



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 856

H.P. 607

House of Representatives, March 5, 2013

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Require State Officers To Be Elected by a Majority of  
Voters**

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Reference to the Committee on State and Local Government suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BROOKS of Winterport.  
Cosponsored by Senator TUTTLE of York and  
Representatives: CHAPMAN of Brooksville, EVANGELOS of Friendship, FARNSWORTH  
of Portland, LIBBY of Lewiston, RUSSELL of Portland, VEROW of Brewer, Senator:  
HASKELL of Cumberland.

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

5           **Section 5. Election of Representatives; lists of votes delivered forthwith;**  
6 **lists of votes examined by Governor; summons of persons who appear to be**  
7 **elected; lists shall be laid before the House.** The meetings within this State for the  
8 choice of Representatives shall be warned in due course of law by qualified officials of  
9 the several towns and cities 7 days at least before the election, and the election officials of  
10 the various towns and cities shall preside impartially at such meetings, receive the votes  
11 of all the qualified electors, sort, count and declare them in open meeting; and a list of the  
12 persons voted for shall be formed, with the number of votes for each person against that  
13 person's name. Cities and towns belonging to any Representative District shall hold their  
14 meetings at the same time in the respective cities and towns; and such meetings shall be  
15 notified, held and regulated, the votes received, sorted, counted and declared in the same  
16 manner. Fair copies of the lists of votes shall be attested by the municipal officers and  
17 the clerks of the cities and towns and the city and town clerks respectively shall cause the  
18 same to be delivered into the office of the Secretary of State forthwith. If no person  
19 received more than 50% of the votes duly cast for the office of Representative in a  
20 district, the House of Representatives shall order a run-off election, to be held within 2  
21 weeks of the date of the order, between the 2 persons who received the largest number of  
22 votes duly cast for the office of Representative in that district. The person who receives  
23 the larger number of votes in the run-off election is declared the Representative for that  
24 district. The Governor shall examine the returned copies of such lists and 7 days before  
25 the first Wednesday of December biennially, shall issue a summons to such persons as  
26 shall appear to have been elected by a plurality more than 50% of all votes returned, to  
27 attend and take their seats. All such lists shall be laid before the House of  
28 Representatives on the first Wednesday of December biennially, and they shall finally  
29 determine who are elected.

30           **Constitution, Art. IV, Pt. Second, §3** is amended to read:

31           **Section 3. Election of Senators; lists of votes delivered forthwith.** The  
32 meetings within this State for the election of Senators shall be notified, held and regulated  
33 and the votes received, sorted, counted, declared and recorded, in the same manner as  
34 those for Representatives. Fair copies of the lists of votes shall be attested by the clerks  
35 of the cities and towns or other duly authorized officials and sealed up in open meetings  
36 and such officials shall cause said lists to be delivered into the office of the Secretary of  
37 State forthwith. If no person received more than 50% of the votes duly cast for the office  
38 of Senator in a district, the Senate shall order a run-off election, to be held within 2 weeks  
39 of the date of the order, between the 2 persons who received the largest number of votes  
40 duly cast for the office of Senator in that district. The person who receives the larger  
41 number of votes in the run-off election is declared the Senator for that district.

42           **Constitution, Art. IV, Pt. Second, §4** is amended to read:



1 holding a statewide election, at a statewide election held in the month of November  
2 following the passage of this resolution, to vote upon the ratification of the amendment  
3 proposed in this resolution by voting upon the following question:

4 "Do you favor amending the Constitution of Maine to require a run-off  
5 election between the 2 candidates for the office of Governor, State  
6 Senator or State Representative who received the most votes in an  
7 election in which no candidate received more than 50% of the votes?"

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

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

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#### SUMMARY

21 This resolution proposes to amend the Constitution of Maine to require that a  
22 candidate for the office of Governor, State Senator or State Representative receive more  
23 than 50% of the votes cast to be elected. Currently, the candidate who receives the  
24 largest number of votes, regardless of that number's percentage of the total number of  
25 votes cast, is elected. This resolution requires a run-off election between the 2 persons  
26 who received the largest number of votes when no candidate received more than 50% of  
27 the total number of votes cast. The person who receives the larger number of votes in the  
28 run-off election is declared the winner.