

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

S.P. 656 - L.D. 1904

An Act To Amend Certain Laws Governing Elections

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

Sec. 1. 21-A MRSA §128, sub-§1, as amended by PL 2005, c. 453, §20, is further amended to read:

1. Registrar shall review records. The registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall revise the central voter registration system accordingly;

A. In addition to official records authorized by this subsection, the registrar or the Secretary of State may use the following notices of death as a basis to cancel a voter's record in the central voter registration system as long as the registrar or Secretary of State determines that the record matches the record of that registered voter.

(1) A published obituary may be used if it contains the name of the registered voter along with the date and place of death of that voter.

(2) A notice from an immediate family member of the registered voter may be used if it contains the name of the voter along with the date and place of death of that voter and is signed by the immediate family member. The Secretary of State shall design a form to be used for this purpose;

Sec. 2. 21-A MRSA §363, first ¶, as amended by PL 1993, c. 447, §3, is further amended to read:

The meeting of a political committee as required by sections 371, ~~373~~, 374-A, 381, 382 and 393 is governed by the following provisions.

Sec. 3. 21-A MRSA §363, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Changes in ballot. The Secretary of State shall ~~make the necessary changes in the ballot~~ produce new ballots or amend or supplement ballots already printed in accordance with section 376 or 604.

Sec. 4. 21-A MRSA §365, first ¶, as amended by PL 2003, c. 510, Pt. A, §13, is further amended to read:

The political committee that has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 371, ~~373~~, 374-A, 381 and 382 is as follows.

Sec. 5. 21-A MRSA §367, as amended by PL 2015, c. 447, §10, is further amended to read:

§367. Candidate withdrawal

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

Sec. 6. 21-A MRSA §371, as amended by PL 2015, c. 447, §11, is repealed and the following enacted in its place:

§371. Primary election candidates; vacancy

3. Vacancy and replacement of candidates in uncontested races. If a candidate for nomination dies or becomes disqualified prior to the primary election or withdraws 70 days or more before the primary election, the Secretary of State shall declare the vacancy pursuant to section 362-A if no other candidate from the same political party will appear on the primary election ballot for that office. A political committee may fill the vacancy pursuant to section 363. The Secretary of State shall remove the former candidate's name from the primary election ballot and shall produce new primary election ballots or amend or supplement the primary election ballots already printed in accordance with section 376 or 604.

4. Removal of candidate's name from ballot in contested races. The Secretary of State shall remove the name of a candidate for nomination from the primary election ballot but is not required to declare a vacancy if, 70 days or more before the primary election, the candidate dies, becomes disqualified or withdraws and another candidate from the same political party will appear on the ballot for that office.

5. Death or disqualification of candidates less than 70 days before primary election in contested races. The Secretary of State is not required to remove the name of a candidate from the primary election ballot or declare a vacancy if a candidate dies or becomes disqualified less than 70 days before the primary election and another candidate from the same political party will appear on the ballot for that office. Upon receipt of information that the candidate has died or become disqualified, the Secretary of State

shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or become disqualified and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or become disqualified must also be posted on the Secretary of State's publicly accessible website.

6. Withdrawal of candidates less than 70 days before primary election in contested and uncontested races. When a candidate for nomination withdraws less than 70 days before the primary election, the candidate's name may not be removed from the primary election ballot and a vacancy may not be declared. Upon receipt of the notice of withdrawal, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.

Sec. 7. 21-A MRSA §372, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 8. 21-A MRSA §373, as amended by PL 2001, c. 310, §23, is repealed.

Sec. 9. 21-A MRSA §374-A, as amended by PL 2015, c. 447, §§12 and 13, is further amended to read:

§374-A. ~~Withdrawal of candidates for certain state offices~~ General election candidates; vacancy

1. ~~Withdrawal~~ Vacancy and replacement of nominees. The Secretary of State shall declare the vacancy as provided in section 362-A and a political committee may make a replacement nomination ~~following a candidate's withdrawal for the general election~~ only if a person nominated for an office, ~~other than United States Senator, Representative to Congress or Governor,~~ at a primary election or by a political committee:

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

B. Withdraws because of a catastrophic illness, condition or injury that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, as long as the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request that describes the illness, condition or injury and is signed by a licensed physician; or

C. Dies prior to the general election.

2. Deadline for replacement of nominee. A political committee may make a replacement nomination for the general election:

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

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

2-A. Ballot procedure for replacement candidates. If a political party makes a replacement nomination for the general election by the deadline established in subsection 2, the Secretary of State shall produce new general election ballots or amend or supplement general election ballots already printed in accordance with section 376 or 604.

3. Deadline for withdrawal removal of candidate's name from general election ballot. A The name of a candidate for an office on the general election ballot must withdraw at least who withdraws for any reason 70 days or more before the general election in order for the candidate's name to must be removed from the ballot. Less than 70 days before the general election, a candidate may withdraw from the election by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and meets the criteria of subsection 1, paragraph B or C, the candidate's name must be removed from the general election ballot in accordance with section 376 or the general election ballot must be amended or supplemented in accordance with section 604. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and does not meet the criteria of subsection 1, paragraph B or C, the candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal required by section 367, the Secretary of State shall instruct the immediately prepare and distribute to the local election officials in the candidate's electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place in the district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of the late a candidate's withdrawal less than 70 days before the general election must also be posted on the Secretary of State's publicly accessible website.

Sec. 10. 21-A MRSA §374-B is enacted to read:

§374-B. Special election candidates

If a candidate for an office on a special election ballot dies or withdraws for any reason, the candidate's name will not be removed from the ballot. The Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials

and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or has withdrawn must also be posted on the Secretary of State's publicly accessible website.

Sec. 11. 21-A MRSA §376, as amended by PL 2015, c. 447, §15, is further amended to read:

§376. Production of new ballots

~~1. Federal or gubernatorial office.~~ If a candidate or nominee for a federal or gubernatorial office withdraws less than 70 days before any election, the Secretary of State is not required to produce new ballots.

1-A. Removal of candidate's name from ballots. The Secretary of State shall remove a candidate's name from the ballot if the candidate withdraws for any reason 70 days or more before any primary or general election.

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

A. A vacancy is declared under section 371, subsection 3 or section 374-A, subsection 1, paragraph B or C, a replacement candidate is selected in accordance with sections 363 and 365 and a notification is filed with the Secretary of State by the committee of the political party that selected the replacement candidate no later than 60 days before the election; or

B. A vacancy is declared under section 374-A, subsection 1, paragraph A, a replacement candidate is selected in accordance with sections 363 and 365 and a notification is filed with the Secretary of State by the committee of the political party that selected the replacement candidate before the deadline established in section 374-A, subsection 2, paragraph A.

2-A. Procedure when replacement candidates selected less than 60 days before the election. If a candidate for an office withdraws in accordance with section 371, subsection 3 or section 374-A, subsection 1, paragraph B or C, a replacement candidate is selected in accordance with sections 363 and 365 and a notification is filed with the Secretary of State by the appropriate committee of the political party making the nomination less than 60 days before the election, the Secretary of State must amend or supplement the ballots in accordance with section 604.

3. List of candidates. ~~Immediately after the last day for withdrawal, the~~ The Secretary of State shall maintain and periodically update a list of all names to be placed on the ballot for the primary or general election.

Sec. 12. 21-A MRSA §604, as amended by PL 1997, c. 436, §78, is further amended to read:

§604. Emergency ballot procedure

In an emergency as described in subsection 2, the Secretary of State may prepare new ballots, ~~amend these~~ direct that ballots already printed be amended or supplemented in accordance with subsection 1 or 1-A or authorize any clerk to procure ballots from another municipality or voting district. ~~He may authorize any clerk to do the same.~~

1. Ballots amended. Ballots already printed may be amended by having corrective stickers added, or by some other means, as directed by the Secretary of State.

1-A. Supplemental notice. The Secretary of State may prepare and distribute to the local election officials in the candidate's electoral district a notice to supplement ballots already printed. The notice may correct an error on the ballot or provide information on a replacement candidate and how voters may vote for the replacement candidate. The notice must be distributed with all absentee ballots issued after the date that the notice is provided to the clerk and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth.

2. Emergency described. An emergency may exist as follows:

- A. If there is a shortage of ballots;
- B. If the ballots are not delivered in time for the election;
- C. If the ballots are missing, defaced or destroyed; ~~or~~
- D. If the Secretary of State receives notification of a replacement of candidate to fill a vacancy less than 60 days before the election in accordance with section 376, subsection 2-A; or the correction of an error in the ballot requires its amendment.
- E. If the ballots contain an error.

3. ~~Candidate or nominee~~ Replacement candidate to fill vacancy. When a candidate ~~for nomination or a nominee~~ is chosen to fill a vacancy, the Secretary of State and the clerk of each interested municipality shall perform the duties required by this section as promptly as possible.

Sec. 13. 21-A MRSA §651, sub-§2, ¶B, as amended by PL 2017, c. 246, §1, is further amended by enacting sub-¶(3-A) to read:

(3-A) A supplemental notice correcting an error or providing information on a replacement candidate prepared under section 604 or a notice informing voters that a vote for a candidate will not be counted because the candidate has died or has withdrawn prepared under section 371, subsection 5 or 6 or section 374-A, subsection 3 next to the sample ballots;

Sec. 14. 21-A MRSA §711, sub-§3, as amended by PL 2007, c. 455, §39, is further amended to read:

3. Clerk to record file election return. The clerk shall ~~record the attested copies~~ file an attested copy of the election return with the Secretary of State within ~~3~~ 2 business days after election day. If an attested copy of an election return is not delivered to the Secretary of State by 5 p.m. on the 2nd business day after an election, the Secretary of State may send a courier to the municipality concerned, and the clerk shall give that courier an attested copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service.

Sec. 15. 21-A MRSA §712, as amended by PL 2019, c. 371, §25, is repealed.

Sec. 16. 21-A MRSA §760-B, sub-§2, as amended by PL 2019, c. 371, §38, is further amended to read:

2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using a notice of early processing form provided by the Secretary of State, stating the days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of early processing to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day. The clerk shall post a copy of the notice of early processing with the notice of election as provided in section 621-A.

Sec. 17. 21-A MRSA §777-A, as amended by PL 2015, c. 447, §30, is further amended to read:

§777-A. Registration and enrollment

Notwithstanding the registration deadline in section 121-A, uniformed service voters or overseas voters may register or enroll at any time prior to 5 p.m. on the day before election day by completing a federal or state voter registration application form and filing it with the registrar or the Secretary of State in person, by mail or by electronic means authorized by the Secretary of State.

Sec. 18. 21-A MRSA §781-A, as amended by PL 2015, c. 447, §31, is further amended to read:

§781-A. Absentee ballot application; procedure on receipt

Notwithstanding the absentee ballot application deadline in section 753-B, subsection 2, paragraph D, upon receipt of an application or written request for an absentee ballot prior to 5 p.m. on the day before election day from a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783, the clerk or the Secretary of State shall immediately issue an absentee ballot and return envelope by the authorized

means designated by the voter in the application. If the ballot is to be transmitted to the voter by mail, the clerk or the Secretary of State shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The Secretary of State shall provide a return envelope that moves free of postage under federal law.

Sec. 19. 21-A MRSA §901, first ¶, as amended by PL 2009, c. 253, §57, is further amended to read:

To initiate proceedings for a people's veto referendum or the direct initiative of legislation, provided in the Constitution of Maine, Article IV, Part Third, Sections 17 and 18, a voter shall submit a written application to the Department of the Secretary of State on a form designed by the Secretary of State. The application must contain the names, residence addresses, e-mail addresses, telephone numbers and signatures of 5 voters, in addition to the applicant, who are designated to receive any notices in proceedings under this chapter. The Secretary of State shall provide such notices by e-mail only. For a direct initiative, the application must contain the full text of the proposed law and a summary that explains the purpose and intent of the direct initiative in both electronic and printed formats. The voter submitting the application shall sign the application in the presence of the Secretary of State, the Secretary of State's designee or a notary public.

Sec. 20. 30-A MRSA §2528, sub-§6, ¶D, 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 repealed and the following enacted in its place:

D. There must be a place on the ballot for the voter to designate the voter's choice.