

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 547

S.P. 207

In Senate, February 12, 2009

**An Act To Amend the Laws Concerning Write-in Candidates for
Elected Office To Increase Fairness**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOWMAN of York. (BY REQUEST)

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

2 **Sec. 1. 21-A MRSA §603, sub-§7** is enacted to read:

3 **7. List of write-in candidates attached.** The Secretary of State shall attach to the
4 sample ballot a list of declared write-in candidates as described in section 722-A. The
5 clerk shall post this list in the same manner as required by section 625 for sample ballots.

6 **Sec. 2. 21-A MRSA §692, sub-§2,** as amended by PL 1993, c. 473, §22 and
7 affected by §46, is further amended to read:

8 **2. Write-in vote.** If the voter wishes to vote for a person whose name is not on the
9 ballot, the voter must write the name ~~and municipality of residence~~ in the blank space
10 provided at the end of the list of nominees for the office in question. The voter must then
11 mark the ballot as instructed in the directions on the ballot. A sticker may not be used to
12 vote for a write-in candidate.

13 **Sec. 3. 21-A MRSA §711, first ¶,** as amended by PL 2001, c. 516, §12, is further
14 amended to read:

15 As soon as the results of the election have been declared, the election return must be
16 prepared. The warden at each ward or precinct shall fill out the election return form
17 provided by the Secretary of State, showing the number of votes cast for each candidate
18 or question and recording the total number of state ballots cast in that ward or precinct.
19 The warden and one other election official shall sign the return and immediately deliver it
20 to the municipal clerk. The form provided by the Secretary of State shall include the
21 names of all candidates, including declared write-in candidates as determined by section
22 722-A.

23 **Sec. 4. 21-A MRSA §722-A,** as amended by PL 2007, c. 455, §40, is further
24 amended to read:

25 **§722-A. Determination of write-in candidate**

26 To be considered a valid write-in candidate, a person must file a declaration of write-
27 in candidacy with the Secretary of State, on a form approved by the Secretary of State, on
28 or before 5 p.m. on the ~~3rd business~~ 45th day prior to the election. The candidate must
29 meet all the other qualifications for that office.

30 **Sec. 5. Secretary of State to include information on write-in candidates**
31 **on website.** The Secretary of State is directed to amend the design of the Secretary of
32 State, Bureau of Corporations, Elections and Commissions portion of the publicly
33 accessible website that provides information for voters to include the names of all
34 qualified candidates for the office of Governor and for the House of Representatives and
35 the Senate, including declared write-in candidates as determined by the Maine Revised
36 Statutes, Title 21-A, section 722-A. No later than February 1, 2010, the Secretary of
37 State shall present to the joint standing committee of the Legislature having jurisdiction
38 over election matters the amended design of the website.

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SUMMARY

This bill amends the laws pertaining to write-in candidates. It strikes the requirement that a voter must include a write-in candidate's municipality of residence when marking a general election ballot. It also allows for the use of stickers in order to place the name of a write-in candidate on a ballot. Current law requires that a candidate file a declaration with the Secretary of State 3 business days prior to an election to be considered a declared write-in candidate. This bill changes that requirement to 45 days prior to an election. The bill also requires the Secretary of State to provide a list of write-in candidates with sample ballots provided to municipalities and to include a list of all candidates on the tally sheets provided to election clerks for listing election results. Finally, this bill directs the Secretary of State to amend the voter information portion of its website to include the names of all qualified candidates for Governor, the House of Representatives and the Senate, including write-in candidates.