

MAINE STATE LEGISLATURE

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(New Draft of S.P. 123, L.D. 328)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1595

S.P. 531

In Senate, May 15, 1987

Reported by the Majority Report for the Committee on Legal Affairs and printed under Joint Rule 2. Original Bill sponsored by Senator Kany of Kennebec. Cosponsored by: Senator Dutremble of York, Representative Martin of Van Buren, Representative Hichborn of LaGrange.

JOY J. O'BRIEN, Secretary of the Senate

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, ¶B-1 is enacted
7 to read:

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

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

13 SUBCHAPTER IV

1 PRESIDENTIAL PRIMARY ELECTIONS

2 §401. Determination and date of primary

3 1. Determination of primary. Whenever the state
4 committee of a political party certifies that there
5 is a contest among candidates for nomination as the
6 presidential candidate of the party and that the com-
7 mittee has voted to conduct a presidential primary
8 election, the State shall hold a presidential primary
9 election. The election shall not be held earlier
10 than January 1st of the year that the presidential
11 election is held.

12 2. Date of primary. The date of the presiden-
13 tial primary shall be chosen in the following manner.

14 A. If a determination is made pursuant to sub-
15 section 1 for one party and that party chooses a
16 date, the State shall hold the presidential pri-
17 mary election on that date. The party shall de-
18 liver to the Secretary of State notification of
19 the chosen date by December 1st of the year prior
20 to the election.

21 B. If a determination is made pursuant to sub-
22 section 1 for more than one party and those par-
23 ties agree to one date by November 1st of the
24 year prior to the election, the State shall hold
25 the presidential primary election on that date.

26 C. If a party does not choose a date pursuant to
27 paragraph A or there is no agreement on a date
28 pursuant to paragraph B, then the State shall
29 hold the presidential primary election on the
30 first Tuesday in March, or on the same date as
31 the presidential primary election for the State
32 of New Hampshire, whichever is earlier, provided
33 that the election is held in the presidential
34 election year.

35 §402. Party certification

36 The state committee shall file the certification
37 with the Secretary of State by December 1st of the
38 year prior to the election. This certification
39 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 45 days before the
17 primary election in the manner provided in sections
18 335 and 336.

19 §404. Ballot preparation

20 The Secretary of State shall prepare ballots for
21 the presidential primary election, in accordance with
22 section 601-A.

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. In the ab-
39 sence of any procedures established by state or na-
40 tional party rules, the allocation shall be as fol-
41 lows.

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.

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

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

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

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

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

33 §601-A. Presidential primary ballot

34 The Secretary of State shall prepare the presi-
35 dential primary ballots according to the following
36 provisions.

37 1. Arrangement. The ballot must be arranged in
38 one column.

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

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

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

13 IF YOU WISH TO VOTE FOR UNCOMMITTED, MAKE A CROSS
14 (X) OR A CHECK MARK () IN THE SQUARE AT THE LEFT
15 OF THE WORD 'UNCOMMITTED.' MARK ONLY ONE
16 SQUARE."

17 B. The ballot must contain the name, without any
18 title, of each candidate arranged alphabetically
19 with the last name first in block capital let-
20 ters, followed by the first name and middle name
21 or initial, or followed by the first name or
22 first initial and the middle name. The name of
23 each candidate may be printed on the ballot in
24 only one space.

25 C. The ballot must contain the word
26 "uncommitted" following the list of candidates.

27 D. A square shall be printed at the left side of
28 and close to the name of each candidate and
29 uncommitted space, so that a voter may designate
30 his choice clearly by a cross (X) or a check mark
31 ().

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

37 3. Distinctively colored. The ballots must be
38 printed separately for each political party on paper
39 of a distinctive color: White for the party which

1 cast the greatest number of votes for Governor at the
2 last gubernatorial election; yellow for the 2nd high-
3 est; blue for the 3rd highest; and green for the 4th
4 highest. The Secretary of State shall choose a dis-
5 tinctive color for ballots for any other political
6 party.

7 **Sec. 4. Appropriation.** The following funds are
8 appropriated from the General Fund to carry out the
9 purposes of this Act.

10

1987-88

11 SECRETARY OF STATE, DEPARTMENT
12 OF

13

All Other

\$80,000

14 This amount funds the
15 cost of preparing and
16 distributing presiden-
17 tial primary ballots by
18 the Secretary of
19 State's office.

20

STATEMENT OF FACT

21 This new draft makes several technical changes
22 for clarity and adds a fiscal note. In addition,
23 there are 2 substantive changes.

24 The number of signatures required on the petition
25 for a candidate for President has been changed from
26 1,000 minimum, 1,500 maximum to 2,000 minimum and
27 3,000 maximum to make it the same as for United
28 States Senator and Governor.

29 A provision has been added that allows a party to
30 choose the date of a primary election or more than
31 one party to choose the date if all agree. If no
32 date is chosen or agreed on, then the provision in
33 the original bill prevails. The original bill pro-
34 vides that the presidential primary shall be on the
35 first Tuesday in March or on the same date as the New
36 Hampshire primary, whichever is earlier.

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