

MAINE STATE LEGISLATURE

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FIFTY-SECOND LEGISLATURE.

SENATE.

No. 33.

STATE OF MAINE.

RESOLVE proposing an amendment to the constitution,
so as to provide for biennial elections.

*Resolved by the Senate and House of Representatives in
2 Legislature assembled, That, two-thirds of both houses
3 concurring, the following article be proposed as an
4 amendment to the constitution of Maine, which when
5 approved and ratified in the manner provided by sec-
6 tion four, article ten, of said constitution, shall be
7 valid to all intents and purposes, as a part thereof.*

ARTICLE XIII.

SECTION 1. The governor, senators and representa-
2 tives in the legislature, shall be elected by the
3 qualified electors, on the Tuesday next after the first
4 Monday of November, biennially, and hold office
5 during the term of two years from the first Wednesday
6 of January next succeeding their election. The first

7 election under this article shall be on Tuesday, the
8 third day of November, in the year of our Lord one
9 thousand eight hundred and seventy-four.

SECT. 2. Judges and registers of probate and
2 sheriffs shall be elected by the qualified electors of
3 their respective counties, by a plurality of votes, at
4 the biennial election, on the Tuesday next after the
5 first Monday of November; and they shall hold office,
6 the judges and registers of probate, for the term of
7 four years, and the sheriffs for the term of two years,
8 from the first day of January next after their election.
9 Any vacancy occurring in said offices, by death,
10 resignation, or otherwise, shall be filled by election, in
11 manner aforesaid, at the November election next after
12 its occurrence, and in the interim the governor, with
13 the advice and consent of the council, may fill said
14 vacancy by appointment, and the person so appointed
15 shall hold the office until the first day of January next
16 after another shall have been elected to fill the place.

SECT. 3. Section third, article four, part second, of
2 the constitution, is amended by adding the words
3 “next succeeding the election,” after the word ‘Jan-
4 uary,’ in the ninth line of said section, as printed in
5 the revised statutes of eighteen hundred and seventy-
6 one, so that said section as amended shall read as fol-
7 lows :

8 *Sect. 3.* The meetings for the election of senators
9 shall be notified, held and regulated, and the votes
10 received, sorted, counted, declared and recorded, in
11 the same manner as those for representatives. And
12 fair copies of the list of votes shall be attested by the
13 selectmen and town clerks of towns, and the assessors
14 and clerks of plantations, and sealed up in open town
15 and plantation meetings ; and the town and plantation
16 clerks respectively shall cause the same to be delivered
17 into the secretary's office thirty days at least before
18 the first Wednesday of January next succeeding their
19 election. All other qualified electors, living in places
20 unincorporated, who shall be assessed to the support
21 of the government by the assessors of an adjacent
22 town, shall have the privilege of voting for senators,
23 representatives and governor in such town ; and shall
24 be notified by the selectmen thereof for that purpose
25 accordingly.

Section five, article four, part second, of the consti-
2 tion is amended by substituting the word " bien-
3 nially," for the word ' annually ' in the second line of
4 said section, so that said section as amended, shall
5 read as follows :

6 *Sect. 5.* The senate shall, on the said first Wednes-
7 day of January, biennially determine who are elected
8 by a majority of votes to be senators in each district ;

9 and in case the full number of senators to be elected
10 from each district shall not have been so elected, the
11 members of the house of representatives and such sen-
12 ators, as shall have been elected, shall, from the
13 highest numbers of the persons voted for, on said lists,
14 equal to twice the number of senators deficient in
15 every district, if there be so many voted for, elect by
16 joint ballot the number of senators required; and in
17 this manner all vacancies in the senate shall be sup-
18 plied as soon as may be, after such vacancies happen.

Section four, article ten thereof, is amended by sub-
2 stituting the words “biennial meetings in the month
3 of November,” for the words ‘annual meetings in the
4 month of September,’ in the seventh and eight lines
5 of said section, so that said section, as amended, shall
6 read as follows :

7 *Sect. 4.* The legislature, whenever two-thirds of
8 both houses shall deem it necessary, may propose
9 amendments to this constitution; and when any
10 amendments shall be so agreed upon, a resolution shall
11 be passed and sent to the selectmen of the several
12 towns, and the assessors of the several plantations,
13 empowering and directing them to notify the inhabi-
14 tants of their respective towns and plantations, in the
15 manner prescribed by law at their next biennial meet-
16 ings in the month of November, to give in their votes

9 'And fair copies of the lists of votes shall be
10 attested by the selectmen and town clerks of towns,
11 and the assessors of plantations, and sealed up in open
12 town and plantation meetings; and the town and
13 plantation clerks, respectively shall cause the same to
14 be delivered into the secretary's office thirty days at
15 least before the first Wednesday of January next suc-
16 ceeding the election. And the governor and council
17 shall examine the returned copies of such lists, and,
18 twenty days before the said first Wednesday of Jan-
19 uary, shall issue a summons to such persons as shall
20 appear to be elected by a plurality of all votes returned
21 to attend and take their seats. But all such lists
22 shall be laid before the house of representatives on the
23 said first Wednesday of January; ' so that said section
24 as amended, shall read as follows:

25 *Sect. 5.* The meetings for the choice of representa-
26 tives shall be warned in the due course of law by the
27 selectmen of the several towns seven days at least
28 before the election, and the selectmen thereof shall
29 preside impartially at such meetings, receive the votes
30 of all the qualified electors present, sort, count and
31 declare them in open town meeting, and in the pres-
32 ence of the town clerk, who shall form a list of the
33 persons voted for, with the number of votes for each
34 person against his name, shall make a fair record

35 thereof in the presence of the selectmen, and in open
36 town meeting. And the towns and plantations organ-
37 ized by law, belonging to any class herein provided,
38 shall hold their meetings at the same time in the
39 respective towns and plantations ; and the town and
40 plantation meetings in such towns and plantations
41 shall be notified, held and regulated, the votes re-
42 ceived, sorted, counted and declared in the same
43 manner. And the assessors and clerks of plantations
44 shall have all the powers, and be subject to all the
45 duties, which selectmen and town clerks have and are
46 subject to by this constitution. And fair copies of the
47 lists of votes shall be attested by the selectmen and
48 town clerks of towns, and the assessors of plantations,
49 and sealed up in open town and plantation meetings ;
50 and the town and plantation clerks, respectively, shall
51 cause the same to be delivered into the secretary's
52 office thirty days, at least, before the first Wednesday
53 of January, next succeeding the election. And the
54 governor and council shall examine the returned copies
55 of such lists, and twenty days before the said first
56 Wednesday of January, biennially, shall issue a sum-
57 mons to such persons as shall appear to be elected, by
58 a plurality of all the votes returned, to attend and take
59 their seats. But all such lists shall be laid before

60 house of representatives, on the said first Wednesday
61 of January.

Article first of the amendments to the constitution is
2 amended by striking out all after the word “polls,”
3 in the twelfth line, to and including the word “elec-
4 tion’ in the twentieth line, so that said article, as
5 amended, shall read as follows :

6 The electors resident in any city may, at any meeting
7 duly notified for the choice of representatives, vote for
8 such representatives in their respective ward meetings,
9 and the wardens in said wards shall preside impartially
10 at such meetings, receive the votes of all qualified
11 electors present, sort, count, and declare them in open
12 ward meetings, and in the presence of the ward clerk,
13 who shall form a list of the persons voted for, with the
14 number of votes for each person against his name,
15 shall make a fair record thereof in the presence of the
16 warden, and in open ward meeting ; and a fair copy
17 of this list shall be attested by the warden and ward
18 clerk, sealed up in open ward meeting, and delivered
19 to the city clerk within twenty-four hours after the
20 close of the polls. And the electors resident in any
21 city may at any meetings duly notified and holden for
22 the choice of any other civil officers, for whom they
23 have been required heretofore to vote in town meet-
24 ing, vote for such officers in their respective wards,

25 and the same proceedings shall be had by the warden
26 and ward clerk in each ward, as in the case of votes
27 for representatives. And the aldermen of any city
28 shall be in session within twenty-four hours after the
29 close of the polls in such meetings, and in the pres-
30 ence of the city clerk shall open, examine and com-
31 pare the copies from the lists of votes given in the
32 several wards, of which the city clerk shall make a
33 record, and return thereof shall be made into the
34 secretary of state's office in the same manner as select-
35 men of towns are required to do.

SECT. 5. All the provisions of the existing constitu-
2 tion, inconsistent with the provisions herein contained,
3 are wholly annulled.

Resolved, That the aldermen of cities, the selectmen
2 of towns, and the assessors of plantations, are hereby
3 empowered and directed to notify the inhabitants of their
4 respective cities, towns and plantations, in the manner
5 prescribed by law, at their next annual meetings, in
6 September, to give in their votes on the amendment
7 to the constitution proposed in the foregoing resolve,
8 and the question shall be, "shall the constitution be
9 amended so as to provide for biennial elections, as
10 proposed by a resolve of the fifty-second legislature?"
11 And said inhabitants shall vote by ballot on said ques-

tion; those in favor of said proposed amendment, expressing it by the word "yes," and those opposed thereto, by the word "no," and the ballots shall be received, sorted, counted, declared and recorded in open ward, town or plantation meetings, and fair copies of the lists of the votes so cast, shall be made out by the aldermen, selectmen, assessors and clerks of said cities, towns and plantations, in the same manner as votes for senators, and shall be returned into the office of the secretary of state within twenty days after said election. Thereupon the governor and council shall forthwith examine the returns so made, and ascertain the result, and if it shall appear majority of the inhabitants voting on said question are in favor of the proposed amendment, and the same has, therefore, become a part of the constitution, the governor shall thereupon issue his proclamation promulgating the fact.

Resolved, That the secretary of state shall prepare and furnish to the several cities, towns and plantations, copies of the foregoing resolves, and of the question to be submitted printed in large type, also the proper blank returns.

STATE OF MAINE.

IN SENATE, February 14, 1873.

Reported from the Joint Special Committee on Biennial Elections and Sessions of the Legislature, by Mr. BUTLER of York, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*