

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)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1376

S.P. 428

In Senate, March 4, 1997

**An Act to Improve the State's Democracy by Increasing Access to the
Ballot and Other Election Processes.**

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Representative TUTTLE of Sanford and
Representative: COWGER of Hallowell.

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

2
3 **Sec. 1. 21-A MRSA §301, sub-§1**, as enacted by PL 1985, c. 161,
4 §6, is amended to read:

6 **1. Primary election.** A party qualifies to participate in a
7 primary election if its designation was listed on the ~~general~~
8 ~~election--ballot--in--the--last--preceding--gubernatorial--or~~
9 ~~presidential-election~~ ballot of either of the last 2 preceding
10 general elections and if:

12 A. The party held municipal caucuses as prescribed by
13 Article II in at least one municipality in each county in
14 the State during that the election year in which the
15 designation was listed on the ballot and any interim
16 election year and fulfills this same requirement during the
17 year of the primary election;

18 B. The party held a state convention as prescribed by
19 Article III during that the election year in which the
20 designation was listed on the ballot and any interim
21 election year;

22 C. Its candidate for Governor or for President polled at
23 least 5% of the total vote cast in the State for Governor or
24 President in ~~the--last--preceding--gubernatorial--or~~
25 ~~presidential-election~~ either of the last 2 preceding general
26 elections; and

27 D. Each state party committee must file a statement with
28 the Secretary of State on or before April 4th certifying
29 that the party has held the municipal caucuses required by
30 paragraph A. The statement must be signed by the party
31 chairman chair or his the chair's designated agent.

32 **Sec. 2. 21-A MRSA §302, sub-§1**, as enacted by PL 1985, c. 161,
33 §6, is amended to read:

34 **1. Declaration of intent.** A voter or a group of voters who
35 are not enrolled in a party qualified under section 301 must file
36 a declaration of intent to form a party with the Secretary of
37 State before 5 p.m. on the 180th day preceding a the next primary
38 election. The declaration of intent must be on a form designed
39 by the Secretary of State and must include:

40 A. The designation of the proposed party;

41 B. The name of a candidate for Governor or for President in
42 the last preceding ~~gubernatorial--or--presidential~~ general
43 election who was nominated by petition under subchapter II

2 and who received 5% or more of the total vote cast in the
State for Governor or for President in that election;

4 C. The signed consent of that candidate; and

6 D. The name and address of the voter or one of the group of
voters who file the declaration of intent.

8
10 **Sec. 3. 21-A MRSA §303, first ¶**, as enacted by PL 1985, c. 161,
§6, is amended to read:

12 In addition to the procedure under section 302, a party
14 whose designation was not listed on the general election ballot
in the last preceding ~~gubernatorial--or--presidential~~ general
16 election qualifies to participate in a primary election, if it
meets the requirements of subsections 1, 2, and 3 and-4.

18 **Sec. 4. 21-A MRSA §303, sub-§3**, as amended by PL 1995, c. 459,
20 §20, is further amended to read:

22 **3. Petition.** After filing the declaration described in
subsection 1, the voter or a group of voters may then circulate
24 petitions. These petitions must be signed, verified and
certified in the same manner as primary petitions under section
26 335, subsections 3, 4 and 7, except that voters not enrolled in
any party may also sign the petitions. Each page of the petition
28 must have a caption, in conspicuous type, that contains the
designation of the proposed party followed by the words "Petition
to participate in the primary election." The Secretary of State
30 shall ~~prepare~~ design the forms for these petitions. The
petitions must be filed in the office of the Secretary of State
32 before 5 p.m. on the 180th day preceding a primary election and
must contain the signatures and legal addresses of voters equal
34 in number to at least 5% of the total vote cast in the State for
Governor at the last preceding gubernatorial election. Petitions
36 must be submitted to the appropriate municipal registrar for
certification by 5 p.m. on the 10th day before the petition must
38 be filed in the office of the Secretary of State or, if the 10th
day is a Saturday, Sunday or legal holiday, by 5 p.m. on the next
40 day that is not a Saturday, Sunday or a legal holiday. The
registrar must complete the certification of the petitions and
42 must return them to the circulators or their agents within 5 days
of the date on which the petitions were submitted, Saturdays,
44 Sundays and legal holidays excepted.

46 **Sec. 5. 21-A MRSA §303, sub-§5**, as enacted by PL 1985, c. 161,
48 §6, is amended to read:

50 **5. Convention.** A party which that has qualified under
subsections 1, 2, and 3 ~~and--4~~ to participate in a primary

2 election must, in that same year, conduct the municipal caucuses
3 under subsection 4 and hold a state convention as prescribed by
4 Article III, in order to have the party designation of its
5 candidates printed on the ballot in the general election of that
6 year. The voter or group of voters who file the declaration of
7 intent may perform the duties of the state committee under
8 section 321, subsection 1, for the party's initial convention.

9
10 **Sec. 6. 21-A MRSA §304**, as enacted by PL 1985, c. 161, §6, is
11 amended to read:

12 **§304. Disqualification of parties**

13
14 A party ~~which--qualified--under--section--302--or--303--to~~
15 ~~participate in the last preceding primary and general elections~~
16 ~~is not qualified to participate in a subsequent primary election~~
17 ~~unless it meets the requirements of section 301 that does not~~
18 ~~meet the requirements of section 301 is not qualified to~~
19 ~~participate in a subsequent election.~~

20
21 **Sec. 7. 21-A MRSA §307, sub-§§2 and 3**, as enacted by PL 1985,
22 c. 161, §6, are amended to read:

23
24 **2. Use state name.** Incorporate the name or an abbreviation
25 of the name of the State; and

26
27 **3. Use established party's designation.** Incorporate the
28 designation or an abbreviation of the designation of a party
29 which that is qualified to participate in a primary or general
30 election under section 301; and

31
32 **Sec. 8. 21-A MRSA §307, sub-§4** is enacted to read:

33
34 **4. Use of independent designation.** Consist of the word
35 "independent" without another descriptive word or words. The
36 designation "independent," without another descriptive word or
37 words, is reserved for use by candidates that are not enrolled in
38 any qualified or proposed party.

39
40 **Sec. 9. 21-A MRSA §312**, as enacted by PL 1985, c. 161, §6, is
41 repealed and the following enacted in its place:

42
43 **§312. Voting list**

44
45 The chair or secretary of the municipal committee or the
46 person or persons calling a biennial municipal caucus may request
47 from the registrar at no charge a certified copy of the voting
48 list for use by the municipal committee once each biennial
49 election cycle beginning January 1st in an election year. Upon
50 receipt of a request, the registrar has 5 business days to

2 prepare and provide the certified copy of the voting list to the
3 requester.

4 **Sec. 10. 21-A MRSA §503, sub-§2, ¶B,** as repealed and replaced
5 by PL 1995, c. 459, §33, is amended to read:

6 B. The municipal officers may also consider persons
7 nominated by the municipal committee of a minor party and
8 registered voters who are not enrolled in a party to serve
9 as elections clerks as needed. The municipal officers shall
10 appoint at least one election clerk nominated by the
11 municipal committee of a qualified minor party represented
12 on the last general election ballot for each voting place at
13 the committee's request.

16 SUMMARY

17 This bill increases access to the ballot and other election
18 processes for new parties, unenrolled candidates and unenrolled
19 voters as follows:

20 1. Modifies the frequency of the 5% vote requirement from
21 the current 2-year cycle to a 4-year cycle;

22 2. Allows any registered voter to sign a petition to form a
23 new political party so long as the voter is not enrolled in a
24 political party other than the one being formed;

25 3. Clarifies the petition filing procedures for new
26 political parties by adding a separate and earlier deadline for
27 petitions to be submitted to local election officials before they
28 are submitted to the Secretary of State;

29 4. Allows registered voters who are not enrolled in a
30 political party to serve as elections clerks on election day;

31 5. Improves access to municipal lists of registered voters;

32 6. Protects the use of the word "independent" so it may be
33 used only by candidates who do not belong to any political party;
34 and

35 7. Declares a proposed political party to be a legally
36 qualified political party whenever it first meets the 5%
37 threshold requirement of collecting signatures or winning votes.
38