

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1477

H.P. 1079

House of Representatives, April 2, 2019

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Facilitate the Use of Ranked-choice Voting for Governor
and Members of the Legislature**

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

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COOPER of Yarmouth.
Cosponsored by Senator MIRAMANT of Knox.

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. IV, Pt. First, §5** is amended to read:

5 **Section 5. Election of Representatives; records of votes delivered**
6 **forthwith; records of votes examined by Governor; summons of persons who**
7 **appear to be elected; records shall be laid before the House.** The meetings
8 within this State for the choice of Representatives shall be warned in due course of law by
9 qualified officials of the several towns and cities 7 days at least before the election, and
10 the election officials of the various towns and cities shall preside impartially at such
11 meetings; and receive the votes of all the qualified electors, sort, count and declare them
12 in. Those officials shall, in open meeting; and a list of the persons voted for shall be
13 formed, with the number of votes for each person against that person's name, form a
14 record of the votes received. Cities and towns belonging to any Representative District
15 shall hold their meetings at the same time in the respective cities and towns; and such
16 meetings shall be notified, held and regulated, the votes received, ~~sorted, counted and~~
17 ~~declared~~ and the record formed in the same manner. Fair copies of the ~~lists of votes~~
18 records shall be attested and sealed by the municipal officers and the clerks of the cities
19 and towns and the city and town clerks respectively shall cause the same to be delivered
20 into the office of the Secretary of State forthwith. The Governor shall examine the
21 returned copies of such ~~lists~~ records, together with the ballots cast if the Governor so
22 elects, and 7 days before the first Wednesday of December biennially, shall issue a
23 summons to such persons as shall appear to have been elected ~~by a plurality of all votes~~
24 ~~returned,~~ to attend and take their seats. All such ~~lists~~ records shall be laid before the
25 House of Representatives on the first Wednesday of December biennially, and they shall
26 finally determine who are elected.

27 **Constitution, Art. IV, Pt. Second, §§3, 4 and 5** are amended to read:

28 **Section 3. Election of Senators; records of votes delivered forthwith.** The
29 meetings within this State for the election of Senators shall be notified, held and regulated
30 and the votes received, ~~sorted, counted, declared and recorded,~~ in the same manner as
31 those for Representatives. Fair copies of the ~~lists~~ records of votes shall be attested by the
32 clerks of the cities and towns or other duly authorized officials and sealed up in open
33 meetings and such officials shall cause said ~~lists~~ records to be delivered into the office of
34 the Secretary of State forthwith.

35 **Section 4. Records of votes examined by Governor; summons to persons**
36 **who appear to be elected.** The Governor shall, as soon as may be, examine the copies
37 of such ~~lists~~ records, together with the ballots cast if the Governor so elects, and at least 7
38 days before the said first Wednesday of December, issue a summons to such persons, as
39 shall appear to be elected ~~by a plurality of the votes in each senatorial district,~~ to attend
40 that day and take their seats.

1 **Section 5. Determination of Senators elected; procedure for filling**
2 **vacancies.** The Senate shall, on said first Wednesday of December, biennially
3 determine who is elected ~~by a plurality of votes~~ to be Senator in each district. All
4 vacancies in the Senate arising from death, resignation, removal from the State or like
5 causes, ~~and also vacancies, if any, which may occur because of the failure of any district~~
6 ~~to elect by a plurality of votes the Senator to which said district shall be entitled~~ shall be
7 filled by an immediate election in the unrepresented district. The Governor shall issue a
8 proclamation therefor and therein fix the time of such election.

9 **Constitution, Art. IV, Pt. Third, §24** is enacted to read:

10 **Section 24. Elections by plurality or majority.** The Legislature, or the people
11 acting pursuant to Section 18, shall predetermine by law whether the electors choose the
12 Governor, Senators and Representatives by a plurality or majority of the votes.

13 **Constitution, Art. V, Pt. First, §3** is amended to read:

14 **Section 3. Election; votes to be returned to Secretary of State; Secretary**
15 **of State to lay records before the Senate and House of Representatives;**
16 **provision in case of tie.** The meetings for election of Governor shall be notified, held
17 and regulated and votes shall be received, ~~sorted, counted and declared and recorded,~~ in
18 the same manner as those for Senators and Representatives. Copies of lists records of
19 votes shall be sealed and returned to the secretary's office in the same manner and at the
20 same time as those for Senators and Representatives. The Secretary of State for the time
21 being shall, on the first Wednesday after the first Tuesday of January then next, lay the
22 lists records returned to the secretary's office before the Senate and House of
23 Representatives to be by them examined, together with the ballots cast if they so elect,
24 and they shall determine the number of votes duly cast for the office of Governor; ~~and in~~
25 ~~case of a choice by plurality of all of the votes returned they shall declare and publish the~~
26 ~~same. If there shall be a tie between the 2 persons having the largest number of votes for~~
27 ~~Governor~~ the final result of an election for Governor is a tie vote, the House of
28 Representatives and the Senate meeting in joint session, and each member of said bodies
29 having a single vote, shall elect one of ~~said 2~~ the persons having so received an equal
30 number of votes and the person so elected by the Senate and House of Representatives
31 shall be declared the Governor.

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

38 "Do you favor amending the Constitution of Maine to allow the
39 Legislature, or the people by using the direct initiative, to determine
40 whether the Governor, State Senators and State Representatives are
41 elected by a plurality or majority of the votes?"

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

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

SUMMARY

This resolution proposes an amendment to the Constitution of Maine to allow the Legislature, or the people by using the direct initiative, to determine whether the Governor, State Senators and State Representatives are elected by a plurality or majority of the votes.