENT OF FACT

With the increasing number of candidates on the ballot in the general election, it is conceivable that a candidate could be elected Governor with less than 20% of the votes cast.

This Constitutional Resolution provides that if, in a gubernatorial election, no candidate for Governor receives more than a majority of votes returned for Governor, a run-off gubernatorial election shall be conducted.