



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

LD 1061 “An Act To Protect Minor Political Parties That Seek Official Party Status”

Written Testimony Provided by Julie L. Flynn, Deputy Secretary of State
April 5, 2021

Senator Luchini, Representative Caiazzo and Members of the Committee:

I apologize that I am not able to attend the hearing to present this testimony in person but will make myself available for the work session. The Secretary of State would like to provide information to the Committee as neither for nor against this bill.

Maine’s statewide election law, Title 21-A, allows new parties to form (and become qualified) in one of two ways:

- **Section 302 - Organization about a candidate** – sometimes called the “coattails” method:
 - a group of voters who are not enrolled in a qualified party may file a declaration of intent to form a party, listing the name of its non-party candidate for Governor or President in the last preceding general election who received 5% or more of the total vote cast in the State in that election.
 - The intent form must be filed by the 180th day preceding the next primary election (which falls in early to mid-December of the odd-numbered year preceding the next primary).
 - The qualifying party may then begin to enroll voters in the party and is eligible to participate in the subsequent primary election.
- **Section 303 - Organization by party enrollment:**
 - a group of 10 or more voters who are not enrolled in a qualified party may file a declaration of intent to form a party between December 1st and December 30th of an even-numbered year.
 - The Secretary of State must certify whether the application meets the requirements of law within 5 business days after receipt and notify the applicants that they may enroll voters in the party.
 - On or before January 2nd of the next even-numbered year, the party must certify to the Secretary of State that they have enrolled at least 5,000 voters in the proposed party.
 - The Secretary of State must verify the proposed party’s enrollment figures within 15 business days of receiving the certification; this determination may be challenged.

Once a party has qualified to participate in a primary by either method, then the party keeps its qualified status by meeting the requirements of section 301: holding municipal caucuses and a convention during the election year and having at least 10,000 voters enrolled in the party vote in each general election, except that a qualified party does not have to meet this 10,000-vote requirement in the first general election after it qualifies.

Section 304 of the law provides that a party that does not meet the requirements of section 301 is disqualified (i.e., is not qualified to participate in a subsequent election). Section 306 implements the disqualification process by dis-enrolling (designating as unenrolled) the voters who were enrolled in the formerly qualified or qualifying party.

The State has an important interest in regulating the party formation process, and by extension, ballot access of the party's candidates, to ensure that only those parties with a modicum of support from the electorate can place candidates on the general election ballot through the primary process. This reduces the proliferation of parties with little public support and frivolous candidates that cause ballot clutter and lead to voter confusion.

This bill proposes to lower the threshold for initial qualification of a party by the enrollment method in section 302, from 5,000 to 2,500, but does not change the second tier of enrollment for retaining qualified party status in section 301, of 10,000 enrolled voters voting by the second general election after formation.

Because the 10,000 threshold is still in section 301 of the law, the change being proposed on lines 15-19 of the bill would serve no purpose. Under current law, a party cannot be disqualified for falling below section 303's enrollment threshold once it has been certified as having achieved that threshold. Rather, once a party achieves initial qualification, it can be disqualified only by failing to achieve the second threshold of 10,000 voters enrolled and voting by the second general election after initial qualification (or failing to meet the other requirements of section 301). Thus, there would be no need to notify the party or delay disqualification if a party fell below 2,500 enrollments because the party could not be disqualified for this reason in the first place.

I will be happy to attend the work session and answer any questions you may have.