

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1134

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H. P. 937

House of Representatives, March 22, 1977

Referred to the Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Masterton of Cape Elizabeth.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT Revising Procedures for Certain Contested Elections.

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

Sec. 1. 21 MRSA § 1122, sub-§ 2, ¶ C is enacted to read:

C. If there is a tie vote for State Representative or State Senator as finally determined by the proper House pursuant to the Constitution of Maine, Article IV, Part Third, Section 3, the Governor shall issue a proclamation declaring the tie and ordering a special election between the persons tied, as provided in section 1444.

Sec. 2. 21 MRSA § 1441, 1st ¶ is amended to read:

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; or when the person elected fails to qualify; ~~and when the electorate fails to elect a person to office.~~

STATEMENT OF FACT

Under present law, when it is determined that a race between 2 candidates for the Maine House or Senate in a general election has resulted in a tie, it is the responsibility of the members of the county committees residing in the community or communities included in the house or senatorial district to choose the candidates for the special election. There is no assurance that the persons involved in the tie vote will be selected to run again in the special election, causing a potential injustice to both the candidates and to the voters who nominated them in the primary election. This bill assures that the special election will be a run-off between the same 2 candidates who tied.