

# 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)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 488, L.D. 646, Bill, "An Act to Change the Time of the State Primary"

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

'An Act to Amend the State Primary Election Laws'

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

'Sec. 3. 21-A MRSA §339, as enacted by PL 1985, c. 161, §6, is amended to read:

**§339. Time and nature of election**

The primary election shall must be held on the 2nd first Tuesday ~~of--June~~ after the first Monday in September of each general election year and is considered to be a separate election for each party which that takes part in it. This includes the duties of public officials in announcing the election, providing forms and ballots, keeping records and any other matter necessary to effect the purpose of a primary election. A primary election shall must be conducted the same as the general election, as nearly as practicable, for each party.'

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

'Sec. 6. 21-A MRSA §363, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The meeting of a political committee as required by sections 371, ~~373,~~ 374, 381, 382 and 393 is governed by the following provisions.

Sec. 7. 21-A MRSA §365, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

R. of S.

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

The political committee which that has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 371, 373, 374, 381 and 382 is as follows.

**Sec. 8. 21-A MRSA §§372 and 373**, as enacted by PL 1985, c. 161, §6, are repealed.

**Sec. 9. 21-A MRSA §374-A, sub-§1, ¶A**, as enacted by PL 1989, c. 341, §2, is repealed.

**Sec. 10. 21-A MRSA §374-A, sub-§2, ¶A**, as enacted by PL 1989, c. 341, §2, is repealed.

**Sec. 11. 21-A MRSA §376, sub-§§1 and 2**, as amended by PL 1991, c. 466, §15, are further amended to read:

1. **Federal or gubernatorial office.** If a candidate or nominee for a federal or gubernatorial office withdraws ~~less than~~ 45 days before any election, the Secretary of State is not required to produce new ballots.

2. **Certain state offices.** The Secretary of State is not required to produce new ballots only if a candidate for an office, other than United States Senator, Representative to Congress or Governor, withdraws ~~in accordance with section 374-A, subsection 1, paragraph A, B or C, a replacement candidate is nominated and a notification is filed with the Secretary of State by the appropriate committee of the political party making the nomination no later than 45 days before the election~~ before any election.

**Sec. 12. 21-A MRSA §603, sub-§4**, as enacted by PL 1985, c. 161, §6; is repealed.

**Sec. 13. 21-A MRSA §721**, as amended by PL 1991, c. 466, §22, is further amended to read:

**§721. Reports of registration and enrollment**

Within 20 days after a general election, the registrar shall send a report to the Secretary of State, stating the number of voters in each voting district of the municipality at the close of the polls on election day. Within 20 10 days after a primary election, the registrar shall report the total number of voters in each voting district of the municipality and the number of voters enrolled in each political party in each voting district of the municipality at the close of the polls on election day.

R. of S.

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

Sec. 14. 21-A MRSA §736, as amended by PL 1987, c. 258, §§1 and 2, is repealed.

Sec. 15. 21-A MRSA §737, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

If a losing candidate in any election applies in writing within ~~10~~ 5 days after the tabulation of the vote is submitted to the Governor, the Secretary of State shall permit ~~him-or-his~~ the losing candidate or the losing candidate's counsel to recount the ballots under proper protective regulations, subject to the following provisions.

Sec. 16. 21-A MRSA §738, first ¶, as amended by PL 1987, c. 188, §10, is further amended to read:

On petition signed by 100 or more affected voters, an inspection and recount may be held on any referendum question by applying to the Secretary of State within the deadlines provided in ~~sections-736-and~~ section 737. A deposit ~~shall-be~~ is required if the percentage difference between the yes and no votes falls within the requirements of section 737, subsection 2. Appeal of disputed ballots must be to the Commission on Governmental Ethics and Election Practices as provided under Article IV.

Sec. 17. 21-A MRSA §752, first ¶, as amended by PL 1985, c. 357, §§8 and 19, is further amended to read:

At least 3 months before any election, the Secretary of State shall furnish each municipality with a reasonable number of dated absentee ballot applications. A reasonable time, not less than ~~30~~ 20 days unless an emergency exists, before any election, the Secretary of State shall furnish each municipality with a reasonable number of absentee ballots and return envelopes.

Sec. 18. 21-A MRSA §752, sub-§1, ¶A, as amended by PL 1991, c. 466, §26, is further amended to read:

A. At least 90 ~~90~~ 30 days before the election to which they pertain, unless an emergency exists, the Secretary of State shall furnish each municipality with a reasonable number of blank absentee ballots for use by members of the Armed Forces and citizens outside the United States who have met the qualifications in section 751. These ballots must be similar to regular ballots, except that no candidate names may be printed. The Secretary of State shall prepare a ballot listing all offices to be selected with a space after each office to write in the voter's preference. The following instructions must be printed in bold type at the top of the ballot: YOU MAY VOTE FOR A PERSON BY WRITING IN

2 THAT PERSON'S NAME AND MUNICIPALITY OF RESIDENCE IN THE  
3 BLANK SPACE UNDER THE PROPER OFFICE.

4  
5 FISCAL NOTE

6 1993-94

7 1994-95

8 APPROPRIATIONS/ALLOCATIONS

9  
10 General Fund

11 \$23,368

12  
13 The Department of the Secretary of State will require a  
14 General Fund appropriation of \$23,368 in fiscal year 1994-95 and  
15 every other year thereafter for temporary Clerk Typist II  
16 positions due to compressed schedules between the primary  
17 election and the general election.

18  
19 STATEMENT OF FACT

20  
21 The amendment changes the date of the primary election to  
22 the first Tuesday after the first Monday in September. The  
23 amendment also repeals procedures regulating the withdrawal of  
24 candidates and removes the task of requiring the Secretary of  
25 State to print new ballots if a candidate withdraws before an  
26 election.

27  
28 The amendment also changes the time a registrar must report  
29 to the Secretary of State regarding the number of enrolled  
30 voters, the time a losing candidate has to request a recount and  
31 the time the Secretary of State has to provide municipalities  
32 with blank ballots.

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

34  
35 This amendment is the minority report.

36  
Reported by the Minority of the Committee on Legal Affairs  
Reproduced and distributed under the direction of the Clerk of the  
House

5/14/93

(Filing No. H-307)