

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 the Nonpartisan Election of County Officials

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

Sec. 1. 30-A MRSA §61, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Mode of election. County commissioners ~~shall~~must be elected on a nonpartisan ballot on the Tuesday following the first Monday of November in each even-numbered year. The votes ~~shall~~must be received, sorted, counted and declared in the same manner as votes for Representatives. The municipal clerk shall record in the municipal records the names of the persons voted for, the number of votes for each and the whole number of ballots received. The municipal clerk shall send true copies of these records, sealed and attested in the same manner as returns of votes for Senators, to the Secretary of State.

Sec. 2. 30-A MRSA §63, as amended by PL 1995, c. 245, §3 and c. 683, §4, is further amended to read:

§ 63. Vacancies during other times

When no choice is effected or a vacancy happens in the office of county commissioner by death, resignation, removal from the county, permanent incapacity or for any other reason, the Governor shall appoint a person to fill the vacancy without regard to political affiliation. That person shall hold office until the first day of January following the next biennial election at which a person is elected to fill the office.

~~In the case of a vacancy in the term of a commissioner who was nominated by primary election before the general election, the commissioner appointed by the Governor must be enrolled in the same political party as the commissioner whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee of the political party from which the appointment is to be made.~~

Sec. 3. 30-A MRSA §151, first ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

Except as provided in section 156, the voters of each county shall elect a county treasurer on a nonpartisan ballot.

Sec. 4. 30-A MRSA §151, sub-§3, as amended by PL 1995, c. 683, §5, is further amended to read:

3. Vacancy. If a person chosen treasurer as provided in subsection 1 declines to accept or a vacancy occurs by reason of death, resignation, removal from the county, permanent incapacity or for any other reason, the Governor may appoint a suitable resident of the county to serve as treasurer without regard to political affiliation. When that person has accepted the office, provided a bond and been sworn,

that person is treasurer until the first day of January following the next biennial election, at which election a treasurer must be chosen for the remainder of the term, if any; but, in any event, that person holds office until another is chosen and qualified.

~~A. In the case of a vacancy in the term of a treasurer who was nominated by primary election before the general election, the treasurer appointed by the Governor must be enrolled in the same political party as the treasurer 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 to be made.~~

Sec. 5. 30-A MRSA §251, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Election. The district attorneys ~~shall~~must be elected on a nonpartisan ballot on the Tuesday following the first Monday of November in every 4th year, by the voters of the respective prosecutorial districts. The votes ~~shall~~must be received, sorted, counted and declared in the same manner as votes for Representatives. The names of the persons voted for, the number of votes for each and the whole number of ballots received ~~shall~~must be recorded by the clerk of each municipality within the prosecutorial district. The clerk shall send true copies of these names and totals, sealed and attested as returns of votes for Senators, to the Secretary of State.

Sec. 6. 30-A MRSA §252, sub-§2, as amended by PL 1995, c. 245, §5, is further amended to read:

2. Vacancies caused by other reasons. When no person is elected or a vacancy happens in the office of district attorney, other than as provided in subsection 1, the Governor shall appoint, without regard to political affiliation, a competent attorney, a resident of the prosecutorial district affected, to serve as a substitute district attorney until the first day of January following the next biennial election. At that election, a person ~~shall~~must be elected to the office of district attorney to serve for the remainder of the unexpired term. When the office of district attorney becomes vacant after the first day of October in the 2nd year after the election of a district attorney under section 251, a new election ~~shall~~may not be held to fill the vacancy, but the substitute district attorney shall serve for the remainder of the unexpired term.

~~A. In the case of a vacancy in the term of a district attorney who was nominated by primary election before the general election, the district attorney appointed by the Governor must be enrolled in the same political party as the district attorney whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee or committees of the political party from which the appointment is to be made.~~

Sec. 7. 30-A MRSA §371-B, sub-§§1 and 2, as repealed and replaced by PL 1997, c. 562, Pt. D, §6 and affected by §11, are amended to read:

1. Manner of election or appointment. Sheriffs are elected on a nonpartisan ballot 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. Sheriffs take office on the first day of January following their election.

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 and without regard to political affiliation. ~~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.~~

Sec. 8. 33 MRSA §601, as amended by PL 1995, c. 683, §8, is further amended to read:

§ 601. Election of register; vacancies

A register of deeds ~~shall~~must be elected on a nonpartisan ballot for each county and in each registry district by the legally qualified voters ~~thereof of the county, and who shall serve~~for a term of 4 years.

Vacancies caused by death, resignation, removal from the county, permanent incapacity as defined in Title 30-A, section 1, subsection 2-A or any other reason must be filled for the unexpired term by election on a nonpartisan ballot as provided for in section 602 at the next general election, as defined in Title 21-A, section 1, subsection 19, after their occurrence. In the meantime, the Governor may fill vacancies by appointment without regard to political affiliation, and the person so appointed ~~shall hold~~holds office until the first day of January next after the election. Until a vacancy is filled by appointment by the Governor, the deputy register serves as acting register as provided in section 605.

~~In the case of a vacancy in the term of a register of deeds who was nominated by primary election before the general election, the register of deeds appointed by the Governor must be enrolled in the same political party as the register of deeds whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee of the political party from which the appointment is to be made.~~

SUMMARY

This bill requires that a county commissioner, county treasurer, district attorney, sheriff and register of deeds must all be elected on a nonpartisan ballot and that a vacancy in any of those offices must be filled without regard to political affiliation.