

State of Maine



To the Members of the Democratic, Green Independent and Republican Committees of Bangor and Orono Residing in Representative District 124.

GREETINGS:

WHEREAS, Aaron M. Frey of Bangor, in the County of Penobscot, after having been elected a member of the House of Representatives in the One Hundred and Twenty-ninth Legislature in District 124, declined to take the oath of office as a member having subsequently been elected Attorney General on the fifth of December, 2018; a vacancy has thus been created; and

WHEREAS, Title 21-A of the Maine Revised Statutes Annotated, Section 382 provides that if a vacancy occurs in the office of Representative to the Legislature, and the municipal officers of any affected municipality inform the Governor that there is a need to fill the vacancy before the next general election, the Governor shall issue a proclamation declaring the vacancy and ordering a special election; and

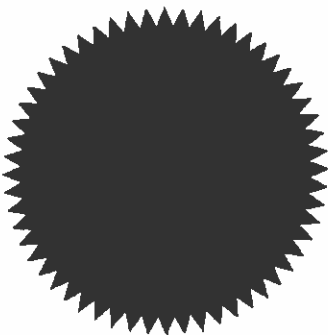
WHEREAS, the municipal officers of Orono notified Governor Paul R. LePage on December 13, 2018, of a need to fill the vacancy;

NOW, THEREFORE, I, JANET T. MILLS, Governor of the State of Maine, do hereby order the appropriate members of the Democratic, Green Independent and Republican Committees addressed above to meet to nominate their candidates for Representative to the Legislature in District 124, to be voted on at the Special Election to be held on Tuesday, March 12, 2019.

A Certificate of Nomination of each candidate for District 124, required pursuant to Title 21-A of the Maine Revised Statutes Annotated, Section 363, shall be filed in the office of the Secretary of State on or before 5 p.m. on Friday, January 18, 2019. The Declaration of Write-in Candidacy of any write-in candidate shall be filed in the office of the Secretary of State on or before 5 p.m. on Friday, January 25 2019.

The members of the above named political committees are hereby directed to comply fully in the conduct of the meeting and the making of the certificate with all of the provisions of law relating to the proposal of candidates for election as provided in Title 21-A of the Maine Revised Statutes Annotated.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this third day of January in the year Two Thousand and Nineteen.





JANET T. MILLS
Governor



MATTHEW DUNLAP
Secretary of State



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Matthew Dunlap
Secretary of State

Julie L. Flynn
Deputy Secretary of State

To: Municipal Committee Chairs
From: Melissa K. Packard, Director of Elections
Re: Nomination of Candidate for Special Election
Date: January 3, 2019

Governor Mills has set Tuesday, March 12, 2019, as the date for the special election to be held in State Representative District 124. A copy of the Governor's proclamation is attached.

I am also providing a brief explanation of the process for choosing a candidate, along with a copy of the relevant law on the nomination process, a Certificate of Nomination and a Certificate of Acceptance.

Please note that the completed Certificate of Nomination and Certificate of Acceptance must be received by the office of the Secretary of State before 5:00 p.m. on Friday, January 18, 2019. In order to meet the deadline, the forms may be sent by fax to 287-5428, but the original documents must also be filed with our office.

If you have any questions about the replacement process, please call me at 624-7650 or Julie Flynn, Deputy Secretary of State, at 624-7736.

CHOOSING A SPECIAL ELECTION CANDIDATE

21-A MRS §382 states that the Governor shall issue a proclamation of a special election declaring:

- the vacancy;
- ordering the appropriate political committees to fill the vacancy; and
- setting a deadline for the committees to fill the vacancy.

21-A MRS §363 states that the meeting of the political committee:

- shall occur at the time and place chosen by the committee;
- the political committee shall choose a qualified person to fill the vacancy; and
- the Secretary of the political committee must deliver a Certificate of Nomination to the Secretary of State, which must contain:
 - the name of the person chosen;
 - the person's residence address;
 - the person's political party;
 - the title of the office sought; and
 - the method by which the replacement was chosen.

The Certificate of Nomination must be signed by the Chair of the political committee and attested by the Secretary, or in the case of a joint meeting of 2 or more municipalities pursuant to §365 (see next paragraph), the Certificate of Nomination must be signed by the Chair of the joint meeting and attested by the Secretary of the joint meeting.

21-A MRS §365 states that the choice of a candidate for Representative to the Legislature must be made by a joint meeting of municipal committees when the representative district consists of 2 or more municipalities.

The nominee chosen must file a signed Certificate of Acceptance with the Secretary of State.

The Secretary of State will provide a Certificate of Nomination and a Certificate of Acceptance form to the Chairs of the political committees.

Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 5: NOMINATIONS

Subchapter 3: VACANCIES
Article 1: GENERAL PROVISIONS

§361. VACANCY DEFINED

A vacancy in any federal, state or county office, in the office of an election official, or in any political committee occurs when the incumbent dies, resigns, becomes disqualified or changes his residence to an electoral division other than that from which he was elected or when the person elected fails to qualify. [1985, c. 161, §6 (NEW) .]

1. Filled for unexpired term. A vacancy in any office shall be filled for an unexpired term, except where it is specifically provided to the contrary.

[1985, c. 161, §6 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW) .

§362. GOVERNOR'S PROCLAMATION FOR POLITICAL COMMITTEE MEETINGS
(REPEALED)

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 436, §52 (AMD). 2001, c. 310, §19 (RP).

§362-A. SECRETARY OF STATE DECLARES VACANCY

When required by this subchapter, the Secretary of State shall declare a vacancy and notify the appropriate political committee of the deadline for filling the vacancy. [2007, c. 515, §4 (AMD) .]

SECTION HISTORY

2001, c. 310, §20 (NEW). 2007, c. 515, §4 (AMD) .

§363. POLITICAL COMMITTEE; CHOOSING CANDIDATES AND NOMINEES

The meeting of a political committee as required by sections 371, 373, 374-A, 381, 382 and 393 is governed by the following provisions. [1993, c. 447, §3 (AMD) .]

1. Time and place of meeting. The committee shall meet at the time and place chosen by the committee.

[1997, c. 436, §53 (AMD) .]

2. Duties of committee. The committee shall choose a qualified person to fill the vacancy. The secretary of the committee shall immediately deliver a certificate to the Secretary of State containing the name of the person chosen, his residence, his political party, title of the office sought, and the method by which he was chosen. The certificate must be signed by the chairman of the committee and attested to by the secretary.

A. In an electoral division consisting of more than one municipality, the municipal committee of each municipality shall meet jointly, elect a secretary and a chairman for the meeting and then fill the vacancy. [1985, c. 161, §6 (NEW) .]

[1985, c. 161, §6 (NEW) .]

3. Acceptance filed. A person chosen under this section must file a written acceptance containing a statement that the person meets the qualifications of the office sought and declaring the person's residence and party enrollment with the Secretary of State. The Secretary of State shall provide a form for the candidate's acceptance that must include a list of the

statutory and constitutional requirements of the office sought by the candidate. The form also must include a place for the registrar of the candidate's municipality of residence to certify the candidate's registration and enrollment status.

[2015, c. 447, §9 (AMD) .]

4. Changes in ballot. The Secretary of State shall make the necessary changes in the ballot.

[1985, c. 161, §6 (NEW) .]

5. Caucus. Following the proclamation of the Governor pursuant to section 382, a municipality that has not held a biennial caucus has 15 days to hold a caucus to nominate or elect a person to fill a vacancy under section 382.

[2011, c. 409, §1 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1993, c. 447, §3 (AMD). 1995, c. 459, §30 (AMD). 1997, c. 436, §53 (AMD). 2011, c. 239, §3 (AMD). 2011, c. 409, §1 (AMD). 2015, c. 447, §9 (AMD).

§364. CANDIDACY BY NOMINATION PETITION

The nomination of a candidate, other than by party, to fill a vacancy must be made by nomination petition. The nomination process is in the same manner as provided by subchapter II, except that all petitions must be filed by 5 p.m. on the deadline for filling the vacancy set by the Secretary of State pursuant to section 362-A. [2001, c. 310, §21 (AMD).]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 436, §54 (AMD). 2001, c. 310, §21 (AMD).

§365. JURISDICTION

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. [2003, c. 510, Pt. A, §13 (AMD).]

1. Municipal committee. Choices for Representative to the Legislature must be made by a municipal committee when a representative district consists of one municipality, by a joint meeting of municipal committees when a representative district consists of 2 or more municipalities or by members of a municipal committee or committees residing within a representative district when the representative district includes a part of a municipality or parts of different municipalities.

[1985, c. 161, §6 (NEW) .]

2. County committee. A county committee makes choices for all county offices and committee members residing within senatorial districts make choices for State Senator.

[1985, c. 161, §6 (NEW) .]

3. District committee. A district committee makes choices for Representative to Congress.

[1985, c. 161, §6 (NEW) .]

4. State committee. A state committee makes choices for Governor, United States Senator and presidential elector.

[1985, c. 161, §6 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 2003, c. 510, §A13 (AMD).

§366. SPECIAL ELECTIONS

The proclamation of a special election must specify the time and place it must be held as well as any necessary filing, posting, publishing and reporting dates. A special election must be publicized and conducted like its regular counterpart, as nearly as practicable. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

§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. [2015, c. 447, §10 (AMD).]

SECTION HISTORY

1991, c. 466, §14 (NEW). 1995, c. 459, §31 (AMD). 2015, c. 447, §10 (AMD).

Article 2: CANDIDATES AND NOMINEES

§371. CANDIDATES FOR NOMINATION; VACANCY

If a candidate for nomination dies, withdraws at least 70 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 70 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. [2015, c. 447, §11 (AMD).]

1. Primary petition if time.

[1999, c. 426, §14 (RP) .]

2. Chosen by committee if not time.

[1999, c. 426, §14 (RP) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1999, c. 426, §§13,14 (AMD). 2001, c. 310, §22 (AMD). 2007, c. 455, §15 (AMD). 2011, c. 342, §11 (AMD). 2015, c. 447, §11 (AMD).

§372. NOMINEES; 60 DAYS OR MORE BEFORE ELECTION

If a person nominated for United States Senator, Representative to Congress or Governor at a primary election dies, withdraws or becomes disqualified at least 60 days before the general election, the Governor shall issue a proclamation declaring the vacancy and ordering a special primary election under section 366. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

§373. NOMINEES; LESS THAN 60 DAYS BEFORE ELECTION

If a person nominated for United States Senator, Representative to Congress or Governor at a primary election or by a political committee dies, withdraws or becomes disqualified less than 60 days before the general election, the Secretary of State shall declare the vacancy under section 362-A. [2001, c. 310, §23 (AMD).]

SECTION HISTORY

1985, c. 161, §6 (NEW). 2001, c. 310, §23 (AMD).

§374. CERTAIN NOMINEES AT ANY TIME

(REPEALED)

SECTION HISTORY

1985, c. 161, §6 (NEW). 1989, c. 341, §1 (RP).

§374-A. WITHDRAWAL OF CANDIDATES FOR CERTAIN STATE OFFICES

1. Withdrawal 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 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; [2011, c. 342, §12 (AMD).]

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 [2015, c. 447, §12 (AMD).]

C. Dies prior to the general election. [1989, c. 341, §2 (NEW).]

[2015, c. 447, §12 (AMD) .]

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

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 [1993, c. 447, §5 (AMD).]

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C. [1989, c. 341, §2 (NEW).]

[1993, c. 447, §5 (AMD) .]

3. Deadline for withdrawal. A candidate for an office on the general election ballot must withdraw at least 70 days before the general election in order for the candidate's name to 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 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.

[2015, c. 447, §13 (AMD) .]

SECTION HISTORY

1989, c. 341, §2 (NEW). 1993, c. 447, §§4,5 (AMD). 2001, c. 310, §24 (AMD). 2007, c. 455, §16 (AMD). 2011, c. 342, §§12, 13 (AMD). 2015, c. 447, §§12, 13 (AMD).

§375. PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES CHOSEN BY PETITION

1. Candidate for President; death; withdrawal; disqualification. If a candidate for President who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws or becomes disqualified, the nomination of the presidential, vice-presidential and presidential electoral candidates is terminated.

[1985, c. 161, §6 (NEW) .]

2. Candidate for Vice President; death; withdrawal; disqualification. If a candidate for Vice President who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws at least 70 days before the election or becomes disqualified, the vacancy may be filled by a new vice-presidential candidate, if the following conditions are met:

A. Written resignation is filed with the Secretary of State by the previous vice-presidential candidate, if the mental and physical condition of the candidate allows; [1985, c. 161, §6 (NEW).]

B. Written consent is filed with the Secretary of State by the new vice-presidential candidate; [1985, c. 161, §6 (NEW).]

C. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by the presidential candidate; and [1985, c. 161, §6 (NEW).]

D. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by each of the presidential electors. [1985, c. 161, §6 (NEW).]

[2015, c. 447, §14 (AMD) .]

3. Candidate for presidential elector; death; withdrawal; disqualification. If a presidential elector, who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws or becomes disqualified, the vacancy may be filled by a new presidential elector, if the following conditions are met:

A. Written resignation is filed with the Secretary of State by the previous presidential elector, if the mental and physical condition of the elector allows; [1985, c. 161, §6 (NEW).]

B. Written consent is filed with the Secretary of State by the new presidential elector; and [1985, c. 161, §6 (NEW).]

C. Written acceptance of the new presidential elector is filed with the Secretary of State by the presidential candidate. [1985, c. 161, §6 (NEW).]

This subsection does not apply to a vacancy as described in section 804.

[1985, c. 161, §6 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1999, c. 426, §15 (AMD). 2015, c. 447, §14 (AMD).

§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.

[2015, c. 447, §15 (AMD) .]

2. Certain state offices. The Secretary of State is required to produce new ballots only 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.

[1997, c. 436, §55 (AMD) .]

3. List of candidates. Immediately after the last day for withdrawal, the Secretary of State shall list all names to be placed on the ballot for the general election.

[1989, c. 341, §3 (RPR) .]

4. Last day for withdrawal.

[1989, c. 341, §3 (RP) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1989, c. 341, §3 (RPR). 1991, c. 466, §15 (AMD). 1997, c. 436, §55 (AMD). 2015, c. 447, §15 (AMD).

Article 3: LOCAL AND STATE OFFICIALS

§381. STATE SENATORS

When there is a vacancy in the office of State Senator, the Governor shall issue a proclamation declaring the vacancy and ordering a special election under section 366. [1985, c. 161, §6 (NEW).]

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees. The political committees shall follow the procedure outlined in section 363.

[1997, c. 436, §56 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 436, §56 (AMD).

§382. REPRESENTATIVE TO LEGISLATURE

When there is a vacancy in the office of Representative to the Legislature, the municipal officers of any municipality affected by the vacancy may inform the Governor if there is a need to fill the vacancy before the next general election, and the Governor shall issue a proclamation declaring the vacancy and ordering a special election under section 366. [1985, c. 161, §6 (NEW).]

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees, which may not be less than 15 days following the Governor's proclamation declaring a vacancy. The committees shall follow the procedure outlined in section 363.

[2011, c. 409, §2 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 436, §57 (AMD). 2011, c. 409, §2 (AMD).

§383. POLITICAL COMMITTEES

A political committee shall fill a vacancy in its membership. [1985, c. 161, §6 (NEW).]

1. Secretary of State notified.

[2007, c. 455, §17 (RP) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 2007, c. 455, §17 (AMD).

§384. ELECTION OFFICIALS

The municipal officers may appoint a qualified person to fill a vacancy in the office of any election official. [1993, c. 447, §6 (AMD).]

1. Limitation.

[1999, c. 426, §16 (RP) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1993, c. 447, §6 (AMD). 1999, c. 426, §16 (AMD).

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