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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 685, L.D. 1673, Bill, “An Act To Establish a Presidential Primary System in Maine”

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

**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This paragraph is repealed December 1, 2018: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 7**

**PRESIDENTIAL 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

**COMMITTEE AMENDMENT**

1 primary election, which must be held on a Tuesday in March of the year in which a  
2 presidential election is held. Whenever the state committee of a party certifies that there  
3 is a contest among candidates for nomination as the presidential candidate, the Secretary  
4 of State shall consult with the state committee of each party to determine the date of the  
5 presidential primary.

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

8 **§432. Petitions**

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

14 **§433. Ballot preparation**

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

20 **§434. Repeal**

21 This subchapter is repealed December 1, 2018.

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

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

38 The Secretary of State shall include in the report recommendations regarding the  
39 administration of presidential primaries, including any implementing legislation. These  
40 recommendations must include, but are not limited to, provisions that address the

1 arrangement and content of the ballot, including the order of candidates to be listed on the  
2 ballot if a party has multiple candidates; necessary changes to ensure proper and timely  
3 administration of absentee ballots for a presidential primary and compliance with the  
4 federal Uniformed and Overseas Citizens Absentee Voting Act; and other issues as  
5 determined by the Secretary of State to be necessary for proper administration of a  
6 presidential primary in the State.

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

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

### 13 SUMMARY

14 This amendment replaces the bill. Like the bill, the amendment establishes a  
15 presidential primary and requires a person seeking to be a presidential candidate to  
16 submit a nominating petition with the signatures of 2,000 to 3,000 registered voters in the  
17 State who are enrolled in the candidate's political party. The amendment provides that  
18 the Secretary of State must set the date of the primary for a Tuesday in March of a  
19 presidential election year after consulting with state party committees. The amendment  
20 directs the Secretary of State to make nominating petitions available and prepare the  
21 ballots for the presidential primary. The amendment also includes a provision that will  
22 repeal the subchapter establishing the presidential primary on December 1, 2018.

23 The amendment directs the Secretary of State to submit a report by December 2017  
24 to the joint standing committee of the Legislature having jurisdiction over elections  
25 matters regarding the fiscal impacts on the State and municipalities of conducting  
26 presidential primaries. It also directs the Secretary of State to include in the report  
27 recommendations regarding the administration of presidential primaries, including any  
28 implementing legislation. These recommendations must specify the content and layout of  
29 presidential primary ballots, ensure compliance with federal law governing overseas  
30 voters and include other recommendations necessary for proper administration of a  
31 presidential primary. The joint standing committee of the Legislature having jurisdiction  
32 over elections matters may submit a bill regarding presidential primaries to the Second  
33 Regular Session of the 128th Legislature.

### 34 FISCAL NOTE REQUIRED

35 (See attached)