

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 667

H.P. 488

House of Representatives, February 7, 2019

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require That the Governor Be Elected by a Majority
Vote**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KESCHL of Belgrade.
Cosponsored by Senator BLACK of Franklin and
Representatives: BRADSTREET of Vassalboro, COREY of Windham, MARTIN of Greene,
MILLETT of Waterford, TUELL of East Machias, Senators: DAVIS of Piscataquis, HAMPER
of Oxford.

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. First, §3** is amended to read:

5 **Section 3. Election; votes to be returned to Secretary of State; Secretary**
6 **of State to lay lists before the Senate and House of Representatives; provision**
7 **in case of tie.** The meetings for election of Governor shall be notified, held and
8 regulated and votes shall be received, sorted, counted and declared and recorded, in the
9 same manner as those for Senators and Representatives. Copies of lists of votes shall be
10 sealed and returned to the secretary's office in the same manner and at the same time as
11 those for Senators. The Secretary of State for the time being shall, on the first
12 Wednesday after the first Tuesday of January then next, lay the lists returned to the
13 secretary's office before the Senate and House of Representatives to be by them
14 examined, together with the ballots cast if they so elect, and they shall determine the
15 number of votes duly cast for the office of Governor, ~~and in case of a choice by plurality~~
16 ~~of all of the votes returned they shall declare and publish the same.~~ If no person received
17 more than 50% of the votes duly cast for the office of Governor, the Senate and House of
18 Representatives meeting in joint session shall order a runoff, to be held within 2 weeks,
19 between the 2 persons who received the largest number of votes duly cast for the office of
20 Governor. The person who receives the larger number of votes in the run-off election is
21 declared the Governor. If there shall be a tie between the 2 persons ~~having the largest~~
22 ~~number of votes for Governor in the run-off election,~~ the House of Representatives and
23 the Senate meeting in joint session, and each member of said bodies having a single vote,
24 shall elect one of said 2 persons having so received an equal number of votes and the
25 person so elected by the Senate and House of Representatives shall be declared the
26 Governor.

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

33 "Do you favor amending the Constitution of Maine to require a run-off
34 election between the 2 candidates for Governor who received the largest
35 number of votes in a gubernatorial election if no candidate received more
36 than 50% of the votes?"

37 The legal voters of each city, town and plantation shall vote by ballot on this question
38 and designate their choice by a cross or check mark placed within the corresponding
39 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
40 declared in open ward, town and plantation meetings and returns made to the Secretary of
41 State in the same manner as votes for members of the Legislature. The Governor shall
42 review the returns. If it appears that a majority of the legal votes are cast in favor of the

1 amendment, the Governor shall proclaim that fact without delay and the amendment
2 becomes part of the Constitution of Maine on the date of the proclamation.

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

6 **SUMMARY**

7 This resolution proposes to amend the Constitution of Maine to require that a
8 candidate for Governor receive more than 50% of the votes cast to be elected. Currently,
9 the candidate who receives the largest number of votes, regardless of that number's
10 percentage of the total number of votes cast, becomes Governor. This resolution requires
11 a run-off election between the 2 persons who received the largest number of votes when
12 no candidate received more than 50% of the total number of votes cast. The person who
13 receives the larger number of votes in the run-off election is declared Governor.