

# MAINE STATE LEGISLATURE

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**STATE AND LOCAL GOVERNMENT**

Reported by: The Minority of the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 451, L.D. 1224, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Runoff Elections"

Amend the resolution by striking out 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, Art. IV, Part First, §5** is amended to read:

**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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COMMITTEE AMENDMENT "A" to S.P. 451, L.D. 1224

2 cities and towns and the city and town clerks respectively shall  
 4 cause the same to be delivered into the office of the Secretary  
 6 of State forthwith. The Governor shall examine the returned  
 8 copies of such lists and ~~7 days before the first Wednesday of~~  
~~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~~  
~~be laid before the House of Representatives on the first~~  
~~Wednesday of December biennially, and they shall finally~~  
 10 determine who are elected if no person in a Representative  
 12 District received more than 50% of the votes duly cast for  
 14 Representative of that district, the Governor shall order a  
 16 runoff election to be held within 2 weeks between the 2 persons  
 18 who received the largest number of votes duly cast for the office  
 20 of Representative of that district. The votes in the runoff  
 22 election must be received, sorted, counted and declared and the  
 24 lists of results delivered in the same manner as for the general  
 26 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.

28 **Constitution, Art. V, Part First, §3** is amended to read:

30 **Section 3. Election; votes to be returned to Secretary of**  
 32 **State; Secretary of State to lay lists before the Senate and**  
 34 **House of Representatives; provision in case of tie.** The meetings  
 36 for election of Governor shall be notified, held and regulated  
 38 and votes shall be received, sorted, counted and declared and  
 40 recorded, in the same manner as those for Senators and  
 42 Representatives. Copies of lists of votes shall be sealed and  
 44 returned to the secretary's office in the same manner and at the  
 46 same time as those for Senators. The Secretary of State for the  
 48 time being shall, on the first Wednesday after the first Tuesday  
 50 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 case 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

# COMMITTEE AMENDMENT

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

11 ; and be it further

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

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

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

38  
39 **Secretary of State shall prepare ballots. Resolved:** That the  
40 Secretary of State shall prepare and furnish to each city, town  
41 and plantation all ballots, returns and copies of this resolution  
42 necessary to carry out the purpose of this referendum.'

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

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47  
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**FISCAL NOTE**

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The estimated cost of sending this Constitutional Amendment out to referendum will vary according to the total number of referenda enacted during the First Regular Session of the 117th Legislature. The estimated cost to the Secretary of State if one to 6 referenda are enacted is \$95,000. Each additional referendum costs an additional \$7,000.

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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.