



# **120th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-2001**

Legislative Document

No. 1452

H.P. 1083

House of Representatives, March 5, 2001

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Constitutional Officers and State Auditor.

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TWOMEY of Biddeford.

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

**Constitution, Art. V, Pt. Second, §1** is repealed and the following enacted in its place:

 8 Section 1. Election. The Secretary of State must be chosen biennially by popular election on the same date and in the same
 10 manner as provided by this Constitution for the election of Senators and Representatives. Vacancy in that office must be
 12 filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme
 14 Judicial Court.

- 16 **Constitution, Art. V, Pt. Third, §1** is repealed and the following enacted in its place:
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Section 1. Election. The Treasurer must be chosen biennially by popular election on the same date and in the same manner as provided by this Constitution for the election of Senators and Representatives. Vacancy in that office must be filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme Judicial Court.

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#### Constitution, Art. IX, §11 is amended to read:

Section 11. Attorney General. The Attorney General shall must be chosen biennially by jeint-ballet popular election on the same date and in the same manner as provided by this Constitution for the election of the Senators and Representatives in eenventien. Vacancy in said that office eccurring--when--the Legislature-is-not-in-session,-may must be filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme Judicial Court.

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### Constitution, Art. IX, §24 is enacted to read:

40 Section 24. State Auditor. The State Auditor must be chosen biennially by popular election on the same date and in the
 42 same manner as provided by this Constitution for the election of Senators and Representatives. Vacancy in that office must be
 44 filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme
 46 Judicial Court.

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; 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 provide that the Attorney General, the Secretary of State, the State
Auditor and the Treasurer of State be elected by the people biennially in the same manner as members of the Senate and the House of Representatives?"

The legal voters of each city, town and plantation shall 16 vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below 18 the word "Yes" or "No." The ballots must be received, sorted, 20 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 22 the returns and, if it appears that a majority of the legal votes 24 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 26

28 Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town 30 and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

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#### **SUMMARY**

36 This resolution provides for direct popular election of the State's constitutional officers and the State Auditor in the 38 manner currently provided for Senators and Representatives.