



## **121st MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2003

**Legislative Document** 

No. 1180

S.P. 384

In Senate, March 5, 2003

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Judicial Advisory Opinion Mechanism in Disputed Election Results for Members of the Maine Senate and House of Representatives

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BLAIS of Kennebec.

Cosponsored by Senators: DAVIS of Piscataquis, GILMAN of Cumberland, MITCHELL of Penobscot, SAVAGE of Knox, WOODCOCK of Franklin.

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

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- Constitution, Art. IV, Pt. Third, §3-A is enacted to read:
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Section 3-A. Advisory opinion in case of disputed election 8 results. Notwithstanding Section 3, in the case of a disputed result in an election for a seat in either House, either 10 candidate in the disputed election may request an advisory opinion from the Supreme Judicial Court of the State for a 12 determination of who it finds is the apparent winner. Until such time as the Supreme Judicial Court renders its opinion, the House 14 in which the disputed election exists may not transact any business other than seating members whose election results are 16 not disputed and provisionally seating any member who is the subject of a disputed election.

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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:

30 "Do you favor amending the Constitution of Maine to allow either candidate in a disputed election for a seat in the
32 Legislature to request an advisory opinion from the Supreme Judicial Court of the State for a determination of who it
34 finds is the apparent winner and to prevent the transaction of business in the respective chamber of the Legislature
36 until the Supreme Judicial Court renders that advisory opinion?"

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The legal voters of each city, town and plantation shall vote by ballot on this guestion and designate their choice by a 40 cross or check mark placed within the corresponding square below 42 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 44 votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes 46 are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the 48 Constitution of Maine on the date of the proclamation; and be it 50 further

2	Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town
4	and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.
б	necessary to carry out the purposes of this felerendum.
8	SUMMARY
10	This constitutional amendment proposes to establish a mechanism whereby a candidate in a disputed election for a seat
12	in the state Senate or House of Representatives may seek an advisory opinion from the Supreme Judicial Court for a
14	determination of who it finds is the apparent winner. Under the amendment, the chamber in which the dispute exists could not
16	transact any business until the opinion is rendered.

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