

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 743

H.P. 547

House of Representatives, March 7, 1995

An Act to Allow Voting for "None of the Above".

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GERRY of Auburn.

Cosponsored by Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, DESMOND of Mapleton, LANE of Enfield, LEMKE of Westbrook, SIROIS of Caribou.

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

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Sec. 1. 21-A MRSA §601, sub-§2, ¶D, as enacted by PL 1985, c. 161, §6, is amended to read:

D. At the end of the list of candidates for nomination to each office, there must be listed the choice "None of the above." Following "None of the above," there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write or paste in the name and municipality of residence of any person for whom he the voter desires to vote, as provided in section 691, subsection 2.

Sec. 2. 21-A MRSA §601-A, sub-§2, ¶B, as enacted by PL 1987, c. 797, §3, is amended to read:

B. The ballot must contain the name, without any title, of each candidate arranged alphabetically with the last name first in block capital letters, followed by the first name and middle name or initial, or followed by the first name or first initial and the middle name. The name of each candidate may be printed on the ballot in only one space. Following the list of candidates, there must be listed the choice "None of the above."

Sec. 3. 21-A MRSA §601-A, sub-§2, ¶D, as amended by PL 1993, c. 334, §4, is further amended to read:

D. A square must be printed at the left side of and close to the name of each candidate and "None of the above," so that a voter may designate any choice clearly by a cross (X) or a check mark ().

Sec. 4. 21-A MRSA §602, sub-§2, ¶E, as enacted by PL 1985, c. 161, §6, is amended to read:

E. At the end of the list of nominees to each office, there must be listed the choice "None of the above." Following "None of the above," there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write in the name and municipality of residence of any person for whom he the voter desires to vote, as provided in section 692, subsection 2.

Sec. 5. 21-A MRSA §722, sub-§1, as amended by PL 1993, c. 695, §30, is further amended to read:

1. How tabulated. The Secretary of State shall tabulate all votes that appear by an election return to have been cast for

2 a candidate, even though the candidate's name is misspelled,
3 written with the candidate's initials, with wrong initials, or
4 otherwise, on the return. All candidates receiving less than 1%
5 of the votes cast for that office must be titled "others" when
6 the tabulation is processed. The tabulation must include the
7 votes cast for "None of the above."

8 **Sec. 6. 21-A MRSA §723, sub-§1**, as amended by PL 1991, c. 244,
9 is further amended to read:

10 **1. Primary election.** In a primary election, even if "None
11 of the above" receives the most votes, the person who receives a
12 plurality of the votes cast for candidates for nomination to any
13 office is nominated for that office, except for write-in
14 candidates under paragraph A.

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16 A. A person who has not qualified as a candidate for
17 nomination by primary election by filing a petition and
18 consent under sections 335 and 336, but who fulfills the
19 other qualifications under section 334, may be nominated at
20 the primary election if that person receives a number of
21 valid write-in votes equal to at least twice the minimum
22 number of signatures required under section 335, subsection
23 5, on a primary petition for a candidate for that office.

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25 (1) The Secretary of State shall send notice of
26 nomination to a write-in candidate by certified mail,
27 return receipt requested. For purposes of this
28 paragraph, the notice is deemed given on the date the
29 write-in candidate signs the receipt, or if the notice
30 is undeliverable, the date the post office last
31 attempts to deliver it. If the candidate fails to file
32 a written acceptance with the Secretary of State within
33 15 days after receiving the notice, the candidate is
34 disqualified and the candidate's name may not be
35 printed on the general election ballot.

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37 B. The Secretary of State shall immediately certify by mail
38 the nomination of each person nominated by the primary
39 election.

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41 **Sec. 7. 21-A MRSA §723, sub-§§2 and 3**, as enacted by PL 1985,
42 c. 161, §6, are amended to read:

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44 **2. Other elections.** In any other election, even if "None
45 of the above" receives the most votes, the person who receives a
46 plurality of the votes cast for candidates for election to any
47 office is elected to that office.
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2 **3. More than one vacancy.** In any election, even if "None
3 of the above" receives the most votes, if there is more than one
4 vacancy in an office, as many persons are nominated or elected as
5 there are vacancies to be filled in decreasing order of the
6 plurality of votes received by them.

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STATEMENT OF FACT

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12 This bill requires the inclusion of the choice "None of the
13 above" on primary election ballots, presidential preference
14 primary ballots and general election ballots. The Secretary of
15 State shall tabulate the number of votes cast for "None of the
16 above." Only a person may be nominated or elected even if "None
17 of the above" receives the most votes.