

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1468

H. P. 1173

House of Representatives, March 25, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. LaPointe of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Establish Run-Off Primaries.

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

Sec. 1. 21 MRSA § 449-A, is enacted to read:

§ 449-A. Run-off primaries

In the event that no person receives a majority of the votes cast in a primary election, a run-off primary shall be held.

1. Eligibility. The 2 candidates who receive the largest number of votes in the regular primary election shall be the only candidates on the ballot in the run-off primary unless the combined total of votes for those 2 candidates shall be less than 40% of the total votes cast for candidates for said office in the regular primary election, in which case, the 3 candidates receiving the highest number of votes in the regular primary shall appear on the run-off primary ballot.

2. Second run-off. In cases where 3 candidates appear on the run-off primary ballot and none receives a majority vote, there shall be a 2nd run-off primary between those 2 candidates who receive the largest numbers of votes at the first run-off primary election.

3. Date. Any run-off primary shall be held on the 2nd Tuesday after the regular primary election. Any 2nd run-off primary shall be held on the 2nd Tuesday after the first run-off primary.

4. Elections to which applicable. This section shall apply to elections for Governor, United States Senator, State Senator, Representative to the House of Representatives of the United States and Representative to the Maine

House of Representatives, except that there shall be no run-off election in any multi-member district for the Maine House of Representatives and the majority vote requirement of section 1093, subsection 1 shall not apply in those districts, but rather those elections shall still be won by plurality votes in accordance with established procedures.

5. Certification. The Secretary of State, when he has reason to believe a run-off election may be required, shall establish such expedited reporting and certifying procedures and deadlines as he may deem necessary to allow for an accurate count, a review of and decision of the returns by the Governor and printing of ballots for the run-off or 2nd run-off elections.

6. Recounts. No recount shall be granted in primary or first run-off primary elections if another election appears to be necessary. In cases in which a candidate is to be eliminated from eligibility for a run-off or 2nd run-off primary by a margin of less than 1% of the total votes cast in the subject election between himself and the candidate receiving the next higher number of votes, the Secretary of State shall, upon written request of said candidate within 24 hours after certification of the vote by the Governor, place his name on the ballot in the run-off or 2nd run-off primary, except that this provision shall not be invoked to place more than 3 candidates on the first run-off primary ballot nor more than 2 on the 2nd run-off primary ballot.

7. Determination. The Secretary of State shall determine, in his sole discretion, whether a run-off or 2nd run-off election shall be necessary. When a candidate in a first run-off primary shall make a request for inclusion on the 2nd run-off primary ballot in accordance with the preceding subsection, the Secretary of State shall call a 2nd run-off primary if there is any question as to its necessity.

Sec. 2. 21 MRSA, § 1093, sub-§ 1, is amended to read:

1. Primary election. In a primary election, the person who receives a ~~plurality~~ majority of the votes cast for nomination to any office is nominated for that office, if the number equals or exceeds the number of signatures needed to place his name on the primary ballot by petition. **If no person receives a majority in the regular primary election, a run-off shall be held in accordance with section 449-A.**

Sec. 3. 21 MRSA § 1122, sub-§ 1, is amended to read:

1. Primary election. In a primary election **which is not to be followed by a run-off primary**, the Secretary of State shall notify each person involved in the tie to be present at his office at a certain time. At that time, he shall select the nominee publicly by lot.

Sec. 4. 21 MRSA § 1151, first sentence, as amended by PL 1969, c. 35, § 8, is further amended to read:

On the written application of a candidate in any election, **other than a primary election which is to be followed by a run-off primary**, within 7 days after election day, the clerk shall permit him or his counsel to inspect the ballots and checklists under proper protective regulations.

STATEMENT OF FACT

This Act provides for run-off primary elections so that major primary elections will hereafter be determined by majority vote.