MAINE STATE LEGISLATURE

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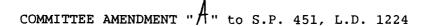
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_	L.D. 1224										
2	DATE: June 16, 1995 (Filing No. S- 285)										
4	table to the second of the sec										
6	STATE AND LOCAL GOVERNMENT										
8	Reported by: The Minority of the Committee.										
10	Reproduced and distributed under the direction of the Secretary of the Senate.										
12											
14	STATE OF MAINE SENATE 117TH LEGISLATURE										
16	FIRST REGULAR SESSION										
18	COMMITTEE AMENDMENT "A" to S.P. 451, L.D. 1224,										
20	COMMITTEE AMENDMENT "A" to S.P. 451, L.D. 1224, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Runoff Elections"										
22											
24	Amend the resolution by striking out everything after the title and before the statement of fact and inserting in its place the following:										
26	'Constitutional amendment. Resolved: Two thirds of each										
28	branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:										
30	Constitution, Art. IV, Part First, §5 is amended to read:										
32											
34	Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before										

Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the

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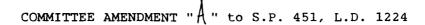
cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. The Governor shall examine the returned copies of such lists and 7-days-befere-the-first-Wednesday-ef December -- biennially, - shall -- issue - a -- summons -- to -- such -- persons -- as shall-appear-to-have-been-elected-by-a-plurality-of-all-votes returned, -to-attend-and-take-their-seats. -- All-such-lists-shall 8 be--laid--before--the--House--of--Representatives--on--the--first Wednesday -- of -- December -- biennially -- and -- they -- shall -- finally determine--who--are--elected if no person in a Representative District received more than 50% of the votes duly cast for Representative of that district, the Governor shall order a runoff election to be held within 2 weeks between the 2 persons who received the largest number of votes duly cast for the office of Representative of that district. The votes in the runoff election must be received, sorted, counted and declared and the lists of results delivered in the same manner as for the general election. The person who receives the larger number of votes in the runoff election is the Representative of the district. Seven days before the first Wednesday of December biennially, the Governor shall issue a summons to all persons who appear to have been elected by a majority of all votes returned in a general or a runoff election to attend and take their seats. The lists of election results must be laid before the House of Representatives on the first Wednesday of December biennially, and they shall finally determine who are elected. 26

Constitution, Art. V, Part First, §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 in the same manner as those for Senators Copies of lists of votes shall be sealed and Representatives. 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 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 -ease - of -a -choice -by - plurality - of -all of-the-votes-returned-they-shall-declare-and-publish-the-same. If no person received more than 50% of the votes duly cast for the office of Governor, the Senate and the House of Representatives meeting in joint session shall order a runoff election to be held within 2 weeks between the 2 persons who received the largest number of votes duly cast for the office of

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COMMITTEE AMENDMENT





Governor. The votes in the runoff election must be received, sorted, counted and declared and recorded in the same manner as for the general election. If there shall be a tie between the 2 persons having—the—largest—number—of—votes—for—Governor in the runoff election, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said 2 persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor.

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; and be it further

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to require a runoff election between the 2 candidates for Governor, State Representative or State Senator who received the largest number of votes if neither one of those candidates received more than 50% of the votes?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation 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 cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.'

Further amend the bill by inserting at the end before the statement of fact the following:



'FISCAL NOTE

	7	The	estimat	ed cos.t	of s	ending	this	Con	stitu	utional	Amend	ment
	out t	o r	eferend	um will	vary	accor	ding	to	the	total	number	c of
	refere	enda	enacte	d durin	g the	First	Regu	ılar	Sess	ion of	the 1	17th
	Legis	latu	re. The	e estima	ated o	ost to	the	Secr	etary	of St	ate if	one
	to 6	ŗ	eferenda	a are	enact	ed is	\$9	5,000	ο.	Each	additi	onal
:	referendum costs an additional \$7,000.											

If approved by the voters, this legislation will result in additional costs to the Department of the Secretary of State and municipalities to conduct the runoff elections. The exact fiscal impact can not be determined since it will depend on the number of required runoff elections.'

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STATEMENT OF FACT

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This amendment makes technical language changes consistent with the intent of the original resolution and adds a fiscal note to the resolution.

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