

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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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.**

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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 election ballot in the last preceding gubernatorial or presidential election~~ ballot of either of the 2 preceding general elections and if:

12           A. The party held municipal caucuses as prescribed by Article II in at least one municipality in each county in the State during ~~that the~~ the election year in which the designation was listed on the ballot and any interim 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~~ the election year in which the designation was listed on the ballot and any interim 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 President in ~~the last preceding gubernatorial or presidential election;~~ and either of the 2 preceding general elections.

30           ~~D. Each state party committee must file a statement with the Secretary of State on or before March 20th certifying that the party has held the municipal caucuses required by paragraph A. The statement must be signed by the party 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 party has held the municipal caucuses required by paragraph A. The statement must be signed by the party chair or the chair's 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~~ presidential general election qualifies to participate in a primary election, if it meets the requirements of subsections 1, and 2 and 3.

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.