



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 185

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H.P. 138

House of Representatives, January 25, 2021

### An Act To Abolish Mandatory Political Caucuses

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Received by the Clerk of the House on January 21, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CARDONE of Bangor.

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

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

4 **§158. Municipal caucus**

5 During the gubernatorial election year, the registrar shall attend ~~the~~ any biennial  
6 municipal caucus ~~of each held by a~~ qualified party for at least 30 minutes preceding the  
7 commencement of the caucus at the location where the caucus is being held. During the  
8 presidential election year, the registrar shall attend ~~the~~ any biennial municipal caucus ~~of~~  
9 ~~each held by a~~ qualified party for at least one hour preceding the commencement of the  
10 caucus at the location where the caucus is being held. The registrar shall accept the  
11 registrations and enrollments of all qualified voters who attempt to register and enroll, and  
12 all persons so registered and enrolled may participate in their party caucus. The registrar  
13 shall allow all persons to register or enroll who are present at the caucus at the end of the  
14 30-minute or one-hour registration period.

15 **Sec. 2. 21-A MRSA §301, sub-§1**, as amended by PL 2017, c. 254, §1, is further  
16 amended to read:

17 **1. Primary election.** A party qualifies to participate in a primary election if its  
18 designation was listed on the ballot of either of the 2 preceding general elections and if:

19 ~~A. The party held municipal caucuses as prescribed by Article 2 in at least one~~  
20 ~~municipality in a minimum of 14 counties in the State during the election year in which~~  
21 ~~the designation was listed on the ballot and any interim election year and fulfills this~~  
22 ~~same requirement during the year of the primary election;~~

23 B. The party held a state convention as prescribed by Article ~~III~~ 3 during the election  
24 year in which the designation was listed on the ballot and any interim election year;  
25 and

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

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

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

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

35 **4. Convention.** A party that has qualified under subsections 1 and 2 to participate in  
36 a primary election must in that same year ~~conduct the municipal caucuses under subsection~~  
37 ~~3 and~~ hold a state convention as prescribed by Article ~~III~~ 3 in order to have the party  
38 designation of its candidates printed on the ballot in the general election of that year. The  
39 voter or group of voters who files the declaration of intent may perform the duties of the  
40 state committee under section 321, subsection 1 for the party's initial convention.

41 **Sec. 5. 21-A MRSA §303, sub-§4**, as amended by PL 2013, c. 131, §11, is repealed.

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

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

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

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

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

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

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

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

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

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

38           The meeting of a political committee as required by sections 371, 374-A, 381, ~~382~~ and  
39 393 is governed by the following provisions.

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

42           **Sec. 13. 21-A MRSA §363, sub-§5**, as enacted by PL 2011, c. 409, §1, is repealed.



1           3. Authorizing the members of a party's county committee residing within a  
2 representative district to choose a nominee to fill a vacancy for Representative to the  
3 Legislature.