

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1686

H.P. 1192

House of Representatives, June 3, 2005

An Act To Amend the Laws Governing Political Caucuses, Conventions and Committees

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Senator BRYANT of Oxford and
Representatives: CUMMINGS of Portland, DUGAY of Cherryfield, MARLEY of Portland,
PATRICK of Rumford, PERCY of Phippsburg, RINES of Wiscasset, SYKES of Harrison,
WEBSTER of Freeport.

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

4 **Sec. 1. 21-A MRSA §111**, as amended by PL 1987, c. 423, §2, is further amended to read:

6 **§111. General qualifications**

8 A person who meets the following requirements may vote in
10 any election in a municipality, including a biennial municipal caucus held pursuant to section 311.

12 **1. Citizenship.** ~~He~~ The person must be a citizen of the United States.

14 **2. Age.** ~~He~~ The person must be at least 18 years of age, except that, to vote in a political party's primary election or municipal caucus, the person must be at least 18 years of age as of the date of the next general election.

20 **3. Residence.** ~~He~~ The person must have established and maintain a voting residence in that municipality.

22 **4. Registration.** ~~He~~ The person must be registered to vote in that municipality.

26 **5. Enrollment.** ~~He~~ The person must be enrolled in a party in that municipality to vote at a that party's caucus, convention or primary election, unless otherwise permitted by ~~a-political~~ the party pursuant to section 340.

30 **Sec. 2. 21-A MRSA §111-A**, as enacted by PL 2003, c. 577, §1, is amended to read:

34 **§111-A. Voting age qualification for primary elections**

36 ~~Notwithstanding section 111, subsection 2, a~~ A person who has not yet reached 18 years of age but will be 18 years of age at the time of a general election and meets all other qualifications in order to vote in a primary election may vote in the primary election for the selection of candidates to be on the ballot at that general election.

42 **Sec. 3. 21-A MRSA §311**, as amended by PL 2001, c. 310, §17, is further amended to read:

46 **§311. Rules governing**

48 A biennial municipal caucus ~~is~~ may be held by any political party for the purpose of electing delegates to a state convention and for any other business governed by the following provisions.

2 **1. Call.** The caucus may be called by the ~~ehairman~~ chair or
4 a majority of the members of the municipal committee of a
political party. If the municipal committee fails to call a
6 caucus, the county committee may call the caucus. At the request
of that committee municipal officers shall provide available
8 space in a public building for a caucus. A municipality may hold
its caucus outside the municipality if several municipalities
10 elect to meet on a consolidated basis or if the committee calling
the caucus determines that a facility outside the municipality is
more suitable.

12 **2. Time.** A biennial municipal caucus of any party held
14 ~~biennially during the general election year for the purpose of~~
~~electing delegates to a state convention and for any other~~
16 ~~business~~ must be held during the general election year before
March 20th.

18 **3. Notice.** The secretary of the committee ~~must~~ shall have
20 a notice of the caucus published in a newspaper having general
circulation in the municipality at least 3 and not more than 7
22 days before it is to be held, or ~~must~~ shall post a notice in a
conspicuous, public place in each voting district in the
24 municipality at least 7 days before the caucus. The notice must
contain the name of the party, the time and place of the caucus
26 and the name of the person calling it.

28 A. If the notice is not published as required by this
subsection, the caucus is void if challenged by any voter
30 eligible to participate in the caucus who was prejudiced by
the failure to publish notice.

32 B. The secretary of the committee ~~must~~ shall file a copy of
34 the notice with the clerk who shall record it.

36 **4. Procedure.** The ~~ehairman~~ chair of the municipal
committee shall open the caucus. In ~~his~~ the chair's absence, the
38 secretary or any resident voter enrolled in the party may open
the caucus. The caucus shall elect a secretary and a ~~ehairman~~
40 chair in that order. The ~~ehairman~~ chair of the caucus shall then
preside over the caucus and the secretary shall record the
42 proceeding of the caucus. The caucus shall determine its own
parliamentary procedure.

44 **5. If no municipal committee.** If there is no municipal
46 committee, any resident voter enrolled in the party may call a
special caucus for the purpose of electing the committee. ~~---He~~
48 ~~must-fellow~~ following the notice procedure of subsection 3.

2 **Sec. 4. 21-A MRSA §321**, as enacted by PL 1985, c. 161, §6, is
amended to read:

4 **§321. Time and place; procedure**

6 Each party shall hold a state convention between March 1st
and August 1st biennially during each general election year.

8 **1. Time, place and representation.** The party's state
10 committee shall determine the time, place and basis of
representation for the convention. Delegates must be qualified
12 to vote in the party's primary election unless otherwise
permitted by party rules.

14 **2. Proceedings at convention.** The convention shall do the
16 following:

18 A. Elect a secretary and a ~~chairman~~ chair of the convention
in that order;

20 B. Adopt a platform for the next general election;

22 C. Nominate the number of presidential electors to which
24 the State is entitled;

26 D. Determine the size of the state, district and county
committees and the method of their election;

28 E. Elect a district committee for each congressional
30 district; and

32 F. Elect a county committee for each county from persons
nominated at municipal caucuses held in the county, unless
34 party rules provide for county committee members to be
elected directly by their respective municipalities. If a
36 municipality entitled to nominate a person for election to
the county committee fails to do so, the convention may
38 elect any resident of that municipality to the county
committee.

40 **Sec. 5. 21-A MRSA §322**, as amended by PL 1997, c. 436, §46,
42 is further amended to read:

44 **§322. Committee functions**

46 ~~Committees elected at the convention~~ State, congressional
district and county committees of qualified political parties are
48 governed by the following provisions.

1. **Committees to organize and report.** ~~The committees~~
2 ~~elected at the convention shall organize within 30 days after the~~
3 ~~convention.~~ The secretary of each committee shall notify the
4 state committee of the name and residence of its ~~chairman~~ chair
5 and secretary within 10 days after their election. The state
6 committee shall hold an organizational meeting within 30 days
7 after the convention.

8
9
10 2. **State committee to report organization.** The chair and
11 the secretary of the state committee shall certify to the
12 Secretary of State the platform adopted and the names of the
13 party's candidates for presidential electors elector within 30
14 days after the convention. The chair and the secretary of the
15 state committee shall certify to the Secretary of State the name
16 and residence of the chair and secretary of each committee and of
17 each committee member within 20 days after their election.

18 3. **Term of office and duties of committees.** The committees
19 and their officers shall hold office as prescribed in their
20 bylaws and shall perform the duties imposed upon them by the
21 convention and their bylaws.

22
23 4. **Certain officers of state committee.** The ~~chairman~~
24 chair, ~~vice-chairman~~ vice-chair, treasurer and finance ~~chairman~~
25 chair of the state committee may be chosen from outside the
26 membership of the state committee.

28 SUMMARY

29
30 This bill makes the following changes to the laws governing
31 political caucuses, conventions and committees.

32
33 1. It provides that a person who meets certain requirements
34 may vote in any election in a municipality, including a biennial
35 municipal caucus.

36
37 2. It provides that a person who has not attained 18 years
38 of age may vote in a municipal caucus if that person will be at
39 least 18 years of age as of the date of the next general election.

40
41 3. It changes gender-specific language.

42
43 4. It changes the requirements for the calling, timing and
44 notice of a biennial municipal caucus.

45
46 5. It provides that delegates to a party's state convention
47 must be qualified to vote in the party's primary election unless
48 otherwise permitted by party rules.

2 6. It provides that a state convention shall elect a county
committee for each county from persons nominated at municipal
4 caucuses held in the county, unless party rules provide for
county committee members to be elected directly by their
6 respective municipalities.

8 7. It amends the provisions of law that govern the timing
for committees to organize and report.