

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1196

S.P. 371

In Senate, March 12, 2019

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**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Implement Ranked-choice Voting**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CHENETTE of York.

Cosponsored by Senator MIRAMANT of Knox, Representatives: ACKLEY of Monmouth, KESSLER of South Portland, McLEAN of Gorham, WARREN of Hallowell, Representative FECTION of Biddeford and

Senators: CHIPMAN of Cumberland, President JACKSON of Aroostook, LUCHINI of Hancock, Representatives: MAXMIN of Nobleboro, PEBWORTH of Blue Hill, RYKERSON of Kittery.

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. IV, Pt. First, §5** is amended to read:

5           **Section 5. Election of Representatives; lists of votes delivered forthwith;**  
6 **lists of votes examined by Governor; summons of persons who appear to be**  
7 **elected; lists shall be laid before the House.** The meetings within this State for the  
8 choice of Representatives shall be warned in due course of law by qualified officials of  
9 the several towns and cities 7 days at least before the election, and the election officials of  
10 the various towns and cities shall preside impartially at such meetings, receive the votes  
11 of all the qualified electors, sort, count and declare them in open meeting; and a list of the  
12 persons voted for shall be formed, with the number of votes for each person against that  
13 person's name. Cities and towns belonging to any Representative District shall hold their  
14 meetings at the same time in the respective cities and towns; and such meetings shall be  
15 notified, held and regulated, the votes received, sorted, counted and declared in the same  
16 manner. Fair copies of the lists of votes shall be attested by the municipal officers and  
17 the clerks of the cities and towns and the city and town clerks respectively shall cause the  
18 same to be delivered into the office of the Secretary of State forthwith. The Governor  
19 shall examine the returned copies of such lists and 7 days before the first Wednesday of  
20 December biennially, shall issue a summons to such persons as shall appear to have been  
21 elected by a ~~plurality~~ majority of all votes returned, to attend and take their seats. All  
22 such lists shall be laid before the House of Representatives on the first Wednesday of  
23 December biennially, and they shall finally determine who are elected.

24           **Constitution, Art. IV, Pt. Second, §§4 and 5** are amended to read:

25           **Section 4. Lists of votes examined by Governor; summons to persons who**  
26 **appear to be elected.** The Governor shall, as soon as may be, examine the copies of  
27 such lists, and at least 7 days before the said first Wednesday of December, issue a  
28 summons to such persons, as shall appear to be elected by a ~~plurality~~ majority of the  
29 votes in each senatorial district, to attend that day and take their seats.

30           **Section 5. Determination of Senators elected; procedure for filling**  
31 **vacancies.** The Senate shall, on said first Wednesday of December, biennially  
32 determine who is elected by a ~~plurality~~ majority of votes to be Senator in each district.  
33 All vacancies in the Senate arising from death, resignation, removal from the State or like  
34 causes, and also vacancies, if any, which may occur because of the failure of any district  
35 to elect by a ~~plurality~~ majority of votes the Senator to which said district shall be entitled  
36 shall be filled by an immediate election in the unrepresented district. The Governor shall  
37 issue a proclamation therefor and therein fix the time of such election.

38           **Constitution, Art. V, Pt. First, §3** is amended to read:

39           **Section 3. Election; votes to be returned to Secretary of State; Secretary**  
40 **of State to lay lists before the Senate and House of Representatives; provision**

1 **in case of tie.** The meetings for election of Governor shall be notified, held and  
2 regulated and votes shall be received, sorted, counted and declared and recorded, in the  
3 same manner as those for Senators and Representatives. Copies of lists of votes shall be  
4 sealed and returned to the secretary's office in the same manner and at the same time as  
5 those for Senators. The Secretary of State for the time being shall, on the first  
6 Wednesday after the first Tuesday of January then next, lay the lists returned to the  
7 secretary's office before the Senate and House of Representatives to be by them  
8 examined, together with the ballots cast if they so elect, and they shall determine the  
9 number of votes duly cast for the office of Governor, and in case of a choice by plurality  
10 majority of all of the votes returned they shall declare and publish the same. If there shall  
11 be a tie between the 2 persons having the largest number of votes for Governor, the  
12 House of Representatives and the Senate meeting in joint session, and each member of  
13 said bodies having a single vote, shall elect one of said 2 persons having so received an  
14 equal number of votes and the person so elected by the Senate and House of  
15 Representatives shall be declared the Governor.

16 **Constitutional referendum procedure; form of question; effective date.**

17 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
18 respective cities, towns and plantations to meet, in the manner prescribed by law for  
19 holding a statewide election, at a statewide election held in the month of November  
20 following the passage of this resolution, to vote upon the ratification of the amendment  
21 proposed in this resolution by voting upon the following question:

22 "Do you favor amending the Constitution of Maine to require candidates  
23 for the political offices of Governor, State Senator and State  
24 Representative to be elected by a majority of the votes cast for that  
25 office?"

26 The legal voters of each city, town and plantation shall vote by ballot on this question  
27 and designate their choice by a cross or check mark placed within the corresponding  
28 square below the word "Yes" or "No." The ballots must be received, sorted, counted and  
29 declared in open ward, town and plantation meetings and returns made to the Secretary of  
30 State in the same manner as votes for members of the Legislature. The Governor shall  
31 review the returns. If it appears that a majority of the legal votes are cast in favor of the  
32 amendment, the Governor shall proclaim that fact without delay and the amendment  
33 becomes part of the Constitution of Maine on the date of the proclamation.

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

37 **SUMMARY**

38 This resolution proposes to amend the Constitution of Maine to require candidates for  
39 the political offices of Governor, State Senator and State Representative to be elected by  
40 a majority of the votes cast for that office.