

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1389

H.P. 1031 House of Representatives, April 29, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative HEPBURN of Skowhegan.

Cosponsored by Representatives STROUT of Windham,
ANDERSON of Woodland, and Senator GOULD of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **RESOLUTION, Proposing Amendments**
2 **to the Constitution of Maine**
3 **to Provide for the Popular Election of the**
4 **Attorney General, Secretary of State,**
5 **Treasurer of State and State Auditor.**
6

7 **Constitutional amendments. RESOLVED:** Two thirds
8 of each branch of the Legislature concurring, that
9 the following amendments to the Constitution of Maine
10 be proposed:

11 **Sec. 1. Constitution, Art. V, Part Second, §1 is**
12 **repealed and the following enacted in its place:**

13 Section 1. Election. The Secretary of State
14 shall be elected by the qualified voters and shall
15 hold office 2 years from the day next preceding the
16 first Wednesday in December following the general

1 election. The meetings within this State for the
2 choice of Secretary of State shall be warned in due
3 course of law by qualified officials of the several
4 towns and cities at least 7 days before the election,
5 and the election officials of the various towns and
6 cities shall preside impartially at such meetings,
7 receive the votes of all the qualified electors,
8 sort, count and declare them in open meeting; and a
9 list of the persons voted for shall be formed, with
10 the number of votes of each person against his name.
11 Fair copies of the lists of votes shall be attested
12 by the municipal officers and the clerks of the
13 cities and towns and the city and town clerks respec-
14 tively shall cause the lists to be delivered into the
15 Office of the Secretary of State forthwith. The Gov-
16 ernor shall examine the returned copies of those
17 lists and, 7 days before the first Wednesday of De-
18 cember biennially, shall issue a summons to such per-
19 son as shall appear to have been elected by a plural-
20 ity of all votes returned, to attend and be sworn in-
21 to office. All those lists shall be laid before the
22 House of Representatives and the Senate on the first
23 Wednesday of December, biennially, and they shall fi-
24 nally determine who is elected.

25 Sec. 2. Constitution, Art. V, Part Third, §1 is
26 repealed and the following enacted in its place:

27 Section 1. Election. The Treasurer of State
28 shall be elected by the qualified voters and shall
29 hold office 2 years from the day next preceding the
30 first Wednesday in December following the general
31 election. The meetings within this State for the
32 choice of Treasurer of State shall be warned in due
33 course of law by qualified officials of the several
34 towns and cities at least 7 days before the election
35 and the election officials of the various towns and
36 cities shall preside impartially at those meetings,
37 receive the votes of all the qualified electors,
38 sort, count and declare them in open meeting; and a
39 list of the persons voted for shall be formed, with
40 the number of votes of each person against his name.
41 Fair copies of the lists of votes shall be attested
42 by the municipal officers and the clerks of the
43 cities and towns and the city and town clerks respec-
44 tively shall cause those copies to be delivered into
45 the Office of the Secretary of State forthwith. The

1 Governor shall examine the returned copies of those
2 lists and, 7 days before the first Wednesday of De-
3 cember, biennially, shall issue a summons to such
4 person as shall appear to have been elected by a plu-
5 rality of all votes returned, to attend and be sworn
6 into office. All those lists shall be laid before
7 the House of Representatives and the Senate on the
8 first Wednesday of December, biennially, and they
9 shall finally determine who is elected.

10 **Sec. 3. Constitution, Art. IX, §11 is repealed**
11 **and the following enacted in its place:**

12 Section 11. Election. The Attorney General
13 shall be elected by the qualified voters and shall
14 hold office 2 years from the day next preceding the
15 first Wednesday in December following the general
16 election. The meetings within this State for the
17 choice of Attorney General shall be warned in due
18 course of law by qualified officials of the several
19 towns and cities at least 7 days before the election,
20 and the election officials of the various towns and
21 cities shall preside impartially at those meetings,
22 receive the votes of all the qualified electors,
23 sort, count and declare them in open meeting; and a
24 list of the persons voted for shall be formed, with
25 the number of votes of each person against his name.
26 Fair copies of the lists of votes shall be attested
27 by the municipal officers and the clerks of the
28 cities and towns and the city and town clerks respec-
29 tively shall cause those copies to be delivered into
30 the Office of the Secretary of State forthwith. The
31 Governor shall examine the returned copies of those
32 lists and 7 days before the first Wednesday of Decem-
33 ber biennially, shall issue a summons to such person
34 as shall appear to have been elected by a plurality
35 of all votes returned, to attend and be sworn into
36 office. All those lists shall be laid before the
37 House of Representatives and the Senate on the first
38 Wednesday of December, biennially, and they shall fi-
39 nally determine who is elected.

40 **Sec. 4. Constitution, Art. IX, §21 is enacted to**
41 **read:**

42 Section 21. Election. The State Auditor shall
43 be elected by the qualified voters and shall hold of-

1 fice 4 years from the day next preceding the first
2 Wednesday in December following the general election.
3 The meeting within this State for the choice of State
4 Auditor shall be warned in due course of law by qual-
5 ified officials of the several towns and cities at
6 least 7 days before the election, and the election
7 officials of the various towns and cities shall pre-
8 side impartially at those meetings, receive the votes
9 of all the qualified electors, sort, count and de-
10 clare them in open meeting; and a list of the persons
11 voted for shall be formed, with the number of votes
12 of each person against his name. Fair copies of the
13 lists of votes shall be attested by the municipal of-
14 ficers and the clerks of the cities and towns and the
15 city and town clerks respectively shall cause those
16 lists to be delivered into the Office of the Secre-
17 tary of State forthwith. The Governor shall examine
18 the returned copies of those lists and 7 days before
19 the first Wednesday of December, biennially, shall
20 issue a summons to such person as shall appear to
21 have been elected by a plurality of all votes re-
22 turned, to attend and be sworn into office. All
23 those lists shall be laid before the House of Repre-
24 sentatives and the Senate on the first Wednesday of
25 December, biennially, and they shall finally deter-
26 mine who is elected.

27 Constitutional referendum procedure; form of
28 question; effective date. Resolved: That the city
29 aldermen, town selectmen and plantation assessors of
30 this State shall notify the inhabitants of their re-
31 spective cities, towns and plantations to meet, in
32 the manner prescribed by law for holding a statewide
33 election, at the next general election, on the Tues-
34 day following the first Monday of November following
35 the passage of this resolution, to vote upon the rat-
36 ification of the amendments proposed in this resolu-
37 tion by voting upon the following question:

38 "Shall the Constitution of Maine be amended to
39 provide for the popular election of the Secretary of
40 State, Attorney General, Treasurer of State and State
41 Auditor?"

42 The legal voters of each city, town and planta-
43 tion shall vote by ballot on this question, and shall
44 designate their choice by a cross or check mark

1 placed within the corresponding square below the word
2 "Yes" or "No." The ballots shall be received,
3 sorted, counted and declared in open ward, town and
4 plantation meetings and returns made to the Secretary
5 of State in the same manner as votes for members of
6 the Legislature. The Governor shall review the re-
7 turns and, if it appears that a majority of the legal
8 voters are in favor of the amendments, the Governor
9 shall proclaim that fact without delay and the amend-
10 ments shall become part of the Constitution on the
11 date of the proclamation.

12 Secretary of State shall prepare ballots. Re-
13 solved: That the Secretary of State shall prepare
14 and furnish to each city, town and plantation all
15 ballots, returns and copies of this resolution neces-
16 sary to carry out the purposes of this referendum.

17 STATEMENT OF FACT

18 This constitutional resolution amends the Consti-
19 tution to provide for the popular election of the
20 Secretary of State, Attorney General, Treasurer of
21 State and State Auditor. Under the current law, the
22 Secretary of State, Attorney General, Treasurer of
23 State and State Auditor, are elected by the Legisla-
24 ture. Their terms of office, 2 years for the Secre-
25 tary of State, Attorney General and Treasurer of
26 State and 4 years for State Auditor, remain the same.
27 The popular election of each is to be accomplished by
28 the same procedures followed for election of the Leg-
29 islature. Both Houses of the Legislature will, based
30 on the election results, finally determine who is
31 elected.

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