

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

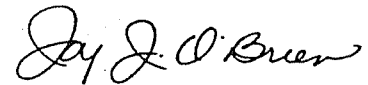
Legislative Document

No. 485

S.P. 207

In Senate, February 27, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator THERIAULT of Aroostook.

Cosponsored by Representative TAMMARO of Baileyville and Representative MARTIN of Van Buren.

STATE OF MAINE

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

An Act Concerning Removal and Replacement of Candidates on Election Ballots.



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

3 **21-A MRSA §374, as enacted by PL 1985, c.161, §6, is**
5 **repealed and the following enacted in its place:**

7 **§374. Replacement of other nominees**

9 **1. Withdrawal of nominees; Governor's**
11 **proclamation. Except as provided in subsection 2, if a**
13 **person nominated for an office, other than United**
15 **States Senator, Representative to Congress or Governor,**
at a primary election or by a political committee dies,
withdraws or becomes disqualified before the general
election, the Governor shall issue a proclamation under
section 362.

17 **2. Limitations on replacement of withdrawn**
19 **nominees. If the Governor issues the proclamation**
21 **provided for by section 362, a political committee may**
23 **make a replacement nomination following a withdrawal**
only if the person nominated for an office other than
United States Senator, Representative to Congress or
Governor:

25 **A. Withdraws on or before the 1st of August**
27 **preceding the general election;**

29 **B. Withdraws because of a catastrophic illness,**
31 **diagnosed after the 65th day before the primary**
33 **election day, that has permanently and**
35 **continuously incapacitated the candidate and would**
37 **prevent performance of the duties of the office**
sought and files with the Secretary of State a
certificate accompanying the withdrawal request
which describes the illness and is signed by at
least 2 licensed physicians; or

39 **C. Dies prior to the general election.**

41 **3. Deadline for replacement by political**
43 **committee. Subject to the provisions of subsection 2,**
45 **a political committee may designate a replacement**
candidate no later than the 3rd Monday in August
preceding the general election.

47 **STATEMENT OF FACT**

49 This bill is intended to limit the instances in
51 which a party may replace a candidate who has withdrawn
53 from the general election. Barring the death or
serious illness of the withdrawn nominee, no
replacement candidate may be substituted after the 1st

1 of August preceding the general election. If a
2 replacement may be made, that candidate must be
3 selected no later than the 3rd Monday in August before
4 the general election.
5