

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 687

H. P. 516

House of Representatives, February 6, 1969

Referred to Committee on Election Laws. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Miss Watson of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Providing for a Presidential Preference Primary.

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

R. S., T. 21, c. 14 additional. Title 21 of the Revised Statutes is amended by adding a new chapter 14 to read as follows:

CHAPTER 14

PRESIDENTIAL PREFERENCE PRIMARY

§ 421. Primary

On the 3rd Monday in June each year when a President of the United States is to be elected, there shall be held in each town and ward a presidential preference primary for each political party to coincide with the general primary for state and county offices. The Secretary of State shall prepare and distribute for use at such primary an official ballot for each political party and shall insert the necessary columns for balloting.

§ 422. Voting preference

Every qualified voter, eligible to vote in the election of his party as provided in chapter 7, shall have opportunity at such presidential preference primary to vote his preference, on the ballot of his party, for his choice for one person to be the candidate of his political party for President of the United States, either by writing the name of such person in the blank space to be left in said ballot for that purpose, or by marking a cross (X) or a check mark (✓) opposite the printed name of the person of his choice as in the case of other offices.

§ 423. Nomination petition

The names of any persons to be voted upon for candidates for President shall be printed on the ballots solely on petition of Maine voters of the same political party as the prospective candidates. The time limits for filing such petitions with the Secretary of State shall be not more than 60 days nor less than 40 days before the primary. In order to qualify the name of any person to appear on such ballot, a petition in support of his candidacy must be signed by the number of qualified voters in the State at large as required by chapter 15. The petitions shall be in such form as may be prescribed by the Secretary of State and shall contain an affirmation under penalties for perjury that each signed is a qualified voter of the state and is a member of the same political party as the proposed candidate. The decisions of the Secretary of State as to the regularity of petitions shall be final.

§ 424. Notification of candidate

Whenever the Secretary of State shall receive petitions which appear to qualify the name of a candidate for President to be placed on such ballot, he shall forthwith notify the prospective candidate by the most expeditious means of communication and shall advise such prospective candidate that unless he withdraws his name from the ballot within 7 days after receipt of such notice, his name will appear on the ballot of his party at such presidential preference primary. If a candidate signifies his desire to withdraw his name within the above time limit, the Secretary of State shall not print his name on the ballot.

§ 425. Form of ballot

The names of the candidates for major political party nominations for President of the United States shall be printed on the official ballots for the primary elections of their respective parties. There shall always be one blank space left for writing in the name of a candidate.

§ 426. Counting and certification of result

The ballots shall be marked, counted, canvassed, returned and proclaimed in the same manner and under the same conditions, so far as applicable, as the names of candidates for nomination for state and county offices. The Secretary of State shall certify to the respective Maine state chairmen of the major political parties the results of the balloting in the presidential preference primary, indicating the number of votes received by all candidates combined and the number received by each individual candidate, detailing the proportionate relationship of the votes for each candidate who received more than 10% of the total votes cast in that party to the total vote for all candidates who received more than 10% of the total votes cast, and the proportionate relationship of the votes for each candidate who received more than 10% of the total votes cast to the vote of every other combination of candidates who received more than 10% of the total votes cast. The Maine state chairmen of the major political parties shall certify in writing to the Secretary of State at least 30 days prior to the primary election the number of votes allocated to the Maine delegation to the national convention by the respective national

party. The Secretary of State shall then on the basis of the number of votes allocated the Maine delegation, compute and certify to the respective Maine state party chairmen the number of votes of the delegation to be cast at the national convention for each candidate for the presidential nomination who received more than 10% of the total votes cast in the respective party in the Maine presidential preference primary to the nearest $\frac{1}{2}$ vote, and he shall certify the number of such delegation votes to the nearest $\frac{1}{2}$ vote to be announced to the national convention for each candidate under the circumstances of the withdrawal or death of one or more of the candidates for the nomination who received more than 10% of the total votes cast. In computing such distribution of the delegation's total vote, the Secretary of State shall assign all remaining fractions less than $\frac{1}{2}$ to a pool. If a candidate receives a fraction of a vote in excess of $\frac{1}{2}$, the $\frac{1}{2}$ vote will be awarded to him with the remainder being assigned to the pool. This pool shall then be divided by the Secretary of State among the candidates awarding a $\frac{1}{2}$ vote first to the candidate receiving the most votes, next to the candidate receiving the 2nd highest number of votes, and so forth, until the party's total number of delegation votes at the national convention shall be reached.

§ 427. Effect of primary

At the respective national convention of the major political parties, the results of the presidential preference primary shall be binding on the state delegation for the first ballot only, and to the extent that candidates for the presidential nomination shall be living and shall not have notified the chairman of the state party delegation to the convention that they have withdrawn their candidacies. On the first balloting at the respective national convention for nominating the candidate of the party for President of the United States, the chairman of the state delegation shall announce to the convention the number of delegate votes cast for each candidate who has not withdrawn or died, following the appropriate computations certified by the Secretary of State.

§ 428. Provisions applicable

The appropriate provisions of this Title shall apply to presidential preference primaries, unless clearly inconsistent herewith.