

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

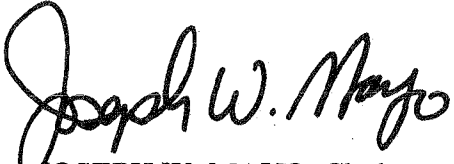
No. 936

H.P. 684

House of Representatives, February 11, 1997

An Act to Permit Voters to Affirmatively Vote against All Named Candidates.

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


JOSEPH W. MAYO, Clerk

Presented by Representative GERRY of Auburn.

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

2 **Sec. 1. 21-A MRSA §601, sub-§2, ¶D,** as enacted by PL 1985, c.
4 161, §6, is amended to read:

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

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

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

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

46 D. A square must be printed at the left side of and close
48 to the name of each candidate and "None of the above," so
50 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.

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

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

34 **B.** The Secretary of State shall immediately certify by mail
35 the nomination of each person nominated by the primary
36 election.

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

39 **2. Other elections.** In any other election, even if "None
40 of the above" receives the most votes, the person who receives a
41 plurality of the votes cast for candidates for election to any
42 office is elected to that office.

