

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 328

S.P. 123

In Senate, February 11, 1987

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

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator KANY of Kennebec.

Cosponsored by Senator DUTREMBLE of York, Representative
MARTIN of Van Buren, Representative HICHBORN of LaGrange.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Establish a Presidential Primary in
2 Maine.
3

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

6 Sec. 1. 21-A MRSA §335, sub-§5, as enacted by PL
7 1985, c. 161, §6, is amended to read:

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

10 A. For candidate for Governor, at least 2,000
11 and not more than 3,000 voters;

12 B. For a candidate for United States Senator, at
13 least 2,000 and not more than 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 Representative to Con-
5 gress, at least 1,000 and not more than 1,500
6 voters;

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

9 E. For a candidate for county commissioner in
10 any county with a population of 50,000 or less,
11 at least 50 and not more than 75 voters;

12 F. For a candidate for State Senator, at least
13 100 and not more than 150 voters; and

14 G. For a candidate for State Representative, at
15 least 25 and not more than 40 voters.

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

18 SUBCHAPTER IV

19 PRESIDENTIAL PRIMARY ELECTIONS

20 §401. Determination and date of primary

21 Whenever the state committee of a political party
22 certifies that there is a contest among candidates
23 for nomination as the presidential candidate of the
24 party and that the committee has voted to conduct a
25 presidential primary election, the State shall hold a
26 presidential primary election on the first Tuesday in
27 March, or on the same date as the presidential pri-
28 mary election for the State of New Hampshire, which-
29 ever is earlier. The election shall not be held ear-
30 lier than January 1st of the year that the presiden-
31 tial election is held.

32 §402. Party certification

33 The certification shall be filed with the Secre-
34 tary of State by December 15th of the year prior to
35 the election and shall contain the following:

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

4 2. Identification of contestants. Identifica-
5 tion of at least 2 of the contestants for nomination
6 as the presidential candidate of the party; and

7 3. Statement of committee vote. A statement
8 that the state committee has voted to conduct a pres-
9 idential primary election.

10 §403. Petitions

11 On or before July 1st of the year preceding each
12 presidential election year, the Secretary of State
13 shall prepare and make available petitions for circu-
14 lation by persons desiring to be contestants in the
15 Maine presidential primary of any party. These peti-
16 tions must be completed and filed in accordance with
17 sections 335 and 336.

18 §404. Ballot preparation

19 The Secretary of State shall prepare ballots for
20 the presidential primary election, in accordance with
21 section 601-A, 45 days before the date of the presi-
22 dential primary election.

23 §405. Candidate eligibility

24 1. Petitions. The ballots shall include the
25 name of any person who files with the Secretary of
26 State a petition obtained under section 403 and com-
27 pleted in accordance with sections 335 and 336. The
28 Secretary of State shall determine if a petition
29 meets the requirements of those sections, subject to
30 challenge and appeal under section 337.

31 2. Secretary of State determination. The fol-
32 lowing provisions govern the Secretary of State's se-
33 lection of presidential candidates to appear on the
34 ballot.

35 A. The ballots shall include the name of any
36 person who is a member of a political party which
37 has qualified under subchapter I and who has been

1 determined by the Secretary of State, in his sole
2 discretion, to be generally advocated or recog-
3 nized as a presidential candidate of nationwide
4 stature in the national news media throughout the
5 United States. This subsection shall not be con-
6 strued to include so-called "favorite son" candi-
7 dates whose candidacy may be limited to one
8 state.

9 B. The Secretary of State shall determine the
10 persons who will be placed on the ballot under
11 this subsection at least 30 days before the bal-
12 lots are prepared. The Secretary of State shall
13 promptly notify those persons that their names
14 will appear on the ballot and shall also advise
15 those persons of the steps which they must take
16 if they do not wish their names to appear on the
17 ballot.

18 C. Any person who the Secretary of State deter-
19 mines should be placed on the ballot under this
20 subsection may have his name withdrawn from the
21 ballot by filing an affidavit with the Secretary
22 of State in which the person designated swears
23 under oath that he requests that his name be
24 omitted from the ballot.

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

29 §406. Selection of delegates

30 If a party chooses to participate in a presiden-
31 tial primary election under this chapter, delegates
32 to national presidential nominating conventions shall
33 be selected by the state parties meeting in conven-
34 tion under subchapter I, article II, at any time af-
35 ter the presidential primary.

36 The methods and procedures for selection of dele-
37 gates shall be according to reasonable procedures es-
38 tablished at the state party convention, subject to
39 the following limitations.

1 1. Proportional allocation. Delegates to the
2 national convention must be allocated proportionately
3 among the candidate votes and the uncommitted votes
4 cast in the presidential primary of the party, unless
5 contrary to national party rules.

6 A. All candidates receiving 10% or more of the
7 total votes for candidates or uncommitted must be
8 allocated a share of delegates which approaches,
9 as closely as possible, their respective shares
10 of the total vote.

11 B. The percentages of votes attributable to can-
12 didates receiving less than 10% of the total vote
13 shall be added to the total percentage of
14 uncommitted votes for the purpose of allocating
15 delegates.

16 2. Uncommitted delegates. A delegate elected as
17 an uncommitted delegate may support any presidential
18 candidate at any time and may change his support for
19 this candidate in his sole discretion.

20 3. Committed delegates. A delegate elected for
21 a particular presidential candidate according to the
22 proportional allocation specified by this section
23 shall vote for that candidate on the first ballot at
24 the national nominating convention unless, prior to
25 the filing of the certification under sections 401
26 and 402, the state committee of the party affirma-
27 tively votes otherwise, or at any time before the
28 first ballot at the national nominating convention,
29 the candidate for whom a particular delegate is
30 elected specifically withdraws from consideration for
31 the presidential nomination either by:

32 A. Statements directly made by the candidate
33 which are generally reported in the national me-
34 dia; or

35 B. By written communication to the Maine dele-
36 gates releasing them from their commitment to
37 vote for the candidate on the first ballot.

38 Committed delegates so released have the same status
39 as uncommitted delegates.

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

2 §601-A. Presidential primary ballot

3 The Secretary of State shall prepare the presi-
4 dential primary ballots according to the following
5 provisions.

6 1. Arrangement. The ballot must be arranged in
7 one column.

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

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

12 "MAKE A CROSS (X) OR A CHECK MARK () IN THE
13 SQUARE AT THE LEFT OF THE NAME OF THE CANDIDATE
14 FOR WHOM YOU WISH TO VOTE. YOU MAY VOTE FOR A
15 PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT
16 BY WRITING IT OR PASTING A STICKER WITH HIS NAME
17 ON IT IN THE PROPER BLANK SPACE AND MARKING A
18 CROSS (X) OR A CHECK MARK () IN THE PROPER
19 SQUARE AT THE LEFT. DO NOT ERASE NAMES.

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

24 B. The ballot must contain the name, without any
25 title, of each candidate arranged alphabetically
26 with the last name first. The name of each candi-
27 date may be printed on the ballot in only one
28 space.

29 C. At the end of the list of candidates for nom-
30 ination, there must be a space with the words
31 "uncommitted delegation." Following the
32 "uncommitted delegation" space, there must be a
33 blank space in which a voter may write or paste
34 the name, with the last name first or last, with-
35 out any title, of any person for whom he desires
36 to vote.

1 2. Include as candidates on the primary ballot
2 not only those candidates who seek to be on the bal-
3 lot, but also other persons mentioned in the national
4 media as national presidential candidates, unless
5 those persons request that their names be omitted
6 from the ballot;

7 3. Allow voters to vote for an uncommitted dele-
8 gate as an alternative to voting for specific candi-
9 dates;

10 4. Provide for the selection of delegates at
11 state party conventions after the primary;

12 5. Distribute the delegates proportionately
13 among the candidates and the uncommitted choice ac-
14 cording to the vote they receive in the primary; and

15 6. Bind the delegates committed to a candidate
16 to vote for that candidate on the first ballot at the
17 national nominating convention unless the delegates
18 are released by the candidate.

19

0212012187