

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1224

S.P. 451

In Senate, April 6, 1995

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide for Runoff Elections.**

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CIANCHETTE of Somerset.
Cosponsored by Senator: O'DEA of Penobscot.

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

4 **Constitution, Art. IV, Part First, §5** is amended to read:

6 **Section 5. Election of Representatives; lists of votes**
8 **delivered forthwith; lists of votes examined by Governor; summons**
10 **of persons who appear to be elected; lists shall be laid before**
12 **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
14 cities shall preside impartially at such meetings, receive the
votes of all the qualified electors, sort, count and declare them
16 in open meeting; and a list of the persons voted for shall be
formed, with the number of votes for each person against that
18 person's name. Cities and towns belonging to any Representative
District shall hold their meetings at the same time in the
20 respective cities and towns; and such meetings shall be notified,
held and regulated, the votes received, sorted, counted and
22 declared in the same manner. Fair copies of the lists of votes
shall be attested by the municipal officers and the clerks of the
24 cities and towns and the city and town clerks respectively shall
cause the same to be delivered into the office of the Secretary
26 of State forthwith. The Governor shall examine the returned
copies of such lists and ~~7 days before the first Wednesday of~~
28 ~~December biennially, shall issue a summons to such persons as~~
~~shall appear to have been elected by a plurality of all votes~~
30 ~~returned, to attend and take their seats. All such lists shall~~
~~be laid before the House of Representatives on the first~~
32 ~~Wednesday of December biennially, and they shall finally~~
~~determine who are elected~~ , if a person in a Representative
34 District received no more than 50% of the votes duly cast for
representative of that district, the Governor shall order a
36 runoff election to be held within 2 weeks between the 2 persons
who received the largest number of votes duly cast for the office
38 of Representative of that district. The person who receives the
larger number of votes in the runoff election shall be declared
40 the district Representative. Seven days before the first
Wednesday of December biennially, the Governor shall issue a
42 summons to all persons elected by a majority of all votes
returned, to attend and take their seats.

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

46 **Section 3. Election; votes to be returned to Secretary of**
48 **State; Secretary of State to lay lists before the Senate and**
House of Representatives; provision in case of tie. The meetings
50 for election of Governor shall be notified, held and regulated

2 and votes shall be received, sorted, counted and declared and
3 recorded, in the same manner as those for Senators and
4 Representatives. Copies of lists of votes shall be sealed and
5 returned to the secretary's office in the same manner and at the
6 same time as those for Senators. The Secretary of State for the
7 time being shall, on the first Wednesday after the first Tuesday
8 of January then next, lay the lists returned to the secretary's
9 office before the Senate and House of Representatives to be by
10 them examined, together with the ballots cast if they so elect,
11 and they shall determine the number of votes duly cast for the
12 office of Governor, ~~and in case of a choice by plurality of all
13 of the votes returned they shall declare and publish the same.~~
14 If a person received no more than 50% of the votes duly cast for
15 the office of Governor, the Senate and House of Representatives
16 meeting in joint session shall order a runoff election to be held
17 within 2 weeks between the 2 persons who received the largest
18 number of votes duly cast for the office of Governor. The person
19 who receives the larger number of votes in the runoff election
20 shall be declared the Governor. If there shall be a tie between
21 the 2 persons ~~having the largest number of votes for Governor in
22 the runoff election,~~ the House of Representatives and the Senate
23 meeting in joint session, and each member of said bodies having a
24 single vote, shall elect one of said 2 persons having so received
25 an equal number of votes and the person so elected by the Senate
26 and House of Representatives shall be declared the Governor.

27 ; and be it further

28
29 **Constitutional referendum procedure; form of question; effective**
30 **date. Resolved:** That the municipal officers of this State shall
31 notify the inhabitants of their respective cities, towns and
32 plantations to meet, in the manner prescribed by law for holding
33 a statewide election, at a statewide election, on the Tuesday
34 following the first Monday of November following the passage of
35 this resolution, to vote upon the ratification of the amendment
36 proposed in this resolution by voting upon the following question:

37 "Do you favor amending the Constitution of Maine to require
38 a runoff election between the 2 candidates for Governor,
39 State Representative or State Senator who received the
40 largest number of votes if one of those candidates did not
41 receive more than 50% of the votes?"
42

43 The legal voters of each city, town and plantation shall
44 vote by ballot on this question and designate their choice by a
45 cross or check mark placed within the corresponding square below
46 the word "Yes" or "No." The ballots must be received, sorted,
47 counted and declared in open ward, town and plantation meetings
48 and returns made to the Secretary of State in the same manner as

2 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
4 are cast in favor of the amendment, the Governor shall proclaim
that fact without delay and the amendment becomes part of the
6 Constitution on the date of the proclamation; and be it further

8 **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
10 necessary to carry out the purpose of this referendum.

12
14 STATEMENT OF FACT

16 This resolution amends the Constitution of Maine to require
that successful candidates for Governor, State Representative and
18 State Senator receive more than 50% of the votes cast for their
respective offices. Currently, the candidates who receive the
largest number of votes in these elections are declared the
20 winners, regardless of that number's percentage of the total
number of votes cast for each office. This resolution would
22 require a runoff election between the 2 persons who received the
largest number of votes when the candidates did not receive a
24 majority, more than 50%, of the total number of votes cast in
their election. The person who received the larger number of
26 votes in the runoff election would be declared the winner.