

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 864

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H.P. 639

House of Representatives, February 6, 1997

**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Clarify Voting Rights.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.  
Cosponsored by Senator MILLS of Somerset and  
Representatives: BRUNO of Raymond, CAMERON of Rumford, KANE of Saco, O'NEIL of  
Saco, SHIAH of Bowdoinham, TOWNSEND of Portland, Senators: DAGGETT of Kennebec,  
HARRIMAN of Cumberland.

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

5           **Constitution, Art. II, §1** is amended to read:

6           **Section 1. Qualifications of electors; written ballot;**  
7 **military service members; students.** Every citizen of the United  
8 States of the age of 18 years and upwards, ~~excepting persons~~  
9 ~~under guardianship for reasons of mental illness,~~ having his or  
10 her residence established in this State, shall be an elector for  
11 Governor, Senators and Representatives, in the city, town or  
12 plantation where his or her residence has been established, if he  
13 or she continues to reside in this State; and the elections shall  
14 be by written ballot. But persons in the military, naval or  
15 marine service of the United States, or this State, shall not be  
16 considered as having obtained such established residence by being  
17 stationed in any garrison, barrack or military place, in any  
18 city, town or plantation; nor shall the residence of a student at  
19 any seminary of learning entitle the student to the right of  
20 suffrage in the city, town or plantation where such seminary is  
21 established. No person, however, shall be deemed to have lost  
22 residence by reason of the person's absence from the state in the  
23 military service of the United States, or of this State.

24           **Indians.** Every Indian, residing on tribal reservations and  
25 otherwise qualified, shall be an elector in all county, state and  
26 national elections.

27  
28  
29 ; and be it further

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

41  
42           "Do you favor amending the Constitution of Maine to remove  
43 the language providing that all persons under guardianship  
44 for reasons of mental illness are disqualified from voting?"

45  
46           The legal voters of each city, town and plantation shall  
47 vote by ballot on this question and designate their choice by a  
48 cross or check mark placed within the corresponding square below

2 the word "Yes" or "No." The ballots must be received, sorted,  
4 counted and declared in open ward, town and plantation meetings  
6 and returns made to the Secretary of State in the same manner as  
8 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

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

### 16 SUMMARY

18 This resolution proposes an amendment to the Constitution of  
20 Maine to remove language providing that persons under  
22 guardianship for reasons of mental illness are disqualified from  
voting. Removal of this language from the Constitution of Maine  
is not intended to limit the Legislature's power to set standards  
for voter eligibility based on mental capacity.