

MAINE STATE LEGISLATURE

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Legal and Veterans Affairs

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STATE OF MAINE

SENATE

122ND LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 782, L.D. 2033, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification"

Amend the resolution by striking out the title and substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Procedures for the People's Veto and Direct Initiative'

Further amend the resolution by striking out everything after the title and before the summary and inserting in its place the following:

'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, Pt. Third, §18, sub-§1 is amended to read:

1. Petition procedure. The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the Legislature in first regular session or on or before the 25th day after the date of convening of the Legislature in second regular session. This written petition must be filed in the office of the Secretary of State no later than 18 months after the date the petition form was furnished or approved by the Secretary of State. If the 50th or 25th day, whichever applies, is applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until the hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

Constitution, Art. IV, Pt. Third, §18, sub-§2 is amended to read:

2. Referral to electors unless enacted by the Legislature without change; number of signatures necessary on direct initiative petitions; dating signatures on

1 **petitions; competing measures.** For any measure thus proposed by electors, the number
2 of signatures shall not be less than 10% of the total vote for Governor cast in the last
3 gubernatorial election preceding the filing of such petition. The date each signature was
4 made shall be written next to the signature on the petition, ~~and no signature older than~~
5 ~~one year from the written date on the petition shall be valid.~~ A signature is not valid if it
6 is dated more than one year prior to the date that the petition was filed in the office of the
7 Secretary of State. The measure thus proposed, unless enacted without change by the
8 Legislature at the session at which it is presented, shall be submitted to the electors
9 together with any amended form, substitute, or recommendation of the Legislature, and in
10 such manner that the people can choose between the competing measures or reject both.
11 When there are competing bills and neither receives a majority of the votes given for or
12 against both, the one receiving the most votes shall at the next statewide election to be
13 held not less than 60 days after the first vote thereon be submitted by itself if it receives
14 more than 1/3 of the votes given for and against both. If the measure initiated is enacted
15 by the Legislature without change, it shall not go to a referendum vote unless in
16 pursuance of a demand made in accordance with the preceding section. The Legislature
17 may order a special election on any measure that is subject to a vote of the people.

18 **Constitution, Art. IV, Pt. Third, §20** is amended to read:

19 **20. Meaning of words "electors," "people," "recess of Legislature," "statewide**
20 **election," "measure," "circulator," and "written petition"; written petitions for**
21 **people's veto; written petitions for direct initiative.** As used in any of the 3 preceding
22 sections or in this section the words "electors" and "people" mean the electors of the State
23 qualified to vote for Governor; "recess of the Legislature" means the adjournment without
24 day of a session of the Legislature; "statewide election" means any election held
25 throughout the State on a particular day; "measure" means an Act, bill, resolve or
26 resolution proposed by the people, or 2 or more such, or part or parts of such, as the case
27 may be; "circulator" means a person who solicits signatures for written petitions, and who
28 must be a resident of this State and whose name must appear on the voting list of the city,
29 town or plantation of the circulator's residence as qualified to vote for Governor; "written
30 petition" means one or more petitions written or printed, or partly written and partly
31 printed, with the original signatures of the petitioners attached, verified as to the
32 authenticity of the signatures by the oath of the circulator that all of the signatures to the
33 petition were made in the presence of the circulator and that to the best of the circulator's
34 knowledge and belief each signature is the signature of the person whose name it purports
35 to be, and accompanied by the certificate of the official authorized by law to maintain the
36 voting list or to certify signatures on petitions for voters on the voting list of the city,
37 town or plantation in which the petitioners reside that their names appear on the voting
38 list of the city, town or plantation of the official as qualified to vote for Governor. The
39 oath of the circulator must be sworn to in the presence of a person authorized by law to
40 administer oaths. Written petitions for a people's veto pursuant to Article IV, Part Third,
41 Section 17 must be submitted to the appropriate officials of cities, towns or plantations, or
42 state election officials as authorized by law, for determination of whether the petitioners
43 are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be
44 filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a
45 legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal
46 holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third,
47 Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or

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1 state election officials as authorized by law, for determination of whether the petitioners
2 are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be
3 filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or
4 a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal
5 holiday. Such officials must complete the certification of such only those petitions
6 submitted by these deadlines and must return them to notify the circulators or their agents
7 to retrieve the certified petition forms within 2 days for a petition for a people's veto and
8 within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays
9 excepted, of the date on which such petitions were submitted to them. Signatures on
10 petitions not submitted to the appropriate local or state officials by these deadlines may
11 not be certified. The petition shall set forth the full text of the measure requested or
12 proposed. Petition forms shall be furnished or approved by the Secretary of State upon
13 written application signed in and notarized and submitted to the office of the Secretary of
14 State by a resident of this State whose name must appear on the voting list of the city,
15 town or plantation of that resident as qualified to vote for Governor. The full text of a
16 measure submitted to a vote of the people under the provisions of the Constitution need
17 not be printed on the official ballots, but, until otherwise provided by the Legislature, the
18 Secretary of State shall prepare the ballots in such form as to present the question or
19 questions concisely and intelligibly.

20 ; and be it further

21 **Constitutional referendum procedure; form of question; effective date.**

22 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
23 respective cities, towns and plantations to meet, in the manner prescribed by law for
24 holding a general election, at the next general election in the month of November
25 following passage of this resolution, to vote upon the ratification of the amendment
26 proposed in this resolution by voting upon the following question:

27 "Do you favor amending the Constitution of Maine to state that a
28 citizens' initiative or people's veto petition must be submitted to local or
29 state officials by the constitutional deadline in order to be certified and,
30 in the case of a citizens' initiative, must be filed with the Secretary of
31 State within 18 months?"

32 The legal voters of each city, town and plantation shall vote by ballot on this question
33 and designate their choice by a cross or check mark placed within the corresponding
34 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
35 declared in open ward, town and plantation meetings and returns made to the Secretary of
36 State in the same manner as votes for members of the Legislature. The Governor shall
37 review the returns and, if it appears that a majority of the legal votes are cast in favor of
38 the amendment, the Governor shall proclaim that fact without delay and the amendment
39 becomes part of the Constitution of Maine on the date of the proclamation; and be it
40 further

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

1

SUMMARY

2 This resolution proposes to amend the Constitution of Maine to specify that
3 signatures on a citizens' petition for direct initiative or people's veto of legislation must be
4 submitted to municipal or state officials by the deadline established in the Constitution in
5 order to be certified. This resolution also requires that a petition for a direct initiative
6 must be filed with the Secretary of State no later than 18 months after the Secretary of
7 State approves the form of the petition.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 2033

LR 3124(02)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Referendum Costs

Month/Year	Election Type	Question	Length
Nov-06	General	Referendum	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions increases the ballot length, an additional appropriation of \$8,000 or more may be required.