

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
FIRST SPECIAL SESSION  
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1960, L.D. 2140, Bill,  
"AN ACT Relating to the Formation of Political Parties and to  
Political Designations."

Amend said Bill by striking out everything after the  
enacting clause and inserting in place thereof the following:

'Sec. 1. 21 MRSA §1, sub-§21, as repealed and replaced by  
PL 1975, c. 623, §24-A, is repealed and the following enacted  
in place thereof:

21. Party. "Party" refers to a political organization  
which has qualified to participate in a primary election or in a  
general election pursuant to chapter 10.

Sec. 2. 21 MRSA c. 10 is enacted to read:

CHAPTER 10

PARTIES

§321. Qualified parties

1. Primary election. A party is qualified to participate  
in a primary election if its party designation was listed on  
the general election ballot in the last preceding gubernatorial  
or presidential election and if the party:

A. Held municipal caucuses as prescribed by chapter 11  
in at least 3 municipalities in each county in the State  
during that election year and fulfills this same require-  
ment during the year of the primary election;

B. Held a state convention as prescribed by chapter 13  
during that election year; and

C. Its candidate for Governor or for President polled at least 2% of the total vote cast in the State for Governor or President in the last preceding gubernatorial or presidential election.

2. General election. A party which qualifies under subsection 1 to participate in a primary election shall, in that same year, hold a state convention, as prescribed by chapter 13, in order to have the party designation of its candidates printed on the general election ballot, in accordance with section 702, in the general election of that year.

§322. Formation of new party; organization about a candidate

A party, the designation of which was not listed on the general election ballot in the last preceding gubernatorial or presidential election, shall qualify to participate in a primary election if it fulfills the requirements described in subsections 1, 2 and 3.

1. Declaration of intent. A voter or a group of voters who are not enrolled in a party qualified under section 321 shall file with the Secretary of State on or before 5 p.m. on the 180th day before a primary election a declaration of intent to form a party. The declaration of intent shall be on a form designed by the Secretary of State and shall include:

A. The designation of the proposed party;

B. The name of a candidate for Governor or for President in the last preceding gubernatorial or presidential election who was nominated by petition pursuant to chapter 17 and who received 2% or more of the total vote cast in the State for

Governor or for President at such election;

C. The signed consent of that candidate; and

D. The name and address of the voter or one of the group of voters who file the declaration of intent.

2. Enrollment of voters. Upon filing the declaration described in subsection 1, the voter or voters proposing to form the party may then enroll voters in the proposed party in accordance with sections 131 to 135.

3. Municipal caucuses. The proposed party shall conduct municipal caucuses in at least 3 municipalities in each of the 16 counties during that election year as prescribed in chapter 11. The chairman of the municipal committee or a resident voter in the municipality shall file with the Secretary of State, on or before 5 p.m. on April 15th, a copy of the notice required by section 361, subsection 2.

4. Convention. A party which has qualified pursuant to subsections 1, 2 and 3 to participate in a primary election shall, in that same year, hold a state convention, as prescribed by chapter 13, in order to have the party designation of its candidates printed on the general election ballot, in accordance with section 702, in the general election of that year.

§323. Formation of new party; organization by petition

In addition to the procedure described in section 322, a party the designation of which was not listed on the general election ballot in the last preceding gubernatorial or presidential election shall qualify to participate in a primary election if it fulfills the requirements described in subsections 1, 2, 3 and 4.

1. Declaration of intent. A voter or group of voters who are not enrolled in a party qualified under section 321 shall file with the Secretary of State a declaration of intent to form a party. The declaration of intent shall be on a form designed by the Secretary of State and shall include:

A. The designation of the proposed party; and

B. The name and address of the voter or one of the group of voters who file the declaration of intent.

2. Petition. Upon filing the declaration described in subsection 1, the voter or a group of voters is then qualified to circulate petitions. Such petitions shall be signed in the same manner as provided for primary petitions in section 445, subsections 3 and 4. The circulator of such petition shall certify his belief that the signatures on it are genuine, that the signers are not enrolled in a political party qualified under section 321 and that the signers are registered voters. Each page of the petition shall have a caption, in conspicuous type, which shall contain the designation of the proposed party followed by the words "Petition to participate in the primary election." The Secretary of State shall prepare forms for such petitions. Such petitions shall be filed in the Office of the Secretary of State on or before 5↔p.m. on the 180th day before a primary election and shall contain the signatures and legal addresses of the voters who are not enrolled in a party qualified under section 321 and who are equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election.

3. Enrollment of voters. Upon filing the declaration of intent required in subsection 1, the voter or voters proposing to form the party may then enroll voters in the proposed party, in accordance with sections 131 to 135.

4. Municipal caucuses. The proposed party shall conduct municipal caucuses in at least 3 municipalities in each of the 16 counties during that election year as prescribed in chapter 11. The chairman of the municipal committee or a resident voter in the municipality shall file with the Secretary of State, on or before 5~~4~~ p.m. on April 15th, a copy of the notice required by section 361, subsection 2.

5. Convention. A party which has qualified pursuant to subsections 1, 2, 3 and 4 to participate in a primary election shall, in that same year, hold a state convention, as prescribed by chapter 13, in order to have the party designation of its candidates printed on the general election ballot, in accordance with section 702, in the general election of that year.

§324. Disqualification of parties

A party which qualified pursuant to section 322 or section 323 to participate in the last preceding primary election and general election shall not qualify to participate in a primary election unless it fulfills the requirements of section 321.

§325. Secretary of State

The Secretary of State shall determine whether or not a party has fulfilled the requirements of sections 321, 322 and 323.

§326. Enrolled voters

A voter who is enrolled in a party which failed to fulfill the requirements of sections 322 or 323 or which is disqualified pursuant to section 324 shall be considered as an unenrolled voter for all purposes.

§327. Party designation

No voter or group of voters seeking to qualify as a party to participate in a primary election under either section 322 or section 323 shall use as the party designation the designation or a combination thereof or an abbreviation thereof of a party which is qualified to participate in a primary election or general election under section 321 or the name of the State or any abbreviation thereof or combination thereof or any designation which exceeds 3 words in length.

Sec. 3. 21 MRSA §491, as last amended by PL 1973, c. 414, §§19 and 20, is repealed and the following enacted in place thereof:

§491. Nomination authorized

The nomination of a candidate, other than by a party, for any federal, state or county office must be made by nomination petition. A person may file as a candidate for any federal, state or county office either by primary election or nomination petition, but not by both.

Sec. 4. 21 MRSA §492, sub-§1, 3rd sentence is amended to read:

It must contain the name of only one candidate, his the candidate's place of residence and the office sought, and his political designation-expressed-in-not-more-than-3-words.'

Statement of Fact

The purpose of this amendment is to clarify the language of the bill, to clarify the procedures established and to add another procedure for forming a new party.

Section 1 of the bill establishes a clearer definition of political party, which is tied to the new procedures established by the bill.

Section 2 of the bill adds a new Chapter 10, on political parties, to Title 21, the election laws.

§321 would in effect grandfather the existing political parties by establishing the qualifications for their participation in elections. These same standards would apply to new parties which had qualified under the new procedures of the bill. Such new parties would have to meet the same standards as existing parties in order to continue to qualify. Under this section, a party that was on the ballot in the last general election could qualify again if it had held caucuses in at least 3 municipalities in all 16 counties of the state during that year and the present year, if it held a convention that year, and if its candidate for Governor or President received at least 2% of the vote that year. (The only standard in the present law is that a party, which is not clearly defined, has received 1% of the vote.) Such a party would then have to hold a convention in order to qualify for the general election.

Section 2 goes on to set forth two procedures for establishing new parties.

The first, in §322, involves organization based on a candidate for Governor or President who was on the ballot by petition in the last election and received at least 2% of the vote. The organizers must, 180 days before a primary election, file a declaration of intent containing the party designation and the signed consent of the candidate. They can then begin to enroll voters. They must hold caucuses in at least 3 municipalities in all the counties of the State and file proof that they have done so. The new party is then qualified to participate in the primary election. The party must then hold a convention in order to be listed on the general election ballot.

The alternative procedure, described in §323, involves organization by petition. Before beginning the petition drive, a voter or group of voters, who must be enrolled, would file a declaration of intent with the Secretary of State. The



petitions, the form of which is specified, would have to be filed on or before 180 days before a primary election and must contain signatures of unenrolled voters in a number equal to 5% of the vote at the last election. (This requirement has been reduced from 10% in the L.D.) Voters could be enrolled in the new party at the same time they sign the petitions. The same caucus requirement as in §322 would apply here. The party would then qualify for the primary election. If the party held the required convention, it would be eligible for the general election.

§324 provides that a party which qualified under either of these procedures would have to fulfill the requirements of §321 in order to remain on the ballot in later years.

§325 establishes the authority of the Secretary of State to determine whether or not a party has qualified under the provisions of this chapter.

According to §326, a voter who enrolled in a new party which either failed to qualify or became disqualified would be treated as an unenrolled voter.

The name that a new party can use is restricted by §327. The name cannot include any form of the name of the State or of an existing party and cannot exceed three words in length.

Sections 3 and 4 are the same in the amendment as in the L.D. These sections repeal the use of political designations on nomination petitions by non-party candidates. An opinion of the Attorney General, dated January 5, 1976, confirms that the present law does not require the political designations now used on the nomination petitions of such non-party candidates to be placed on the ballot. Such designations were incorrectly placed on the ballot in the last general election.

Reported by the Committee on Election Laws.

Reproduced and distributed under the direction of the Clerk of the House.

3/17/76

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