

# MAINE STATE LEGISLATURE

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## CHAPTER 37

## VACANCIES

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## SUBCHAPTER I

## GENERAL PROVISIONS

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**§ 1441. Vacancy defined**

A vacancy in any state office, county office, in the office of an election official or in any political committee occurs when the incumbent dies, resigns, becomes disqualified or changes his residence to an electoral division other than that from which he was elected; when the person elected fails to qualify; and when the electorate fails to elect a person to office.

**1. Filled for unexpired term.** A vacancy in any office must be filled for an unexpired term, except where it is specifically provided to the contrary.

1961, c. 360, § 1.

**§ 1442. Political committee; choosing candidates and nominees**

The meeting of a political committee as required by sections 1471, 1473, 1474, 1501, 1502 and 1533 is governed by the following provisions:

**1. Time and place of meeting.** The committee shall meet at the time and place prescribed in the Governor's proclamation.

**2. Duties of committee.** The committee shall choose a qualified person to fill the vacancy. The secretary of the com-

mittee shall deliver forthwith to the Secretary of State a certificate containing the name of the person chosen, his residence, title of the office sought, his political party and the method by which he was chosen. The certificate must be signed by the chairman of the committee and attested by the secretary.

**A. Class towns.** In an electoral division of class towns, the municipal committee of each town shall meet jointly, elect a secretary and a chairman for the meeting, and then fill the vacancy.

**3. Acceptance filed.** A person chosen as provided in this section must file his written acceptance with the Secretary of State.

**4. Changes in ballot.** The Secretary of State shall make the necessary changes in the ballot.

1961, c. 360, § 1.

### § 1443. —Jurisdiction

The political committee which has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 1471, 1473, 1474, 1501 and 1502 is as follows:

**1. Municipal committee.** A municipal committee or a joint meeting of the municipal committees of class towns makes such choices concerning the office of Representatives to the Legislature.

**2. County committee.** A county committee makes such choices concerning all county offices and the office of State Senator.

**3. District committee.** A district committee makes such choices concerning Representative to Congress.

**4. State committee.** A state committee makes such choices concerning the office of Governor, United States Senator and presidential elector.

1961, c. 360, § 1.

### § 1444. Special elections

A special election must be notified and conducted as nearly as practicable like its regular counterpart.

**1. Proclamation.** The proclamation of a special election must specify the time and place it must be held as well as any necessary filing, posting, publishing and reporting dates.

1961, c. 360, § 1.

## SUBCHAPTER II

### CANDIDATES AND NOMINEES

Sec.

1471. Candidates for nomination.

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1473. —Less than 60 days before election.

1474. —Certain nominees at any time.

1475. New candidate or nominee must file campaign report.

#### § 1471. Candidates for nomination

If a candidate for nomination dies, withdraws or becomes disqualified after having filed his primary petition, so that a party has less candidates than there are offices to be filled, the vacancy may be filled as follows:

**1. Primary petition if time.** If there is sufficient time to circulate a primary petition before the primary election, as determined by the Secretary of State, the new candidate must be chosen in that manner. The Secretary of State shall set a time for filing the new petition and the consent described in section 446.

**2. Chosen by committee if not time.** If there is not sufficient time to circulate a primary petition, the Secretary of State shall advise the Governor who shall issue a proclamation.

**A. Content of proclamation.** In his proclamation the Governor shall declare the vacancy, order the appropriate political committee to fill it and set a time and place for the committee to meet.

**B. Procedure.** The committee shall follow the procedure outlined in section 1442.

1961, c. 360, § 1.

#### § 1472. Nominees; 60 days before election

If a person nominated for United States Senator, Representative to Congress or Governor at a regular primary election dies,

withdraws or becomes disqualified at least 60 days before the general election, the Governor shall issue a proclamation.

**1. Content of proclamation.** In his proclamation, the Governor shall declare the vacancy and order a special primary election as provided in section 1444.

1961, c. 360, § 1.

**§ 1473. —Less than 60 days before election**

If a person nominated for United States Senator, Representative to Congress or Governor at a regular primary election dies, withdraws or becomes disqualified less than 60 days before the general election, the Governor shall issue a proclamation.

**1. Content of proclamation.** In his proclamation, the Governor shall declare the vacancy, order the appropriate political committee to fill it and set a time and place for the committee to meet.

**2. Procedure.** The committee shall follow the procedure outlined in section 1442.

1961, c. 360, § 1.

**§ 1474. —Certain nominees at any time**

If a person nominated for an office other than United States Senator, Representative to Congress or Governor at a regular primary election dies, withdraws or becomes disqualified before the general election, the Governor shall issue a proclamation as provided in section 1473, and the procedure outlined in section 1442 must be followed.

1961, c. 360, § 1.

**§ 1475. New candidate or nominee must file campaign report**

A candidate for nomination or a nominee chosen to fill a vacancy must file a final campaign report as prescribed by section 1397 with the Secretary of State within 15 days after his appointment. He need not file a preliminary report.

1961, c. 360, § 1.

## SUBCHAPTER III

## LOCAL AND STATE OFFICIALS

Sec.

- 1501. State Senators.
- 1502. Representative to Legislature.
- 1503. Political committees.
- 1504. Election officials.

**§ 1501. State Senators**

When there is a vacancy in the office of State Senator, the Governor shall issue a proclamation.

**1. Content of proclamation.** In his proclamation, the Governor shall declare the vacancy and order a special election as provided in section 1444.

**2. Nominees chosen.** He shall order the appropriate political committees to choose nominees and shall set a time and place for them to meet. The committee shall follow the procedure outlined in section 1442.

1961, c. 360, § 1.

**§ 1502. Representative to Legislature**

When there is a vacancy in the office of Representative to the Legislature, the municipal officers of any municipality affected by it may advise the Governor if there is a need to fill the vacancy before the next general election, and the Governor shall issue a proclamation.

**1. Content of proclamation.** In his proclamation the Governor shall declare the vacancy and order a special election, as provided in section 1444.

**2. Nominees chosen.** He shall order the appropriate political committees to choose nominees and shall set a time and place for them to meet. The committees shall follow the procedure outlined in section 1442.

1961, c. 360, § 1.

**§ 1503. Political committees**

A political committee shall fill a vacancy in its membership.

**1. Secretary of State notified.** The secretary of a state, district or county committee shall advise the Secretary of State the name and residence of each person chosen to fill a vacancy.

1961, c. 360, § 1.

**§ 1504. Election officials**

The municipal officers shall appoint a qualified person to fill a vacancy in the office of any election official.

**1. Limitation.** An election clerk appointed to fill a vacancy must be of the same party as the former incumbent, and must be nominated as provided in section 532.

1961, c. 360, § 1.

## SUBCHAPTER IV

## FEDERAL OFFICIALS

Sec.

1531. United States Senators.

1532. Representatives to Congress.

1533. Presidential electors.

**§ 1531. United States Senators**

A vacancy in the office of United States Senator is governed by the following provisions:

**1. Interim appointment.** Within a reasonable time after the vacancy occurs, the Governor, with the advice and consent of the Council, shall appoint a qualified person to fill the vacancy until his successor is elected and qualified.

**2. Vacancy 60 days before primary.** If the vacancy occurs 60 days or more before a regular primary election, nominees must be chosen at the primary and a successor elected for the remainder of the term at the general election.

**3. Vacancy less than 60 days before primary.** If the vacancy occurs less than 60 days before a regular primary election, nominees must be chosen at the next regular primary following the one in question, and a successor elected for the remainder of the term at the general election.

1961, c. 360, § 1.

**§ 1532. Representatives to Congress**

When there is a vacancy in the office of Representative to Congress, the Governor shall issue a proclamation.

**1. Content of proclamation.** In his proclamation, the Governor shall declare the vacancy and order a special primary election followed by a special election to fill the vacancy as provided in section 1444.

**A. Congress in session.** If Congress is in session, the elections must be held as soon as reasonably possible. If not, they must be held before the next regular or called session.

1961, c. 360, § 1.

**§ 1533. Presidential electors**

When there is a vacancy in the office of presidential elector, the Governor shall issue a proclamation as provided in section 1473 ordering the appropriate state committee to choose a qualified person to fill the vacancy. The procedure outlined in section 1442 must be followed:

**1. Exception.** This section does not apply to a vacancy as described in section 1183.

1961, c. 360, § 1.