

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 455

H.P. 352 House of Representatives, February 20, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative VOSE of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Require Candidates for Political
2 Office to be Residents of the District
3 and Enrolled in the Party Which they
4 seek to Represent by January 1st, Prior
5 to the General Election.
6

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

9 Sec. 1. 21-A MRSA §144-A is enacted to read:

10 §144-A. Change of enrollment; candidates for
11 electd office

12 1. Registration with new party. Any person who
13 changes his enrollment from one political party to
14 another and who seeks an elected office representing
15 the political party to which he has transferred his

1 registration shall be registered as a member of that
2 party which he seeks to represent by January 1st pre-
3 ceding the primary election.

4 2. Residency in district. Any person who
5 changes his enrollment from one political party to
6 another and who seeks an elected office representing
7 the political party to which he has transferred his
8 registration shall be a resident of the district
9 which he seeks to represent by January 1st preceding
10 the primary election.

11 Sec. 2. 21-A MRSA §334, as enacted by PL 1985,
12 c. 161, §6, is amended to read:

13 §334. Qualification of candidate for primary nomina-
14 tion

15 A candidate for nomination by primary election
16 must file a primary petition and consent under sec-
17 tions 335 and 336. He must be enrolled, on or before
18 ~~April~~ January 1st, in the party named in the petition
19 and must be eligible to file a petition as a candi-
20 date for nomination by primary election under section
21 144, subsection 3. The registrar in the candidate's
22 municipality of residence must certify to that fact
23 upon the petition. Any candidate for elective office
24 shall be a resident of the district which he seeks to
25 represent by January 1st prior to the primary elec-
26 tion.

27 Sec. 3. 21-A MRSA §335, sub-§7, ¶¶C and D are
28 amended to read:

29 C. The registrar of each municipality concerned
30 shall certify that the candidate whose name ap-
31 pears on the petition is a resident of the dis-
32 trict which he seeks to represent and that the
33 candidate meets all other constitutional and
34 statutory provisions relating to age, citizen-
35 ship, residency and party enrollment that govern
36 candidates running for elected office. Any peti-
37 tion for which the registrar is unable to certify
38 that the candidate whose name appears on the pe-
39 tion meets the requirements of this section
40 shall not be filed with the Secretary of State.

1 D. The candidate whose name appears on any peti-
2 tion shall certify that he meets all the consti-
3 tutional and statutory requirements, including
4 age, citizenship, residency in the district, par-
5 ty enrollment and any other criteria to be
6 elected to the office, under the provisions of
7 this Title to which he seeks election.

8 Sec. 4. 21-A MRSA §338, as enacted by PL 1985,
9 c. 161, §6, is amended to read:

10 §338. Write-in candidates

11 A person whose name will not appear on the
12 printed primary ballot because he did not file a pe-
13 tition and consent under sections 335 and 336, but
14 who is certified by the registrar of voters to have
15 been a resident of the district which he seeks to
16 represent by January 1st preceding the primary elec-
17 tion and who fulfills the other qualifications under
18 section 334, may be nominated at the primary election
19 as a write-in candidate in accordance with section
20 723, subsection 1.

21 1. Candidate to certify compliance with require-
22 ments for candidates. A write-in candidate shall
23 certify to the Secretary of State that he meets all
24 the constitutional and statutory requirements, in-
25 cluding age, citizenship, residency in the district,
26 party enrollment and any other criteria to be elected
27 to the office under the provisions of this Title to
28 which he seeks election.

29 Sec. 5. 21-A MRSA §353, as enacted by PL 1985,
30 c. 161, §6, is amended to read:

31 §353. Qualification of candidate for nomination by
32 petition

33 A person who seeks nomination by petition quali-
34 fies by filing a nomination petition and consent as
35 provided in sections 354 and 355. If enrolled, the
36 person must also withdraw his enrollment in a party,
37 as provided in section 145, at least 3 months by Jan-
38 uary 1st before the filing date for the nomination
39 petition.

1 Sec. 6. 21-A MRSA §354, sub-§7, ¶D is enacted to
2 read:

3 D. The registrar of each municipality concerned
4 shall certify that the candidate whose name ap-
5 pears on the petition is a resident of the dis-
6 trict which he seeks to represent and that the
7 candidate meets all other constitutional and
8 statutory provisions relating to age, citizenship
9 and residency that govern candidates running for
10 election office. Any petition for which the reg-
11 istrar is unable to certify that the candidate
12 whose name appears on the petition meets the re-
13 quirements of this section shall not be filed
14 with the Secretary of State.

15 Sec. 7. 21-A MRSA §601-A is enacted to read:

16 §601-A. Removal of names of disqualified candidates
17 from primary election ballot

18 In the event that the Secretary of State finds,
19 during a period of no less than 10 days prior to the
20 election, that a candidate fails to meet the age,
21 citizenship, residency or party enrollment qualifica-
22 tions of this Title, the Secretary of State shall re-
23 move the name of the candidate from the primary elec-
24 tion ballot.

25 1. Appeal. Any person aggrieved by the decision
26 of the Secretary of State under this section may ap-
27 peal the decision to Superior Court.

28 Sec. 8. 21-A MRSA §602-A is enacted to read:

29 §602-A. Removal of names of disqualified candidates
30 from general election ballot

31 In the event that the Secretary of State finds,
32 during a period of no less than 30 days prior to the
33 election, that a candidate fails to meet the age,
34 citizenship, residency or party enrollment qualifica-
35 tions of this Title, the Secretary of State shall re-
36 move the name of the candidate from the general elec-
37 tion ballot and the candidate shall not be replaced
38 by another candidate on the ballot.

1 1. Change of residence; death; incapacity. In
2 the event that a candidate moves from the district
3 which he seeks to represent or becomes physically or
4 mentally incapacitated resulting in the candidates
5 resignation or death, the candidate may be replaced
6 on the ballot by another qualified candidate whose
7 age, residency, citizenship and party enrollment are
8 certified by the registrar and the Secretary of
9 State.

10 2. Appeal. Any candidate aggrieved by a deci-
11 sion of the Secretary of State under this section may
12 appeal the decision to Superior Court.

13

STATEMENT OF FACT

14 The purpose of this bill is to establish consist-
15 ency and fairness with respect to candidates who run
16 for political office in this State.

17 This bill requires that any person who seeks pub-
18 lic office whether by nomination by petition, nomina-
19 tion by primary election or write-in be a resident of
20 the district which he seeks to represent by January
21 1st preceding the primary election.

22 It also requires that any person who changes his
23 enrollment from one political party to another polit-
24 ical party and seeks to be a candidate representing
25 the party to which he has transferred his registra-
26 tion be registered as a member by January 1st of that
27 party which he seeks to represent.

28 The bill further requires that the registrar of
29 voters in each municipality certify that the candi-
30 dates whose names appear on petitions meet all the
31 residency, citizenship, age and party enrollment re-
32 quirements.

33 It also mandates the Secretary of State, during a
34 period of no less than 30 days before the election,
35 to remove the name of any candidate from the ballot
36 who fails to meet the age, citizenship, residency and
37 party enrollment requirements of the Constitution of
38 Maine and the laws of Maine.

1 This bill also requires that any person aggrieved
2 by a decision of the Secretary of State may appeal
3 the decision to Superior Court and that any person
4 whose name is removed from the ballot during a period
5 of no less than 10 days before an election may not be
6 replaced by the name of a replacement candidate, ex-
7 cept whenever the candidate moves out of the dis-
8 trict, dies or becomes physically or mentally inca-
9 pacitated.

10 Finally, the bill requires that each candidate
11 certify that he meets the criteria in the Constitu-
12 tion and in the Maine Revised Statutes, Title 21-A,
13 with respect to his election to the position for
14 which the candidate seeks election.

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