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Date: (Filing No. H-)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

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

Amend the bill by inserting after section 10 the following:

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

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

- A. For a slate of candidates for the office of presidential elector, at least 4,000 and not more than 6,000 voters;
- B. For a candidate for Governor, at least ~~4,000~~ 2,000 and not more than ~~6,000~~ 3,000 voters;
- C. For a candidate for United States Senator, at least ~~4,000~~ 2,000 and not more than ~~6,000~~ 3,000 voters;
- D. For a candidate for United States Representative, at least ~~2,000~~ 1,000 and not more than ~~3,000~~ 1,500 voters;
- E. For a candidate for county office other than county commissioner or county charter commission member, at least 300 and not more than 400 voters;
- E-1. For a candidate for county commissioner, at least 100 and not more than 150 voters;
- F. For a candidate for State Senator, at least ~~200~~ 100 and not more than ~~300~~ 150 voters;
- G. For a candidate for State Representative, at least ~~50~~ 25 and not more than ~~80~~ 40 voters; and
- H. For a candidate for county charter commission member, at least 50 and not more 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

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

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

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

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

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

5. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)