

MAINE STATE LEGISLATURE

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Report C

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L.D. 1061

Date: 6/3/21

(Filing No. H-385)

Report C

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to H.P. 790, L.D. 1061, "An Act To Protect Minor Political Parties That Seek Official Party Status"

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

'An Act To Protect Minor Political Parties'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 21-A MRSA §144, sub-§3, as repealed and replaced by PL 2013, c. 457, §2, is amended to read:

3. Restrictions during change of enrollment. Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change enrollment. ~~A voter may sign a primary nomination petition during the 15-day period after filing an application to change enrollment, and the voter's signature must be counted as valid, as long as the 15-day period has elapsed by the time the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is qualified to sign a petition for that office.~~ Notwithstanding subsection 4, a voter must file an application to change enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.

Sec. 2. 21-A MRSA §301, sub-§1, as amended by PL 2017, c. 254, §1, is further amended to read:

1. Primary election. A party qualifies to participate in a primary election if its designation was listed on the ballot of either of the 2 preceding general elections and if:

A. The party held municipal caucuses as prescribed by Article 2 in at least one municipality in a minimum of 14 counties in the State during the election year in which the designation was listed on the ballot and any interim election year and fulfills this same requirement during the year of the primary election; and

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "B" to H.P. 790, L.D. 1061

1 B. The party held a state convention as prescribed by Article III 3 during the election
2 year in which the designation was listed on the ballot and any interim election year;
3 and.

4 E. ~~At least 10,000 voters enrolled in the party voted in the last general election, except~~
5 ~~that a qualified party does not have to meet this enrollment until the 2nd general~~
6 ~~election after it has qualified and thereafter.~~

7 Each state party committee must file a statement with the Secretary of State on or before
8 March 20th certifying that the party has held the municipal caucuses required by paragraph
9 A. The statement must be signed by the party chair or the chair's designated agent.

10 **Sec. 3. 21-A MRSA §303, sub-§2**, as amended by PL 2017, c. 254, §2, is further
11 amended to read:

12 **2. Enrollment of voters.** Within 5 business days after the declaration of intent
13 required in subsection 1 is filed, the Secretary of State shall certify whether the application
14 meets the requirements of subsection 1 and, if so, notify the applicants that they may enroll
15 voters in the proposed party under sections 141 to 145. On or before ~~January 2nd~~ March
16 15th of the next even-numbered year following the filing of the application under
17 subsection 1, the applicants must file a certification with the Secretary of State, on a form
18 designed by the Secretary of State, that they have at least ~~5,000~~ 2,500 voters enrolled in the
19 proposed party. The Secretary of State shall verify the proposed party's enrollment figures
20 within 15 business days of receiving the proposed party's certification and notify the
21 applicants whether the proposed party has met the requirements to participate in a primary
22 election in the subsequent even-numbered year. A determination by the Secretary of State
23 that the party has not met these requirements may be challenged pursuant to section 303-A.

24 **Sec. 4. 21-A MRSA §303-A, sub-§3**, as enacted by PL 2017, c. 254, §3, is
25 amended to read:

26 **3. Public hearing.** Within 15 business days after receipt of a properly filed challenge
27 under subsection 1, and after providing due notice of the hearing to the challenger, the
28 Secretary of State shall hold a public hearing on the challenge. The hearing must be held
29 in accordance with the Maine Administrative Procedure Act. The challenger has the burden
30 of providing sufficient evidence to establish that the party did enroll a minimum of ~~5,000~~
31 2,500 voters by the applicable deadline pursuant to section 303.

32 **Sec. 5. 21-A MRSA §335, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended
33 to read:

34 **2. By whom signed.** A primary petition may be signed only by voters of the electoral
35 division ~~which~~ that is to make the nomination ~~and who are enrolled in the party named in~~
36 ~~the petition.~~ Other signatures are void.

37 **Sec. 6. 21-A MRSA §335, sub-§3**, as corrected by RR 2019, c. 2, Pt. B, §42, is
38 amended to read:

39 **3. How signed.** The voter must personally sign that voter's name in such a manner as
40 to satisfy the registrar of that voter's municipality that the voter is a registered voter ~~and~~
41 ~~enrolled in the party named on the petition.~~ Either the voter or the circulator of the petition
42 must print the voter's name.

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Sec. 7. 21-A MRSA §335, sub-§7, as amended by PL 2009, c. 253, §17, is further amended to read:

7. Certification of petition. A primary petition ~~shall~~ must be verified and certified as follows.

A. The circulator of a primary petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be; each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter; and each person ~~is enrolled in the party named in the petition and~~ is a resident of the electoral division named in the petition.

B. The registrar, or clerk at the request or upon the absence of the registrar, of each municipality concerned shall certify which names on a petition appear in the central voter registration system as registered ~~and enrolled~~ voters in that municipality and may not certify any names that do not satisfy subsection 3.'

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

SUMMARY

This amendment, which is a minority report of the committee, strikes and replaces the bill. Like the bill, the amendment reduces from 5,000 to 2,500 the number of voters that must be enrolled in a proposed political party for that party to qualify to participate in a primary election. The amendment also changes the date on which these signatures are due from January 2nd to March 15th of the general election year preceding the primary election.

The amendment also repeals the requirement that at least 10,000 voters enrolled in a party must vote in the 2nd and every subsequent general election after the party qualifies for the party to retain its qualification.

Finally, the amendment authorizes a party candidate to collect the signatures of any registered voter in the electoral district on the candidate's primary petition, not just the signatures of registered voters in the electoral district who are enrolled in the candidate's party.