

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 256

H.P. 203

House of Representatives, January 21, 1997

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Require a Runoff Election if No Candidate Receives a Majority of the
Votes in the General Election.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth. (By Request)

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, Part 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
for election of Governor shall be notified, held and regulated
12 and votes shall be received, sorted, counted and declared and
recorded, in the same manner as those for Senators and
14 Representatives. Copies of lists of votes shall be sealed and
returned to the secretary's office in the same manner and at the
16 same time as those for Senators. The Secretary of State for the
time being shall, on the first Wednesday after the first Tuesday
18 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,
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 municipal officers of this State shall
42 notify the inhabitants of their respective cities, towns and
plantations to meet, in the manner prescribed by law for holding
44 a statewide election, at a statewide election, on the Tuesday
following the first Monday of November following the passage of
46 this resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:
48

2 "Do you favor amending the Constitution of Maine to require
a runoff election if no candidate receives a majority of the
votes in the general election for the office of Governor?"

4
6 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
8 the word "Yes" or "No." The ballots must be received, sorted,
counted and declared in open ward, town and plantation meetings
10 and returns made to the Secretary of State in the same manner as
votes for members of the Legislature. The Governor shall review
12 the returns and, if it appears that a majority of the legal votes
are cast in favor of the amendment, the Governor shall proclaim
14 that fact without delay and the amendment becomes part of the
Constitution on the date of the proclamation; and be it further

16
18 **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
20 necessary to carry out the purpose of this referendum.

22
24 **SUMMARY**

26 The purpose of this constitutional resolution is to amend
the Constitution of Maine to require that successful candidates
for Governor receive more than 50% of the votes cast. Currently,
28 the candidate who receives the largest number of votes,
regardless of that number's percentage of the total number of
30 votes cast, becomes Governor. This resolution requires a runoff
election between the 2 persons who received the largest number of
32 votes when no candidate received a majority of more than 50% of
the total number of votes cast. The person who receives the
34 larger number of votes in the runoff election is declared
Governor.