

MAINE STATE LEGISLATURE

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SMG
ROES

L.D. 1086

Date: 6/20/17 Minority (Filing No. H-527)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 764, L.D. 1086, Bill, "An Act To Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates"

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

'An Act To Establish a Nonpartisan Primary Election System for State and Federal Candidates'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 21-A MRSA §145, sub-§1, as amended by PL 1999, c. 426, §8, is repealed.

Sec. 5. 21-A MRSA §331, sub-§1, as amended by PL 2015, c. 447, §8, is further amended to read:

1. Nomination by primary election. A party's nomination of a candidate must be made by primary election, as provided in this Article. When there is an office for which no candidate has qualified either by filing a petition and consent under sections 335 and 336 or as a write-in candidate in accordance with section 722-A, the Secretary of State is not required to list the office on the primary ballot. The Secretary of State is not required to print a primary ballot if there are no offices for which a candidate has qualified.

Sec. 6. 21-A MRSA §334, as amended by PL 2009, c. 253, §16, is further amended to read:

§334. Qualification of candidate for primary nomination

A candidate for nomination by primary election must file a primary petition and consent under sections 335 and 336. ~~The candidate must be enrolled, on or before March 15th, in the party named in the petition and must be eligible to file a petition as a candidate for nomination by primary election under section 144, subsection 3. The registrar in the candidate's municipality of residence must certify to that fact on a form designed by the Secretary of State.~~

COMMITTEE AMENDMENT

ROFS

1 **Sec. 7. 21-A MRSA §339**, as enacted by PL 1985, c. 161, §6, is amended to read:

2 **§339. Time and nature of election**

3 The primary election ~~shall~~ must be held on the 2nd Tuesday of June of each general
4 election year and is considered to be a separate election ~~for each party which takes part in~~
5 ~~it~~. This includes the duties of public officials in announcing the election, providing forms
6 and ballots, keeping records and any other matter necessary to effect the purpose of a
7 primary election. ~~A primary election shall be conducted the same as the general election,~~
8 ~~as nearly as practicable, for each party.~~ Notwithstanding any provision of this Title to the
9 contrary, a primary election for the office of United States Senator, Representative to
10 Congress, Governor, State Senator or Representative to the Legislature must be
11 conducted so that the 2 candidates for an office, regardless of party enrollment, who
12 receive the highest number of votes are placed on the general election ballot.'

13 Amend the bill by inserting after section 5 the following:

14 '**Sec. 6. 21-A MRSA §351, first ¶**, as enacted by PL 1985, c. 161, §6, is amended
15 to read:

16 The nomination of a candidate, ~~other than by a party~~, for any federal, state or county
17 office must be made by petition, as provided in this subchapter.

18 **Sec. 7. 21-A MRSA §353**, as amended by PL 2009, c. 253, §19, is further
19 amended to read:

20 **§353. Qualification of candidate for nomination by petition**

21 A person who seeks nomination by petition qualifies by filing a nomination petition
22 and consent as provided in sections 354 and 355. ~~If enrolled, the person must also~~
23 ~~withdraw enrollment in a party on or before March 1st to be eligible to file a petition as a~~
24 ~~candidate in that election year, as provided in section 145.~~ The registrar in the candidate's
25 municipality of residence must certify to that fact on a form designed by the Secretary of
26 State.'

27 Amend the bill by inserting after section 13 the following:

28 '**Sec. 14. Appropriations and allocations.** The following appropriations and
29 allocations are made.

30 **SECRETARY OF STATE, DEPARTMENT OF**

31 **Bureau of Administrative Services and Corporations 0692**

32 Initiative: Provides funding for additional ballots and programming to create a
33 nonpartisan primary process for state primary elections.

34	GENERAL FUND	2017-18	2018-19
35	All Other	\$200,000	\$0
36			
37	GENERAL FUND TOTAL	<u>\$200,000</u>	<u>\$0</u>
38			

ROFS

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment adds provisions to the bill that specify that primaries are held for the
5 purpose of selecting 2 candidates to be placed on the general election ballot for the
6 offices of United States Senator, Representative to Congress, Governor, State Senator and
7 Representative to the Legislature. Primary candidates placed on the general election
8 ballot for an office are the 2 candidates who received the highest number of votes. The
9 bill provides that voters may participate in a primary election for these offices regardless
10 of party enrollment. The amendment adds provisions inadvertently omitted from the bill
11 that are consistent with the proposal to establish a nonpartisan primary election for state
12 and federal offices. The amendment also adds an appropriations and allocations section
13 to the bill.

14 **FISCAL NOTE REQUIRED**

15 (See attached)



128th MAINE LEGISLATURE

LD 1086

LR 310(02)

An Act To Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

A (H-527)

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$200,000	\$0	\$190,000	\$0
Appropriations/Allocations				
General Fund	\$200,000	\$0	\$190,000	\$0

Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$200,000 in fiscal year 2017-18 to the Department of Secretary of State for additional ballots and programming to create a nonpartisan primary process for state primary elections.