

MAINE STATE LEGISLATURE

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L.D. 874

Date: 6/10/21

(Filing No. S-250)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "B" to S.P. 288, L.D. 874, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers"

Amend the resolution by striking out the title and substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Election of Maine Constitutional Officers by Majority Vote of the Electors'

Amend the resolution by striking out everything after the first paragraph after the title and inserting the following:

'Constitution, Art. V, Pt. Second, §1 is amended to read:

Section 1. Election. The Secretary of State shall be chosen ~~biennially at the first session of the Legislature, by joint ballot of the~~ elected by a majority of votes cast by the qualified electors at an election held on the same date as provided by this Constitution for the election of Senators and Representatives in convention. An election involving 3 or more candidates must involve the ranking of candidates in order of preference according to the procedure established by law.

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

Section 1-A. Succession to the office of Secretary of State. If a vacancy occurs in the office of the Secretary of State, the first deputy secretary of state shall act as the Secretary of State until a Secretary of State is elected by ~~the Legislature during the current session if in session, or at the next regular or special session~~ a majority of votes cast by the qualified electors at an election held on the same date as provided by this Constitution for the election of Senators and Representatives or at a special election held before that date. An election involving 3 or more candidates must involve the ranking of candidates in order of preference according to the procedure established by law.

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

Section 1. Election. The Treasurer shall be chosen ~~biennially, at the first session of the Legislature, by joint ballot of the~~ elected by a majority of votes cast by the qualified electors at an election held on the same date as provided by this Constitution for the election of Senators, and Representatives in convention. An election involving 3 or more candidates

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1 must involve the ranking of candidates in order of preference according to the procedure
2 established by law.

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

4 **Section 1-A. Succession to the office of Treasurer.** If a vacancy occurs in the
5 office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State
6 until a Treasurer of State is elected by ~~the Legislature during the current session if in~~
7 session, or at the next regular or special session a majority of votes cast by the qualified
8 electors at an election held on the same date as provided by this Constitution for the election
9 of Senators and Representatives or at a special election held before that date. An election
10 involving 3 or more candidates must involve the ranking of candidates in order of
11 preference according to the procedure established by law.

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

13 **Section 11. Attorney General.** The Attorney General shall be ~~chosen biennially~~
14 ~~by joint ballot elected by a majority of votes cast by qualified electors at the election held~~
15 ~~on the same date as provided by this Constitution for the election of the Senators and~~
16 ~~Representatives in convention. An election involving 3 or more candidates must involve~~
17 ~~the ranking of candidates in order of preference according to the procedure established by~~
18 ~~law. Vacancy in said office occurring when the Legislature is not in session, may be filled~~
19 ~~by appointment by the Governor, subject to confirmation as required by this Constitution~~
20 ~~for Justices of the Supreme Judicial Court.~~

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

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

27 "Do you favor amending the Constitution of Maine to provide that the
28 Secretary of State, the Treasurer of State and the Attorney General be
29 elected biennially by a majority of the votes cast for office by qualified
30 electors and, in the case of an election involving 3 or more candidates, by
31 ranking candidates in order of preference?"

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

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

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SENATE AMENDMENT "B" to S.P. 288, L.D. 874 (S-250)

1 Amend the resolution by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the resolution and instead requires the Secretary of State, the
5 Treasurer of State and the Attorney General to be elected by a majority of votes cast and,
6 in the case of an election involving 3 or more candidates, by ranking candidates in order of
7 preference. The resolution required the election of those positions to be done in the same
8 manner as for the election of Legislators.

9 **SPONSORED BY:** Joseph M. Baldacci
10 (Senator BALDACCI, J.)

11 **COUNTY:** Penobscot