

Date: (Filing No. H-)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 629, L.D. 832, Bill, "An Act Regarding Write-in Candidates in Municipal and City Elections"

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

Sec. 1. 30-A MRSA §2528, sub-§7, 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 further amended to read:

7. Specimen ballot posted. At least -4 2 business days before the election, the clerk shall have posted in one or more conspicuous, public places a specimen ballot or a list, substantially in the form of a ballot, containing the name and office designation of each candidate. The specimen ballot must include the name and party enrollment of all candidates considered declared write-in candidates in accordance with subsection 11. The specimen ballot must be posted at the voting place specified in accordance with subsection 3 on election day.

Sec. 2. 30-A MRSA §2528, sub-§11 is enacted to read:

11. Declared write-in candidate. To be considered a declared write-in candidate under this section, a person must file a declaration of write-in candidacy with the municipal clerk, on a form approved by the municipal clerk, on or before 5 p.m. on the 2nd day before the election. The candidate must meet all the other qualifications for the office in question. If a voter writes in the name of a person who has not filed a declaration of write-in candidacy in accordance with this subsection, the vote for that office may not be counted. This subsection applies only to municipalities with a population of 1,000 or greater.

Sec. 3. 30-A MRSA §2554, sub-§2, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. A, §21 and Pt. C, §§8 and 10, is further amended to read:

2. Write-in votes; declared write-in candidate. In any city election, a voter may write in the name and municipality of residence of any person for whom the voter desires to vote in the blank space provided at the end of the list of candidates for office. A

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1 sticker may not be used to vote for a write-in candidate in any city election other than a
2 primary election. To be considered a declared write-in candidate under this subsection, a
3 person must file a declaration of write-in candidacy with the clerk, on a form approved by
4 the clerk, on or before 5 p.m. on the 2nd day before the election. The candidate must
5 meet all the other qualifications for the office in question. If a voter writes in the name of
6 a person who has not filed a declaration of write-in candidacy in accordance with this
7 subsection, the vote for that office may not be counted.

8 **Sec. 4. 30-A MRS §2554, sub-§3**, enacted by PL 1987, c. 737, Pt. A, §2 and Pt.
9 C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
10 amended to read:

11 **3. Specimen ballots and instruction posters.** At least ~~4~~ 2 business days before
12 election day, the clerk shall post a specimen ballot in one or more conspicuous, public
13 places in each ward and at the voting place on election day. The specimen ballot must
14 include the name and party enrollment of all candidates considered declared write-in
15 candidates in accordance with subsection 2. Before the election, the clerk shall publish a
16 composite specimen ballot containing the names of all the nominees in a newspaper
17 having general circulation in the city. On election day, when the polls are opened, the
18 clerk shall post an instruction poster in each voting booth, and 3 instruction posters and 5
19 specimen ballots in the voting room outside the guardrail enclosure.'

20 SUMMARY

21 This amendment replaces the bill. It provides that, in order to be counted as a write-
22 in candidate in a municipal or city election, a person must file a declaration of write-in
23 candidacy no later than 2 days before an election. This requirement does not apply in
24 towns with a population of less than 1,000. This amendment adds a requirement that the
25 names of candidates who are considered declared write-in candidates in accordance with
26 the bill be listed on specimen ballots posted before and on election day.