

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)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 744, L.D. 1048, Bill, "An Act Authorizing Presidential Primary Elections in the State"

Amend the bill by striking out the title and substituting the following:

'An Act Authorizing Presidential Preference Primary Elections in the State'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 21-A MRSA §408 is enacted to read:

'§408. Repeal

This subchapter is repealed July 1, 1995.'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 21-A MRSA c. 5, sub-c. IV-A is enacted to read:

SUBCHAPTER IV-A

PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS

§411. Determination and date of primary

1. Preference primary. In each year in which presidential electors are to be elected, the voters of this State must be given an opportunity at an election to express their preference for the person to be the presidential candidate for their party.

2. Date of primary. The presidential preference primary must be held on the same day as the presidential primary for the State of New Hampshire or, if that state holds no presidential primary, on the first Tuesday in March of the presidential election year.

2 §412. Petitions

4 By July 1st of the year preceding each presidential election
6 year, the Secretary of State shall prepare and make available
8 petitions for circulation by persons desiring to be contestants
10 in the state presidential preference primary of any party. The
12 petitions must meet the requirements of sections 335 and 336,
14 excluding section 335, subsections 6 and 8, and must be filed at
16 least 45 days before the presidential preference primary election.

12 §413. Ballot preparation

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

18 §414. Candidate eligibility

20 The following provisions govern the Secretary of State's
22 selection of presidential candidates to appear on the ballot.

24 1. Inclusion on ballot. The ballot must include the name
26 of any person who is a member of a political party that has
28 qualified to participate in a primary election under subchapter I
30 and who meets at least one of the following conditions as
32 determined by the Secretary of State.

34 A. The person has qualified for a presidential primary in
36 any other state at least 3 weeks before this State's primary.

38 B. The person has filed a petition with the Secretary of
40 State that meets the requirements of section 412. The
42 Secretary of State shall determine if a petition meets the
44 requirements of section 412, subject to challenge and appeal
under section 337.

C. The person has been determined by the Secretary of
State, in the Secretary of State's sole discretion, to be
generally advocated or recognized as a presidential
candidate of nationwide stature in the national news media
throughout the United States. This paragraph may not be
construed to include so-called "favorite son" or "favorite
daughter" candidates whose candidacy may be limited to one
state.

2 2. Notification of candidates. The Secretary of State
3 shall determine the names of the persons to be placed on the
4 ballot under subsection 1. The Secretary of State shall promptly
5 notify those persons that their names will appear on the ballot
6 and shall advise those persons of the steps that they must take
7 if they do not wish their names to appear on the ballot.

8
9 3. Withdrawal of candidates. A person who has received
10 notice of inclusion on the ballot may withdraw from the election
11 by filing an affidavit with the Secretary of State requesting
12 under oath that the candidate be withdrawn from the election.
13 The Secretary of State is not required to reprint ballots to
14 remove the name of a candidate if the Secretary of State receives
15 notice of the candidate's withdrawal after the ballots are
16 printed. If the Secretary of State receives notice of a
17 candidate's withdrawal at least 2 weeks before the election, the
18 Secretary of State shall provide municipal election officials
19 with signs to post at the polls notifying voters of the
20 candidate's withdrawal.

21 §415. Selection of delegates

22
23 Selection of delegates to a national presidential nominating
24 convention is determined under this section.

25
26 1. Identification of delegates. The state committee of any
27 political party, in its sole discretion, may call presidential
28 caucuses for the purpose of allowing persons enrolled in that
29 party to select the individual delegates and alternates to be
30 pledged to each potential presidential candidate. If the state
31 committee of the political party in whose primary a candidate is
32 participating has not called delegate selection caucuses, the
33 candidate shall file with the Secretary of State, at least 2
34 weeks before the presidential preference primary election, a list
35 of names of delegates ordered by priority of selection equal in
36 number to the number of delegates and alternates available, as
37 determined by the party, for that party's convention.

38
39 2. Selection of delegates. The Secretary of State shall
40 determine the delegates elected and notify each candidate and the
41 credentials committee of each party's national convention of the
42 elected delegates on the following basis.

COMMITTEE AMENDMENT "A" to H.P. 744, L.D. 1048

2 A. A candidate who does not receive at least 5% of the
4 total votes cast in the primary election of that candidate's
 party receives no delegates.

6 B. Delegates and alternates to each party's national
8 nominating convention must be divided among the candidates
 of that party not excluded under paragraph A in proportion
10 to the number of votes cast for those candidates in that
 party's primary election.

12 C. Delegates and alternates elected for each candidate must
14 be determined in the order of the list submitted by the
 candidate or determined by party caucuses under subsection 1.

16 3. Challenge to seating of delegates. If a successful
18 challenge is made at any national convention to the seating of
 delegates selected under this subchapter, and the challenge is
20 based on a claim that this subchapter violates the party's
 constitutionally protected right to determine the composition of
22 a state's delegation to its national convention, the Secretary of
 State shall report to the Legislature by December 1st of the year
24 in which the challenge is made. The report must include
 recommendations for curing any defect in the law identified at
26 the time of the challenge.

28 §416. Effective date

30 This subchapter takes effect July 1, 1995.'

32 Further amend the bill by striking out all of section 4 and
 inserting in its place the following:

34 'Sec. 4. 21-A MRSA §601-A, as enacted by PL 1987, c. 797,
36 §3, is amended to read:

38 §601-A. Presidential preference primary ballot

40 The Secretary of State shall prepare the presidential
 preference primary ballots according to the following provisions.

42 1. Arrangement. The ballot must be arranged in one column.

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

COMMITTEE AMENDMENT "A" to H.P. 744, L.D. 1048

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

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

18 IF YOU WISH TO VOTE FOR UNCOMMITTED, MAKE A CROSS (X) OR A
20 CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE WORD
22 'UNCOMMITTED.' MARK ONLY ONE SQUARE."

24 B. The ballot must contain the name, without any title, of
26 each candidate arranged alphabetically with the last name
28 first in block capital letters, followed by the first name
30 and middle name or initial, or followed by the first name or
32 first initial and the middle name. The name of each
34 candidate may be printed on the ballot in only one space.

36 ~~G. The ballot must contain the word "uncommitted" following
the list of candidates.~~

38 D. A square shall be printed at the left side of and close
40 to the name of each candidate and uncommitted space, so that
42 a voter may designate any choice clearly by a cross (X) or a
check mark (✓).

44 E. On the front and back of the folded ballot must be
46 printed "Official (name of political party) Presidential
48 Preference Primary Ballot," and the date of the election and
50 ~~a facsimile of the signature of the Secretary of State.~~

52 3. **Distinctively colored.** The ballots must be printed
54 separately for each political party on paper of a distinctive
56 color: White for the party which cast the greatest number of
58 votes for Governor at the last gubernatorial election; yellow for
60 the 2nd highest; blue for the 3rd highest; and green for the 4th
62 highest. The Secretary of State shall choose a distinctive color
for ballots for any other political party.'

COMMITTEE AMENDMENT

2 Further amend the bill by adding at the end before the
statement of fact the following:

4
6
8
10
12
14
16
18
20
FISCAL NOTE

This bill requires Maine to hold a presidential preference primary election to determine voter support for potential presidential nominees. The Department of the Secretary of State will incur costs of approximately \$200,000 for printing and mailing of the ballots to conduct the primary election for the 1996 presidential election in fiscal year 1995-96.

Additional local costs for the presidential preference primary election represent a state mandate and will qualify for reimbursement pursuant to the Maine Revised Statutes, Title 30-A, section 5684. The future General Fund appropriations required to reimburse these costs can not be estimated at this time.'

22
24
26
28
30
32
34
36
38
40
42
44
STATEMENT OF FACT

The bill requires Maine to hold a presidential primary election to determine voter support for potential presidential nominees. The primary permits voters to express their preference through a secret ballot at an election, rather than requiring the time commitment and public declaration of support required by the party caucuses. The bill requires the primary to be held on the same day as the New Hampshire primary, if there is a primary, to facilitate a New England Regional primary.

The amendment changes the name of the primary from a presidential primary to a presidential preference primary, and adds to the list of persons who may be placed on the ballot persons who are nationally recognized as presidential candidates. The amendment also permits state committees of political parties to call caucuses to select delegates to a national convention for candidates who achieve the required percentage of votes in the primary election; if the parties do not have caucuses, the candidates must submit a list of delegates to the Secretary of State.

The amendment recognizes that national political parties may object to this method of selecting delegates to the convention, and that the party has a constitutionally protected right to

COMMITTEE AMENDMENT "A" to H.P. 744, L.D. 1048

2 determine how delegates to its convention are selected. The
State does not intend to impinge on these rights. Therefore, the
4 amendment requires the Secretary of State to report to the
Legislature in December of any year in which the national
6 convention refuses to seat Maine delegates as a result of a
defect in this method, and requires the Secretary of State to
propose a remedy to any defect identified.

8
10 The amendment permits the Secretary of State to alter the
filing dates and any other dates as necessary to permit the
primary to occur on the date of the New Hampshire primary, which
12 may vary from year to year.

14 The amendment also makes the Act effective July 1, 1995 so
that the primary will first be required for the 1996 presidential
16 election.

18 The amendment deletes a provision requiring that a facsimile
of the Secretary of State's signature appear on the presidential
20 preference primary ballot.

22 The amendment also adds a fiscal note to the bill.

Reported by the Minority of the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
1/29/92 (Filing No. H-881)

COMMITTEE AMENDMENT