

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 595

6  
7 S.P. 233

In Senate, February 19, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered  
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

11 Cosponsored by Senator Dutremble of York, Senator Najarian of  
Cumberland and Representative Warren of Scarborough.

12 STATE OF MAINE  
13

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

17 AN ACT to Establish a Presidential  
18 Primary in the State of Maine.  
19

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

22 Sec. 1. 21 MRSA §445, sub-§5, as amended by PL  
23 1977, c. 696, §369, is further amended to read:

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

26 A. For a candidate for the office of Governor,  
27 at least 2,000 and not more than 3,000 voters;

28 B. For a candidate for the office of United  
29 States Senator, at least 2,000 and not more than  
30 3,000 voters;

1 B-1. For a candidate for the office of President  
2 of the United States, at least 1,000 and not more  
3 than 1,500 voters;

4 C. For a candidate for the office of United  
5 States Representative, at least 1,000 and not  
6 more than 1,500 voters;

7 D. For a candidate for county office, at least  
8 150 and not more than 200 voters;

9 D-1. For a candidate for county commissioner in  
10 any county having 50,000 population or less, at  
11 least 50 and not more than 75 voters;

12 E. For a candidate for the office of State Sena-  
13 tor, at least 100 and not more than 150 voters;  
14 and

15 F. For a candidate for the office of State Rep-  
16 resentative, at least 25 and not more than 40  
17 voters.

18 Sec. 2. 21 MRSA, c. 16 is enacted to read:

19 CHAPTER 16

20 PRESIDENTIAL PRIMARY ELECTIONS

21 §471. Date of primary

22 Whenever the requirements of section 472 are met,  
23 the State shall hold a presidential primary election  
24 on the 2nd Tuesday in June during each year that a  
25 president of the United States is elected.

26 §472. Determination of primary

27 A presidential primary election shall be held for  
28 presidential candidates for each party which has  
29 qualified under chapter 10 where:

30 1. Party certification. The state committee of  
31 the party in question certifies to the Secretary of  
32 State that there is a contest among candidates for  
33 nomination as the presidential candidate of the par-  
34 ty. This certification must identify at least 2 of

1 the contestants for the nomination, and must be filed  
2 with the Secretary of State before January 1st of the  
3 year in which the presidential election is to be  
4 held.

5 §473. Petitions

6 On or before January 1st of each presidential  
7 election year, the Secretary of State shall prepare  
8 and make available petitions for circulation by per-  
9 sons desiring to be contestants in the Maine presi-  
10 dential primary of any party. These petitions must  
11 be completed and filed in accordance with sections  
12 445 and 446.

13 §474. Ballot preparation

14 The Secretary of State shall prepare ballots for  
15 the presidential primary election, in accordance with  
16 section 701-A, 45 days before the date of the presi-  
17 dential primary election.

18 §475. Candidate eligibility

19 1. Petitions. The ballots shall include the  
20 name of any person who files with the Secretary of  
21 State a petition obtained under section 473 and com-  
22 pleted in accordance with sections 445 and 446. The  
23 Secretary of State shall determine if a petition  
24 meets the requirements of those sections, subject to  
25 challenge and appeal under section 447.

26 2. Secretary of State determination. The fol-  
27 lowing provisions govern the Secretary of State's se-  
28 lection of presidential candidates to appear on the  
29 ballot.

30 A. The ballots shall include the name of any  
31 person who is a member of a political party which  
32 has qualified under chapter 10 and who has been  
33 determined by the Secretary of State, in his sole  
34 discretion, to be generally advocated or recog-  
35 nized as a presidential candidate of nation-wide  
36 stature in the national news media throughout the  
37 United States. This subsection shall not be con-  
38 strued to include so-called "favorite son" candi-  
39 dates whose candidacy may be limited to one  
40 state.

1       B. The Secretary of State shall determine the  
2 persons who will be placed on the ballot under  
3 this subsection at least 30 days before the bal-  
4 lots are prepared. The Secretary of State shall  
5 promptly notify those persons that their names  
6 will appear on the ballot and shall also advise  
7 these persons of the steps which they must take  
8 if they do not wish their names to appear on the  
9 ballot.

10       C. Persons who the Secretary of State determines  
11 should be placed on the ballot under this subsec-  
12 tion may have their names withdrawn from the bal-  
13 lot by filing an affidavit with the Secretary of  
14 State in which the person designated swears under  
15 oath that the person requests that his name be  
16 omitted from the ballot.

17       In order to remove a person's name from the bal-  
18 lot, the affidavit must be received by the Secre-  
19 tary of State at least 45 days before the date  
20 designated for the presidential primary election.

21       §476. Selection of delegates

22       If a party chooses to participate in a presiden-  
23 tial primary election under this chapter, delegates  
24 to national presidential nominating conventions shall  
25 be selected by the state parties meeting in conven-  
26 tion under chapter 13 at any time after the presiden-  
27 tial primary.

28       The method and procedures for selection of dele-  
29 gates shall be according to reasonable procedures es-  
30 tablished by the state party convention, subject to  
31 the following limitations.

32       1. Proportional allocation. Delegates to the  
33 national convention must be allocated proportionately  
34 among the candidate votes and the uncommitted votes  
35 cast in the presidential primary of the party. The  
36 manner of computation of proportions is left to the  
37 discretion of the state party convention.

38       A. All candidates receiving 10% or more of the  
39 total vote for candidates and uncommitted must be  
40 allocated a share of delegates which approaches,

1           as closely as possible, their respective shares  
2           of the total vote.

3           2. Uncommitted delegates. A delegate elected as  
4           an uncommitted delegate may support any presidential  
5           candidate at any particular time and may change his  
6           support for this candidate in his sole discretion.

7           3. Committed delegates. A delegate elected for  
8           a particular presidential candidate according to the  
9           proportional allocation specified by this section  
10           shall vote for that candidate on the first ballot at  
11           the national nominating convention unless, at any  
12           time before the first ballot at the national nominat-  
13           ing convention, the candidate for whom a particular  
14           delegate is elected specifically withdraws from con-  
15           sideration for the presidential nomination either by:

16           A. Statements directly made by the candidate  
17           which are generally reported in the national me-  
18           dia; or

19           B. By written communication to the Maine dele-  
20           gates releasing them from their commitment to  
21           vote for the candidate on the first ballot.

22           Committed delegates so released have the same status  
23           as uncommitted delegates.

24           Sec. 3. 21 MRSA §701-A is enacted to read:

25           §701-A. Presidential primary ballot

26           The Secretary of State shall prepare the presi-  
27           dential primary ballots according to the following  
28           provisions.

29           1. Arrangement. The ballot must be arranged in  
30           one column.

31           2. Content. The ballot must contain the things  
32           listed in this section. It may contain no others.

33           A. The following instructions must be printed in  
34           bold type at the top of the ballot.

1 "MAKE A CROSS (X) OR A CHECK MARK ( ) IN THE  
2 SQUARE AT THE LEFT OF THE NAME OF THE CANDIDATE  
3 FOR WHOM YOU WISH TO VOTE. YOU MAY VOTE FOR A  
4 PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT  
5 BY WRITING IT OR PASTING A STICKER WITH HIS NAME  
6 ON IT IN THE PROPER BLANK SPACE AND MARKING A  
7 CROSS (X) OR A CHECK MARK ( ) IN THE PROPER  
8 SQUARE AT THE LEFT. DO NOT ERASE NAMES.

9 IF YOU WISH TO VOTE FOR UNCOMMITTED DELEGATES,  
10 MAKE A CROSS (X) OR A CHECK MARK ( ) IN THE  
11 SQUARE AT THE LEFT OF THE WORDS 'UNCOMMITTED DEL-  
12 EGATION.' MARK ONLY ONE SQUARE."

13 B. The ballot must contain the name, without any  
14 title, of each candidate arranged alphabetically  
15 with the last name first. The name of each can-  
16 didate may be printed on the ballot in only one  
17 space.

18 C. At the end of the list of candidates for nom-  
19 ination, there must be a space with the words  
20 "uncommitted delegation." Following the  
21 "uncommitted delegation" space, there must be a  
22 blank space in which a voter may write or paste  
23 the name, with the last name first or last, with-  
24 out any title, of any person for whom he desires  
25 to vote.

26 D. A square shall be printed at the left side of  
27 and close to the name of each candidate,  
28 uncommitted or write-in space, so that a voter  
29 may designate his choice clearly by a cross (X)  
30 or a check mark ( ).

31 E. On the front and back of the folded ballot  
32 must be printed "Official (name of political par-  
33 ty) Presidential Primary Ballot," the date of the  
34 election and a facsimile of the signature of the  
35 Secretary of State.

36 F. The name of each candidate must appear on the  
37 ballot as follows: Last name first in block cap-  
38 ital letters, followed by the first name and mid-  
39 dle name or initial, or last name first in block  
40 capital letters, followed by the first name or  
41 first initial and the middle name. The first

1           name and middle name shall be the names given at  
2           birth, unless proof of a later change of name by  
3           proper legal proceedings is presented.

4           3. Distinctively colored. The ballots must be  
5           printed separately for each political party on paper  
6           of a distinctive color: White for the party which  
7           cast the greatest number of votes for Governor at the  
8           last gubernatorial election; yellow for the 2nd high-  
9           est; blue for the 3rd highest; and green for the 4th  
10          highest.



1 STATEMENT OF FACT

2 This bill provides for the establishment of a  
3 presidential primary election in the State of Maine.  
4 The intent is to improve the presidential selection  
5 process for the candidates and the public by increas-  
6 ing citizen participation in the presidential nomina-  
7 tion process.

8 Key features of the bill would:

9 1. Authorize the holding of a presidential pri-  
10 mary election in the State whenever qualified parties  
11 in the State choose to participate in one. This  
12 election would be held on the same day that party  
13 primaries are currently held;

14 2. Include as candidates on the primary ballot  
15 not only those candidates who seek to be on the bal-  
16 lot but also other persons mentioned in the national  
17 media as national presidential candidates unless  
18 those persons request that their names be omitted  
19 from the ballot;

20 3. Allow voters to vote for an uncommitted dele-  
21 gate as an alternative to voting for specific candi-  
22 dates;

23 4. Provide for the selection of delegates at  
24 state party conventions after the primary;

25 5. Distribute the delegates proportionately  
26 amount the candidates and the uncommitted choice ac-  
27 cording to the vote they receive in the primary; and

28 6. Bind the delegates committed to a candidate  
29 to vote for that candidate on the first ballot at the  
30 national nominating convention unless the delegates  
31 are released by the candidate.

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