

MAINE STATE LEGISLATURE

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R. of S.

1

L.D. 328

2

(Filing No. S-329)

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 123, L.D. 328,
8 Bill, "AN ACT to Establish a Presidential Primary in
9 Maine."

10

Amend the bill by striking out everything after
11 the enacting clause and inserting in its place the
12 following:

13

'Sec. 1. 21-A MRSA §335, sub-§5, ¶B-1 is enacted
14 to read:

15

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

18

Sec. 2. 21-A MRSA c. 5, sub-c. IV is enacted to
19 read:

20

SUBCHAPTER IV

21

PRESIDENTIAL PRIMARY ELECTIONS

22

§401. Determination and date of primary

23

1. Determination of primary. Whenever the state
24 committee of a political party certifies that there is
25 a contest among candidates for nomination as the
26 presidential candidate of the party and that the
27 committee has voted to conduct a presidential primary

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1 election, the State shall hold a presidential primary
2 election. The election shall not be held earlier than
3 January 1st of the year that the presidential election
4 is held.

5 2. Date of primary. The date of the presidential
6 primary shall be chosen in the following manner.

7 A. If a determination is made pursuant to
8 subsection 1 for one party and that party chooses
9 a date, the State shall hold the presidential
10 primary election on that date. The party shall
11 deliver to the Secretary of State notification of
12 the chosen date by December 1st of the year prior
13 to the election.

14 B. If a determination is made pursuant to
15 subsection 1 for more than one party and those
16 parties agree to one date by November 1st of the
17 year prior to the election, the State shall hold
18 the presidential primary election on that date.

19 C. If a party does not choose a date pursuant to
20 paragraph A or there is no agreement on a date
21 pursuant to paragraph B, then the State shall hold
22 the presidential primary election on the first
23 Tuesday in March, or on the same date as the
24 presidential primary election for the state of New
25 Hampshire, whichever is earlier, provided that the
26 election is held in the presidential election year.

27 §402. Party certification

28 The state committee shall file the certification
29 with the Secretary of State by December 1st of the
30 year prior to the election. This certification shall
31 contain the following:

32 1. Statement of contest. A statement that there
33 is a contest among candidates for nomination as the
34 presidential candidate of the party;

35 2. Identification of contestants. Identification
36 of at least 2 of the contestants for nomination as the
37 presidential candidate of the party; and

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1 3. Statement of committee vote. A statement that
2 the state committee has voted to conduct a
3 presidential primary election.

4 §403. Petitions

5 On or before July 1st of the year preceding each
6 presidential election year, the Secretary of State
7 shall prepare and make available petitions for
8 circulation by persons desiring to be contestants in
9 the Maine presidential primary of any party. These
10 petitions must be completed and filed 45 days before
11 the primary election in the manner provided in
12 sections 335 and 336.

13 §404. Ballot preparation

14 The Secretary of State shall prepare ballots for
15 the presidential primary election in accordance with
16 section 601-A.

17 §405. Candidate eligibility

18 1. Petitions. The ballots shall include the name
19 of any person who files with the Secretary of State a
20 petition obtained under section 403 and completed in
21 accordance with sections 335 and 336. The Secretary
22 of State shall determine if a petition meets the
23 requirements of those sections, subject to challenge
24 and appeal under section 337.

25 2. Secretary of State determination. The
26 following provisions govern the Secretary of State's
27 selection of presidential candidates to appear on the
28 ballot.

29 A. The ballots shall include the name of any
30 person who is a member of a political party which
31 has qualified under subchapter I and who has been
32 determined by the Secretary of State, in the
33 Secretary of State's sole discretion, to be
34 generally advocated or recognized as a
35 presidential candidate of nationwide stature in
36 the national news media throughout the United
37 States. This subsection shall not be construed to
38 include so-called "favorite son" candidates whose

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- 1 candidacy may be limited to one state.

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

- 11 C. Any persons who the Secretary of State
12 determines should be placed on the ballot under
13 this subsection may have their names withdrawn
14 from the ballot by filing affidavits with the
15 Secretary of State in which the persons designated
16 swear under oath that they request that their
17 names be omitted from the ballot.

- 18 In order to remove a person's name from the
19 ballot, the affidavit must be received by the
20 Secretary of State at least 45 days before the
21 date designated for the presidential primary
22 election.

- 23 §406. Selection of delegates

- 24 If a party chooses to participate in a
25 presidential primary election under this chapter,
26 delegates to national presidential nominating
27 conventions shall be selected by the state parties
28 meeting in convention under subchapter I, article II,
29 at any time after the presidential primary.

- 30 The methods and procedures for selection of
31 delegates shall be according to reasonable procedures
32 established at the state party convention. In the
33 absence of any procedures established by state or
34 national party rules, the allocation shall be as
35 follows.

- 36 1. Proportional allocation. Delegates to the
37 national convention must be allocated proportionately
38 among the candidate votes and the uncommitted votes
39 cast in the presidential primary of the party.

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1 A. All candidates receiving 10% or more of the
2 total votes for candidates or uncommitted must be
3 allocated a share of delegates which approaches,
4 as closely as possible, their respective shares of
5 the total vote.

6 B. The percentages of votes attributable to
7 candidates receiving less than 10% of the total
8 vote shall be added to the total percentage of
9 uncommitted votes for the purpose of allocating
10 delegates.

11 2. Uncommitted delegates. A delegate elected as
12 an uncommitted delegate may support any presidential
13 candidate at any time and may change support for this
14 candidate in the delegate's sole discretion.

15 3. Committed delegates. A delegate elected for a
16 particular presidential candidate according to the
17 proportional allocation specified by this section
18 shall vote for that candidate on the first ballot at
19 the national nominating convention, unless the state
20 committee of the party affirmatively votes to follow
21 another procedure or if, prior to the filing of the
22 certification under sections 401 and 402, the
23 candidate for whom a particular delegate is elected
24 specifically withdraws, as verified by the chairman of
25 the national party, from consideration for the
26 presidential nomination at any time before the first
27 ballot at the national nominating convention.

28 Sec. 3. 21-A MRSA §601-A is enacted to read:

29 §601-A. Presidential primary ballot

30 The Secretary of State shall prepare the
31 presidential primary ballots according to the
32 following provisions.

33 1. Arrangement. The ballot must be arranged in
34 one column.

35 2. Content. The ballot must contain the items
36 listed in this section.

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- 1 A. The following instructions must be printed in
2 bold type at the top of the ballot.
- 3 "MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE
4 SQUARE AT THE LEFT OF THE NAME OF THE CANDIDATE
5 FOR WHOM YOU WISH TO VOTE. YOU MAY VOTE FOR A
6 PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY
7 WRITING IT OR PASTING A STICKER WITH THAT PERSON'S
8 NAME ON IT IN THE PROPER BLANK SPACE AND MARKING A
9 CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE
10 AT THE LEFT. DO NOT ERASE NAMES.
- 11 IF YOU WISH TO VOTE FOR UNCOMMITTED, MAKE A CROSS
12 (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT
13 OF THE WORD 'UNCOMMITTED.' MARK ONLY ONE SQUARE."
- 14 B. The ballot must contain the name, without any
15 title, of each candidate arranged alphabetically
16 with the last name first in block capital letters,
17 followed by the first name and middle name or
18 initial, or followed by the first name or first
19 initial and the middle name. The name of each
20 candidate may be printed on the ballot in only one
21 space.
- 22 C. The ballot must contain the word "uncommitted"
23 following the list of candidates.
- 24 D. A square shall be printed at the left side of
25 and close to the name of each candidate and
26 uncommitted space, so that a voter may designate
27 any choice clearly by a cross (X) or a check mark
28 (✓).
- 29 E. On the front and back of the folded ballot
30 must be printed "Official (name of political
31 party) Presidential Primary Ballot," the date of
32 the election and a facsimile of the signature of
33 the Secretary of State.
- 34 3. Distinctively colored. The ballots must be
35 printed separately for each political party on paper
36 of a distinctive color: White for the party which
37 cast the greatest number of votes for Governor at the
38 last gubernatorial election; yellow for the 2nd
39 highest; blue for the 3rd highest; and green for the

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1 4th highest. The Secretary of State shall choose a
2 distinctive color for ballots for any other political
3 party.

4 FISCAL NOTE

5 Enactment of this bill will require future
6 appropriations to the Secretary of State's office for
7 preparation and distribution of presidential primary
8 ballots. Currently, the estimated cost for this is
9 \$110,000. This figure could reasonably be expected to
10 increase by the first affected fiscal year, 1992.'

11 STATEMENT OF FACT

12 This amendment replaces the substance of the
13 original bill with the substance of the new draft
14 enacted last year, except, instead of the
15 appropriation, this amendment adds a fiscal note.

16 Reported by the Majority for the Committee 4945030388
on Legal Affairs. Reproduced and Distributed
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(3/9/88) (Filing No. S-329)