

# **Ballot Access for Non-party Presidential Candidates in Maine**

*Prepared by the Division of Elections, December 2023*

When voters go to the polls on Election Day, Tuesday, November 5, 2024, they will cast a vote for the person they would like to see as President. This is called the “popular vote”. The popular vote doesn’t actually elect the President of the United States – the popular vote is used to choose Presidential Electors.

**Presidential Electors are the people who are nominated to cast votes for President and Vice President of the United States.** In other words, voters choose the Presidential Electors, and the Presidential Electors choose the President and Vice President.

Each state gets votes in the Electoral College. The number of votes allotted to each state is determined by adding up the members of the United States Congress who are elected from that State. Maine has two U.S. Senators and two U.S. Representatives, for a total of four members of Congress. Therefore, Maine also gets four votes in the Electoral College. These Presidential Electors represent (and must reside in) the geographical areas those members of Congress represent.

- First Congressional District Presidential Elector
- Second Congressional District Presidential Elector
- At-Large Presidential Elector (Resident of either Congressional District)
- At-Large Presidential Elector (Resident of either Congressional District)

The candidate who wins the most popular votes in the First Congressional District wins one Elector. The Candidate with the most popular votes in the Second Congressional District wins one Elector. The Candidate who wins the most votes statewide wins the two At-Large Electors.

## **How Are Presidential Electors Chosen?**

Political parties and non-party candidates choose their own electors in Maine. Political parties choose their electors at a state convention. Non-party candidates name their electors when they submit the signatures they must collect to get on the ballot. A write-in candidate for president submits the names of electors when the Declaration of Write-in Candidacy is filed. Each candidate must submit the names of four Presidential Electors, which is the most a candidate could win in the State.

## Non-party Presidential Elector Ballot Access and Qualifications

A person who is not enrolled in one of the qualified parties in Maine gains ballot access to the November 5, 2024 ballot in Maine by circulating nomination petitions. The petitions must include the name of the Presidential candidate, the Vice-Presidential candidate, and the names of the four electors to be nominated (presented as a slate on the petition). Every petition sheet must be presented to the appropriate municipal Registrar of Voters for signature certification by **July 25, 2024**. Petitions must be filed with the Secretary of State on or before 5 p.m. on **Thursday, August 1, 2024**.

Candidates may begin circulating petitions January 1, 2024. 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 and challenge period have passed.

### Obtaining Non-party Presidential Elector Nomination Petitions

Petitions are available from the Department of the Secretary of State, Division of Elections in the following ways:

- Candidates can print their own documents using a fillable PDF from the following website - <https://www.maine.gov/sos/cec/elec/candidate/index.html>;
- Candidates (or their representatives) can come collect petition documents from the Division of Elections, located at the Burton Cross State Office Building, 4<sup>th</sup> floor, 111 Sewall Street, Augusta, Maine; or
- Upon request, candidates may have petition documents mailed to them. Please contact the Division of Elections if this option is preferred.

### Required Number of Signatures – Non-party Presidential Elector Candidates

The required number of valid signatures of registered voters on Non-party Presidential Elector petitions is:

Office	Minimum	Maximum
Presidential Elector	4,000	5,000

## Non-party Presidential Elector Candidate Petition Filing Checklist

- Collect between 4,000 and 5,000 signatures. Signers must be Maine registered voters.
- Have each petition form verified by its circulator – the “Circulator’s Oath” must be completed before a Notary Public on each petition sheet – see page 6 for further details.
- Have all signatures certified by the applicable municipal Registrar of Voters prior to filing with the Secretary of State – see page 7 for further details. Petitions must be submitted to the appropriate Registrars for certification by **5 p.m., July 25, 2024.**
- Each Presidential Elector must complete and sign a “Non-party Candidate’s Consent” before a Notary Public or other official authorized to administer an oath – see pages 9-10 for further details. Each elector must also have the Registrar of Voters in the municipality where the Presidential Elector is registered to vote complete the “Certification of Candidate Unenrollment” section of this form. These two sections will be on the same document.
- Present the nomination petitions and the *Non-party Candidate’s Consent and Certification of Unenrollment for Presidential Elector* forms (from each Presidential Elector) to the Secretary of State for certification on or before **5 p.m., August 1, 2024.**

**NOTE:** The Secretary of State strongly encourages Non-party Presidential Elector candidates to file in advance of the August 1, 2024 deadline to allow time for review of the petitions and correction of any deficiencies.

- Comply with the campaign finance law regarding registration, record keeping and reporting requirements (*please refer to the Federal Election Commission for information and reporting forms*).

# Sample of Non-party Candidate Petition for Slate of Presidential Electors Candidate Information Section



## STATE OF MAINE November 5, 2024 General Election NON-PARTY NOMINATION PETITION *Slate of Presidential Electors*

**DATE FILED**  
With Secretary of State

Name of **Presidential Candidate**: **1** \_\_\_\_\_  
(Please Print) (Last Name and Suffix, if any) (First Name) (Middle Name or Initial)

Voting Residence of Candidate for President: **2** \_\_\_\_\_  
(City/Town) (State)

Mailing Address of Presidential Candidate: **3** \_\_\_\_\_

Name of **Vice-Presidential Candidate**: **4** \_\_\_\_\_  
(Please Print) (Last Name and Suffix, if any) (First Name) (Middle Name or Initial)

Voting Residence of Candidate for Vice President: **5** \_\_\_\_\_  
(City/Town) (State)

Mailing Address of Vice-Presidential Candidate: **6** \_\_\_\_\_

Political Designation: **7** \_\_\_\_\_  
(Not more than 3 words in length, cannot use the candidate's name or the designation of a qualified party, cannot use obscene language, etc.) See 21-A MRS §3354(1)

### Names of Presidential Electors must be placed on the petition as a slate. (Please Print)

**8** \_\_\_\_\_  
(First Congressional District)

**8** \_\_\_\_\_  
(At-Large)

**8** \_\_\_\_\_  
(Second Congressional District)

**8** \_\_\_\_\_  
(At-Large)

**Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.**

**Deadline for submitting petitions to municipal registrar for certification: 5 p.m., July 25, 2024**

**Deadline for filing petitions and Candidate's Consent forms for each Elector with Secretary of State: 5 p.m., August 1, 2024**

- Every voter must sign the petition in the circulator's presence.
- Registered voters physically unable to sign, who have filed an alternative signature statement per 21-A MRS §153-A, may direct another Maine registered voter to sign the petition in their presence. The authorized individual must sign their name, the assisted voter's name, attest to signing on the voter's behalf, and complete all information on both lines (for the voter and the assistant).
- For more information, please contact the Division of Elections at (207) 624-7650.

# Completing Non-party Presidential Elector Candidate Petitions

## Instructions for Candidate Information Section

1. Write the name of the **Presidential** candidate in one of the following forms:
  - a. last name (and suffix, if any), first name, middle name
  - b. last name (and suffix, if any), first name, middle initial
  - c. last name (and suffix, if any), first initial, middle name
  - d. last name (and suffix, if any), first name
  
2. Write the **Presidential** candidate's municipality of residence (City/Town and State). This must be where the **Presidential** candidate is registered to vote.
  
3. Write the mailing address of the **Presidential** candidate or campaign.
  
4. Write the name of the **Vice-Presidential** candidate.
  
5. Write the **Vice-Presidential** candidate's municipality of residence (City/Town and State). This must be where the **Vice-Presidential** candidate is registered to vote.
  
6. Write the mailing address of the **Vice-Presidential** candidate or campaign.
  
7. State the 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. Write the names of the four (4) Maine residents who are being nominated as presidential electors. One elector must be a registered voter in the First Congressional District. One elector must be a registered voter in the Second Congressional District. The remaining two At-Large electors can be registered voters anywhere in the State. Each elector must also complete a *Non-party Candidate's Consent and Certification of Unenrollment for Presidential Electors* -- see pages 9-10 of this guide for further instructions.

## Instructions for Collection of Signatures

For Registrar use only	Signature of Voter (Not Printed Name)	Printed Name of Voter (Not Signature)	Date Signed	Actual Street Address (Not P.O. Box)	Municipality (Where Registered)
1.					
2.					
3.					

1. The petition may be signed by any Maine registered voter. The voter must sign their 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 MRS §153-A(3), 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).
  
2. 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, 2024.**

## Instructions for the Circulator’s Oath

### Circulator’s Oath

**I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, 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.**

*Signature of Circulator* \_\_\_\_\_ *Printed Name of Circulator* \_\_\_\_\_

*Signature of Notary* \_\_\_\_\_ *Printed Name of Notary* \_\_\_\_\_

Subscribed to and sworn before me on this date: \_\_\_\_\_ Date my Notary Commission expires: \_\_\_\_\_  
(Date must be completed by Notary)

**Circulator’s Oath:** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a Notary Public (or other official authorized to administer oaths) that:

*Continued next pg.*

- The circulator **personally witnessed** all of the signatures to the petition;
- Each signature is that of the person whose name it purports to be;
- Each signer is a registered voter of the electoral district named on the on the petition; and
- If a voter was unable to sign due to a physical disability, that the voter authorized another voter to sign at the voter’s direction and in the voter’s presence.

The circulator must take the oath for each petition form circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**

## Instructions for the Registrar’s Certification

### Registrar’s Certification

Municipality \_\_\_\_\_ TOTAL VALID \_\_\_\_\_ TOTAL INVALID \_\_\_\_\_

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

<b>DATE &amp; TIME PETITION RECEIVED:</b>
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*Signature of Registrar:* \_\_\_\_\_

*Date petition certified:* \_\_\_\_\_

**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). The registrar may not certify the names of voters from other municipalities.

### **Other Points Pertinent to Non-party Presidential Elector Petitions:**

- Petition forms must be typed or printed in ink, except where an original signature is required. The required size of the petition form is 8.5" x 14" (legal paper size) - printed double sided.
- A separate petition form should be used for each municipality in which signatures are submitted. (Names from more than one municipality will not invalidate the petition. However, registrars are not permitted to certify signatures from any municipality other than their own.)
- **The circulator** of a petition does not have to be a Maine resident or Maine registered voter. The circulator must personally witness every signature that is made to the petition and be able to take an oath to that effect.
- A voter may sign for more than one candidate running for the same office in a federal, state, or county election. However, a voter may only sign each candidate's petition once.
- To ensure that the registrar 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 the Candidate's Consent

Each elector must complete a Candidate's Consent. A consent form is not required for either the candidate for president or vice-president; but these names must be provided on each elector's consent form. The elector must also fill out the elector's name, residence and mailing address and whether the elector is the elector for the First Congressional District, Second Congressional District or At-Large.

### Non-party Candidate's Consent and Certification of Unenrollment For Presidential Elector

Name of **Presidential** Candidate: \_\_\_\_\_  
(Please print)

Name of **Vice-Presidential** Candidate: \_\_\_\_\_  
(Please print)

Political Designation: \_\_\_\_\_  
(This designation must not be more than 3 words in length, and may not incorporate the candidate's name or the designation of a qualified party) - See 21-A MRSA §354(1)

Name of **Elector**: \_\_\_\_\_  
(Please print)

Residence Address of **Elector**: \_\_\_\_\_  
(Street address – not P.O. Box) (City, Town or Plantation, State; Zip Code)

Mailing Address of **Elector**: \_\_\_\_\_  
(To be completed only if different from residence address)

Representing:  First Congressional District  Second Congressional District  At-Large

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#### Qualifications of Presidential Elector (U.S. Constitution, Article II, Section 1 and 21-A MRSA Section 352)

As of August 1, 2024, the candidate for the office of presidential elector must:

- be a resident of and a registered voter in the electoral division which the elector seeks to represent (as indicated above); and
- maintain a voting residence in that electoral division during the elector's term of office.

The following people are not eligible to be appointed an Elector:

- United States Senator,
  - Representative to Congress, and
  - Any person holding an Office of Trust or Profit under the United States.
-

**Elector’s Consent:** The candidate must sign this form before a Notary Public or other official authorized by law to administer an oath. The form includes a statement that the candidate will accept the nomination for the general election, 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 1, 2024), and a statement that the candidate meets the qualifications of the office sought.

**Elector’s Consent**

I hereby declare my consent to accept the nomination as Presidential Elector for the general election. I further declare that my residence is in the municipality listed above; that I have not been enrolled in a qualified party after March 1, 2024; that I meet the qualifications to hold this office; and that this declaration is true.

\_\_\_\_\_  
(Signature of Candidate)

Subscribed to and sworn before me on this date: \_\_\_\_\_  
(Date) (Signature of Notary Public)

\_\_\_\_\_  
(Printed Name of Notary Public)

*Certification of Unenrollment must be completed on back of this form*

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**Certification of Candidate Unenrollment:** On the reverse side of the Candidate’s Consent, the registrar of voters or municipal clerk in the elector’s municipality of residence must certify that the candidate has not been enrolled in a qualified party after March 1, 2024.

**Certification of Unenrollment**

**(Must be completed by Registrar in the Presidential Elector candidate’s municipality of residence)**

I hereby certify that, \_\_\_\_\_, was not enrolled in a qualified party after  
(Name of Elector Candidate as it appears on municipality’s voting list)  
March 1, 2024.

\_\_\_\_\_  
(Signature of Registrar/Municipal Clerk) Date

\_\_\_\_\_  
(Name of Town, City or Plantation)

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**Filing deadline for Candidate’s Consent and Certification of Unenrollment and Non-party Nomination petitions to be received by the Division of Elections is 5 p.m., Thursday, August 1, 2024.**

### Restrictions on Candidate Withdrawal

If a candidate for **President**, who has been nominated by petition, dies, withdraws, or becomes disqualified, the nomination of the Presidential, Vice-Presidential, and Presidential Electoral candidates is terminated.

If a candidate for **Vice President**, who has been nominated by petition, dies, withdraws, or becomes disqualified at least 70 days before the election, the vacancy may be filled by a new vice-presidential candidate if the requirements in 21-A MRS § 375(2) are met.

The deadline for withdrawal in order to have the Vice-Presidential candidate's name removed from the ballot is 70 days before the general election (**by 5 p.m. August 27, 2024**).

If a **Presidential Elector**, who has been nominated by petition, dies, withdraws, or becomes disqualified, the vacancy may be filled by a new Presidential Elector if the requirements in 21-A MRS §375(3) are met.

### Non-party Presidential Elector Legal References

Qualifications of Presidential Electors	21-A MRS § 352
Nomination by Petition (Non-party) Requirements	21-A MRS § 354
Consent of Petition (Non-party) Candidate	21-A MRS § 355
Withdrawal of Candidates – General Election	21-A MRS § 374-A
Withdrawal of Presidential, Vice-Presidential, and Presidential Elector Candidate	21-A MRS § 375
Presidential Ranked Choice Voting	21-A MRS § 801