MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 401

S.P. 122

In Senate, January 23, 1997

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections.

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator AMERO of Cumberland. Cosponsored by Senators: LIBBY of York, BENNETT of Oxford, FERGUSON of Oxford, KIEFFER of Aroostook, Representatives: CAMPBELL of Holden, CARLETON of Wells, CIANCHETTE of South Portland. 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. V, Part Second, §§1 and 1-A are amended to read:

Section 1. Election. The Secretary of State shall must be chosen biennially-at-the-first-session-of-the-Legislature,-by joint-ballot-of-the-Senators-and-Representatives-in-convention every 4 years by popular election on the same date and in the same manner as provided by this Constitution for the election of Governor.

Section 1-A. Succession to the office of Secretary of State. If a vacancy occurs in the office of the Secretary of State, the first deputy secretary of state shall act as the Secretary of State until-a-Secretary-of-State-is-elected-by-the Legislature-during-the-eurrent-session-if-in-session, or at the next-regular-or-special-session for the remainder of the term. If the vacancy occurs more than 90 days before the primary election for nominating candidates to be voted for at the next biennial election, the vacancy must be filled by the first deputy secretary of state until the first Wednesday after the first Tuesday in January following the biennial election. At the biennial election, a Secretary of State must be elected to fill the unexpired term created by the vacancy.

; 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 be amended to provide that the Secretary of State be elected by the people every 4 years in the same manner as the Governor is elected?"

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.

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SUMMARY

This resolution provides for direct popular election and for filling vacancies in the office of the Secretary of State in the same manner as provided for the election of the Governor.