

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

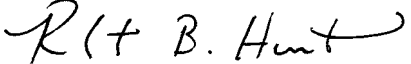
No. 852

H.P. 542

House of Representatives, February 23, 2023

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Change the Length of Legislators' Terms to 4 Years**

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


ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Waterville.
Cosponsored by Senator FARRIN of Somerset and
Representatives: MASTRACCIO of Sanford, RISEMAN of Harrison, STOVER of Boothbay,
ZEIGLER of Montville, Senator: HICKMAN of Kennebec.

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. II, §4** is amended to read:

5 **Section 4. Time of state election; absentee voting.** The election of Senators and
6 members of the House of Representatives shall be on the Tuesday following the first
7 Monday of November biennially ~~forever and the election of, except as provided in this~~
8 section. Beginning with the general election held in 2024 for Senators and members of the
9 House of Representatives, the election of Senators and members of the House of
10 Representatives and Governor shall be on the Tuesday following the first Monday of
11 November every 4 years. The Legislature under proper enactment shall authorize and
12 provide for voting by citizens of the State absent therefrom in the Armed Forces of the
13 United States or of this State and for voting by other citizens absent or physically
14 incapacitated for reasons deemed sufficient.

15 **Constitution, Art. IV, Pt. First, §2** is amended to read:

16 **Section 2. Number of Representatives; biennial 4-year terms; division of**
17 **the State into districts for House of Representatives.** The House of Representatives
18 shall consist of 151 members, to be elected by the qualified electors, and hold their office
19 2 years from the day next preceding the first Wednesday in December following the general
20 election, except that beginning with the general election held in 2024, they hold their office
21 4 years from the day next preceding the first Wednesday in December following the general
22 election. The Legislature which convenes in 2013, and also the Legislature which convenes
23 in 2021 and every 10th year thereafter, shall cause the State to be divided into districts for
24 the choice of one Representative for each district. The number of Representatives shall be
25 divided into the number of inhabitants of the State exclusive of foreigners not naturalized
26 according to the latest Federal Decennial Census or a State Census previously ordered by
27 the Legislature to coincide with the Federal Decennial Census, to determine a mean
28 population figure for each Representative District. Each Representative District shall be
29 formed of contiguous and compact territory and shall cross political subdivision lines the
30 least number of times necessary to establish as nearly as practicable equally populated
31 districts. Whenever the population of a municipality entitles it to more than one district,
32 all whole districts shall be drawn within municipal boundaries. Any population remainder
33 within the municipality shall be included in a district with contiguous territory and shall be
34 kept intact.

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

36 **Section 5. Election of Representatives; lists of votes delivered forthwith;**
37 **lists of votes examined by Governor; summons of persons who appear to be**
38 **elected; lists shall be laid before the House.** The meetings within this State for the
39 choice of Representatives shall be warned in due course of law by qualified officials of the
40 several towns and cities 7 days at least before the election, and the election officials of the
41 various towns and cities shall preside impartially at such meetings, receive the votes of all
42 the qualified electors, sort, count and declare them in open meeting; and a list of the persons
43 voted for shall be formed, with the number of votes for each person against that person's
44 name. Cities and towns belonging to any Representative District shall hold their meetings

1 at the same time in the respective cities and towns; and such meetings shall be notified,
2 held and regulated, the votes received, sorted, counted and declared in the same manner.
3 Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of
4 the cities and towns and the city and town clerks respectively shall cause the same to be
5 delivered into the office of the Secretary of State forthwith. The Governor shall examine
6 the returned copies of such lists and 7 days before the first Wednesday of December
7 biennially until the general election held in 2024 and quadrennially thereafter following the
8 general election, shall issue a summons to such persons as shall appear to have been elected
9 by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid
10 before the House of Representatives on the first Wednesday of December biennially until
11 the general election held in 2024 and quadrennially thereafter following the general
12 election, and they shall finally determine who are elected.

13 **Constitution, Art. IV, Pt. Second, §5** is amended to read:

14 **Section 5. Determination of Senators elected; procedure for filling**
15 **vacancies.** The Senate shall, on said first Wednesday of December, biennially until the
16 general election held in 2024 and quadrennially thereafter determine who is elected by a
17 plurality of votes to be Senator in each district. All vacancies in the Senate arising from
18 death, resignation, removal from the State or like causes, and also vacancies, if any, which
19 may occur because of the failure of any district to elect by a plurality of votes the Senator
20 to which said district shall be entitled shall be filled by an immediate election in the
21 unrepresented district. The Governor shall issue a proclamation therefor and therein fix
22 the time of such election.

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

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

29 "Do you favor amending the Constitution of Maine to change the term of
30 office for State Senators and members of the House of Representatives
31 from 2 years to 4 years beginning in 2024?"

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.

SUMMARY

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This resolution proposes to amend the Constitution of Maine to increase the length of the terms of State Senators and members of the House of Representatives from 2 years to 4 years beginning in 2024.