



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 972

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H.P. 669

House of Representatives, March 18, 2015

### **An Act To Provide for the Nonpartisan Election of County Officials**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative DILLINGHAM of Oxford.  
Cosponsored by Senator HAMPER of Oxford and  
Representatives: CHENETTE of Saco, COREY of Windham, LUCHINI of Ellsworth,  
MAKER of Calais, SKOLFIELD of Weld, TIMBERLAKE of Turner, TUELL of East  
Machias, Senator: WILLETTE of Aroostook.

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

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

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

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

14 **§63. Vacancies during other times**

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

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

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

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

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

33 **3. Vacancy.** If a person chosen treasurer as provided in subsection 1 declines to  
34 accept or a vacancy occurs by reason of death, resignation, removal from the county,  
35 permanent incapacity or for any other reason, the Governor may appoint a suitable  
36 resident of the county to serve as treasurer without regard to political affiliation. When  
37 that person has accepted the office, provided a bond and been sworn, that person is  
38 treasurer until the first day of January following the next biennial election, at which

1 election a treasurer must be chosen for the remainder of the term, if any; but, in any  
2 event, that person holds office until another is chosen and qualified.

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

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

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

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

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

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

38 **Sec. 7. 30-A MRSA §371-B, sub-§§1 and 2**, as repealed and replaced by PL  
39 1997, c. 562, Pt. D, §6 and affected by §11, are amended to read:

40 **1. Manner of election or appointment.** Sheriffs are elected on a nonpartisan ballot  
41 or appointed and hold their offices according to the Constitution of Maine. Their election

1 must be conducted and determined as is provided for county commissioners. Sheriffs  
2 take office on the first day of January following their election.

3 **2. Filling vacancies.** Vacancies in the office of sheriff caused by death, resignation,  
4 removal from the county, permanent incapacity or any other reason must be filled as  
5 provided in the Constitution of Maine and without regard to political affiliation. ~~In the~~  
6 ~~case of a vacancy in the term of a sheriff who was nominated by primary election before~~  
7 ~~the general election the sheriff appointed by the Governor to fill the vacancy until a~~  
8 ~~successor is chosen at election must be enrolled in the same political party as the sheriff~~  
9 ~~whose term is vacant. In making the appointment, the Governor shall choose from any~~  
10 ~~recommendations submitted to the Governor by the county committee of the political~~  
11 ~~party from which the appointment is made.~~

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

14 **§601. Election of register; vacancies**

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

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

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

33 **SUMMARY**

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