

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 381

H.P. 303

House of Representatives, January 30, 2001

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Provide for the Direct Election of the Secretary of State.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.

Cosponsored by Representatives: KASPRZAK of Newport, MICHAEL of Auburn, PERKINS of Penobscot, TRACY of Rome.

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 Second, §§1 and 1-A** are amended to
6 read:

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

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

28 ; and be it further

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

40 "Do you favor amending the Constitution of Maine to provide
that the Secretary of State be elected by the people every 4
42 years in the same manner as the Governor is elected?"

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

2 and returns made to the Secretary of State in the same manner as
votes for members of the Legislature. The Governor shall review
4 the returns and, if it appears that a majority of the legal votes
are cast in favor of the amendment, the Governor shall proclaim
6 that fact without delay and the amendment becomes part of the
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
10 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 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.