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Legislative Document

No. 109

H.P. 75

House of Representatives, January 13, 2021

An Act To Facilitate Fair Ballot Representation for All Candidates By Allowing a Candidate's Nickname To Appear on the Ballot

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative FAULKINGHAM of Winter Harbor. Cosponsored by Senator STEWART of Aroostook and Representatives: CARMICHAEL of Greenbush, DOLLOFF of Milton Township, DUCHARME of Madison, POIRIER of Skowhegan, THORNE of Carmel.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 21-A MRSA §336, sub-§3, as amended by PL 1995, c. 459, §24, is repealed and the following enacted in its place:
4	3. Name, residence, party and qualifications declared. The consent must contain:
5 6 7 8	A. A declaration of the candidate's legal name or, if the candidate wishes to have the candidate's nickname on the ballot, the candidate's first initial and middle initial, if any, of the candidate's legal name followed by the nickname that the candidate wishes to appear on the ballot and the candidate's last name;
9 10	B. If the candidate wishes to have the candidate's nickname on the ballot, a declaration that that nickname is the name by which the candidate is known to others;
11	C. The candidate's place of residence;
12	D. The candidate's party designation; and
13 14	<u>E.</u> A statement that the candidate meets the qualifications of the office that the candidate seeks.
15 16 17 18	The candidate shall verify the consent by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 337, any part of the declaration is found to be false by the Secretary of State, the consent and the nomination petition are void.
19 20	Sec. 2. 21-A MRSA §355, sub-§3, as amended by PL 2019, c. 371, §12, is repealed and the following enacted in its place:
21	3. Name, residence, party and qualifications declared. The consent must contain:
22 23 24 25	A. A declaration of the candidate's legal name or, if the candidate wishes to have the candidate's nickname on the ballot, the candidate's first initial and middle initial, if any, of the candidate's legal name followed by the nickname that the candidate wishes to appear on the ballot and the candidate's last name;
26 27	B. If the candidate wishes to have the candidate's nickname on the ballot, a declaration that that nickname is the name by which the candidate is known to others;
28	C. The candidate's place of residence;
29 30	D. A statement that the candidate has not been enrolled in a party qualified to participate in a primary or general election after March 1st of that election year; and
31 32	E. A statement that the candidate meets the qualifications of the office the candidate seeks.
33 34 35 36 37 38	The candidate shall verify the consent by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true, except that candidates for the office of county commissioner need not verify by oath or affirmation that they are not enrolled in a party. If, pursuant to the challenge procedures in section 356, any part of the declaration is found to be false by the Secretary of State, the consent and the nomination petition are void.
39 40	Sec. 3. 21-A MRSA §363, sub-§3, as amended by PL 2015, c. 447, §9, is repealed and the following enacted in its place:

1 2	3. Acceptance filed. A person chosen as a candidate under this section shall file a written acceptance with the Secretary of State containing:
3 4 5 6	A. A declaration of the candidate's legal name or, if the candidate wishes to have the candidate's nickname on the ballot, the candidate's first initial and middle initial, if any, of the candidate's legal name followed by the nickname that the candidate wishes to appear on the ballot and the candidate's last name;
7 8	B. If the candidate wishes to have the candidate's nickname on the ballot, a declaration that that nickname is the name by which the candidate is known to others;
9 10	<u>C. The candidate's place of residence;</u>D. The candidate's party enrollment; and
10	E. A statement that the candidate meets the qualifications of the office sought.
12 13 14 15	The Secretary of State shall provide a form for the candidate's acceptance that includes a list of the statutory and constitutional requirements of the office sought by the person. The form must include a place for the registrar of the candidate's municipality of residence to certify the candidate's registration and enrollment status.
16 17	Sec. 4. 21-A MRSA §601, sub-§2, ¶B, as amended by PL 2013, c. 131, §16, is further amended to read:
18 19 20 21 22 23 24 25 26 27 28 29 30	B. The ballot must contain the legal name of each candidate, without any title, <u>the</u> <u>candidate's nickname, if any, identified in the candidate's consent filed under section</u> <u>336 or 355 or in the candidate's acceptance filed under section 363</u> and <u>the</u> municipality or township of residence of each candidate ₅ . The candidates must be arranged <u>on the ballot</u> alphabetically with the last name first <u>by last name</u> , under the proper office designation. Municipality of residence is not required to be printed for candidates for President and Vice President of the United States. The initial letters of the last names of the candidates for any one office may not be split into more than one column regardless of number. 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 party or political designation may be abbreviated.
31 32	Sec. 5. 21-A MRSA §601, sub-§2, ¶B-1, as amended by PL 2017, c. 402, Pt. C, §40 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:
33 34 35 36 37 38 39 40 41 42	B-1. The candidate's <u>legal</u> name listed on the ballot must be the one approved by the Probate Court, pursuant to Title 18-C, section 1-701, or, in the absence of an applicable court order, the name consistently used by the candidate during the past 2 years in filings with governmental agencies and in the transaction of public business, including without limitation transactions relating to voter registration; motor vehicle registrations; driver licenses; a passport; professional licenses; local, state or federal permits of any kind; public benefit programs; and veterans' benefits and social security. If requested by the Secretary of State when there is a question concerning which <u>legal</u> name should be listed on the ballot, it is the obligation of the candidate to provide documentation to demonstrate consistent use of a particular name.

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