

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1572

S.P. 504

In Senate, May 16, 2011

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Provide for the Popular Election of the Secretary of State,  
Attorney General, Treasurer of State and State Auditor**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator PLOWMAN of Penobscot.

Cosponsored by Representative FREDETTE of Newport and

Senators: BARTLETT of Cumberland, GOODALL of Sagadahoc, President RAYE of Washington, THOMAS of Somerset.

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. V, Pt. Second, §1** is amended to read:

5           **Section 1. Election.** The Secretary of State shall be chosen ~~biennially at the first~~  
6 ~~session of the Legislature, by joint ballot of the~~ popular election on the same date and in  
7 the same manner as provided by this Constitution for the election of Senators and  
8 Representatives ~~in convention.~~

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

10          **Section 1-A. Succession to the office of Secretary of State.** If a vacancy  
11 occurs less than 90 days before a primary election in the office of the Secretary of State,  
12 the first deputy secretary of state shall act as the Secretary of State ~~until a Secretary of~~  
13 ~~State is elected by the Legislature during the current session if in session, or at the next~~  
14 ~~regular or special session~~ for the remainder of the term. If the vacancy occurs more than  
15 90 days before the primary election for nominating candidates to be voted for at the next  
16 biennial election, the vacancy must be filled by the first deputy secretary of state until the  
17 first Wednesday after the first Tuesday in January following the biennial election. At the  
18 biennial election, a Secretary of State must be elected to fill the unexpired term created by  
19 the vacancy.

20          **Constitution, Art. V, Pt. Third, §1** is amended to read:

21          **Section 1. Election.** The Treasurer shall be chosen ~~biennially, at the first session~~  
22 ~~of the Legislature, by joint ballot of the~~ popular election on the same date and in the same  
23 manner as provided by this Constitution for the election of Senators; and Representatives  
24 ~~in convention.~~

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

26          **Section 1-A. Succession to the office of Treasurer.** If a vacancy occurs less  
27 than 90 days before a primary election in the office of Treasurer of State, the deputy  
28 treasurer of state shall act as the Treasurer of State ~~until a Treasurer of State is elected by~~  
29 ~~the Legislature during the current session if in session, or at the next regular or special~~  
30 ~~session~~ for the remainder of the term. If the vacancy occurs more than 90 days before the  
31 primary election for nominating candidates to be voted for at the next biennial election,  
32 the vacancy must be filled by the deputy treasurer of state until the first Wednesday after  
33 the first Tuesday in January following the biennial election. At the biennial election, a  
34 Treasurer of State must be elected to fill the unexpired term created by the vacancy.

35          **Constitution, Art. IX, §11** is amended to read:

36          **Section 11. Attorney General.** The Attorney General shall be chosen biennially  
37 by ~~joint ballot~~ popular election on the same date and in the same manner as provided by  
38 this Constitution for the election of ~~the~~ Senators and Representatives ~~in convention.~~

1 Vacancy in said office ~~occurring when the Legislature is not in session~~, may be filled by  
2 appointment by the Governor, subject to confirmation as required by this Constitution for  
3 Justices of the Supreme Judicial Court.

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

5 **Section 24. State Auditor; vacancy.** Beginning in 2012 and every 4 years  
6 thereafter, the State Auditor must be chosen by popular election on the same date and in  
7 the same manner as provided by this Constitution for the election of Senators and  
8 Representatives. Vacancy in that office may be filled by appointment by the Governor,  
9 subject to confirmation as required by this Constitution for Justices of the Supreme  
10 Judicial Court; the appointee serves only until the next general election, at which point  
11 the vacancy must be filled for the balance of the term, if any, as provided in this section.

12 ; and be it further

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

14 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
15 respective cities, towns and plantations to meet, in the manner prescribed by law for  
16 holding a statewide election, at a statewide election held in the month of November  
17 following the passage of this resolution, to vote upon the ratification of the amendment  
18 proposed in this resolution by voting upon the following question:

19 "Do you favor amending the Constitution of Maine to provide that the  
20 Secretary of State, the Treasurer of State and the Attorney General be  
21 elected by the people biennially and that the State Auditor be elected by  
22 the people every 4 years in the same manner as members of the Senate  
23 and the House of Representatives?"

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

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

## 36 SUMMARY

37 This resolution proposes a constitutional amendment that provides for direct popular  
38 election beginning in 2012 of the Secretary of State, the Treasurer of State and the  
39 Attorney General biennially and for direct popular election of the State Auditor every 4  
40 years in the manner currently provided for Senators and Representatives.