

131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1307

H.P. 832

House of Representatives, March 23, 2023

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Constitutional Officers to Be Elected by Statewide Election

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative ANDREWS of Paris.

Cosponsored by Senator STEWART of Aroostook, Senator FARRIN of Somerset and Representatives: DANA of the Passamaquoddy Tribe, FAULKINGHAM of Winter Harbor, SUPICA of Bangor, WARREN of Scarborough, Senators: BALDACCI of Penobscot, BENNETT of Oxford, BRAKEY of Androscoggin, 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. V, Pt. Second, §1** is amended to read:

5 **Section 1. Election.** The Secretary of State shall be chosen biennially at the first 6 session of the Legislature, by joint ballot of the popular election on the same date and in 7 the same manner as provided by this Constitution for the election of Senators and 8 Representatives in convention.

Constitution, Art. V, Pt. Second, §1-A is amended to read:

Section 1-A. Succession to the office of Secretary of State. If a vacancy occurs in the office of the Secretary of State, the first deputy secretary of state shall act as the Secretary of State until a Secretary of State is elected by the Legislature during the current session if in session, or at the next regular or special session popular election. A vacancy in the office of the Secretary of State may be filled by a new election.

15 **Constitution, Art. V, Pt. Third, §1** is amended to read:

9

Section 1. Election. The Treasurer shall be chosen biennially, at the first session of
the Legislature, by joint ballot of the popular election on the same date and in the same
manner as provided by this Constitution for the election of Senators, and Representatives
in convention.

20 **Constitution, Art. V, Pt. Third, §1-A** is amended to read:

Section 1-A. Succession to the office of Treasurer. If a vacancy occurs in the office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State until a Treasurer of State is elected by the Legislature during the current session if in session, or at the next regular or special session popular election. A vacancy in the office of Treasurer of State may be filled by a new election.

26 **Constitution, Art. IX, §11** is amended to read:

Section 11. Attorney General. The Attorney General shall be chosen biennially
by joint ballot popular election on the same date and in the same manner as provided by
this Constitution for the election of the Senators and Representatives in convention.
Vacancy in said office occurring when the Legislature is not in session, may be filled by
appointment by the Governor, subject to confirmation as required by this Constitution for
Justices of the Supreme Judicial Court.

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

39 "Do you favor amending the Constitution of Maine to provide that the40 Secretary of State, the Treasurer of State and the Attorney General be

elected by the people biennially in the same manner as members of the
Senate and the House of Representatives?"

3 The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square 4 5 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in 6 7 the same manner as votes for members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the amendment, 8 9 the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation. 10

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

- 14 SUMMARY
- This resolution proposes a constitutional amendment that provides for direct popular election beginning in 2024 of the Secretary of State, the Treasurer of State and the Attorney General biennially in the manner currently provided for Senators and Representatives.