

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 903

H. P. 1594

House of Representatives, Mar. 13, 1933.

Received by unanimous consent. Referred to Committee on Federal Relations and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Littlefield of Bluehill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Providing for the Calling of Conventions for Adoption or Rejection of Proposed Amendments to the Constitution of the United States, Submitted by Congress to Conventions.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Election of delegates to convention. Whenever the Congress of the United States shall submit to the several states an amendment to the constitution of the United States, and shall pursuant to Article V of such constitution provide that such amendment be acted upon by convention in the several states: the governor shall, within 10 days after such amendment has been officially transmitted from the United States to this state, issue a call for the election of delegates to a convention to act upon such amendment; and shall set the date for the election of delegates; and the date and hour for the holding of such convention.

Sec. 2. Convention; number of delegates; place of meeting. The convention shall be composed of 5 delegates elected at large by the qualified voters of the state. It shall meet in the senate chamber of the capitol at Augusta. The date for the holding of such convention shall be not less than 20 nor more than 30 days after the election of delegates.

Sec. 3. Delegates to be elected within certain time. The election of delegates shall take place not less than 3 nor more than 12 months after

the call ; but in no case shall it occur within 40 days of the date fixed by law for a general or primary election.

Sec. 4. Appointment of candidates for delegates. Not less than 30 days before the date of the election of delegates, the governor shall appoint and forthwith announce the names of 10 candidates for delegates, such candidates being in his opinion representative citizens of the state. Five of these candidates shall be persons who assent to the placing of their names on the ballot as For Ratification ; and 5 shall be persons who assent to the placing of their names on the ballot as Against Ratification.

Sec. 5. Acceptance to be filed. On accepting such designation by the governor, each candidate shall file his acceptance as follows: "I do hereby accept this appointment as candidate for delegate to the convention to be held on the.....day of.....;.... and assent to the placing of my name on the ballot as For Ratification (or Against Ratification).

Signed....."

Sec. 6. Form of ballot. The form of the ballot to be used shall be as follows :

DELEGATES TO CONVENTION TO VOTE UPON THE FOLLOWING PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES :

(Here shall follow the text of the proposed amendment.)

Instructions.

To vote for the delegates who stand for Ratification, make an (X) in the square at the head of the column marked NAMES FOR RATIFICATION. To vote for the delegates who stand Against Ratification, make a cross (X) in the square at the head of the column marked NAMES AGAINST RATIFICATION.

NAMES FOR
RATIFICATION

NAMES AGAINST
RATIFICATION



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Sec. 7. Ballots to be endorsed. There shall be no space left blank for names to be filled in by the voter. Upon each ballot shall be endorsed the words "official ballot," followed by the name of the town in which

it is to be used, the date of the election, and a facsimile of the signature of the secretary of state with his official title.

Sec. 8. Check list to apply; opening and closing time of polls. The check list used in the last preceding general election shall apply. The polls for this election shall open at 10 A. M. and close at 7 P. M.

Sec. 9. Results of canvass to be published. The president of the senate, the speaker of the house of representatives, and the secretary of state shall canvass the ballots, declaring elected the 5 candidates who have received the greatest number of votes; and the secretary of state shall publish the results. The secretary of state shall upon the completion of the canvass mail or deliver in person to each delegate so elected a notice thereof.

Sec. 10. Expenses, how paid. Expenses of such election shall be paid by the state or town, as in the case of general elections. The statutory provision as to holding general elections, furnishing ballots, instructions, and forms, appointment and payment of election officers, filling of vacancies, solicitation of voters at the polls, challenging of voters, manner of conducting elections, counting and preserving the ballots and making returns thereof, and all other kindred subjects shall apply to such elections in so far as they are consistent with this act, it being the intent of this act to place such elections under the regulation and protection of the laws relating to general elections.

Sec. 11. Act to be liberally construed. The provisions of this act shall be liberally construed, so that the real will of the voters shall not be defeated, and so that the voters shall not be deprived of their right because of informality or failure to comply with provisions of law as to notice or conduct of the election, or of certifying the results thereof.

Sec. 12. Vacancies, how filled. In case of vacancies caused by death, disability, or resignation, the governor shall fill the vacancies by appointment.

Sec. 13. Quorum; vote to be certified. A majority of the delegates shall constitute a quorum, when convened according to the provisions of this act. The secretary of state shall be ex officio secretary of the convention, and he, with the chairman of the convention, shall certify the vote of the convention to the secretary of state of the United States.

Sec. 14. Compensation. The compensation of each delegate shall be \$10 and actual expenses.

Sec. 15. Provisions of act inoperative, when. Provided, however, that if, at, about, or prior to the time of submitting any such amendment, Congress shall, in the resolution submitting the same, or by statute, prescribe the manner in which the conventions shall be constituted, the pre-

ceding provisions of this act shall be inoperative; the conventions shall be constituted and shall operate as the said resolution or act of Congress shall direct, and all officers of the state who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this state are hereby authorized and directed to act thereunder and in obedience thereto, with the same force and effect as if acting under a statute of this state.