

MAINE STATE LEGISLATURE

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Legislative Document

No. 13

H. P. 4

House of Representatives, January 14, 1959.

Referred to the Committee on Election Laws, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Davis of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

RESOLVE, Proposing an Amendment to the Constitution Changing the Date of the General Election.

Constitutional amendment. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Article II, § 4, amended. The first sentence of section 4 of Article II of the Constitution, as amended by Articles LXXXIII and LXXXIV, is further amended to read as follows:

'The election of Senators and Representatives shall be on the ~~Tuesday following the first Monday of November~~ **second Monday of September** biennially forever and the election of Governor shall be on the ~~Tuesday following the first Monday of November~~ **second Monday of September** every four years.'

Constitution, Article IV, Part Third, § 20, amended. The first sentence of section 20 of Part Third of Article IV of the Constitution, as amended by Article LXXXIII, is further amended to read as follows:

'As used in ~~either of the three preceding~~ sections **17, 18 or 19** the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "general election" means the November election for choice of presidential electors **or the September election for choice of** Governor and other State and county officers; "measure" means an act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the

petitioners attached, verified as to the authenticity of the signatures by the oath of one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for Governor.

Constitution, Article VI, § 7, amended. Section 7 of Article VI of the Constitution, as amended by Article LXXXIII, is further amended to read as follows:

Section 7. Election and tenure of judges and registers of probate; vacancies. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in, at the biennial election on the ~~Tuesday following the first Monday of November~~ **second Monday of September**, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the ~~November~~ **September** election, next after their occurrence; and in the meantime, the Governor, with the advice and consent of the Council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.'

Constitution, Article IX, § 10, amended. The first paragraph of section 10 of Article IX of the Constitution, as amended by Article LXXXIII, is further amended to read as follows:

'Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the ~~Tuesday following the first Monday of November~~ **second Monday of September**, and shall hold their offices for two years from the first day of January next after their election, unless sooner removed as hereinafter provided.'

Constitution, Article X, § 4, amended. Section 4 of Article X of the Constitution, as amended by Article LXXXIII, is further amended to read as follows:

Section 4. Amendments to Constitution. The Legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this Constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at the next biennial meetings in the month of ~~November~~ **September**, or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, on the ~~Tuesday following the first Monday of November~~ **second Monday in September** following the passage of said resolve, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.'

Effective date.

Resolved: That the first election under the amendments herein proposed, if adopted, shall be in the year 1960.

Form of question and date when amendment shall be voted upon.

Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at a special state-wide election to be held on the Tuesday following the first Monday of November 1959, to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution which now provides that the general election shall take place on the Tuesday following the first Monday of November, biennially, be amended, as proposed by a resolution of the Legislature, to the second Monday of September?”

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots.

Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolve, accompanied by a copy thereof.