

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1279

S.P. 441

In Senate, April 2, 2013

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representatives: CHENETTE of Saco, CHIPMAN of Portland,  
Representative FREDETTE of Newport and  
Senators: GOODALL of Sagadahoc, KATZ of Kennebec, THIBODEAU of Waldo,  
YOUNGBLOOD of Penobscot, Representatives: WILLETTE of Mapleton, WINSOR of  
Norway.

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~~ Beginning in 2014 and every 4 years  
37 thereafter, the Attorney General ~~shall~~ must be chosen ~~biennially by joint ballot~~ popular  
38 election on the same date and in the same manner as provided by this Constitution for the

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

5 ; and be it further

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

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

12 "Do you favor amending the Constitution of Maine to provide that the  
13 Secretary of State and the Treasurer of State be elected by the people  
14 biennially and that the Attorney General be elected by the people every 4  
15 years in the same manner as members of the Senate and the House of  
16 Representatives?"

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

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

29 **SUMMARY**

30 This resolution proposes a constitutional amendment that provides for direct popular  
31 election beginning in 2014 of the Secretary of State and the Treasurer of State biennially  
32 and for direct popular election of the Attorney General every 4 years in the manner  
33 currently provided for Senators and Representatives.