

# 129th MAINE LEGISLATURE

# FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 95

H.P. 81

House of Representatives, January 15, 2019

An Act To Clarify Residency Requirements for Legislative Candidates

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative HIGGINS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis and

Representatives: EVANGELOS of Friendship, FOSTER of Dexter, STEARNS of Guilford.

### Be it enacted by the People of the State of Maine as follows:

#### Sec. 1. 21-A MRSA §333-A is enacted to read:

# §333-A. Qualification for state legislative office

- 1. Primary residence in district when nominated. A person may not be a candidate for nomination at a primary election as a State Senator or State Representative unless, at the time of the person's nomination for placement on the primary election ballot, the primary residence of that person is located in the district the person seeks to represent.
- 2. Primary residence in district prior to election. A person may not be a candidate for election as a State Senator or State Representative unless, for the 3 months immediately preceding the date of the general election or special election, the primary residence of that person is located in the district the person seeks to represent.
- 3. Primary residence during term of office. A person elected as a State Senator or State Representative must maintain a primary residence in the district the person represents throughout the person's term of office.
  - **Sec. 2. 21-A MRSA §338,** as enacted by PL 1985, c. 161, §6, is amended to read:

# §338. Write-in candidates

A person whose name will not appear on the printed primary ballot because he the person did not file a petition and consent under sections 335 and 336, but who fulfills the other qualifications under section 334, may be nominated at the primary election as a write-in candidate in accordance with section 723, subsection 1. A person may not be nominated at the primary election as a write-in candidate for State Senator or State Representative unless the primary residence of that person is located in the district the person seeks to represent.

### Sec. 3. 21-A MRSA §352-A is enacted to read:

#### §352-A. Qualification for state legislative office

- 1. Primary residence in district when nominated. A person may not be a candidate for election as a State Senator or State Representative unless, at the time of the person's nomination for placement on the general or special election ballot, the primary residence of that person is located in the district the person seeks to represent.
- 2. Primary residence in district prior to election. A person may not be a candidate for election as a State Senator or State Representative unless, for the 3 months immediately preceding the date of the general election or special election, the primary residence of that person is located in the district the person seeks to represent.
- 3. Primary residence during term of office. A person elected as a State Senator or State Representative must maintain a primary residence in the district the person represents throughout the person's term of office.

Sec. 4. 21-A MRSA §722-A, as amended by PL 2015, c. 447, §26, is further amended to read:

# §722-A. Determination of declared write-in candidate

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the Secretary of State, on a form approved by the Secretary of State, on or before 5 p.m. on the 60th day prior to the election. The candidate must meet all the other qualifications for that office <u>including</u>, if applicable, the requirements of section 352-A, subsection 2.

**Sec. 5. 21-A MRSA §723, sub-§1, ¶A,** as amended by PL 2017, c. 248, §5, is further amended to read:

A. A write-in candidate who complies with section 722-A and who fulfills the other qualifications under section 334 338 may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5 on a primary petition for a candidate for that office.

16 SUMMARY

This bill clarifies that the primary residence of a candidate for election as a State Senator or State Representative must be located in the district the candidate seeks to represent on the date of the candidate's nomination for placement on a primary, general or special election ballot. The bill also clarifies that the primary residence of a candidate for election as a State Senator or State Representative must be located in the district the candidate seeks to represent for the 3 months immediately preceding the general election and, if the candidate is elected, throughout the candidate's term of office.