

## **EXPLANATION OF STATE PROCESS ADOPTION FOR WRITE-IN CANDIDACY**

### **SUMMARY**

In 2015 the State Legislature changed the law governing local write-in voting, allowing a municipality, by vote of its legislative body at least 90 days before the next annual election, opt to require local write-in candidates to declare their candidacy by filing with the municipal clerk at least 60 days before the election, as now required for State write-in candidates by Title 21-A §722-A.

If this option is adopted, only write-in votes for declared candidates must be counted, unless there are no nominated candidates or all nominated candidates have withdrawn by Election Day, in which case write-in votes for undeclared candidates also must be counted.

### **CURRENT SITUATION**

Currently, write-in candidates do not have to declare. Voters can write in any person's name as a write-in candidate, resulting in anywhere from one to hundreds of individual names listed on ballots as write-in candidates. Election staff must review and tally all write-in votes and then determine the validity of the candidates voted for.

### **FACTS**

The State requires that write-in candidates declare by 21-A MRSA § 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.

The Secretary of State's Office has recently updated the process in which ballots with write-in's are tabulated, this change will be effective for the November 2018 Elections. This will affect how local ballots with write-in votes are handled as well.

The State requires that when Municipal and School Elections are held in conjunction with State Elections as Eliot's are, the tabulation and return of votes cast for the State must be completed prior to the tabulation of any other election results. With the new method of reviewing write-in votes this will be extremely time consuming if candidates are not required to declare, delaying the results of any local elections. Voters would be informed in advance of the declared write-in candidates by posting a list with all official posting material as well as with absentee ballots when released.