

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1084

H.P. 810 House of Representatives, April 2, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative DIAMOND of Bangor.
Cosponsored by Representatives GARLAND of Bangor, HUSSEY
of Milo and Senator BALDACCI of Penobscot.

STATE OF MAINE

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

AN ACT Concerning the Filing of Nominating
Petitions for Elective Office.

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

Sec. 1. 21-A MRSA §335, sub-§9 as enacted by PL
1985, c. 161, §6, is amended to read:

9. Petition or names void. A primary petition
which does not meet the requirements of this section
is void. If a voter or a circulator fails to comply
with this section in signing or printing the voter's
name and address, that voter's name may not be
counted, but the petition is otherwise valid. If a
municipal registrar has failed to perform any of the
functions required by subsection 7 or section 334,
even though the petition was properly presented to

1 the registrar, the petition is void only if the nec-
2 essary action is not completed and presented to the
3 Secretary of State within 3 business days of the date
4 the petitions are due.

5 Sec. 2. 21-A MRSA §337, sub-§1, as enacted by
6 PL 1985, c. 161, §6, is amended to read:

7 1. Review. When presented with a primary peti-
8 tion, the Secretary of State shall review it and, if
9 the petition contains the required number of certi-
10 fied names and is properly completed, shall accept
11 and file it. If the petition is deficient only by
12 lacking the certification or other ministerial action
13 of a municipal registrar, the Secretary of State
14 shall conditionally accept the petition and shall, as
15 promptly as possible, notify the candidate, the
16 circulator or an executive official of the candi-
17 date's party of the deficiency. If a conditionally
18 accepted petition is not properly completed within 3
19 business days after presentation, it shall not be
20 filed.

21 Sec. 3. 21-A MRSA §354, sub-§9, as enacted by PL
22 1985, c. 161, §6, is amended to read:

23 9. Petition void. A nomination petition which
24 does not meet the requirements of this section is
25 void. If a voter or circulator fails to comply with
26 this section in signing or printing the voter's name
27 and address, that voter's name may not be counted,
28 but the petition is otherwise valid. If a municipal
29 registrar has failed to perform any of the functions
30 required by subsection 7, even though the petition
31 was properly presented to the registrar, the petition
32 is void only if the necessary action is not completed
33 and presented to the Secretary of State within 3
34 business days of the date the petitions are due.

35 Sec. 4. 21-A MRSA §356, sub-§1, as enacted by PL
36 1985, c. 161, §6, is amended to read:

37 1. Review. When presented with a nomination pe-
38 tition, the Secretary of State shall review it and,
39 if the petition contains the required number of cer-
40 tified names and is properly completed, shall accept
41 and file it. If the petition is deficient only by

1 lacking the certification or other ministerial action
2 of a municipal registrar, the Secretary of State
3 shall conditionally accept the petition and shall, as
4 promptly as possible, notify the candidate or the
5 circulator of the deficiency. If a conditionally ac-
6 cepted petition is not properly completed within 3
7 business days after presentation, it shall not be
8 filed.

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STATEMENT OF FACT

10 The purpose of this bill is to clarify the law
11 for the filing of nominating petitions of elective
12 office and establish a time limit for certain aspects
13 of the process.

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