

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Provide for Nonpartisan Elections for Sheriffs**

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

**Sec. 1. 21-A MRSA §331, sub-§2, ¶B,** as enacted by PL 1985, c. 161, §6, is amended to read:

B. Nominations to fill vacancies under subchapter H3; and

**Sec. 2. 21-A MRSA §331, sub-§2, ¶C,** as enacted by PL 1985, c. 161, §6, is amended to read:

C. Nominations by petition under subchapter H2; and

**Sec. 3. 21-A MRSA §331, sub-§2, ¶D** is enacted to read:

D. Nominations for sheriff.

**Sec. 4. 21-A MRSA §351, sub-§2,** as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Limited to one method.** A person may file as a candidate for any federal, state or county office either by primary election or nomination petition, except as provided in subsections 3 and 4, but not by both methods.

**Sec. 5. 21-A MRSA §351, sub-§4** is enacted to read:

**4. Sheriff.** A candidate for the office of sheriff must file as a candidate by petition and may not file as a candidate by primary election. A candidate for sheriff may not file with a party affiliation.

**Sec. 6. 30-A MRSA §371-B, sub-§1,** as repealed and replaced by PL 1997, c. 562, Pt. D, §6 and affected by §11, is amended to read:

**1. Manner of election or appointment.** Sheriffs are elected or appointed and hold their offices according to the Constitution of Maine. Their election must be conducted and determined as is provided for county commissioners except that a candidate for the office of sheriff must file as a candidate by petition and may not file as a candidate by primary election. Sheriffs take office on the first day of January following their election.

**Sec. 7. 30-A MRSA §371-B, sub-§2,** as repealed and replaced by PL 1997, c. 562, Pt. D, §6 and affected by §11, is amended to read:

**2. Filling vacancies.** Vacancies in the office of sheriff caused by death, resignation, removal from the county, permanent incapacity or any other reason must be filled as provided in the Constitution of Maine. ~~In the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is made.~~

## **SUMMARY**

This bill allows for sheriffs to be elected on a nonpartisan basis. A candidate for sheriff would not be allowed to file as a candidate during the primaries.