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Legislative Document

No. 309

H.P. 209

House of Representatives, February 3, 2025

An Act to Allow a Political Party to Determine How That Party's Nominee Is Selected in a Primary Election

Received by the Clerk of the House on January 30, 2025. 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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Senator TIMBERLAKE of Androscoggin and
Representatives: FAULKINGHAM of Winter Harbor, FOLEY of Wells, MORRIS of Turner,
POIRIER of Skowhegan, SMITH of Palermo, THORNE of Carmel, WADSWORTH of Hiram,
WHITE of Guilford.

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

2 **Sec. 1. 21-A MRSA §321, sub-§2, ¶E**, as enacted by PL 1985, c. 161, §6, is
3 amended to read:

4 E. Elect a district committee for each congressional district; ~~and~~

5 **Sec. 2. 21-A MRSA §321, sub-§2, ¶F**, as amended by PL 2005, c. 387, §4, is
6 further amended to read:

7 F. Elect a county committee for each county from persons nominated at municipal
8 caucuses held in the county, unless party rules provide for county committee members
9 to be elected directly by their respective municipalities. If a municipality entitled to
10 nominate a person for election to the county committee fails to do so, the convention
11 may elect any resident of that municipality to the county committee; and

12 **Sec. 3. 21-A MRSA §321, sub-§2, ¶G** is enacted to read:

13 G. Determine the method by which the party's primary election to be held for the
14 general election following the next general election after the party's convention will be
15 determined. The party's final determination must be incorporated into party rules.

16 **Sec. 4. 21-A MRSA §339**, as enacted by PL 1985, c. 161, §6, is amended to read:

17 **§339. Time and nature of election**

18 The primary election ~~shall~~ must be held on the 2nd Tuesday of June of each general
19 election year and is considered to be a separate election for each party ~~which~~ that takes part
20 in it. This includes the duties of public officials in announcing the election, providing forms
21 and ballots, keeping records and any other matter necessary to effect the purpose of a
22 primary election. A primary election ~~shall~~ must be conducted the same as the general
23 election, as nearly as practicable, for each party unless, no later than October 1st of the year
24 prior to a party's primary election, the party's state committee notifies the Secretary of State
25 of an alternate method of conducting that party's primary election as determined by that
26 party under section 321. Upon receiving notification of an alternate method of conducting
27 a party's primary election, the Secretary of State shall announce the method by which that
28 party's primary election must be conducted.

29 **Sec. 5. 21-A MRSA §723-A, sub-§5-D** is enacted to read:

30 **5-D. Opt-out for party primaries.** A political party may opt out from the provisions
31 of this section for the party's primary election if the party's convention under section 321
32 votes to opt out of applying a ranked-choice voting count and instead determines an
33 alternate method for the party's primary election to be held for the general election
34 following the next general election after the party's convention to be determined and that
35 determination is incorporated into the party's rules.

36 **SUMMARY**

37 This bill allows a political party, during the state convention held by each party between
38 March 1st and August 1st biennially during each general election year, to determine if the
39 party's primary election to be held for the general election following the next general
40 election after the party's convention will be determined by ranked-choice voting pursuant
41 to the Maine Revised Statutes, Title 21-A, section 723-A or by an alternate method

1 determined for the party's primary election at the state convention and incorporated into the
2 party's rules. The bill requires the party's state committee to notify the Secretary of State
3 no later than October 1st of the year prior to a party's primary election if that party has
4 determined an alternate method for conducting that party's primary election.