

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1201

6
7 H.P. 922

House of Representatives, March 15, 1983

8 On Motion of Representative Nadeau of Lewiston, referred to the
9 Committee on Election Laws. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Nadeau of Lewiston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide for Caucus and
18 Convention Alternative for Making
19 Nominations for Election.
20

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

23 Sec. 1. 21 MRSA §361, sub-§1-A, as enacted by PL
24 1973, c. 403, is amended to read:

25 1-A. Time. A municipal caucus, held biennially
26 during general election year for the ~~purpose~~ purposes
27 of nominating candidates for Senator and Representa-
28 tive, electing delegates to a county caucus and
29 electing delegates to a state convention and for any
30 other business that may come before a state conven-
31 tion, shall be held prior to ~~April 1st~~ March 15th.

32 Sec. 2. 21 MRSA §366 is enacted to read:

1 §366. Reports

2 1. Reports required. The secretary of the caucus
3 shall make the reports required by section 421, sub-
4 section 4, paragraph B.

5 2. Certification; names and addresses of dele-
6 gates. The secretary of a municipal caucus shall cer-
7 tify to the secretary of a county caucus the names
8 and addresses of delegates selected to attend that
9 county caucus. This report must be presented to the
10 secretary by the time of convening the county caucus.

11 Sec. 3. 21 MRSA c. 12 is enacted to read:

12 CHAPTER 12

13 COUNTY CAUCUSES

14 §381. Rules governing

15 A county caucus shall be governed by the provi-
16 sion of chapter 11 concerning municipal caucuses to
17 the extent possible, except as otherwise required by
18 this chapter.

19 §382. Time

20 A county caucus, held biennially during a general
21 election year for the purpose of nominating county
22 officers and a District Attorney, shall be held
23 between March 15th and April 1st.

24 §383. Exceptions

25 1. Notice. Notice of the caucus need not be filed
26 with the municipal clerk.

27 2. Exception. Section 362 does not apply to
28 county caucuses.

29 Sec. 4. 21 MRSA §401, first ¶, as amended by PL
30 1973, c. 414, §13, is further amended to read:

31 Each party shall hold a state convention between
32 ~~March~~ April 1st and ~~August~~ June 1st biennially during
33 general election year.

1 Sec. 5. 21 MRS.A c. 14 is enacted to read:

2 CHAPTER 14

3 NOMINATION FOR ELECTION

4 CAUCUS/CONVENTION METHOD

5 §421. Responsibility for nomination

6 1. Municipal caucuses. Municipal caucuses may
7 nominate candidates for Senator and Representative as
8 follows:

9 A. For offices whose district comprises one
10 municipality, by a majority vote of caucus mem-
11 bers;

12 B. For offices whose district comprises a portion
13 of a municipality, by a majority vote of caucus
14 members residing within that district; and

15 C. For offices whose district comprises more than
16 one municipality, or portion thereof, by a major-
17 ity vote of caucus members residing within that
18 district.

19 2. County caucuses. County caucuses may nominate
20 candidates for county office and for District Attor-
21 ney as follows:

22 A. For county offices and for District Attorneys
23 whose district comprises one county, by a major-
24 ity vote of caucus members; and

25 B. For District Attorneys whose district com-
26 prises more than one county, by a majority vote
27 of caucus members residing within that district.

28 3. State convention. State conventions may nomi-
29 nate candidates for Governor, United States Senator
30 and United States Representative as follows:

31 A. For Governor and United States Senator, by a
32 majority vote of convention delegates; and

1 B. For United States Representative, by a major-
2 ity vote of delegates residing within that repre-
3 sentative district.

4 4. Procedure. Except as provided in this chapter,
5 convention and caucus nomination procedures shall be
6 governed by party rules.

7 The secretary of each caucus or convention, within 5
8 days of its adjournment, shall certify the following
9 to the Secretary of State:

10 A. The total number of caucus members or conven-
11 tion delegates entitled to vote for each office;

12 B. The name, mailing address and residence ad-
13 dress of each person nominated for each office;
14 and

15 C. The number of votes received by each person
16 nominated for each vote taken on that nomination.

17 §422. Secretary of State to furnish information

18 The Secretary of State, prior to January 1st of
19 an election year, shall furnish the secretary of each
20 state committee information concerning the offices to
21 be filled in that year and the offices for which each
22 municipality and county will be voting at the general
23 election.

24 Sec. 6. 21 MRSA §441, as repealed and replaced
25 by PL 1977, c. 425, §1, is repealed and the following
26 enacted in its place:

27 §441. Primary required under certain conditions

28 1. Nomination by primary election. A primary
29 election shall be held to nominate party candidates
30 for federal, state or county office, as provided in
31 this chapter, if:

32 A. At least one qualified candidate for nomina-
33 tion files a petition with the Secretary of State
34 for such an election in accordance with the re-
35 quirements of this chapter; or

1 B. One candidate received at least 50% of the
2 votes required by section 421 and another candi-
3 date received at least 40% of that vote on the
4 same ballot.

5 2. Exceptions. This chapter does not apply to:

6 A. Nominations for Presidential Electors;

7 B. Nominations to fill vacancies, as provied in
8 chapter 37; and

9 C. Nominations by nomination petition, as pro-
10 vided in chapter 17.

11 3. Limitations. A person may not file a primary
12 nomination petition, if:

13 A. Already nominated for any federal, state or
14 county office whether by primary petition, caucus
15 or convention vote; or

16 B. That person received less than 20% of the vote
17 at the appropriate caucus or convention.

18 4. Candidates. Candidates whose name will appear
19 on the primary ballot are either:

20 A. Those who properly file a petition for an
21 office pursuant to subsection 1, paragraph A, and
22 the person who is nominated by caucus or conven-
23 tion for that office; or

24 B. The 2 candidates designated pursuant to sub-
25 section 1, paragraph B.

26 Sec. 7. 21 MRSA §445, sub-§5, as amended by PL
27 1977, c. 696, §369, is repealed and the following
28 enacted in its place:

29 5. Number of signatures required. Petitions must
30 be signed by the following numbers of voters:

31 A. For a candidate for Governor or United States
32 Senator, 2,000 to 3,000;

33 B. United States Representative, 1,000 to 1,500;

1 C. County officer, 250 to 300;

2 D. County commissioner, less than 50,000 popu-
3 lation, 75 to 100;

4 E. State Senator, 400 to 500; and

5 F. State Representative, 100 to 150.

6 Sec. 8. 21 MRSA §445, sub-§6, as repealed and
7 replaced by PL 1977, c. 425, §1, is repealed and the
8 following enacted in its place:

9 6. When signed. A petition for an office may not
10 be signed before the final date established by this
11 Title for conducting a nominating caucus or conven-
12 tion for that office.

13 Sec. 9. 21 MRSA §445, sub-§8, as repealed and
14 replaced by PL 1977, c. 425, §1, is repealed and the
15 following enacted in its place:

16 8. When filed. A primary petition shall be filed
17 in the office of the Secretary of State on or before
18 5 p.m. on the dates in an election year established
19 in the following schedule:

20 A. State Senator and State Representative, April
21 15th;

22 B. County office and District Attorney, May 1st;
23 and

24 C. Governor, United States Senator and United
25 States Representative, July 1st.

26 Sec. 10. 21 MRSA §446, first ¶, as repealed and
27 replaced by PL 1977, c. 425, §1, is amended to read:

28 The written consent of each candidate must be
29 filed with his primary petition. If a candidate is
30 nominated by caucus or convention, or if a candidate
31 has received at least 40% of a caucus or convention
32 vote pursuant to section 441, subsection 1, paragraph
33 B, written consent must be filed by the date estab-
34 lished for filing nominating petitions for that
35 office.

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STATEMENT OF FACT

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Section 1 establishes that municipal caucuses may nominate candidates for Senator and Representative and elect delegates to county caucuses. It also indicates that caucuses must be held between January 1st and March 15th of an election year.

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Section 2 describes what report the secretary of a caucus must make.

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Section 3 establishes statutory guidelines for the conduct of county caucuses. County caucuses will be governed by rules essentially the same as those governing municipal caucuses. County caucuses shall be held between March 15th and April 1st.

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Section 4 changes the dates for state party conventions from between March 1st and August 1st to between April 1st and June 1st in election years.

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Section 5 establishes the caucus and convention method of nomination. Municipal caucuses may nominate candidates for Senator and Representative; county caucuses - county offices and District Attorneys; conventions - Governor, United States Senator and United States Representatives. All nominations must be by a majority vote of those residing in the appropriate district and entitled to vote thereon in a caucus or convention. The secretary of each caucus or convention shall notify the Secretary of State of the results.

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The Secretary of State shall furnish to the state parties information concerning which offices are to be filled for each municipality and county.

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This bill preserves the primary election alternative in certain circumstances.

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1. If a candidate is nominated, but another has received at least 40% of the vote on the ballot in which the nomination occurred, a primary election must be held between these 2 individuals, unless the

1 person receiving less than 50% of the votes fails to
2 file a written consent as required by section 446.

3 2. A person receiving at least 20% of a caucus or
4 convention vote, but not more than 50%, may file a
5 petition with the Secretary of State seeking a pri-
6 mary election.

7 3. No person who received less than 20% of a cau-
8 cus or convention vote may petition for a primary
9 election.

10 This section also establishes the number of
11 signatures required for primary nominating petitions.
12 These petitions may not be signed before the final
13 date established for conducting a nominating caucus
14 or convention for that office and these petitions
15 must be filed with the Secretary of State one month
16 from that date.

17 The bill requires the consent of the candidates,
18 nominated by caucus or convention, to be filed with
19 the Secretary of State as is now required by those
20 filing primary petitions.

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