## MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



## 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

**Legislative Document** 

No. 877

H.P. 654

House of Representatives, February 20, 2003

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Resolution of Disputed Elections by the Supreme Judicial Court

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SHIELDS of Auburn.

Cosponsored by Representative SUKEFORTH of Union, Senator SAVAGE of Knox, Senator BLAIS of Kennebec and

Representatives: BOWLES of Sanford, DAVIS of Falmouth, HONEY of Boothbay, JOY of Crystal, SHERMAN of Hodgdon.

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

Constitution, Art. IV, Part Third, §3 is amended to read:

Section 3. Each House the judge of its elections; majority, a quorum. Each House shall be the judge of the elections and qualifications of its own members, and a ; except that if 2/3 of the full membership of a House can not confirm the result of a disputed election of a member, the election result must be determined by the Supreme Judicial Court of the State. A majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House shall provide.

; 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 require that, if 2/3 of the full membership of a body of the Legislature can not confirm the result of a disputed election of a member, the election result must be determined by the Supreme Judicial Court of the State?"

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 of Maine on the date of the proclamation; and be it further

46 furthe

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and

	plantation	all	ballot	S, 1	returns	and	copie	es of	this	resolution
2	necessary t	o car	ry out	the	purposes	s of	this	refere	endum.	

4

## **SUMMARY**

6

This constitutional resolution requires that, if 2/3 of the full membership of a body of the Legislature can not confirm the result of a disputed election of a member, the election result must be determined by the Supreme Judicial Court of the State.

10