

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1273, Bill, "An Act to Repeal the Presidential Preference Primary Elections"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Laws Governing Presidential Primaries'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 21-A MRSA §411, sub-§1, as amended by PL 1995, c. 154, §2, is repealed and the following enacted in its place:

1. Determination of primary. Whenever the state committee of a political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and that the committee has voted to conduct a presidential preference primary election, the State shall hold a presidential preference primary election.

Sec. 2. 21-A MRSA §411-A, as amended by PL 1997, c. 436, §§61 and 62, is further amended to read:

§411-A. Party certification

The state committee of a political party shall file the certification described in section 411, subsection 1 with the Secretary of State by December 1st of the year next prior to the

election. This certification must contain the following:

2
3 1. **Statement of contest.** A statement that there is a
4 contest among candidates for nomination as the presidential
candidate of the party;

6
7 2. **Identification of contestants.** Identification of at
8 least 2 candidates who have declared as contestants for
nomination as the presidential candidate of the party;

10
11 3. **Statement of intent.** A statement that the party state
12 committee of a political party has voted to conduct a
13 presidential preference primary election and intends to
14 participate in a presidential primary election. ~~Such a statement~~
15 ~~of intent is irrevocable for that particular presidential~~
16 ~~preference primary election;~~ and

18
19 4. **Statement of enrollment qualifications.** A statement of
the enrollment qualifications, subject to the restrictions in
20 section 144, for voters eligible to vote in that party's
presidential preference primary.

22
23 **Sec. 3. 21-A MRS §412,** as amended by PL 1997, c. 436, §63,
24 is repealed.

26
27 **Sec. 4. 21-A MRS §414, sub-§1,** as amended by PL 1995, c. 154,
§7, is further amended to read:

28
29 1. **Inclusion on ballot.** The ballot must include the name
30 of any person who is a member of a ~~political~~ party that has
31 ~~qualified to participate in a primary election under subchapter I~~
32 ~~and who has filed a petition with or paid a filing fee to the~~
33 ~~Secretary of State pursuant to the requirements of section 412,~~
34 ~~subject to challenge and appeal under section 337~~ under this
35 chapter and who has been determined by the state committee of
36 that party to be nationally advocated or recognized as a
37 presidential candidate.

38
39 **Sec. 5. 21-A MRS §414, sub-§2,** as enacted by PL 1993, c. 334,
40 §3, is amended to read:

42
43 2. **Notification of candidates.** The state committees must
44 notify the Secretary of State of their determinations under
45 subsection 1 by December 15th of the year next prior to the
46 presidential preference primary election. The Secretary of State
47 shall promptly notify those persons whose names are not placed on
48 the ballot and shall refund any filing fees paid by those
49 persons. The Secretary of State shall determine the names of the
50 persons to be placed on the ballot under subsection 1. The
Secretary of State shall promptly notify those persons that their

names will appear on the ballot and shall advise those persons of the steps that they must take if they do not wish their names to appear on the ballot.

Sec. 6. 21-A MRSA §414, sub-§3, as enacted by PL 1993, c. 334, §3, is amended to read:

3. Withdrawal of candidates. A person who has received notice of inclusion on the ballot may ~~withdraw from the election~~ have the person's name withdrawn from the ballot by filing an affidavit with the Secretary of State requesting under oath that the candidate be withdrawn from the election. ~~The Secretary of State is not required to reprint ballots to remove the name of a candidate if the Secretary of State receives notice of the candidate's withdrawal after the ballots are printed.~~ In order to remove a person's name from the ballot, the affidavit must be received by the Secretary of State at least 60 days before the election. If the Secretary of State receives notice of a candidate's withdrawal ~~at least 2 weeks before the election~~ less than 60 days before the election, the Secretary of State shall provide municipal election officials with signs to post at the polls notifying voters of the candidate's withdrawal.

Sec. 7. 21-A MRSA §415, first ¶, as amended by PL 1997, c. 436, §64, is further amended to read:

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

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill amends the presidential primary process by allowing the parties to choose whether to use a primary or a party caucus to select their convention delegates.

The Office of the Secretary of State anticipates that, to the extent that each of the major parties decides to hold a presidential primary in 2004 under this new law, the layout and number of state ballots would likely be similar to those printed in 1996 and 2000, resulting in a comparable printing cost to that experienced under the current law.'

2

SUMMARY

4 This amendment is the minority report. It amends the
6 presidential preference primary process by allowing the parties
8 to choose whether they want a primary or a caucus. This bill
10 also permits the parties to determine whether their candidates
12 are nationally advocated or recognized as a presidential
candidate in order for their names to be placed on the ballot.
The amendment also repeals the provision allowing a candidate to
appear on a presidential preference primary ballot by petition.

The amendment also adds a fiscal note to the bill.