

**§371. Primary election candidates; vacancy****1. Primary petition if time.**

[PL 1999, c. 426, §14 (RP).]

**2. Chosen by committee if not time.**

[PL 1999, c. 426, §14 (RP).]

**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.

[PL 2019, c. 636, §6 (NEW).]

**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.

[PL 2019, c. 636, §6 (NEW).]

**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. In an election determined by ranked-choice voting, a ranking for a candidate who has died or become disqualified is considered a ranking only for the purpose of determining whether the ballot is exhausted under section 723-A. A candidate who has died or been disqualified cannot be determined the winner. For the purposes of this subsection, "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.

[PL 2025, c. 363, §2 (AMD).]

**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. In an election determined by ranked-choice voting, a ranking for a candidate who has withdrawn is considered a ranking only for the

purpose of determining whether the ballot is exhausted under section 723-A. A candidate who has withdrawn cannot be determined the winner. For the purposes of this subsection, "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.

[PL 2025, c. 363, §3 (AMD).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1999, c. 426, §§13,14 (AMD). PL 2001, c. 310, §22 (AMD). PL 2007, c. 455, §15 (AMD). PL 2011, c. 342, §11 (AMD). PL 2015, c. 447, §11 (AMD). PL 2019, c. 636, §6 (RPR). PL 2025, c. 363, §§2, 3 (AMD).

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