1   L.D. 626

2   Date: (Filing No. S-   )

3   **VETERANS AND LEGAL AFFAIRS**

4   Reproduced and distributed under the direction of the Secretary of the Senate.

5   **STATE OF MAINE**

6   **SENATE**

7   **127TH LEGISLATURE**

8   **FIRST REGULAR SESSION**

9   COMMITTEE AMENDMENT "   " to S.P. 219, L.D. 626, Bill, "An Act Regarding
10   Write-in Candidates in Municipal and City Elections"

11   Amend the bill by striking out everything after the enacting clause and before the
12   summary and inserting the following:

13   '**Sec. 1. 30-A MRSA §2501, sub-§3** is enacted to read:

14   **3. Determining and counting write-in votes.** A municipality may choose the
15   method of determining and counting write-in votes according to this subsection. Once a
16   municipality has voted to accept the option under this subsection, the option applies to all
17   municipal elections until the municipal officers hold a public hearing and the legislative
18   body of the municipality votes to rescind the option at least 90 days before the next
19   election of candidates by secret ballot.

20   A. After the municipal officers hold a public hearing, at least 90 days prior to an
21   election of candidates by secret ballot, the legislative body of a municipality may
22   vote to be governed by the provisions of Title 21-A, section 696, subsection 2,
23   paragraph C and Title 21-A, section 722-A. Votes for a write-in candidate are
24   counted only if that candidate has filed a timely declaration of write-in candidacy
25   with the municipal clerk in accordance with Title 21-A, section 722-A, except that
26   votes for write-in candidates who have not filed a declaration of write-in candidacy
27   must be counted if:

28   (1) The printed ballot does not include a properly nominated candidate for the
29   office; or

30   (2) A properly nominated candidate for the office listed on the ballot withdraws
31   from the race before or on election day.

32   B. In a municipality that has not voted under paragraph A to be governed by Title
33   21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A, votes
34   cast for write-in candidates must be counted if:

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1   (1) The printed ballot does not include a properly nominated candidate for the
2   office;

3   (2) A properly nominated candidate for the office listed on the ballot withdraws
4   from the race before or on election day; or

5   (3) The number of write-in votes for an office as determined by a machine count
6   or initial hand count exceeds the number of votes in that count for a candidate
7   printed on the ballot.

8   Votes for write-in candidates may be counted even if none of the criteria listed in
9   subparagraphs (1) to (3) are met in a municipality that has not voted to be governed
10   by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A.

11   Nothing in this subsection requires a municipal clerk to count or tally write-in votes for a
12   fictitious person, a deceased person or a person from outside the municipality when
13   residency is a qualification of office or who is otherwise not qualified to be a candidate
14   for the office for which the person is a write-in candidate.'

SUMMARY

16   This amendment replaces the bill. It provides a local option for municipalities to
17   accept the provisions of state election law governing votes for write-in candidates for
18   their municipal elections of candidates by secret ballot. The amendment also provides
19   that a municipality must count votes for write-in candidates only under certain
20   circumstances, such as when there is no properly nominated candidate or when a properly
21   nominated candidate whose name is listed on the ballot withdraws from the race on or
22   before election day.

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