

CHAPTER 1

Becoming a Candidate: Offices and Requirements

Who is a Candidate?

A candidate is any one or a combination of the following:

- A person who has filed a petition and has qualified to be nominated by the Primary Election as a party candidate;
- A person who has filed a petition and has qualified as a “non-party” candidate;
- A person who has filed a declaration with the Secretary of State as a write-in candidate;
- A person who has received contributions or made expenditures with the intent of qualifying as a candidate; or
- A person who has given his or her consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

A person may be a candidate for only one office in any election and may choose only one method (primary election or non-party petition) to gain access to the printed general election ballot.

Exception: A person may be a candidate for **Presidential elector or for county charter commission** and may also be a candidate for one additional office at the same election.



Candidate Offices and Requirements Federal and State Offices

In addition to the residency requirements outlined below, no person may be a candidate unless, at the time of nomination for placement on the primary, general or special election ballot, that person is a resident of the district which the candidate seeks to represent.

Office Type	Office	Minimum Age	Citizenship: Minimum Number of Years	Residency	Statute Reference
Federal	President	35	Must be born in U.S.	14 years in United States	U.S. Constitution, Article II, § 1
Federal	U.S. Senator	30	9	Resident of State in which running	U.S. Constitution, Article I, § 3
Federal	Representative to Congress	25	7	Resident of state in which running	U.S. Constitution, Article I, § 2
State	Senator	25	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Article IV, Part Second, § 6
State	Representative to the Legislature	21	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Article IV, Part First, § 4



Candidate Offices and Requirements County Offices

In addition to the residency requirements outlined below, no person may be a candidate unless, at the time of nomination for placement on the primary, general or special election ballot, that person is a resident of the district which the candidate seeks to represent.

Office Type	Office	Minimum Age	Citizenship: Minimum Number of Years	Residency	Statute Reference	See Note
County	County Commissioner	18	A candidate for any County office must be a resident and voter in the electoral district which the candidate seeks to represent as of the date that the candidate files nomination petitions in the year of the election. (21-A MRSA §333 and §352).		30-A MRSA § 61	
County	County Treasurer	18			30-A MRSA § 151	
County	District Attorney	18			30-A MRSA § 251	1
County	Judge of Probate	18			Maine Constitution, Art. VI, § 6; 4 MRSA § 301	1
County	Register of Probate	18			Maine Constitution, Art. VI, § 6; 18-A MRSA § 1-501	
County	Register of Deeds	18			33 MRSA § 601	
County	Sheriff	18			Maine Constitution, Art. IX, § 10; 30-A MRSA § 371-B	2

Note 1: Candidate must be an attorney.

Note 2: Candidates for sheriff must file a separate consent form with the Secretary of State, along with the nomination papers, confirming compliance with the following qualifications:

- (1) Must swear to or affirm the Law Enforcement Code of Ethics; and
- (2) Must apply to the Secretary of State for a criminal background investigation; and
- (3) Must never have been convicted of a Class C or higher crime; and
- (4) Must submit written certification from the Maine Criminal Justice Academy that the candidate has:
 - Met the basic law enforcement training standards under 25 MRSA § 2804-C, or
 - Met the basic corrections training standards under 25 MRSA § 2804-D, and has 5 years of supervisory experience.
 - **Any person who was serving or who previously served in the office of sheriff on or before June 26, 1997 (the effective date of PL 1997, c. 37) is deemed to meet these minimum qualifications.**



LEGAL REFERENCES

Definition of a Candidate	21-A MRSA § 1(5)
Limitations to Candidacy	21-A MRSA §§ 331 and 351
Qualification for County Office	21-A MRSA §§ 333 and 352

CHAPTER 2

Getting on the Ballot: The Petition Process

All Candidates

Petitions are available from the Department of the Secretary of State, Division of Elections, located at the Burton Cross State Office Building, 4th floor, 111 Sewall Street, Augusta, Maine. You may pick the petitions up in person, have another person obtain them for you or have the petitions mailed to you.

You may begin circulating petitions January 1, 2008, and must file by the applicable deadline for either primary (party) or non-party petitions. Once filed with the Secretary of State, petitions will be reviewed to ensure that all required elements have been properly completed. If all requirements of law are met and the minimum number of signatures is filed, the petitions will be accepted and filed by the Secretary of State. You will be notified of the acceptance of the petitions once the filing deadline has passed.

Primary (Party) Candidates

Parties meeting the qualifications outlined in 21-A MRSA c. 5 are eligible to participate in the Primary Election on June 10, 2008. Parties currently qualified to participate in the 2008 Primary Election are:

- Democratic Party
- Green Independent Party
- Republican Party

If you are changing enrollment from one party to another, you must file an application to change enrollment prior to **January 1, 2008**. If you are a primary (party) candidate and are not currently enrolled in a party (Unenrolled), you must enroll in the party named in the petition on or before **March 17, 2008***. Petitions must be filed with the Secretary of State on or before 5 p.m. on **March 17, 2008***. Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the “Primary (Party) Petition Filing Checklist” on page 6.

* These filing dates have been adjusted to account for weekends and holidays. See 21-A MRSA § 6



Primary (Party) Petition Filing Checklist

- Collect at least the minimum number of signatures for the office you are seeking as indicated in the chart “Required Number of Signatures – Primary (Party) Candidates” provided on page 7. Signers must be registered voters enrolled in the party named in the petition.
- Have each petition verified by its circulator – the “Circulator’s Verification” must be completed on each petition – see pages 10 - 11.
- Have all signatures certified by the applicable registrar of voters prior to filing with the Secretary of State – see pages 10 - 11.
- Have the registrar of voters in the municipality where you are registered to vote complete the “Certification of Candidate Enrollment” – see pages 10 - 11.
- Sign a “Candidate’s Consent” before a notary public - see pages 10 - 11.
- Present the petitions to the Secretary of State for review on or before **5 p.m., March 17, 2008.***
- Comply with the campaign finance law regarding registration, record keeping and reporting requirements. (See Section II, pages 25 - 66 if you are planning to run as a Maine Clean Election candidate, or Section III, pages 67 – 96 if you are planning to run as a privately financed candidate).

* This filing date has been adjusted to account for weekends and holidays. See 21-A MRSA § 6



Required Number of Signatures – Primary (Party) Candidates

The required number of valid signatures of registered voters on primary (party) petitions is:

Office	Minimum	Maximum
United States Senator	2,000	3,000
Representative to Congress	1,000	1,500
State Senator	100	150
Representative to the Legislature	25	40
County Commissioner	50	75
Other County Offices	150	200

Other points pertinent to Primary (Party) Candidate Petitions:

- Petition forms must be typed or printed in ink, except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted. (This is for ease of municipal verification of voters, not an error that would invalidate the petition.)
- A circulator of a petition does not have to be a Maine resident or Maine registered voter.
- A voter may sign for more than 1 candidate running for the same office in a federal, state and county election. However, a voter may sign each candidate's petition only once.
- To ensure that the registrar of voters will be able to certify a voter's signature, the voter should sign a petition in the same manner as the voter is registered to vote; however, immaterial irregularities will not invalidate a signature as long as the registrar can determine that the signer is the voter on the municipality's list. Immaterial irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution of initials or nicknames for given names.



Instructions for Completing Primary (Party) Candidate Petitions

1. Write the candidate's legal name on the petition in one of the following forms:
 - a. first name, middle name, last name
 - b. first name, middle initial, last name
 - c. first initial, middle name, last name
 - d. first name, last name



The name should be completed as it will appear on the ballot and must be in one of the forms listed above, as required by 21-A MRSA § 601.2(H). The candidate must also sign the Candidate's Consent in the same manner. A candidate's name listed on the ballot must be the candidate's legal name and must be the name approved by the Probate Court, pursuant to 18-A MRSA § 1-701 (if applicable), or in the absence of a court order, the name consistently used by the candidate during the last 2 years in filing with governmental agencies and other legal transactions. *See 21-A MRSA § 601.2 (B-1)*

2. Write the exact title of the office sought, i.e., United States Senator, Representative to Congress, State Senator, Representative to the Legislature, etc.
3. Write the electoral division to be represented, i.e., District 1, Androscoggin County, etc.
4. Write the term of office only when 2 United States Senators or 2 County Commissioners are to be nominated (not applicable in 2008).
5. Write the residence address where the candidate is registered to vote.
6. Write the mailing address of the candidate, if different.
7. The petition may only be signed by voters who reside in the electoral district in which the nomination is sought and who are enrolled in the party named in the petition. The voter must sign his or her name personally, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA § 153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant).
8. The printed name of the voter, the date signed, the street address and the municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration. **Signatures may not be collected prior to January 1, 2008.**



Sample of Primary (Party) Candidate Petition



STATE OF MAINE PRIMARY NOMINATION PETITION June 10, 2008 Primary Election _____ Party

DATE FILED <small>With Secretary of State</small>

TO THE SECRETARY OF STATE:

We, the undersigned qualified voters of the State of Maine of the electoral district for which this nomination is proposed, entitled to vote in caucuses of the _____ Party, hereby propose for nomination at the Primary Election to be held on Tuesday, June 10, 2008, the following named candidate:

Name of Candidate: _____ ¹ Office Sought: _____ ²
(Please print. Name must appear the same as the signature of candidate's consent on reverse side) (Title of Office - For Example: Representative to the Legislature)

Electoral Division: _____ ³ Term: _____ ⁴
(Name of Electoral Division - For Example: House District #1) (Use only when 2 U.S. Senators or 2 County Commissioners are to be nominated)

Address of Candidate: _____ ⁵
(Street Address - not P.O. Box) (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate (if different from above): _____ ⁶

*Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.
 Deadline for filing petitions with Secretary of State: 5 p.m., March 17, 2008 (Filing date has been adjusted to account for weekends and legal holidays)*

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER <small>(Not Printed Name)</small>	DATE SIGNED	ACTUAL STREET ADDRESS <small>(Not P.O. Box or R.F.D.)</small>	MUNICIPALITY <small>(Where Registered)</small>	NAME PRINTED
1.	⁷	⁸	⁸	⁸	⁸
2.					
3.					
4.					
5.					
6.					



Instructions for Verification, Certification and Consent Primary (Party) Candidate Petitions

1. **Circulator's Verification:** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that each signature is the signature of the person whose name it purports to be, was made in his or her presence, and that each signer is a registered voter of the electoral district named on the petition and enrolled in the party designated on the petition. The circulator must take the oath for each petition circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**
2. **Registrar's Certification:** The registrar of voters or municipal clerk must certify that each person whose signature appears on the petition is registered to vote in that municipality, in the electoral district named on the petition, and is enrolled in the party designated on the petition.
3. **Certification of Candidate Enrollment:** The registrar of voters or municipal clerk in the candidate's municipality of residence must certify that the candidate is enrolled in the party named on the petition as of the date the petition is certified (and no later than March 17, 2008)*. **The certification of enrollment needs to be completed only once for a candidate.**
4. **Candidate's Consent:** The candidate must sign, before a notary public, the candidate's consent portion of a petition, which includes a statement that the candidate will accept the nomination of the Primary Election, a declaration of the candidate's municipality of residence and party designation, and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

* This filing date has been adjusted to account for weekends and holidays. See 21-A MRSA §6

Restrictions on Candidate Withdrawal

- A candidate may not withdraw less than 60 days before the primary election (**5 p.m. Friday, April 11, 2008**). See 21-A MRSA § 371
- A candidate nominated by a party at the primary election must withdraw on or before 5 p.m. on the 2nd Monday in July (**July 14, 2008**) preceding the general election in order to be replaced by the party no later than 5 p.m. on the 4th Monday in July (**July 28, 2008**) preceding the general election. See 21-A MRSA § 374-A



Sample of Verification, Certification and Consent Primary (Party) Candidate Petition

For Registrar use only	SIGNATURE OF VOTER <small>(Not Printed Name)</small>	DATE SIGNED	ACTUAL STREET ADDRESS <small>(Not P.O. Box or R.F.D.)</small>	MUNICIPALITY <small>(Where Registered)</small>	NAME PRINTED
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition, that all the signatures to this petition were made in my presence and, to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is enrolled in the _____ Party and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence. Signatures may not be added to this petition after the circulator has signed and taken oath before a Notary Public.

①

Subscribed to and sworn before me on this date: _____

(Signature of Circulator)

(Printed Name of Circulator)

(Signature of Notary Public)

(Printed Name of Notary Public)

REGISTRAR'S CERTIFICATION

Municipality _____ TOTAL VALID _____ TOTAL INVALID _____

I hereby certify that the names of all of the petitioners listed as valid appear on the voting list as registered voters, in the electoral division named in the petition, and are enrolled in the _____ Party.

(Signature of Registrar/Municipal Clerk)

Date: _____

CERTIFICATION OF CANDIDATE ENROLLMENT

This certification need only be completed by the Registrar in the candidate's municipality of residence on one petition form

I hereby certify that, _____, is enrolled in the _____ Party as of this _____ date, and has not filed an application to change enrollment on or after January 1, 2008.

③

(Date)

(Signature of Registrar/Municipal Clerk)

(Name of Town, City or Plantation)

CANDIDATE'S CONSENT

④

This consent need only be completed on one petition form filed with the Secretary of State

I hereby declare my consent to accept the nomination of the primary election. I further declare my residence is in the municipality stated below, that I am qualified to hold this office, that I am enrolled in the _____ Party, and that this declaration is true.

Legal name of candidate as it will appear on the ballot:*

Last name and suffix, if any _____
First name _____
Middle name or initial

(Signature of Candidate)

(Candidate's Municipality of Residence)

Subscribed to and sworn
before me on this date: _____

(Signature of Notary Public)

(Printed Name of Notary Public)

(Rev. 12/07) * (See Title 21-A, section 601(2H) for requirements for listing candidates' names on the ballot.)



Non-Party Candidates

If you are a non-party candidate and are enrolled in a party, you must withdraw from that party prior to March 3, 2008*, and must not have changed parties after January 1, 2008. Petitions must be filed with the Secretary of State on or before **5:00 p.m. on June 2, 2008.*** Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the “Non-Party Petition Filing Checklist” below.

*These filing dates have been adjusted to account for weekends and holidays. See *21-A MRSA § 6*

Non-Party Petition Filing Checklist

- Collect at least the minimum of signatures for the office you are seeking as indicated in the chart “Required Number of Signatures – Non-Party Candidates” provided on page 13. Signers must be Maine registered voters.
- Have each petition verified by its circulator – the “Circulator’s Verification” must be completed on each petition – see page 16-17.
- Have all signatures certified by the applicable registrar of voters prior to filing with the Secretary of State – see pages 16-17. Petitions must be submitted to the appropriate registrars for certification by **5 p.m., May 27, 2008***. Petitions for a slate of presidential electors must be submitted to the applicable registrar of voters by **5 p.m. August 8, 2008.**
- Have the registrar of voters in the municipality where you are registered to vote complete the “Certification of Unenrollment” – see page 16-17.
- Sign a “Candidate’s Consent” before a notary public — see pages 16-17.
- Present the petitions to the Secretary of State for review on or before **5 p.m., June 2, 2008***. Petitions for a Slate of Presidential Electors must be presented to the Secretary of State by **5 p.m. August 15, 2008.** A separate “Consent and Certification of Unenrollment” form must be filed for each of the four electors – 1 elector must be from the First Congressional District, 1 elector must be from the Second District and 2 electors are at-large. Petitions for a Slate of Presidential Electors and “Consent and Certification of Unenrollment” forms are available from the Secretary of State, Division of Elections.
- Comply with the campaign finance law regarding registration, record keeping and reporting requirements. (See Section II, pages 25 - 66 if you are planning to run as a Maine Clean Election candidate or Section III, pages 67 – 96 if you are planning to run as a privately-financed candidate).

* These filing dates have been adjusted to account for weekends and holidays. See *21-A MRSA § 6*



Required Number of Signatures – Non-Party Candidates

The required number of valid signatures of registered voters on non-party petitions is:

Office	Minimum	Maximum
Slate of Presidential Electors	4,000	6,000
United States Senator	4,000	6,000
Representative to Congress	2,000	3,000
State Senator	200	300
Representative to the Legislature	50	80
County Commissioner	100	150
Other County Offices	300	400

Other points pertinent to Non-Party Candidate Petitions:

- Petition forms must be typed or printed in ink, except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted. (This is for ease of municipal verification of voters, not an error that will invalidate the petition.)
- A circulator of a petition does not have to be a Maine resident or Maine registered voter.
- A voter may sign for more than 1 candidate running for the same office in a federal, state and county election. However, a voter may sign each candidate's petition only once.
- To ensure that the registrar of voters will be able to certify a voter's signature, the voter should sign a petition in the same manner as the voter is registered to vote; however, immaterial irregularities will not invalidate a signature as long as the registrar can determine that the signer is the voter on the municipality's list. Immaterial irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution of initials or nicknames for given names.



Instructions for Completing Non-Party Candidate Petitions

1. Write the candidate's name on the petition in one of the following forms:

- a. first name, middle name, last name
- b. first name, middle initial, last name
- c. first initial, middle name, last name
- d. first name, last name

The name should be completed as it will appear on the ballot and must be in one of the forms listed above, as required by 21-A MRSA § 601.2(H). The candidate must also sign the Candidate's Consent in the same manner. A candidate's name listed on the ballot must be the candidate's legal name and must be the one approved by the Probate Court, pursuant to 18-A MRSA § 1-701 (if applicable), or in the absence of a court order, the name consistently used by the candidate during the last 2 years in filing with governmental agencies and other legal transactions. See 21-A MRSA § 601.2(B-1)

2. Write the exact title of the office sought, i.e., United States Senator, Representative to Congress, State Senator, Representative to the Legislature, etc.
3. Write the electoral division to be represented, i.e. District 1, Androscoggin County, etc.
4. Write the term of office only when 2 United States Senators or 2 County Commissioners are to be nominated (not applicable in 2008).
5. Write the residence address where the candidate is registered to vote.
6. Write the mailing address of the candidate, if different.
7. State the candidate's political designation which may not exceed 3 words in length and may not incorporate the candidate's name or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election, and may not consist of or comprise language that is obscene, contemptuous, profane or prejudicial, promotes abusive or unlawful activity or violates any other provision of Maine law with respect to names.
8. The petition may only be signed by voters who reside in the electoral district in which the nomination is sought. The voter must sign his or her name personally, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA § 153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then



sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant).

- The printed name of the voter, the date signed, the street address and municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration. **Signatures may not be collected prior to January 1, 2008.**

Sample of Non-Party Candidate Petition



STATE OF MAINE NON-PARTY NOMINATION PETITION November 4, 2008 General Election (Other than Primary Election)

DATE FILED
With Secretary of State

TO THE SECRETARY OF STATE:

We, the undersigned qualified voters of the State of Maine of the electoral district for which this nomination is proposed, hereby propose for nomination at the General Election to be held on Tuesday, November 4, 2008, the following named candidate:

Name of Candidate: _____ (1) Office Sought: _____ (2)
(Please print. Name must appear the same as the signature of candidate's consent on reverse side) (Title of Office - For Example: Representative to the Legislature)

Electoral Division: _____ (3) Term: _____ (4)
(Name of Electoral Division - For Example: House District #1) (Use only when 2 U.S. Senators or 2 County Commissioners are to be nominated)

Address of Candidate: _____ (5)
(Street Address - not P.O. Box) (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate (if different from above): _____ (6)

Political Designation: _____ (7)
(To be expressed in not more than 3 words in length, and may not incorporate the candidate's name or the designation of a qualified party)

Deadline for submitting to municipal registrars for certification: 5 p.m., May 27, 2008
Deadline for filing petitions with Secretary of State: 5 p.m., June 2, 2008 (Filing date has been adjusted to account for weekends and legal holidays)

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER <small>(Not Printed Name)</small>	DATE SIGNED	ACTUAL STREET ADDRESS <small>(Not P.O. Box or R.F.D.)</small>	MUNICIPALITY <small>(Where Registered)</small>	NAME PRINTED
1.	(8)	(9)	(9)	(9)	(9)
2.					
3.					



Instructions for Verification, Certification and Consent (Non-Party Candidate Petitions)

1. **Circulator's Verification:** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that each signature is the signature of the person whose name it purports to be, was made in his or her presence, and that each signer is a registered voter of the electoral district named on the petition. The circulator must take the oath for each petition circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**
2. **Registrar's Certification:** The registrar of voters or municipal clerk must certify that each person whose signature appears on the petition is registered to vote in that municipality, in the electoral district named on the petition.
3. **Certification of Unenrollment:** The registrar of voters or municipal clerk in the candidate's municipality of residence must certify that the candidate was not enrolled in a party at the time of certification (and after March 3, 2008)*. **The certification of unenrollment needs to be completed only once for a candidate.**
4. **Candidate's Consent:** The candidate must sign, before a notary public, the candidate's consent portion of a petition, which includes a statement that the candidate will accept the nomination by petition, a declaration of the candidate's municipality of residence and that the candidate was not enrolled in a party at the time of certification (and after March 3, 2008)*, and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

* This filing date has been adjusted to account for weekends and holidays. See 21-A MRSA § 6

Restriction on Candidate Withdrawal

A candidate for an office on the general election ballot may not withdraw less than 60 days before the general election (**5 p.m. Friday, September 5, 2008**). See 21-A MRSA § 374-A sub-§ 3



Sample of Verification, Certification and Consent (Non-Party Candidate Petition)

For Registrar use only	SIGNATURE OF VOTER <small>(Not Printed Name)</small>	DATE SIGNED	ACTUAL STREET ADDRESS <small>(Not P.O. Box or R.F.D.)</small>	MUNICIPALITY <small>(Where Registered)</small>	NAME PRINTED
01.					
02.					
03.					
04.					
05.					
06.					
07.					
08.					
09.					
10.					
11.					
12.					
13.					
14.					
15.					

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition, that all the signatures to this petition were made in my presence and, to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence. Signatures may not be added to this petition after the circulator has signed and taken oath before a Notary Public.

①

Subscribed to and sworn before me on this date: _____

(Signature of Circulator)

(Printed Name of Circulator)

(Signature of Notary Public)

(Printed Name of Notary Public)

②

REGISTRAR'S CERTIFICATION

Municipality _____ TOTAL VALID _____ TOTAL INVALID _____

I hereby certify that the names of all of the petitioners listed as valid appear on the voting list as registered voters, in the electoral division named in the petition.

(Signature of Registrar/Municipal Clerk)

Date: _____

CERTIFICATION OF UNENROLLMENT

This certification need only be completed by the Registrar in the candidate's municipality of residence on one petition form

I hereby certify that, _____, was not enrolled in a qualified party after March 3, 2008, and has not filed an application to change enrollment on or after January 1, 2008.

③

(Signature of Registrar/Municipal Clerk)

(Date) _____
(Name of Town, City or Pastorate)

④

CANDIDATE'S CONSENT

This consent need only be completed on one petition form filed with the Secretary of State

I hereby declare my consent to accept the nomination. I further declare my residence is in the municipality stated below, that I am qualified to hold this office, that I have not been enrolled in a qualified party after March 3, 2008, and that this declaration is true.

Legal name of candidate as it will appear on the ballot:*

Last name and suffix, if any _____
First name _____
Middle name or initial

(Signature of Candidate)

(Candidate's Municipality of Residence)

Subscribed to and sworn before me on this date: _____

(Signature of Notary Public)

(Printed Name of Notary Public)

(Rev. 12/07) * (See Title 21-A, section 601(2H) for requirements for listing candidates' names on the ballot.)



LEGAL REFERENCES

Qualification of (Party) Candidates - Primary Election	21-A MRSA § 334
Primary Petition Requirements	21-A MRSA §§ 335-336
Consent of Primary (Party) Candidate	21-A MRSA § 336
Qualification of Candidate - Nomination by Petition	21-A MRSA § 353
Nomination by Petition (Non-party) Requirements	21-A MRSA §§ 354-355
Deadline for Withdrawal - Primary	21-A MRSA § 371
Withdrawal of Candidates - General Election	21-A MRSA § 374-A
Requirements for Candidate's Name on Ballot	21-A MRSA § 601.2

Chapter 3

Write-In Candidates: Qualifications and Requirements, Number of Required Votes, Casting a Write-In Vote

Who is a Write-in candidate?

A “write-in candidate” is a person:

- Whose name is not printed on the ballot; and
- Who otherwise fulfills the qualifications for the office designated; and
- Who receives one or more valid write-in votes for an office listed on a primary, general or special election ballot; and
- Who has filed a “Declaration of Write-in Candidacy” no later than 3 business days **prior to** the election (NEW, PL 2007, Chapter 455)

Declaration forms are available from:
Secretary of State, Division of Elections.
Telephone: (207) 624-7650
www.maine.gov/sos/cec/elec/write-in.htm

Enrollment Qualifications of a Primary Write-in Candidate

A write-in candidate for the primary election must:

1. Be enrolled, on or before March 17, 2008,* in the party in which you are seeking a write-in nomination; and
2. Meet the same qualifications as a candidate filing a petition for nomination by primary election.

* This filing date has been adjusted to account for weekends and holidays. See 21-A MRSA §6



Party Name or Designation of a Write-in Candidate

- A write-in candidate for the **primary** election must indicate which party's nomination the candidate is seeking by checking the appropriate box on the "Declaration of Write-in Candidacy".
- A write-in candidate for the **general** election may indicate a party or political designation by writing that party or political designation in the appropriate space on the "Declaration of Write-in Candidacy". The candidate may indicate the name of a qualified party (Democratic, Green Independent, or Republican), or choose a political designation that meets the following requirements:
 - May not exceed three words in length;
 - May not incorporate the candidate's name, or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election; and
 - May not consist of or comprise language that is obscene, contemptuous, profane or prejudicial, promotes abusive or unlawful activity or violates any other provision of Maine law with respect to names.
 - **NOTE:** A candidate who intends to form a new party about that person's candidacy must use the political designation for the proposed party.

Minimum Number of Votes Needed in Primary Election

A write-in candidate in the primary election must receive a minimum number of votes for nomination. If more than one person receives the minimum number of votes for an office, the person receiving the greatest number of votes is nominated. The minimum number of votes needed to win the nomination is twice the minimum number of signatures required on a primary petition for that office, as shown in the following table.

Office	Primary Election - Number of Valid Votes Needed for Nomination
United States Senator	4,000
Representative to Congress	2,000
State Senator	200
Representative to the Legislature	50
County Commissioner	100
Other County Offices	300



Minimum Number of Votes Needed in General Election

In the general election, the person who receives the greatest number of votes is elected.

Casting a Write-in Vote

A voter must mark the write-in indicator (square, oval or arrow) as instructed on the ballot and the voter must also write the name of the candidate in the blank space provided at the end of the list of candidates for that office.

NOTE: In the past, a voter was required to write the candidate's municipality of residence in addition to the candidate's name. This is no longer required, since a write-in candidate is now required to submit a Declaration of Write-in Candidacy no later than 3 business days **prior to the election**.

For a primary election only, the voter may paste a sticker on the ballot containing the name and municipality of residence of the write-in candidate. A sticker is an adhesive label bearing the required information. Stickers used with automatic tabulating equipment should be prepared in accordance with the manufacturer's specifications for that equipment. Contact the Division of Elections for additional information.

LEGAL REFERENCES

Definition of Write-in Candidate	21-A MRSA § 1(51)
Casting a Write-in Vote	21-A MRSA § 691(2)
Casting a Write-in Vote - General Elections	21-A MRSA § 692(2)
Determination of Write-in Candidate	21-A MRSA § 722-A
Write-in Votes Required - Primary Election	21-A MRSA § 723(1.A)



Chapter 4

Restricted Activity and Placement of Political Signs

Restricted Activity at the Voting Place

On Election Day, certain activities are restricted at voting places, as follows:

- *Interference with the voters' free passage;*
- *Influence or attempting to influence another person's decision regarding a candidate or question that is on the ballot for the election that day, on public property within 250 feet of the entrance to the voting place or the registrar's office;*
- *The use of cellular phones, voice pagers or similar devices to make audible communication within the voting place that influences or attempts to influence a voter's decision regarding a candidate or ballot issue;*
- *Within the guardrail enclosure, only the clerk, the election officials and not more than 2 voters in excess of the number of voting booths are allowed. Party workers and others may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage.*
- *Candidates are permitted within the voting place and may communicate orally with voters, as long as they do not attempt to influence their vote. Candidates may state their name but may not state the name of the office sought or ask a person to vote for them.*
- *Campaign buttons may only be worn by persons who are present in the voting place solely for the purpose of voting. The longest dimension of the button may not exceed 3 inches. Everyone else is prohibited from wearing campaign buttons of any size. Badges or stickers containing a candidate's name or promoting a question on the ballot are likewise prohibited.*

The **voting place** is the building in which voting is conducted.

The **guardrail enclosure** is the area within 6 feet of the voting booths and the ballot box.



The **warden** is the presiding officer at the voting place and is responsible for the enforcement of the law governing voting and counting procedures. The jurisdiction of the warden includes the voting place and the area within 250 feet of the entrance to the voting place. The **municipal clerk** is the supervisor of elections and is responsible for advising the warden on election laws and procedures.

Placement of Political Signs

The Department of Transportation would like to inform all candidates and their co-workers of the present statutory and regulatory requirements applicable to placement of roadside posters and signs advertising their candidacy. Under the provisions of 23 MRSA §1913-A and Department Regulations, political posters and signs may be erected and maintained as follows:

1. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum of 50 square feet;
2. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one (1) week following the date of the election, primary or referendum;
3. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
4. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an **imitation of or resembles an official traffic-control device**, such as a stop sign;
5. Political signs may be displayed to view to all public ways **except** for the Interstate Highway System. Title 23 MRSA §1913-A, paragraph 3 (Regulations) and paragraph 6 (Interstate system) states that: **Signs may not be placed within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway.** All signs located at interstate interchanges are in violation and will be removed.
6. **Municipal ordinances** advocating stricter control take precedence over state law. Check with the municipal clerk for any such local ordinances.

Most “violations” are the result of the efforts of ardent campaign workers who do not know the law. It is therefore suggested that this information be passed on to them. **Maine Department of Transportation Maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.**



Traffic safety should be of the utmost consideration in placement of political signs. Candidates and campaign workers should take great care not to place signs or posters where same could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices. Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owner's consent and permission, attached to a building or dwelling, or displayed on vehicles or in the windows of business establishments, and in other like manner. Please help the Department of Transportation to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the State and to prevent any possible embarrassment to candidates.

Questions: Call Robert Sinclair, Supervisor – Right of Way Maintenance Control

Telephone: (207) 624-3611

Unauthorized removal of campaign signs from public roadways

The unauthorized removal or destruction of political signs is a civil violation under Maine law (Title 23, Section 1917-A), and may carry a fine of up to \$250. Specifically, the law states that “a person who takes, defaces or disturbs a lawfully placed sign bearing political messages relating to a general election, primary election or referendum commits a civil violation for which a forfeiture of up to \$250 may be adjudged.”

The law does not apply to a person authorized by a candidate or political committee to remove signs placed by or at the direction of that candidate or political committee. It also does not apply to the landowner, or agent of the landowner, on whose property a sign has been placed.

A candidate or candidate's committee would file a complaint with the local police and /or brought to the District Attorney's office for appropriate action.





LEGAL REFERENCES

Definition of Municipal Clerk	21-A MRSA § 1(9)
Definition of Warden	21-A MRSA § 1(50)
Positions at Polling Place	21-A MRSA § 681
Political Activities (Restrictions)	21-A MRSA § 682
Placement of Political Signs	23 MRSA § 1913-A

CHAPTER 5

Voter Registration and Absentee Voting

Voter Registration

A person must meet the following qualifications to be eligible to register to vote:

- Must be a United States citizen;
- Must be at least 17 years of age; and
- Must be a resident of the municipality where registering to vote.

A person must be at least 18 years of age in order to vote, except that 17 years olds (who will be 18 years old by the General Election) may register (and, if enrolled in a qualified party), participate in party caucuses and vote for candidates in the June Primary Election.

Voter Registration for Persons with Disabilities

Title 21-A § 153-A provides a process for people with disabilities who are unable to sign their names to register to vote and sign candidate petitions and Maine Clean Election Act (MCEA) forms. The law defines a signature to include a signature stamp and a signature written by another voter under the alternative registration procedure, and a mark. Any voter who wishes to register to vote under this process must file an Alternative Registration Signature Statement with the registrar of voters in the municipality where the person resides.

Voter Registration Deadline

All applications for voter registration and party enrollment **delivered by mail or by a third person** (a person other than the voter) must be received by the registrar no later than the close of business 21 days before election day. Any applicant who is a new Maine registered voter and

A person who registers during the closed period, beginning at 5:00 p.m. on the 21st day before Election Day and including Election Day, must register in person and show proof of identity and residency, or cast a challenged ballot.



mails the application to the municipal registrar of voters must include a copy of the applicant's Maine driver license or a utility bill or government document showing the applicant's name and residence address.

An application for voter registration by a person, who otherwise qualifies as an **absentee voter**, may be accepted by the clerk at any time. The receipt of a completed absentee ballot application by the clerk establishes a presumption of qualification, sufficient for the clerk to issue an absentee ballot to the voter, along with a voter registration application. The voter must complete and return the voter registration application to the registrar, separate from the absentee ballot, **by 8 p.m. on election day, in order for the absentee ballot to be counted.**

Absentee Voting

Any registered voter may cast an absentee ballot instead of voting in person at the voting place on election day. The voter does not need to have a specific reason or be unable to vote at the polls on election day to ask for and receive an absentee ballot.

- During the 45 days preceding an election (or as soon as absentee ballots are provided to the municipality by the State) and during the time when the clerk's office is open and may be conducting absentee voting, the display or distribution of any **advertising material** intended to influence a voter's choice regarding a candidate or ballot issue for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the clerk's office or on the property on which the clerk's office stands.
- A **candidate** or members of the candidate's immediate family may not handle or deliver absentee ballots (except their own ballots). **Immediate family member** means a person's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, step-grandparent, stepchild, step-grandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian or domestic partner.
- Absentee ballots delivered by a third person (someone other than the voter or an immediate family member of the voter) must be properly witnessed. A third person may not have more than **5** absentee ballots from a single municipality in their possession at any one time.
- An **absentee voter** may not be influenced or observed in the marking of his or her ballot by any other person, except that a voter may request assistance from an aide in reading or



marking his or her ballot because of physical disability, illiteracy or religious faith. In this event, another individual must act as witness, but may not observe how the ballot is marked by the absentee voter or aide.

LEGAL REFERENCES

Voter Eligibility	21-A MRSA §§ 111-115
Voter Registration and Enrollment Requirements	21-A MRSA §§ 121-145
Alternative Registration Procedure for Voters with Disabilities	21-A MRSA § 153-A
Absentee Voting	21-A MRSA §§ 751-783