

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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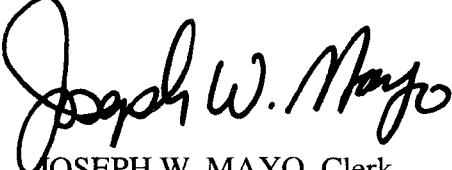
House of Representatives, February 23, 1999

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**An Act to Propose Changes to the Maine Election Laws.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative STANWOOD of Southwest Harbor.

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

4 **Sec. 1. 21-A MRSA c. 5, sub-c. II** is amended by repealing the  
subchapter headnote and enacting in its place the following:

6 **SUBCHAPTER II**  
8 **BY NONQUALIFIED PARTIES**

10 **Sec. 2. 21-A MRSA §351, first ¶,** as enacted by PL 1985, c. 161,  
12 §6, is amended to read:

14 The nomination of a candidate, other than by a party, for  
any federal, state or county office must be made by petition  
16 nonqualified parties, as provided in this subchapter.

18 **Sec. 3. 21-A MRSA §353,** as amended by PL 1995, c. 459, §25,  
is further amended to read:

20 **§353. Qualification of candidate for nomination by**  
22 **nonqualified party**

24 A person who seeks nomination by petition a nonqualified  
party qualifies by filing a nomination petition and consent as  
26 provided in sections 354 and 355 or by paying a fee as provided  
by section 358. If enrolled, the person must also withdraw  
28 enrollment in a party prior to March September 1st to be eligible  
30 to file a petition as a candidate in that election year, as  
32 provided in section 145. The registrar, or clerk at the request  
or upon the absence of the registrar, in the candidate's  
municipality of residence must certify to that fact on the  
petition.

34 **Sec. 4. 21-A MRSA §354, sub-§1, ¶B,** as enacted by PL 1985, c.  
36 161, §6, is amended to read:

38 B. The names of presidential electors must be placed on the  
petition as a slate. The names of the candidates for  
40 President and Vice President must be ~~placed on a petition~~  
~~for the nomination of presidential electors~~ certified to the  
Secretary of State by September 1st.

42 **Sec. 5. 21-A MRSA §354, sub-§7, ¶B,** as amended by PL 1995, c.  
44 459, §26, is further amended to read:

46 B. Petitions must be delivered to the registrar, or clerk  
at the request or upon the absence of the registrar, for  
48 certification by 5 p.m. on May August 25th in the election  
year in which the petitions are to be used.

50

2           **Sec. 6. 21-A MRSA §354, sub-§8-A**, as amended by PL 1995, c.  
459, §28, is further amended to read:

4           **8-A. Filed with the Secretary of State.** A nomination  
6 petition must be filed in the office of the Secretary of State by  
5 p.m. on ~~June~~ September 1st in the election year in which it is  
to be used.

8           **Sec. 7. 21-A MRSA §358** is enacted to read:

10           **§358. Petitions or filing fees**

12           A slate of presidential electors must either file a petition  
14 under section 354 or pay a filing fee to the Secretary of State  
for those electors' names to be placed on the ballot.

16           1. Petitions. A slate of presidential electors that does  
18 not pay a filing fee to the Secretary of State pursuant to  
subsection 2 must file a petition with the Secretary of State.

20           2. Filing fees. A slate of presidential electors that does  
22 not file a petition with the Secretary of State pursuant to  
subsection 1 must pay a \$2,500 filing fee to the Secretary of  
24 State. The filing fee must be paid no later than December 1st in  
26 the year next prior to the year of the presidential preference  
primary.

28           **Sec. 8. 21-A MRSA §375**, as enacted by PL 1985, c. 161, §6, is  
amended to read:

30           **§375. Nonqualified party presidential and vice-presidential**  
32 **candidates**

34           ~~1. Candidate for President; death; withdrawal;~~  
~~disqualification. If a candidate for President who has been~~  
36 ~~nominated by petition under section 354, subsection 1, paragraph~~  
~~B, dies, withdraws or becomes disqualified, the nomination of the~~  
38 ~~presidential, vice-presidential and presidential electoral~~  
~~candidates is terminated.~~

40           **2. Candidate for President or Vice President; death;**  
42 **withdrawal; disqualification.** If a candidate for President or  
Vice President who has been nominated ~~by petition~~ under section  
44 354, subsection 1, paragraph B, subchapter II by a nonqualified  
party dies, withdraws or becomes disqualified, the vacancy may be  
46 filled by a new vice-presidential candidate, if the following  
conditions are met:

- 2 A. Written resignation is filed with the Secretary of State  
by the previous ~~vice-presidential~~ candidate, if the mental  
and physical condition of the candidate allows;
- 4
- 6 B. Written consent is filed with the Secretary of State by  
the new ~~vice-presidential~~ candidate; and
- 8 ~~C. Written acceptance of the new vice-presidential~~  
~~candidate is filed with the Secretary of State by the~~  
10 ~~presidential candidate, and~~
- 12 D. Written acceptance of the ~~new vice-presidential~~  
candidate is filed with the Secretary of State by each a  
14 majority of the presidential electors.

16 **3. Candidate for presidential elector; death; withdrawal;**  
**disqualification.** If a presidential elector, who has been  
18 nominated by ~~petition~~ under ~~section 354, subsection 1, paragraph~~  
~~B, subchapter II~~ dies, withdraws or becomes disqualified, the  
20 vacancy may be filled by a new presidential elector, if the  
following conditions are met:

- 22
- 24 A. Written resignation is filed with the Secretary of State  
by the previous presidential elector, if the mental and  
physical condition of the elector allows;
- 26
- 28 B. Written consent is filed with the Secretary of State by  
the new presidential elector; and
- 30
- 32 C. Written acceptance of the new presidential elector is  
filed with the Secretary of State by the presidential  
candidate.

34 This subsection does not apply to a vacancy as described in  
section 804.

36

### 38 SUMMARY

40 This bill expands access to the ballot by presidential and  
vice-presidential candidates of nonqualified parties. Under this  
42 bill, these candidates are given the choice of filing by  
petition, as authorized by current law, or by paying a filing fee  
44 to the Secretary of State. The bill also provides for later  
petition filing dates.

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