

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 639

S.P. 217

In Senate, January 26, 1999

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

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: PERKINS of Penobscot.

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

2
4 **Sec. 1. 21-A MRSA §301, sub-§1**, as amended by PL 1997, c. 436,
§41, is further amended to read:

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

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

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

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

30 ~~D.--Each-state-party-committee-must-file-a-statement-with~~
~~the-Secretary-of-State-on-or-before-March-20th-certifying~~
32 ~~that-the-party-has-held-the-municipal-caucuses-required-by~~
~~paragraph-A.--The-statement-must-be-signed-by-the-party~~
34 ~~chair-or-the-chair's-designated-agent.~~

36 Each state party committee must file a statement with the
Secretary of State on or before March 20th certifying that the
38 party has held the municipal caucuses required by paragraph A.
The statement must be signed by the party chair or the chair's
40 designated agent.

42 **Sec. 2. 21-A MRSA §302, first ¶**, as enacted by PL 1985, c. 161,
§6, is amended to read:

44
46 A party whose designation was not listed on the general
election ballot in the last preceding ~~gubernatorial--or~~
48 ~~presidential~~ general election qualifies to participate in a
primary election, if it meets the requirements of subsections 1,
and 2 and-3.

50

2 **Sec. 3. 21-A MRSA §302, sub-§1**, as amended by PL 1997, c. 436,
§42, is further amended to read:

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

10 A. The designation of the proposed party;

12 B. The name of a candidate for Governor or for President in
the last preceding ~~gubernatorial--or--presidential~~ general
14 election who was nominated by petition under subchapter II
and who received 5% or more of the total vote cast in the
16 State for Governor or for President in that election;

18 C. The signed consent of that candidate; and

20 D. The name, address, telephone number, if published, and
signature of the voter or one of the group of voters who
22 files the declaration of intent.

24 **Sec. 4. 21-A MRSA §302, sub-§3**, as amended by PL 1997, c. 436,
26 §43, is further amended to read:

28 **3. Municipal caucuses.** ~~The--proposed~~ A party that has
qualified under subsections 1 and 2 to participate in a primary
30 election must conduct municipal caucuses in at least one
municipality in each of the 16 counties during that election year
32 as prescribed in Article II. The chair of the municipal
committee or a resident voter in the municipality must file a
34 copy of the notice required by section 311, subsection 3, with
the Secretary of State before 5 p.m. on March 20th.

36 **Sec. 5. 21-A MRSA §302, sub-§4**, as enacted by PL 1985, c. 161,
38 §6, is amended to read:

40 **4. Convention.** A party which that has qualified under
subsections 1, and 2 ~~and-3~~ to participate in a primary election
42 must, in that same year, conduct the municipal caucuses under
subsection 3 and hold a state convention, as prescribed by
44 Article III, in order to have the party designation of its
candidates printed on the ballot in the general election of that
46 year. The voter or group of voters who ~~file~~ files the
declaration of intent may perform the duties of the state
48 committee under section 321, subsection 1, for the party's
initial convention.

50

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

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

10 **Sec. 7. 21-A MRSA §303, sub-§3**, as amended by PL 1997, c. 581,
§1, is further amended to read:

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

40 **Sec. 8. 21-A MRSA §303, sub-§4**, as enacted by PL 1985, c. 161,
42 §6, is amended to read:

44 **4. Municipal caucuses.** The--preposed A party that has
qualified under subsections 1, 2 and 3 to participate in a
46 primary election must conduct municipal caucuses in at least one
municipality in each of the 16 counties during that election year
48 as prescribed in Article II. The chairman chair of the municipal
committee or a resident voter in the municipality must file a

2 copy of the notice required by section 311, subsection 3 with the
3 Secretary of State, before 5 p.m. on April 15th.

4 **Sec. 9. 21-A MRSA §303, sub-§5**, as enacted by PL 1985, c. 161,
5 §6, is amended to read:

6
7 **5. Convention.** A party ~~which~~ that has qualified under
8 subsections 1, 2, and 3 ~~and--4~~ to participate in a primary
9 election must, in that same year, conduct the municipal caucuses
10 under subsection 4 and hold a state convention as prescribed by
11 Article III, in order to have the party designation of its
12 candidates printed on the ballot in the general election of that
13 year. The voter or group of voters who ~~file~~ files the
14 declaration of intent may perform the duties of the state
15 committee under section 321, subsection 1, for the party's
16 initial convention.

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

19 **§304. Disqualification of parties**

20
21 A party ~~which--qualified--under--section--302--or--303--to~~
22 ~~participate in the last preceding primary and general elections~~
23 ~~is not qualified to participate in a subsequent primary election~~
24 ~~unless it meets the requirements of section 301~~ that does not
25 meet the requirements of section 301 is not qualified to
26 participate in a subsequent election.
27
28

29 **Sec. 11. 21-A MRSA §307, sub-§§2 and 3**, as enacted by PL 1985,
30 c. 161, §6, are amended to read:

31
32 **2. Use state name.** Incorporate the name or an abbreviation
33 of the name of the State; and

34
35 **3. Use established party's designation.** Incorporate the
36 designation or an abbreviation of the designation of a party
37 ~~which~~ that is qualified to participate in a primary or general
38 election under section 301; and

39 **Sec. 12. 21-A MRSA §307, sub-§4** is enacted to read:

40
41 **4. Use independent designation.** Consist of the word
42 "independent" without another descriptive word or words. The
43 designation "independent," without another descriptive word or
44 words, is reserved for use by candidates that are not enrolled in
45 any qualified or proposed party.
46
47
48

49 **Sec. 13. 21-A MRSA §312**, as enacted by PL 1985, c. 161, §6,
50 is repealed and the following enacted in its place:

2 **§312. Voting list**

4 The chair or secretary of the municipal committee or the
6 person or persons calling a biennial municipal caucus may request
8 from the municipal registrar at no charge a certified copy of the
10 voting list for use by the municipal committee once each biennial
12 election cycle beginning January 1st in an election year. Upon
14 receipt of a request, the registrar has 5 business days to
16 prepare and provide the certified copy of the voting list to the
18 requester.

20 **Sec. 14. 21-A MRSA §503, sub-§2, as repealed and replaced by**
22 **PL 1995, c. 459, §33, is amended to read:**

24 **2. Representation of parties.** The municipal officers shall
26 consider the following for appointment as election clerks.

28 A. The municipal officers shall consider persons nominated
30 by the municipal committees of the major parties to serve as
32 election clerks. The municipal officers shall appoint at
34 least one election clerk from each of the major parties to
36 serve at each voting place during the time the polls are
38 open. The municipal officers shall also appoint a
40 sufficient number of election clerks to serve as counters
42 after the polls close. The election clerks must be selected
44 so that the number of election clerks from one major party
46 does not exceed the number of election clerks from another
48 major party by more than one.

50 B. The municipal officers shall appoint at least one
 election clerk nominated by the municipal committee of a
 qualified minor party represented on the last general
 election ballot for each voting place at the committee's
 request.

 C. Notwithstanding subsection 1, the municipal officers may
 also consider persons who are 17 years of age to serve as
 student election clerks for a specific election. A student
 election clerk may not assist a voter unless the voter
 specifically requests assistance from the student election
 clerk.

 All nominations for election clerks must be submitted to the
 municipal officers no later than April 1st of each general
 election year. If a municipal committee of a major party fails
 to submit a list of nominees to serve as election clerks, the
 municipal officers may appoint registered voters enrolled in that
 party to serve as election clerks.

2 If the municipal officers are unable to appoint a sufficient
4 number of election clerks as set forth in paragraphs A, B and C,
6 they may appoint any other registered voter, as long as the
8 balance between major political parties is maintained. A
10 municipal officer may not appoint a person to serve as an
12 election clerk as provided in this subsection after September 1,
14 2000.

10 SUMMARY

12 This bill increases access to election procedures for new
14 parties, unenrolled candidates and unenrolled voters as follows:

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

20 2. Allows that a party that forms around a candidate be
22 recognized as qualified to participate in a primary election once
24 it has filed the consent of the candidate;

26 3. Clarifies the petition filing procedures for new
28 political parties by adding a separate and earlier filing
30 deadline for petitions to be submitted to local election
32 officials before the petitions are submitted to the Secretary of
34 State and allows that a party that forms by petition will be
36 recognized as qualified to participate in a primary election once
38 it has filed the petition with the Secretary of State;

40 4. Allows any registered voter to sign a petition to form a
42 new political party so long as the voter is not enrolled in a
44 political party;

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

6. Improves access to municipal lists of registered voters;
and

7. Provides that until September 1, 2000, if municipal
officers are unable to appoint a sufficient number of election
clerks from major parties, the officers may appoint any
registered voter including voters who are not enrolled in any
party, provided the balance between major parties is maintained.