

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 207

S. P. 91

In Senate, January 12, 1981

Referred to the Committee on Election Laws. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Dutremble of York.

Cosponsor: Senator Kerry of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish a Presidential Primary.

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

21 MRSA c. 16 is enacted to read:

CHAPTER 16

PRESIDENTIAL PRIMARY ELECTIONS

§ 471. Date

1. **Date.** The State of Maine shall hold a presidential primary election on the first Tuesday in March or on the day following the presidential primary election for the State of New Hampshire, whichever is earlier, during each year when a president of the United States is elected.

2. **Secretary of State sets date.** The Secretary of State shall determine the date of the Maine presidential primary election and announce that date at least 120 days in advance of the date for the primary election, except that the Secretary of State may announce the date of the Maine presidential primary election at a later time if the date for the New Hampshire presidential primary election has not been established 120 days prior to the date for the primary election.

§ 472. Determination of primary

A presidential primary election shall be held for presidential candidates for each party which has qualified in accordance with the provisions of chapter 10 where:

1. **Secretary of State determination.** The Secretary of State, in his sole discretion, determines that there is a contest among candidates for nomination as the presidential candidate of the party;

2. **Party certification.** The state committee of the party in question certifies to the Secretary of State that there is a contest among candidates for nomination as the presidential candidate of the party. Certification shall identify at least 2 of the contestants for the nomination, and shall be filed with the Secretary of State at least 75 days prior to the date of the primary election; or

3. **Several qualifiers.** More than one person is qualified as a candidate for nomination of a party in accordance with section 475.

§ 473. Petitions

On or before September 15th of the calendar year preceding each presidential election year, the Secretary of State shall prepare and make available petitions for circulation by persons desiring to be contestants in the Maine presidential primary of any party.

§ 474. Ballot preparation

The Secretary of State shall prepare ballots for the presidential primary election 45 days prior to the date of the presidential primary election.

§ 475. Candidate eligibility

1. **Petitions.** The following provisions shall be applicable to petitions.

A. The ballots include the name of any person who has filed with the Secretary of State petitions of presidential candidacy for a particular party, which petitions contain not less than 1,000 signatures of registered voters of that party validated in accordance with chapter 15.

B. The petitions shall be filed at the office of the Secretary of State in Augusta not later than 5 P.M. on the 60th day preceding the date announced for the presidential primary election.

C. When filed, the petitions shall be accompanied by the written consent of the person whose name is sought to be placed on the ballot by the petitions, unless that consent has already been filed with the Secretary of State.

2. **Ballots.** The following provisions shall be applicable to ballots.

A. The ballots shall include the name of any person who is a member of the political party and who has been determined by the Secretary of State, in his sole discretion, to be generally advocated or recognized as a candidate for nationwide stature in the national news media throughout the United States.

This subsection shall not be construed to include so-called "favorite son" candidates whose candidacy may be limited to one state.

B. The Secretary of State shall determine those persons who will be placed on the ballot in accordance with this subsection at least 30 days prior to the preparation of the ballots. Upon determining those persons who will be placed on the ballot of a particular party in accordance with this subsection, the Secretary of State shall promptly notify those persons. With his notification, the Secretary of State shall also advise these persons of the steps which they may take if they do not wish their names to appear on the ballot.

C. Persons who the Secretary of State determines should be placed on the ballot in accordance with this subsection may have their names withdrawn from the ballot by filing with the Secretary of State an affidavit by which the person designated swears under oath that the person requests that his name be omitted from the ballot.

In order to remove a person's name from the ballot, the affidavit shall be received by the Secretary of State at least 45 days prior to the date designated for the presidential primary election.

§ 476. Voter qualification

The qualifications for a voter to vote in the presidential primary election of a party shall be the same as qualifications for voters in a regular primary election of that party pursuant to chapter 15.

§ 477. Ballot arrangement

The Secretary of State shall prepare the presidential primary ballots according to the following provisions.

1. Arrangement. The ballot shall be arranged in one column.
2. Content. The ballot shall contain the things listed in this section. It may contain no others.

A. The following instructions shall be printed in bold type at the top of the ballot:

"MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE NAME OF THE CANDIDATE FOR WHOM YOU WISH TO VOTE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH HIS NAME ON IT IN THE PROPER BLANK SPACE, AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE LEFT. DO NOT ERASE NAMES.

IF YOU WISH TO VOTE FOR UNCOMMITTED DELEGATES, MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE WORDS 'UNCOMMITTED DELEGATION.' MARK ONLY ONE SQUARE."

B. The ballot shall contain the name, without any title, of each candidate arranged alphabetically with the last name first. The name of each candidate shall be printed on the ballot in only one space.

C. At the end of the list of candidates for nomination, there shall be a space with the words "uncommitted delegation." Following the "uncommitted delegation" space, there shall be a blank space in which a voter may write or paste the name, with the last name first or last, without any title, of any person for whom he desires to vote, before his vote shall be counted.

D. A square shall be printed at the left side and close to the name of each candidate, uncommitted or write-in space, so that a voter may designate his choice clearly by a cross (X) or a check mark (✓).

E. On the front and back of the folded ballot, shall be printed "Official (name of political party) Presidential Primary Ballot," the date of the election and a facsimile of the signature of the Secretary of State.

F. The name of each candidate shall appear on the ballot as follows: Last name first in block capital letters, followed by the first name and middle name or initial; or last name first in block capital letters followed by the first name or first initial and the middle name. The first name and middle name shall be the names given at birth unless proof of subsequent change of name by proper legal proceedings is presented.

3. Distinctively colored. The ballots shall be printed separately for each political party on paper of a distinctive color: White for the party which cast the greatest number of votes for Governor at the last gubernatorial election; yellow for the 2nd highest; blue for the 3rd highest and green for the 4th highest.

§ 478. Selection of delegates

1. State party conventions. Delegates to national presidential nominating conventions shall be selected by the state parties meeting in convention at any time after the presidential primary in accordance with chapter 13.

2. Method. The method and procedures for selection of delegates shall be according to reasonable procedures established by the state party convention subject to the following limitations.

A. Delegates to the national convention shall be allocated proportionately among the candidate votes and the uncommitted votes cast in the presidential primary of the party. The manner of computation of proportions shall be left to the discretion of the state party convention. After candidates receiving 10% or more of the total vote for candidates and uncommitted shall be allocated a share of delegates which approaches, as closely as possible, their share of the total vote.

B. A delegate elected as an uncommitted delegate may support any presidential candidate at any particular time and may change his support for this candidate in his sole discretion.

C. A delegate elected for a particular presidential candidate according to the proportional allocation as specified by this section is bound to vote for this candidate on the first ballot at the national nominating convention unless, at any time prior to the first ballot at the national nominating convention, the candidate for whom a particular delegate is elected specifically withdraws from consideration for the presidential nomination either by statements directly made by the candidate which are generally reported in the national media or by written communication to the Maine delegates releasing them from their commitment to vote for this candidate on the first ballot. Delegates so released shall then have the same status as uncommitted delegates.

STATEMENT OF FACT

This bill provides for establishment of a presidential primary election within the State of Maine. The intent is to increase citizen participation in the presidential nomination process. In addition, enactment of the bill would be a first step towards a New England primary.

Key features of the bill would:

1. Specify that the presidential primary is held on the day following the New Hampshire primary;
2. Include as candidates on the primary ballot not only those candidates who seek to be on the ballot but also other persons mentioned in the national media as national presidential candidates unless those persons request that their names be omitted from the ballot;
3. Allow voters to vote for an uncommitted delegate as an alternative to voting for specific candidates;
4. Provide for selection of delegates at state party conventions after the primary;
5. Distribute the delegates proportionately among the candidates and the uncommitted choice according to the vote they receive in the primary; and
6. Bind the delegates committed to a candidate to vote for the candidate on the first ballot at the national nominating convention unless the delegates are released by the candidates.