

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1033

H.P. 718

House of Representatives, March 1, 2005

### An Act To Implement Fusion Voting in Maine

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PINGREE of North Haven.  
Cosponsored by Senator DAMON of Hancock and  
Representatives: KOFFMAN of Bar Harbor, PATRICK of Rumford, PELLETIER-SIMPSON  
of Auburn, PIOTTI of Unity, SAMPSON of Auburn, SCHATZ of Blue Hill, Senator:  
GAGNON of Kennebec.

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

4 **Sec. 1. 21-A MRSA §144, sub-§3**, as amended by PL 1995, c. 459,  
§16, is further amended to read:

6 **3. Restrictions during change of enrollment.** Except as  
7 provided in subsection 4, a voter may not vote at a caucus,  
8 convention or primary election for 15 days after filing an  
9 application to change enrollment. ~~A voter must file an~~  
10 ~~application to change enrollment prior to January 1st to be~~  
11 ~~eligible to file a petition as a candidate in that election year.~~

12 **Sec. 2. 21-A MRSA §144, sub-§4**, as enacted by PL 1985, c. 161,  
13 §6, is amended to read:

14 **4. Change of residence.** When a voter changes his residence  
15 from one municipality to another and establishes a new voting  
16 residence there, ~~he~~ the voter may enroll in any party and vote  
17 at a caucus, convention or primary election, ~~or file a petition~~  
18 ~~as a candidate for nomination by primary election,~~ regardless of  
19 his the voter's previous enrollment.

20 **Sec. 3. 21-A MRSA §334**, as amended by PL 1995, c. 459, §21,  
21 is further amended to read:

22 **§334. Qualification of candidate for primary nomination**

23 A candidate for nomination by primary election must file a  
24 primary petition and consent under sections 335 and 336. ~~The~~  
25 ~~candidate must be enrolled, on or before March 15th, in the party~~  
26 ~~named in the petition and must be eligible to file a petition as~~  
27 ~~a candidate for nomination by primary election under section 144,~~  
28 ~~subsection 3. The registrar in the candidate's municipality of~~  
29 ~~residence must certify to that fact upon the petition. A~~  
30 candidate for nomination by primary election need not be enrolled  
31 in the party named in the petition.

32 **Sec. 4. 21-A MRSA §355, sub-§3**, as amended by PL 1999, c. 645,  
33 §2, is further amended to read:

34 **3. Qualifications declared.** The consent must contain a  
35 declaration of the candidate's place of residence ~~and the fact~~  
36 ~~that the candidate has not been enrolled in a party qualified to~~  
37 ~~participate in a primary or general election after March 1st of~~  
38 ~~that election year~~ and that the candidate meets the  
39 qualifications of the office the candidate seeks. The candidate  
40 must verify by oath or affirmation before a notary public or  
41 other person authorized by law to administer oaths or  
42 affirmations that the declaration is true. If, pursuant to the  
43 challenge procedures in section 356, any part of the declaration  
44 is

is found to be false by the Secretary of State, the consent and the nomination petition are void.

~~A. -- Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party.~~

**Sec. 5. 21-A MRSA §601, sub-§2, ¶B,** as amended by PL 2001, c. 310, §29, is further amended to read:

B. The ballot must contain the name, without any title, and place of residence of each candidate, arranged alphabetically with the last name first, under the proper office designation. The initial letters of the last names of the candidates must be printed directly beneath each other in a vertical line. The names of candidates for any one office may not be split into more than one column regardless of number. The For the primary election ballot, the name of each candidate may be printed on the ballot in only one space. For the general election ballot, the party or political designation of each candidate must be printed with each candidate's name the name of a candidate nominated by more than one party or political designation must be printed once for each party or political designation. The party or political designation may be abbreviated.

**Sec. 6. 21-A MRSA §696, sub-§4,** as amended by PL 2001, c. 310, §41, is further amended to read:

**4. Determination of choice possible.** If a voter marks the voter's ballot in a manner that differs from the instructions at the top of the ballot but in such a manner that it is possible to determine the voter's choice, then the vote for the office or question concerned must be counted. A mark made on or in the voting indicator that differs from the instructions at the top of the ballot but that clearly indicates the voter's choice is not a distinguishing mark. If a voter marks the same name for the same office multiple times with different party or political designation labels, the voter's vote must be counted as if the voter cast one vote for the candidate selected on a ballot space without a party or political designation label.

## SUMMARY

This bill authorizes cross-endorsement, which is the practice of multiple parties or political designations nominating the same candidate. It eliminates the current rules requiring enrollment in a political party in order to be a candidate for that party's nomination. It also requires the

2 Secretary of State to list on the ballot a candidate nominated by  
multiple parties or political designations once for each party or  
4 political designation. The bill would also prevent overvotes,  
when a voter marks the same candidate's name multiple times, from  
invalidating the vote.