

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 233, L.D. 317, "RESOLUTION,
Proposing an Amendment to the Constitution of Maine Requiring
Successful Gubernatorial Candidates to Receive More than 50
Percent of the Votes Duly Cast"

Amend the resolution by striking out all of the title and
inserting in its place the following:

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine Requiring Successful Gubernatorial Candidates to Receive a
Majority of the Votes Cast for Governor'**

Further amend the resolution by striking everything after
the title and before the statement of fact and inserting in its
place the following:

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

Constitution, Article V, Part First, Section 3 is amended to read:

Section 3. Election; votes to be returned to Secretary of
State; Secretary of State to lay lists before the Senate and
House of Representatives; provision in case of tie. The meetings
for election of Governor shall be notified, held and regulated
and votes shall be received, sorted, counted and declared and
recorded, in the same manner as those for Senators and
Representatives. Copies of lists of votes shall be sealed and
returned to the secretary's office in the same manner and at the
same time as those for Senators. ~~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 the 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 a majority of the votes cast for

1 the office of Governor, a runoff election shall be held between
2 the 2 persons who received the largest number of votes cast for
3 the office of Governor. The 114th Legislature, during the Second
4 Regular Session, shall enact a resolve to create a commission to
5 study and make recommendations concerning withdrawal of
6 candidates from a runoff election and defining the process and
7 schedule for a runoff election. The 115th Legislature, during
8 the Second Regular Session, shall enact a public law governing
9 the process and schedule for and the withdrawal of candidates
10 from runoff elections for the office of Governor. If there shall
11 be a tie between the two persons having--the--largest--number--of
12 votes in the runoff election for Governor, the House of
13 Representatives and the Senate meeting in joint session, and each
14 member of said bodies having a single vote, shall elect one of
15 said two persons having so received an equal number of votes and
16 the person so elected by the Senate and House of Representatives
17 shall be declared the Governor. The Secretary of State shall lay
18 the lists returned to the secretary's office before the Senate
19 and the House of Representatives to be by them examined, together
20 with the ballots cast if they so choose, and they shall determine
21 the number of votes cast for the office of Governor and shall
22 declare and publish the same.

23
24 **Constitutional referendum procedure; form of question; effective**
25 **date. Resolved:** That the city aldermen, town selectmen and
26 plantation assessors of this State shall notify the inhabitants
27 of their respective cities, towns and plantations to meet, in the
28 manner prescribed by law for holding a statewide election, at a
29 statewide election, on the Tuesday following the first Monday of
30 November following the passage of this resolution, to vote upon
31 the ratification of the amendment proposed in this resolution by
32 voting upon the following question:

33
34 "Shall the Constitution of Maine be amended to require a
35 runoff election between the 2 candidates for Governor who
36 received the largest number of votes if no candidate
37 received more than 50% of the votes?"

38
39 The legal voters of each city, town and plantation shall
40 vote by ballot on this question, and shall designate their choice
41 by cross or check mark placed within the corresponding square
42 below the word "Yes" or "No." The ballots shall be received,
43 sorted, counted and declared in open ward, town and plantation
44 meetings and returns made to the Secretary of State in the same
45 manner as votes for members of the Legislature. The Governor
46 shall review the returns and, if it appears that a majority of
47 the legal voters are in favor of the amendment, the Governor
48 shall proclaim that fact without delay and the amendment shall
49 become part of the Constitution on the date of the proclamation.

50
51 **Secretary of State shall prepare ballots. Resolved:** That

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

5 **Effective date.** Following the approval of the constitutional
6 resolution by the electorate at the next general election, this
7 resolution shall take effect on January 1, 1994.

9

11 **FISCAL NOTE**

13 This bill will incur a cost to send this constitutional
14 resolution out to referendum which will vary depending upon the
15 total number of referenda.

17 The estimated cost to the Secretary of State will be as
18 follows:

19	1 to 6 referenda	\$88,000
21	Each additional referendum	\$5,300'

23

25 **STATEMENT OF FACT**

27 This amendment provides that if no candidate receives more
28 than 50% of the total number of votes cast in a gubernatorial
29 election, a runoff election will be held between the 2 candidates
30 who received the largest number of votes. This amendment also
31 provides that the Legislature will enact a resolve to create a
32 commission to study and make recommendations concerning the
33 process and schedule for a runoff election and recommendations
34 concerning the withdrawal of candidates from runoff elections for
35 the office of Governor. The Legislature will enact a public law
36 during the Second Regular Session of the 115th Legislature
37 providing for the withdrawal of candidates from runoff elections
38 for Governor and defining the process and schedule for runoff
39 elections.

41 This amendment also provides that following approval of the
42 constitutional resolution by the electorate at the next general
43 election, the resolution will take effect for the gubernatorial
44 election in 1994.

45

Filed by Representative Mahany of Easton.
Reproduced and distributed under the direction of the Clerk of the House.

4/18/89

(Filing No. H-76)