

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)



122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1608

S.P. 590

In Senate, April 28, 2005

**Resolve, To Establish a Study Commission To Study Methods To
Improve Ballot Access**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford.

2 **Emergency preamble. Whereas,** acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** this legislation establishes the Commission To
Study Methods To Improve Ballot Access; and

8 **Whereas,** the study must be initiated before the 90-day
period expires in order that the study may be completed and a
report submitted in time for submission to the next legislative
session; and

12 **Whereas,** in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

18 **Sec. 1. Commission established. Resolved:** That the Commission
20 To Study Methods To Improve Ballot Access, referred to in this
resolve as "the commission," is established; and be it further

22 **Sec. 2. Commission membership. Resolved:** That the commission
24 consists of 15 members appointed as follows:

26 1. Four members of the Senate, appointed by the President
of the Senate. When making the appointments, the President of
28 the Senate shall give preference to members from the Joint
Standing Committee on Legal and Veterans Affairs;

30 2. Four members of the House of Representatives, appointed
by the Speaker of the House of Representatives. When making the
32 appointments, the Speaker of the House of Representatives shall
give preference to members from the Joint Standing Committee on
34 Legal and Veterans Affairs;

36 3. A representative of the Maine Democratic Party,
38 appointed by the President of the Senate;

40 4. A representative of the Maine Republican Party,
appointed by the Speaker of the House;

42 5. A representative of the Maine Green Independent Party,
44 appointed by the President of the Senate;

46 6. A representative of the Libertarian Party of Maine,
appointed by the Speaker of the House;

48

2 7. A representative of the American Reform Party of Maine,
appointed by the President of the Senate;

4 8. A representative of the Constitution Party of Maine,
appointed by the Speaker of the House; and

6 9. The Secretary of State, or a designee; and be it further

8
10 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
is the Senate chair of the commission and the first-named House
of Representatives member is the House chair of the commission;
12 and be it further

14 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
16 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
18 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
20 first meeting of the commission, which must be no later than
August 1, 2005; and be it further

22 **Sec. 5. Duties. Resolved:** That the commission shall examine
24 proposals to improve ballot access, including, but not limited to:

26 1. The institution of an "instant run-off" method of
determining the winners of elections, which simulates the ballot
28 counts that would occur if all voters participated in a series of
run-off elections and allows a voter to rank candidates according
30 to that voter's preferences;

32 2. The implementation of "fusion voting," which authorizes
cross-endorsement or the practice of multiple parties or
34 political designations nominating the same candidate; and

36 3. Facilitating the formation of minor political parties;
and be it further

38
40 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council
shall provide necessary staffing services to the commission; and
be it further

42
44 **Sec. 7. Compensation. Resolved:** That the legislative members
of the commission are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
46 2, and reimbursement for travel and other necessary expenses
related to their attendance at authorized meetings of the
48 commission. Public members not otherwise compensated by their
employers or other entities that they represent are

2 entitled to receive reimbursement of necessary expenses and, upon
a demonstration of financial hardship, a per diem equal to the
legislative per diem for their attendance at authorized meetings
4 of the commission; and be it further

6 **Sec. 8. Report. Resolved:** That, no later than December 7,
2005, the commission shall submit a report that includes its
8 findings and recommendations, including suggested legislation,
for presentation to the Second Regular Session of the 122nd
10 Legislature. The commission is authorized to introduce
legislation related to its report to the Second Regular Session
12 of the 122nd Legislature at the time of submission of its report;
and be it further

14 **Sec. 9. Extension. Resolved:** That, if the commission requires
16 a limited extension of time to complete its study and make its
report, it may apply to the Legislative Council, which may grant
18 an extension; and be it further

20 **Sec. 10. Commission budget. Resolved:** That the chairs of the
commission, with assistance from the commission staff, shall
22 administer the commission's budget. Within 10 days after its
first meeting, the commission shall present a work plan and
24 proposed budget to the Legislative Council for its approval. The
commission may not incur expenses that would result in the
26 commission's exceeding its approved budget. Upon request from
the commission, the Executive Director of the Legislative Council
28 shall promptly provide the commission chairs and staff with a
status report on the commission budget, expenditures incurred and
30 paid and available funds.

32 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
34

36 SUMMARY

38 This resolve authorizes the establishment of the Commission
To Study Methods To Improve Ballot Access.
40