

MAINE STATE LEGISLATURE

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1 ENG
ROTS

L.D. 114

2 Date: 5/20/19

Minority

(Filing No. H- 311)

3 VETERANS AND LEGAL AFFAIRS

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5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 129TH LEGISLATURE
8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 96, L.D. 114, Bill, "An Act To
10 Establish Open Primaries for Certain Federal and State Offices"

11 Amend the bill by inserting after section 10 the following:

12 'Sec. 11. 21-A MRSA §354, sub-§5, as amended by PL 1991, c. 362, §§2 and 3,
13 is further amended to read:

14 5. Number of signatures required. Nomination petitions must be signed by the
15 following numbers of voters:

16 A. For a slate of candidates for the office of presidential elector, at least 4,000 and
17 not more than 6,000 voters;

18 B. For a candidate for Governor, at least ~~4,000~~ 2,000 and not more than ~~6,000~~ 3,000
19 voters;

20 C. For a candidate for United States Senator, at least ~~4,000~~ 2,000 and not more than
21 ~~6,000~~ 3,000 voters;

22 D. For a candidate for United States Representative, at least ~~2,000~~ 1,000 and not
23 more than ~~3,000~~ 1,500 voters;

24 E. For a candidate for county office other than county commissioner or county
25 charter commission member, at least 300 and not more than 400 voters;

26 E-1. For a candidate for county commissioner, at least 100 and not more than 150
27 voters;

28 F. For a candidate for State Senator, at least ~~200~~ 100 and not more than ~~300~~ 150
29 voters;

30 G. For a candidate for State Representative, at least ~~50~~ 25 and not more than ~~80~~ 40
31 voters; and

32 H. For a candidate for county charter commission member, at least 50 and not more
33 than 80 voters.'

COMMITTEE AMENDMENT

1 Amend the bill in section 19 in §374-A in subsection 4 in the 2nd to the last line
2 (page 6, line 6 in L.D.) by striking out the following: "that" and inserting the following:
3 'who'

4 Amend the bill in section 19 in §374-A in subsection 4 in the last line (page 6, line 7
5 in L.D.) by inserting after the following: "any." the following: 'If the candidate who
6 received the 3rd most votes is unable or unwilling to be listed as a candidate on the
7 general election ballot, the Secretary of State shall list as a replacement candidate the
8 name of the candidate who received the next most votes cast in the open primary election
9 as determined by section 723-A who is willing and able to be listed as a candidate on the
10 general election ballot, if any. If no remaining candidate for whom a vote was cast in the
11 open primary is willing and able to be listed as a candidate on the general election ballot,
12 notwithstanding section 601, subsection 2, paragraph D, the Secretary of State shall place
13 a blank space on the ballot that may be used by a voter to write in the name of a person
14 for whom the voter desires to vote, as provided in section 692, subsection 2.'

15 Amend the bill in section 27 in subsection 1-B in the last line (page 9, line 15 in L.D.)
16 by inserting after the following: "primary" the following: 'except as provided in section
17 374-A, subsection 4'

18 Amend the bill by inserting after section 32 the following:

19 '**Sec. 33. 21-A MRSA §1122, sub-§8, ¶A,** as amended by PL 2009, c. 363, §1, is
20 further amended to read:

21 A. For a gubernatorial participating candidate, the qualifying period begins October
22 15th immediately preceding the election year and ends at 5:00 p.m. on April 1st 20th
23 of the that election year or on the next business day following April 20th if the office
24 of the commission is closed on April 20th.

25 **Sec. 34. 21-A MRSA §1125, sub-§10,** as amended by IB 2015, c. 1, §26, is
26 repealed.

27 **Sec. 35. Appropriations and allocations.** The following appropriations and
28 allocations are made.

29 **SECRETARY OF STATE, DEPARTMENT OF**
30 **Bureau of Administrative Services and Corporations 0692**

31 Initiative: Provides funding for additional ballot printing and postage costs in order to
32 hold open primaries for certain state and federal offices.

33	GENERAL FUND	2019-20	2020-21
34	All Other	\$250,000	\$0
35			
36	GENERAL FUND TOTAL	<u>\$250,000</u>	<u>\$0</u>
37			

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

SUMMARY

2 This amendment, which is the minority report of the committee, makes the following
3 changes to the election laws to implement the open primary election procedure authorized
4 in the bill.

5 1. It reduces the number of candidate petition signatures that an unenrolled candidate
6 for the office of United States Senator, United States Representative, Governor, State
7 Senator or State Representative must obtain to be placed on the open primary ballot to
8 match the number of petition signatures that a party candidate for the same office must
9 obtain to be placed on the open primary ballot.

10 2. It authorizes an unenrolled candidate who is certified for participation under the
11 Maine Clean Election Act and who participates in a contested open primary election to
12 receive the same amount of distributions from the Maine Clean Election Fund that a
13 certified party candidate receives for participation in the same contested open primary
14 election.

15 3. If one of the 2 candidates who received the most votes at the open primary, as
16 determined by ranked-choice voting, withdraws from the race at least 70 days before the
17 general election, it directs the Secretary of State to replace that candidate on the general
18 election ballot with the candidate who received the next most votes in the open primary
19 who is willing and able to appear on the general election ballot. If no candidate meets
20 these criteria, the amendment directs the Secretary of State to place a blank space on the
21 general election ballot that may be used by a voter to vote for a write-in candidate.

22 4. It makes a technical change to the deadlines for candidate certification under the
23 Maine Clean Election Act.

24 5. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 114

LR 189(02)

An Act To Establish Open Primaries for Certain Federal and State Offices

Fiscal Note for Bill as Amended by Committee Amendment *A. (H-311)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$250,000	\$0	\$250,000	\$0
Appropriations/Allocations				
General Fund	\$250,000	\$0	\$250,000	\$0

Fiscal Detail and Notes

The bill provides for open primary elections for certain state and federal offices. The bill includes a General Fund appropriation of \$250,000 to the Department of Secretary of State in fiscal year 2019-20 for additional ballot printing and postage costs.

The bill also extends the end of the qualifying period for certification of Maine Clean Election Act candidates from April 1 to April 20th. In non-gubernatorial election years this date change will have no fiscal impact on the Commission for Governmental Ethics and Election Practices (CGEEP). However, the CGEEP has indicated that in gubernatorial election years additional temporary staffing may be required to accommodate the additional workload of concurrently certifying gubernatorial and legislative candidates. The CGEEP has indicated that the Maine Clean Election Fund is forecasted to have sufficient resources to fund the cost of the temporary staff.