

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2140

H. P. 1960

House of Representatives, January 30, 1976

Reported by Mrs. Boudreau from Committee on Election Laws pursuant to House Paper 1646. Printed under Joint Rules No. 3.

EDWIN H. PERT, Clerk

(Filed under Joint Rule 3 Pursuant to House Paper 1646)

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Relating to the Formation of Political Parties and to Political
Designations.

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

Sec. 1. 21 MRSA § 1, sub-§ 21, as repealed and replaced by PL 1975, c. 623, § 24-A, is repealed and the following enacted in place thereof: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 pursuant to section 321.

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

CHAPTER 10

PARTIES

§ 321. Party participation in primary elections

1. Qualified parties. A party is qualified to participate in a primary election:

A. If it has organized to fulfill the requirements for existing political parties as prescribed by chapters 11 and 13 and if at the last preceding gubernatorial election its candidate for Governor polled at least 2% of the total vote cast in the State for Governor at such election; or

B. If on or before 5 p.m. on the 180th day before any primary election, voters, who are not enrolled in a party qualified under paragraph A and who are equal in number to at least 10% of total vote cast in the State for

Governor at the last preceding gubernatorial election, file with the Secretary of State a petition declaring that they represent a proposed party which they desire to have participate in such primary election and if, prior to April 1st of the general election year, such proposed party calls municipal caucuses as prescribed in chapter 11. Such petitions shall be signed and certified in the same manner as provided for primary petitions in section 445. 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. A party which has qualified, pursuant to this paragraph, to participate in a primary election, must, 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. The Secretary of State shall determine whether a proposed party has fulfilled the requirements of this paragraph.

2. Disqualification of parties. A party which qualified to participate in the last previous primary election shall not be qualified to participate in a primary election if at the last preceding gubernatorial election its candidate for Governor polled less than 2% of the total vote cast in the State for Governor at such election. A voter who is enrolled in a party which has been disqualified pursuant to this subsection shall be considered as an unenrolled voter for all purposes.

§ 322. Party designation

No voters or organization of voters seeking to qualify as a party to participate in a primary election shall use as the party designation the name or combination thereof of a party which is at that time qualified to participate in a primary election 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, § 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, 2nd 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

This bill is one of the results of the study order to the Election Laws Committee to review the election laws in general.

The bill clarifies a questionable area in the election laws by establishing criteria by which a political organization can qualify as a party entitled to participate in primary elections.

The bill sets out 2 ways in which a political organization can qualify to participate in a primary election and as a result have candidates with its party designation on the general election ballot.

The first is to have polled at least 2% of the vote for Governor in the last election and to have organized with municipal caucuses and state conventions. (The present law requires 1% of the vote.)

The 2nd is to file petitions for qualification signed by voters in a number equal to 10% of the vote in the last gubernatorial election. The voters who sign such petitions could not be enrolled in existing political parties. In addition, the proposed party would have to organize and hold municipal caucuses. The party would then have to hold a state convention, as other parties do, in order to be listed on the general election ballot.

If a party failed to poll 2% of the vote in the last gubernatorial election, it would be disqualified from participating in the next primary election. (The party could qualify again by following the 2nd method.) A voter enrolled in a disqualified party would be treated thereafter as an unenrolled voter.

The bill also repeals the use of political designations on nomination petitions by nonparty candidates. An opinion of the Attorney General, dated January 5, 1976, confirms that the present law does not require the political designations of such nonparty candidates to be placed on the ballot.