

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

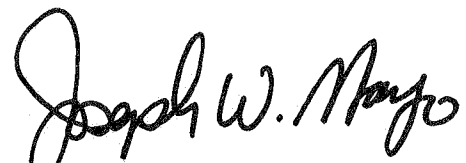
No. 1360

H.P. 980

House of Representatives, March 4, 1997

An Act Allowing Political Parties to Nominate by Caucus or Convention.

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


JOSEPH W. MAYO, Clerk

Presented by Representative GERRY of Auburn.
Cosponsored by Representatives: MACK of Standish, SNOWE-MELLO of Poland,
UNDERWOOD of Oxford.

2 for more than one federal, state or county office at any
3 primary election, caucus or convention, except for a
4 candidate for membership in a county charter commission
under section 351, subsection 3.

6 B. A person may file as a candidate for any federal, state
7 or county office either by primary election, caucus,
8 convention or nomination petition but not by both more than
9 one, except for a candidate for membership in a county
10 charter commission under section 351, subsection 3.

12 **4. Party choice for nominating forum.** A minor party may
13 choose the method of nominating a candidate, choosing among a
14 primary election, caucus or convention, by notifying the
15 Secretary of State of the choice by December 15th prior to an
16 election year. A minor party must choose the same method for
17 nominating all candidates for the same class of office.

18 **Sec. 4. 21-A MRSA §336, first ¶,** as enacted by PL 1985, c. 161,
19 §6, is amended to read:

22 The written consent of each candidate must be filed with his
23 that candidate's primary petition or, in the case of a minority
24 party candidate who is selected by caucus or convention, the
25 written consent must be filed without a petition.

26 **Sec. 5. 21-A MRSA §336, sub-§1,** as enacted by PL 1985, c. 161,
27 §6, is amended to read:

30 1. **Consent.** The consent must contain a statement signed by
31 the candidate that he the candidate will accept the nomination of
32 the primary election or the nomination of the caucus or
33 convention. The statement may be printed filed as a part of the
34 primary petition.

36 **Sec. 6. 21-A MRSA §§338 and 339,** as enacted by PL 1985, c.
37 161, §6, are amended to read:

38 **§338. Write-in candidates**

40 A If a primary election is held, a person whose name will
41 not appear on the printed primary ballot because he the person
42 did not file a petition and consent under sections 335 and 336,
43 but who fulfills the other qualifications under section 334, may
44 be nominated at the primary election as a write-in candidate in
45 accordance with section 723, subsection 1.

48 **§339. Time and nature of primary election, caucus or convention**

2 The primary election shall, caucus or convention must be
3 held on the 2nd Tuesday of June of each general election year and
4 is considered to be a separate election for each party which that
5 takes part in it. This includes the duties of public officials
6 in announcing the primary election, caucus or convention,
7 providing forms and ballots, keeping records and any other matter
8 necessary to effect the purpose of a primary election, caucus or
9 convention. A primary election shall must be conducted in the
10 same manner as the general election, as nearly as practicable,
11 for each party. A minor party shall notify the Secretary of
12 State of the party's nominees within 10 days after the party's
primary election, caucus or convention.

14 **Sec. 7. 21-A MRSA §340, sub-§1,** as enacted by PL 1987, c. 423,
15 §3, is amended to read:

16
17 **1. Notice to Secretary of State.** No later than February
18 ~~1st--of--the~~ December 15th prior to an election year, each
19 political party eligible to participate in a primary election,
20 caucus or convention shall notify the Secretary of State of the
21 enrollment qualifications, subject to the restrictions in section
22 144, for voters eligible to vote in that party's primary
23 election, caucus or convention. If no notice is received by that
24 date, only voters enrolled in a political party may vote in that
25 party's primary election, caucus or convention.

26
27 **Sec. 8. 21-A MRSA §351, sub-§§1 and 2,** as enacted by PL 1985,
28 c. 161, §6, are amended to read:

29
30 **1. Limited to one office.** A person may not file, whether
31 by primary election, caucus or convention or nomination petition,
32 as a candidate for more than one federal, state or county office
33 at any election, except as provided in subsection 3.

34
35 **2. Limited to one method.** A person may file as a candidate
36 for any federal, state or county office either by primary
37 election, caucus or convention or nomination petition, except as
38 provided in subsection 3, but not by ~~both methods~~ more than one
39 method.

40
41 **Sec. 9. 21-A MRSA §354, sub-§1,** as enacted by PL 1985, c. 161,
42 §6, is amended to read:

43
44 **1. Content.** A nomination petition must contain the name of
45 only one candidate, his that candidate's place of residence, the
46 office sought and electoral division. A nomination petition may
47 contain as many separate papers as necessary and may contain the
48 candidate's consent required by section 355. It may also contain
49 the candidate's political designation, which may not exceed 3
50 words in length, and may not incorporate the candidate's name, or

2 the designation or an abbreviation of the designation of a party
3 which that is qualified to nominate candidates by primary
4 election, caucus or convention.

6 A. When 2 United States Senators or 2 county commissioners
7 are to be nominated, the nomination petition must contain
8 the term of office sought by the candidate.

10 B. The names of presidential electors must be placed on the
11 petition as a slate. The names of the candidates for
12 President and Vice President must be placed on a petition
13 for the nomination of presidential electors.

14 **Sec. 10. 21-A MRSA §372**, as enacted by PL 1985, c. 161, §6,
15 is amended to read:

16 **§372. Nominees; 60 days or more before election**

18 If a person nominated for United States Senator,
19 Representative to Congress or Governor at a primary election,
20 caucus or convention dies, withdraws or becomes disqualified at
21 least 60 days before the general election, the Governor shall
22 issue a proclamation declaring the vacancy and ordering a special
23 primary election, caucus or convention under section 366.

26 **Sec. 11. 21-A MRSA §373**, as enacted by PL 1985, c. 161, §6,
27 is amended to read:

28 **§373. Nominees; less than 60 days before election**

30 If a person nominated for United States Senator,
31 Representative to Congress or Governor at a primary election,
32 caucus or convention or by a political committee dies, withdraws
33 or becomes disqualified less than 60 days before the general
34 election, the Governor shall issue a proclamation under section
35 362.

38 **Sec. 12. 21-A MRSA §391, sub-§§2 and 3**, as enacted by PL 1985,
39 c. 161, §6, are amended to read:

40 **2. Vacancy 60 days before primary.** If the vacancy occurs
41 60 days or more before a regular primary election, caucus or
42 convention, nominees must be chosen at the primary election,
43 caucus or convention and a successor elected for the remainder of
44 the term at the general election.

46 **3. Vacancy less than 60 days before primary.** If the
47 vacancy occurs less than 60 days before a regular primary
48 election, caucus or convention, nominees must be chosen at the
49 next regular primary election, caucus or convention following the

one in question, and a successor elected for the remainder of the term at the general election.

Sec. 13. 21-A MRSA §392, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

When there is a vacancy in the office of Representative to Congress, the Governor shall issue a proclamation declaring the vacancy and ordering a special primary election, caucus or convention followed by a special election to fill the vacancy as provided in section 366.

Sec. 14. 21-A MRSA §622, last ¶, as amended by PL 1995, c. 459, §47, is further amended to read:

A person who is not registered as a voter may not vote in any election. ~~A voter who is not enrolled in a political party may not vote in a primary election.~~

(date signed).
.....
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.....
.....

Majority of municipal officers

Sec. 15. 21-A MRSA §723, sub-§1, as amended by PL 1991, c. 244, is further amended to read:

1. Nominating event. In a primary election, caucus or convention, the person who receives a plurality of the votes cast for nomination to any office is nominated for that office, except for write-in candidates under paragraph A.

A. A person who has not qualified as a candidate for nomination by primary election by filing a petition and consent under sections 335 and 336, but who fulfills the other qualifications under section 334, may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5, on a primary petition for a candidate for that office.

(1) The Secretary of State shall send notice of nomination to a write-in candidate by certified mail, return receipt requested. For purposes of this paragraph, the notice is deemed given on the date the write-in candidate signs the receipt, or, if the notice

2 is undeliverable, the date the post office last
attempts to deliver it. If the candidate fails to file
4 a written acceptance with the Secretary of State within
15 days after receiving the notice, the candidate is
6 disqualified and the candidate's name may not be
printed on the general election ballot.

8 B. The Secretary of State shall immediately certify by mail
the nomination of each person nominated by the primary
10 election, caucus or convention.

12 **Sec. 16. 21-A MRSA §1017, sub-§10** is enacted to read:

14 **10. Primary election.** For purposes of this section,
"primary election" includes a caucus or convention held for the
16 purposes of nominating a candidate for the general election.

18 **Sec. 17. 21-A MRSA §1051**, as amended by PL 1995, c. 483, §16,
is further amended by adding at the end a new paragraph to read:

20 For purposes of this subchapter, the term "primary election"
22 includes a caucus or convention held for the purposes of
nominating a candidate for the general election.

24

26

28 SUMMARY

This bill clarifies how and when minor political parties may
30 choose their method of nominating candidates.

32 Minor parties may nominate candidates by primary and must
follow the current procedure for primary nominations. However,
34 minor parties may nominate by caucus or convention instead.

36 A minor party candidate nominated by caucus or convention
need not file a petition but must file a declaration of consent.

38

40 A minor party must notify the Secretary of State as to who
its nominees are within 10 days after the party's primary, caucus
or convention.

42

44 All parties must notify the Secretary of State no later than
December 15th prior to an election year of the enrollment
qualifications of voters eligible to vote in that party's
46 primary, caucus or convention.