

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 109

H.P. 75

House of Representatives, January 13, 2021

**An Act To Facilitate Fair Ballot Representation for All Candidates
By Allowing a Candidate's Nickname To Appear on the Ballot**

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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 STEWART of Aroostook and
Representatives: CARMICHAEL of Greenbush, DOLLOFF of Milton Township,
DUCHARME of Madison, POIRIER of Skowhegan, THORNE of Carmel.

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2 **Sec. 1. 21-A MRSA §336, sub-§3**, as amended by PL 1995, c. 459, §24, is repealed
3 and the following enacted in its place:

4 **3. Name, residence, party and qualifications declared.** The consent must contain:

5 A. A declaration of the candidate's legal name or, if the candidate wishes to have the
6 candidate's nickname on the ballot, the candidate's first initial and middle initial, if any,
7 of the candidate's legal name followed by the nickname that the candidate wishes to
8 appear on the ballot and the candidate's last name;

9 B. If the candidate wishes to have the candidate's nickname on the ballot, a declaration
10 that that nickname is the name by which the candidate is known to others;

11 C. The candidate's place of residence;

12 D. The candidate's party designation; and

13 E. A statement that the candidate meets the qualifications of the office that the
14 candidate seeks.

15 The candidate shall verify the consent by oath or affirmation before a notary public or other
16 person authorized by law to administer oaths or affirmations that the declaration is true. If,
17 pursuant to the challenge procedures in section 337, any part of the declaration is found to
18 be false by the Secretary of State, the consent and the nomination petition are void.

19 **Sec. 2. 21-A MRSA §355, sub-§3**, as amended by PL 2019, c. 371, §12, is repealed
20 and the following enacted in its place:

21 **3. Name, residence, party and qualifications declared.** The consent must contain:

22 A. A declaration of the candidate's legal name or, if the candidate wishes to have the
23 candidate's nickname on the ballot, the candidate's first initial and middle initial, if any,
24 of the candidate's legal name followed by the nickname that the candidate wishes to
25 appear on the ballot and the candidate's last name;

26 B. If the candidate wishes to have the candidate's nickname on the ballot, a declaration
27 that that nickname is the name by which the candidate is known to others;

28 C. The candidate's place of residence;

29 D. A statement that the candidate has not been enrolled in a party qualified to
30 participate in a primary or general election after March 1st of that election year; and

31 E. A statement that the candidate meets the qualifications of the office the candidate
32 seeks.

33 The candidate shall verify the consent by oath or affirmation before a notary public or other
34 person authorized by law to administer oaths or affirmations that the declaration is true,
35 except that candidates for the office of county commissioner need not verify by oath or
36 affirmation that they are not enrolled in a party. If, pursuant to the challenge procedures in
37 section 356, any part of the declaration is found to be false by the Secretary of State, the
38 consent and the nomination petition are void.

39 **Sec. 3. 21-A MRSA §363, sub-§3**, as amended by PL 2015, c. 447, §9, is repealed
40 and the following enacted in its place:

1 **3. Acceptance filed.** A person chosen as a candidate under this section shall file a
2 written acceptance with the Secretary of State containing:

3 A. A declaration of the candidate's legal name or, if the candidate wishes to have the
4 candidate's nickname on the ballot, the candidate's first initial and middle initial, if any,
5 of the candidate's legal name followed by the nickname that the candidate wishes to
6 appear on the ballot and the candidate's last name;

7 B. If the candidate wishes to have the candidate's nickname on the ballot, a declaration
8 that that nickname is the name by which the candidate is known to others;

9 C. The candidate's place of residence;

10 D. The candidate's party enrollment; and

11 E. A statement that the candidate meets the qualifications of the office sought.

12 The Secretary of State shall provide a form for the candidate's acceptance that includes a
13 list of the statutory and constitutional requirements of the office sought by the person. The
14 form must include a place for the registrar of the candidate's municipality of residence to
15 certify the candidate's registration and enrollment status.

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

18 B. The ballot must contain the legal name of each candidate, without any title, the
19 candidate's nickname, if any, identified in the candidate's consent filed under section
20 336 or 355 or in the candidate's acceptance filed under section 363 and the municipality
21 or township of residence of each candidate;. The candidates must be arranged on the
22 ballot alphabetically with the last name first by last name, under the proper office
23 designation. Municipality of residence is not required to be printed for candidates for
24 President and Vice President of the United States. The initial letters of the last names
25 of the candidates must be printed directly beneath each other in a vertical line. The
26 names of candidates for any one office may not be split into more than one column
27 regardless of number. The name of each candidate may be printed on the ballot in only
28 one space. For the general election ballot, the party or political designation of each
29 candidate must be printed with each candidate's name. The party or political
30 designation may be abbreviated.

31 **Sec. 5. 21-A MRSA §601, sub-§2, ¶B-1,** as amended by PL 2017, c. 402, Pt. C,
32 §40 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

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

