

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 499

H.P. 369

House of Representatives, February 10, 1995

**An Act Establishing Procedures for New Political Parties to Participate
in Primary Elections.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HEESCHEN of Wilton.
Cosponsored by Representatives: BIRNEY of Paris, BRENNAN of Portland, CHASE of
China, GERRY of Auburn, GOULD of Greenville, KILKELLY of Wiscasset, KONTOS of
Windham, LEMKE of Westbrook, LUTHER of Mexico, VOLENIK of Sedgwick, WINN of
Glenburn, Senator: BERUBE of Androscoggin.

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

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

6 **3. Legislative district primary.** A party that qualified
8 under section 303-A to nominate a candidate for a legislative
10 district seat in the last primary election qualifies to
12 participate in a subsequent primary election if it meets the
14 following requirements.

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

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

46 C. To qualify a candidate for a legislative senate seat in
48 a primary election, the party must have received at least
50 15% of the total votes cast in that district for state house
52 district races in the last general election.

54 D. To qualify a candidate for a congressional seat in a
56 primary election, the party must have received at least 10%
58 of the total votes cast in that district for state house
60 district races in the last general election. A party
62 qualifying under this paragraph must also elect a district
64 committee for the congressional district.

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

68 **§303-A. Legislative districts**

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

80 **1. Declaration of intent.** A voter or a group of voters not
82 enrolled in a party qualified under section 301 must file a
84 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:

5 A. The designation of the proposed party;

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

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

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

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

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

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

38 Sec. 3. 21-A MRSA §304, as enacted by PL 1985, c. 161, §6, is
39 amended to read:

40 **§304. Disqualification of parties**

41 A party which that qualified under section 301, subsection
42 3, paragraph A, section 302 or 303 to participate in the last
43 preceding primary and general elections is not qualified to

2 participate in a subsequent statewide primary election unless it
meets the requirements of section 301, subsections 1 and 2.

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

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

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

20 **§307. Party designation**

22 A voter or group of voters seeking to participate as a party
24 in a primary election under section 302, ~~303~~ or ~~303~~ 303-A must
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
of the name of the State; and

30 3. **Use established party's designation.** Incorporate the
32 designation or an abbreviation of the designation of a party
34 which that is qualified to participate in a primary or general
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
40 party intending to organize and qualify for legislative district
ballot listing under section 303-A must file a preliminary
42 declaration of intent at the time of taking out nomination
44 petitions. The nomination petition must clearly indicate the
intended party designation and the fact that the party is
46 intending to organize. The intended party designation listed on
the petition 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
52 for primaries in legislative districts and for subsequent

2 primaries and general elections. A party may qualify for a
primary in a legislative district if its candidate in the
4 preceding general election received at least 15% of the vote in
that district and had declared intent to qualify the party before
6 that election. The bill also provides requirements for municipal
caucuses and statewide conventions for 3rd parties.