

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1083

S.P. 315

In Senate, March 5, 2019

An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Representative WARREN of Hallowell and
Senators: BELLOWS of Kennebec, BREEN of Cumberland, CHENETTE of York,
GRATWICK of Penobscot, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of
Sagadahoc, Representative: GROHOSKI of Ellsworth.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-C, ¶C** is enacted to read:

3 C. Primary elections for the office of President of the United States and general
4 elections for presidential electors.

5 **Sec. 2. 21-A MRSA §335, sub-§5, ¶B-3** is enacted to read:

6 B-3. For a candidate for the office of President of the United States, at least 2,000
7 and not more than 3,000 voters;

8 **Sec. 3. 21-A MRSA §335, sub-§6**, as amended by PL 2015, c. 474, §2, is further
9 amended to read:

10 **6. When signed.** Except as provided in subchapter 7 8, a petition may not be signed
11 before January 1st of the election year in which it is to be used.

12 **Sec. 4. 21-A MRSA §335, sub-§8**, as amended by PL 2015, c. 474, §3, is further
13 amended to read:

14 **8. When filed.** Except as provided in subchapter 7 8, a primary petition must be
15 filed in the office of the Secretary of State before 5 p.m. on March 15th of the election
16 year in which it is to be used.

17 **Sec. 5. 21-A MRSA c. 5, sub-c. 8** is enacted to read:

18 **SUBCHAPTER 8**

19 **PRESIDENTIAL PRIMARY ELECTIONS**

20 **§441. Determination and date of primary; voter eligibility**

21 **1. Determination of primary.** When the state committee of a party certifies that
22 there is a contest among candidates for nomination as the presidential candidate of the
23 party and that the committee has voted to conduct a presidential primary election, the
24 State shall hold a presidential primary election.

25 **2. Date of primary.** A presidential primary election held pursuant to subsection 1
26 must be held on a date in March of the presidential election year chosen by the Secretary
27 of State. The Secretary of State shall consult with each party that has made a certification
28 pursuant to subsection 1 prior to selecting the date for the presidential primary election.

29 **3. Eligible voter.** Notwithstanding section 340, subsection 1, only a voter who is
30 enrolled in a party may vote in the party's presidential primary election.

1 **§442. Party certification**

2 The state committee of a party shall file the certification described in section 441,
3 subsection 1 with the Secretary of State by December 1st of the year prior to the
4 presidential election year. This certification must contain:

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

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

9 **3. Statement of committee vote.** A statement that the state committee has voted to
10 conduct a presidential primary election.

11 **§443. Petitions**

12 On or before July 1st of the year prior to a presidential election year, the Secretary of
13 State shall prepare and make available petitions for circulation by a person desiring to be
14 a contestant in the state presidential primary election of any party. This petition must be
15 completed and filed at least 45 days before the primary election in the manner provided in
16 sections 335 and 336.

17 **§444. Ballot preparation; candidate eligibility**

18 The Secretary of State shall prepare ballots for a presidential primary election under
19 this subchapter in accordance with section 601-B.

20 **1. Petitions.** A ballot must include the name of a person who files with the Secretary
21 of State a petition in accordance with section 443. The Secretary of State shall determine
22 if a petition meets the requirements of sections 335, 336 and 443, subject to challenge and
23 appeal under section 337.

24 **2. Secretary of State determination.** This subsection governs the Secretary of
25 State's selection of presidential candidates to appear on the ballot.

26 A. A ballot must include the name of a person who is a member of a party that has
27 qualified under subchapter 1 and who has been determined by the Secretary of State,
28 in the Secretary of State's sole discretion, to be generally advocated for or recognized
29 as a presidential candidate of nationwide stature in the national news media
30 throughout the United States. This subsection may not be construed to include so-
31 called favorite son candidates whose candidacy may be limited to one state.

32 B. The Secretary of State shall determine which candidates will be placed on the
33 ballot under this subsection at least 30 days before the ballots are prepared. The
34 Secretary of State shall promptly notify a person that the person's name will appear
35 on the ballot and advise that person of the steps under paragraph C that the person
36 must take if the person does not wish to appear on the ballot.

37 C. A person notified by the Secretary of State under paragraph B may have the
38 person's name withdrawn from the ballot by filing an affidavit with the Secretary of

1 State in which the person swears an oath that the person requests that the person's
2 name be withdrawn from the ballot.

3 In order to withdraw a person's name from the ballot, the Secretary of State must
4 receive the affidavit at least 45 days before the date designated for the presidential
5 primary election.

6 **§445. Tabulation of ballots; selection of delegates**

7 **1. Tabulation of ballots.** Tabulation of ballots cast in the presidential primary
8 election for each party must proceed according to the ranked-choice method of tabulating
9 votes described in section 723-A.

10 **2. Selection of delegates.** If a party chooses to participate in a presidential primary
11 election under this subchapter, delegates to national presidential nominating conventions
12 may be selected by the party meeting in convention under subchapter 1, article 3 at any
13 time after the presidential primary election. Selection and allocation of delegates must be
14 in accordance with any reasonable procedures established at the state party convention.

15 **§446. Cost**

16 Whenever a municipality complies with the provisions of this subchapter, the State
17 shall bear the cost incurred.

18 **Sec. 6. 21-A MRSA §601-B** is enacted to read:

19 **§601-B. Presidential primary ballot**

20 The Secretary of State shall prepare presidential primary election ballots in
21 accordance with section 444 and this section.

22 **1. Arrangement.** The presidential primary election ballot must be arranged in a
23 manner that is as consistent and uniform as possible throughout the State.

24 **2. Content.** The content of the presidential primary election ballot is governed by
25 this subsection.

26 A. Instructions must be printed in bold type at the top of the ballot informing the
27 voter how to designate the voter's choice on the ballot.

28 B. The ballot must contain the name, without any title, and place of residence of each
29 candidate, arranged alphabetically with the last name first in block capital letters,
30 followed by the first name and middle name or initial, or followed by the first name
31 or first initial and the middle name. The name of each candidate may be printed on
32 the ballot in only one space.

33 C. The ballot must be simple and easy to understand and allow a voter to rank
34 candidates in order of preference.

35 D. There must be a heading on the ballot that contains the title of the election, the
36 name of the party, the name of the voting district or districts for which the ballot was
37 prepared, the date of the election and a facsimile of the state seal.

1 election, the State shall hold a presidential primary election on a date in March of the
2 presidential election year chosen by the Secretary of State in consultation with the parties.
3 Only voters who are enrolled in the party may vote in that party's presidential primary
4 election. The votes cast in the presidential primary for each party must be tabulated
5 according to the ranked-choice method of tabulating votes. The selection of delegates to
6 the national presidential nominating convention for each party and allocation of those
7 delegates among primary candidates must be in accordance with any reasonable
8 procedures established at the state party convention.

9 This bill also requires the ballots cast for presidential electors during the general
10 election to be tabulated according to the ranked-choice method of tabulating votes.