

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 449

H.P. 319

House of Representatives, February 7, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

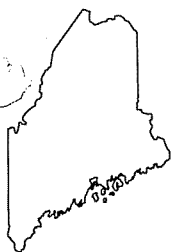
Presented by Representative MAHANY of Easton.

Cosponsored by Senator CONLEY of Cumberland, Representative HEESCHEN of Wilton and Representative ADAMS of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
Requiring the Governor-elect to Receive More than 50% of the Votes
Duly Cast.**



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

6 **Constitution, Art. V, Pt. First, §3** is amended to read:

8 **Section 3. Election; votes to be returned to Secretary of**
State; Secretary of State to lay lists before the Senate and
10 House of Representatives; provision in case of tie. The meetings
and votes shall be received, sorted, counted and declared and
12 recorded, in the same manner as those for Senators and
Representatives. Copies of lists of votes shall be sealed and
14 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
16 time being shall, on the first Wednesday after the first Tuesday
of January then next, lay the lists returned to the secretary's
18 office before the Senate and House of Representatives to be by
them examined, together with the ballots cast if they so elect,
20 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~~
22 ~~of the votes returned they shall declare and publish the same.~~
If no person received more than 50% of the votes duly cast for
24 the office of Governor, the Senate and House of Representatives
meeting in joint session shall order a runoff election, to be
26 held within 2 weeks, between the 2 persons who received the
largest number of votes duly cast for the office of Governor.
28 The person who receives the larger number of votes in the runoff
election is declared the Governor. If there shall be a tie
30 between the 2 persons having ~~the largest number of votes for~~
Governor in the runoff election, the House of Representatives and
32 the Senate meeting in joint session, and each member of said
bodies having a single vote, shall elect one of said 2 persons
34 having so received an equal number of votes and the person so
elected by the Senate and House of Representatives shall be
36 declared the Governor.

38 ; and be it further

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

50 "Shall the Constitution of Maine be amended to require a
runoff election between the 2 candidates for Governor who
52 received the largest number of votes in a gubernatorial
election if no candidate received more than 50% of the
54 votes?"

2 The legal voters of each city, town and plantation shall
4 vote by ballot on this question, and shall designate their choice
6 by a cross or check mark placed within the corresponding square
8 below the word "Yes" or "No." The ballots shall be received,
10 sorted, counted and declared in open ward, town and plantation
12 meetings and returns made to the Secretary of State in the same
14 manner as votes for members of the Legislature. The Governor
16 shall review the returns and, if it appears that a majority of
18 the legal voters are in favor of the amendment, the Governor
20 shall proclaim that fact without delay and the amendment shall
22 become part of the Constitution on the date of the proclamation;
24 and be it further

26 **Secretary of State shall prepare ballots. Resolved:** That the
28 Secretary of State shall prepare and furnish to each city, town
30 and plantation all ballots, returns and copies of this resolution
32 necessary to carry out the purposes of this referendum.

STATEMENT OF FACT

2 This resolution amends the Constitution of Maine to require
4 that a candidate for Governor receive more than 50% of the votes
6 cast to be elected. Currently, the candidate who receives the
8 largest number of votes, regardless of that number's percentage
10 of the total number of votes cast, becomes Governor. This
12 resolution requires a runoff election between the 2 persons who
14 received the largest number of votes when no candidate received
16 more than 50% of the total number of votes cast. The person who
18 receives the larger number of votes in the runoff election is
20 declared Governor.