# 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.

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

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 Second, §1 is repealed and the following enacted in its place:

Section 1. Election; vacancy. Beginning in 2006 and every

8 4 years thereafter, the Secretary of State must be chosen by 10 12 14 16

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; the appointee serves only until the next general election, at which point the vacancy must be filled for the balance of the

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

term, if any, as provided in this section.

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

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 Third, §1 is repealed and the following enacted in its place:

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Section 1. Election; vacancy. Beginning in 2006 and every 4 years thereafter, the Treasurer must be chosen 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; the appointee serves only until the next general election, at which point the vacancy must be filled for the balance of the term, if any, as provided in this section.

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

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

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Constitution, Art. IX, §11 is repealed and the following enacted in its place:

Section 11. Attorney General; vacancy. Beginning in 2006 and every 4 years thereafter, the Attorney General must be chosen 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; the appointee serves only until the next general election, at which point the vacancy must be filled for the balance of the term, if any, as provided in this section.

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

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Section 24. State Auditor; vacancy. Beginning in 2006 and every 4 years thereafter, the State Auditor must be chosen 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; the appointee serves only until the next general election, at which point the vacancy must be filled for the balance of the term, if any, as provided in this section.

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; and be it further

Constitutional referendum procedure; form of question; effective 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:

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"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 to 4-year terms?"

The legal voters of each city, town and plantation shall 44 vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below 46 the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings 48 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

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 purposes of this referendum.

#### SUMMARY

This resolution provides for direct popular election of the State's constitutional officers and the State Auditor to 4-year terms beginning in 2006. A vacancy in the office would be filled by the Governor, subject to confirmation by the Legislature, but only until the next general election. If the next general 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 balance of the regular 4-year term.