

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 710

H.P. 525

House of Representatives, March 8, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative SEAVEY of Kennebunkport.

Cosponsored by Representative LARRIVEE of Gorham and Senator CARPENTER of York.

STATE OF MAINE

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

RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General and the Secretary of State.



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

5 **Sec. 1. Constitution, Art. V, Pt. Second, §1** is repealed and the
6 following enacted in its place:

7 **Section 1. Election.** The Secretary of State shall be
8 elected by the qualified voters and shall hold office 4 years
9 from the day next preceding the first Wednesday in December
10 following the general election. The meetings within this State
11 for the choice of Secretary of State shall be warned in due
12 course of law by qualified officials of the several towns and
13 cities at least 7 days before the election, and the election
14 officials of the various towns and cities shall preside
15 impartially at such meetings, receive the votes of all the
16 qualified electors, sort, count and declare them in open meeting;
17 and a list of the persons voted for shall be formed, with the
18 number of votes of each person against the person's name. Fair
19 copies of the lists of votes shall be attested by the municipal
20 officers and the clerks of the cities and towns and the city and
21 town clerks respectively shall cause the lists to be delivered to
22 the Department of the Secretary of State. The Governor shall
23 examine the returned copies of those lists and, 7 days before the
24 first Wednesday of December biennially, shall issue a summons to
25 that person as shall appear to have been elected by a plurality
26 of all votes returned, to attend and be sworn into office. All
27 those lists shall be laid before the House of Representatives and
28 the Senate on the first Wednesday of December and they shall
29 finally determine who is elected.

31 **Sec. 2. Constitution, Art. IX, §11** is repealed and the following
32 enacted in its place:

33 **Section 11. Election.** The Attorney General shall be
34 elected by the qualified voters and shall hold office 4 years
35 from the day next preceding the first Wednesday in December
36 following the general election. The meetings within this State
37 for the choice of Attorney General shall be warned in due course
38 of law by qualified officials of the several towns and cities at
39 least 7 days before the election, and the election officials of
40 the various towns and cities shall preside impartially at those
41 meetings, receive the votes of all the qualified electors, sort,
42 count and declare them in open meetings; and a list of the
43 persons voted for shall be formed, with the number of votes of
44 each person against the person's name. Fair copies of the lists
45 of votes shall be attested by the municipal officers and the
46 clerks of the cities and towns and the city and town clerks
47 respectively shall cause those copies to be delivered into the
48 Department of the Secretary of State. The Governor shall examine

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

8
9 **Constitutional referendum procedure; form of question; effective**
10 **date. Resolved:** That the city aldermen, town selectmen and
11 plantation assessors of this State shall notify the inhabitants
12 of their respective cities, towns and plantations to meet, in the
13 manner prescribed by law for holding a statewide election, at a
14 statewide election, on the Tuesday following the first Monday of
15 November following passage of this resolution, to vote upon the
16 ratification of the amendment proposed in this resolution by
17 voting upon the following question:

18 "Shall the Constitution of Maine be amended to provide for
19 the popular election of the Secretary of State and the
20 Attorney General?"
21

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

34 **Secretary of State shall prepare ballots. Resolved:** That the
35 Secretary of State shall prepare and furnish to each city, town
36 and plantation all ballots, returns and copies of this resolution
37 necessary to carry out the purposes of this referendum.
38

40 STATEMENT OF FACT

41
42
43 This constitutional resolution amends the Constitution of
44 Maine to provide for the popular election of the Secretary of
45 State and the Attorney General. Under the current law, the
46 Secretary of State and the Attorney General are elected by the
47 Legislature. Their terms of office will be 4 years. The popular
48 election of each is to be accomplished by the same procedures
49 followed for election of the Legislature. Both Houses of the
50 Legislature will, based on the election results, finally
51 determine who is elected.