Office of
The Governor

No. 39 FY 19/20
DATE April 10, 2020

AN ORDER MODIFYING THE PRIMARY ELECTION TO REDUCE EXPOSURE TO COVID-19

WHEREAS, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, Executive Order No. 28 FY 19/20 directed people to stay healthy at home except for essential businesses operations and personal activities in order to further reduce the transmission of COVID-19; and

WHEREAS, aggressive and sustained efforts are necessary to slow the spread of the COVID-19 virus and lessen the strain on Maine's health care system, and it is not yet known how much longer we will be required to maintain the current level of staying at home and social distancing necessary to protect the lives and health of our citizens; and

WHEREAS, conducting a primary election on June 9, 2020 as currently scheduled presents a risk that voters, poll workers and election officials will be exposed to COVID-19, which is highly contagious and presents a serious risk to life and health; and

WHEREAS, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, enacted on an emergency basis and effective upon the Governor's signature on March 18, 2020, authorizes the Governor to take any reasonable administrative actions necessary with respect to the elections scheduled for June 9, 2020 to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19; and

WHEREAS, a governor's emergency powers pursuant to 37-B M.R.S. §742(1)(C)(1) and §834 expressly include the authority to suspend the enforcement of statutes, orders or rules where strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions cited above, do hereby Order as follows:

I. ORDERS

A. The requirement in 21-A M.R.S. § 339 that the primary election be held on the 2nd Tuesday of June is suspended and modified to provide that the primary election will be held on July 14, 2020, the second Tuesday in July, unless changed by subsequent Order. It is my intention that all statutory deadlines stated in relation to the date of the election, *e.g.*, 60 days before the election, will automatically reset to the new election date of July 14, 2020.

B. The following deadlines set by statute that do not automatically reset with the rescheduled election date are suspended and modified as provided for the purpose of maintaining the statutory sequence of election related dates:

1. The May 26, 2020 deadline for filing non-party petitions with the municipal registrar under 21-A M.R.S. § 354(7)(B) shall be June 26, 2020;

2. The June 1, 2020 deadline for filing non-party petitions with the Secretary of State under 21-A M.R.S. § 354(8-A) shall be July 1, 2020;

3. The July 13, 2020 deadline for a party primary winner to withdraw and be replaced by the party under 21-A M.R.S. § 374-A(1) shall be August 11, 2020;

4. The July 27, 2020 deadline for a party to name a replacement candidate under 21-A M.R.S. § 374-A(2) shall be August 25, 2020; and

5. The qualifying period, as defined in 21-A M.R.S. § 1122(8)(B), for submission of Maine Clean Election Act qualifying contributions pursuant to 21-A M.R.S. § 1125(3)(D) is modified so that it shall end at 5:00 p.m. on May 19, 2020.

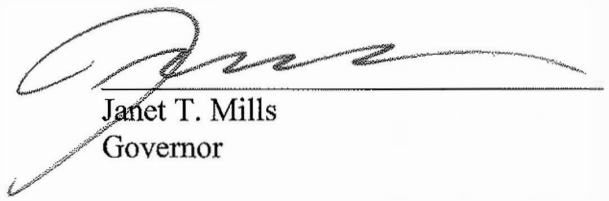
C. The requirements in 21-A M.R.S. §§ 753-A and 753-B governing absentee ballots are suspended and modified in the following respects only:

1. Applications for absentee ballots may be made in writing or in person up to and including the day of the election, without specifying a reason, in order to permit voters to obtain an absentee ballot and return it before the polls close on July 14, 2020; and

2. Absentee ballot applications furnished more than 3 months before June 9, 2020 remain valid for use in the election on July 14, 2020.

II. EFFECTIVE DATE

This Order shall take effect on April 10, 2020 and, unless sooner amended or rescinded, shall terminate 30 days after the termination of the COVID-19 state of emergency.



Janet T. Mills
Governor