

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 300

H.P. 244

House of Representatives, January 19, 2007

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Restrict the Voting Privileges of Certain Incarcerated  
Felons**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HANLEY of Gardiner.  
Cosponsored by Representative KNIGHT of Livermore Falls, Senator McCORMICK of  
Kennebec and Representatives: BEAUDETTE of Biddeford, FLOOD of Winthrop, HARLOW  
of Portland, JACKSON of Allagash, PLUMMER of Windham, SYKES of Harrison, TARDY  
of Newport, WHEELER of Kittery.

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

4       **Constitution, Art. II, §1** is amended to read:

5       **Section 1. Qualifications of electors; written ballot; military servicemen;**  
6 **students.** Every citizen of the United States of the age of 18 years and upwards,  
7 excepting persons under guardianship for reasons of mental illness, having his or her  
8 residence established in this State, shall be an elector for Governor, Senators and  
9 Representatives, in the city, town or plantation where his or her residence has been  
10 established, if he or she continues to reside in this State; and the elections shall be by  
11 written ballot. But persons in the military, naval or marine service of the United States,  
12 or this State, shall not be considered as having obtained such established residence by  
13 being stationed in any garrison, barrack or military place, in any city, town or plantation;  
14 nor shall the residence of a student at any seminary of learning entitle the student to the  
15 right of suffrage in the city, town or plantation where such seminary is established; nor  
16 may any person convicted of murder or a Class A or Class B crime or a crime in another  
17 jurisdiction that is comparable to murder or a Class A or Class B crime be entitled to the  
18 right of suffrage while that person is imprisoned for that crime in a correctional facility of  
19 the Department of Corrections. No person, however, shall be deemed to have lost  
20 residence by reason of the person's absence from the state in the military service of the  
21 United States, or of this State.

22       **Indians.** Every Indian, residing on tribal reservations and otherwise qualified, shall  
23 be an elector in all county, state and national elections.

24 ; and be it further

25       **Constitutional referendum procedure; form of question; effective date.**  
26 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
27 respective cities, towns and plantations to meet, in the manner prescribed by law for  
28 holding a statewide election, at a statewide election held in the month of November  
29 following the passage of this resolution, to vote upon the ratification of the amendment  
30 proposed in this resolution by voting upon the following question:

31       “Do you favor amending the Constitution of Maine to revoke the right of a convicted  
32 felon incarcerated in a Department of Corrections facility to vote?”

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

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

4 **SUMMARY**

5 This resolution proposes an amendment to the Constitution of Maine that revokes the  
6 right of a person in a correctional facility of the Department of Corrections who is  
7 convicted of murder or a Class A or Class B crime to vote.