

MAINE STATE LEGISLATURE

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New Draft of: H. P. 427, L. D. 535

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1675

H. P. 1449

House of Representatives, April 22, 1977

Reported by a Majority from Committee on Election Laws and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**RESOLUTION, Proposing an Amendment to the Constitution to Prohibit
Referendum Voting at Primary 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. IV, Pt. 3, § 17, as amended by CR 1975, c. 2, is further amended by adding at the end the following new sentence to read:

Such a special election shall not be held on the same date as a primary election.

Constitution, Art. IV, Pt. 3, § 18, as amended by CR 1975, c. 2, is further amended by adding at the end the following new sentence to read:

Such a special election shall not be held on the same date as a primary election.

Constitution, Art. IV, Pt. 3, § 19, last sentence is amended to read:

The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote; **such a referendum vote shall not be held on the same date as a primary election.**

Constitution, Art. IV, Pt. 3, § 20, first sentence, as amended by CR 1975, c. 2, is further amended to read:

As used in any of the three preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "general election" means the November election for choice of presidential electors, Governor and other state and county officers; "primary election" means the regular election by the electors of a particular

political party for the election of nominees for the general election, as provided by statute; "measure" means an Act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of his city, town or plantation as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for Governor.

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 the next general election in the month of November or 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 amendments proposed in this resolution by voting upon the following question:

"Shall the Constitution be amended as proposed by a resolution of the First Regular Session of the 108th Legislature to prohibit referendum voting at primary elections?"

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 amendments, the Governor shall proclaim that fact without delay and the amendments 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

The purpose of this new draft, as of the original resolution, is to provide for more voter participation in referendum elections. This new draft includes initiatives and referenda resulting from petitions as well as referenda resulting from acts of the Legislature conditioned upon ratification by such votes. This new draft also includes a constitutional definition of primary elections.