

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1357

H.P. 940

House of Representatives, March 17, 2005

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLOUGH of Scarborough.
Cosponsored by Senator CLUKEY of Aroostook, Senator DAVIS of Piscataquis and
Representatives: ANNIS of Dover-Foxcroft, BOWLES of Sanford, CARR of Lincoln, DAVIS
of Falmouth, SAVIELLO of Wilton, TARDY of Newport, Senator: COURTNEY of York.

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 Second, §1** is repealed and the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

8 **Section 1. Election; vacancy.** Beginning in 2006 and every
4 years thereafter, the Secretary of State must be chosen by
10 popular election on the same date and in the same manner as
provided by this Constitution for the election of Senators and
12 Representatives. Vacancy in that office must be filled by
appointment by the Governor, subject to confirmation as required
14 by this Constitution for Justices of the Supreme Judicial Court;
the appointee serves only until the next general election, at
16 which point the vacancy must be filled for the balance of the
term, if any, as provided in this section.

18 **Constitution, Art. V, Pt. Second, §1-A** is amended to read:

20 **Section 1-A. Succession to the office of Secretary of**
22 **State.** If a vacancy occurs in the office of the Secretary of
State, the first deputy secretary of state shall act as the
24 Secretary of State until a Secretary of State is elected by the
Legislature during the current session if in session, or at the
26 next regular or special session confirmed pursuant to section 1.

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 Third, §1** is repealed and the following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

30 **Section 1. Election; vacancy.** Beginning in 2006 and every
32 4 years thereafter, the Treasurer must be chosen by popular
election on the same date and in the same manner as provided by
34 this Constitution for the election of Senators and
Representatives. Vacancy in that office must be filled by
36 appointment by the Governor, subject to confirmation as required
by this Constitution for Justices of the Supreme Judicial Court;
38 the appointee serves only until the next general election, at
which point the vacancy must be filled for the balance of the
40 term, if any, as provided in this section.

42 **Constitution, Art. V, Pt. Third, §1-A** is amended to read:

44 **Section 1-A. Succession to the office of Treasurer.** If a
vacancy occurs in the office of Treasurer of State, the deputy
46 treasurer of state shall act as the Treasurer of State until a
Treasurer of State is elected by the Legislature during the
48 current session if in session, or at the next regular or special
session confirmed pursuant to section 1.

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2 the returns and, if it appears that a majority of the legal votes
are cast in favor of the amendment, the Governor shall proclaim
4 that fact without delay and the amendment becomes part of the
Constitution of Maine on the date of the proclamation; and be it
further

6

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

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SUMMARY

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This resolution provides for direct popular election of the
16 State's constitutional officers and the State Auditor to 4-year
terms beginning in 2006. A vacancy in the office would be filled
18 by the Governor, subject to confirmation by the Legislature, but
only until the next general election. If the next general
20 election is not one at which the office was scheduled to be
filled, then an election must be held to fill the vacancy for the
22 balance of the regular 4-year term.