

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1238

S.P. 379

In Senate, February 25, 1997

**Resolution, Proposing an Amendment to the Constitution of Maine to
Make Changes in the Selection and Term of the Secretary of State and
Succession of the Office of Governor.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative DONNELLY of Presque Isle and
Representatives: JOY of Crystal, OTT of York, VEDRAL of Buxton, WINSOR of Norway.

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. V, Part First, §14** is repealed.

6 **Constitution, Art. V, Part First, §14-A** is enacted to read:

8 **Section 14-A. Vacancy, how supplied.** When the office of
10 Governor becomes vacant because of the death, resignation or
removal of a Governor in office, or any other cause, the
12 Secretary of State shall assume the office of Governor until
another Governor is duly qualified. When the vacancy occurs more
14 than 90 days preceding the date of the primary election for
nominating candidates to be voted for at the biennial election
16 next succeeding, the Secretary of State shall assume the office
of Governor until the first Wednesday after the first Tuesday of
18 January following the biennial election. At the biennial
election, a Governor must be elected to fill the unexpired term
20 created by the vacancy. When the vacancy occurs fewer than 90
days preceding the date of a primary election, the Secretary of
22 State shall fill the unexpired term.

24 When the offices of Governor and Secretary of State are
vacant at the same time, the President of the Senate shall assume
26 the office of Governor for the same term and under the same
conditions as provided for the Secretary of State.

28 When the offices of Governor, Secretary of State and
30 President of the Senate are vacant at the same time, the person
acting as Speaker of the House of Representatives for the time
32 being shall exercise the office of Governor and shall forthwith
by proclamation convene the Senate and the House of
34 Representatives which shall by joint ballot of the Senators and
Representatives in convention choose a person who shall assume
36 the office of Governor and a person who shall assume the office
of Secretary of State for the same term and under the same
38 conditions as provided for the Secretary of State.

40 When for 6 months a Governor in office has been continuously
unable to discharge the powers and duties of that office because
42 of mental or physical disability, that office is deemed vacant.
The vacancy must be declared by the Supreme Judicial Court upon
44 presentment to it of a joint resolution declaring the grounds of
the vacancy, adopted by a vote of 2/3 of the Senators and
46 Representatives in convention, and upon notice, hearing before
the court and a decision by a majority of the court that grounds
48 exist for declaring the office to be vacant.

50 **Constitution, Art. V, Part Second, §§1 and 1-A** are amended to
read:

52

2 **Section 1. Election.** The Until the 2000 general election,
3 the Secretary of State shall be chosen biennially at the first
4 session of the Legislature, by joint ballot of the Senators and
Representatives in convention.

6 **Section 1-A. Succession to the office of Secretary of**
7 **State.** If Until the 2000 general election, if a vacancy occurs
8 in the office of the Secretary of State, the first deputy
9 secretary of state shall act as the Secretary of State until a
10 Secretary of State is elected by the Legislature during the
11 current session if in session, or at the next regular or special
12 session.

14 **Constitution, Art. V, Part Second, §§1-B and 1-C** are enacted to
15 read:

16 **Section 1-B. Election.** Beginning with the 2000 general
17 election, the Secretary of State must be chosen every 4 years by
18 popular election in the same manner as provided by this
19 Constitution for the election of the Governor.

22 **Section 1-C. Succession to the office of Secretary of**
23 **State.** Beginning with the 2000 general election, if a vacancy
24 occurs in the office of Secretary of State, the first deputy
25 secretary of state shall act as Secretary of State until a
26 Secretary of State is elected at the next statewide election.

28 ; and be it further

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

38 "Do you favor amending the Constitution of Maine to require
39 that, beginning with the 2000 general election, the
40 Secretary of State be chosen by direct popular election for
41 a 4-year term and be first in the line of succession to the
42 Governor?"

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

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

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

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SUMMARY

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This resolution provides for the direct popular election of
the Secretary of State for a 4-year term beginning in 2000. The
16 resolution also changes the line of succession, placing the
Secretary of State directly following the Governor, should the
18 office of Governor become vacant.

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