

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 608

H.P. 442

House of Representatives, February 22, 1995

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**An Act to Modify the Presidential Primary Laws.**

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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 RICHARDSON of Portland.

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

2           **Sec. 1. 21-A MRSA §335, sub-§5, ¶B-1**, as amended by PL 1993, c.  
4 334, §1, is repealed.

6           **Sec. 2. 21-A MRSA §411, sub-§1**, as enacted by PL 1993, c. 334,  
8 §3, is amended to read:

10           **1. Determination of primary.** When the state committee of a  
12 political party certifies that there is a contest among  
14 candidates for nomination as the presidential candidate of the  
16 party and ~~that the state committee votes to conduct~~ has notified  
the State of its intent to participate in a presidential primary  
election at the state committee's convention the year before the  
primary, the State shall hold a presidential primary election.

18           **Sec. 3. 21-A MRSA §411, sub-§2**, as enacted by PL 1993, c. 334,  
20 §3, is repealed.

22           **Sec. 4. 21-A MRSA §411, sub-§§3 and 4** are enacted to read:

24           **3. Date of primary.** The presidential preference primary  
election must be held on the first Tuesday in March of the  
presidential election year.

26           This subsection is repealed January 1, 2000.

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

34           This subsection takes effect January 1, 2000.

36           **Sec. 5. 21-A MRSA §411-A** is enacted to read:

38           **§411-A. Party certification**

40           The state committee shall file the certification with the  
Secretary of State by December 1st of the year next prior to the  
42 election. This certification must contain the following:

44           **1. Statement of contest.** A statement that there is a  
contest among candidates for nomination as the presidential  
46 candidate of the party;

48           **2. Identification of contestants.** Identification of at  
least 2 candidates who have declared as contestants for  
50 nomination as the presidential candidate of the party; and

2           **3. Statement of intent.** A statement that the party intends  
to participate in a presidential primary election. Such a  
4           statement of intent is irrevocable for that particular  
presidential preference primary election.

6           **4. Exemption.** The state committee is exempt from the  
8           requirements of subsections 1 and 2 for the 1996 election year.

10           **Sec. 6. 21-A MRSA §412, sub-§§1 and 2,** as enacted by PL 1993,  
c. 334, §3, are amended to read:

12           **1. Petitions.** A candidate for the office of president who  
14           does not pay a filing fee to the Secretary of State pursuant to  
subsection 2 must file with the Secretary of State a petition  
16           with at least 4,000 2,000 and not more than 6,000 3,000 voters'  
signatures. By July 1st of the year preceding each presidential  
18           election year, the Secretary of State shall prepare and make  
available petitions for circulation by persons desiring to be  
20           contestants in the state presidential preference primary of any  
party. The petitions must meet the requirements of sections 335  
22           and 336, excluding section 335, subsections 6 and 8, and must be  
filed at least 45 days before by December 1st in the year next  
24           prior to the year of the presidential preference primary election.

26           **2. Filing fees.** A candidate for the office of president  
who does not file a petition with the Secretary of State pursuant  
28           to subsection 1 must pay a \$2,500 filing fee to the Secretary of  
State. A candidate must pay the filing fee at the time that  
30           candidate files a declaration of candidacy the required written  
statement of intent and no later than December 31st in the year  
32           next prior to the year of the presidential preference primary.

34           **Sec. 7. 21-A MRSA §414, sub-§1,** as amended by PL 1993, c. 695,  
§22 and affected by §§23 and 37, is further amended to read:

36           **1. Inclusion on ballot.** The ballot must include the name  
38           of any person who is a member of a political party that has  
qualified to participate in a primary election under subchapter I  
40           and who meets--at--least--one--of--the--following--conditions--as  
determined--by has filed a petition with or paid a filing fee to  
42           the Secretary of State pursuant to the requirements of section  
412, subject to challenge and appeal under section 337.

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

48           B. ~~The person has filed a petition with or paid the filing~~  
50           ~~fee to the Secretary of State pursuant to the requirements~~  
~~of section 412. The Secretary of State shall determine~~

~~whether a petition meets the requirements of section 412,  
subject to challenge and appeal under section 337.~~

2  
4       **Sec. 8. 21-A MRSA §415**, as enacted by PL 1993, c. 334, §3, is  
repealed and the following enacted in its place:

6       **§415. Selection of delegates**

8  
10       If a party chooses to participate in a presidential  
12       preference primary election under this chapter, delegates to its  
14       national presidential nominating convention must be allocated and  
      chosen in the following manner, except to the extent that  
      applicable state and national party rules specify a contrary  
      procedure.

16       1. Selection by convention. Delegates must be selected by  
18       state parties meeting in convention pursuant to subchapter I,  
      article III at any time after the presidential primary election.

20       2. Proportional allocation. Delegates to the national  
22       convention must be allocated proportionally among the candidate  
      votes and the uncommitted votes cast in the presidential  
24       preference primary election of the party.

26       3. Uncommitted delegates. A delegate elected as an  
      uncommitted delegate may support any presidential candidate at  
28       any time and may change support for this candidate in the  
      delegate's sole discretion.

30       4. Committed delegates. A delegate elected for a  
32       particular presidential candidate according to the proportional  
      allocation specified by this section shall vote for that  
34       candidate on the first ballot at the national nominating  
      convention, unless the candidate for whom a particular delegate  
36       is elected specifically withdraws, as verified by the chair of  
      the national party, from consideration for the presidential  
38       nomination at any time before the first ballot at the national  
      nominating convention. In the event of such a withdrawal,  
40       delegates elected for that particular candidate become  
      uncommitted delegates.

42       **Sec. 9. 21-A MRSA §601-A, sub-§2, ¶¶F and G** are enacted to  
read:

44       F. At the end of the list of candidates for nomination,  
46       there must be printed the word "uncommitted" in such a way  
48       that a voter may choose this preference rather than a listed  
      candidate.

2 G. At the end of the list of candidates for nomination and  
4 after the "uncommitted" option, there may not be any blank  
6 spaces left where a voter could write in the name or place a  
8 sticker containing the name of any person for whom a voter  
10 desires to vote.

## 10 STATEMENT OF FACT

12 This bill amends the presidential primary election laws.  
14 The bill does the following.

16 1. The bill changes the date of the presidential preference  
18 primary election to coincide with New Hampshire's presidential  
20 primary election. This change does not take effect until January  
22 1, 2000.

24 2. The bill outlines what information is necessary to have  
26 a party certification complete for participation in a  
28 presidential primary election.

30 3. The bill changes the number of signatures a candidate  
32 needs to file a petition with the Secretary of State if the  
34 candidate has not paid a filing fee.

36 4. The bill amends the list of people who must be added to  
the ballot if they qualify.

5. The bill amends how the delegates to the national  
presidential nominating convention are chosen.

6. The bill amends the law so that the word "uncommitted"  
appears at the end of the list on the ballot so that a voter may  
choose this preference rather than a listed candidate.