

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND SIXTEEN

—
 S.P. 685 - L.D. 1673

An Act To Establish a Presidential Primary System in Maine

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶B-2 is enacted to read:

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

This paragraph is repealed December 1, 2018;

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

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

Sec. 3. 21-A MRSA §335, sub-§8, as amended by PL 1995, c. 459, §23, is further amended to read:

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

Sec. 4. 21-A MRSA c. 5, sub-c. 7 is enacted to read:

SUBCHAPTER 7PRESIDENTIAL PRIMARY ELECTIONS§431. Determination and date of primary; voter eligibility

1. Determination of primary. No later than November 1st of the year prior to a presidential election year, the Secretary of State shall set the date of the presidential primary election, which must be held on a Tuesday in March of the year in which a

presidential election is held. Whenever the state committee of a party certifies that there is a contest among candidates for nomination as the presidential candidate, the Secretary of State shall consult with the state committee of each party to determine the date of the presidential primary.

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

§432. Petitions

On or before November 1st of the year prior to a presidential election year, the Secretary of State shall prepare and make available petitions for circulation by a person desiring to be a contestant in the Maine presidential primary election of any party. This petition must be completed and filed no later than 5:00 p.m. on December 21st of the year prior to a presidential election year in the manner provided in sections 335 and 336.

§433. Ballot preparation

The Secretary of State shall prepare ballots for a presidential primary election. A ballot must include the name of a person who files with the Secretary of State a petition in accordance with section 432. The Secretary of State shall determine if a petition meets the requirements of sections 335, 336 and 432, subject to challenge and appeal under section 337.

§434. Repeal

This subchapter is repealed December 1, 2018.

Sec. 5. Secretary of State directed to examine costs associated with presidential primaries and submit recommendations for legislation. The Secretary of State shall examine the fiscal impact on municipalities and the State associated with the requirement under the Maine Revised Statutes, Title 21-A, chapter 5, subchapter 7 to conduct a presidential primary and submit a report by December 1, 2017 to the joint standing committee of the Legislature having jurisdiction over elections matters. The report must describe the fiscal impact and suggest methods for mitigating the costs of conducting a presidential primary, including but not limited to appropriations and allocations. For the purposes of this section, "fiscal impact" includes, but is not limited to:

1. Ordinary costs of conducting elections at the municipal level;
2. Costs that are not typical in a regular election conducted at the state and municipal level that are anticipated with the addition of a presidential primary;
3. Costs related to personnel and the need for facilities to conduct a presidential primary, if any; and
4. Aggregate costs to both the State and municipalities.

The Secretary of State shall include in the report recommendations regarding the administration of presidential primaries, including any implementing legislation. These recommendations must include, but are not limited to, provisions that address the arrangement and content of the ballot, including the order of candidates to be listed on the ballot if a party has multiple candidates; necessary changes to ensure proper and timely administration of absentee ballots for a presidential primary and compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act; and other issues as determined by the Secretary of State to be necessary for proper administration of a presidential primary in the State.

In developing the recommendations and implementing legislation required by this section, the Secretary of State shall seek recommendations from recognized political parties in the State and organizations representing municipal and town election clerks.

The joint standing committee of the Legislature having jurisdiction over elections matters may submit a bill regarding presidential primaries to the Second Regular Session of the 128th Legislature.