

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

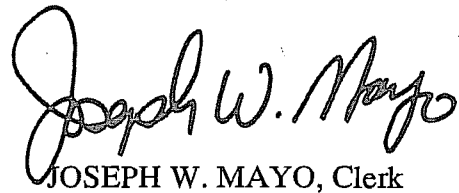
No. 748

H.P. 552

House of Representatives, March 2, 1993

An Act Related to Third Parties.

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


JOSEPH W. MAYO, Clerk

Presented by Representative HEESCHEN of Wilton.

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

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Sec. 1. 21-A MRSA §301, sub-§3 is enacted to read:

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3. Legislative district primary. A party that qualified under section 303-A to participate in the last preceding legislative district primary qualifies to participate in a subsequent election if it meets the following requirements.

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A. To qualify to participate in a statewide primary, the party must meet the requirements of subsections 1 and 2, except that, instead of meeting the requirement of subsection 1, paragraph C, the total votes received by all candidates of the party for legislative district elections in the preceding general election must equal at least 5% of the total votes cast for legislative district candidates in the State.

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B. To qualify to participate in a succeeding legislative house district primary, the party must have received at least 15% of the total votes cast for that legislative house district seat in the last general election. A party qualifying under this paragraph is not required to meet the requirements of subsections 1 and 2 but must meet the requirements of section 303-A, subsections 3 and 4.

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C. To qualify to participate in a succeeding state senate district primary, the party must have received at least 15% of the total votes cast in that district for state house district races in the last general election.

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D. To qualify to participate in a succeeding congressional district primary, the party must have received at least 10% of the total votes cast in that district for state house district races in the last general election. A party qualifying under this paragraph must also elect a district committee for the congressional district.

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Sec. 2. 21-A MRSA §303-A is enacted to read:

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§303-A. Legislative districts

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In addition to the procedures under sections 302 and 303, a party whose designation was not listed on the general ballot in a legislative house district in the last preceding gubernatorial election qualifies to participate in a primary election in that district if it meets the requirements of this section.

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1. Declaration of intent. A voter or a group of voters who are not enrolled in a party qualified under section 301 must file a declaration of intent to form a party with the Secretary of

2 State before 5:00 p.m. on the 180th day preceding a primary
3 election. The declaration of intent must be on a form designed
4 by the Secretary of State and must include:

6 A. The designation of the proposed party:

8 B. The name of a candidate for the Legislature in that
9 district in the last preceding election who was nominated by
10 petition under subchapter II and received at least 15% of
11 the total votes cast in that district for the office in that
12 election and who meets the requirements of section 354,
13 subsection 10; and

14 C. The name and address of the voter or one of the group of
15 voters who files the declaration of intent.

16
17 2. Enrollment of voters. After filing the declaration
18 described in subsection 1, the voter or voters proposing to form
19 the party may enroll voters in the proposed party in the district
20 for which the declaration was filed.

21
22 3. Municipal caucuses. The party must hold at least one
23 municipal caucus in each legislative district where a candidate
24 will be listed. The municipal caucus must elect delegates to a
25 statewide convention to be held according to subsection 4.

26
27 4. Convention. A party that has qualified under
28 subsections 1 to 3 to participate in a primary election in a
29 legislative district must in that same year hold a state
30 convention as prescribed by article III in order to have the
31 party designation of its candidates printed on the ballot in the
32 general election of that year. The voter or group of voters who
33 file the declaration of intent may perform the duties of the
34 state committee under section 321, subsection 1, for the party's
35 initial convention.

36
37 5. Exceptions. A party organizing under this section is
38 not required to nominate presidential electors as provided in
39 section 321, subsection 2, paragraph C nor to elect a district
40 committee as provided in section 321, subsection 2, paragraph E.
41 The party is required to elect county committees as provided in
42 section 321, subsection 2, paragraph F only for each county with
43 delegates at the state convention.

44
45 **Sec. 3. 21-A MRSA §304, as enacted by PL 1985, c. 161, §6, is**
46 **amended to read:**

47
48 **§304. Disqualification of parties**

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50 A party which that qualified under section 301-A, 302 or 303
to participate in the last preceding primary and general

2 elections is not qualified to participate in a subsequent
3 statewide primary election unless it meets the requirements of
4 section 301, subsections 1 and 2.

6 A party that qualified under section 301, subsection 3,
7 paragraph A but failed to meet the requirements of section 301,
8 subsections 1 and 2 is qualified to participate in a subsequent
9 primary election in districts for which the requirements of
10 section 301, subsection 3, paragraph B, C or D or section 303-A
11 are met.

12 A party that qualified under section 303-A to participate in
13 the last preceding primary and general elections is not qualified
14 to participate in subsequent district primary elections unless it
15 meets the requirements of section 301, subsection 3, paragraph B,
16 C or D.

18 Sec. 4. 21-A MRSA §307, as enacted by PL 1985, c. 161, §6, is
19 amended to read:

20 **§307. Party designation**

22 A voter or group of voters seeking to participate as a party
23 in a primary election under section 302, 303 or ~~303~~ 303-A must
24 choose a party designation that does not:

- 26 1. **Length.** Exceed 3 words in length;
- 28 2. **Use state name.** Incorporate the name or an abbreviation
29 of the name of the State; and
- 30 3. **Use established party's designation.** Incorporate the
31 designation or an abbreviation of the designation of a party
32 which that is qualified to participate in a primary or general
33 election under section 301.

36 Sec. 5. 21-A MRSA §354, sub-§10 is enacted to read:

38 10. Preliminary declaration of intent. A candidate of a
39 party intending to organize and qualify for legislative district
40 ballot listing under section 303-A must file a preliminary
41 declaration of intent at the time of taking out nomination
42 petitions. The nomination petition must clearly indicate the
43 intended party designation and the fact that it is intending to
44 organize. The intended party designation listed on the petition
45 must be the designation listed on the general election ballot.

48 **STATEMENT OF FACT**

50 This bill provides a procedure for 3rd parties to qualify
51 for primaries in legislative districts and for subsequent
52 primaries and general elections. A party may qualify for
53 primaries in a legislative district if its candidate in the
54

2 preceding general election received at least 15% of the vote in
that district and had declared intent to qualify the party before
4 that election. The bill also provides requirements for municipal
caucuses and statewide conventions.