

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 317

H.P. 233

House of Representatives, February 22, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative MAHANY of Easton.

Cosponsored by Representative JOSEPH of Waterville, Senator CLARK of Cumberland and Representative CONLEY of Portland.

---

STATE OF MAINE

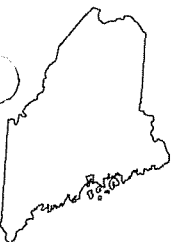
---

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

---

**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
Requiring Successful Gubernatorial Candidates to Receive More than  
50 Percent of the Votes Duly Cast.**

---



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

5           **Constitution, Art. V, Pt. 1, §3, is amended to read:**

7           **Section 3. Election; votes to be returned to Secretary of**  
8 **State; Secretary of State to lay lists before the Senate and**  
9 **House of Representatives; provision in case of tie. The meetings**  
10 **for election of Governor shall be notified, held and regulated**  
11 **and votes shall be received, sorted, counted and declared and**  
12 **recorded, in the same manner as those for Senators and**  
13 **Representatives. Copies of lists of votes shall be sealed and**  
14 **returned to the secretary's office in the same manner and at the**  
15 **same time as those for Senators. The Secretary of State for the**  
16 **time being shall, on the first Tuesday of January then next, lay**  
17 **the lists returned to the secretary's office before the Senate**  
18 **and the House of Representatives to be by them examined, together**  
19 **with the ballots cast if they so elect, and they shall determine**  
20 **the number of votes duly cast for the office of Governor, ~~and in~~**  
21 **~~ease of a choice by plurality of all of the votes returned they~~**  
22 **~~shall declare and publish the same. If no person received more~~**  
23 **than 50 percent of the votes duly cast for the office of**  
24 **Governor, the Senate and House of Representatives, meeting in**  
25 **joint session, shall order a runoff election to be held within**  
26 **two weeks between the two persons who received the largest number**  
27 **of votes duly cast for the office of Governor. The person who**  
28 **receives the larger number of votes in the runoff election shall**  
29 **be declared the Governor. If there shall be a tie between the**  
30 **two persons in the runoff election having the largest number of**  
31 **votes for Governor, the House of Representatives and the Senate**  
32 **meeting in joint session, and each member of said bodies having a**  
33 **single vote, shall elect one of said two persons having so**  
34 **received an equal number of votes and the person so elected by**  
35 **the Senate and House of Representatives shall be declared the**  
36 **Governor.**

37           **Constitutional referendum procedure; form of question; effective**  
38 **date. Resolved:** That the city aldermen, town selectmen and  
39 plantation assessors of this State shall notify the inhabitants  
40 of their respective cities, towns and plantations to meet, in the  
41 manner prescribed by law for holding a statewide election, at the  
42 next general election in the month of November or special  
43 state-wide election on the Tuesday following the first Monday of  
44 November following the passage of this resolution to vote upon  
45 the ratification of the amendment proposed in this resolution by  
46 voting upon the following question:

49           "Shall the Constitution of Maine be amended to require a  
50 runoff election between the two candidates for Governor who  
51 received the largest number of votes if no candidate  
received more than 50 percent of the votes?"

1  
3 The legal voters of each city, town and plantation shall  
5 vote by ballot on this question, and shall designate their choice  
7 by cross or check mark placed within the corresponding square  
9 below the words "Yes" and "No." The ballots shall be received,  
11 sorted, counted and declared in open ward, town and plantation  
13 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 day of the Governor's  
proclamation.

15 **Secretary of State shall prepare ballots. Resolved:** That the  
17 Secretary of State shall prepare and furnish to each city, town  
19 and plantation ballots and blank returns in conformity with the  
foregoing resolution.

21 **STATEMENT OF FACT**

23  
25 The purpose of this constitutional resolution is to amend  
27 Maine's constitution to require that successful candidates for  
29 Governor receive more than 50 percent of the votes cast.  
31 Currently, the candidate who receives the largest number of  
33 votes, regardless of that number's percentage of the total number  
of votes cast, becomes Governor. The amendment proposed by this  
resolution would require a runoff election between the two  
persons who received the largest number of votes where no  
candidate received a majority, i.e., more than 50 percent, of the  
total number of votes cast. The person who received the larger  
number of votes in the runoff election would be declared Governor.