

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN

H.P. 1082 - L.D. 1571

**An Act To Amend the Election Laws Relating to Party Qualification**

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

**Sec. 1. 21-A MRSA §301, sub-§1, ¶E**, as enacted by PL 2009, c. 426, §2, is amended to read:

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.

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

**2. Enrollment of voters.** Within 5 business days after the declaration of intent required in subsection 1 is filed, the Secretary of State shall certify whether the application meets the requirements of subsection 1 and, if so, notify the applicants that they may enroll voters in the proposed party under sections 141 to 145. On or before ~~December 1st~~ January 2nd of the ~~odd-numbered~~ next even-numbered year following the filing of the application under subsection 1, the applicants must file a certification with the Secretary of State, on a form designed by the Secretary of State, that they have at least 5,000 voters enrolled in the proposed party. The Secretary of State shall verify the proposed party's enrollment figures within 5 15 business days of receiving the proposed party's certification and notify the applicants whether the proposed party has met the requirements to participate in a primary election in the subsequent even-numbered year. A determination by the Secretary of State that the party has not met these requirements may be challenged pursuant to section 303-A.

**Sec. 3. 21-A MRSA §303-A** is enacted to read:

**§303-A. Challenge to denial of party qualification**

If the Secretary of State determines that a party has not met the requirements to qualify as a party pursuant to section 303, the proposed party may challenge that determination. The procedure for challenging the determination is as follows.

**1. Challenge.** A challenge under this section must be in writing, signed by the voters who signed the declaration of intent to form a party by enrollment, and must set forth the reasons for the challenge. The challenge may include a request for copies of voter registration and enrollment or change of enrollment applications that were rejected by municipal registrars from up to 15 named municipalities. The challenge must be filed in the office of the Secretary of State before 5 p.m. on the 5th business day after the party receives the secretary's determination.

**2. Notification.** Within 5 business days of receiving a properly filed challenge under subsection 1, the Secretary of State shall notify the municipalities listed by the challenger and direct the municipal officials of those municipalities to submit copies of the rejected voter registration and enrollment or change of enrollment applications if requested under subsection 1 to the Secretary of State within 5 business days.

**3. Public hearing.** Within 15 business days after receipt of a properly filed challenge under subsection 1, and after providing due notice of the hearing to the challenger, the Secretary of State shall hold a public hearing on the challenge. The hearing must be held in accordance with the Maine Administrative Procedure Act. The challenger has the burden of providing sufficient evidence to establish that the party did enroll a minimum of 5,000 voters by the applicable deadline pursuant to section 303.

**4. Ruling.** The Secretary of State shall rule on the validity of any challenge within 5 business days after the completion of the hearing described in subsection 3.

**5. Appeal of Secretary of State's determination.** A challenger may appeal the determination of the Secretary of State under subsection 4 by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. This action must be commenced within 5 business days of the date of the determination of the Secretary of State. Upon timely application, a person may intervene in this action if the person claims an interest relating to the subject matter of the petitions, unless the person's interest is adequately represented by existing parties. The court shall issue a written decision containing its findings of fact and conclusions of law and setting forth the reasons for its decision within 20 days of the date of the determination of the Secretary of State.

**6. Appeal of Superior Court decision.** A challenger may appeal the decision of the Superior Court under subsection 5, on questions of law, by filing a notice of appeal within 3 days of that decision. The record on appeal must be transmitted to the Law Court within 3 days after notice of appeal is filed. After filing notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The court shall issue its decision within 14 days of the date of the decision of the Superior Court.

**Sec. 4. Retroactivity.** Sections 1 and 2 of this Act apply retroactively to November 1, 2016 and apply to any party whose nominee for President of the United States appeared on the ballot at the general election on November 8, 2016.