

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 517

H.P. 374

House of Representatives, January 31, 2019

An Act To Facilitate Fair Ballot Representation for All Candidates

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.
Cosponsored by Senator MOORE of Washington and
Representatives: ALLEY of Beals, BRADSTREET of Vassalboro, CAMPBELL of Orrington,
FECTEAU of Augusta, McDONALD of Stonington, STEWART of Presque Isle, STROM of
Pittsfield, TUELL of East Machias.

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

2 **Sec. 1. 21-A MRSA §336, sub-§3**, as amended by PL 1995, c. 459, §24, is
3 further amended to read:

4 **3. Name, residence, party and qualifications declared.** The consent must contain
5 a declaration of the candidate's legal name as well as the nickname, if any, that the
6 candidate wishes to appear on the ballot in addition to the candidate's legal name, the
7 candidate's place of residence and party designation and a statement that the candidate
8 meets the qualifications of the office the candidate seeks, which the candidate must verify
9 by oath or affirmation before a notary public or other person authorized by law to
10 administer oaths or affirmations that the declaration is true. If, pursuant to the challenge
11 procedures in section 337, any part of the declaration is found to be false by the Secretary
12 of State, the consent and the primary petition are void.

13 **Sec. 2. 21-A MRSA §355, sub-§3**, as amended by PL 1999, c. 645, §2, is further
14 amended to read:

15 **3. Name, residence and qualifications declared.** The consent must contain a
16 declaration of the candidate's legal name as well as the nickname, if any, that the
17 candidate wishes to appear on the ballot in addition to the candidate's legal name, the
18 candidate's place of residence and the fact that the candidate has not been enrolled in a
19 party qualified to participate in a primary or general election after March 1st of that
20 election year and that the candidate meets the qualifications of the office the candidate
21 seeks. The candidate must verify by oath or affirmation before a notary public or other
22 person authorized by law to administer oaths or affirmations that the declaration is true.
23 If, pursuant to the challenge procedures in section 356, any part of the declaration is
24 found to be false by the Secretary of State, the consent and the nomination petition are
25 void.

26 A. Candidates for the office of county charter commission need not verify by oath or
27 affirmation that they are not enrolled in a party.

28 **Sec. 3. 21-A MRSA §363, sub-§3**, as amended by PL 2015, c. 447, §9, is further
29 amended to read:

30 **3. Acceptance filed.** A person chosen under this section must file a written
31 acceptance containing a statement that the person meets the qualifications of the office
32 sought and declaring the person's legal name as well as the nickname, if any, that the
33 person wishes to appear on the ballot in addition to the person's legal name, the person's
34 residence and the person's party enrollment with the Secretary of State. The Secretary of
35 State shall provide a form for the candidate's person's acceptance that must include a list
36 of the statutory and constitutional requirements of the office sought by the candidate
37 person. The form also must include a place for the registrar of the candidate's person's
38 municipality of residence to certify the candidate's person's registration and enrollment
39 status.

40 **Sec. 4. 21-A MRSA §601, sub-§2, ¶B**, as amended by PL 2013, c. 131, §16, is
41 further amended to read:

1 B. The ballot must contain the legal name of each candidate, without any title, the
2 candidate's nickname, if any, identified in the candidate's consent filed under section
3 336 or 355 or in the candidate's acceptance filed under section 363 and the
4 municipality or township of residence of each candidate. The candidates must be
5 arranged on the ballot alphabetically with the last name first by last name, under the
6 proper office designation. Municipality of residence is not required to be printed for
7 candidates for President and Vice President of the United States. The initial letters of
8 the last names of the candidates must be printed directly beneath each other in a
9 vertical line. The names of candidates for any one office may not be split into more
10 than one column regardless of number. The name of each candidate may be printed
11 on the ballot in only one space. For the general election ballot, the party or political
12 designation of each candidate must be printed with each candidate's name. The party
13 or political designation may be abbreviated.

14 **Sec. 5. 21-A MRSA §601, sub-§2, ¶B-1**, as amended by PL 2017, c. 402, Pt. C,
15 §40 and affected by Pt. F, §1, is further amended to read:

16 B-1. The candidate's legal name listed on the ballot must be the one approved by the
17 Probate Court, pursuant to Title 18-C, section 1-701, or, in the absence of an
18 applicable court order, the name consistently used by the candidate during the past 2
19 years in filings with governmental agencies and in the transaction of public business,
20 including without limitation transactions relating to voter registration; motor vehicle
21 registrations; driver licenses; a passport; professional licenses; local, state or federal
22 permits of any kind; public benefit programs; and veterans' benefits and social
23 security. If requested by the Secretary of State when there is a question concerning
24 which legal name should be listed on the ballot, it is the obligation of the candidate to
25 provide documentation to demonstrate consistent use of a particular name.

26 **Sec. 6. 21-A MRSA §601, sub-§2, ¶H**, as amended by PL 2007, c. 455, §18, is
27 further amended to read:

28 H. The legal name of each ~~nominee~~ candidate must appear on the ballot as follows:
29 last name first followed by the first name and middle name or initial; last name first
30 followed by the first name or the first initial and the middle name; or last name first
31 followed by the first name. If a candidate has requested that the candidate's nickname
32 appear on the ballot pursuant to section 336, 355 or 363, the candidate's nickname
33 must appear on the ballot in quotation marks immediately after the candidate's legal
34 first name or initial and before the candidate's legal middle name or initial, if any.

35 **Sec. 7. 21-A MRSA §606-A, sub-§2**, as amended by PL 2011, c. 534, §14, is
36 further amended to read:

37 **2. Secretary of State to furnish ballots.** The Secretary of State shall review the
38 number of votes cast at the last election of that type by persons registered and enrolled
39 under section 156 when determining the number of ballots to be furnished to each
40 municipality. These ballots must ~~contain the names of~~ list the nominees or candidates for
41 offices using the names and format specified in section 601, subsection 2, paragraphs B,
42 B-1 and H in the electoral divisions in which the voters registered under section 156
43 reside. After receiving notification from the clerk of township voter registrations or

1 enrollments that occur less than 60 days before a statewide election, the Secretary of State
2 shall furnish additional ballots to the municipality as needed. If there is not sufficient
3 time to provide the municipality with the correct ballot style for a township voter, the
4 Secretary of State shall instruct the clerk to provide a ballot to the voter in the manner
5 prescribed by section 604.

6 **Sec. 8. 21-A MRSA §752, sub-§1, ¶B,** as amended by PL 1991, c. 466, §26, is
7 further amended to read:

8 B. The Secretary of State shall provide a reasonable number of absentee ballots for
9 township residents who are registered or enrolled in a municipality outside their
10 electoral divisions under section 156. These ballots must ~~contain the names of~~ list the
11 nominees or candidates for offices using the names and format specified in section
12 601, subsection 2, paragraphs B, B-1 and H in the electoral divisions in which the
13 voters reside.

14 **SUMMARY**

15 This bill permits a candidate to request that the candidate's nickname appear on the
16 ballot for an election in the State. The candidate's nickname, if any, must be set off by
17 quotation marks and be placed on the ballot immediately after the candidate's legal first
18 name or initial and before the candidate's legal middle name or middle initial, if any.