



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 677

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H.P. 458

House of Representatives, March 3, 2015

**An Act To Amend the Election Laws Concerning Candidates and  
Nominees**

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

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative CHENETTE of Saco.  
Cosponsored by Senator VALENTINO of York and  
Representatives: HOBBS of Saco, NADEAU of Winslow.

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

2 **Sec. 1. 21-A MRSA §367**, as amended by PL 1995, c. 459, §31, is further  
3 amended to read:

4 **§367. Candidate withdrawal**

5 A candidate who wishes to withdraw from an elective race shall notify the Secretary  
6 of State in writing of the candidate's intent to withdraw. This notice must be signed by  
7 the candidate. If the reason for the withdrawal is ~~catastrophic~~ serious illness, the  
8 procedures set forth in section 374-A, subsection 1, paragraph B must be complied with if  
9 the candidate is to be replaced.

10 **Sec. 2. 21-A MRSA §374-A, sub-§1**, as amended by PL 2011, c. 342, §12, is  
11 further amended to read:

12 **1. Withdrawal and replacement of nominees.** The Secretary of State shall declare  
13 the vacancy as provided in section 362-A and a political committee may make a  
14 replacement nomination following a candidate's withdrawal only if a person nominated  
15 for an office, other than United States Senator, Representative to Congress or Governor,  
16 at a primary election or by a political committee withdraws on or before 5 p.m. of the 2nd  
17 Monday in July preceding the general election in accordance with section 367 and:

18 ~~A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general~~  
19 ~~election in accordance with section 367;~~

20 B. Withdraws because of a ~~catastrophic~~ serious illness that has permanently and  
21 continuously incapacitated the candidate ~~and or~~ would prevent performance of the  
22 duties of the office sought, provided the candidate or a member of the candidate's  
23 immediate family files with the Secretary of State a certificate accompanying the  
24 withdrawal request, ~~which~~ that describes the illness and is signed by at least 2 one  
25 licensed ~~physicians~~ physician; or

26 C. Dies prior to the general election.

27 **Sec. 3. 21-A MRSA §374-A, sub-§2**, as amended by PL 1993, c. 447, §5, is  
28 further amended to read:

29 **2. Deadline, announcement and organizing rules for political committee's**  
30 **replacement of nominee.** A political committee may make a replacement nomination:

31 A. No later than 5 p.m. of the 4th Monday in July preceding the general election for  
32 a candidate who has withdrawn in accordance with subsection 1, paragraph ~~A~~ B; or

33 B. As soon as practicable for a candidate who withdraws or is withdrawn in  
34 accordance with subsection 1, paragraph ~~B~~ or C.

35 A political committee making a replacement under this subsection shall notify the public  
36 that a meeting to select a replacement candidate under this section will be held. The  
37 notice must be made at least 3 days prior to the meeting at which the nominee will be  
38 selected and must be made through various communication media, including, but not

1 limited to, publication in a newspaper of general circulation in the electoral district and  
2 posting on the Internet.

3 At least 5 residents of the electoral district who are members of the political party making  
4 the replacement nomination must be present at a meeting to select a replacement  
5 nominee. This requirement may be verified by a local city or town clerk or notary public,  
6 or by other means in accordance with rules adopted by the Secretary of State.

7 **Sec. 4. 21-A MRSA §376, sub-§2,** as amended by PL 1997, c. 436, §55, is  
8 further amended to read:

9 **2. Certain state offices.** The Secretary of State is required to produce new ballots  
10 only if a candidate for an office, other than United States Senator, Representative to  
11 Congress or Governor, withdraws in accordance with section 374-A, subsection 1,  
12 ~~paragraph A, B or C,~~ a replacement candidate is nominated and a notification is filed with  
13 the Secretary of State by the appropriate committee of the political party making the  
14 nomination no later than 60 days before the election.

## 15 SUMMARY

16 This bill makes changes to the laws governing the withdrawal and replacement of  
17 candidates for an office other than United States Senator, Representative to Congress or  
18 Governor. It amends the requirements that must be met in order for a political committee  
19 to make a replacement nomination. It requires notification of a meeting to name a  
20 replacement candidate and it requires that a minimum of 5 residents of the electoral  
21 district who are members of the political party making the replacement attend the  
22 meeting.