

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1048

H.P. 744

House of Representatives, March 12, 1991

Received by the Clerk of the House on March 8, 1991. Referred to the Committee on Legal Affairs and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RICHARDSON of Portland.

Cosponsored by Representative KONTOS of Windham and Representative GEAN of Alfred.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Authorizing Presidential Primary Elections in the State.

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

2
4 Sec. 1. 21-A MRSA §335, sub-§5, ¶B-1, as enacted by PL 1987, c. 797, §1, is amended to read:

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

10 Sec. 2. 21-A MRSA c. 5, sub-c. IV, as enacted by PL 1987, c.
12 797, §2, is repealed.

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

16 SUBCHAPTER IV-A

18 PRESIDENTIAL PRIMARY ELECTIONS

20 §411. Determination and date of primary

22 1. Determination of primary. A party's nomination of a
 candidate for president must be made by primary election as
24 provided in this subchapter.

26 2. Date of primary. The date of the presidential primary
 is the same date as the presidential primary for the State of New
28 Hampshire or, if that state holds no presidential primary, on the
 first Tuesday in March of the presidential election year.

30 §412. Petitions

32 On or before July 1st of the year preceding each
34 presidential election year, the Secretary of State shall prepare
 and make available petitions for circulation by persons desiring
36 to be contestants in the state presidential primary of any
 party. These petitions must be completed and filed 45 days
38 before the primary election in the manner provided in sections
 335 and 336.

40 §413. Ballot preparation

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

46 §414. Candidate eligibility

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

50 1. Inclusion on ballot. The ballot must include the name
 of any person who is a member of a political party that has

2 qualified to participate in a primary election under subchapter I
3 and who meets the following conditions as determined by the
4 Secretary of State.

5 A. The person has qualified for a presidential primary in
6 any other state at least 3 weeks before this State's
7 primary; or

8 B. The person has filed a petition with the Secretary of
9 State that meets the requirements of sections 335, 336 and
10 412. The Secretary of State shall determine if a petition
11 meets the requirements of those sections, subject to
12 challenge and appeal under section 337.

13 2. Notification of candidates. The Secretary of State
14 shall determine the names of the persons to be placed on the
15 ballot under subsection 1. The Secretary of State shall promptly
16 notify those persons that their names will appear on the ballot
17 and shall advise those persons of the steps that they must take
18 if they do not wish their names to appear on the ballot.

19 3. Removal of names. Any person who the Secretary of State
20 determines should be placed on the ballot under this section may
21 have that person's name withdrawn from the ballot by filing an
22 affidavit with the Secretary of State at least 2 weeks before the
23 primary election in which the person designated requests under
24 oath that the person's name be omitted from the ballot.

25 §415. Selection of delegates

26 Selection of delegates to a national presidential nominating
27 convention is determined under this section.

28 1. Candidate's identification of delegates. At least 2
29 weeks before the presidential primary election, each candidate
30 shall file with the Secretary of State a list of names of
31 delegates ordered by priority of selection equal in number to the
32 number of delegates and alternatives available, as determined by
33 the party, for that party's convention.

34 2. Selection of delegates. The Secretary of State shall
35 determine the delegates elected and notify each candidate and the
36 credentials committee of each party's national convention of the
37 elected delegates on the following basis.

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

41 B. Delegates and alternates to each party's national
42 nominating convention must be divided among the candidates

2 of that party not excluded under paragraph A in proportion
3 to the number of votes cast for those candidates in that
4 party's primary election.

6 C. Delegates and alternates elected for each candidate must
7 be determined in the order of the list submitted by the
8 candidate under subsection 1.

10 Sec. 4. 21-A MRSA §601-A, sub-§2, as enacted by PL 1987, c.
11 797, §3, is amended to read:

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

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

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

24
25 ~~IF YOU WISH TO VOTE FOR UNCOMMITTED, MAKE A CROSS (X) OR A~~
26 ~~CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE WORD~~
27 ~~UNCOMMITTED. MARK ONLY ONE SQUARE.~~

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

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

37
38 D. A square shall must be printed at the left side of and
39 close to the name of each candidate and ~~uncommitted space,~~
40 so that a voter may designate any choice clearly by a cross
41 (X) or a check mark (✓).

42
43 E. On the front and back of the folded ballot must be
44 printed "Official (name of political party) Presidential
45 Primary Ballot," the date of the election and a facsimile of
46 the signature of the Secretary of State.
47
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STATEMENT OF FACT

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This bill requires a presidential primary for selection of delegates to national nominating conventions. The primary would be held on the same day as the New Hampshire primary.

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