

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 733

S.P. 285

In Senate, March 5, 2021

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require Constitutional Officers To Be Elected by
Statewide Election**

Received by the Secretary of the Senate on March 3, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 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 TIMBERLAKE of Androscoggin.
Cosponsored by Senators: CYRWAY of Kennebec, FARRIN of Somerset, Representatives:
COREY of Windham, DOLLOFF of Milton Township.

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 occurs
11 in the office of the Secretary of State, the first deputy secretary of state shall act as the
12 Secretary of State until a Secretary of State is elected by ~~the Legislature during the current~~
13 ~~session if in session, or at the next regular or special session~~ popular election. A vacancy
14 in the office of the Secretary of State may be filled by a new election.

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

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

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

21 **Section 1-A. Succession to the office of Treasurer.** If a vacancy occurs in the
22 office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State
23 until a Treasurer of State is elected by ~~the Legislature during the current session if in~~
24 ~~session, or at the next regular or special session~~ popular election. A vacancy in the office
25 of Treasurer of State may be filled by a new election.

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

27 **Section 11. Attorney General.** The Attorney General shall be chosen ~~biennially~~
28 ~~by joint ballot~~ popular election on the same date and in the same manner as provided by
29 this Constitution for the election of the Senators and Representatives ~~in convention.~~
30 Vacancy in said office ~~occurring when the Legislature is not in session,~~ may be filled by
31 appointment by the Governor, subject to confirmation as required by this Constitution for
32 Justices of the Supreme Judicial Court.

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

39 "Do you favor amending the Constitution of Maine to provide that the
40 Secretary of State, the Treasurer of State and the Attorney General be

1 elected by the people biennially in the same manner as members of the
2 Senate and the House of Representatives?"

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

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

14 **SUMMARY**

15 This resolution proposes a constitutional amendment that provides for direct popular
16 election beginning in 2022 of the Secretary of State, the Treasurer of State and the Attorney
17 General biennially in the manner currently provided for Senators and Representatives.