

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 757

H.P. 559

House of Representatives, March 14, 1989

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

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative O'GARA of Westbrook.

Cosponsored by Representative STROUT of Windham and Representative MAYO of Thomaston.

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STATE OF MAINE

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

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An Act Concerning Withdrawal of Candidates.

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

3 Sec. 1. 21-A MRSA §374, as enacted by PL 1985, c. 161, §6, is  
5 repealed.

7 Sec. 2. 21-A MRSA §374-A is enacted to read:

9 §374-A. Withdrawal of candidates for certain state offices

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

23 2. Limitations on replacement of withdrawn nominees. The  
25 Governor shall not issue the proclamation provided for by section  
27 362 and a political committee may not make a replacement  
29 nomination following a withdrawal if the person nominated for an  
31 office, other than United States Senator, Representative to  
33 Congress or Governor, withdraws after 5 p.m. on the 1st Monday of  
35 August preceding the general election.

37 3. Designation of replacement candidate. If the Governor  
39 issues the proclamation provided for by section 362, a political  
41 committee may designate a replacement candidate no later than the  
43 3rd Monday in August preceding the general election.

45 Sec. 3. 21-A MRSA §376, as enacted by PL 1985, c. 161, §6, is  
47 repealed and the following enacted in its place:

49 §376. Production of new ballots

1. Federal or gubernatorial office. If a candidate or  
nominee for a federal or gubernatorial office withdraws less than  
40 days before any election, the Secretary of State is not  
required to produce new ballots.

2. Certain state offices. The Secretary of State is not  
required to produce new ballots if a candidate for an office,  
other than United States Senator, Representative to Congress or  
Governor, withdraws after 5 p.m. on the 1st Monday of August  
preceding the general election.

3. List of candidates. Immediately after the last day for  
withdrawal, the Secretary of State shall list all names to be  
placed on the ballot for the general election.

1 **STATEMENT OF FACT**

3 This bill is intended to limit the instances in which a  
5 political committee may replace a candidate who has withdrawn  
7 from the general election and the circumstances under which the  
Secretary of State must produce new ballots following candidates'  
withdrawals.

9 Section 1 of the bill repeals the Maine Revised Statutes,  
11 Title 21-A, section 374 which deals with replacement of withdrawn  
candidates.

13 Section 2 of the bill enacts section 374-A which replaces  
15 section 374. The bill provides that a political committee may  
17 only replace a candidate, for an office other than Governor,  
19 United States Senator or United States Representative, who  
21 withdraws prior to the 1st of August preceding the general  
election. The bill further provides that if a replacement may be  
made, a political committee must select a replacement candidate  
no later than the 3rd Monday in August before the general  
election.

23 Section 3 of the bill changes the Secretary of State's  
25 duties regarding production of new ballots. Under the bill, the  
27 Secretary of State is not required to produce new ballots if a  
29 candidate for an office other than United States Senator, United  
States Representative or Governor withdraws after 5 p.m. on the  
1st Monday in August preceding the general election. The  
Secretary of State's duties in regard to production of new ballot  
is not otherwise changed.

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