An Act To Abolish Mandatory Political Caucuses

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ROBERT B. HUNT
Clerk

Presented by Representative CARDONE of Bangor.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §158, as amended by PL 2009, c. 253, §14, is further amended to read:

§158. Municipal caucus

During the gubernatorial election year, the registrar shall attend the any biennial municipal caucus of each held by a qualified party for at least 30 minutes preceding the commencement of the caucus at the location where the caucus is being held. During the presidential election year, the registrar shall attend the any biennial municipal caucus of each held by a qualified party for at least one hour preceding the commencement of the caucus at the location where the caucus is being held. The registrar shall accept the registrations and enrollments of all qualified voters who attempt to register and enroll, and all persons so registered and enrolled may participate in their party caucus. The registrar shall allow all persons to register or enroll who are present at the caucus at the end of the 30-minute or one-hour registration period.

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;

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

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

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

Sec. 3. 21-A MRSA §302, sub-§3, as amended by PL 1999, c. 450, §4, is repealed.

Sec. 4. 21-A MRSA §302, sub-§4, as amended by PL 1999, c. 450, §5, is further amended to read:

4. Convention. A party that has qualified under subsections 1 and 2 to participate in a primary election must in that same year conduct the municipal caucuses under subsection 3 and hold a state convention as prescribed by Article III in order to have the party designation of its candidates printed on the ballot in the general election of that year. The voter or group of voters who files the declaration of intent may perform the duties of the state committee under section 321, subsection 1 for the party’s initial convention.

Sec. 5. 21-A MRSA §303, sub-§4, as amended by PL 2013, c. 131, §11, is repealed.
Sec. 6. 21-A MRSA §303, sub-$5$, as amended by PL 2013, c. 131, §11, is further amended to read:

5. Convention. A party that has qualified under subsections 1 and 2 to participate in a primary election must in that same year conduct the municipal caucuses under subsection 4 and hold a state convention as prescribed by Article 3, in order to have the party designation of its candidates printed on the ballot in the general election of that year. The voters who file the declaration of intent may perform the duties of the state committee under section 321, subsection 1 for the party’s initial convention.

Sec. 7. 21-A MRSA §311, first ¶, as amended by PL 2005, c. 387, §3, is further amended to read:

A biennial municipal caucus may be held by any political party for the purpose of electing for any purpose authorized by party rules, including the election of delegates to a state convention and for any other business. A biennial municipal caucus is governed by the following provisions.

Sec. 8. 21-A MRSA §311, sub-$1$, as amended by PL 2017, c. 248, §4, is further amended to read:

1. Call. The caucus may be called by the chair or a majority of the members of the municipal committee of a political party. If the municipal committee fails to do not call a caucus to be held before March 20th during a general election year and party rules require the election of delegates to a state convention by municipal caucus, the county committee may call the caucus. At the request of that the committee that called a caucus in accordance with this subsection, the municipal officers shall provide available space in a public building for a caucus. The municipality may charge a rental fee or janitorial service fee for the available space. A municipality municipal committee of a political party may hold its caucus outside the municipality if several municipalities municipal committees of the same political party elect to meet on a consolidated basis or if the committee calling the caucus in accordance with this subsection determines that a facility outside the municipality is more suitable.

Sec. 9. 21-A MRSA §311, sub-$2$, as amended by PL 2005, c. 387, §3, is repealed.

Sec. 10. 21-A MRSA §321, sub-$1$, as amended by PL 2005, c. 387, §4, is further amended to read:

1. Time, place and representation. The party's state committee shall determine the time, place and basis of representation for the convention, including whether delegates are elected at biennial municipal caucuses or selected by county committees. Delegates must be qualified to vote in the party's primary election unless otherwise permitted by party rules.

Sec. 11. 21-A MRSA §363, first ¶, as amended by PL 2019, c. 636, §2, is further amended to read:

The meeting of a political committee as required by sections 371, 374-A, 381, 382 and 393 is governed by the following provisions.

Sec. 12. 21-A MRSA §363, sub-$2, ¶A$, as corrected by RR 2019, c. 2, Pt. B, §49, is repealed.

Sec. 13. 21-A MRSA §363, sub-$5$, as enacted by PL 2011, c. 409, §1, is repealed.
Sec. 14. 21-A MRSA §365, as amended by PL 2019, c. 636, §4, is further amended to read:

§365. Jurisdiction

The political committee that has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 371, 374-A, and 381 and 382 is as follows.

1. Municipal committee. Choices for Representative to the Legislature must be made by a municipal committee when a representative district consists of one municipality, by a joint meeting of municipal committees when a representative district consists of 2 or more municipalities or by members of a municipal committee or committees residing within a representative district when the representative district includes a part of a municipality or parts of different municipalities.

2. County committee. A county committee makes choices for all county offices, except that committee members residing within county commissioner districts make choices for county commissioner, and committee members residing within senatorial districts make choices for State Senator and committee members residing within representative districts make choices for Representative to the Legislature.

3. District committee. A district committee makes choices for Representative to Congress.

4. State committee. A state committee makes choices for Governor, United States Senator and presidential elector.

Sec. 15. 21-A MRSA §381, as amended by PL 1997, c. 436, §56, is further amended to read:

§381. State Senators and Representatives to the Legislature

When there is a vacancy in the office of State Senator or Representative to the Legislature, the Governor shall issue a proclamation declaring the vacancy and ordering a special election under section 366.

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees. The political committees shall follow the procedure outlined in section 363.

Sec. 16. 21-A MRSA §382, as amended by PL 2011, c. 409, §2, is repealed.

SUMMARY

This bill eliminates mandatory municipal caucuses under state law by:

1. Repealing the requirements that a political party hold municipal caucuses to participate in a primary election or to have the party designation of its candidates printed on a general election ballot;

2. Clarifying that the state committee of each political party may, by party rule, determine whether the delegates to its state convention must be elected at biennial municipal caucuses or selected by county committees; and
3. Authorizing the members of a party’s county committee residing within a representative district to choose a nominee to fill a vacancy for Representative to the Legislature.