

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 200

H.P. 159

House of Representatives, January 21, 2003

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Revoke the Voting Privileges of Convicted Persons in
Prison**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ANDREWS of York.
Cosponsored by Representative SHIELDS of Auburn and
Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, HEIDRICH of Oxford, JOY of
Crystal, LEWIN of Eliot, SNOWE-MELLO of Poland, TOBIN of Dexter, Senator: DAVIS of
Piscataquis.

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. II, §1** is amended to read:

6 **Section 1. Qualifications of electors; written ballot;**
8 **military servicemen; students.** Every citizen of the United
States of the age of 18 years and upwards, excepting persons
10 under guardianship for reasons of mental illness, having his or
her residence established in this State, shall be an elector for
12 Governor, Senators and Representatives, in the city, town or
plantation where his or her residence has been established, if he
14 or she continues to reside in this State; and the elections shall
be by written ballot. But persons in the military, naval or
16 marine service of the United States, or this State, shall not be
considered as having obtained such established residence by being
18 stationed in any garrison, barrack or military place, in any
city, town or plantation; nor shall the residence of a student at
20 any seminary of learning entitle the student to the right of
suffrage in the city, town or plantation where such seminary is
22 established nor may any person convicted of murder or a Class A
crime or a crime in another jurisdiction that is comparable to
24 murder or a Class A crime be entitled to the right of suffrage
while that person is imprisoned in a jail or correctional
26 facility in the State. No person, however, shall be deemed to
have lost residence by reason of the person's absence from the
28 state in the military service of the United States, or of this
State.

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

34 ; and be it further

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

46 "Do you favor amending the Constitution of Maine to revoke
the right of a convicted felon to vote while that felon is
48 imprisoned?"

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.

SUMMARY

This resolution proposes an amendment to the Constitution of Maine that revokes the right of a person convicted of murder or a Class A crime to vote while that person is imprisoned.