

# MAINE STATE LEGISLATURE

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## **Report on Options for Legislation to Establish a Presidential Primary in the State**

AUG 22 2013

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State of Maine  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

November 1, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House of Representatives  
125th Legislature  
State House  
Augusta, ME 04333

Dear Mr. President and Mr. Speaker:

Resolve 2011, chapter 164 directed the Joint Standing Committee on Veterans and Legal Affairs to hold one meeting prior to October 15<sup>th</sup>, 2012 to consider options for legislation to establish a presidential primary in the State. In accordance with the law, the Veterans and Legal Affairs committee held a meeting on Wednesday September 5<sup>th</sup>, 2012. Chapter 164 required the committee to submit a report detailing options considered at its meeting and also authorized the committee to report out a bill to the 126<sup>th</sup> Legislature. Please accept this letter as the committee's report.

At the meeting held on the 5<sup>th</sup> of September, the committee considered a bill presented during the latter part of the Second Regular Session of the 125<sup>th</sup> Legislature, LD 1882 An Act to Establish a Presidential Primary in the State. This bill proposed a process for conducting a presidential primary similar to a primary process that had been part of the election laws until repealed during the First Regular Session of the 121<sup>st</sup> Legislature (Public Law 2001, chapter 470). Members reviewed a chart that summarized LD 1882 section by section. The chart incorporated comments from testimony presented by the Office of the Secretary of State on LD 1882. Additionally, the chart posed questions regarding policy objectives and presented several options for the committee to consider as alternatives to certain aspects of the process proposed by LD 1882. Alternatives listed in the chart included: requiring a filing fee in addition to signature petitions; allowing for an "open" primary as opposed to a "party only" or "closed" primary; and specifying a date certain for the presidential primary rather than the more flexible approach in LD 1882. The committee also considered the overall timeline for a primary process in general. In addition to necessary time frames for the basic administration of a primary election, members received information regarding federal election law. The most relevant federal law the committee needed to consider was the Uniformed and Overseas Citizens Absentee Voting Act or UOCAVA, which requires states to have absentee ballots available, in a timely manner, to members of the military and citizens abroad.

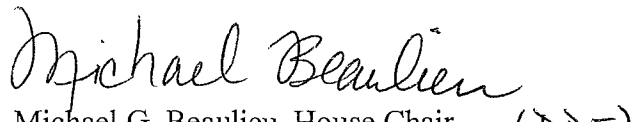
After considering the materials presented, the committee discussed the overall concept of a presidential primary. Twelve members of the committee were present for the discussion. Some members of the committee questioned the timing of such a proposal, stating that the next presidential election is 4 years from now and that there will be time during the course of the upcoming legislative sessions to consider primary proposals. Others noted, along this line, that this process deserves more significant consideration with public input, which would be best achieved after the Legislature convenes in 2013. Still others expressed opposition to the proposal altogether, noting that this was not a priority issue among their constituents, particularly in light of the current fiscal issues in the State and the price tag that would come along with the administration of a presidential primary.

Representative Crockett made a motion, seconded by Representative Russell, to end further consideration of the proposal for this interim. A majority of the committee concurred with this action; Senators Farnham and Patrick and Representatives, Chipman, Damon, Valentino, Johnson, Carey and Longstaff. Senator Plowman and Representative Beaulieu disagreed. They expressed their support for the intent of chapter 164; to establish a legislative proposal for a presidential primary. They noted that some voters feel disenfranchised by the caucus system and how Maine could garner greater attention in presidential elections if we held an early primary. Citing that 38 other states have a process for a presidential primary, Senator Plowman and Representative Beaulieu noted that crafting a proposal would take some work but there are good guidelines and processes available to follow. (Rep. Willette and Mitchell were not in attendance).

Thank you for your time and consideration of our report.

Sincerely,

  
Nichi S. Farnham, Senate Chair (DDF)  
Veterans and Legal Affairs

  
Michael G. Beaulieu, House Chair (DDF)  
Veterans and Legal Affairs

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