

Date: (Filing No. H-)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 907, L.D. 1335, Bill, "An Act To Amend the Election Laws"

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 21-A MRSA §331, sub-§1, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

1. Nomination by primary election. A party's nomination of a candidate must be made by primary election, as provided in this Article. An office for which there is no candidate who has qualified by filing a petition and consent under sections 335 and 336 and no candidate who has qualified as a write-in candidate in accordance with section 723, subsection 1 is not required to be listed on a primary ballot.'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 21-A MRSA §371, as amended by PL 2011, c. 342, §11, is further amended to read:

§371. Candidates for nomination; vacancy

If a candidate for nomination dies, withdraws at least 60 75 days before the primary or becomes disqualified after having filed the candidate's primary petition, so that a party has fewer candidates than there are offices to be filled, the vacancy may be filled by a political committee pursuant to section 363. The Secretary of State shall declare the vacancy pursuant to section 362-A. Less than 60 75 days before the primary election, a candidate may withdraw from the primary by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal, the Secretary of State shall instruct 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after that date and to post a notice at each voting place in the district informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.'

COMMITTEE AMENDMENT

1 Amend the bill in section 7 in paragraph B in the last line (page 3, line 27 in L.D.) by
2 striking out the following: "at least 2 licensed physicians" and inserting the following: 'at
3 least 2 a licensed physicians physician'

4 Amend the bill by striking out all of section 8 and inserting the following:

5 '**Sec. 8. 21-A MRSA §374-A, sub-§3**, as amended by PL 2011, c. 342, §13, is
6 further amended to read:

7 **3. Deadline for withdrawal.** A candidate for an office on the general election ballot
8 must withdraw at least ~~60~~ 75 days before the general election in order for the candidate's
9 name to be removed from the ballot. Less than ~~60~~ 75 days before the general election, a
10 candidate may withdraw from the election by providing a written notice to the Secretary
11 of State that the candidate is withdrawing and will not serve if elected. The candidate's
12 name will not be removed from the ballot, but upon receipt of the notice of late
13 withdrawal, the Secretary of State shall instruct the local election officials in the
14 candidate's electoral district to distribute notices with absentee ballots requested after that
15 date and to post a notice at each voting place in the district informing voters that the
16 candidate has withdrawn and that a vote for that candidate will not be counted. Notice of
17 the late withdrawal must also be posted on the Secretary of State's publicly accessible
18 website.'

19 Amend the bill by striking out all of section 19.

20 Amend the bill in section 20 in §712 in the first paragraph in the 4th line (page 6, line
21 32 in L.D.) by striking out the following: "municipal clerk" and inserting the following:
22 'municipality'

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
24 section number to read consecutively.

25 SUMMARY

26 This amendment strikes the provision in the bill that requires nomination by primary
27 election for State Senate, State House of Representatives and county offices only when
28 the party nomination is contested. In its place, the amendment provides that, when an
29 elected office has no candidate nominated by petition or a declared write-in candidate, the
30 office is not required to be printed on the primary ballot. The bill requires that
31 withdrawal of a candidate for a primary or general election would have to be for good
32 cause, defined by the bill, and by a prescribed deadline in order to have the candidate's
33 name removed from the ballot and a replacement candidate nominated. The amendment
34 removes the good cause provision but maintains the earlier deadline of 75 days before the
35 election, which is an increase from the 60-day deadline in current law. The bill provides
36 that a municipal clerk may be subject to a civil violation of \$50 per day for each day
37 beyond the required date that election returns are not submitted to the Secretary of State.
38 The amendment applies that civil penalty to the municipality. The amendment retains the
39 provision in the bill that clarifies that a candidate may withdraw after the withdrawal
40 deadline if the candidate is incapacitated by a catastrophic condition or injury; however,
41 the amendment requires a withdrawal request to be accompanied by a certificate signed
42 by a licensed physician instead of at least 2 physicians.

